
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 families, caregivers, and
13 teachers to reach their full potential as citizens. As a report
14 released in 2007 by the National Scientific Council on the
15 Developing Child, *The Science of Early Childhood Development,*
16 *Closing the Gap Between What We Know and What We Do,* so aptly
17 states:



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

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

19 *[S]triking disparities in what children know and can*
20 *do are evident well before they enter kindergarten.*

21 *These differences are strongly associated with social*



1 *and economic circumstances, and they are predictive of*
2 *subsequent academic performance.*

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

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

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



1 Hawaii is now one of only a few states in the nation that
2 lacks a state-sponsored early learning system, despite the fact
3 that it was one of the leaders in providing universal access for
4 kindergarten and providing in 2001 a definition for "school
5 readiness," which acknowledged the joint responsibility of
6 families, schools, and communities, in preparing children for
7 lifelong learning. The legislature also acknowledges the
8 significant milestones achieved thus far in promoting young
9 children's development and school readiness through public and
10 private efforts:

11 (1) Hawaii's healthy start program provides home visiting
12 support to 2,400 at-risk children each year, and head
13 start and early head start programs currently serve
14 over 3,000 low-income children;

15 (2) Publicly-funded subsidies provided by the department
16 of human services -- including the preschool open
17 doors program that serves four-year-old children, and
18 the subsidies provided to eligible parents and
19 caregivers using federal funds from the child care
20 development block grant and temporary assistance to
21 needy families block grant -- make private child care



1 and early learning programs more accessible to many
2 children in need;

3 (3) Other programs of the department of human services
4 have increased both the quality and quantity of child
5 care services, including the pre-plus program which
6 operates at 16 department of education elementary
7 schools throughout the state, and the child care
8 capacity building and quality incentive payments
9 program which supports professional development and
10 increased capacity at private preschools;

11 (4) Local philanthropic educational organizations, such as
12 Kamehameha Schools, operate and otherwise contribute
13 to a full spectrum of early learning services for
14 children from birth until the time they enter
15 kindergarten; and

16 (5) The United States Department of Defense has developed
17 a nationally-renowned quality child care system that
18 incorporates measures of accountability and offers
19 technical support, and is available to share its
20 expertise with local communities.

21 However, the current landscape of Hawaii's early learning
22 services remains highly fragmented and lacks cohesiveness. Act



1 77, Session Laws of 1997, created a public-private partnership
2 to build a coordinated system of early childhood care and
3 education, but it lacked sufficient authority, resources, and
4 accountability to reach its intended goal.

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

17 In 2006, the 23rd legislature passed Act 259, establishing
18 the early learning educational task force, a diverse group of
19 public and private stakeholders given the mission to develop a
20 five-year plan for an early learning system. This Act takes
21 into consideration the findings and recommendations of the task
22 force.



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

- 3 (1) Establishing an early learning system to be known as
- 4 keiki first steps;
- 5 (2) Creating the early learning council to develop and
- 6 administer the state's early learning system; and
- 7 (3) Establishing the keiki first steps grant program.

8 PART II

9 EARLY LEARNING SYSTEM

10 SECTION 2. The Hawaii Revised Statutes is amended by
11 adding a new chapter to be appropriately designated and to read
12 as follows:

13 "CHAPTER

14 EARLY LEARNING SYSTEM

15 § -1 **Definitions.** As used in this chapter, unless the
16 context otherwise requires:

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

- 21 (1) Who are eligible for special education services;
- 22 (2) Who are English as a second language learners;



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

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

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

12 "Council" means the early learning council established
13 pursuant to this chapter.

14 "Family child care program" means a program in which a
15 child is cared for in a family child care home licensed under
16 section 346-161.

17 "Family-child interaction learning program" means a program
18 attended by both a child and at least one adult who is the
19 child's parent, relative, or other caregiver, that facilitates
20 family-child interactive learning experiences for children and
21 educates the family member or members about how to encourage
22 their child's learning.



1 "Home-based instruction program" means a family
2 involvement, school readiness program that helps families
3 prepare their child for success in school and beyond, and that
4 is based in the child's home; provided that home schooling is
5 not a home-based instruction program.

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

- 15 (1) Be widely accessible and voluntary for both those
16 served and program and service providers;
- 17 (2) Be a cohesive, comprehensive, and sustainable system
18 in which:
- 19 (A) All existing early learning programs and
20 services, whether publicly- or privately-run,
21 which consist of a variety of early learning
22 approaches, service deliveries, and settings,



1 including center-based programs, family child
2 care programs, family-child interaction learning
3 programs, home-based instruction programs, and
4 home visiting services designed to promote early
5 childhood development and early learning, are
6 coordinated, improved, and expanded;

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

8 (C) The use of public facilities for either publicly-
9 or privately-run early learning programs is
10 maximized;

11 (3) Provide high-quality early childhood development and
12 early learning experiences with standards-based
13 content, curriculum, and accountability, and
14 sufficient numbers of well-qualified educators and
15 administrators who are fairly compensated and have
16 access to continuing professional development;

17 (4) Offer opportunities for family and community
18 engagement and parent education and support; and

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

20 § -3 **Early learning council.** (a) There is established
21 an early learning council which shall be attached to the
22 department of education for administrative purposes only,

1 notwithstanding any other law to the contrary. To the extent
2 permissible by law, the council shall develop and administer the
3 early learning system established in section -2 to benefit all
4 children throughout the state, from birth until the time they
5 enter kindergarten. In developing the early learning system,
6 the council shall, among other things:

7 (1) Establish policies and procedures governing its
8 operations;

9 (2) Develop a plan, with goals and objectives, for the
10 early learning system, including the development,
11 execution, and monitoring of a phased implementation
12 plan;

13 (3) Coordinate, improve, and expand upon existing early
14 learning programs and services for children from birth
15 until the time they enter kindergarten;

16 (4) Establish policies and procedures governing the
17 inclusion of existing early learning programs and
18 services;

19 (5) Establish additional early learning programs and
20 services;

21 (6) Establish policies and procedures governing the
22 inclusion of children with special needs;



- 1 (7) Develop incentives to enhance the quality of programs
2 and services within the early learning system;
- 3 (8) Coordinate efforts to develop a highly-qualified,
4 stable, and diverse workforce, including:
 - 5 (A) Ensuring that more early childhood educators and
6 administrators, existing or potential, have
7 opportunities to receive early childhood
8 education degrees, including offering higher
9 education scholarships;
 - 10 (B) Increasing the availability of early childhood
11 education coursework, including distance learning
12 courses and community-based early childhood
13 education training;
 - 14 (C) Providing access to continuing professional
15 development for all educators and administrators;
 - 16 (D) Establishing a system for awarding appropriate
17 credentials to educators and administrators, as
18 incentives to improve the quality of programs and
19 services, relevant to the various early learning
20 approaches, service deliveries, and settings,
21 such as for experience or coursework or degrees
22 completed;



- 1 (E) Providing consultation on the social-emotional
- 2 development of children; and
- 3 (F) Providing substitute teacher allowances;
- 4 (9) Develop and implement methods of maximizing the
- 5 involvement of families, caregivers, and teachers in
- 6 the early learning system;
- 7 (10) Develop an effective, comprehensive, and integrated
- 8 system to provide training and technical support to
- 9 programs and services within the early learning
- 10 system;
- 11 (11) Develop standards of accountability to ensure that
- 12 high-quality early childhood development and early
- 13 learning experiences are provided by programs and
- 14 services of the early learning system;
- 15 (12) Collect, interpret, and release data relating to early
- 16 learning in the state;
- 17 (13) Recommend the appropriate proportion of state funds
- 18 that should be distributed to programs and services
- 19 across the early learning system, to ensure the most
- 20 effective and efficient allocation of fiscal resources
- 21 within the early learning system; and



- 1 (14) Promote awareness of early learning opportunities to
2 families and the general public.
- 3 (b) The council shall consist of the following members:
- 4 (1) The superintendent of education or the
5 superintendent's designee;
- 6 (2) The director of human services or the director's
7 designee;
- 8 (3) The director of health or the director's designee;
- 9 (4) The president of the University of Hawaii or the
10 president's designee;
- 11 (5) A representative of center-based program providers;
- 12 (6) A representative of family child care program
13 providers;
- 14 (7) A representative of family-child interaction learning
15 program providers;
- 16 (8) A representative of philanthropic organizations that
17 support early learning; and
- 18 (9) Two representatives of the Association of Mayors.
- 19 Except for the superintendent of education, directors of state
20 departments, and the president of the University of Hawaii, or
21 their designees, the members shall be appointed by the governor.



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

6 (c) Except for the superintendent of education, directors
7 of state departments, president of the University of Hawaii,
8 director of the head start collaboration office, chief executive
9 officer of the Kamehameha Schools, and executive director of the
10 Hawaii Association of Independent Schools, or their designees,
11 who shall serve as ex-officio members of the council, members of
12 the council shall serve staggered terms as follows:

13 (1) The representative of center-based program providers
14 shall serve a two-year term;

15 (2) The representative of family child care program
16 providers shall serve a three-year term;

17 (3) The representative of family-child interaction
18 learning program providers shall serve a three-year
19 term;

20 (4) The representative of philanthropic organizations that
21 support early learning shall serve a two-year term;

22 and



1 (5) Of the two representatives of the Association of
2 Mayors, one shall serve a two-year term, and the other
3 shall serve a three-year term.

4 (d) The council shall select a chairperson by a majority
5 vote of its members; provided that the chairperson shall be a
6 representative from the private sector. A majority of the
7 council shall constitute quorum to do business. The concurrence
8 of a majority of all the members to which the council is
9 entitled shall be necessary to make any action of the council
10 valid.

11 (e) The council may form workgroups and subcommittees,
12 including with individuals who are not council members, to:

- 13 (1) Obtain resource information from early learning
14 professionals and other individuals as deemed
15 necessary by the council;
- 16 (2) Make recommendations to the council; and
- 17 (3) Perform other functions as deemed necessary by the
18 council to fulfill its duties and responsibilities.

19 Two or more council members, but less than a quorum, may discuss
20 matters relating to official council business in the course of
21 their participation in a workgroup or subcommittee, and such



1 discussion shall be a permitted interaction as provided for in
2 section 92-2.5.

3 (f) 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 (g) The council shall appoint, without regard to chapters
7 76 and 89, an executive director who shall serve at the pleasure
8 of the council and whose duties shall be set by the council.

9 The executive director may also appoint other personnel, without
10 regard to chapters 76 and 89, to work directly for the executive
11 director.

12 (h) The council may require reports as necessary in the
13 form specified by the council, from state agencies, and program
14 and service providers of the early learning system. All
15 publicly-run programs and services that participate in the early
16 learning system shall establish a system to account for
17 expenditures of non-federal funds that would qualify for
18 matching federal childcare and development funds, or other
19 federal funds, and provide this data to the council to maximize
20 the availability of federal funds. Privately-run programs and
21 services that participate in the early learning system shall be
22 encouraged to make the same data available.



1 (i) The council shall submit to the legislature no later
2 than twenty days prior to the convening of each regular session,
3 a report regarding:

4 (1) Its progress; and

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

6 **§ -4 Keiki first steps grant program; establishment.**

7 (a) There is established the keiki first steps grant program,
8 as part of the early learning system, to be developed by the
9 council and administered by the department of human services.

10 The program shall increase early learning opportunities that
11 meet high standards of quality through the awarding of grants to
12 publicly- or privately-run:

13 (1) Center-based programs for three- and four-year-old
14 children; and

15 (2) Family child care programs, family-child interaction
16 learning programs, and other early learning programs
17 and services regardless of the age of children served.

18 (b) Eligibility criteria for grants. The department of
19 human services may award grants for the keiki first steps grant
20 program based on criteria that shall be developed by the
21 council. The criteria shall include the requirement that early



1 learning programs and services meet certain standards of
2 quality, including:

3 (1) The implementation of evidence-based and culturally
4 responsive models of service delivery;

5 (2) The use of evidence-based curricula and methods;

6 (3) Minimum scheduling requirements, as follows:

7 (A) For center-based programs: providing services
8 for a full school day and full school year;

9 (B) For family child care programs: providing
10 services for three hours daily for a full school
11 year;

12 (C) For family-child interaction learning programs
13 operating in classroom-like settings: providing
14 early learning activities at least twice a week
15 for a full school year, and for a minimum of
16 three hours each day; and

17 (D) For home-based instruction programs: providing
18 early learning activities for no fewer than
19 thirty weeks within a school year;

20 (4) Staff-to-child ratios and group size that meet or
21 exceed nationally recommended standards;



- 1 (5) The employment of teachers and administrators who meet
2 the qualifications required by the council;
- 3 (6) The incorporation of preschool content standards or
4 other early learning guidelines;
- 5 (7) The implementation of health and developmental
6 screenings for children;
- 7 (8) Opportunities for parent or family engagement and
8 parent education and support; and
- 9 (9) Activities for monitoring and data collection to
10 evaluate early learning programs and services and
11 inform best practices.

12 (c) Training; technical assistance; monitoring. The
13 department of human services may offer technical support to, and
14 shall be responsible for monitoring to ensure the accountability
15 of programs and services within the keiki first steps grant
16 program, according to the standards developed by the council.

17 **§ -5 Keiki first steps trust fund.** There is established
18 within the state treasury the keiki first steps trust fund, to
19 be administered by the early learning council, into which shall
20 be deposited all moneys received by the council in the form of:

- 21 (1) Fees;
- 22 (2) Grants;



- 1 (3) Donations;
- 2 (4) Appropriations made by the legislature to the fund;
- 3 and
- 4 (5) Revenues regardless of their source,
- 5 and earnings on moneys in the fund. Moneys in the fund shall be
- 6 used for the early learning system. Expenditures from the fund
- 7 may be made by the council without appropriation or allotment."

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

- 13 (1) The establishment of one full-time equivalent (1.00
- 14 FTE) permanent position for the executive director of
- 15 the early learning council and full-time
- 16 equivalent (FTE) permanent support positions;
- 17 (2) Supplies; and
- 18 (3) Travel expenses.

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

21 SECTION 4. There is appropriated out of the general
 22 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2008-2009 for the
2 keiki first steps grant program.

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

5 PART III

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

8 [~~§302A-410 Quality early education plan.~~ (a) The
9 department plan for quality early education shall focus on
10 children from ages four up to six years.

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

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



- 1 ~~(1) Standards for curriculum, activities, facilities, and~~
2 ~~teacher training for early childhood education;~~
- 3 ~~(2) Methods and materials designed to involve and educate~~
4 ~~parents and guardians in the education and development~~
5 ~~of their young children;~~
- 6 ~~(3) A timetable and implementation schedule, approved by~~
7 ~~the board, to be submitted to the governor and the~~
8 ~~legislature;~~
- 9 ~~(4) Costs for delivery of early childhood services,~~
10 ~~including how costs can be shared between the public~~
11 ~~and private sectors; and~~
- 12 ~~(5) Assessment of training and certification capacity of~~
13 ~~teachers, including assurances by teacher training~~
14 ~~institutions to recruit and graduate qualified staff~~
15 ~~for early childhood education.~~
- 16 ~~(d) Early education shall be delivered through private~~
17 ~~providers to the maximum extent possible, and provision shall be~~
18 ~~made to enable parents and guardians to opt for home care if~~
19 ~~they so choose by providing early childhood education resources~~
20 ~~in each school for in-home use.~~
- 21 ~~(e) Beginning with the 1997-1998 school year, this section~~
22 ~~shall be interpreted as though the term "certification" read~~



1 ~~"licensing", as the term is used in part III, subpart D, and as~~
2 ~~circumstances require."]~~

3 PART IV

4 EARLY LEARNING FACILITIES

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

8 "§346- Early childhood education facilities; pre-plus.

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

20 (b) The department, with the department of education,
21 shall coordinate site selection for public school sites, with
22 priority given to public school sites that serve at-risk



1 children as defined in section -1, including sites located in
2 areas with limited access to early learning programs and
3 services."

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

6 "[+]§302A-1506.5[+] **Early childhood education facilities;**
7 **identifying sites.** (a) The department of education shall
8 identify ~~unused public school facilities to be used for [use by]~~
9 early childhood education programs[+] and services. Suitable
10 empty classrooms, as determined by the department, shall be
11 inventoried for potential use [~~in~~] for early childhood education
12 programs[+] and services. Priority shall be given to facilities
13 on sites with sufficient space for three or more classrooms to
14 be renovated or constructed.

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

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



1 (1) The number of classrooms that would be suitable for
2 programs and services in the early learning system
3 established by chapter ; and

4 (2) The cost of renovating these classrooms to meet the
5 standards of programs and services in the early
6 learning system."

7 PART V

8 MISCELLANEOUS

9 SECTION 8. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

S.B. NO. 2878
S.D. 2
H.D. 2

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, to be known as Keiki First Steps. Establishes the Keiki First Steps Grant Program. (SB2878 HD2)

SB2878 HD2 HMS 2008-3682

