
A BILL FOR AN ACT

RELATING TO CHILD CARE.

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

1 SECTION 1. The legislature recognizes that military child
2 care certification enhances the quality of life and economic
3 security of both the providers and military families seeking
4 qualified child care options.

5 The legislature notes that under existing administrative
6 rules, the process of issuing a registration for family child
7 care could take up to one hundred eighty days from the date of
8 submission of the application for registration. This delay
9 occurs at a time when both civilian and military families
10 frequently encounter waitlists and capacity issues for family
11 child care.

12 The legislature finds that both civilian and military
13 families are often in urgent need of qualified child care
14 options. The legislature further finds that by exempting family
15 child care providers who are already certified through the
16 military service process, the State can improve the quality of
17 life and economic security for both providers and families.



1 Accordingly, the purpose of this Act is to expand the
2 existing state exemption for United States Department of
3 Defense-certified child care providers to those operating off
4 federal property.

5 SECTION 2. Section 346-152, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Nothing in this part shall be construed to include:

8 (1) A person caring for children who is related to each
9 child by blood, marriage, or adoption as:

10 (A) ~~[An aunt, uncle,]~~ A parent's siblings;
11 grandparent~~[,]~~; great-grandparent~~[,]~~; great-great
12 grandparent~~[,]~~; first cousin~~[, niece, nephew,~~
13 grandniece, grandnephew, great aunt, or great
14 uncle]; sibling's child; sibling's grandchild; or
15 grandparent's sibling;

16 (B) A ~~[stepfather, stepmother, stepbrother, or~~
17 ~~stepsister,]~~ stepparent or stepsibling; or

18 (C) The spouse of a person named in subparagraph (A)
19 or (B), even if the marriage is terminated by
20 death, separation, or divorce;



- 1 (2) A person, group of persons, or facility caring for a
2 child less than six hours a week;
- 3 (3) A kindergarten, school, or child care program licensed
4 or certified by the department of education [~~or the~~
5 ~~United States Department of Defense and located on~~
6 ~~federal property, or a classroom administered by the~~
7 ~~executive office on early learning pursuant to section~~
8 ~~302L-7~~];
- 9 (4) A program that provides exclusively for a specialized
10 training or skill development for children who are
11 eligible pupils in grades kindergarten through twelve
12 in public or private schools, including but not
13 limited to programs providing activities including
14 athletic sports, foreign language, the Hawaiian
15 language, dance, drama, music, or martial arts;
- 16 (5) A multiservice organization or community association,
17 duly incorporated under the laws of the State, that
18 operates for the purpose of promoting recreation,
19 health, safety, or social group functions for eligible
20 pupils in public and private schools through seventeen
21 years of age;



- 1 (6) Programs for children four years of age and older that
- 2 operate for no more than two consecutive calendar
- 3 weeks in a three-month period;
- 4 (7) A provider agency operating or managing a homeless
- 5 facility or any other program for homeless persons
- 6 authorized under part XVII;
- 7 (8) After-school, weekend, and summer recess programs
- 8 conducted by the department of education pursuant to
- 9 section 302A-408;
- 10 (9) Child care programs conducted by counties pursuant to
- 11 section 302A-408; provided that each county adopts
- 12 rules for its programs;
- 13 (10) Any person who enters a home in a child caring
- 14 capacity and only cares for children who are of that
- 15 household;
- 16 (11) A person caring for two or fewer children unrelated to
- 17 the caregiver by blood, marriage, or adoption as
- 18 described in paragraph (1); [~~and~~]
- 19 (12) A child care program licensed by the Hawaii council of
- 20 private schools. A child care program claiming an
- 21 exemption under this paragraph shall submit an



1 application for the exemption on a form provided by
2 the department and shall provide to the department
3 evidence that the licensing standards of the Hawaii
4 council of private schools meet or exceed the
5 department's standards for a comparable program,
6 including a monitoring component. Upon application of
7 a child care program for the exemption under this
8 paragraph, the department shall have the discretion to
9 determine whether the licensing standards of the
10 Hawaii council of private schools meet or exceed the
11 department's standards[-];

12 (13) A kindergarten, school, or child care program
13 certified by the United States Department of Defense;
14 provided that any child care facility under this
15 paragraph with clients who are not children of
16 enlisted families or who receive a child care subsidy
17 from the department shall have a memorandum of
18 agreement with the department regarding operation of
19 the child care facility; and

20 (14) A classroom administered by the executive office on
21 early learning pursuant to section 302L-7."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Child Care; Exemption; United States Department of Defense-
Certified Child Care Facilities; Memorandums of Agreement

Description:

Expands the existing state exemption for United States
Department of Defense-certified child care providers to those
operating off federal property. Requires those Department of
Defense-certified child care facilities with clients who are not
children of enlisted families or who receive a child care
subsidy from the Department of Human Services to have a
memorandum of agreement with the Department of Human Services.
Effective 7/1/3000. (HD2)

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