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# A BILL FOR AN ACT

RELATING TO HAWAIIAN LANGUAGE PROGRAMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Act 46, Session Laws  
2 of Hawaii 2020, mandated a common statewide assessment model to  
3 assess all students entering kindergarten within the first  
4 thirty days of each school year. The Act also provided an  
5 option for the assessments to be administered in either English  
6 or Hawaiian to reflect the two languages in which kindergarten  
7 students in Hawaii are taught.

8           The legislature further finds that assessments in the  
9 Hawaiian language for kindergarten students in Hawaii language  
10 immersion programs have the potential to derail long-fought  
11 efforts to revitalize the Hawaiian language. While some  
12 students entering kindergarten in a Hawaiian language immersion  
13 program are fluent in the Hawaiian language due to their prior  
14 participation in the Aha Punana Leo Hawaiian language medium  
15 early learning and care model, other new students have very  
16 little experience with or knowledge of the Hawaiian language.  
17 Accordingly, any assessment in the Hawaiian language for these



1 students who do not speak the Hawaiian language would result in  
2 poor assessment scores solely due to the student's inability to  
3 understand the language of the questions. This in turn would  
4 reflect poorly on the schools, discourage future families from  
5 pursuing a free education in the Hawaiian language, and  
6 ultimately hinder the decades of progress made toward increasing  
7 the number of people fluent in the Hawaiian language.

8 The purpose of this Act is to exempt Hawaiian language  
9 immersion programs from the kindergarten assessment requirements  
10 under the law.

11 SECTION 2. Section 302A-1165, Hawaii Revised Statutes, is  
12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) The board of education shall adopt a kindergarten  
14 entry assessment, and the department of education shall  
15 administer the kindergarten entry assessment[-]; provided that  
16 no assessment shall be administered to any kindergarten child  
17 enrolled in a Hawaiian immersion program.

18 (b) The kindergarten entry assessment shall:

19 (1) Be administered within the first thirty days of each  
20 child's admission into kindergarten;





1 program attended the previous academic year and if any Hawaiian  
2 language, English language, or non-official language of the  
3 State was taught in addition to the primary language medium of  
4 education. The department may also require the disclosure of  
5 any other information not otherwise prohibited by law that would  
6 assist the department, the department of human services, and the  
7 executive office on early learning in developing, assessing, and  
8 implementing strategies to meet the early learning needs of  
9 children in the State. The department and the executive office  
10 on early learning shall use the information to assist the  
11 executive office on early learning and department of human  
12 services in determining the levels of prekindergarten attendance  
13 and need for child care in geographic regions of the State and  
14 identify the highest priority regions requiring prekindergarten  
15 programs and child care to meet the needs of unserved or  
16 underserved eligible children."

17 SECTION 4. Section 302D-37, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) The commission shall adopt the kindergarten entry  
20 assessment adopted by the board pursuant to section 302A-1165(a)  
21 to assess all charter school students entering kindergarten



1 within the first thirty days of admission into kindergarten[+];  
2 provided that no assessment shall be administered to any  
3 kindergarten child predominately taught in the Hawaiian  
4 language."

5 SECTION 5. Section 302D-38, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) At least one parent or guardian of each child  
8 entering kindergarten shall disclose to the public charter  
9 school at which the child is enrolled the name and address of  
10 the early learning program that the child attended during the  
11 previous academic year. The public charter school shall also  
12 require disclosure of the primary language medium of education  
13 of the early learning program attended by the child for the  
14 previous academic year and if any Hawaiian language, English  
15 language, or non-official language of the State was taught in  
16 addition to the primary language medium of education. Each  
17 public charter school shall provide to the commission the  
18 information disclosed pursuant to this section. The commission  
19 may also require the disclosure of any other information not  
20 otherwise prohibited by law that would assist the department,  
21 the department of human services, and the executive office on



1 early learning in developing, assessing, and implementing  
2 strategies to meet the early learning needs of children in the  
3 State. The commission and the executive office on early  
4 learning shall use the information to assist the department of  
5 human services and executive office on early learning in  
6 determining the levels of prekindergarten attendance and need  
7 for child care in geographic regions of the State and identify  
8 the highest priority regions requiring prekindergarten programs  
9 and child care to meet the needs of unserved or underserved  
10 eligible children and shall provide the information to the  
11 department of human services."

12 SECTION 6. Section 302D-39, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§302D-39 Public early learning and preschool programs;  
15 administrative authority. (a) The commission shall have  
16 administrative authority over all state-funded early learning  
17 programs and private partnership-funded preschool programs in  
18 public charter schools except for [~~special~~]:

19 (1) Special education [~~and~~] programs;

20 (2) Title I-funded prekindergarten programs [~~-~~]; and



1       (3) Laboratory school programs of the Hawaiian language  
2             college as specified in subsection (n).

3       (b) The early learning programs in charter schools  
4 shall enroll no more than a maximum of twenty children per  
5 classroom who are three- or four-years-old on or before  
6 July 31 of the school year, as aligned with the department's  
7 kindergarten age entry requirements.

8       (c) Subject to the availability of funding, the commission  
9 shall implement an application process for schools to establish  
10 an early learning program.

11       (d) Each early learning program and preschool program  
12 shall meet the following requirements:

13       (1) The availability of a classroom and outdoor play area  
14 that meet department of human services requirements  
15 for the health and safety of three- and four-year-old  
16 children and is exempt from section 346-161 as a  
17 public preschool provider;

18       (2) The commitment of the principal to implementing an  
19 early learning program, including through active  
20 participation in professional development sessions  
21 offered through the commission, and promoting



1 continuity and alignment between and across other  
2 early learning programs in the community and other  
3 grade levels in the school to ensure the positive  
4 outcomes of children are sustained;

5 (3) The inclusion of students with disabilities based on  
6 individualized education program placement; provided  
7 that:

8 (A) The in-classroom ratio of students with  
9 disabilities shall be based on the inclusion of  
10 children with disabilities in proportion to the  
11 general population of the school;

12 (B) Subparagraph (A) does not anticipate or permit  
13 imposing caps or quotas on the number of children  
14 with disabilities in a program or not  
15 individualizing services for children with  
16 disabilities under the Individuals with  
17 Disabilities Education Act of 2004 (20 U.S.C.  
18 1400 et seq., as amended);

19 (C) The department shall collaborate with the charter  
20 school to coordinate services for students with





1 disabilities who are placed in the classroom  
2 offered through the program; and  
3 (D) Funding for all costs associated with the  
4 implementation of the individualized education  
5 program of students shall be provided through the  
6 department;

7 (4) Enrollment in the program shall be free and voluntary;

8 (5) The enrollment shall not exceed twenty children per  
9 classroom; and

10 (6) The incorporation of standards that are research-based  
11 and developmentally-appropriate practices associated  
12 with improved educational outcomes for children, such  
13 as:

14 (A) Positive teacher-child interactions that shall be  
15 evaluated through observations conducted by the  
16 commission using a research-based tool at least  
17 twice a year, for the purposes of professional  
18 development; provided that the observations shall  
19 not be used for the purposes of teacher  
20 evaluation;



- 1           (B) The early learning environment shall be assessed  
2           using a tool that measures its effectiveness and  
3           shall be conducted at least two times per school  
4           year by a certified observer who is employed or  
5           contracted by the commission; provided that the  
6           teaching staff shall use the assessment data and  
7           feedback to improve the quality of the learning  
8           environment; provided further that observations  
9           shall be used for the purposes of professional  
10          development and shall not be used for the  
11          purposes of teacher evaluation;
- 12          (C) Use of individual child formative assessments  
13          that are used for ongoing planning relating to  
14          all areas of child development and learning  
15          including cognitive, linguistic, social emotional  
16          approaches to learning, and health and physical  
17          development;
- 18          (D) Family engagement in partnership with charter  
19          schools, including conducting outreach for  
20          enrollment and engagement of families in their  
21          children's education in recognition of families'



1                   role as their child's first and most important  
2                   teacher;

3           (E) Alignment with the Hawaii early learning and  
4           development standards, department standards,  
5           state content and performance standards, and  
6           general learner outcomes for grades kindergarten  
7           to twelve to facilitate a seamless educational  
8           experience for children;

9           (F) Requirements that any teacher shall have  
10           coursework in early childhood education pursuant  
11           to Hawaii teacher standards board licensing  
12           requirements for a prekindergarten teacher or be  
13           enrolled in a state-approved teacher education  
14           program and be working toward satisfying the  
15           Hawaii teacher standards board licensing  
16           requirements; and

17           (G) Requirements that any educational assistant has a  
18           current child development associate credential,  
19           coursework for a certificate that meets the  
20           requirements for child development associate  
21           credential preparation, or be enrolled in and



1                   working toward completing a program that prepares  
2                   the individual to obtain the credential.

3           (e) The commission shall monitor the implementation of the  
4 educational experience for children.

5           (f) The commission shall provide support to incorporate  
6 the standards developed pursuant to subsection (d), including  
7 support related to teacher-child interactions, early childhood  
8 learning environment, individual child assessments, and family  
9 engagement.

10          (g) Teaching staff participating in a program established  
11 pursuant to this section shall participate in coaching and  
12 mentoring and professional development opportunities offered  
13 through the commission; provided that the commission shall cover  
14 the associated travel and substitute teacher costs, contingent  
15 upon funding availability. The commission may extend this  
16 support, excluding travel and substitute teacher costs, to  
17 individuals who are not participating in the program to promote  
18 alignment between all grade levels, programs, and settings.

19          (h) School leaders shall attend professional development  
20 sessions related to P-3 (preschool to grade three) alignment  
21 offered through the commission. The commission shall cover the



1 costs associated with travel and substitute teacher  
2 expenditures, contingent upon the availability of funding. The  
3 commission may extend this support, excluding travel and  
4 substitute teacher costs, to individuals who are not  
5 participating in the program to promote alignment between all  
6 grade levels, programs, and settings.

7 (i) The commission shall work with each charter school to  
8 develop and annually update a written three-year plan that  
9 promotes, within the school and community, alignment of and  
10 transitions between learning experiences, and report on the  
11 progress made toward the plan by the end of the school year.

12 (j) The commission shall coordinate with other agencies  
13 and programs to facilitate comprehensive services for early  
14 learning.

15 (k) The commission shall promote the development of a  
16 cohesive, comprehensive, and sustainable early learning system.  
17 The commission shall coordinate with other early learning  
18 providers, including those providing the programs and services,  
19 to promote alignment between prekindergarten and elementary  
20 school programs and to support children and their families in



1 making successful transitions from prekindergarten into  
2 kindergarten.

3 (l) Each early learning program and preschool program may  
4 use available classrooms for public preschool programs  
5 statewide.

6 (m) The commission shall adopt rules pursuant to chapter  
7 91 for the purpose of this section.

8 (n) Laboratory school programs of the Hawaiian language  
9 college shall be exempt from the requirement of this section;  
10 provided that the Hawaiian language college shall work annually  
11 with:

12 (1) Its laboratory school programs to improve language and  
13 academic outcomes; and

14 (2) The commission to collect appropriate data from the  
15 laboratory school programs to be shared with the  
16 department of human services, the department of  
17 education, and the executive office on early learning.

18 [~~(n)~~] (o) The commission shall submit a report to the  
19 legislature no later than twenty days prior to the convening of  
20 each regular session regarding state-funded early learning



1 programs in charter schools. The report shall include, as  
2 related to each type of program:

- 3 (1) The number and location of classrooms;
- 4 (2) Sources of funding for each classroom;
- 5 (3) Aggregated data reflecting the quality of  
6 teacher-child interactions relating to emotional  
7 support, classroom organization, and instructional  
8 support;
- 9 (4) Aggregated data reflecting the quality of the early  
10 learning environment and the teacher-child  
11 interactions that maximize the learning opportunities  
12 of the environment; and
- 13 (5) Aggregated student outcomes related to all areas of  
14 child development and learning, including cognitive,  
15 linguistic, social and emotional approaches to  
16 learning and health and physical development, as  
17 assessed using a formative assessment tool selected or  
18 approved by the commission.

19 This reported data shall be compiled from the previously  
20 state-funded school year."



1 SECTION 7. Section 304A-1302, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§304A-1302[+] **Functions.** In addition to providing a  
4 quality education primarily through the medium of the Hawaiian  
5 language, the Hawaiian language college shall:

6 (1) Provide an indigenous language outreach program to  
7 involve indigenous language scholars and to maintain  
8 and develop the program's Polynesian language  
9 database;

10 (2) Provide a Hawaiian medium teacher training program  
11 incorporating Nawahiokalani`opu`u school and other  
12 schools, as appropriate, as laboratory schools; [and]

13 (3) Provide oversight, administer, and determine  
14 appropriate standards, assessments, performance  
15 ratings, staff qualifications, staff training  
16 requirements, and exemptions needed to meet Hawaiian  
17 language revitalization goals and constitutional  
18 mandates; and

19 [~~3~~] (4) Maintain a Hawaiian language support center with  
20 educational specialists in the areas of research,





1 curriculum development, language development, archival  
2 work, and educational technology."

3 SECTION 8. Section 304A-2356, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) The university of Hawaii at Hilo college of Hawaiian  
6 language shall expend moneys in the trust fund for purposes of  
7 Hawaiian medium or immersion early learning."

8 SECTION 9. Section 346-184, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Each service provider of the preschool open doors  
11 program shall be accredited or shall obtain accreditation within  
12 seven calendar years of first receiving any funds from the  
13 preschool open doors program; provided that any existing service  
14 provider unaccredited on July 1, 2022, shall commence the  
15 accreditation process no later than July 1, 2024, and obtain  
16 accreditation by July 1, 2029; provided further that the  
17 director may grant to any service provider one or more  
18 extensions to obtain accreditation on a case-by-case basis[-];  
19 provided further that the requirement to obtain accreditation  
20 after receiving any funds from the preschool open doors program



1 shall not apply to service providers that teach solely in  
2 Hawaiian to promote fluency in the Hawaiian language."

3 SECTION 10. Act 46, Session Laws of Hawaii 2020, as  
4 amended by Act 210, Session Laws of Hawaii 2021, is amended by  
5 amending section 16 to read as follows:

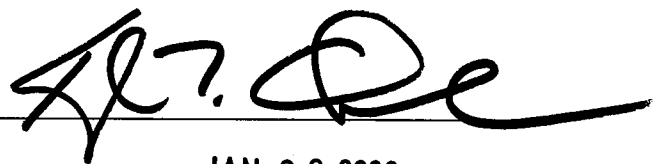
6 "SECTION 16. The standards, assessments, performance  
7 ratings, staff qualifications, and staff training requirements  
8 established by this Act shall not apply to any laboratory school  
9 program of the Hawaiian language college at the University of  
10 Hawaii at Hilo [~~until July 1, 2026~~]; provided that all child  
11 care centers at any applicable college shall be licensed by the  
12 department of human services prior to accepting children into  
13 care."

14 SECTION 11. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 12. This Act shall take effect on July 1, 2023.

17

INTRODUCED BY:



JAN 23 2023



# H.B. NO. 962

**Report Title:**

Hawaiian Language Immersion; Department of Education;  
Kindergarten Entry Assessment Requirements

**Description:**

Exempts Hawaiian language immersion program students from  
kindergarten assessment requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

