

ACT 202

H.B. NO. 498

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:

- (1) Broaden the scope of the early learning program to include early childhood development;
- (2) Expand the function of the early learning advisory board beyond an advisory capacity and amend the composition and powers of some board members; and
- (3) Allow the board to appoint and evaluate the director of the executive office on early learning.

SECTION 2. Section 302L-1, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

“Early learning” means developmentally appropriate early childhood development and education for children from prenatal care until the time they enter kindergarten.

“Early learning system” means a developmentally appropriate early childhood development and education system for children from prenatal care until the time they enter kindergarten.”

2. By amending the definition of “advisory board” to read:

~~“[“Advisory board”]~~ “Board” means the early learning [advisory] board established pursuant to this chapter.”

3. By amending the definition of “at-risk children” to read:

“At-risk children” means children who, because of their home and community environment, are subject to language, cultural, economic, and other disadvantages that cause them to be at risk for school failure, including children:

- (1) Who are eligible for special education services;
- (2) Who are English as a second language learners;
- (3) Who reside within a public school district, established under chapter 302A, that is in need of improvement based on the criteria of the federal No Child Left Behind Act of 2001 (Public Law 107-110), as amended; or
- (4) Whose family income is no more than [two] three hundred [fifty] per cent of the federal poverty level.”

4. By amending the definition of “center-based” to read:

“Center-based” describes programs in which early [childhood education and care] learning services are provided in a facility, including private preschools, child care centers, and head start programs, licensed, or excluded or exempt from licensing, by the department of human services.”

5. By amending the definition of “underserved children” to read:

“Underserved children” means children who have no access to, or are not qualified to attend, other early [childhood education] learning programs and whose family income is no more than [two] three hundred [fifty] per cent of the federal poverty level.”

6. By repealing the definition of “early childhood education”.

~~“Early childhood education” means a developmentally appropriate early childhood development and education program for children from birth until the time they enter kindergarten.”]~~

SECTION 3. Section 302L-1.5, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

(b) The head of the executive office on early learning shall be known as the director of the executive office on early learning, hereinafter referred to as director. The director shall:

- (1) Be appointed and evaluated annually by the [governor;] board;
- (2) Have professional training in the field of social work, education, or other related fields[;], including major coursework in early childhood education and child development, and preferably holding an academic degree in the field of early childhood education and child development;
- (3) Have direct experience in programs or services related to early [childhood education;] learning;

- (4) Have recent experience in a supervisory, consultative, or administrative position;
 - (5) Be paid a salary set by the ~~[governor]~~ board that shall not exceed ninety per cent of the salary of the director of human resources development; and
 - (6) Be included in any benefit program generally applicable to the officers and employees of the State.
- (c) The director shall be responsible for:
- (1) Serving as the principal officer in state government responsible for the performance, development, and control of programs, policies, and activities ~~[related to a public-private comprehensive early childhood system for children,]~~ under the jurisdiction of the office from prenatal care to entrance into kindergarten;
 - (2) Overseeing, supervising, and directing the performance of the director's subordinates in various activities, including planning, evaluation, and coordination of early learning programs;
 - (3) Administering funds allocated for the office and applying for, receiving, and disbursing grants and donations from all sources for early learning programs and services;
 - (4) Assessing the policies and practices of other agencies impacting early learning and conducting advocacy efforts for early learning;
 - (5) Advising agencies on new legislation, programs, and policy initiatives relating to early learning;
 - (6) Employing and retaining staff as may be necessary for the purposes of this section; and
 - (7) Contracting for services that may be necessary for the purposes of this section, including through master contracts, memoranda of understanding, and memoranda of agreement with other state agencies receiving federal and state funds for programs and services for early learning, and purchase of service agreements with appropriate agencies."

SECTION 4. Section 302L-1.6, Hawaii Revised Statutes, is amended to read as follows:

~~“[§302L-1.6]~~ **Early learning ~~[advisory]~~ board.** (a) There is established within the department of education for administrative purposes only an early learning ~~[advisory]~~ board, whose members shall be appointed by the governor pursuant to section 26-34. The board shall have power, in accordance with law, to formulate statewide policy relating to early learning. The ~~[advisory]~~ board shall be responsible for:

- (1) ~~[Advising]~~ Directing the office on how best to meet the developmental and educational needs of children, from prenatal care to entry into kindergarten;
 - (2) Providing recommendations to the office on improving the quality, availability, and coordination of early ~~[childhood care and education]~~ learning programs;
 - (3) Promoting collaboration across agencies and stakeholders serving young children; and
 - ~~[(4) Being an independent voice for children's health, safety, development, and learning.]~~
 - (4) Appointing the director of the office and evaluating the director on an annual basis.
- (b) The ~~[advisory]~~ board shall consist of the following voting members:

- (1) A representative of center-based program providers or the representative's designee;
- (2) A representative of family child care program providers;
- (3) A representative of family-child interaction learning program providers;
- (4) A representative of philanthropic organizations that support early learning or the representative's designee;
- (5) A representative from a head start provider agency;
- (6) A representative from the Hawaii Early Intervention Coordinating Council;
- (7) A parent representative;
- (8) A representative from the Hawaii chapter of the American Academy of Pediatrics;
- (9) A representative of home-visiting program providers;
- (10) A representative of Hawaiian medium early learning providers; and
- (11) ~~Two representatives~~ A representative of the Hawaii Council of Mayors, or ~~each~~ the representative's ~~respective~~ designee.

The superintendent of education, director of human services, director of health, and president of the University of Hawaii shall serve as ex officio, ~~voting~~ non-voting members of the ~~advisory~~ board.

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

(c) 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 Kamehameha Schools, and the executive director of the Hawaii Association of Independent Schools, or their designees, the members of the ~~advisory~~ board shall serve staggered terms as follows:

- (1) The representative of center-based program providers shall serve a two-year term;
- (2) The representative of family child care program providers shall serve a three-year term;
- (3) The representative of family-child interaction learning program providers shall serve a three-year term;
- (4) The representative of philanthropic organizations that support early learning shall serve a two-year term;
- (5) The representative from a head start provider agency shall serve a three-year term;
- (6) The representative from the Hawaii Early Intervention Coordinating Council shall serve a three-year term;
- (7) The parent representative shall serve a two-year term;
- (8) The representative from the Hawaii chapter of the American Academy of Pediatrics shall serve a two-year term;
- (9) The representative of home-visiting program providers shall serve a three-year term;
- (10) The representative of Hawaiian medium early learning providers shall serve a two-year term; and
- (11) ~~Of the two representatives~~ The representative of the Hawaii Council of Mayors~~, one shall serve a two-year term, and the other~~ shall serve a three-year term ~~[as determined by the Hawaii Council of Mayors]~~.

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(d) The [advisory] board shall select a chairperson by a majority vote of its voting members [~~]; provided that the chairperson shall be a representative from the private sector~~]. A majority of the voting members serving on the [advisory] board shall constitute a quorum to conduct business. The concurrence of the majority of the voting members serving on the [advisory] board shall be necessary to make any action of the [advisory] board valid.

(e) The [advisory] board may form workgroups and subcommittees, including with individuals who are not [advisory] board members, to:

- (1) Obtain resource information from early learning professionals and other individuals as deemed necessary by the [advisory] board;
- (2) Make recommendations to the [advisory] board; and
- (3) Perform other functions as deemed necessary by the [advisory] board to fulfill its duties and responsibilities.

Two or more [advisory] board members, but less than a quorum, may discuss matters relating to official [advisory] board business in the course of their participation in a workgroup or subcommittee, and such discussion shall be a permitted interaction as provided for in section 92-2.5.

(f) The [advisory] board may testify before the legislature on any matter related to its duties and responsibilities.

(g) Members of the [advisory] board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.”

SECTION 5. Section 302L-1.7, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“[H§302L-1.7] Early [childhood education] learning facilities; pre-plus.

(a) There is established the pre-plus program within the office to expand access to affordable and high-quality early [childhood education] learning for children from low-income families who are not otherwise eligible for kindergarten, by allowing preschool programs to be established on public school campuses through public-private partnerships.”

SECTION 6. Section 302L-2, Hawaii Revised Statutes, is amended to read as follows:

“§302L-2 Early learning system[; keiki first steps]. There is established an early learning system [~~to be known as keiki first steps;~~] that shall ensure a spectrum of high-quality early learning opportunities for children throughout the State, from [birth] prenatal care until the time they enter kindergarten, with priority given to underserved or at-risk children. The early learning system shall be developed and administered by the executive office on early learning to the extent permissible by law. The early learning system shall:

- (1) Be widely accessible and voluntary for both those served and program and service providers;
- (2) Be a cohesive, comprehensive, and sustainable system in which:
 - (A) All existing early learning programs and services, whether publicly- or privately-run, which consist of a variety of early learning approaches, service deliveries, and settings, including center-based programs, family child care programs, family-child interaction learning programs, and home-based instruction programs designed to promote early learning, are coordinated, improved, and expanded;
 - (B) Public and private resources are maximized; and

- (C) The use of public facilities for either publicly- or privately-run early learning programs is maximized;
- (3) Provide high-quality early learning experiences with:
 - (A) Standards-based content and curriculum, and accountability; and
 - (B) Sufficient numbers of well-qualified educators and administrators who are fairly compensated and have access to continuing professional development;
- (4) Offer opportunities for family and community engagement and parent education and support; and
- (5) Be sensitive to family choice and cultural diversity.”

SECTION 7. Section 302L-3.5, Hawaii Revised Statutes, is amended by amending its title and subsections (a) through (e) to read as follows:

“§302L-3.5 ~~[Advisory board]~~ **Board meetings by teleconference.** (a) Notwithstanding any law to contrary, the ~~[advisory]~~ board may meet by teleconference.

(b) Each member of the ~~[advisory]~~ board participating in a meeting by teleconference shall be considered present at the meeting for purposes of determining quorum and participating in all proceedings.

(c) A meeting by teleconference:

- (1) Need not have a quorum present at any one location; and
- (2) Is subject to the notice requirements applicable to other ~~[advisory]~~ board meetings.

(d) The notice of each teleconference meeting shall specify all physical locations from which members of the ~~[advisory]~~ board will participate. The notice shall also specify the physical location from which the presiding officer of the ~~[advisory]~~ board will preside. All physical teleconference locations shall be open to the public during the open portion of the meeting.

(e) ~~[Advisory board]~~ **Board materials** that are to be considered at the meeting shall be made available at all physical teleconference locations.”

SECTION 8. Section 302L-4, Hawaii Revised Statutes, is amended to read as follows:

“§302L-4 ~~[Keiki first steps grant]~~ **Grant program; establishment.** (a) There is established, as part of the early learning system, ~~[the keiki first steps]~~ a grant program, to be developed and administered by the office ~~[and administered by the department of human services]~~. The program shall increase early learning opportunities that meet high standards of quality through the awarding of grants to publicly- or privately-run:

- (1) Center-based programs for three- and four-year-old children; and
- (2) Family child care programs, family-child interaction learning programs, and other early learning programs and services regardless of the age of children served.

(b) Eligibility criteria for grants. The ~~[department of human services]~~ office may award grants ~~[for the keiki first steps grant program]~~ based on criteria that shall be developed by the office. The criteria shall include the requirement that early learning programs and services meet certain standards of quality, including:

- (1) The implementation of evidence-based and culturally responsive models of service delivery;
- (2) The use of evidence-based curricula and methods;

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- (3) Minimum scheduling requirements, as follows:
 - (A) For center-based programs: providing services for a full school day and full school year;
 - (B) For family child care programs: providing services for three hours daily for a full school year;
 - (C) For family-child interaction learning programs operating in classroom-like settings: providing early learning activities at least twice a week for a full school year, and for a minimum of three hours each day; and
 - (D) For home-based instruction programs: providing early learning activities for no fewer than thirty weeks within a school year;
- (4) Staff-to-child ratios and group size that meet or exceed nationally recommended standards;
- (5) The employment of teachers and administrators who meet the qualifications required by the office;
- (6) The incorporation of preschool content standards or other early learning guidelines;
- (7) The implementation of health and developmental screenings for children;
- (8) Opportunities for parent or family engagement and parent education and support; and
- (9) Activities for monitoring and data collection to evaluate early learning programs and services and inform best practices.
- (c) Training; technical assistance; monitoring. The ~~[department of human services]~~ office may offer technical support to, and shall be responsible for monitoring to ensure the accountability of programs and services within the ~~[keiki first steps]~~ grant program, according to the standards developed by the office."

SECTION 9. Section 302L-6, Hawaii Revised Statutes, is amended to read as follows:

"~~[[~~§302L-6~~]]~~ **Federal funds.** The office may use and expend federal funds for the purpose of early ~~[childhood education-]~~ learning."

SECTION 10. Section 302L-7, Hawaii Revised Statutes, is amended to read as follows:

"~~[[~~§302L-7~~]]~~ **Executive office on early learning public prekindergarten program; public preschools.** (a) There is established within the early learning system an early childhood education program to be known as the executive office on early learning public prekindergarten program and to be administered by the office pursuant to rules adopted by the office. The program shall:

- (1) Be provided through the executive office on early learning, which may partner with the department of education;
 - (2) Prepare children for school and active participation in society through the use of either of the State's two official languages; and
 - (3) Provide access to high-quality early ~~[childhood education]~~ learning that addresses children's physical, cognitive, linguistic, social, and emotional development.
- (b) The program shall serve children in the year prior to the year of kindergarten eligibility, with priority extended to underserved or at-risk children, as defined in section 302L-1. ~~[The department of education may grant~~

~~geographic exceptions for children to attend prekindergarten outside their assigned service area, as the department of education deems appropriate; provided that the department of education shall grant a request for geographic exception to attend a prekindergarten in another service area if the request is based on the employment location of the parent or guardian of the student.] Enrollment priority shall be given but is not limited to children who attend prekindergarten at schools to which the children will be assigned upon entering kindergarten under section 302A-1143.~~

(c) Enrollment in the program shall be voluntary. A child who is enrolled in, or is eligible to attend, a public elementary school, or who is required to attend school pursuant to section 302A-1132, shall not be eligible for enrollment in the program.

(d) The program shall incorporate high-quality standards pursuant to rules adopted by the office. High-quality standards shall be research-based, developmentally-appropriate practices associated with better educational outcomes for children, such as:

- (1) Positive teacher-child interactions;
- (2) Use of individual child assessments that are used for ongoing instructional planning, based upon all areas of childhood development and learning, including cognitive, linguistic, social, and emotional approaches to learning and health and physical development;
- (3) Family engagement; and
- (4) Alignment with the Hawaii early learning and development standards, which align with department of education standards, state content and performance standards, and general learner outcomes for grades kindergarten to twelve, to facilitate a seamless and high-quality educational experience for children.

The office shall monitor implementation of the high-quality educational experience for children.

~~(e) Prior to opening a public prekindergarten class in a school, the principal, and other school personnel as required by the office, shall participate in an early learning induction program.~~

~~[(e)] (f) The office shall provide support to incorporate [these] the high-quality standards[,] developed pursuant to subsection (d), including support related to teacher-child interactions, individual child assessments, and family engagement.~~

~~[(f)] (g) The office shall coordinate with other agencies and programs to facilitate comprehensive services for early [childhood education.] learning.~~

~~[(g)] (h) The office shall collect data to:~~

- (1) Evaluate the services provided;
- (2) Inform policy; and
- (3) Make any improvements to the program.

~~[(h)] (i) The department of education and any public charter school existing pursuant to chapter 302D, may use available classrooms for public preschool programs statewide. The office shall give priority to public charter schools that serve high populations of underserved or at-risk children. Preschool classrooms established pursuant to this section shall be in addition to any classrooms used for the pre-plus program established pursuant to [section 302L-1.7.] rules adopted by the department pursuant to chapter 91.~~

~~[(i)] (j) The office shall adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section, including compliance with all applicable state and federal laws."~~

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SECTION 11. Section 346-181, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Subject to the availability of funds, the program shall serve four-year-old children, with priority extended to:

- (1) Children who are not eligible to attend public school kindergarten in the calendar year in which they turn five years of age because their birth date occurs after the kindergarten eligibility date pursuant to section 302A-411; and
- (2) Underserved or at-risk children, as defined by rules adopted by the department.”

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 13. This Act shall take effect on July 1, 2017.

(Approved July 11, 2017.)