

JAN 25 2023

A BILL FOR AN ACT

RELATING TO PRESCHOOL.

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

1 SECTION 1. The legislature finds that investments in early
2 childhood education pay dividends for the formal preparation of
3 children as learners and future citizens, while also benefiting
4 taxpayers and boosting economic vitality. Research on the
5 benefits of quality pre-kindergarten programs indicates that for
6 every \$1 invested in such opportunities, society saves \$4 to \$8
7 on remedial classes, special education, welfare programs, and
8 criminal justice costs. According to modern neuroscience,
9 roughly eighty-five per cent of a child's brain develops from
10 birth to age five, emphasizing the importance of providing a
11 quality learning environment during these formative years.

12 The legislature further finds that preschool brings an
13 approximately \$4.20 return on investment for every \$1 spent on
14 quality early childhood services, especially in terms of long-
15 term life skills. At the national level, every \$1 spent on
16 early childhood education saves taxpayers up to \$13 in future
17 costs, including lowered health care costs, reduced rates of



1 educational remediation and prison incarceration, and higher
2 productivity. Access to quality pre-kindergarten programs not
3 only helps working parents fulfill their child rearing
4 responsibilities but is also essential for building a twenty-
5 first century labor force.

6 The legislature additionally finds that early childhood
7 education is especially important for at-risk students.
8 According to the High/Scope Perry Preschool longitudinal study,
9 at-risk children with access to quality early learning programs
10 were twenty per cent more likely to graduate from high school,
11 fourteen per cent more likely to be employed, and twenty-four
12 per cent less likely to have been incarcerated by age forty than
13 peers without such access.

14 The legislature also finds that Act 46, Session Laws of
15 Hawaii 2020, established the goal of providing all children who
16 are three to four years old and who are in the two years prior
17 to kindergarten entry with enrollment in a preschool program by
18 the year 2032. Additionally, in 2022, the legislature
19 appropriated \$200,000,000 for the school facilities authority to
20 expand access to early learning programs statewide. According
21 to data from the Accountability Resource Center of Hawaii, the



1 department of education is currently overseeing six thousand
2 twenty-eight classrooms in total, with a teacher headcount of
3 4,860, meaning that over one thousand classrooms are not
4 currently being used for student instruction. Renovating many
5 of these classrooms for use as preschool facilities would allow
6 the State to expand access to early childhood education in a
7 more cost-effective manner than relying on private partnerships
8 or constructing new facilities.

9 The legislature notes that the Hawaii teacher standards
10 board currently lists approximately five hundred teachers who
11 are certified to teach early childhood education and who are
12 already employed by the department of education. Expanding
13 access to preschool in public school settings would allow these
14 teachers to transition into early learning classrooms.
15 Moreover, the department of education hired five hundred six new
16 teachers for the 2020-2021 school year, including three hundred
17 thirty-eight elementary school teachers, many of whom may be
18 licensed to teach in early childhood education classrooms.
19 Recently implemented teacher salary incentives, such as
20 differential pay increases, have also proven successful in
21 recruiting and retaining teachers in hard-to-fill positions.



1 The high number of elementary school teacher applications
2 received by the department of education and effective teacher
3 recruitment and retention incentives bolster the State's
4 development of an early learning educator pipeline. Therefore,
5 prioritizing public school resources for the provision of early
6 learning programs would empower the State to deliver quality
7 preschool opportunities to working families efficiently and
8 would maximize the impact of appropriations for the expansion of
9 early childhood education.

10 Accordingly, the purpose of this Act is to require the
11 school facilities authority to, to the greatest extent possible,
12 renovate, improve, and expand existing public school facilities
13 and classrooms to increase early learning capacity.

14 SECTION 2. Section 302A-1703, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§302A-1703 Powers; generally.** (a) Except as otherwise
17 limited by this chapter, the authority shall be responsible for
18 all public school development, planning, and construction
19 related to capital improvement projects assigned by the
20 legislature, governor, or board of education.

21 (b) The authority shall comply with chapter 103D.



1 (c) Except as otherwise limited by this chapter, the
2 authority may also:

3 (1) Have a seal and alter the same at its pleasure;

4 (2) Subject to subsection (b), make and execute contracts
5 and all other instruments necessary or convenient for
6 the exercise of its powers and functions under this
7 subpart;

8 (3) Make and alter bylaws for its organization and
9 internal management;

10 (4) Adopt rules pursuant to chapter 91 with respect to its
11 projects, operations, properties, and facilities,
12 including qualifications for persons and entities
13 wishing to enter into a public-private partnership
14 with the authority, as permitted in paragraph (7);

15 (5) Acquire or contract to acquire by grant or purchase
16 real, personal, or mixed property or any interest
17 therein; to clear, improve, and rehabilitate and to
18 sell, assign, exchange, transfer, convey, lease, or
19 otherwise dispose of or encumber the same;

20 (6) Acquire property by condemnation pursuant to chapter
21 101;



- 1 (7) Enter into partnerships with qualified persons,
2 including public-private partnerships, as defined in
3 the authority's rules, to acquire, construct,
4 reconstruct, rehabilitate, improve, alter, or provide
5 for the construction, reconstruction, improvement, or
6 alteration of any project; and sell, assign, transfer,
7 convey, exchange, lease, or otherwise dispose of or
8 encumber any project; and in the case of the sale of
9 any project, accept a purchase money mortgage in
10 connection therewith;
- 11 (8) Grant options to purchase any project or to renew any
12 lease entered into by it in connection with any of its
13 projects, on terms and conditions as it deems
14 advisable;
- 15 (9) Prepare or cause to be prepared plans, specifications,
16 designs, and estimates of costs for the construction,
17 reconstruction, rehabilitation, improvement, or
18 alteration of any project, and from time to time to
19 modify the plans, specifications, designs, or
20 estimates;



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- 1 (10) Procure insurance against any loss in connection with
2 its property and other assets and operations in
3 amounts and from insurers as it deems desirable;
- 4 (11) Apply for and accept gifts or grants in any form from
5 any public agency or from any other source, including
6 gifts or grants from private individuals and private
7 entities;
- 8 (12) Borrow money or procure loan guarantees from the
9 federal government for or in aid of any project the
10 authority is authorized to undertake pursuant to this
11 chapter. Additionally, in connection with borrowing
12 or procurement of loan guarantees, the authority:
- 13 (A) Shall comply with conditions required by the
14 federal government pursuant to applicable
15 regulation or required in any contract for
16 federal assistance;
- 17 (B) Shall repay indebtedness incurred pursuant to
18 this section, including any interest thereon;
- 19 (C) May execute loan and security agreements and
20 related contracts with the federal government;



1 (D) May issue bonds pledging revenues, assessments,
2 or other taxes as security for indebtedness
3 incurred pursuant to this section; and

4 (E) May enter into financing agreements as that term
5 is defined in section 37D-1;

6 (13) Appoint or retain by contract one or more attorneys
7 who are independent of the attorney general to provide
8 legal services solely in cases of negotiations in
9 which the attorney general lacks the sufficient
10 expertise; provided that the independent attorney
11 shall consult and work in conjunction with the
12 designated deputy attorney general;

13 (14) Use the department of human resources development to
14 recruit, hire, and retain exempt employees,
15 architects, engineers, existing civil service
16 positions, and other technical positions for the
17 development, planning, and construction related to
18 capital improvement projects; and

19 (15) Do any and all things necessary to carry out its
20 purposes and exercise the powers given and granted in
21 this subpart.



1 (d) Prior to project approval, the authority shall consult
2 with the Hawaii state public library system regarding any
3 construction or renovation projects for school lands that are
4 adjacent to or have Hawaii state public library facilities on
5 them.

6 (e) With regard to the development of pre-kindergarten
7 facilities, the authority shall, to the greatest extent
8 possible, renovate, improve, and expand existing public school
9 facilities and classrooms to increase student capacity."

10 SECTION 3. Act 46, Session Laws of Hawaii 2020, as amended
11 by section 9 of Act 210, Session Laws of Hawaii 2021, is amended
12 by amending section 12 to read as follows:

13 "SECTION 12. Chapter 26, Hawaii Revised Statutes, is
14 amended by adding a new part to be appropriately designated and
15 to read as follows:

16 **"PART . EARLY LEARNING**

17 **§26- Benchmarks; duties.** (a) The department of human
18 services and the executive office on early learning shall ensure
19 access to learning through preschool programs that meet or
20 exceed the following benchmarks:



1 (1) Fifty per cent of all otherwise unserved children who
2 are three to four years of age, or will not be at
3 least five years of age on or before July 31 of the
4 current school year, shall have access to enrollment
5 in a preschool program by December 31, 2027; and

6 (2) One hundred per cent of all children who are three to
7 four years of age, or will not be at least five years
8 of age on or before July 31 of the current school
9 year, shall have access to enrollment in a preschool
10 program by December 31, 2032[-];

11 provided that all children who are older than three years of age
12 shall have access to enrollment in a public preschool program by
13 the benchmarks pursuant to this subsection.

14 The department of human services and the executive office
15 on early learning shall submit an annual report to the
16 legislature, no later than August 31 of each year, on the
17 progress toward achieving the benchmarks until all children who
18 are three to four years of age, or will not be at least five
19 years of age on or before July 31 of the current school year,
20 are enrolled in a preschool program.



1 (b) The department of human services and the executive
2 office on early learning shall collaborate to identify the need
3 for child care and early learning in geographic regions of the
4 State and consider using public facilities including schools,
5 libraries, and the University of Hawaii system as locations for
6 child care and early learning programs.

7 (c) The department of human services shall work jointly
8 with the executive office on early learning to monitor the
9 progress of implementing the early care and education sector
10 programs. No later than twenty days prior to the convening of
11 the regular sessions of 2025, 2026, and 2027, the department of
12 human services and the executive office on early learning shall
13 submit to the legislature a joint report on the progress of
14 implementing the early care and education sector programs.

15 (d) The department of human services shall facilitate and
16 support data sharing among public and private entities to the
17 extent not otherwise prohibited by law or rule."

18 SECTION 4. Act 257, Session Laws of Hawaii 2022, is
19 amended by amending section 1 to read as follows:

20 "SECTION 1. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$200,000,000 or so



1 much thereof as may be necessary for fiscal year 2022-2023 for
2 the school facilities authority to expand access to pre-
3 kindergarten to eligible children of the State. The school
4 facilities authority may expend the moneys appropriated in this
5 section on:

- 6 (1) The construction of new school facilities;
- 7 (2) The renovation, improvement, and expansion of existing
8 school facilities to increase pre-kindergarten student
9 capacity; and
- 10 (3) Any other costs the school facilities authority deems
11 appropriate to increase pre-kindergarten student
12 capacity within the State.

13 The sum appropriated shall be expended by the school
14 facilities authority for the purposes of this Act; provided that
15 the appropriation authorized by this Act shall not lapse at the
16 end of the fiscal biennium for which the appropriation is made;
17 provided further that all moneys from the appropriation
18 unencumbered as of June 30, 2024, shall lapse as of that
19 date[-]; provided further that in expending the moneys
20 appropriated by this Act, the authority shall, to the greatest
21 extent possible, renovate, improve, and expand existing public



1 school facilities to increase pre-kindergarten student
2 capacity."

3 SECTION 5. The school facilities authority, in
4 consultation with the department of education, shall submit a
5 report to the legislature no later than twenty days prior to the
6 convening of the regular session of 2024. The report shall:

- 7 (1) Detail existing public school facilities that have
8 been renovated, improved, or expanded to increase pre-
9 kindergarten student capacity;
- 10 (2) Identify existing public school facilities that may be
11 renovated, improved, or expanded to increase pre-
12 kindergarten student capacity in subsequent years,
13 including the status of public school classrooms that
14 are not currently being used to provide direct
15 instruction to students; and
- 16 (3) Estimate the cost of renovating, improving, or
17 expanding existing public school facilities to expand
18 access to pre-kindergarten programming.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval;
2 provided that section 3 shall take effect on July 1, 2024.

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INTRODUCED BY:

Karl Uehring



S.B. NO. 1222

Report Title:

School Facilities Authority; Department of Education; Pre-kindergarten Programming; Public School Facilities

Description:

Requires the school facilities authority to, to the greatest extent possible, renovate, improve, and expand existing public school facilities and classrooms to increase pre-kindergarten student capacity, including while expending funds appropriated for fiscal year 2023. Requires the authority to submit a report to the legislature.

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