



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 14, 2013

**MEMORANDUM**

TO: The Honorable Mele Carroll, Chair  
House Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 1106, S.D. 2 - RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING**

Hearing: Thursday, March 14, 2013; 9:30 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of S.B. 1106 S.D. 2, is to allow a child care program licensed or certified by the United States Department of Defense and the Hawaii Council of Private Schools to be exempt from licensing by the Department of Human Services.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) strongly supports this Administration bill. This bill will clarify the exemptions passed in the 2012 Legislative Session amending section 346-152(a)(3), Hawaii Revised Statutes, for any kindergarten, school, or program licensed or certified by the Department of Education, the Hawaii Council of Private Schools (HCPS), or the United States Department of Defense from child care licensing by the Department of Human Services.

The kindergartens, schools, or child care programs to be exempted are already licensed or certified by the United States Department of Defense and located on federal property. The licensing and certification standards of the United States Department of

Defense exceed the DHS standards. Also, the DHS does not have jurisdiction over child care programs located on federal property. It is an administrative burden for the Department to also license these programs which are already licensed or certified by another entity.

Additionally, this bill clarifies that a child care program licensed by HCPS shall apply for an exemption with the DHS and must provide evidence that HCPS licensing standards meet or exceed those of the Department, including the monitoring component. The DHS has agreed to work with the Hawaii Association of Independent Schools (HAIS) and the HCPS to provide technical assistance in the development of standards for their child care programs.

In order for a child care program licensed by HCPS to be exempt from licensure by the Department of Human Services, the child care program must apply and show evidence that the licensing standards of the HCPS meet or exceed the licensing standards of the Department of Human Services, and that the standards include a monitoring system that ensures compliance with the standards.

If the child care program requesting the exemption cannot demonstrate that the HCPS standards meet or exceed those of the Department, the Department shall have the discretion to deny the application for exemption and continue to license the child care program.

The DHS thanks the Senate Commerce and Consumer Protection Committee in addressing the Department's concerns in the S.D. 2 of this bill.

However, the Department respectfully request that the effective date of July 2, 2013 be reinstated for this bill, rather than the current July 1, 2013, since Act 163, Session Laws of Hawaii 2012, relating to section 346-152, Hawaii revised Statutes, takes effect on July 1, 2013.

Thank you for the opportunity to provide testimony on this bill.



EXECUTIVE OFFICE ON EARLY LEARNING  
HONOLULU

TERRY LOCK  
DIRECTOR

Testimony in **Support** of  
S.B. 1106 S.D. 2, Relating to Exemptions from Child Care Licensing  
By Terry Lock, Director

House Committee on Human Services  
March 14, 2013  
9:30 a.m., Room 329

Chair Carroll, Vice-Chair Kobayashi, and Members of the Committee:

Aloha, I am Terry Lock, Director of the Executive Office on Early Learning (EOEL). EOEL is in support of Senate Bill 1106 S.D. 2.

EOEL is charged with coordinating efforts on behalf of young children by creating partnerships and alignment of policies and programs to achieve improved outcomes in health, safety, and school readiness and success.

Programs accredited by the Hawaii Council of Private Schools (HCPS) are required to follow requirements that exceed the licensing requirements of the Department of Human Services. This measure would exempt these programs, as well as those regulated by the U.S. Department of Defense and located on federal property, from DHS-licensing requirements. It would require HCPS-accredited programs to provide evidence that HCPS licensing standards meet or exceed DHS licensing standards, including a monitoring component.

We support S.B. 1106 S.D. 2 because a cornerstone of our work is to ensure high-quality programs for our young children. In Hawaii we have the opportunity to build a system of care for young children that will build on the strengths of both our public and private sector providers.

Thank you for the opportunity to testify.



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Representative Mele Carroll, Chair  
Representative Bertrand Kobayashi, Vice Chair  
HOUSE COMMITTEE ON HUMAN SERVICES

From: Katherine Murphy, Executive Director  
Hawaii Association for the Education of Young Children (HAEYC)

Date: Thursday, March 14, 2013

Subject: SB 1106, SD2, Relating to Exemptions From Child Care Licensing

Senate Bill 1106, Senate Draft 2, would add exemptions for any child care program licensed by the United States Department of Defense and the Hawaii Council of Private Schools to be exempt from licensing by the Department of Human Services. HAEYC respectfully opposes this bill in its current form. The Department of Human Services child care licensing process is more than sufficient in ensuring the basic health and safety for our youngest keiki. The additional licensing methods suggested in SB 1106, SD2, have the potential to complicate the licensing process and place an additional burden on the Department.

HAEYC would like to continue to be a positive contributor to ongoing policy conversations about Hawaii's children. Our volunteers and staff would be happy to provide you with more information to facilitate your decision-making. Please contact us at (808) 942-4708 or [haeyc@hawaiiayc.org](mailto:haeyc@hawaiiayc.org).

HAEYC represents nearly 1,000 members who are early childhood development and educational professionals across the state.

*HAEYC's mission is to promote, support, and expand quality and professionalism in early childhood programs and services for Hawaii's children (0-8) and their families.*

Mahalo for the opportunity to testify on this measure.

Katherine E. Murphy  
Executive Director  
HAEYC



March 14, 2013  
9:30 AM  
Conference Room 329

TESTIMONY TO  
THE HOUSE COMMITTEE ON  
HUMAN SERVICES

**RE: SB 1106 SD2 – Relating to Exemptions from Child Care Licensing**

Chair Carroll, Vice Chair Kobayashi, and members of the Committee:

My name is Robert Witt and I am executive director of the Hawaii Association of Independent Schools (HAIS), which represents 99 private and independent schools in Hawaii and educates over 33,000 students statewide. The Hawaii Council of Private Schools (HCPS), referred to in HB 875, and last year in SB 2800, operates under the auspices of HAIS as one of its standing committees, charged with the licensing of Hawaii's private elementary and secondary schools, including early education programs at such schools.

**HAIS is in support of SB 1106 SD2** which allows a child care program licensed by the United States Department of Defense and the Hawaii Council of Private Schools to be exempt from licensing by the Department of Human Services (DHS). Furthermore, the bill requires each child care program licensed by the HCPS to submit an application for an exemption from DHS that demonstrates HCPS's licensing standards "meet or exceed" the department's standards.

In the report of the Conference Committee concerning Act 163 of the 2012 Legislative Session, dated April 27, 2012, it is stated that "Your Committee on Conference finds that as kindergartens, schools, or child care programs are already licensed by the Charter School Review Panel, the Hawaii Council of Private Schools, federal agencies, or counties that administer them, there is no sufficient justification for the Department of Human Services to also license these kindergartens, schools, and child care programs."

Currently, we are working with DHS, the Governor's office and other stakeholders to develop a process for the HCPS exemption. It is the consensus of all the parties involved to develop a process that exceeds the current licensing standards and implements safeguards for Hawaii's youngest learners.

Thank you for the opportunity to testify.