

JAN 18 2008

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that pursuant to Act 219,
2 Session Laws of Hawaii 2004, a two-tier junior kindergarten and
3 kindergarten program was established with the requirement that
4 developmentally appropriate curriculum be implemented for each
5 tier. The program to be established was intended to be flexible
6 enough to allow junior kindergarten students who are ready to
7 participate in kindergarten to do so and to allow students who
8 require additional support to move from kindergarten to junior
9 kindergarten. The department of education was tasked with
10 assisting the schools in the development of the two-tier program
11 with pilot strategies being encouraged during the 2005-2006
12 school year and full implementation being required beginning
13 with the 2006-2007 school year.

14 The legislature further finds that, since the law's
15 enactment, curriculum for the two-tier program has not been
16 clearly established for junior kindergarteners. Instead, junior
17 kindergarteners are being taught the kindergarten curriculum, no



1 criteria was established for passing junior kindergartners to
2 first grade, and junior kindergarteners are being permitted to
3 go straight to first grade, despite the fact that they may be
4 ill-prepared or need further support or assistance before
5 transitioning. It was the legislature's intent to provide for a
6 curriculum that specifically addressed the needs of junior
7 kindergarteners, as children of ages four and five possess
8 differing skill sets and social and emotional maturity levels.

9 The purpose of this Act is to:

- 10 (1) Prohibit the movement of junior kindergarten and
11 kindergarten students between tiers, except under
12 certain circumstances;
- 13 (2) Prohibit a junior kindergartener from directly
14 graduating to first grade;
- 15 (3) Ensure that a separate curriculum is established for
16 the junior kindergarten program;
- 17 (4) Require the department of education to staff junior
18 kindergartens with qualified teachers with early
19 childhood education backgrounds and experience and
20 preschool teacher aides;
- 21 (5) Require the incorporation of the Hawaii preschool
22 content standards for four-year olds;



1 (6) Appropriate funds for the implementation of a junior
 2 kindergarten program that achieves a student to
 3 teacher ratio of ten-to-one and not greater than
 4 fifteen-to-one; and

5 (7) Appropriate funds for a permanent educational
 6 specialist to focus on early childhood education
 7 issues.

8 SECTION 2. Section 302A-411, Hawaii Revised Statutes, is
 9 amended to read as follows:

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

15 (1) Attendance shall not be mandatory; and

16 (2) Charter schools shall be excluded from mandatory
 17 participation in the program.

18 (b) 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] No school [may] shall move students between
 22 junior kindergarten and kindergarten [~~as the school deems~~



1 ~~appropriate. Junior kindergarten students may graduate directly~~
2 ~~to grade one.]~~, except in cases where the movement is based on
3 appropriate assessments determined by:

4 (1) The professional judgment and experience of a
5 qualified teacher with early childhood education
6 background and experience; and

7 (2) The testing of a student's academic, physical, social,
8 and emotional abilities;

9 provided that, beginning with the 2009-2010 school year, the
10 department shall use successful assessment guidelines for
11 determining a student's placement and for decision making about
12 a student's movement.

13 The program shall include separate curricula for junior
14 kindergarten and kindergarten students that is tailored to the
15 specific needs and abilities of students in each tier. In
16 developing the choices of curriculum for the junior kindergarten
17 tier, the department shall incorporate the Hawaii preschool
18 content standards for four-year olds and may review and consider
19 the use of established preschool curricula. The program shall
20 include any or all of the following models:

21 (1) Classrooms composed exclusively of either junior
22 kindergarten or kindergarten students; and



1 (2) Coordination with public, private, or public-private
2 entities to address the needs of junior kindergarten-
3 eligible students within the school's [~~community, and~~

4 ~~(3) The blending of junior kindergarten and kindergarten~~
5 ~~students in a single classroom.]~~ community.

6 (c) Beginning with the 2004-2005 school year, a child who
7 will be at least five years of age on or before December 31 of
8 the school year may attend a public school kindergarten.

9 Beginning with the 2006-2007 school year, a child who will be at
10 least five years of age on or before August 1 of the school year
11 may attend a public school kindergarten. Beginning with the
12 2006-2007 school year, a child who will be at least five years
13 of age after August 1 and before January 1 of the school year
14 may attend a public school junior kindergarten.

15 (d) The department shall create the categories of
16 qualified teachers with early childhood education backgrounds
17 and experience and preschool teacher aides to be applied to
18 teachers and preschool teacher aides to be hired for junior
19 kindergartens beginning with the 2009-2010 school year. The
20 qualifications of teachers and preschool teacher aides to be
21 hired shall be as follows:



- 1 (1) Qualified teachers with early childhood education
- 2 backgrounds and experience who are hired for junior
- 3 kindergarten shall have, at a minimum, an associates
- 4 degree from an accredited teacher preparation program;
- 5 and
- 6 (2) Preschool teacher aides who are hired for junior
- 7 kindergarten shall have, at minimum, a high school
- 8 degree.

9 [~~(d)~~] (e) The department may accept gifts to establish and
 10 maintain junior kindergartens and kindergartens."

11 SECTION 3. The department of education shall complete the
 12 planning and development of the appropriate curriculum for the
 13 junior kindergarten program and submit findings and
 14 recommendations to the legislature on the planned curriculum,
 15 information on successful models and a plan for using
 16 appropriate assessments for placement and decision making on
 17 movement between the junior kindergarten and kindergarten tiers
 18 and first grade, and the facilities to be used for the junior
 19 kindergarten program no later than twenty days prior to the
 20 convening of the regular session of 2009.

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

1 much thereof as may be necessary for fiscal year 2008-2009 for
2 implementation of the junior kindergarten program as established
3 pursuant to this Act that endeavors to achieve a student to
4 teacher ratio of ten-to-one and not greater than fifteen-to-one.

5 The sum appropriated shall be expended by the department of
6 education for the purposes of this Act.

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2008-2009 for
10 the creation of one permanent educational specialist (1.0 FTE)
11 position, which shall:

- 12 (1) Report directly to the superintendent of education;
- 13 (2) Focus on early childhood education issues; and
- 14 (3) Be responsible for policies, curriculum, and
15 assessments relating to kindergarten, junior
16 kindergarten, and other pre-kindergarten programs.

17 The sum appropriated shall be expended by the department of
18 education for the purposes of this Act.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2008.

2

INTRODUCED BY:

Norman Sakuma



Report Title:

DOE; Junior Kindergarten; Kindergarten; Curriculum; Teachers and Teachers Aides; Appropriation

Description:

Prohibits the movement of junior kindergarten and kindergarten students between tiers, except under certain circumstances; prohibits a junior kindergartener from directly graduating to first grade; ensures that a separate curriculum is established for the junior kindergarten program; requires the department of education to staff junior kindergartens with qualified preschool teachers and preschool teacher aides; and appropriates funds for the implementation of a junior kindergarten program that achieves a student to teacher ratio of 10:1 and not more than 15:1 and for an educational specialist to focus on early childhood education issues.

