

ACT 77

S.B. NO. 1631

A Bill for an Act Relating to Early Childhood Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that children benefit from, and deserve access to, quality early childhood education and developmental services. The economic future of the State depends on the quality of the educational services provided to children at an early age. Although families have the primary responsibility for raising and transmitting values to their children, the legislature finds that the State, in partnership with communities and the private sector, can play an important role in assisting families in their effort to educate young children.

The legislature acknowledges that, in these difficult economic times, any effort by the State to assist in the development of a comprehensive system of early childhood education and care must necessarily be limited by existing resources. Nevertheless, the legislature believes that early childhood education and care are critical to the public good; assisting the private sector in the development of a coordinated system of early education and care serves a public purpose.

Innovative strategies for an incremental development plan should be explored and implemented to assist families with young children. Government can support and encourage the community organizations that are the primary service providers—schools, religious organizations, and private providers—to focus existing private and public resources more efficiently and effectively. This will require establishing more permanent working relationships among communities, the private sector, and government.

The purpose of this Act is to recognize a public and private partnership between the State and a private nonprofit corporation created as a focal point for policy development and dedicated to enhancing, developing, and coordinating quality early childhood education and care services. This Act will also coalesce private resources in partnership with available public money for the betterment of the children in this State.

It is not the intent of this Act to create a new public entity. This Act is intended to authorize a sustainable, effective, participatory coordinating structure that cuts across existing social service systems to coordinate early childhood services for families with young children.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII EARLY EDUCATION AND CARE**

§ -1 Hawaii early education and care; designation; duties. (a) Any state agency may contract with a private nonprofit corporation eligible for tax exempt status in accordance with section 501(c)(3) of the Internal Revenue Code of 1986, as amended, for the purposes of coordinating policy, disbursing public funds, and implementing community plans related to the provision of early childhood education and care services. The corporation, as a condition for receiving public funds, shall be subject to this chapter and be organized to:

- (1) Develop policy recommendations concerning all aspects of a coordinated early childhood education and care system, including coordination strategies, resource development, and advocacy more particularly described in the good beginnings early childhood education and care master plan as developed under the auspices of the office of the governor;
- (2) Provide the recommendations developed in accordance with paragraph (1) to the interdepartmental council established under section -4 and other appropriate agencies;
- (3) Disburse public funds in the manner authorized by law; and
- (4) Perform other duties as delineated in this chapter.

(b) No powers or duties assigned to the corporation within this chapter shall be construed to designate the corporation as a state agency or public entity.

§ -2 Board of directors; established; composition. (a) A corporation may qualify under section -1, provided that the board of directors of the corporation shall consist of not more than nine members, chosen as follows:

- (1) One member appointed by the interdepartmental council established under section -4 shall serve as an ex-officio voting member;
- (2) One member shall represent each county of the State, except the county of Kalawao, to represent the various community councils established in a respective county under section -3;
- (3) One member representing the general business community;
- (4) One member representing the general philanthropic community;
- (5) One member representing the early childhood education and care professional community; and
- (6) One member representing consumers of early childhood education and care services.

(b) The members of the board shall possess knowledge of the educational and developmental needs of young children as well as the support needs of their families.

(c) Vacated positions shall be filled in the same manner through which the member whose position has been vacated was appointed.

§ -3 Community councils. (a) The corporation shall oversee the establishment and implementation of not less than four community councils; provided that each county in the State, except the county of Kalawao, shall be represented by a community council. The community councils shall reflect the cultural make-up of the community and shall consist of representatives from groups or organizations that may be in a designated service delivery area, including but not limited to:

- (1) Families;
- (2) Organizations representing parents with young children;
- (3) Public or private nonprofit health, human services, and education agencies; and

- (4) Providers of early childhood education and care services, the business community, and local governments.
- (b) Each community council shall be responsible for developing and implementing a community plan that includes:
 - (1) A description of incremental and collaborative community strategies to provide early childhood education and care services to children and families in a designated service delivery area; and
 - (2) A description of new local financial resources which can be used to enhance services in that community, outcomes to be achieved, and steps to ensure compliance with fiscal accountability requirements established by the corporation and the interdepartmental council.
- (c) The community councils shall be given the maximum flexibility and discretion practicable in developing their community plans and shall submit their community plan to the corporation for review prior to the approval process required under section -5.
- (d) No powers or duties assigned to the community councils by this chapter shall be construed to designate any community council as a state agency or public entity.

§ -4 Interdepartmental council. There shall be a temporary interdepartmental council convened by the office of the governor for the special purpose of assisting the corporation in the implementation of its duties as delineated in the good beginnings early childhood education and care master plan. The governor shall appoint:

- (1) The superintendent of education;
 - (2) The director of human services;
 - (3) The director of health;
 - (4) The director of labor and industrial relations;
 - (5) The governor's special assistant for children and youth; and
 - (6) The director of business, economic development, and tourism
- to serve as members of the interdepartmental council. The governor's special assistant for children and youth shall serve as the presiding chairperson.

§ -5 Approval of community plans; allocation of funding. (a) Subject to the availability of funds, the corporation and the interdepartmental council, in the spirit of a public and private partnership, shall jointly review and approve the community plan presented by a community council and determine funding levels for each community council. The interdepartmental council shall suggest the disbursement of public funds through the appropriate departments represented on the council.

(b) The corporation and the interdepartmental council shall jointly submit an annual report to the governor and the legislature, twenty days prior to the convening of each regular session, that describes the activities and accomplishments of the corporation and the interdepartmental council, fund balances and expenditures, and the purpose of the expenditures."

SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2001.

(Approved April 28, 1997.)