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# 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 from state laws governing child care,



1 the State can improve the quality of life and economic security  
2 for both providers and families.

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

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

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

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

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

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



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

4 (2) A person, group of persons, or facility caring for a  
5 child less than six hours a week;

6 (3) A kindergarten, school, or child care program licensed  
7 or certified by the department of education [~~or the~~  
8 ~~United States Department of Defense and located on~~  
9 ~~federal property, or a classroom administered by the~~  
10 ~~executive office on early learning pursuant to section~~  
11 ~~302L-7~~];

12 (4) A program that provides exclusively for a specialized  
13 training or skill development for children who are  
14 eligible pupils in grades kindergarten through twelve  
15 in public or private schools, including but not  
16 limited to programs providing activities including  
17 athletic sports, foreign language, the Hawaiian  
18 language, dance, drama, music, or martial arts;

19 (5) A multiservice organization or community association,  
20 duly incorporated under the laws of the State, that  
21 operates for the purpose of promoting recreation,



1 health, safety, or social group functions for eligible  
2 pupils in public and private schools through seventeen  
3 years of age;

4 (6) Programs for children four years of age and older that  
5 operate for no more than two consecutive calendar  
6 weeks in a three-month period;

7 (7) A provider agency operating or managing a homeless  
8 facility or any other program for homeless persons  
9 authorized under part XVII;

10 (8) After-school, weekend, and summer recess programs  
11 conducted by the department of education pursuant to  
12 section 302A-408;

13 (9) Child care programs conducted by counties pursuant to  
14 section 302A-408; provided that each county adopts  
15 rules for its programs;

16 (10) Any person who enters a home in a child caring  
17 capacity and only cares for children who are of that  
18 household;

19 (11) A person caring for two or fewer children unrelated to  
20 the caregiver by blood, marriage, or adoption as  
21 described in paragraph (1); [~~and~~]



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

15 (13) A kindergarten, school, or child care program  
16 certified by the United States Department of Defense;  
17 and

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

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

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

**Description:**

Expands the existing exemption from state law governing child  
care for United States Department of Defense-certified child  
care providers on federal property to those operating off  
federal property. (SD1)

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

