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# 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           It was the legislature's intent to provide for a curriculum  
15 with appropriately differentiated teaching strategies for all  
16 junior kindergarteners and kindergarteners that specifically  
17 addressed the needs of junior kindergarteners, as children of



1 ages four and five possess differing skill sets and social and  
2 emotional maturity levels.

3 The purpose of this Act is to:

- 4 (1) Require developmentally appropriate assessments of  
5 junior kindergarten and kindergarten students;
- 6 (2) Establish a curriculum with appropriately  
7 differentiated teaching strategies for all junior  
8 kindergarteners and kindergarteners for the junior  
9 kindergarten program;
- 10 (3) Require the department of education to staff junior  
11 kindergartens with qualified teachers with early  
12 childhood education backgrounds and experience;
- 13 (4) Require the development and incorporation of the  
14 Hawaii preschool content standards for four-year olds  
15 and the Hawaii content and performance standards for  
16 five year olds; and
- 17 (5) Appropriate funds for the implementation of a junior  
18 kindergarten program that achieves a student to  
19 teacher ratio of ten-to-one and not greater than  
20 fifteen-to-one.

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



1           "§302A-411 Junior kindergarten and kindergarten program;  
2 establishment; attendance. (a) The department shall establish  
3 and maintain junior kindergartens and kindergartens with a  
4 program of instruction as a part of the public school system;  
5 provided that:

6           (1) Attendance shall not be mandatory; and

7           (2) Charter schools shall be excluded from mandatory  
8 participation in the program.

9           (b) The department shall establish a two-tier junior  
10 kindergarten and kindergarten program to support the range of  
11 developmental abilities of children in junior kindergarten and  
12 kindergarten. ~~[Any school may move]~~ All schools shall base  
13 decisions about moving students between junior kindergarten and  
14 kindergarten ~~[as the school deems appropriate. Junior~~  
15 ~~kindergarten students may graduate directly to grade one.]~~ on  
16 developmentally appropriate assessments. The assessment process  
17 shall include academic, social, physical, and emotional domains.  
18 The assessment process shall include the gathering of  
19 information from parents, teachers, and related services  
20 personnel who have direct knowledge of the child. Assessments  
21 shall be made to facilitate the developmentally appropriate  
22 learning environment for the child, including initial screening



1 to determine a child's readiness for learning, then ongoing  
2 formative assessments for learning progress.

3 During the 2009-2010 school year, the department shall  
4 develop guidelines for appropriate assessment. Beginning in  
5 2010-2011, the assessment process shall be used for screening,  
6 continuous monitoring, and decision making to measure the  
7 appropriate learning setting.

8 The program shall include curricula that is delivered  
9 through differentiated instructional strategies for junior  
10 kindergarten and kindergarten students that are tailored to the  
11 specific needs and abilities of students in each tier. In  
12 developing the choices of curriculum for the junior kindergarten  
13 tier, the department shall incorporate the Hawaii preschool  
14 content standards for four-year olds and the Hawaii content and  
15 performance standards for five-year olds. The program shall  
16 include any or all of the following models:

- 17 (1) Classrooms composed exclusively of either junior  
18 kindergarten or kindergarten students;
- 19 (2) Coordination with public, private, or public-private  
20 entities to address the needs of junior kindergarten-  
21 eligible students within the [~~school's community,~~]  
22 schools; and



1 (3) The blending of junior kindergarten and kindergarten  
2 students in a single classroom[=] with developmentally  
3 appropriate curriculum and instructional strategies.

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

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

13 (d) The department shall create the categories of  
14 qualified teachers to be hired for junior kindergartens  
15 beginning with the 2009-2010 school year. The qualifications of  
16 teachers and preschool teacher aides that will be hired shall be  
17 as follows:

18 (1) Qualified teachers shall have at a minimum a  
19 bachelor's degree from an accredited teacher  
20 preparation program with licensure for pre-  
21 kindergarten through grade three or experience in  
22 early childhood education and enrollment in a teacher



1           preparation program to become a licensed early teacher  
2           within two years; and  
3           (2) Educational assistants who are hired for junior  
4           kindergarten, at minimum, shall have a high school  
5           degree or be enrolled in an appropriate higher  
6           education program focused on early childhood education  
7           with a goal of completing a degree in early childhood  
8           education.

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 assessment,  
13 including procedures and guidelines for the junior kindergarten  
14 program and submit findings and recommendations to the  
15 legislature on the planned curriculum, information on successful  
16 models, assessment guidelines for the developmentally  
17 appropriate assessment process for screening and continuous  
18 monitoring to provide data for decisions on movement between the  
19 junior kindergarten and kindergarten tiers and first grade, and  
20 the facilities to be used for the junior kindergarten program no  
21 later than twenty days prior to the convening of the regular  
22 session of 2009.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2008-2009 for  
4 implementation of the junior kindergarten program as established  
5 pursuant to this Act that endeavors to achieve a student to  
6 teacher ratio of ten-to-one and not greater than fifteen-to-one.

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

9 SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2008.



**Report Title:**

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

**Description:**

Requires developmentally appropriate assessments; 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. (SD1)

