

STAND. COM. REP. NO. 918

Honolulu, Hawaii
March 15, 2013

RE: S.B. No. 1084
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 1084, S.D. 1, entitled:

"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,"

begs leave to report as follows:

The purpose of this measure is to ensure that Hawaii's children receive the early foundation and support necessary to avoid remedial training and achieve success in their future educational endeavors by proposing an amendment to the Hawaii State Constitution to permit the appropriation of public funds for private early childhood education programs.

The Governor, Department of Public Safety, Department of Human Resources Development, Department of Human Services, Department of Health, Department of the Attorney General, University of Hawaii, Department of the Prosecuting Attorney of the City and County of Honolulu, Chaminade University of Honolulu, Kamehameha Schools, Good Beginnings Alliance, Community Children's Councils, Child & Family Service, Hawaii Association of Independent Schools, Special Education Advisory Council, Early Learning Advisory Board, Hawaii P-20, Hawai'i Construction Alliance, The Pacific Resource Partnership, Atherton Family Foundation, Castle & Cooke Hawai'i, Harold K.L. Castle Foundation,

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Colliers International, First Insurance Company of Hawaii, Hawaii Business Roundtable, Hawai'i Pacific Health, Kaneohe Ranch Company, Hawai'i Association for the Education of Young Children, Parents for Public Schools of Hawai'i, Central Pacific Bank, The Chamber of Commerce of Hawaii, New Hope Leeward, and over a hundred concerned individuals supported this measure. The Board of Education, IMUA Alliance, Hawaii Catholic Schools, and Hawaii Catholic Conference supported the intent of this measure. The Hawaii State Teachers Association, Hawaii members of Americans United for Separation of Church and State, and many concerned individuals opposed this measure. The Department of Education, Teacher Education Coordinating Committee, American Civil Liberties Union of Hawai'i, Hawaii Baptist Early Education Association, and several concerned individuals provided comments.

Your Committee on Education finds that in an increasingly competitive and global environment, it is imperative that Hawaii's children be given every opportunity to thrive. As extensive research has shown, 85 percent of a child's brain development occurs before age five, making these early years, and access to early learning opportunities, crucial to future success. Nevertheless, statistics show that the majority of students in three-quarters of Department of Education kindergarten classrooms in the 2012-2013 school year did not start school with the basic skills necessary to succeed. Your Committee strongly believes that such glaring disparity can be addressed by a state commitment and investment in quality early learning opportunities.

Hawaii is one of only eleven states that does not have a state-funded early education program. Your Committee would like to emphasize that while currently, not all Department of Education elementary school campuses have the necessary resources to implement preschool programs to accommodate all young children eligible to participate, there exists a robust network of private early education providers willing and able to partner with the State to ensure that all Hawaii's keiki, regardless of means, receive the best possible foundation upon which to be successful. This cannot be accomplished without the State's firm commitment.

Your Committee finds, though, that the Hawaii State Constitution prohibits the appropriation of public funds for the support or benefit of private education institutions, limiting the State's ability to take advantage of the infrastructure, experience, and expertise that already exists in the private sector. This measure, then, proposes a narrowly-defined amendment



to the Hawaii State Constitution for the public's approval aimed at permitting the appropriation of public funds for private early education programs. This would allow the formation of public-private partnerships for early childhood education programs while ensuring that the Legislature has the sole authority to define and oversee such programs.

Additionally, your Committee emphasizes that the constitutional amendment proposed by this measure is specifically and narrowly designed to fund early education programs that are not available through the current Department of Education public school system. It is not intended in any way to interfere with the State's funding of public, kindergarten through twelfth grade, education and will not result in any public funds being used for private, kindergarten through twelfth grade, education.

Your Committee also emphasizes that the narrow construction of this proposed constitutional amendment precludes the provision of public funds for religious purposes. It is not the intention of this measure or of your Committee on Education to violate the principle of the separation of church and state.

As such, your Committee strongly believes this measure serves the best interests of Hawaii's youth and the State as a whole, and respectfully recommends that it continue to move forward in the legislative process.

Your Committee has amended this measure by:

- (1) Adding additional language to the constitutional amendment to specify that the private early childhood education programs receiving public funds will be subject to the same non-discrimination requirements as public educational institutions; and
- (2) Making technical, nonsubstantive amendments for consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1084, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1084, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Education,



ROY M. TAKUMI, Chair



