



GOV. MSG. NO. 1037

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 10, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB613 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB613 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO EDUCATION.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 613, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 613 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 613 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 25th  
day of June, 2007.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 613

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 613, entitled "A Bill for an Act Relating to Education."

This bill is objectionable because it prematurely requires the Department to make changes in early childhood education programs prior to the completion of the work of the legislatively mandated Early Learning Educational Task Force set up pursuant to Act 259 of 2006.

This bill directs the Department of Education to conduct an assessment on an individual kindergarten or junior kindergarten student's readiness for grade one based on a range of characteristics that will be developed by the Department. However, the Department of Education believes it will not be able to comply with this requirement and develop the assessment tool within the time constraints imposed by this measure.

Additionally, this bill directs the Department of Education to report to the Legislature before the regular

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 613  
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session of 2008 on the planning and development of the appropriate curriculum for junior kindergarten and to submit its findings and recommendations on the planned junior kindergarten curricula, successful models, and assessments to be used in the placement of junior kindergarten and kindergarten students in the first grade, as well as the facilities to be used for junior kindergarten. Again, the Department of Education has stated that this deadline is unrealistic and that it will not be able to comply.

For the foregoing reasons, I am returning Senate Bill No. 613 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE  
Governor of Hawaii

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

**PART I**

SECTION 1. The legislature finds that, according to a 2006 junior kindergarten pilot program evaluation report commissioned by the Hawaii Educational Policy Center, additional funding and support are needed to implement a flexible, developmentally-appropriate junior kindergarten program for young children. Specifically, the junior kindergarten program sets as a goal the requirements that qualified teaching professionals who will implement developmentally-appropriate standards, curricula, and assessments, will teach classroom environments of one adult for every ten students.

SECTION 2. The purpose of this Act is to increase the supply and enhance the quality of early childhood education opportunities for young children in the State by:

- (1) Requiring the department of education to encourage and enable inclusionary classes with both special



education eligible and general education students  
three to five years of age;

(2) Promoting developmentally-appropriate junior  
kindergarten and kindergarten programs with  
appropriate student-to-teacher ratios, standards,  
curricula, and assessments;

(3) Supporting the preparation and professional  
development of early childhood educators and  
administrators; and

(4) Increasing the availability of facilities for early  
childhood education programs through the  
identification of unused public school facilities.

## PART II

SECTION 3. Section 302A-410, Hawaii Revised Statutes, is  
amended to read as follows:

"§302A-410 Quality early education plan. (a) The  
department plan for quality early education shall focus on  
children from ages four up to six years.

(b) The board shall adopt standards and criteria for  
quality early education based on current national standards and  
the needs of Hawaii's children. The standards and criteria  
shall provide the basis upon which the early education plan  
shall be developed.



1 (c) The department [~~of education~~] shall work cooperatively  
2 with the department of human services, the department of health,  
3 college level education programs, early education organizations,  
4 parents of young children, and other appropriate organizations,  
5 in developing a quality early education plan. The plan shall  
6 include but not be limited to the following:

- 7 (1) Standards for curriculum, activities, facilities, and  
8 teacher training for early childhood education;
- 9 (2) Methods and materials designed to involve and educate  
10 parents and guardians in the education and development  
11 of their young children;
- 12 (3) A timetable and implementation schedule, approved by  
13 the board, to be submitted to the governor and the  
14 legislature;
- 15 (4) Costs for delivery of early childhood services,  
16 including how costs can be shared between the public  
17 and private sectors; and
- 18 (5) Assessment of training and certification capacity of  
19 teachers, including assurances by teacher training  
20 institutions to recruit and graduate qualified staff  
21 for early childhood education.

22 (d) Early education shall be delivered through private  
23 providers to the maximum extent possible, and provision shall be



1 made to enable parents and guardians to opt for home care if  
2 they so choose by providing early childhood education resources  
3 in each school for in-home use.

4 (e) The department shall collaborate with parents and  
5 private providers to encourage and enable inclusionary classes  
6 with both special education eligible and general education  
7 students three to five years of age, subject to available  
8 resources and individualized education plans, including  
9 consideration of the following options:

10 (1) Special education eligible preschool children may  
11 receive services in private preschool programs located  
12 both on departmental school sites and in the community  
13 if required by their individualized education program;

14 (2) The facilities for providing early education offer a  
15 variety of possibilities by working with partnership  
16 options between the public and private offers;

17 (3) Special education personnel may provide services at  
18 any site as provided in the individualized education  
19 plans process; and

20 (4) Departmental special education preschool personnel may  
21 provide services to general education preschool  
22 students in their special education preschool  
23 classrooms.



1        [~~(e)~~] (f) Beginning with the 1997-1998 school year, this  
2 section shall be interpreted as though the term "certification"  
3 read "licensing", as the term is used in part III, subpart D,  
4 and as circumstances require."

5        SECTION 4. Section 302A-411, Hawaii Revised Statutes, is  
6 amended to read as follows:

7        "**§302A-411 Junior kindergarten and kindergarten program;**  
8 **establishment; attendance.** (a) The department shall establish  
9 and maintain junior kindergartens and kindergartens with a  
10 program of instruction as a part of the public school system;  
11 provided that:

12        (1) Attendance shall not be mandatory; and

13        (2) Charter schools shall be excluded from mandatory  
14 participation in the program.

15        (b) The department's kindergarten report card shall assess  
16 an individual junior kindergarten or kindergarten student's  
17 readiness for grade one based on a range of characteristics.

18        [~~(b)~~] (c) The department shall establish a two-tier junior  
19 kindergarten and kindergarten program to support the range of  
20 developmental abilities of children in junior kindergarten and  
21 kindergarten. Any school may move students between junior  
22 kindergarten and kindergarten as the school deems appropriate.  
23 Junior kindergarten students may graduate directly to grade one.



1        (d) The program shall include instructional strategies for  
2 junior kindergarten and kindergarten students that meet the  
3 needs and abilities of students.

4        (e) The program shall include any or all of the following  
5 models:

- 6            (1) Classrooms composed exclusively of either junior  
7            kindergarten or kindergarten students;  
8            (2) Coordination with public, private, or public-private  
9            entities to address the needs of junior [~~kindergarten-~~  
10           ~~eligible~~] kindergarten and preschool-age special  
11           education students within the school's community; and  
12           (3) The blending of junior kindergarten and kindergarten  
13           students in a single classroom.

14        [~~(e)~~] (f) Beginning with the 2004-2005 school year, a  
15 child who will be at least five years of age on or before  
16 December 31 of the school year may attend a public school  
17 kindergarten. Beginning with the 2006-2007 school year, a child  
18 who will be at least five years of age on or before August 1 of  
19 the school year may attend a public school kindergarten.  
20 Beginning with the 2006-2007 school year, a child who will be at  
21 least five years of age after August 1 and before January 1 of  
22 the school year may attend a public school junior kindergarten.



1        (g) The department may give preference to qualified  
2 teachers to be placed in junior kindergarten and kindergarten  
3 programs beginning in the 2008-2009 school year, who have early  
4 childhood education credentials and experience as follows:

5        (1) Early childhood education, program level PK-3, as  
6 licensed by the Hawaii teacher standards board;

7        (2) Elementary education, program level K-6, as licensed  
8 by the Hawaii teacher standards board, with additional  
9 coursework leading to a certificate in early childhood  
10 education; or

11       (3) Special education, program level K-12, as licensed by  
12 the Hawaii teacher standards board, with additional  
13 coursework leading to a certificate in early childhood  
14 education;

15 provided that the preference shall not violate any collective  
16 bargaining agreement executed between the public employer and  
17 the exclusive representative of bargaining unit (5). The  
18 department shall ensure that school administrators of junior  
19 kindergarten and kindergarten programs receive professional  
20 development in best practices for effective leadership of all  
21 kindergarten programs.

22       ~~[(d)]~~ (h) The department may accept gifts to establish and  
23 maintain junior kindergartens and kindergartens."



1 SECTION 5. The department of education, no later than  
2 twenty days prior to the convening of the regular session of  
3 2008, shall:

4 (1) Complete the planning and development of the  
5 appropriate curriculum for the junior kindergarten  
6 program; and

7 (2) Submit its findings and recommendations to the  
8 legislature on the planned junior kindergarten  
9 curricula, successful models, and assessments to be  
10 used in the placement and movement of students between  
11 junior kindergarten, kindergarten, and first grade, as  
12 well as facilities to be used for junior kindergarten.

13 PART III

14 SECTION 6. The legislature recognizes that a 2002 public-  
15 private initiative entitled "pre-plus" resulted in the  
16 development of seventeen additional preschool classroom  
17 facilities on public elementary school campuses. The department  
18 of education, department of human services, and department of  
19 accounting and general services collaborated with private early  
20 childhood education providers to increase the availability of  
21 early education opportunities for over three hundred fifty  
22 four-year-old children with high needs. However, more support  
23 is needed to increase the supply of suitable classrooms for



1 early childhood programs statewide by expanding existing  
2 pre-plus facilities on public school campuses, increasing the  
3 number of public school campuses with pre-plus facilities, and  
4 creating off-campus pre-plus facilities through the involvement  
5 of and partnerships with the private sector.

6 SECTION 7. Chapter 302A, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§302A- Early childhood education facilities; pre-plus.

10 (a) There is established the pre-plus program. The department  
11 and the department of human services shall work collaboratively  
12 to develop suitable pre-plus classrooms on department campuses  
13 statewide, including conversion charter school campuses, for  
14 early childhood education programs serving preschool-age  
15 children between three and five years of age.

16 (b) The department shall coordinate site selection for  
17 public school sites, with priority given to public school sites  
18 that serve students predominantly of low socio-economic status  
19 or with special needs who require full-inclusion opportunities,  
20 or schools that are in restructuring under the federal No Child  
21 Left Behind Act."

22 SECTION 8. Section 302A-1506.5, Hawaii Revised Statutes,  
23 is amended to read as follows:



1 "[-]§302A-1506.5[-] Early childhood education facilities;  
2 identifying sites. (a) The department of education shall  
3 identify unused public school facilities for use by early  
4 childhood education programs. Suitable empty classrooms, as  
5 determined by the department, shall be inventoried for potential  
6 use in early childhood education programs. Priority shall be  
7 given to facilities on sites with sufficient space for three or  
8 more classrooms to be renovated or constructed.

9 (b) The department shall assist in the identification of  
10 possible construction sites for private providers to build early  
11 childhood education facilities.

12        (c) The department shall submit an annual report to the  
13        legislature no later than twenty days prior to the convening of  
14        each regular session on:

15        (1)    The number of classrooms that would be suitable for  
16                early childhood education programs; and  
17        (2)    The cost of renovating these classrooms to meet early  
18                childhood education standards."

## 19 PART IV

20 SECTION 9. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 10. This Act shall take effect on July 1, 2007.

