
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 was intended to be flexible enough to allow
6 junior kindergarten students to participate in kindergarten if
7 they are ready and to allow students who require additional
8 support to move from kindergarten to junior kindergarten. The
9 department of education was tasked with assisting schools in the
10 development of the two-tier program with pilot strategies
11 encouraged during the 2005-2006 school year and full
12 implementation required beginning in the 2006-2007 school year.

13 The legislature further finds that since the enactment of
14 Act 219, the two-tier program has not been clearly established
15 for junior kindergarteners. Instead, junior kindergarteners are
16 being taught the kindergarten curriculum, no criteria has been
17 established for passing junior kindergartners to the first

1 grade, and junior kindergarteners are being permitted to go
2 straight to the first grade despite the fact that they may not
3 be prepared or may need further support or assistance before
4 transitioning. In enacting Act 219, the legislature intended to
5 provide for a curriculum that specifically addressed the needs
6 of junior kindergarteners, as children of ages four and five
7 possess differing skill sets and social and emotional maturity
8 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 the first grade, except under certain
15 circumstances;
- 16 (3) Ensure that an appropriate curriculum is established
17 for the junior kindergarten students;
- 18 (4) Require the department of education to staff junior
19 kindergartens with qualified teachers with early
20 childhood education backgrounds and experience and
21 teacher aides;

- 1 (5) Require the incorporation of the Hawaii preschool
- 2 content standards for four-year-olds and kindergarten
- 3 content and performance standards;
- 4 (6) Appropriate funds for the implementation of a junior
- 5 kindergarten program that achieves a student to
- 6 teacher ratio of ten-to-one and not greater than
- 7 fifteen-to-one;
- 8 (7) Appropriate funds for teacher professional
- 9 development; and
- 10 (8) Appropriate funds for a permanent educational
- 11 specialist to focus on early childhood education
- 12 issues.

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

15 **"§302A-411 Junior kindergarten and kindergarten program;**
16 **establishment; attendance.** (a) The department shall establish
17 and maintain junior kindergartens and kindergartens with a
18 program of instruction as a part of the public school system;
19 provided that:

- 20 (1) Attendance shall not be mandatory; and
- 21 (2) Charter schools shall be excluded from mandatory
- 22 participation in the program.

1 (b) The department shall establish a two-tier junior
2 kindergarten and kindergarten program to support the range of
3 developmental abilities of children in junior kindergarten and
4 kindergarten. ~~[Any school may]~~ Schools shall not move students
5 between junior kindergarten and kindergarten ~~[as the school~~
6 ~~deems appropriate. Junior kindergarten students may graduate~~
7 ~~directly to grade one.]~~, except in cases where the movement is
8 warranted and based on appropriate assessments determined by:

- 9 (1) A qualified teacher with early childhood education
10 background and experience; and
11 (2) The formative and summative assessment of a student's
12 academic, physical, social, and emotional abilities;
13 provided that, beginning with the 2010-2011 school year, the
14 department shall use successful assessment tools and protocols
15 for determining a student's initial placement and for decision
16 making about a student's movement between tiers and into grade
17 one. Junior kindergarten students may graduate directly to
18 grade one when promotion is based on appropriate assessments and
19 other progress data collected over time.

20 (c) The program shall include curricula for junior
21 kindergarten and kindergarten students that are tailored to the
22 specific needs and abilities of students in each tier. In

1 developing the choices of curriculum for the junior kindergarten
2 tier, the department shall incorporate the Hawaii preschool
3 content standards for four-year-olds, content and performance
4 standards for kindergarten, and may review and consider the use
5 of developmentally appropriate instructional practices. The
6 program shall include any or all of the following models:

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

15 [~~(c) Beginning with the 2004-2005 school year, a child who~~
16 ~~will be at least five years of age on or before December 31 of~~
17 ~~the school year may attend a public school kindergarten.]~~

18 (d) Beginning with the 2006-2007 school year, a child who
19 will be at least five years of age on or before August 1 of the
20 school year may attend a public school kindergarten. Beginning
21 with the 2006-2007 school year, a child who will be at least

1 five years of age after August 1 and before January 1 of the
2 school year may attend a public school junior kindergarten.

3 (e) The department shall establish categories of qualified
4 teachers with early childhood education backgrounds and
5 experience and teacher aide paraprofessionals to be applied to
6 teachers and teacher aides to be hired for junior kindergartens
7 beginning with the 2010-2011 school year. The qualifications of
8 teachers and teacher aides to be hired shall be as follows:

9 (1) Qualified teachers with early childhood education
10 background and experience who are hired for junior
11 kindergartens shall have, at a minimum, a bachelor's
12 degree from an accredited teacher preparation program;

13 and

14 (2) Teacher aides who are hired for junior kindergartens
15 shall have, at minimum, an associate's degree and
16 background and experience in working with young
17 children.

18 [~~d~~] (f) The department may accept gifts to establish and
19 maintain junior kindergartens and kindergartens."

20 SECTION 3. The department of education shall complete the
21 planning and development of the appropriate curriculum for the
22 two-tiered kindergarten program and submit findings and

1 recommendations to the legislature on the planned curriculum,
2 information on successful models, and a plan for using
3 appropriate assessments for placement and decision making on
4 movement between the junior kindergarten, kindergarten tiers,
5 and first grade, and the facilities to be used for the junior
6 kindergarten program, no later than twenty days prior to the
7 convening of the regular session of 2010.

8 SECTION 4. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2009-2010 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2010-2011 for implementation of the junior kindergarten
13 program as established pursuant to this Act that endeavors to
14 achieve a student to teacher ratio of ten-to-one and not greater
15 than fifteen-to-one.

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

18 SECTION 5. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2009-2010 and
21 the same sum or so much thereof as may be necessary for fiscal
22 year 2010-2011 for teacher professional development to address

1 curricular, instructional, and assessment practices in a two-
2 tiered kindergarten, with a focus on junior kindergarten.

3 The sums appropriated shall be expended by the department
4 of education for the purposes of this Act.

5 SECTION 6. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2009-2010 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2010-2011 for the creation of one permanent educational
10 specialist position, which shall:

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

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

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect on July 1, 2009.

Report Title:

Education; Junior Kindergarten; Kindergarten; Curriculum;
Appropriation

Description:

Prohibits movement of junior kindergarten and kindergarten students between tiers, except under certain circumstances; prohibits a junior kindergartener from directly graduating to the first grade, except under certain circumstances; establishes a separate curriculum for the junior kindergarten program; requires the department of education to staff junior kindergartens with qualified teachers and teacher aides; appropriates funds. (SD1)