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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           SECTION 1. The purpose of this Act is to improve early  
2 learning by:

3           (1) Requiring the department of education, beginning with  
4 the 2010-2011 school year, to use successful  
5 assessment tools and protocols for determining a  
6 student's initial placement and for decision making  
7 about a student's movement between junior  
8 kindergarten, kindergarten, and into grade one; and

9           (2) Clarifying provisions of the early learning system,  
10 established by Act 14, Special Session Laws of Hawaii  
11 2008, including authorizing designees for all members  
12 of the early learning council, changing the name of  
13 the keiki first steps trust fund to the early learning  
14 trust fund, and specifying that moneys in the early  
15 learning trust fund shall not lapse to the credit of  
16 the general fund at the end of each fiscal year.

17           SECTION 2. Section 302A-411, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

HB395 SD1.DOC  
\*HB395 SD1.DOC\*  
\*HB395 SD1.DOC\*

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           SECTION 3. Section 302L-3, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:

1           "(b) The council shall consist of the following voting  
2 members:

3           (1) The superintendent of education or the  
4 superintendent's designee;

5           (2) The director of human services or the director's  
6 designee;

7           (3) The director of health or the director's designee;

8           (4) The president of the University of Hawaii or the  
9 president's designee;

10          (5) A representative of center-based program providers[+] or the representative's designee;

11          (6) A representative of family child care program  
12 providers[+] or the representative's designee;

13          (7) A representative of family-child interaction learning  
14 program providers[+] or the representative's designee;

15          (8) A representative of philanthropic organizations that  
16 support early learning[+] or the representative's  
17 designee; and

18          (9) Two representatives of the Hawaii Council of Mayors[-]  
19 or the Hawaii Council of Mayors' designees.

20           The council shall invite the director of the Hawaii head  
21 start state collaboration office, the chief executive officer of

1 the Kamehameha Schools, and the executive director of the Hawaii  
2 Association of Independent Schools, or their designees, to serve  
3 as voting members of the council.

4 Except for the superintendent of education, directors of  
5 state departments, president of the University of Hawaii,  
6 director of the Hawaii head start state collaboration office,  
7 chief executive officer of the Kamehameha Schools, and executive  
8 director of the Hawaii Association of Independent Schools, or  
9 their designees, and the two representatives of the Hawaii  
10 Council of Mayors, the members shall be nominated and, by and  
11 with the advice and consent of the senate, appointed by the  
12 governor."

13 SECTION 4. Section 302L-5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[~~§~~§302L-5[~~§~~]] [~~Keiki first steps~~] Early learning trust  
16 **fund.** There is established within the state treasury the [~~keiki~~  
17 ~~first steps~~] early learning trust fund, to be administered by  
18 the early learning council, into which shall be deposited all  
19 moneys received by the council in the form of:

- 20 (1) Fees;
- 21 (2) Grants;
- 22 (3) Donations;

1           (4) Appropriations made by the legislature to the fund;  
2                    and  
3           (5) Revenues regardless of their source,  
4 and earnings on moneys in the fund. Moneys in the fund shall be  
5 used for the early learning system. Expenditures from the fund  
6 may be made by the council without appropriation or allotment.  
7 Unexpended moneys in the fund shall not lapse to the credit of  
8 the general fund and shall remain in the early learning trust  
9 fund at the end of each fiscal year."

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

12           SECTION 6. This Act shall take effect on June 29, 2009.

**Report Title:**

Early Learning

**Description:**

Requires the department of education, beginning with the 2010-2011 school year, to use successful assessment tools and protocols for determining a student's initial placement and for decision making about a student's movement between junior kindergarten, kindergarten, and into grade one; clarifies provisions of the early learning system, including authorizing designees for all members of the early learning council, changing the name of the keiki first steps trust fund to the early learning trust fund, and specifying that moneys in the early learning trust fund shall not lapse to the credit of the general fund at the end of each fiscal year. (SD1)