

---

---

# A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1         SECTION 1. The purpose of this Act is to propose an  
2 amendment to Article X, Section 1, of the Hawaii State  
3 Constitution to permit the appropriation of public funds for  
4 private early childhood education programs to help the State  
5 meet its goal of providing an early learning system for the  
6 children of Hawaii.

7         SECTION 2. Article X, section 1, of the Constitution of  
8 the State of Hawaii is amended to read as follows:

9                                 **"PUBLIC EDUCATION**

10        **Section 1.** The State shall provide for the establishment,  
11 support and control of a statewide system of public schools free  
12 from sectarian control, a state university, public libraries and  
13 such other educational institutions as may be deemed desirable,  
14 including physical facilities therefor. There shall be no  
15 discrimination in public educational institutions because of  
16 race, religion, sex or ancestry; nor shall public funds be  
17 appropriated for the support or benefit of any sectarian or

1 nonsectarian private educational institution, except that public  
2 funds may be appropriated for the support or benefit of private  
3 early childhood education programs as provided by law, and that  
4 proceeds of special purpose revenue bonds authorized or issued  
5 under section 12 of Article VII may be appropriated to finance  
6 or assist:

7 1. Not-for-profit corporations that provide early  
8 childhood education and care facilities serving the general  
9 public; and

10 2. Not-for-profit private nonsectarian and sectarian  
11 elementary schools, secondary schools, colleges and  
12 universities."

13 SECTION 3. The question to be printed on the ballot shall  
14 be as follows:

15 "Shall the appropriation of public funds be permitted for  
16 the support or benefit of private early childhood education  
17 programs, as provided by law, to help the State meet its  
18 goal of providing an early learning system for the children  
19 of Hawaii?"

20 SECTION 4. New constitutional material is underscored.

21  
22  
23

H.B. NO. 853

1 SECTION 5. This amendment shall take effect upon  
2 compliance with article XVII, section 3, of the Constitution of  
3 the State of Hawaii.

4

5

INTRODUCED BY: 

6

BY REQUEST

7

JAN 22 2013

8

# H.B. NO. 853

**Report Title:**

Early Childhood Education; Public Funds; Constitutional Amendment

**Description:**

Proposes a constitutional amendment to permit the appropriation of public funds for private early childhood education programs, as provided by law, to help the State meet its goal of providing an early learning system for the children of Hawaii.

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

JUSTIFICATION SHEET

DEPARTMENT: OFFICE OF THE GOVERNOR

TITLE: A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS.

PURPOSE: To propose an amendment to article X, section 1, of the Constitution of the State of Hawaii to permit the appropriation of public funds for private early childhood education programs to help the State meet its goal of providing an early learning system for the children of Hawaii.

MEANS: Amend article X, section 1, of the Hawaii State Constitution.

JUSTIFICATION: In Conference Committee Report No. 173-12, the Conference Committee on Senate Bill No. 2545, which became Act 178, Session Laws of Hawaii 2012 ("Act 178"), found that early experiences lay the groundwork for a child's lifelong learning and behavior, and that high quality early learning programs that are affordable and accessible for all children are critically important to ensure the success of Hawaii's children. Thus, the new law established the Executive Office on Early Learning to help the State meet its goal of providing a viable early learning system for the children of Hawaii.

Pursuant to Act 178, starting with the 2014-2015 school year, children will be required to be at least five years of age on July 31 of the school year in order to attend kindergarten and the Hawaii Department of Education's ("DOE") junior kindergarten program will no longer be available. The Legislature's intention was to address the

gap in services through the program established by the Executive Office on Early Learning.

Currently, not all DOE elementary school campuses are equipped to implement preschool programs. Thus, it is anticipated that the public schools will not be able to accommodate all students wishing to participate in the program. This means that the State will have to contract with private providers to be able to service all students who wish to participate. However, the Hawaii Constitution currently prohibits the appropriation of public funds for the support or benefit of private educational institutions. The proposed amendment will allow the appropriation of public funds for the formation of public-private partnerships to advance early learning initiatives set forth in Act 178.

Impact on the public: This bill will be beneficial to the public because it will provide an early learning system for the children of Hawaii.

Impact on the department and other agencies: This bill will help the Executive Office on Early Learning develop a new affordable and accessible early childhood education program consisting of providers of high-quality early childhood education to assist families in establishing a solid foundation for success in school so that children graduate from high school prepared for college and a career. This bill may also impact the DOE because some of the public-private partnerships developed through the program may be implemented on public school campuses.

GENERAL FUND: Yes.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION:

None.

OTHER AFFECTED  
AGENCIES:

Executive Office on Early Learning and  
Hawaii Department of Education.

EFFECTIVE DATE:

Upon compliance with article XVII, section  
3, of the Constitution of the State of  
Hawaii.