

ACT 194

S.B. NO. 1329

A Bill for an Act Relating to Early Learning.

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

SECTION 1. The purpose of this Act is to improve early learning by:

- (1) Requiring the department of education, beginning with the 2010-2011 school year, to use successful assessment tools and protocols for determining a student's initial placement and for decision making about a student's movement between junior kindergarten, kindergarten, and into grade one; and
- (2) Clarifying provisions of the early learning system, established by Act 14, Special Session Laws of Hawaii 2008, including requiring development of a plan to ensure the needs of junior kindergarteners are addressed, authorizing designees for all members of the early learning council, and changing the name of the keiki first steps trust fund to the early learning trust fund.

SECTION 2. Section 302A-411, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall establish a two-tier junior kindergarten and kindergarten program to support the range of developmental abilities of children in junior kindergarten and kindergarten. ~~[Any school may]~~ Schools shall not move students between junior kindergarten and kindergarten [as the school deems appropriate. Junior kindergarten students may graduate directly to grade one]., except in cases where the movement is warranted and based on appropriate assessments determined by:

- (1) A qualified teacher with early childhood education background or experience; and
- (2) The formative and summative assessment of a student's academic, physical, social, and emotional abilities.

provided that, beginning with the 2010-2011 school year, the department shall use successful assessment tools and protocols for determining a student's initial placement and for decision making about a student's movement between tiers and into grade one. Junior kindergarten students may graduate directly to grade one when promotion is based on appropriate assessments and other progress data collected over time.”

SECTION 3. Section 302L-3, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) There is established an early learning council which shall be attached to the department of education for administrative purposes only, notwithstanding any other law to the contrary. To the extent permissible by law, the council shall develop and administer the early learning system established in section 302L-2 to benefit all children throughout the State, from birth until the time they enter kindergarten. In developing the early learning system, the council shall, among other things:

- (1) Establish policies and procedures governing its operations;
- (2) Develop a plan, with goals and objectives, for the early learning system, including the development, execution, and monitoring of a phased implementation plan;
- (3) Coordinate, improve, and expand upon existing early learning programs and services for children from birth until the time they enter kindergarten;
- (4) Establish policies and procedures to include existing early learning programs and services;
- (5) Establish additional early learning programs and services;
- (6) Establish policies and procedures governing the inclusion of children with special needs;
- (7) Develop incentives to enhance the quality of programs and services within the early learning system;
- (8) Coordinate efforts to develop a highly-qualified, stable, and diverse workforce, including:
 - (A) Ensuring that more early childhood educators and administrators, existing or potential, have opportunities to receive early childhood education degrees, including offering higher education scholarships;
 - (B) Increasing the availability of early childhood education coursework, including distance learning courses and community-based early childhood education training;
 - (C) Providing access to continuing professional development for all educators and administrators;
 - (D) Establishing a system for awarding appropriate credentials to educators and administrators, as incentives to improve the quality of programs and services, relevant to the various early learning approaches, service deliveries, and settings, such as for experience or coursework or degrees completed;
 - (E) Providing consultation on the social-emotional development of children; and
 - (F) Providing substitute teacher allowances;
- (9) Develop and implement methods of maximizing the involvement of families, caregivers, and teachers in the early learning system;
- (10) Develop an effective, comprehensive, and integrated system to provide training and technical support to programs and services within the early learning system;
- (11) Develop standards of accountability to ensure that high-quality early learning experiences are provided by programs and services of the early learning system;
- (12) Collect, interpret, and release data relating to early learning in the State;
- (13) Recommend the appropriate proportion of state funds that should be distributed to programs and services across the early learning

- system, to ensure the most effective and efficient allocation of fiscal resources within the early learning system;
- (14) Develop a plan to ensure that the needs of junior kindergarteners are addressed, including:
- (A) Recommending an appropriate and effective curriculum;
 - (B) Establishing criteria for junior kindergarten teachers and aides;
 - (C) Incorporating Hawaii's preschool content standards for junior kindergarteners; and
 - (D) Recommending an effective transition from the early learning system to kindergarten;
- [(14)] (15) Promote awareness of early learning opportunities to families and the general public; and
- [(15)] (16) Consult with community groups, including statewide organizations that are involved in early learning professional development, policy and advocacy, and early childhood programs, to broaden the council's knowledge of early learning.
- (b) The council shall consist of the following voting members:
 - (1) The superintendent of education or the superintendent's designee;
 - (2) The director of human services or the director's designee;
 - (3) The director of health or the director's designee;
 - (4) The president of the University of Hawaii or the president's designee;
 - (5) A representative of center-based program providers[;] or the representative's designee;
 - (6) A representative of family child care program providers[;] or the representative's designee;
 - (7) A representative of family-child interaction learning program providers[;] or the representative's designee;
 - (8) A representative of philanthropic organizations that support early learning[; and] or the representative's designee;
 - (9) A representative from a Head Start provider agency or the representative's designee; and
- [(9)] (10) Two representatives of the Hawaii Council of Mayors[-] or each representative's respective designee.

The council shall invite the director of the Hawaii head start state collaboration office, the chief executive officer of the Kamehameha Schools, and the executive director of the Hawaii Association of Independent Schools, or their designees, to serve as voting members of the council.

Except for the superintendent of education, directors of state departments, president of the University of Hawaii, director of the Hawaii head start state collaboration office, chief executive officer of the Kamehameha Schools,² executive director of the Hawaii Association of Independent Schools,³ and the two representatives of the Hawaii Council of Mayors, or their respective designees, the members shall be nominated and, by and with the advice and consent of the senate, appointed by the governor."

SECTION 4. Section 302L-5, Hawaii Revised Statutes, is amended to read as follows:

"~~[[§302L-5]]~~ ~~[Keiki first steps]~~ **Early learning trust fund.** There is established within the state treasury the ~~[keiki first steps]~~ **early learning** trust fund, to be administered by the early learning council, into which shall be deposited all moneys received by the council in the form of:

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- (1) Fees;
- (2) Grants;
- (3) Donations;
- (4) Appropriations made by the legislature to the fund; and
- (5) Revenues regardless of their source,

and earnings on moneys in the fund. Moneys in the fund shall be used for the early learning system. Expenditures from the fund may be made by the council without appropriation or allotment.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Became law on July 15, 2009, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)

Notes

1. Text missing.
2. Prior to amendment “and” appeared here.
3. Prior to amendment “or their designees,” appeared here.