

JAN 28 2009

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, curriculum for the two-tier program has not been
15 clearly established for junior kindergarteners. Instead, junior
16 kindergarteners are being taught the kindergarten curriculum, no
17 criteria has been established for passing junior kindergartners



1 to the first grade, and junior kindergarteners are being
2 permitted to go straight to the first grade despite the fact
3 that they may not be prepared or may need further support or
4 assistance before transitioning. In enacting Act 219, the
5 legislature intended to provide for a curriculum that
6 specifically addressed the needs of junior kindergarteners, as
7 children of ages four and five possess differing skill sets and
8 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 the 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 2010-2011 school year, the
10 department shall use successful assessment guidelines for
11 determining a student's placement and for decisionmaking about a
12 student's movement.

13 (c) The program shall include separate curricula for
14 junior kindergarten and kindergarten students that are tailored
15 to the specific needs and abilities of students in each tier.

16 In developing the choices of curriculum for the junior
17 kindergarten tier, the department shall incorporate the Hawaii
18 preschool content standards for four-year-olds and may review
19 and consider the use of established preschool curricula. The
20 program shall 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[+
4 and] .

5 ~~[(3) The blending of junior kindergarten and kindergarten~~
6 ~~students in a single classroom.~~

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

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

16 (e) The department shall establish categories of qualified
17 teachers with early childhood education backgrounds and
18 experience and preschool teacher aides to be applied to teachers
19 and preschool teacher aides to be hired for junior kindergartens
20 beginning with the 2010-2011 school year. The qualifications of
21 teachers and preschool teacher aides to be hired shall be as
22 follows:



1 (1) Qualified teachers with early childhood education
 2 backgrounds and experience who are hired for junior
 3 kindergartens shall have, at a minimum, an associate's
 4 degree from an accredited teacher preparation program;
 5 and

6 (2) Preschool teacher aides who are hired for junior
 7 kindergartens shall have, at minimum, a high school
 8 diploma.

9 [~~(d)~~] (f) 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 decisionmaking 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 2010.

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 2009-2010 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2010-2011 for implementation of the junior kindergarten
4 program as established pursuant to this Act that endeavors to
5 achieve a student to teacher ratio of ten-to-one and not greater
6 than fifteen-to-one.

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

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

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

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

S.B. NO. 1278

1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2009.
4

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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. Establishes a separate curriculum for the junior kindergarten program. Requires the department of education to staff junior kindergartens with qualified preschool teachers and teacher aides. Appropriates funds for the implementation of a junior kindergarten program with a certain student-teacher ratio.

