



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 11, 2017

GOV. MSG. NO. 1316

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 11, 2017, the following bill was signed into law:

HB498 HD1 SD1 CD1

RELATING TO EARLY LEARNING
ACT 202 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO EARLY LEARNING.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Broaden the scope of the early learning program to
3 include early childhood development;

4 (2) Expand the function of the early learning advisory
5 board beyond an advisory capacity and amend the
6 composition and powers of some board members; and

7 (3) Allow the board to appoint and evaluate the director
8 of the executive office on early learning.

9 SECTION 2. Section 302L-1, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By adding two new definitions to be appropriately
12 inserted and to read:

13 "Early learning" means developmentally appropriate early
14 childhood development and education for children from prenatal
15 care until the time they enter kindergarten.

16 "Early learning system" means a developmentally appropriate
17 early childhood development and education system for children
18 from prenatal care until the time they enter kindergarten."



1 2. By amending the definition of "advisory board" to read:

2 "~~["Advisory board"]~~ "Board" means the early learning
3 ~~[advisory]~~ board established pursuant to this chapter."

4 3. By amending the definition of "at-risk children" to
5 read:

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

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

20 4. By amending the definition of "center-based" to read:



1 "Center-based" describes programs in which early
2 ~~[childhood education and care]~~ learning services are provided in
3 a facility, including private preschools, child care centers,
4 and head start programs, licensed, or excluded or exempt from
5 licensing, by the department of human services."

6 5. By amending the definition of "underserved children" to
7 read:

8 "Underserved children" means children who have no access
9 to, or are not qualified to attend, other early ~~[childhood~~
10 ~~education]~~ learning programs and whose family income is no more
11 than ~~[two]~~ three hundred ~~[fifty]~~ per cent of the federal poverty
12 level."

13 6. By repealing the definition of "early childhood
14 education".

15 ~~["Early childhood education" means a developmentally~~
16 ~~appropriate early childhood development and education program~~
17 ~~for children from birth until the time they enter~~
18 ~~kindergarten."]~~

19 SECTION 3. Section 302L-1.5, Hawaii Revised Statutes, is
20 amended by amending subsections (b) and (c) to read as follows:



1 "(b) The head of the executive office on early learning
2 shall be known as the director of the executive office on early
3 learning, hereinafter referred to as director. The director
4 shall:

- 5 (1) Be appointed and evaluated annually by the [~~governor,~~
6 board;
- 7 (2) Have professional training in the field of social
8 work, education, or other related fields [~~;~~], including
9 major coursework in early childhood education and
10 child development, and preferably holding an academic
11 degree in the field of early childhood education and
12 child development;
- 13 (3) Have direct experience in programs or services related
14 to early [~~childhood education;~~] learning;
- 15 (4) Have recent experience in a supervisory, consultative,
16 or administrative position;
- 17 (5) Be paid a salary set by the [~~governor~~] board that
18 shall not exceed ninety per cent of the salary of the
19 director of human resources development; and
- 20 (6) Be included in any benefit program generally
21 applicable to the officers and employees of the State.



- 1 (c) The director shall be responsible for:
- 2 (1) Serving as the principal officer in state government
3 responsible for the performance, development, and
4 control of programs, policies, and activities [~~related~~
5 ~~to a public private comprehensive early childhood~~
6 ~~system for children,~~] under the jurisdiction of the
7 office from prenatal care to entrance into
8 kindergarten;
- 9 (2) Overseeing, supervising, and directing the performance
10 of the director's subordinates in various activities,
11 including planning, evaluation, and coordination of
12 early learning programs;
- 13 (3) Administering funds allocated for the office and
14 applying for, receiving, and disbursing grants and
15 donations from all sources for early learning programs
16 and services;
- 17 (4) Assessing the policies and practices of other agencies
18 impacting early learning and conducting advocacy
19 efforts for early learning;
- 20 (5) Advising agencies on new legislation, programs, and
21 policy initiatives relating to early learning;



- 1 (6) Employing and retaining staff as may be necessary for
- 2 the purposes of this section; and
- 3 (7) Contracting for services that may be necessary for the
- 4 purposes of this section, including through master
- 5 contracts, memoranda of understanding, and memoranda
- 6 of agreement with other state agencies receiving
- 7 federal and state funds for programs and services for
- 8 early learning, and purchase of service agreements
- 9 with appropriate agencies."

10 SECTION 4. Section 302L-1.6, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "[+]§302L-1.6[+] Early learning [~~advisory~~] board. (a)
 13 There is established within the department of education for
 14 administrative purposes only an early learning [~~advisory~~] board,
 15 whose members shall be appointed by the governor pursuant to
 16 section 26-34. The board shall have power, in accordance with
 17 law, to formulate statewide policy relating to early learning.
 18 The [~~advisory~~] board shall be responsible for:

- 19 (1) [~~Advising~~] Directing the office on how best to meet
- 20 the developmental and educational needs of children,
- 21 from prenatal care to entry into kindergarten;



- 1 (2) Providing recommendations to the office on improving
2 the quality, availability, and coordination of early
3 ~~[childhood care and education]~~ learning programs;
- 4 (3) Promoting collaboration across agencies and
5 stakeholders serving young children; and
6 ~~[(4) Being an independent voice for children's health,
7 safety, development, and learning.]~~
- 8 (4) Appointing the director of the office and evaluating
9 the director on an annual basis.
- 10 (b) The ~~[advisory]~~ board shall consist of the following
11 voting members:
- 12 (1) A representative of center-based program providers or
13 the representative's designee;
- 14 (2) A representative of family child care program
15 providers;
- 16 (3) A representative of family-child interaction learning
17 program providers;
- 18 (4) A representative of philanthropic organizations that
19 support early learning or the representative's
20 designee;
- 21 (5) A representative from a head start provider agency;



- 1 (6) A representative from the Hawaii Early Intervention
2 Coordinating Council;
- 3 (7) A parent representative;
- 4 (8) A representative from the Hawaii chapter of the
5 American Academy of Pediatrics;
- 6 (9) A representative of home-visiting program providers;
- 7 (10) A representative of Hawaiian medium early learning
8 providers; and
- 9 (11) [~~Two representatives~~] A representative of the Hawaii
10 Council of Mayors, or [each] the representative's
11 [~~respective~~] designee.

12 The superintendent of education, director of human
13 services, director of health, and president of the University of
14 Hawaii shall serve as ex officio, [~~voting~~] non-voting members of
15 the [~~advisory~~] board.

16 The [~~advisory~~] board shall invite [~~the director of the~~
17 ~~Hawaii head start state collaboration office,~~] the chief
18 executive officer of Kamehameha Schools[~~7~~] and the executive
19 director of the Hawaii Association of Independent Schools, or
20 their designees, to serve as voting members of the [~~advisory~~]
21 board.



1 (c) Except for the superintendent of education, directors
2 of state departments, president of the University of Hawaii,
3 [~~director of the Hawaii head start state collaboration office,~~]
4 chief executive officer of Kamehameha Schools, and the executive
5 director of the Hawaii Association of Independent Schools, or
6 their designees, the members of the [~~advisory~~] board shall serve
7 staggered terms as follows:

- 8 (1) The representative of center-based program providers
9 shall serve a two-year term;
- 10 (2) The representative of family child care program
11 providers shall serve a three-year term;
- 12 (3) The representative of family-child interaction
13 learning program providers shall serve a three-year
14 term;
- 15 (4) The representative of philanthropic organizations that
16 support early learning shall serve a two-year term;
- 17 (5) The representative from a head start provider agency
18 shall serve a three-year term;
- 19 (6) The representative from the Hawaii Early Intervention
20 Coordinating Council shall serve a three-year term;
- 21 (7) The parent representative shall serve a two-year term;



1 (8) The representative from the Hawaii chapter of the
2 American Academy of Pediatrics shall serve a two-year
3 term;

4 (9) The representative of home-visiting program providers
5 shall serve a three-year term;

6 (10) The representative of Hawaiian medium early learning
7 providers shall serve a two-year term; and

8 (11) [~~Of the two representatives~~] The representative of the
9 Hawaii Council of Mayors [~~, one shall serve a two-year~~
10 ~~term, and the other~~] shall serve a three-year term [~~as~~
11 ~~determined by the Hawaii Council of Mayors~~].

12 (d) The [~~advisory~~] board shall select a chairperson by a
13 majority vote of its voting members [~~, provided that the~~
14 ~~chairperson shall be a representative from the private sector~~].
15 A majority of the voting members serving on the [~~advisory~~] board
16 shall constitute a quorum to conduct business. The concurrence
17 of the majority of the voting members serving on the [~~advisory~~]
18 board shall be necessary to make any action of the [~~advisory~~]
19 board valid.



1 (e) The [advisory] board may form workgroups and
2 subcommittees, including with individuals who are not [advisory]
3 board members, to:

- 4 (1) Obtain resource information from early learning
5 professionals and other individuals as deemed
6 necessary by the [advisory] board;
- 7 (2) Make recommendations to the [advisory] board; and
- 8 (3) Perform other functions as deemed necessary by the
9 [advisory] board to fulfill its duties and
10 responsibilities.

11 Two or more [advisory] board members, but less than a
12 quorum, may discuss matters relating to official [advisory]
13 board business in the course of their participation in a
14 workgroup or subcommittee, and such discussion shall be a
15 permitted interaction as provided for in section 92-2.5.

16 (f) The [advisory] board may testify before the
17 legislature on any matter related to its duties and
18 responsibilities.

19 (g) Members of the [advisory] board shall serve without
20 compensation but shall be reimbursed for expenses, including
21 travel expenses, necessary for the performance of their duties."



1 SECTION 5. Section 302L-1.7, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 " ~~[+]§302L-1.7 [+] Early [childhood education]~~ learning
5 facilities; pre-plus. (a) There is established the pre-plus
6 program within the office to expand access to affordable and
7 high-quality early ~~[childhood education]~~ learning for children
8 from low-income families who are not otherwise eligible for
9 kindergarten, by allowing preschool programs to be established
10 on public school campuses through public-private partnerships."

11 SECTION 6. Section 302L-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§302L-2 Early learning system~~[; keiki first steps]~~.
14 There is established an early learning system~~[; to be known as~~
15 ~~keiki first steps,~~] that shall ensure a spectrum of high-quality
16 early learning opportunities for children throughout the State,
17 from ~~[birth]~~ prenatal care until the time they enter
18 kindergarten, with priority given to underserved or at-risk
19 children. The early learning system shall be developed and
20 administered by the executive office on early learning to the
21 extent permissible by law. The early learning system shall:



- 1 (1) Be widely accessible and voluntary for both those
2 served and program and service providers;
- 3 (2) Be a cohesive, comprehensive, and sustainable system
4 in which:
- 5 (A) All existing early learning programs and
6 services, whether publicly- or privately-run,
7 which consist of a variety of early learning
8 approaches, service deliveries, and settings,
9 including center-based programs, family child
10 care programs, family-child interaction learning
11 programs, and home-based instruction programs
12 designed to promote early learning, are
13 coordinated, improved, and expanded;
- 14 (B) Public and private resources are maximized; and
- 15 (C) The use of public facilities for either publicly-
16 or privately-run early learning programs is
17 maximized;
- 18 (3) Provide high-quality early learning experiences with:
- 19 (A) Standards-based content and curriculum, and
20 accountability; and



1 (B) Sufficient numbers of well-qualified educators
2 and administrators who are fairly compensated and
3 have access to continuing professional
4 development;

5 (4) Offer opportunities for family and community
6 engagement and parent education and support; and

7 (5) Be sensitive to family choice and cultural diversity."

8 SECTION 7. Section 302L-3.5, Hawaii Revised Statutes, is
9 amended by amending its title and subsections (a) through (e) to
10 read as follows:

11 "§302L-3.5 [~~Advisory board~~] Board meetings by
12 teleconference. (a) Notwithstanding any law to contrary, the
13 [~~advisory~~] board may meet by teleconference.

14 (b) Each member of the [~~advisory~~] board participating in a
15 meeting by teleconference shall be considered present at the
16 meeting for purposes of determining quorum and participating in
17 all proceedings.

18 (c) A meeting by teleconference:

19 (1) Need not have a quorum present at any one location;
20 and



1 (2) Is subject to the notice requirements applicable to
2 other ~~[advisory]~~ board meetings.

3 (d) The notice of each teleconference meeting shall
4 specify all physical locations from which members of the
5 ~~[advisory]~~ board will participate. The notice shall also
6 specify the physical location from which the presiding officer
7 of the ~~[advisory]~~ board will preside. All physical
8 teleconference locations shall be open to the public during the
9 open portion of the meeting.

10 (e) ~~[Advisory board]~~ Board materials that are to be
11 considered at the meeting shall be made available at all
12 physical teleconference locations."

13 SECTION 8. Section 302L-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§302L-4 ~~[Keiki first steps grant]~~ Grant program;
16 establishment. (a) There is established, as part of the early
17 learning system, ~~[the keiki first steps]~~ a grant program, to be
18 developed and administered by the office ~~[and administered by~~
19 ~~the department of human services]~~. The program shall increase
20 early learning opportunities that meet high standards of quality
21 through the awarding of grants to publicly- or privately-run:



- 1 (1) Center-based programs for three- and four-year-old
2 children; and
- 3 (2) Family child care programs, family-child interaction
4 learning programs, and other early learning programs
5 and services regardless of the age of children served.

6 (b) Eligibility criteria for grants. The ~~[department of~~
7 ~~human services]~~ office may award grants ~~[for the keiki first~~
8 ~~steps grant program]~~ based on criteria that shall be developed
9 by the office. The criteria shall include the requirement that
10 early learning programs and services meet certain standards of
11 quality, including:

- 12 (1) The implementation of evidence-based and culturally
13 responsive models of service delivery;
- 14 (2) The use of evidence-based curricula and methods;
- 15 (3) Minimum scheduling requirements, as follows:
- 16 (A) For center-based programs: providing services
17 for a full school day and full school year;
- 18 (B) For family child care programs: providing
19 services for three hours daily for a full school
20 year;



- 1 (C) For family-child interaction learning programs
2 operating in classroom-like settings: providing
3 early learning activities at least twice a week
4 for a full school year, and for a minimum of
5 three hours each day; and
- 6 (D) For home-based instruction programs: providing
7 early learning activities for no fewer than
8 thirty weeks within a school year;
- 9 (4) Staff-to-child ratios and group size that meet or
10 exceed nationally recommended standards;
- 11 (5) The employment of teachers and administrators who meet
12 the qualifications required by the office;
- 13 (6) The incorporation of preschool content standards or
14 other early learning guidelines;
- 15 (7) The implementation of health and developmental
16 screenings for children;
- 17 (8) Opportunities for parent or family engagement and
18 parent education and support; and
- 19 (9) Activities for monitoring and data collection to
20 evaluate early learning programs and services and
21 inform best practices.



1 (c) Training; technical assistance; monitoring. The
2 ~~[department of human services]~~ office may offer technical
3 support to, and shall be responsible for monitoring to ensure
4 the accountability of programs and services within the ~~[keiki~~
5 ~~first steps]~~ grant program, according to the standards developed
6 by the office."

7 SECTION 9. Section 302L-6, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§302L-6[+] Federal funds. The office may use and
10 expend federal funds for the purpose of early ~~[childhood~~
11 ~~education.]~~ learning."

12 SECTION 10. Section 302L-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§302L-7[+] Executive office on early learning public
15 prekindergarten program; public preschools. (a) There is
16 established within the early learning system an early childhood
17 education program to be known as the executive office on early
18 learning public prekindergarten program and to be administered
19 by the office pursuant to rules adopted by the office. The
20 program shall:



- 1 (1) Be provided through the executive office on early
2 learning, which may partner with the department of
3 education;
- 4 (2) Prepare children for school and active participation
5 in society through the use of either of the State's
6 two official languages; and
- 7 (3) Provide access to high-quality early [childhood
8 education] learning that addresses children's
9 physical, cognitive, linguistic, social, and emotional
10 development.
- 11 (b) The program shall serve children in the year prior to
12 the year of kindergarten eligibility, with priority extended to
13 underserved or at-risk children, as defined in section 302L-1.
14 ~~[The department of education may grant geographic exceptions for~~
15 ~~children to attend prekindergarten outside their assigned~~
16 ~~service area, as the department of education deems appropriate,~~
17 ~~provided that the department of education shall grant a request~~
18 ~~for geographic exception to attend a prekindergarten in another~~
19 ~~service area if the request is based on the employment location~~
20 ~~of the parent or guardian of the student.] Enrollment priority~~
21 shall be given but is not limited to children who attend



1 prekindergarten at schools to which the children will be
2 assigned upon entering kindergarten under section 302A-1143.

3 (c) Enrollment in the program shall be voluntary. A child
4 who is enrolled in, or is eligible to attend, a public
5 elementary school, or who is required to attend school pursuant
6 to section 302A-1132, shall not be eligible for enrollment in
7 the program.

8 (d) The program shall incorporate high-quality standards
9 pursuant to rules adopted by the office. High-quality standards
10 shall be research-based, developmentally-appropriate practices
11 associated with better educational outcomes for children, such
12 as:

- 13 (1) Positive teacher-child interactions;
- 14 (2) Use of individual child assessments that are used for
15 ongoing instructional planning, based upon all areas
16 of childhood development and learning, including
17 cognitive, linguistic, social, and emotional
18 approaches to learning and health and physical
19 development;
- 20 (3) Family engagement; and



1 (4) Alignment with the Hawaii early learning and
2 development standards, which align with department of
3 education standards, state content and performance
4 standards, and general learner outcomes for grades
5 kindergarten to twelve, to facilitate a seamless and
6 high-quality educational experience for children.

7 The office shall monitor implementation of the high-quality
8 educational experience for children.

9 (e) Prior to opening a public prekindergarten class in a
10 school, the principal, and other school personnel as required by
11 the office, shall participate in an early learning induction
12 program.

13 [~~(e)~~] (f) The office shall provide support to incorporate
14 [~~these~~] the high-quality standards [~~7~~] developed pursuant to
15 subsection (d), including support related to teacher-child
16 interactions, individual child assessments, and family
17 engagement.

18 [~~(f)~~] (g) The office shall coordinate with other agencies
19 and programs to facilitate comprehensive services for early
20 [~~childhood education.~~] learning.

21 [~~(g)~~] (h) The office shall collect data to:



- 1 (1) Evaluate the services provided;
- 2 (2) Inform policy; and
- 3 (3) Make any improvements to the program.

4 ~~[(h)]~~ (i) The department of education and any public charter
 5 school existing pursuant to chapter 302D, may use available
 6 classrooms for public preschool programs statewide. The office
 7 shall give priority to public charter schools that serve high
 8 populations of underserved or at-risk children. Preschool
 9 classrooms established pursuant to this section shall be in
 10 addition to any classrooms used for the pre-plus program
 11 established pursuant to ~~[section 302L-1.7.]~~ rules adopted by the
 12 department pursuant to chapter 91.

13 ~~[(i)]~~ (j) The office shall adopt rules pursuant to chapter
 14 91 necessary to carry out the purposes of this section,
 15 including compliance with all applicable state and federal
 16 laws."

17 SECTION 11. Section 346-181, Hawaii Revised Statutes, is
 18 amended by amending subsection (b) to read as follows:

19 "(b) Subject to the availability of funds, the program
 20 shall serve four-year-old children, with priority extended to:



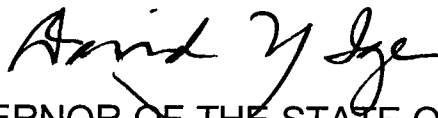
1 (1) Children who are not eligible to attend public school
2 kindergarten in the calendar year in which they turn
3 five years of age because their birth date occurs
4 after the kindergarten eligibility date pursuant to
5 section 302A-411; and

6 (2) Underserved or at-risk children[-], as defined by
7 rules adopted by the department."

8 SECTION 12. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 13. This Act shall take effect on July 1, 2017.

APPROVED this 11 day of JUL, 2017



GOVERNOR OF THE STATE OF HAWAII



HB No. 498, HD 1, SD 1, CD 1

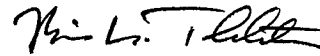
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives

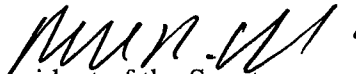



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate