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# A BILL FOR AN ACT

RELATING TO EARLY LEARNING.

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

1 PART I

2 PURPOSE

3 SECTION 1. The legislature reaffirms its findings in Act  
4 51, Session Laws of Hawaii 2004, that:

5 *[A]lthough many responsibilities are laid upon education,*  
6 *ultimately education must do no less than advance the*  
7 *endowment of human culture itself, so that each succeeding*  
8 *generation finds itself further along the road towards*  
9 *peace, social justice, and environmental sustainability in*  
10 *a society guided by creativity, compassion, and curiosity.*

11 The legislature finds that Hawaii's children, starting at birth,  
12 need support and guidance from parents, caregivers, and teachers  
13 to reach their full potential as citizens. As a report released  
14 in 2007 by the National Scientific Council on the Developing  
15 Child, *The Science of Early Childhood Development, Closing the*  
16 *Gap Between What We Know and What We Do*, so aptly states:

17 *The future of any society depends on its ability to*  
18 *foster the health and well-being of the next*



1        *generation. Stated simply, today's children will*  
2        *become tomorrow's citizens, workers, and parents.*  
3        *When we invest wisely in children and families, the*  
4        *next generation will pay that back through a lifetime*  
5        *of productivity and responsible citizenship. When we*  
6        *fail to provide our children with what they need to*  
7        *build a strong foundation for healthy and productive*  
8        *lives, we put our future prosperity and security at*  
9        *risk.*

10       *Yet, many of Hawaii's children lack the fundamental skills*  
11       *they should have when they enter kindergarten, a problem for*  
12       *which our state, let alone society as a whole, cannot afford a*  
13       *delayed response. From Neurons to Neighborhoods, a report*  
14       *developed by a committee of seventeen national experts in the*  
15       *fields of education, psychiatry, neuroscience, economics, and*  
16       *public policy, found that:*

17       *[S]triking disparities in what children know and can*  
18       *do are evident well before they enter kindergarten.*  
19       *These differences are strongly associated with social*  
20       *and economic circumstances, and they are predictive of*  
21       *subsequent academic performance.*



1 Research has confirmed that a large gap exists between the  
2 academic abilities of high- and low-income children by age six:  
3 the latter "lag further behind in acquiring more sophisticated  
4 reading and math knowledge and skills such as recognizing words  
5 by sight or solving simple addition and subtraction problems"  
6 (National Child Care Association, 2002).

7 The gap can be closed by building an early learning system  
8 for Hawaii. Decades of research have determined that  
9 investments in high-quality early learning systems, grounded on  
10 the collective involvement of parents, caregivers, and teachers,  
11 produce significant, long-term benefits for all children. These  
12 benefits include improved school success, reduced dropout rates,  
13 reduced crime, and increased workforce preparedness and  
14 productivity.

15 Thirty-six states now offer some type of publicly-funded  
16 preschool program. Two states, Oklahoma and Georgia, have  
17 established preschool systems for all four-year-olds statewide,  
18 and New York, Florida, and Illinois are in the process of  
19 establishing similar systems.

20 Hawaii is now one of only a few states in the nation that  
21 lacks a state-sponsored early learning system, despite the fact  
22 that it was one of the leaders in providing universal access for



1 kindergarten and providing in 2001 a definition for "school  
2 readiness," which acknowledged the joint responsibility of  
3 families, schools, and communities in preparing children for  
4 lifelong learning. The legislature also acknowledges the  
5 significant milestones achieved thus far in promoting young  
6 children's development and school readiness through public and  
7 private efforts:

- 8 (1) Hawaii's healthy start program provides home visiting  
9 support to 2,400 at-risk children each year, and head  
10 start and early head start programs currently serve  
11 over 3,000 low-income children;
- 12 (2) Publicly-funded subsidies make private child care and  
13 early learning programs more accessible to many other  
14 children in need;
- 15 (3) Local philanthropic educational organizations, such as  
16 Kamehameha Schools, operate and otherwise contribute  
17 to a full spectrum of early learning services for  
18 children from birth until the time they enter  
19 kindergarten; and
- 20 (4) The United States Department of Defense has developed  
21 a nationally-renowned quality child care system that  
22 incorporates measures of accountability and offers



1 technical support, and is available to share its  
2 expertise with local communities.

3 However, the current landscape of Hawaii's early learning  
4 services remains highly fragmented and lacks cohesiveness. Act  
5 77, Session Laws of 1997, created a public-private partnership  
6 to build a coordinated system of early childhood care and  
7 education, but lacked sufficient authority, resources, and  
8 accountability to reach its intended goal.

9 The current array of services and expertise form the basis  
10 for further development and integration into an early learning  
11 system that better serves Hawaii's young children and their  
12 families. The legislature finds that the state needs a  
13 comprehensive, cohesive, and sustainable early learning system  
14 that ensures a spectrum of quality early learning opportunities  
15 for young children from birth until the time they enter  
16 kindergarten. It is vital that the early learning system be  
17 widely accessible and provide high-quality education and  
18 services that are preschool content standards-based and require  
19 accountability, all the while maintaining sensitivity to family  
20 choice and cultural elements.

21 In 2006, the 23<sup>rd</sup> legislature passed Act 259, establishing  
22 the early learning educational task force, a diverse group of



1 public and private stakeholders given the mission to develop a  
2 five-year plan for an early learning system. This Act takes  
3 into consideration the findings and recommendations of the task  
4 force.

5 The purpose of this Act is to help Hawaii's children  
6 succeed upon entry into kindergarten by:

- 7 (1) Establishing an early learning system to be known as  
8 keiki first steps;
- 9 (2) Creating the early learning council to develop and  
10 administer the state's early learning system; and
- 11 (3) Establishing the three- and four-year-old program.

12 PART II

13 EARLY LEARNING SYSTEM

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

17 "CHAPTER

18 EARLY LEARNING SYSTEM

19 § -1 **Definitions.** As used in this chapter, unless the  
20 context otherwise requires:

21 "At-risk children" means children who, because of their  
22 home and community environment, are subject to language,



1 cultural, economic, and other disadvantages that cause them to  
2 be at risk for academic failure, including children:

3 (1) Who are eligible for special education services;

4 (2) Who are English as a second language learners;

5 (3) Who reside within a public school district,  
6 established under chapter 302A, that is in need of  
7 improvement based on the criteria of the federal No  
8 Child Left Behind Act of 2001 (Public Law 107-110), as  
9 amended; or

10 (4) Whose family income is no more than two hundred fifty  
11 per cent of the federal poverty level.

12 "Center-based" describes programs in which early childhood  
13 education and care services are provided in a facility,  
14 including private preschools, child care centers, and head start  
15 programs, licensed by the department of human services.

16 "Council" means the early learning council established  
17 pursuant to this chapter.

18 "Family child care program" means a program in which a  
19 child is cared for in a family child care home, as defined in  
20 section 502C-1.

21 "Family-child interaction learning program" means a program  
22 attended by both a child and at least one of the child's family



1 members, that facilitates family-child interactive learning  
2 experiences for children and educates the family member or  
3 members about how to encourage their child's learning.

4       §   -2 **Early learning system; keiki first steps.** There is  
5 established an early learning system, to be known as keiki first  
6 steps, that shall ensure a spectrum of quality early learning  
7 opportunities for children throughout the state, from birth  
8 until the time they enter kindergarten, to be developed and  
9 administered by the early learning council to the extent  
10 permissible by law. The early learning system shall:

11       (1) Be voluntary and widely accessible;

12       (2) Be a comprehensive system in which:

13           (A) All existing programs and services, whether  
14               publicly- or privately-run, which consist of a  
15               variety of early learning approaches, service  
16               deliveries, and settings, including center-based  
17               programs, family child care programs, family-  
18               child interaction learning programs, home-based  
19               instruction programs, and home visiting services  
20               designed to promote early childhood development  
21               and early learning, are coordinated;

22           (B) Public and private resources are maximized; and





1 (C) The use of public facilities for either publicly-  
2 or privately-run early learning programs is  
3 maximized;

4 (3) Provide high-quality early childhood development and  
5 early learning experiences with standards-based  
6 content, curriculum, and accountability, and  
7 sufficient numbers of well-qualified educators and  
8 administrators who are fairly compensated and have  
9 access to continuing professional development;

10 (4) Offer opportunities for parent and community  
11 engagement and parent education and support; and

12 (5) Be sensitive to family choice and cultural diversity.

13 § -3 **Early learning council.** (a) There is established  
14 an early learning council which shall be attached to the  
15 department of education for administrative purposes only,  
16 notwithstanding any other law to the contrary. To the extent  
17 permissible by law, the council shall develop a comprehensive,  
18 cohesive, and sustainable early learning system of voluntary  
19 educational programs and services to benefit all children  
20 throughout the state, from birth until the time they enter  
21 kindergarten. In developing the early learning system, the  
22 council shall, among other things:



- 1           (1) Establish policies and procedures governing its  
2           operations;
- 3           (2) Develop a plan, with goals and objectives, for the  
4           early learning system, including the development,  
5           execution, and monitoring of a phased implementation  
6           plan;
- 7           (3) Coordinate, improve, and expand upon existing programs  
8           and services for children from birth until the time  
9           they enter kindergarten;
- 10          (4) Establish policies and procedures governing the  
11          inclusion and establish additional programs and  
12          services;
- 13          (5) Develop incentives to enhance the quality of programs  
14          and services within the early learning system;
- 15          (6) Coordinate efforts to develop a highly-qualified,  
16          stable, and diverse workforce, including:
- 17            (A) Ensuring that more early childhood educators and  
18            administrators, existing or potential, have  
19            opportunities to receive early childhood  
20            education degrees, including offering higher  
21            education scholarships;



- 1 (B) Increasing the availability of early childhood  
2 education coursework, including distance learning  
3 courses and community-based early childhood  
4 education training;
- 5 (C) Providing access to continuing professional  
6 development for all educators and administrators;
- 7 (D) Providing consultation on the social-emotional  
8 development of children;
- 9 (E) Establishing a system for awarding appropriate  
10 credentials to educators and administrators, as  
11 incentives to improve the quality of programs and  
12 services, relevant to the various early learning  
13 approaches, service deliveries, and settings,  
14 such as for experience or coursework or degrees  
15 completed; and
- 16 (F) Providing substitute teacher allowances;
- 17 (7) Develop and implement methods of maximizing the  
18 involvement of parents, caregivers, and teachers in  
19 the early learning system;
- 20 (8) Develop an effective, comprehensive, and integrated  
21 system to provide training and technical support to  
22 programs and services within the early learning



- 1 system, and developing standards of accountability  
2 within the early learning system to ensure that  
3 quality standards are met;
- 4 (9) Determine the appropriate proportion of state funds  
5 that should be distributed to programs and services  
6 across the early learning system, to ensure the most  
7 effective and efficient allocation of fiscal resources  
8 within the early learning system;
- 9 (10) Collect, interpret, and release data relating to early  
10 learning in the state; and
- 11 (11) Promote awareness of early learning opportunities to  
12 families and the general public.
- 13 (b) The council shall consist of the following members:
- 14 (1) The superintendent of education or the  
15 superintendent's designee;
- 16 (2) The director of human services or the director's  
17 designee;
- 18 (3) The director of health or the director's designee;
- 19 (4) The president of the University of Hawaii or the  
20 president's designee;
- 21 (5) Two representatives of center-based child care program  
22 providers;



1 (6) A representative of non-center-based child care  
2 program providers;

3 (7) A representative of philanthropic organizations that  
4 support early learning; and

5 (8) Two representatives of the Association of Mayors.

6 Except for the superintendent of education, directors of state  
7 departments, and the president of the University of Hawaii, or  
8 their designees, the members shall be appointed by the governor.

9 In addition, the council shall invite the director of the  
10 head start collaboration office, the chief executive officer of  
11 the Kamehameha Schools, and the executive director of the Hawaii  
12 Association of Independent Schools, or their designees, to serve  
13 as members of the council.

14 (d) The council shall select a chairperson by a majority  
15 vote of its members; provided that the chairperson shall be a  
16 representative from the private sector. A majority of the  
17 council shall constitute quorum to do business. The concurrence  
18 of a majority of all the members to which the council is  
19 entitled shall be necessary to make any action of the council  
20 valid.

21 (e) Except for the superintendent of education, directors  
22 of state departments, and the president of the University of



1 Hawaii, or their designees, members of the council shall serve  
2 staggered terms as follows:

3 (1) Of the two representatives of center-based child care  
4 program provides, one shall serve a two-year term and  
5 the other shall serve a three-year term;

6 (2) The representative of non-center-based child care  
7 program providers shall serve a three-year term;

8 (3) The representative of philanthropic organizations that  
9 support early learning shall serve a two-year term;  
10 and

11 (4) Of the two representatives of the Association of  
12 Mayors, one shall serve a two-year term and the other  
13 shall serve a three-year term.

14 (f) The council may form workgroups and subcommittees,  
15 including with individuals who are not council members, to:

16 (1) Obtain resource information from early learning  
17 professionals and other individuals as deemed  
18 necessary by the council;

19 (2) Make recommendations to the council; and

20 (3) Perform other functions as deemed necessary by the  
21 council to fulfill its duties and responsibilities.



1 The workgroups and subcommittees shall be exempt from chapter  
2 92.

3 (g) Members of the council shall serve without  
4 compensation but shall be reimbursed for expenses, including  
5 travel expenses, necessary for the performance of their duties.

6 (h) The council shall appoint, exempt from chapter 76, an  
7 executive director who shall serve at the pleasure of the  
8 council and whose duties shall be set by the council. The  
9 executive director may also appoint other personnel, exempt from  
10 chapters 76 and 89, to work directly for the executive director.

11 (i) The council may contract with any state agencies to  
12 administer various components, programs, and services of the  
13 early learning system.

14 (j) The council may require reports as necessary in the  
15 form specified by the council, from state agencies and programs  
16 and services of the early learning system.

17 (k) The council shall submit to the legislature no later  
18 than twenty days prior to the convening of each regular session,  
19 a report regarding:

20 (1) Its progress; and

21 (2) The status of the early learning system in the state.



1           §    -4   **Three- and four-year-old program; establishment.**

2   (a)       There is established the three- and four-year-old  
3   program, as part of keiki first steps, to be developed by the  
4   council and administered by the department of human services.  
5   The program shall focus on the coordination, improvement, and  
6   expansion of existing programs and services, with priority to  
7   underserved or at-risk children.

8       (b)    Grants; eligibility criteria. The department of human  
9   services may award grants to early learning programs and  
10   services that serve three- and four-year-old children and meet  
11   the criteria developed by the council pursuant to this section.

12       The council shall develop criteria for the awarding of  
13   grants by the department of human services for three- and four-  
14   year-old program services and programs. Eligible programs and  
15   services may be publicly- or privately-run, and consist of a  
16   variety of early learning approaches, service deliveries, and  
17   settings, including center-based programs, family child care  
18   programs, family-child interaction learning programs, home-based  
19   instruction programs, and home visiting services designed to  
20   promote early childhood development and early learning.

21       The criteria shall include the requirement that programs  
22   and services meet certain standards of quality, including:





- 1 (1) The implementation of evidence-based and culturally
- 2 responsive models of service delivery;
- 3 (2) Minimum scheduling requirements, as follows:
- 4 (A) For center-based prekindergarten programs:
- 5 providing services for a full school day and full
- 6 school year;
- 7 (B) For family child care programs: providing
- 8 services for three hours daily for a full school
- 9 year;
- 10 (C) For family-child interaction learning programs
- 11 operating in classroom-like settings: providing
- 12 early learning activities at least twice a week
- 13 for a full school year, and for a minimum of
- 14 three hours each day; and
- 15 (D) For home-based instruction programs: providing
- 16 early learning activities for no fewer than
- 17 weeks within a school year;
- 18 (3) The use of evidence-based curricula and methods;
- 19 (4) Staff-to-child ratios and group size that meet or
- 20 exceed nationally recommended standards;
- 21 (5) The employment of teachers and administrators who meet
- 22 the qualifications required by the council;



1 (6) The incorporation of preschool content standards or  
2 other early learning guidelines;

3 (7) The implementation of health and developmental  
4 screenings for children;

5 (8) Opportunities for parent or family engagement and  
6 parent education and support; and

7 (9) Activities for monitoring and data collection to  
8 evaluate programs and services and inform best  
9 practices.

10 (c) Training; technical assistance; monitoring. The  
11 department of human services:

12 (1) May offer technical support to; and

13 (2) Shall be responsible for monitoring to ensure  
14 accountability,

15 programs and services within the three- and four-year-old  
16 program, using the system developed by the council.

17 § -5 **Keiki first steps trust fund.** There is established  
18 within the state treasury a trust fund to be known as the keiki  
19 first steps trust fund, to be administered by the department of  
20 education. All moneys received by the council in the form of  
21 fees, fines, grants, donations, or revenues regardless of their  
22 source, and earnings on moneys in the fund, shall be deposited



1 into the fund. Moneys in the fund shall be used for the  
2 expenses of the council and early learning system."

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2008-2009 to support  
6 the early learning system and operations of the early learning  
7 council, including:

- 8 (1) The establishment of one full-time equivalent (1.00  
9 FTE) permanent position for the executive director of  
10 the early learning council and full-time  
11 equivalent ( FTE) permanent support positions;
- 12 (2) Supplies; and
- 13 (3) Travel expenses.

14 The sum appropriated shall be expended by the early  
15 learning council for the purposes of this part.

16 SECTION 4. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so much  
18 thereof as may be necessary for fiscal year 2008-2009 for the  
19 three- and four-year-old program.

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



PART III

SECTION 5. Section 302A-410, Hawaii Revised Statutes, is repealed.

~~["§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.~~

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

~~(1) Standards for curriculum, activities, facilities, and teacher training for early childhood education;~~

~~(2) Methods and materials designed to involve and educate parents and guardians in the education and development of their young children;~~



1 ~~(3) A timetable and implementation schedule, approved by~~  
2 ~~the board, to be submitted to the governor and the~~  
3 ~~legislature;~~

4 ~~(4) Costs for delivery of early childhood services,~~  
5 ~~including how costs can be shared between the public~~  
6 ~~and private sectors; and~~

7 ~~(5) Assessment of training and certification capacity of~~  
8 ~~teachers, including assurances by teacher training~~  
9 ~~institutions to recruit and graduate qualified staff~~  
10 ~~for early childhood education.~~

11 ~~(d) Early education shall be delivered through private~~  
12 ~~providers to the maximum extent possible, and provision shall be~~  
13 ~~made to enable parents and guardians to opt for home care if~~  
14 ~~they so choose by providing early childhood education resources~~  
15 ~~in each school for in-home use.~~

16 ~~(e) Beginning with the 1997-1998 school year, this section~~  
17 ~~shall be interpreted as though the term "certification" read~~  
18 ~~"licensing", as the term is used in part III, subpart D, and as~~  
19 ~~circumstances require." ]~~



## 1 PART IV

## 2 EARLY LEARNING FACILITIES

3 SECTION 6. Chapter 346, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§346- Early childhood education facilities; pre-plus.

7 (a) There is established the pre-plus program within the  
8 department to expand access to affordable and quality early  
9 childhood education for three- to four-year-old children from  
10 low-income families, by allowing preschool programs to be set up  
11 on public school campuses through public-private partnerships.  
12 The department and the department of education shall work  
13 collaboratively to develop suitable pre-plus classrooms on  
14 department of education campuses statewide, including conversion  
15 charter school campuses, for programs in the early learning  
16 system established by chapter , serving children between  
17 birth until the time they enter kindergarten.

18 (b) The department, with the department of education,  
19 shall coordinate site selection for public school sites, with  
20 priority given to public school sites that serve at-risk  
21 children as defined in section -1."



1 SECTION 7. Section 302A-1506.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 "[+]§302A-1506.5[+] **Early childhood education facilities;**

4 **identifying sites.** (a) The department of education shall  
5 identify unused public school facilities for use by early  
6 childhood education programs. Suitable empty classrooms, as  
7 determined by the department, shall be inventoried for potential  
8 use in early childhood education programs. Priority shall be  
9 given to facilities on sites with sufficient space for three or  
10 more classrooms to be renovated or constructed.

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

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

17 (1) The number of classrooms that would be suitable for  
18 programs in the early learning system established by  
19 chapter \_\_\_\_\_; and

20 (2) The cost of renovating these classrooms to meet the  
21 standards of programs in the early learning system."



1 PART V

2 MISCELLANEOUS

3 SECTION 8. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect on July 1, 2020.





**Report Title:**

Early Learning System; Early Learning Council

**Description:**

Establishes an early learning system in the state. Creates the Early Learning Council to develop and administer the early learning system. Establishes the Three- and Four-year-old Program. (SB2878 HD1)

