

## ACT 210

H.B. NO. 1362

A Bill for an Act Relating to Access to Learning.

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

SECTION 1. The purpose of this Act is to:

- (1) Establish the Hawaii early childhood educator stipend program and Hawaii early childhood educator special fund; and
- (2) Clarify and make adjustments to Act 46, Session Laws of Hawaii 2020, to reflect the current situation brought upon by the coronavirus 2019 pandemic and improve assessment of the longitudinal education and workforce outcomes of students who were provided with early childhood services.

SECTION 2. Chapter 302L, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**“§302L-A Hawaii early childhood educator stipend program.** (a) There is established the Hawaii early childhood educator stipend program to be administered by the office to address the shortage of early childhood educators who have coursework in early childhood education.

(b) An individual shall be eligible for stipend consideration if the individual:

- (1) Is enrolled at a University of Hawaii campus or in a University of Hawaii program and qualifies for Hawaii resident tuition; and

(2) Is enrolled in a certificate, degree, or license program in early childhood education, including those in the Hawaiian language medium, which includes courses required for the respective program of study, within the University of Hawaii system.

(c) Immediately following completion of a certificate, degree, or license program pursuant to subsection (b), stipend recipients shall provide early care and education services directly to children from birth through five years of age for at least two consecutive years in one of the early learning systems described in section 302L-2, including Hawaiian language medium and Hawaiian immersion settings and early learning settings at charter schools.

(d) If the recipient fails to complete a certificate, degree, or license program pursuant to subsection (b), or to satisfy the work requirements of subsection (c), stipend funds shall be repaid as follows:

(1) For each year less than the designated number of years that a stipend recipient does not meet the work requirements of subsection (c), the recipient shall repay a proportionate percentage of the total stipend funds received; and

(2) The repayment shall be subject to the terms and conditions set by the office for stipend repayment, including circumstances under which recipients may be eligible for deferment or forgiveness due to hardship or inability to secure employment, as well as potential for fees for the collection of delinquent repayment.

(e) Stipend funds repaid by a stipend recipient pursuant to subsection (d) shall be deposited into Hawaii early childhood educator special fund established pursuant to section 302L-B.

(f) The office may accept federal funds to support the Hawaii early childhood educator stipend program.

(g) In accordance with chapter 103D, the office may enter into written contracts with collection agencies to collect delinquent repayment of stipends owed to the office pursuant to subsection (d). A collection agency that enters into a written contract with the office to collect delinquent stipend repayments pursuant to this section may collect a fee from the debtor in accordance with the terms of, and up to the amounts authorized in, the written contract.

(h) The office may adopt rules pursuant to chapter 91 to implement and administer the stipend program, including the terms of repayment pursuant to subsection (d).

**§302L-B Hawaii early childhood educator special fund.** There is established within the state treasury the Hawaii early childhood educator special fund, to be administered by the office, into which shall be deposited all moneys received by the office pursuant to section 302L-A(e). Moneys in the fund shall be used for the Hawaii early childhood educator stipend program established pursuant to section 302L-A.”

SECTION 3. Section 26-12, Hawaii Revised Statutes, is amended to read as follows:

**“§26-12 Department of education.** (a) The department of education shall be headed by an executive board to be known as the board of education.

(b) Under policies established by the board, the superintendent shall administer programs of education and public instruction throughout the State, including education at the primary and secondary school levels, adult education, school library services, health education and instruction (not including dental health treatment transferred to the department of health), special education and Title I funded programs at the prekindergarten level, and such other programs as may be established by law; provided that the department shall not establish

general education prekindergarten classrooms, including private partnership-funded classrooms and classrooms to provide general education settings for children whose individualized education programs require such placement; provided further that the department may ~~establish~~:

- (1) Establish Title I-funded prekindergarten classrooms[-]; and
- (2) Directly accept private funding for the purpose of establishing public prekindergarten programs; provided further that:
  - (A) The department shall comply with section 302L-7;
  - (B) The department and the executive office on early learning shall sign a bilateral memorandum of agreement or understanding; and
  - (C) The department, the executive office on early learning, and the person or entity providing the private funding may sign a multilateral memorandum of agreement or understanding.

(c) If the private funding provided is insufficient to maintain the classroom operations of a public prekindergarten program established pursuant to subsection (b)(2), the department and executive office on early learning shall be prohibited from requesting additional funding from the legislature to pay for the remaining costs.

(d) The department shall collaborate with the executive office on early learning to coordinate services for children who are placed through their individualized education programs in a general education prekindergarten setting in a classroom offered by the executive office on early learning public prekindergarten program. Under policies established by the early learning board, the executive office on early learning shall have administrative authority over all state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs. The state librarian, under policies established by the board of education, shall be responsible for the administration of programs relating to public library services and transcribing services for the blind.

(e) The functions and authority exercised by the department relating to state-funded prekindergarten programs, private partnership-funded prekindergarten programs in the public schools, and classrooms to provide general education settings for children whose individualized education programs require such placement, except for special education and Title I-funded prekindergarten programs, shall be transferred to the executive office on early learning; provided that the department shall continue to provide, and have administrative authority over~~[- services]~~:

- (1) Services generally provided to the schools, excluding those services related to curriculum, instruction, assessment, and professional learning support, for any facility on a department school campus at which the executive office on early learning administers programs[-]; and
- (2) Public prekindergarten programs established pursuant to subsection (b)(2).

(f) The functions and authority heretofore exercised by the department of education (except dental health treatment transferred to the department of health), library of Hawaii, Hawaii county library, Maui county library, and the transcribing services program of the bureau of sight conservation and work with the blind, as heretofore constituted are transferred to the public library system established by this chapter.

(g) The management contract between the board of supervisors of the county of Kauai and the Kauai public library association shall be terminated

at the earliest time after November 25, 1959, permissible under the terms of the contract and the provisions of this [paragraph] subsection shall constitute notice of termination, and the functions and authority heretofore exercised by the Kauai county library as heretofore constituted and the Kauai public library association over the public libraries in the county of Kauai shall thereupon be transferred to the public library system established by this chapter.

(h) The management contracts between the trustees of the library of Hawaii and the Friends of the Library of Hawaii, and between the library of Hawaii and the Hilo library and reading room association, shall be terminated at the earliest time after November 25, 1959, permissible under the terms of the contracts, and the provisions of this [paragraph] subsection shall constitute notice of termination.

(i) Upon the termination of the contracts, the State or the counties shall not enter into any library management contracts with any private association; provided that in providing library services, the board of education may enter into contracts approved by the governor for the use of lands, buildings, equipment, and facilities owned by any private association.

(j) Notwithstanding any law to the contrary, the board of education may establish, specify the membership number and quorum requirements for, appoint members to, and disestablish a commission in each county to be known as the library advisory commission, which shall in each case sit in an advisory capacity to the board of education on matters relating to public library services in their respective county.”

SECTION 4. Section 302D-39, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~**§302D-39** **Public early learning and preschool programs; administrative authority.** (a) The commission shall have administrative authority over all state-funded early learning programs and private partnership-funded preschool programs in public charter schools except for special education and Title I-funded prekindergarten programs.

(b) The early learning programs in charter schools shall enroll no more than a maximum of twenty children per classroom who are three- or four-years-old on or before July 31 of the school year, as aligned with the department’s kindergarten age entry requirements.

(c) Subject to the availability of funding, the commission shall implement an application process for schools to establish an early learning program.

(d) Each early learning program and preschool program shall meet the following requirements:

- (1) The availability of a classroom and outdoor play area that meet department of human services requirements for the health and safety of three- and four-year-old children and is exempt from section 346-161 as a public preschool provider;
- (2) The commitment of the principal to implementing an early learning program, including through active participation in professional development sessions offered through the commission, and promoting continuity and alignment between and across other early learning programs in the community and other grade levels in the school to ensure the positive outcomes of children are sustained;
- (3) The inclusion of students with disabilities based on individualized education program placement; provided that:
  - (A) The in-classroom ratio of students with disabilities shall be based on the inclusion of children with disabilities in proportion to the general population of the school;

- (B) Subparagraph (A) does not anticipate or permit imposing caps or quotas on the number of children with disabilities in a program or not individualizing services for children with disabilities under the Individuals with Disabilities Education Act of 2004 (20 U.S.C. 1400 et seq., as amended);
  - (C) The department shall collaborate with the charter school to coordinate services for students with disabilities who are placed in the classroom offered through the program; and
  - (D) Funding for all costs associated with the implementation of the individualized education program of students shall be provided through the department;
- (4) Enrollment in the program shall be free and voluntary;
  - (5) The enrollment shall not exceed twenty children per classroom; and
  - (6) The incorporation of standards that are research-based and developmentally-appropriate practices associated with improved educational outcomes for children, such as:
    - (A) Positive teacher-child interactions that shall be evaluated through observations conducted by the commission using a research-based tool at least twice a year, for the purposes of professional development; provided that the observations shall not be used for the purposes of teacher evaluation;
    - (B) The early learning environment shall be assessed using a tool that measures its effectiveness and shall be conducted at least two times per school year by a certified observer who is employed or contracted by the commission; provided that the teaching staff shall use the assessment data and feedback to improve the quality of the learning environment; provided further that observations shall be used for the purposes of professional development and shall not be used for the purposes of teacher evaluation;
    - (C) Use of individual child formative assessments that are used for ongoing planning relating to all areas of child development and learning including cognitive, linguistic, social emotional approaches to learning, and health and physical development;
    - (D) Family engagement in partnership with charter schools, including conducting outreach for enrollment and engagement of families in their children's education in recognition of families' role as their child's first and most important teacher;
    - (E) Alignment with the Hawaii early learning and development standards, department standards, state content and performance standards, and general learner outcomes for grades kindergarten to twelve to facilitate a seamless educational experience for children;
    - (F) Requirements that any teacher shall have coursework in early childhood education pursuant to Hawaii teacher standards board licensing requirements for a prekindergarten teacher or be enrolled in a state-approved teacher education program and be working toward satisfying the Hawaii teacher standards board licensing requirements; and
    - (G) Requirements that any educational assistant has a current child development associate credential, coursework for a certificate that meets the requirements for child development associate credential preparation, or be enrolled in and working

toward completing a program that prepares the individual to obtain the credential.

(e) The commission shall monitor the implementation of the educational experience for children.

(f) The commission shall provide support to incorporate the standards developed pursuant to subsection (d), including support related to teacher-child interactions, early childhood learning environment, individual child assessments, and family engagement.

(g) Teaching staff participating in a program established pursuant to this section shall participate in coaching and mentoring and professional development opportunities offered through the commission; provided that the commission shall cover the associated travel and substitute teacher costs, contingent upon funding availability. The commission may extend this support, excluding travel and substitute teacher costs, to individuals who are not participating in the program to promote alignment between all grade levels, programs, and settings.

(h) School leaders shall attend professional development sessions related to P-3 (preschool to grade three) alignment offered through the commission. The commission shall cover the costs associated with travel and substitute teacher expenditures, contingent upon the availability of funding. The commission may extend this support, excluding travel and substitute teacher costs, to individuals who are not participating in the program to promote alignment between all grade levels, programs, and settings.

(i) The commission shall work with each charter school to develop and annually update a written three-year plan that promotes, within the school and community, alignment of and transitions between learning experiences, and report on the progress made toward the plan by the end of the school year.

(j) The commission shall coordinate with other agencies and programs to facilitate comprehensive services for early learning.

(k) The commission shall promote the development of a cohesive, comprehensive, and sustainable early learning system. The commission shall coordinate with other early learning providers, including those providing the programs and services, to promote alignment between prekindergarten and elementary school programs and to support children and their families in making successful transitions from prekindergarten into kindergarten.

(l) Each early learning program and preschool program may use available classrooms for public preschool programs statewide.

~~[(4)]~~ (m) The commission shall adopt rules pursuant to chapter 91 for the purpose of this section.

~~[(m)]~~ (n) The commission shall submit a report to the legislature no later than twenty days prior to the convening of each regular session regarding state-funded early learning programs in charter schools. The report shall include, as related to each type of program:

- (1) The number and location of classrooms;
- (2) Sources of funding for each classroom;
- (3) Aggregated data reflecting the quality of teacher-child interactions relating to emotional support, classroom organization, and instructional support;
- (4) Aggregated data reflecting the quality of the early learning environment and the teacher-child interactions that maximize the learning opportunities of the environment; and
- (5) Aggregated student outcomes related to all areas of child development and learning, including cognitive, linguistic, social and emotional approaches to learning and health and physical development,

as assessed using a formative assessment tool selected or approved by the commission.

This reported data shall be compiled from the previously state-funded school year.”

SECTION 5. Section 302L-7, Hawaii Revised Statutes, is amended by amending subsections (o) and (p) to read as follows:

“(o) The office shall collect data with assistance from the department of ~~education,~~ education and state public charter school commission, based on a schedule to be determined by the office, to:

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

(p) The department of education and any state public charter school commission that exists 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.”

SECTION 6. Section 346-181, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) Subject to the availability of funds, the program shall serve ~~three-~~ and] four-year-old children [who are in the two years prior to kindergarten entry pursuant to section 302A-411], with priority extended ~~[in the following order to any:]~~ 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
- ~~[(4)]~~ (2) Underserved or at-risk [four-year-old child who was previously served as a three-year-old child;] children, as defined by rules adopted by the department[;]
- ~~(2)~~ Four-year-old child who was previously served as a three-year-old child;
- ~~(3)~~ Four-year-old child;
- ~~(4)~~ Underserved or at-risk three-year-old child, as defined by rules adopted by the department; and
- ~~(5)~~ Three-year-old child].

(c) Enrollment in the program shall be voluntary. A parent or guardian of a child enrolled in the program ~~[may]~~ shall share in the costs of the program through a copayment according to a sliding fee scale that is based on need pursuant to rules adopted by the department.”

SECTION 7. Section 346-184, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each service provider of the preschool open doors program shall be accredited or shall obtain accreditation within seven calendar years of first receiving any funds from the preschool open doors program; provided that any existing service provider unaccredited on July 1, ~~[2020;]~~ 2022, shall commence the accreditation process no later than July 1, ~~[2022;]~~ 2024, and obtain accreditation by July 1, ~~[2027;]~~ 2029; provided further that the director may grant to any

service provider one or more extensions to obtain accreditation on a case-by-case basis.”

SECTION 8. Section 443B-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) This section shall not prohibit a collection agency from collecting, or attempting to collect, from a debtor, a commission authorized under a contract with the University of Hawaii, [ø] a contract with the department of taxation pursuant to sections 231-13 and 231-26[-], or a contract with the executive office on early learning.”

SECTION 9. Act 46, Session Laws of Hawaii 2020, is amended as follows:

1. By amending sections 2 and 3 to read:

“SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding two new sections to subpart C of part IV to be appropriately designated and to read as follows:

“**§302A-A Standardized assessment for students entering kindergarten.**

(a) The board of education shall adopt a ~~[student assessment model pursuant to section 302A-1101(a) to assess all students entering kindergarten.~~

~~(b) Within the first thirty days of each school year, the department shall assess all kindergarten students with the student assessment model; provided that any assessment administered pursuant to this subsection shall be conducted in either English or Hawaiian.] kindergarten entry assessment, and the department of education shall administer the kindergarten entry assessment.~~

~~(b) The kindergarten entry assessment shall:~~

~~(1) Be administered within the first thirty days of each child’s admission into kindergarten;~~

~~(2) Be a uniform, statewide assessment; provided that the assessment shall be conducted in English or Hawaiian;~~

~~(3) Cover all essential domains of school readiness, including:~~

~~(A) Language and literacy development;~~

~~(B) Cognition and general knowledge;~~

~~(C) Approaches to learning;~~

~~(D) Physical well-being and motor development; and~~

~~(E) Social and emotional development;~~

~~(4) Be used in conformance with the recommendations of the National Research Council reports on early childhood; and~~

~~(5) Be valid and reliable for its intended purpose.~~

~~(c) Information obtained from the kindergarten entry assessments shall be used to:~~

~~(1) Close the school readiness gap at kindergarten entry;~~

~~(2) Inform instruction in the early elementary school grades; and~~

~~(3) Inform parents of their children’s status and to involve parents in decisions regarding their children’s education.~~

~~[(e)] (d) The department shall share the information gathered pursuant to this section with the department of human services, executive office on early learning, and public charter school commission to the extent not otherwise prohibited by administrative rule or law.~~

**§302A-B Prior early learning programs attendance disclosure.** (a) At least one parent or guardian of each child entering kindergarten shall disclose to the department the name of, address of, and duration of attendance at the early learning program that the child attended during the previous academic year. The



department may also require the disclosure of any other information not otherwise prohibited by law that would assist the department, the department of human services, and the executive office on early learning in developing, assessing, and implementing strategies to meet the early learning needs of children in the State. The department and the executive office on early learning shall use the information to assist the executive office on early learning and department of human services in determining the levels of prekindergarten attendance and need for child care in geographic regions of the State and identify the highest priority regions requiring prekindergarten programs and child care to meet the needs of unserved or underserved eligible children.

(b) The department may include a request for the information required by subsection (a) on a kindergarten enrollment form or any other appropriate form.

(c) The department shall share the information gathered pursuant to this section with the department of human services, executive office on early learning, and public charter school commission to the extent not otherwise prohibited by administrative rule or law.”

SECTION 3. Chapter 302D, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

**“§302D-A Standardized assessment for students entering kindergarten.**

(a) The commission shall adopt the ~~[student assessment model]~~ kindergarten entry assessment adopted by the board pursuant to section 302A-A(a) to assess all charter school students entering kindergarten[-] within the first thirty days of admission into kindergarten.

(b) ~~[Within the first thirty days of each school year, the commission shall ensure that all charter school kindergarten students are assessed by public charter schools with the student assessment model; provided that any assessment administered pursuant to this subsection shall be conducted in either English or Hawaiian.]~~ The commission may waive the requirements of the uniform kindergarten entry assessment on a case-by-case basis.

(c) The commission shall share the information gathered from public charter schools pursuant to this section with the department, department of human services, and executive office on early learning to the extent not otherwise prohibited by administrative rule or law.

**§302D-B Prior early learning programs attendance disclosure.** (a) At least one parent or guardian of each child entering kindergarten shall disclose to the public charter school at which the child is enrolled the name and address of the early learning program that the child attended during the previous academic year. Each public charter school shall provide to the commission the information disclosed pursuant to this section. The commission may also require the disclosure of any other information not otherwise prohibited by law that would assist the department, the department of human services, and the executive office on early learning in developing, assessing, and implementing strategies to meet the early learning needs of children in the State. The commission and the executive office on early learning shall use the information to assist the department of human services and executive office on early learning in determining the levels of prekindergarten attendance and need for child care in geographic regions of the State and identify the highest priority regions requiring prekindergarten programs and child care to meet the needs of unserved or underserved eligible children and shall provide the information to the department of human services.

(b) The commission may include a request for the information required by subsection (a) on a kindergarten enrollment form or any other appropriate form used at all public charter schools.

(c) The commission shall share the information gathered pursuant to this section with the department, department of human services, and executive office on early learning to the extent not otherwise prohibited by administrative rule or law.

**§302D-C Public early learning and preschool programs; administrative authority.** (a) The commission shall have administrative authority over all state-funded early learning programs and private partnership-funded preschool programs in public charter schools except for special education and Title I-funded prekindergarten programs.

(b) The early learning programs in charter schools shall enroll no more than a maximum of twenty children per classroom who are three- or four-years-old on or before July 31 of the school year, as aligned with the department's kindergarten age entry requirements.

(c) Subject to the availability of funding, the commission shall implement an application process for schools to establish an early learning program.

(d) Each early learning program and preschool program shall meet the following requirements:

- (1) The availability of a classroom and outdoor play area that meet department of human services requirements for the health and safety of three- and four-year-old children and is exempt from section 346-161 as a public preschool provider;
- (2) The commitment of the principal to implementing an early learning program, including through active participation in professional development sessions offered through the commission, and promoting continuity and alignment between and across other early learning programs in the community and other grade levels in the school to ensure the positive outcomes of children are sustained;
- (3) The inclusion of students with disabilities based on individualized education program placement; provided that:
  - (A) The in-classroom ratio of students with disabilities shall be based on the inclusion of children with disabilities in proportion to the general population of the school;
  - (B) Subparagraph (A) does not anticipate or permit imposing caps or quotas on the number of children with disabilities in a program or not individualizing services for children with disabilities under the Individuals with Disabilities Education Act of 2004 (20 U.S.C. 1400 et seq., as amended);
  - (C) The department shall collaborate with the charter school to coordinate services for students with disabilities who are placed in the classroom offered through the program; and
  - (D) Funding for all costs associated with the implementation of the individualized education program of students shall be provided through the department;
- (4) Enrollment in the program shall be free and voluntary;
- (5) The enrollment shall not exceed twenty children per classroom; and
- (6) The incorporation of standards that are research-based and developmentally-appropriate practices associated with improved educational outcomes for children, such as:
  - (A) Positive teacher-child interactions that shall be evaluated through observations conducted by the commission using a

- research-based tool at least twice a year, for the purposes of professional development; provided that the observations shall not be used for the purposes of teacher evaluation;
- (B) The early learning environment shall be assessed using a tool that measures its effectiveness and shall be conducted at least two times per school year by a certified observer who is employed or contracted by the commission; provided that the teaching staff shall use the assessment data and feedback to improve the quality of the learning environment; provided further that observations shall be used for the purposes of professional development and shall not be used for the purposes of teacher evaluation;
  - (C) Use of individual child formative assessments that are used for ongoing planning relating to all areas of child development and learning including cognitive, linguistic, social emotional approaches to learning, and health and physical development;
  - (D) Family engagement in partnership with charter schools, including conducting outreach for enrollment and engagement of families in their children's education in recognition of families' role as their child's first and most important teacher;
  - (E) Alignment with the Hawaii early learning and development standards, department standards, state content and performance standards, and general learner outcomes for grades kindergarten to twelve to facilitate a seamless educational experience for children;
  - (F) Requirements that any teacher shall have coursework in early childhood education pursuant to Hawaii teacher standards board licensing requirements for a prekindergarten teacher or be enrolled in a state-approved teacher education program and be working toward satisfying the Hawaii teacher standards board licensing requirements; and
  - (G) Requirements that any educational assistant has a current child development associate credential, coursework for a certificate that meets the requirements for child development associate credential preparation, or be enrolled in and working toward completing a program that prepares the individual to obtain the credential.
- (e) The commission shall monitor the implementation of the educational experience for children.
  - (f) The commission shall provide support to incorporate the standards developed pursuant to subsection (d), including support related to teacher-child interactions, early childhood learning environment, individual child assessments, and family engagement.
  - (g) Teaching staff participating in a program established pursuant to this section shall participate in coaching and mentoring and professional development opportunities offered through the commission; provided that the commission shall cover the associated travel and substitute teacher costs, contingent upon funding availability. The commission may extend this support, excluding travel and substitute teacher costs, to individuals who are not participating in the program to promote alignment between all grade levels, programs, and settings.
  - (h) School leaders shall attend professional development sessions related to P-3 (preschool to grade three) alignment offered through the commission. The commission shall cover the costs associated with travel and substitute teacher expenditures, contingent upon the availability of funding. The commis-

sion may extend this support, excluding travel and substitute teacher costs, to individuals who are not participating in the program to promote alignment between all grade levels, programs, and settings.

(i) The commission shall work with each charter school to develop and annually update a written three-year plan that promotes, within the school and community, alignment of and transitions between learning experiences, and report on the progress made toward the plan by the end of the school year.

(j) The commission shall coordinate with other agencies and programs to facilitate comprehensive services for early learning.

(k) The commission shall promote the development of a cohesive, comprehensive, and sustainable early learning system. The commission shall coordinate with other early learning providers, including those providing the programs and services, to promote alignment between prekindergarten and elementary school programs and to support children and their families in making successful transitions from prekindergarten into kindergarten.

(l) The commission shall adopt rules pursuant to chapter 91 for the purpose of this section.

(m) The commission shall submit a report to the legislature no later than twenty days prior to the convening of each regular session regarding state-funded early learning programs in charter schools. The report shall include, as related to each type of program:

- (1) The number and location of classrooms;
- (2) Sources of funding for each classroom;
- (3) Aggregated data reflecting the quality of teacher-child interactions relating to emotional support, classroom organization, and instructional support;
- (4) Aggregated data reflecting the quality of the early learning environment and the teacher-child interactions that maximize the learning opportunities of the environment; and
- (5) Aggregated student outcomes related to all areas of child development and learning, including cognitive, linguistic, social and emotional approaches to learning and health and physical development, as assessed using a formative assessment tool selected or approved by the commission.

This reported data shall be compiled from the previously state-funded school year.””

2. By amending section 8 to read:

“SECTION 8. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§346- **Prior early learning program information.** (a) The department shall establish or augment an existing database to collect and analyze information it receives from the department of education pursuant to sections 302A-A and 302A-B and the state public charter school commission pursuant to sections 302D-A and 302D-B and any other information the department may collect on all children in the State who are three to four years old and children who will not be at least five years of age on or before July 31 of the current school year.

(b) To the extent not prohibited by administrative rule or law, the department, department of education, public charter school commission, and executive office on early learning shall share any information gathered pursuant to sections 302A-A, 302A-B, 302D-A, and 302D-B with each other, along with any other information the department, department of education, or public charter school commission may collect on all children in the State who are three to four

years old and children who will not be at least five years of age on or before July 31 of the current school year.

(c) An organization whose mission is to strengthen the education pipeline from early childhood through postsecondary education and training with data-informed decision making, advocacy, and policy coordination may include, in the state longitudinal system, prior early learning program information from the department, executive office on early learning, department of education, Hawaii state public charter school commission, and department of health.

~~[(e)]~~ (d) Any procurement executed pursuant to this section shall be exempt from chapters 103D and 103F.””

3. By amending sections 11, 12, and 13 to read:

“SECTION 11. There is appropriated out of federal funds deposited in the state treasury the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 for the department of human services to expand its information technology system for the purpose of managing the information collected pursuant to this Act~~[-];~~ provided that the funds appropriated by this section shall not lapse at the end of the fiscal year for which they are appropriated; provided further that all moneys from the appropriation that are unencumbered as of June 30, 2023, shall lapse as of that date.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 12. Chapter 26, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

#### “PART . EARLY LEARNING

**§26- Benchmarks; duties.** (a) The department of human services and the executive office on early learning shall ensure access to learning through preschool programs that meet or exceed the following benchmarks:

- (1) Fifty per cent of all otherwise unserved children who are three to four years of age, or will not be at least five years of age on or before July 31 of the current school year, shall have access to enrollment in a preschool program by December 31, 2027; and
- (2) One hundred per cent of all children who are three to four years of age, or will not be at least five years of age on or before July 31 of the current school year, shall have access to enrollment in a preschool program by December 31, 2032.

The department of human services and the executive office on early learning shall submit an annual report to the legislature, no later than August 31 of each year, on the progress toward achieving the benchmarks until all children who are three to four years of age, or will not be at least five years of age on or before July 31 of the current school year, are enrolled in a preschool program.

(b) The department of human services and the executive office on early learning shall collaborate to identify the need for child care and early learning in geographic regions of the State and consider using public facilities including schools, libraries, and the ~~[university]~~ University of Hawaii system as locations for child care and early learning programs.

~~(c) The department of human services [may create programs and private sector delivery systems that can pose the essential information and policy questions, monitor the progress of the implementation of this part, and generate timely detailed reports to the extent allowable by law.] shall work jointly with the executive office on early learning to monitor the progress of implementing the early care and education sector programs. No later than twenty days prior to the convening of the regular sessions of 2025, 2026, and 2027, the department~~

of human services and the executive office on early learning shall submit to the legislature a joint report on the progress of implementing the early care and education sector programs.

(d) The department of human services shall facilitate and support data sharing among public and private entities to the extent not otherwise prohibited by law or rule.”

SECTION 13. Section 27-7, Hawaii Revised Statutes, is amended to read as follows:

**16“§27-7 Departmental data sharing.** (a) The department of education, the executive office on early learning, the University of Hawaii, the department of labor and industrial relations, the department of human services, and other state agencies, as appropriate, shall share data through the statewide longitudinal data system to support research and evaluation that will improve [educational and workforce] outcomes [and meet the longitudinal data requirements of the federal American Recovery and Reinvestment Act of 2009, as amended.] throughout the early education to workforce pipeline. The data to be shared shall be determined jointly by the department of education, the executive office on early learning, the University of Hawaii, the department of labor and industrial relations, the department of human services, and other state agencies, as appropriate, and shall be shared no less than annually.

(b) The department of education, the executive office on early learning, the University of Hawaii, the department of labor and industrial relations, the department of human services, and other state agencies, as appropriate, shall share data in a manner that safeguards the confidentiality of student education records, as defined by the federal Family Educational Rights and Privacy Act, and workforce data, as provided by applicable federal and state laws, rules, and regulations.

(c) All data shared by or with the department of human services, department of education, public charter school authorizers, public charter schools, executive office on early learning, and other entities as required by statute shall be subject to any administrative rule regarding privacy adopted by the department or agency that collected the data.

(d) The department of education, the executive office on early learning, the University of Hawaii, the department of labor and industrial relations, the department of human services, and other state agencies, as appropriate, shall ~~[establish a data governance and access committee that meets on a quarterly basis to]~~ partner to collectively govern the statewide longitudinal data system and determine protocols to:

- (1) Prioritize analyses and research questions that will provide information to improve educational and workforce outcomes and policies; and
  - (2) Approve requests for access to data provided by the department of education, the executive office on early learning, the University of Hawaii, the department of labor and industrial relations, the department of human services, and other state agencies, as appropriate.
- (e) All state agency directors shall consider sharing data for the statewide longitudinal data system.””

4. By amending sections 15 and 16 to read:

“SECTION 15. There is appropriated out of the Hawaiian early learning trust fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 for the purpose of assisting Ka Haka Ula O Keelikolani, in partnership with the Imiloa astronomy center and other public or private partners as appropriate or required by law, to build two or more classrooms for Hawaiian language medium pre-kindergarten programs that shall be used to

establish a pathway for the development of other Hawaiian language medium pre-kindergarten and Hawaiian language immersion classes[-]; provided that no funds shall be made available to a program under this section unless the program is licensed by the department of human services for the purposes of health and safety.

The sum appropriated shall be expended by the [university] University of Hawaii at Hilo for the purposes of this Act.

SECTION 16. The standards, assessments, performance ratings, staff qualifications, and staff training requirements established by this Act shall not apply to any laboratory school program of the Hawaiian language college at the [university] University of Hawaii at Hilo until July 1, 2026[-]; provided that all child care centers at any applicable college shall be licensed by the department of human services prior to accepting children into care."

5. By amending section 21 to read:

"SECTION 21. This Act shall take effect upon approval; provided that:

- (1) Sections 10, 11, 15, and 18 shall take effect on July 1, 2020;
- (2) Section 2; sections 302D-A and 302D-B, Hawaii Revised Statutes, as set forth in section 3; [~~section 8~~]; and section 13 shall take effect on July 1, [~~2022~~]; 2023;
- (3) Section 12 shall take effect on July 1, 2024."

SECTION 10. The Hawaii early childhood educator special fund established in section 302L-B, Hawaii Revised Statutes, shall be abolished and repealed on June 30, 2023, and any unencumbered remaining balances shall lapse to the general fund.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$98,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 for one full-time equivalent (1.0 FTE) position to coordinate, staff, and facilitate the implementation of Act 46, Session Laws of Hawaii 2020, which will report to the early learning board.

The sums appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 12. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 14. This Act shall take effect upon its approval; provided that:

- (1) Section 5 shall be repealed on July 1, 2022, and section 302L-7, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act;
- (2) Section 6 shall be repealed on July 1, 2024, and section 346-181, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act; and
- (3) Section 11 shall take effect on July 1, 2021.

(Approved July 6, 2021.)

#### Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.