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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 the period from  
2 birth to age five is the most crucial period of learning in a  
3 child's life. This is when over eighty-five per cent of a  
4 child's brain development takes place in response to the  
5 stimulation that the child receives. Early experiences lay the  
6 groundwork for a child's lifelong learning and behavior. The  
7 legislature further finds that high quality early learning  
8 programs that are affordable and accessible for all children are  
9 critically important to ensuring the success of Hawaii's keiki.  
10           In addition, the significant, long-term benefits realized  
11 through investments in high-quality, early learning systems have  
12 been established through decades of research. Many studies show  
13 the importance of early childhood education. For example, a  
14 federal Department of Education study reports that all  
15 kindergarteners increase their knowledge and skills regardless  
16 of how much they knew prior to enrollment. Kindergarteners are  
17 expected to and often do leave kindergarten knowing how to read  
18 and write. First graders who did not go to kindergarten are



1 typically behind their peers in their academic and social  
2 development and are more likely to fail a grade in elementary  
3 school.

4 The purpose of this Act is, among other things, to:

- 5 (1) Establish the executive office on early learning;
- 6 (2) Establish the early learning advisory board to replace  
7 the early learning council;
- 8 (3) Repeal junior kindergarten programs at the end of the  
9 2013-2014 school year;
- 10 (4) Require students to be at least five years of age on  
11 July 31 of the school year in order to attend  
12 kindergarten starting with the 2014-2015 school year;  
13 and
- 14 (5) Make an appropriation to the executive office on early  
15 learning.

16 SECTION 2. Chapter 302L, Hawaii Revised Statutes, is  
17 amended by adding three new sections to be appropriately  
18 designated and to read as follows:

19 **"§302L-A Executive office on early learning; director;**  
20 **general functions, duties, and powers.** (a) There is  
21 **established, within the department of education, for**



1 administrative purposes only, an executive office on early  
2 learning.

3 (b) The head of this office shall be known as the director  
4 of the executive office on early learning, hereinafter referred  
5 to as director. The director shall have professional training  
6 in the field of social work, education, and other related  
7 fields; direct experience in programs or services related to  
8 early education; and recent experience in a supervisory,  
9 consultative, or administrative position. The director shall be  
10 nominated and, by and with the advice and consent of the senate,  
11 appointed by the governor. The director shall be paid a salary  
12 set by the governor that shall not exceed ninety per cent of the  
13 salary of the director of human resources development. The  
14 director shall be included in any benefit program generally  
15 applicable to the officers and employees of the State.

16 (c) The director shall be responsible for:

17 (1) Serving as the principal officer in state government  
18 responsible for the performance, development, and  
19 control of programs, polices, and activities related  
20 to early care and education for children, from  
21 prenatal care to entrance into kindergarten;



- 1        (2) Overseeing, supervising, and directing the performance  
2        of the director's subordinates in various activities,  
3        which include planning, evaluation, and coordination  
4        of early learning programs;
- 5        (3) Administering funds allocated for the executive office  
6        on early learning and applying for, receiving, and  
7        disbursing grants and donations from all services for  
8        early education programs and services;
- 9        (4) Assessing the policies and practices of other agencies  
10       impacting early learning and conducting advocacy  
11       efforts for early learning;
- 12       (5) Advising agencies on new legislation, programs, and  
13       policy initiatives relating to early learning;
- 14       (6) Employing and retaining staff as may be necessary for  
15       the purposes of this section, in conformity with  
16       chapter 76; and
- 17       (7) Contracting for services that may be necessary for the  
18       purposes of this section, including master contract  
19       with other state agencies receiving federal and state  
20       funds for programs and services for early learning,  
21       and the purchase of service agreements with  
22       appropriate agencies.



1           (d) In developing the early learning system established  
2 pursuant to section 302L-2, the office shall, among other  
3 things:

4           (1) Establish policies and procedures governing its  
5 operations;

6           (2) Develop a plan, with goals and objectives, for the  
7 early learning system, including the development,  
8 execution, and monitoring of a phased implementation  
9 plan;

10          (3) Coordinate, improve, and expand upon existing early  
11 learning programs and services for children from birth  
12 until the time they enter kindergarten;

13          (4) Establish policies and procedures to include existing  
14 early learning programs and services;

15          (5) Establish additional early learning programs and  
16 services, including public and private partnerships,  
17 when applicable;

18          (6) Establish policies and procedures governing the  
19 inclusion of children with special needs;

20          (7) Develop incentives to enhance the quality of programs,  
21 services, and educational professionals within the  
22 early learning system;



- 1        (8) Coordinate efforts to develop a highly-qualified,  
2                    stable, and diverse workforce;
- 3        (9) Develop and implement methods of maximizing the  
4                    engagement of families, caregivers, and teachers in  
5                    the early learning system;
- 6        (10) Develop an effective, comprehensive, and integrated  
7                    system to provide training and technical support to  
8                    programs and services within the early learning  
9                    system;
- 10       (11) Develop standards of accountability to ensure that  
11                    high-quality early learning experiences are provided  
12                    by programs and services of the early learning system;
- 13       (12) Collect, interpret, and release data relating to early  
14                    learning in the State;
- 15       (13) Recommend the appropriate proportion of state funds  
16                    that should be distributed to programs and services  
17                    across the early learning system, to ensure the most  
18                    effective and efficient allocation of fiscal resources  
19                    within the early learning system;
- 20       (14) Promote awareness of early learning opportunities to  
21                    families and the general public; and



1        (15) Consult with community groups, including statewide  
2                    organizations that are involved in early learning  
3                    professional development, policy and advocacy, and  
4                    early childhood programs.

5        **§302L-B Early learning advisory board.**    (a) There is  
6        established an early learning advisory board, whose members  
7        shall be appointed by the governor pursuant to section 26-34.  
8        The advisory board shall be responsible for:

9            (1) Advising the office on how best to meet the  
10            educational needs of children, from birth to entry  
11            into kindergarten;

12            (2) Providing recommendations to the office on improving  
13            the quality, availability, and coordination of early  
14            care and education programs; and

15            (3) Promoting collaboration across agencies and  
16            stakeholders serving young children.

17            (b) The advisory board shall consist of the following  
18        voting members:

19            (1) The superintendent of education or the  
20            superintendent's designee;

21            (2) The director of human services or the director's  
22            designee;



- 1        (3) The director of health or the director's designee;
- 2        (4) The president of the University of Hawaii or the
- 3        president's designee;
- 4        (5) A representative of center-based program providers or
- 5        the representative's designee;
- 6        (6) A representative of family child care program
- 7        providers;
- 8        (7) A representative of family-child interaction learning
- 9        program providers;
- 10       (8) A representative of philanthropic organizations that
- 11       support early learning or the representative's
- 12       designee;
- 13       (9) A representative from a head start provider agency;
- 14       (10) A representative from the Hawaii Early Intervention
- 15       Coordinating Council;
- 16       (11) A parent representative;
- 17       (12) A representative from the Hawaii chapter of the
- 18       American Academy of Pediatrics;
- 19       (13) A representative of home-visiting program providers;
- 20       and
- 21       (14) Two representatives of the Hawaii Council of Mayors or
- 22       each representative's respective designee.





1       The advisory board shall invite the director of the Hawaii  
2 head start state collaboration office, the chief executive  
3 officer of the Kamehameha Schools, and the executive director of  
4 the Hawaii Association of Independent Schools, or their  
5 designees, to serve as voting members of the advisory board.

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

15       (c) Except for the superintendent of education, directors  
16 of state departments, president of the University of Hawaii,  
17 director of the Hawaii head start state collaboration office,  
18 chief executive officer of the Kamehameha Schools, and executive  
19 director of the Hawaii Association of Independent Schools, or  
20 their designees, members of the advisory board shall serve  
21 staggered terms as follows:



- 1        (1) The representative of center-based program providers  
2                shall serve a two-year term;
- 3        (2) The representative of family child care program  
4                providers shall serve a three-year term;
- 5        (3) The representative of family-child interaction  
6                learning program providers shall serve a three-year  
7                term;
- 8        (4) The representative of philanthropic organizations that  
9                support early learning shall serve a two-year term;
- 10       (5) The representative from the Hawaii Early Intervention  
11               Coordinating Council shall serve a three-year term;
- 12       (6) The parent representative shall serve a two-year term;
- 13       (7) The representative from the Hawaii chapter of the  
14               American Academy of Pediatrics shall serve a two-year  
15               term;
- 16       (8) The representative of home-visiting program providers  
17               shall serve a three-year term; and
- 18       (9) Of the two representatives of the Hawaii Council of  
19               Mayors, one shall serve a two-year term, and the other  
20               shall serve a three-year term as determined by the  
21               Hawaii Council of Mayors.



1       (d) The advisory board shall select a chairperson by a  
2 majority vote of its members; provided that the chairperson  
3 shall be a representative from the private sector. A majority  
4 of the members serving on the advisory board shall constitute a  
5 quorum to do business. The concurrence of the majority of the  
6 members serving on the advisory board shall be necessary to make  
7 any action of the advisory board valid.

8       (e) The advisory board may form workgroups and  
9 subcommittees, including with individuals who are not advisory  
10 board members, to:

- 11       (1) Obtain resource information from early learning  
12       professionals and other individuals as deemed  
13       necessary by the advisory board;
- 14       (2) Make recommendations to the advisory board; and
- 15       (3) Perform other functions as deemed necessary by the  
16       advisory board to fulfill its duties and  
17       responsibilities.

18       Two or more advisory board members, but less than a quorum,  
19 may discuss matters relating to official advisory board business  
20 in the course of their participation in a workgroup or  
21 subcommittee, and such discussion shall be a permitted  
22 interaction as provided for in section 92-2.5.



1        (f) Members of the advisory board shall serve without  
2 compensation but shall be reimbursed for expenses, including  
3 travel expenses, necessary for the performance of their duties.

4        **§302L-C Early childhood education facilities; pre-plus.**

5        (a) There is established the pre-plus program within the  
6 executive office on early learning to expand access to  
7 affordable and high-quality early childhood education for  
8 children from low-income families who are not otherwise eligible  
9 for kindergarten, by allowing preschool programs to be  
10 established on public school campuses through public-private  
11 partnerships.

12        (b) The executive office on early learning, the department  
13 of education, and the department of human services shall work  
14 collaboratively to develop suitable pre-plus classrooms on  
15 department of education campuses statewide, including conversion  
16 charter school campuses. The executive office on early  
17 learning, with the department of education and department of  
18 human services, shall coordinate site selection for additional  
19 pre-plus programs at public school sites, with priority given to  
20 public school sites that serve at-risk children as defined in  
21 section 302L-1, including sites located in areas with limited  
22 access to early learning programs and services."



1 SECTION 3. Section 302A-411, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§302A-411 [~~Junior kindergarten and kindergarten~~]**

4 **Kindergarten program; establishment; attendance.** (a) The  
5 department shall establish and maintain [~~junior kindergartens~~  
6 ~~and~~] kindergartens with a program of instruction as a part of  
7 the public school system; provided that:

8 (1) Attendance shall not be mandatory; and

9 (2) Charter schools shall be excluded from mandatory  
10 participation in the program.

11 (b) [~~The department shall establish a two tier junior~~  
12 ~~kindergarten and kindergarten program to support the range of~~  
13 ~~developmental abilities of children in junior kindergarten and~~  
14 ~~kindergarten. Schools shall not move students between junior~~  
15 ~~kindergarten and kindergarten, except in cases where the~~  
16 ~~movement is warranted and based on appropriate assessments~~  
17 ~~determined by:~~

18 (1) ~~A qualified teacher with early childhood education~~  
19 ~~background or experience; and~~

20 (2) ~~The formative and summative assessment of a student's~~  
21 ~~academic, physical, social, and emotional abilities,~~



1 ~~provided that, beginning with the 2010-2011 school year, the~~  
2 ~~department shall use successful assessment tools and protocols~~  
3 ~~for determining a student's initial placement and for decision~~  
4 ~~making about a student's movement between tiers and into grade~~  
5 ~~one. Junior kindergarten students may graduate directly to~~  
6 ~~grade one when promotion is based on appropriate assessments and~~  
7 ~~other progress data collected over time.~~

8 ~~(c) Beginning with the 2004-2005 school year, a child who~~  
9 ~~will be at least five years of age on or before December 31 of~~  
10 ~~the school year may attend a public school kindergarten.~~  
11 ~~Beginning with the 2006-2007 school year, a child who will be at~~  
12 ~~least five years of age on or before August 1 of the school year~~  
13 ~~may attend a public school kindergarten. Beginning with the~~  
14 ~~2006-2007 school year, a child who will be at least five years~~  
15 ~~of age after August 1 and before January 1 of the school year~~  
16 ~~may attend a public school junior kindergarten.] Beginning with~~  
17 ~~the [2013-2014] 2014-2015 school year, a child who will be at~~  
18 ~~least five years of age on [the first day of instruction]~~  
19 ~~July 31 of the school year may attend a public school~~  
20 ~~kindergarten.~~

21 ~~[(d)]~~ (c) The department may accept gifts to establish and  
22 maintain ~~[junior kindergartens and]~~ kindergartens."



1 SECTION 4. Section 302A-1151.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 "[~~+~~]**§302A-1151.5**[~~+~~] **Use of vacant public school facilities**  
4 **for pre-plus programs and by charter schools.** (a) When the  
5 department considers whether to close any particular public  
6 school, it shall simultaneously give reasonable consideration to  
7 making all or portions of the facilities of the public school  
8 available for [~~the~~]:

9 (1) The exclusive occupancy and use by a charter school or  
10 pre-plus program established pursuant to section  
11 302L-C; or

12 (2) The joint occupancy and use by the charter school or  
13 pre-plus program and the department;

14 provided that the department may elect to use the facilities for  
15 the support of public education programs, with preference given  
16 to instructional uses over administrative uses.

17 (b) The department shall submit a notice of possible  
18 availability of a public school to the charter school review  
19 panel and the executive office on early learning as early as  
20 possible; provided that if a vacancy is established, a notice of  
21 vacancy shall be submitted to the charter school review panel



1 and executive office on early learning no later than thirty days  
2 after the establishment of the vacancy.

3 (c) Pursuant to section 302B-3.6 and upon receipt of a  
4 notice pursuant to subsection (b), the charter school review  
5 panel shall solicit applications from charter schools interested  
6 in using and occupying all or portions of the facilities of the  
7 public school and submit a prioritized list of charter schools  
8 to the department for final determination of which charter  
9 school, if any, shall be authorized to use and occupy the public  
10 school facilities.

11 (d) Upon receipt of a notice pursuant to subsection (b),  
12 the executive office on early learning shall solicit  
13 applications from pre-plus programs interested in using and  
14 occupying all or portions of the facilities of the public school  
15 and submit a prioritized list of pre-plus programs to the  
16 department for final determination of which pre-plus program, if  
17 any, shall be authorized to use and occupy the public school  
18 facilities.

19 [~~(d)~~] (e) Upon the selection of a charter school or pre-  
20 plus program to use a vacant school facility or portion of a  
21 school facility, the department and the charter school review  
22 panel or executive office on early learning, whichever is





1 appropriate, shall enter into necessary agreements within ninety  
2 days of the selection to carry out the purposes of this section.

3       ~~[(e)]~~ (f) After receipt ~~[by the charter school review~~  
4 ~~panel]~~ of a notice pursuant to subsection (b), if the charter  
5 school review panel ~~[does]~~ or executive office on early learning  
6 does not provide a prioritized list of charter schools or pre-  
7 plus programs because no charter school or pre-plus program has  
8 requested to use the facilities of the public school, or if the  
9 department receives the prioritized ~~[list]~~ lists but determines  
10 that no charter school or pre-plus program on ~~[the]~~ either list  
11 is an appropriate candidate to occupy and use the facilities,  
12 the department shall give reasonable consideration to making all  
13 or portions of the facilities of the public school, if closed,  
14 available for occupancy and use for other educational purposes.

15       ~~[(f)]~~ (g) The department shall adopt rules necessary to  
16 carry out the purposes of this section.

17       ~~[(g)]~~ (h) For purposes of this section, "public school"  
18 means any school that falls within the definition of public  
19 schools in section 302A-101, except for charter schools."

20       SECTION 5. Section 302L-1, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "~~§~~302L-1~~§~~ Definitions. As used in this chapter,  
2 unless the context otherwise requires:

3           "Advisory board" means the early learning advisory board  
4 established pursuant to this chapter.

5           "At-risk children" means children who, because of their  
6 home and community environment, are subject to language,  
7 cultural, economic, and other disadvantages that cause them to  
8 be at risk for school failure, including children:

- 9           (1) Who are eligible for special education services;
- 10          (2) Who are English as a second language learners;
- 11          (3) Who reside within a public school district,  
12             established under chapter 302A, that is in need of  
13             improvement based on the criteria of the federal No  
14             Child Left Behind Act of 2001 (Public Law 107-110), as  
15             amended; or
- 16          (4) Whose family income is no more than two hundred fifty  
17             per cent of the federal poverty level.

18           "Center-based" describes programs in which early childhood  
19 education and care services are provided in a facility,  
20 including private preschools, child care centers, and head start  
21 programs, licensed, or excluded or exempt from licensing, by the  
22 department of human services.



1       ~~["Council" means the early learning council established~~  
2 ~~pursuant to this chapter.]~~

3       "Family child care program" means a program in which a  
4 child is cared for in a family child care home licensed under  
5 section 346-161.

6       "Family-child interaction learning program" means a program  
7 attended by both a child and at least one adult who is the  
8 child's parent, relative, or other caregiver, that facilitates  
9 family-child interactive learning experiences for children and  
10 educates the family member or members about how to encourage the  
11 child's learning.

12       "Home-based instruction program" means a family-  
13 involvement, school-readiness program that helps families  
14 prepare their child for success in school and beyond, and that  
15 is based in the child's home; provided that home schooling is  
16 not a home-based instruction program.

17       "Office" means the executive office on early learning  
18 established pursuant to this chapter."

19       SECTION 6. Section 302L-3, Hawaii Revised Statutes, is  
20 repealed.

21       ~~["§302L-3 Early learning council. (a) There is~~  
22 ~~established an early learning council which shall be attached to~~



1 ~~the department of education for administrative purposes only,~~  
2 ~~notwithstanding any other law to the contrary. To the extent~~  
3 ~~permissible by law, the council shall develop and administer the~~  
4 ~~early learning system established in section 302L-2 to benefit~~  
5 ~~all children throughout the State, from birth until the time~~  
6 ~~they enter kindergarten. In developing the early learning~~  
7 ~~system, the council shall, among other things:~~

- 8       ~~(1) Establish policies and procedures governing its~~  
9           ~~operations;~~
- 10       ~~(2) Develop a plan, with goals and objectives, for the~~  
11           ~~early learning system, including the development,~~  
12           ~~execution, and monitoring of a phased implementation~~  
13           ~~plan;~~
- 14       ~~(3) Coordinate, improve, and expand upon existing early~~  
15           ~~learning programs and services for children from birth~~  
16           ~~until the time they enter kindergarten;~~
- 17       ~~(4) Establish policies and procedures to include existing~~  
18           ~~early learning programs and services;~~
- 19       ~~(5) Establish additional early learning programs and~~  
20           ~~services;~~
- 21       ~~(6) Establish policies and procedures governing the~~  
22           ~~inclusion of children with special needs;~~



- 1       ~~(7) Develop incentives to enhance the quality of programs~~  
2           ~~and services within the early learning system;~~
- 3       ~~(8) Coordinate efforts to develop a highly qualified,~~  
4           ~~stable, and diverse workforce, including:~~
  - 5           ~~(A) Ensuring that more early childhood educators and~~  
6               ~~administrators, existing or potential, have~~  
7               ~~opportunities to receive early childhood~~  
8               ~~education degrees, including offering higher~~  
9               ~~education scholarships;~~
  - 10          ~~(B) Increasing the availability of early childhood~~  
11           ~~education coursework, including distance learning~~  
12           ~~courses and community based early childhood~~  
13           ~~education training;~~
  - 14          ~~(C) Providing access to continuing professional~~  
15           ~~development for all educators and administrators;~~
  - 16          ~~(D) Establishing a system for awarding appropriate~~  
17           ~~credentials to educators and administrators, as~~  
18           ~~incentives to improve the quality of programs and~~  
19           ~~services, relevant to the various early learning~~  
20           ~~approaches, service deliveries, and settings,~~  
21           ~~such as for experience or coursework or degrees~~  
22           ~~completed;~~



- 1           ~~(E) Providing consultation on the social emotional~~
- 2           ~~development of children; and~~
- 3           ~~(F) Providing substitute teacher allowances;~~
- 4           ~~(9) Develop and implement methods of maximizing the~~
- 5           ~~involvement of families, caregivers, and teachers in~~
- 6           ~~the early learning system;~~
- 7           ~~(10) Develop an effective, comprehensive, and integrated~~
- 8           ~~system to provide training and technical support to~~
- 9           ~~programs and services within the early learning~~
- 10           ~~system;~~
- 11           ~~(11) Develop standards of accountability to ensure that~~
- 12           ~~high quality early learning experiences are provided~~
- 13           ~~by programs and services of the early learning system;~~
- 14           ~~(12) Collect, interpret, and release data relating to early~~
- 15           ~~learning in the State;~~
- 16           ~~(13) Recommend the appropriate proportion of state funds~~
- 17           ~~that should be distributed to programs and services~~
- 18           ~~across the early learning system, to ensure the most~~
- 19           ~~effective and efficient allocation of fiscal resources~~
- 20           ~~within the early learning system;~~
- 21           ~~(14) Develop a plan to ensure that the needs of junior~~
- 22           ~~kindergarteners are addressed, including:~~



- 1           ~~(A) Recommending an appropriate and effective~~
- 2           ~~curriculum;~~
- 3           ~~(B) Establishing criteria for junior kindergarten~~
- 4           ~~teachers and aides;~~
- 5           ~~(C) Incorporating Hawaii's preschool content~~
- 6           ~~standards for junior kindergarteners; and~~
- 7           ~~(D) Recommending an effective transition from the~~
- 8           ~~early learning system to kindergarten;~~
- 9           ~~(15) Promote awareness of early learning opportunities to~~
- 10           ~~families and the general public; and~~
- 11           ~~(16) Consult with community groups, including statewide~~
- 12           ~~organizations that are involved in early learning~~
- 13           ~~professional development, policy and advocacy, and~~
- 14           ~~early childhood programs, to broaden the council's~~
- 15           ~~knowledge of early learning.~~
- 16           ~~(b) The council shall consist of the following voting~~
- 17           ~~members:~~
- 18           ~~(1) The superintendent of education or the~~
- 19           ~~superintendent's designee;~~
- 20           ~~(2) The director of human services or the director's~~
- 21           ~~designee;~~
- 22           ~~(3) The director of health or the director's designee;~~



- 1       ~~(4) The president of the University of Hawaii or the~~
- 2           ~~president's designee;~~
- 3       ~~(5) A representative of center based program providers or~~
- 4           ~~the representative's designee;~~
- 5       ~~(6) A representative of family child care program~~
- 6           ~~providers or the representative's designee;~~
- 7       ~~(7) A representative of family child interaction learning~~
- 8           ~~program providers or the representative's designee;~~
- 9       ~~(8) A representative of philanthropic organizations that~~
- 10           ~~support early learning or the representative's~~
- 11           ~~designee;~~
- 12       ~~(9) A representative from a head start provider agency or~~
- 13           ~~the representative's designee; and~~
- 14       ~~(10) Two representatives of the Hawaii Council of Mayors or~~
- 15           ~~each representative's respective designee.~~

16       ~~The council shall invite the director of the Hawaii head~~

17 ~~start state collaboration office, the chief executive officer of~~

18 ~~the Kamehameha Schools, and the executive director of the Hawaii~~

19 ~~Association of Independent Schools, or their designees, to serve~~

20 ~~as voting members of the council.~~

21       ~~Except for the superintendent of education, directors of~~

22 ~~state departments, president of the University of Hawaii,~~





1 ~~director of the Hawaii head start state collaboration office,~~  
2 ~~chief executive officer of the Kamehameha Schools, and executive~~  
3 ~~director of the Hawaii Association of Independent Schools, or~~  
4 ~~their designees, and the two representatives of the Hawaii~~  
5 ~~Council of Mayors, or their respective designees, the members~~  
6 ~~shall be nominated and, by and with the advice and consent of~~  
7 ~~the senate, appointed by the governor.~~

8 ~~(c) Except for the superintendent of education, directors~~  
9 ~~of state departments, president of the University of Hawaii,~~  
10 ~~director of the Hawaii head start state collaboration office,~~  
11 ~~chief executive officer of the Kamehameha Schools, and executive~~  
12 ~~director of the Hawaii Association of Independent Schools, or~~  
13 ~~their designees, members of the council shall serve staggered~~  
14 ~~terms as follows:~~

15 ~~(1) The representative of center based program providers~~  
16 ~~shall serve a two year term,~~

17 ~~(2) The representative of family child care program~~  
18 ~~providers shall serve a three year term,~~

19 ~~(3) The representative of family child interaction~~  
20 ~~learning program providers shall serve a three year~~  
21 ~~term,~~



1       ~~(4) The representative of philanthropic organizations that~~  
2       ~~support early learning shall serve a two year term,~~  
3       ~~and~~

4       ~~(5) Of the two representatives of the Hawaii Council of~~  
5       ~~Mayors, one shall serve a two year term, and the other~~  
6       ~~shall serve a three year term as determined by the~~  
7       ~~Hawaii Council of Mayors.~~

8       ~~(d) The council shall select a chairperson by a majority~~  
9       ~~vote of its members; provided that the chairperson shall be a~~  
10       ~~representative from the private sector. A majority of the~~  
11       ~~members serving on the council shall constitute a quorum to do~~  
12       ~~business. The concurrence of the majority of the members~~  
13       ~~serving on the council shall be necessary to make any action of~~  
14       ~~the council valid.~~

15       ~~(e) The council may form workgroups and subcommittees,~~  
16       ~~including with individuals who are not council members, to:~~

17       ~~(1) Obtain resource information from early learning~~  
18       ~~professionals and other individuals as deemed~~  
19       ~~necessary by the council;~~

20       ~~(2) Make recommendations to the council; and~~

21       ~~(3) Perform other functions as deemed necessary by the~~  
22       ~~council to fulfill its duties and responsibilities.~~



1 ~~Two or more council members, but less than a quorum, may discuss~~  
2 ~~matters relating to official council business in the course of~~  
3 ~~their participation in a workgroup or subcommittee, and such~~  
4 ~~discussion shall be a permitted interaction as provided for in~~  
5 ~~section 92-2.5.~~

6 ~~(f) Members of the council shall serve without~~  
7 ~~compensation but shall be reimbursed for expenses, including~~  
8 ~~travel expenses, necessary for the performance of their duties.~~

9 ~~(g) The council shall appoint, without regard to chapters~~  
10 ~~76 and 89, an executive director who shall serve at the pleasure~~  
11 ~~of the council and whose duties shall be set by the council.~~  
12 ~~The salary of the executive director shall be set by the~~  
13 ~~council; provided that the salary shall not exceed the salary of~~  
14 ~~the deputy director of the department of human services. The~~  
15 ~~executive director may also appoint other personnel, without~~  
16 ~~regard to chapters 76 and 89, to work directly for the executive~~  
17 ~~director.~~

18 ~~(h) The council may require reports as necessary in the~~  
19 ~~form specified by the council, from state agencies, and program~~  
20 ~~and service providers of the early learning system. All~~  
21 ~~publicly run programs and services that participate in the early~~  
22 ~~learning system shall establish a system to account for~~



1 ~~expenditures of non federal funds that would qualify for~~  
2 ~~matching federal child care and development funds, or other~~  
3 ~~federal funds, and provide this data to the council to maximize~~  
4 ~~the availability of federal funds. Privately run programs and~~  
5 ~~services that participate in the early learning system shall be~~  
6 ~~encouraged to make the same data available.~~

7 ~~(i) The council shall submit to the legislature no later~~  
8 ~~than twenty days prior to the convening of each regular session,~~  
9 ~~a report regarding:~~

10 ~~(1) Its progress; and~~

11 ~~(2) The status of the early learning system in the~~  
12 ~~State." ]~~

13 SECTION 7. Section 346-1.7, Hawaii Revised Statutes, is  
14 repealed.

15 ~~["~~§346-1.7~~ **Early childhood education facilities; pre-**~~  
16 ~~**plus.** (a) There is established the pre plus program within the~~  
17 ~~department to expand access to affordable and high quality early~~  
18 ~~childhood education for three to four year old children from~~  
19 ~~low income families, by allowing preschool programs to be~~  
20 ~~established on public school campuses through public private~~  
21 ~~partnerships.~~



1       ~~(b) The department and the department of education shall~~  
2 ~~work collaboratively to develop suitable pre-plus classrooms on~~  
3 ~~department of education campuses statewide, including conversion~~  
4 ~~charter school campuses. The department, with the department of~~  
5 ~~education, shall coordinate site selection for additional pre-~~  
6 ~~plus programs at public school sites, with priority given to~~  
7 ~~public school sites that serve at risk children as defined in~~  
8 ~~section 302L-1, including sites located in areas with limited~~  
9 ~~access to early learning programs and services." ]~~

10       SECTION 8. The executive office on early learning  
11 established pursuant to section 2 of this Act shall submit a  
12 report to the legislature no later than twenty days prior to the  
13 convening of the regular session of 2013 on the status of an  
14 implementation plan for the development of the early learning  
15 system established pursuant to section 302L-2, Hawaii Revised  
16 Statutes. The report shall include a timeline of the  
17 implementation plan and any projected funding needs, with a  
18 focus on targeted four year olds.

19       SECTION 9. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$                    or so  
21 much thereof as may be necessary for fiscal year 2012-2013 to  
22 establish the executive office on early learning.



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

3           SECTION 10. The members serving on the early learning  
4 council on the effective date of this Act shall serve as the  
5 initial members of the early learning advisory board established  
6 pursuant to section 2 and shall continue to serve as members of  
7 the early learning advisory board until their terms expire.

8           SECTIONS 11. Sections 302A-1506.5, 302L-2, and 302L-5,  
9 Hawaii Revised Statutes, are amended by substituting the term  
10 "executive office on early learning" wherever the term "early  
11 learning council" appears, as the context requires.

12           SECTION 12. Section 302L-3.5, Hawaii Revised Statutes, is  
13 amended by substituting the term "advisory council" wherever the  
14 term "council" appears, as the context requires.

15           SECTION 13. In codifying the new sections added by section  
16 2 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.

19           SECTION 14. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.





# S.B. NO. 2545

**Report Title:**

Education; Early Learning; Appropriation

**Description:**

Establishes the executive office on early learning. Establishes the early learning advisory board to replace the early learning council. Repeals junior kindergarten programs at the end of the 2013-2014 school year. Beginning with the 2014-2015 school year, requires students to be at least five years of age on July 31 of the school year in order to attend kindergarten. Makes an appropriation to establish the executive office on early learning.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

