



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

GOV. MSG. NO. 1396

July 10, 2019

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

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

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

Re: SB78 SD2 HD2

Pursuant to Section 16 of Article III of the State Constitution, SB78 SD2 HD2, entitled "A BILL FOR AN ACT RELATING TO EDUCATION" became law as ACT 276 on July 10, 2019.

While this bill provides appropriations to support several priority areas in education, the language included in this bill regarding the early learning public prekindergarten program operations is too prescriptive for statutes and is more appropriate for administrative rules or memoranda of agreements.

For the foregoing reason, I allowed SB78 SD2 HD2 to become law without my signature.

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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PART I

PURPOSE

SECTION 1. The legislature finds that there is a public benefit from substantial investment in high-quality, developmentally appropriate early learning programs. These investments have been driven by significant and continuing research affirming the positive effects of high-quality early learning programs on the physical, cognitive, linguistic, social, emotional, and economic outcomes of young children. Provided with such opportunities, children are more likely to succeed in kindergarten and beyond as well as grow into healthy, capable, and contributing adults.

Longitudinal studies have also proven that high-quality early learning programs are especially effective for high-risk children, including low-income and otherwise disadvantaged children, with great potential to alter their lifetime trajectories. Well-executed and well-targeted early learning



1 programs have immediate and long-term benefits not only for the
2 children participating in the programs but also for the
3 societies in which they live, which boast higher levels of
4 educational attainment; reduced homelessness, crime, and
5 substance abuse; improved health; and better overall social and
6 economic well-being.

7 The legislature further finds that although the department
8 of education administers programs of education and public
9 instruction throughout the State, the executive office on early
10 learning, under policies established by the early learning
11 board, should have administrative authority over all state-
12 funded prekindergarten programs and private partnership-funded
13 prekindergarten programs in the public schools, except for
14 special education and Title I-funded prekindergarten programs
15 that the department currently administers.

16 Since Act 178, Session Laws of Hawaii 2012, the legislature
17 has enacted a series of laws to clarify that the authority for
18 preschool and prekindergarten lies with the early learning board
19 and the executive office on early learning, as the bodies
20 charged with formulating statewide policy relating to early
21 learning, and developing a cohesive, comprehensive, and



1 sustainable system of early learning for Hawaii's children from
2 prenatal to age five, respectively. The purpose of Act 108,
3 Regular Session of Hawaii 2015, was in part to "(a)mend or
4 repeal various early childhood education provisions of chapter
5 302A ... that fall under the purview of the executive office on
6 early learning, and not the department of education." The
7 purpose of Act 175, Regular Session of Hawaii 2018, was in part
8 to "(make) housekeeping amendments to remove preschools from the
9 Superintendent's scope of authority."

10 While the legislature recognizes the independence and
11 authority of the executive office on early learning, it also
12 recognizes the transition and alignment that is needed to ensure
13 a continuum of early childhood development and learning from
14 prenatal to the year before kindergarten, and through
15 kindergarten and beyond. The recently finalized Hawaii Early
16 Childhood State Plan 2019-2024, which provides a roadmap for
17 stakeholders statewide to work together to reach our desired
18 outcomes for young children, confirms the need for information-
19 sharing and collaboration between diverse settings to support
20 children and families as they move between settings and
21 transition into kindergarten and the primary grades - and thus



1 help ensure children's long-term success. It identifies as a
2 priority for collective action the coordination of support and
3 advocacy for such aligned and seamless transition practices,
4 especially for children transitioning from preschool to
5 kindergarten. One of the responsibilities of the executive
6 office on early learning toward the State Plan is to coordinate
7 and advocate for such transitions.

8 Therefore, the purpose of this Act is to:

- 9 (1) Clearly establish the executive office on early
10 learning as the administrative authority for state-
11 funded prekindergarten programs, and private
12 partnership-funded prekindergarten programs in the
13 public schools, except for special education and Title
14 I-funded prekindergarten programs;
- 15 (2) Expand the executive office on early learning public
16 prekindergarten program by transferring to the office:
- 17 (A) From the department of education, State-funded
18 prekindergarten programs, private partnership-
19 funded prekindergarten programs in the public
20 schools, and classrooms to provide general
21 education settings for children whose



1 individualized education programs require such
2 placement; and
3 (B) From the state public charter school commission,
4 the eighteen classrooms at eleven charter schools
5 across the state that are currently funded
6 through the federal preschool development grant
7 from the United States Department of Education
8 and United States Department of Health and Human
9 Services, which will end after the 2018-2019
10 school year,
11 and thus make strides toward building a coordinated
12 system of early learning that is of consistent high-
13 quality as intended by the legislature;
14 (3) More clearly define the roles and responsibilities of
15 the executive office on early learning and department
16 of education as related to the executive office on
17 early learning public prekindergarten program; and
18 (4) Require the department of education in its
19 implementation of Title-I funded prekindergarten
20 classrooms to adhere to certain quality standards and
21 work with the executive office on early learning.



1 PART II

2 ADMINISTRATIVE AUTHORITY FOR PREKINDERGARTEN PROGRAMS

3 SECTION 2. Section 26-12, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§26-12 Department of education. The department of
6 education shall be headed by an executive board to be known as
7 the board of education.

8 Under policies established by the board, the superintendent
9 shall administer programs of education and public instruction
10 throughout the State, including education at the primary and
11 secondary school levels, adult education, school library
12 services, health education and instruction (not including dental
13 health treatment transferred to the department of health),
14 special education and Title I funded programs at the
15 prekindergarten level, and such other programs as may be
16 established by law[-]; provided that the department shall not
17 establish general education prekindergarten classrooms,
18 including private partnership-funded classrooms and classrooms
19 to provide general education settings for children whose
20 individualized education programs require such placement;
21 provided further that the department may establish Title I-



1 funded prekindergarten classrooms. The department shall
2 collaborate with the executive office on early learning to
3 coordinate services for children who are placed through their
4 individualized education programs in a general education
5 prekindergarten setting in a classroom offered by the executive
6 office on early learning public prekindergarten program. Under
7 policies established by the early learning board, the executive
8 office on early learning shall have administrative authority
9 over all state-funded prekindergarten programs, and private
10 partnership-funded prekindergarten programs in the public
11 schools, except for special education and Title I-funded
12 prekindergarten programs. The state librarian, under policies
13 established by the board of education, shall be responsible for
14 the administration of programs relating to public library
15 services and transcribing services for the blind.

16 The functions and authority exercised by the department
17 relating to state-funded prekindergarten programs, private
18 partnership-funded prekindergarten programs in the public
19 schools, and classrooms to provide general education settings
20 for children whose individualized education programs require
21 such placement, except for special education and Title I-funded



1 prekindergarten programs, shall be transferred to the executive
2 office on early learning; provided that the department shall
3 continue to provide, and have administrative authority over,
4 services generally provided to the schools excluding those
5 services related to curriculum, instruction, assessment, and
6 professional learning support, for any facility on a department
7 school campus at which the executive office on early learning
8 administers programs.

9 The functions and authority heretofore exercised by the
10 department of education (except dental health treatment
11 transferred to the department of health), library of Hawaii,
12 Hawaii county library, Maui county library, and the transcribing
13 services program of the bureau of sight conservation and work
14 with the blind, as heretofore constituted are transferred to the
15 public library system established by this chapter.

16 The management contract between the board of supervisors of
17 the county of Kauai and the Kauai public library association
18 shall be terminated at the earliest time after November 25,
19 1959, permissible under the terms of the contract and the
20 provisions of this paragraph shall constitute notice of
21 termination, and the functions and authority heretofore



1 exercised by the Kauai county library as heretofore constituted
2 and the Kauai public library association over the public
3 libraries in the county of Kauai shall thereupon be transferred
4 to the public library system established by this chapter.

5 The management contracts between the trustees of the
6 library of Hawaii and the Friends of the Library of Hawaii, and
7 between the library of Hawaii and the Hilo library and reading
8 room association, shall be terminated at the earliest time after
9 November 25, 1959, permissible under the terms of the contracts,
10 and the provisions of this paragraph shall constitute notice of
11 termination.

12 Upon the termination of the contracts, the State or the
13 counties shall not enter into any library management contracts
14 with any private association; provided that in providing library
15 services, the board of education may enter into contracts
16 approved by the governor for the use of lands, buildings,
17 equipment, and facilities owned by any private association.

18 Notwithstanding any law to the contrary, the board of
19 education may establish, specify the membership number and
20 quorum requirements for, appoint members to, and disestablish a
21 commission in each county to be known as the library advisory



1 commission, which shall in each case sit in an advisory capacity
2 to the board of education on matters relating to public library
3 services in their respective county."

4 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
5 amended by deleting the definition of "early childhood
6 education":

7 [~~"Early childhood education" means a developmentally~~
8 ~~appropriate early childhood development and education program~~
9 ~~for children from birth until the time they enter~~
10 ~~kindergarten."~~]

11 SECTION 4. Section 302A-1111, Hawaii Revised Statutes, is
12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) Under policies established by the board, the
14 superintendent shall be designated as the chief executive
15 officer of the public school system having jurisdiction over the
16 internal organization, operation, and management of the public
17 school system, as provided by law; and shall administer programs
18 of education and public instruction throughout the State,
19 including education at the primary and secondary school levels,
20 and such other programs as may be established by law[-];
21 provided that all state-funded prekindergarten programs, and



1 private partnership-funded prekindergarten programs in the
2 public schools, except for special education and Title I-funded
3 prekindergarten programs, shall be under the administrative
4 authority of the executive office on early learning; provided
5 further that the department shall continue to provide, and have
6 administrative authority over, services generally provided to
7 the schools excluding those services related to curriculum,
8 instruction, assessment, and professional learning support, for
9 any facility on a department school campus at which the
10 executive office on early learning administers programs.

11 (b) Except as otherwise provided, the superintendent shall
12 sign all drafts for the payment of moneys, all commissions and
13 appointments, all deeds, official acts, or other documents of
14 the department[-]; provided that the director of the executive
15 office on early learning shall be the final authority on drafts
16 for the payment of moneys, all commissions and appointments, all
17 deeds, official acts, or other documents related to the
18 executive office on early learning. The superintendent and
19 director of the executive office on early learning may use a
20 printed facsimile signature in approving appointments,
21 contracts, and other documents."



1 SECTION 5. Section 302A-1128, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§302A-1128 Department powers and duties. The department
4 shall have entire charge and control and be responsible for the
5 conduct of all affairs pertaining to public instruction in the
6 public schools the department establishes and operates,
7 including operating and maintaining the capital improvement and
8 repair and maintenance programs for department and school
9 facilities[-]; provided that all state-funded prekindergarten
10 programs, and private partnership-funded prekindergarten
11 programs in the public schools, except for special education and
12 Title I-funded prekindergarten programs, shall be under the
13 administrative authority of the executive office on early
14 learning; provided further that the department shall continue to
15 provide, and have administrative authority over, services
16 generally provided to the schools excluding those services
17 related to curriculum, instruction, assessment, and professional
18 learning support, but including operating and maintaining
19 capital improvement and repair and maintenance programs for any
20 facility on a department school campus at which the executive
21 office on early learning administers programs, and evaluation of



1 teaching staff. The department may establish and maintain
2 schools for secular instruction at such places and for such
3 terms as in its discretion it may deem advisable and the funds
4 at its disposal may permit. The schools may include high
5 schools, kindergarten schools, schools or classes for [early
6 ~~childhood education,~~] special education or Title I-funded
7 prekindergarten, boarding schools, Hawaiian language medium
8 education schools, and evening and day schools. The department
9 may also maintain classes for technical and other instruction in
10 any school where there may not be pupils sufficient in number to
11 justify the establishment of separate schools for these
12 purposes."

13 SECTION 6. Section 302A-1303.6, Hawaii Revised Statutes,
14 is amended to read as follows:

15 "§302A-1303.6 **Weighted student formula.** Based upon
16 recommendations from the committee on weights, the board of
17 education may adopt a weighted student formula for the
18 allocation of moneys to public schools that takes into account
19 the educational needs of each student[-]; provided that weighted
20 student formula moneys shall not be used for state-funded
21 prekindergarten programs, except for special education and Title



1 I-funded prekindergarten programs. The department, upon the
2 receipt of appropriated moneys, shall use the weighted student
3 formula to allocate funds to public schools. Principals shall
4 expend moneys provided to the principals' schools. This section
5 shall only apply to charter schools for fiscal years in which
6 the charter schools elect pursuant to section 302D-29 to receive
7 allocations according to the procedures and methodology used to
8 calculate the weighted student formula allocation."

9 SECTION 7. Section 302L-1.5, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) The director shall be responsible for:

12 (1) Serving as the principal officer in state government
13 responsible for the performance, development, and
14 control of programs, policies, and activities under
15 the jurisdiction of the office from prenatal care to
16 entrance into kindergarten[+], including all state-
17 funded prekindergarten programs and private
18 partnership-funded prekindergarten programs in the
19 public schools, except for special education and Title
20 I-funded prekindergarten programs;



- 1 (2) ~~[Overseeing, supervising,]~~ Supervising and directing
2 the performance of the director's subordinates in
3 various activities, including planning, evaluation,
4 and coordination of early learning programs;
- 5 (3) Administering funds allocated for the office and
6 applying for, receiving, and disbursing grants and
7 donations from all sources for early learning programs
8 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; and
- 16 (7) Contracting for services that may be necessary for the
17 purposes of this section, including through master
18 contracts, memoranda of understanding, and memoranda
19 of agreement with other state agencies receiving
20 federal and state funds for programs and services for



1 early learning, and purchase of service agreements
2 with appropriate agencies."

3 PART III

4 TITLE I-FUNDED PREKINDERGARTEN

5 SECTION 8. Chapter 302A, Hawaii Revised Statutes, is
6 amended by adding a new section to part II to be appropriately
7 designated and to read as follows:

8 "§302A- Title I-funded prekindergarten. (a) The
9 department in its implementation of Title I-funded
10 prekindergarten classrooms shall adhere to the quality standards
11 incorporated by the executive office on early learning in the
12 executive office on early learning public prekindergarten
13 program pursuant to section 302L-7; provided that if any quality
14 standard incorporated in the executive office on early learning
15 public prekindergarten program is found to be in conflict with
16 federal requirements that are a prescribed condition for the
17 allocation of federal funds to the State, the department shall
18 adhere to the federal requirements with respect to the
19 conflicting standard, and this finding does not affect the
20 requirement that the department adhere to the remainder of the
21 quality standards incorporated in the executive office on early



1 learning public prekindergarten program in its implementation of
2 Title I-funded prekindergarten classrooms.

3 (b) The department shall work with the executive office on
4 early learning regarding curriculum, instruction, assessment,
5 family engagement, and transition of children in and out of the
6 prekindergarten classroom.

7 (c) The department and executive office on early learning
8 shall enter into a memorandum of agreement or memorandum of
9 understanding for the executive office on early learning to
10 provide ongoing professional development support for teachers
11 and principals of Title I-funded prekindergarten classrooms.

12 (d) The department shall submit an annual report to the
13 executive office on early learning on its implementation of
14 Title I-funded prekindergarten classrooms, regarding curriculum,
15 instruction, assessment, family engagement, and transition in
16 and out of the classroom."

17 PART IV

18 EOEL PUBLIC PREKINDERGARTEN PROGRAM

19 SECTION 9. Section 302L-1, Hawaii Revised Statutes, is
20 amended by amending the definition of "at-risk children" to read
21 as follows:



1 "\"At-risk children\" means children who, because of their
2 home and community environment, are subject to language,
3 cultural, economic, and other disadvantages that cause them to
4 be at risk for school failure, including children:

5 (1) Who are [~~eligible for special education services,~~]
6 placed through their individualized education programs
7 in a general education setting;

8 (2) Who are English as a second language learners;

9 ~~[(3) Who reside within a public school district,~~
10 ~~established under chapter 302A, that is in need of~~
11 ~~improvement based on the criteria of the federal No~~
12 ~~Child Left Behind Act of 2001 (Public Law 107 110), as~~
13 ~~amended; or]~~

14 (3) Who are in foster care;

15 (4) Who are homeless; or

16 ~~[(4)]~~ (5) Whose family income is no more than three
17 hundred per cent of the federal poverty level."

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

20 "§302L-7 Executive office on early learning public
21 prekindergarten program; public preschools. (a) There is



1 established within the early learning system an early childhood
2 education program to be known as the executive office on early
3 learning public prekindergarten program and to be administered
4 by the office pursuant to rules adopted by the office. The
5 program shall:

6 (1) Be provided through the executive office on early
7 learning, which [~~may~~] shall partner with the
8 department of education[+] and state public charter
9 school commission through either a memorandum of
10 agreement or memorandum of understanding pursuant to
11 the requirements of this section;

12 (2) Prepare children for school and active participation
13 in society through the use of either of the State's
14 two official languages; and

15 (3) Provide access to high-quality early learning that
16 addresses children's physical, cognitive, linguistic,
17 social, and emotional development.

18 (b) The office shall implement an application process for
19 schools that are interested in participating in the program.

20 The criteria to prioritize applications shall include:

21 (1) Community need, including:



1 (A) The percentage of the population in the school or
2 community that meets the definitions of at-risk
3 and underserved children pursuant to section
4 302L-1; and

5 (B) The availability and capacity of existing early
6 learning programs or services for four-year-old
7 children on the school campus and in the
8 surrounding area;

9 (2) The availability of a classroom and outdoor play area
10 that meet department of human services requirements
11 for health and safety for four-year-old children; and

12 (3) The commitment of the principal to implementing a
13 high-quality prekindergarten program including through
14 active participation in professional development
15 sessions offered through the office, and to promoting
16 continuity and alignment between and across other
17 early learning programs in the community and other
18 grade levels in the school to ensure the positive
19 outcomes of children are sustained.

20 ~~(b)~~ (c) The program shall serve children in the year
21 prior to the year of kindergarten eligibility, with priority



1 extended to underserved or at-risk children, as defined in
2 section 302L-1[-], and follow the academic year schedule of the
3 department of education and be aligned with the full-day
4 kindergarten classroom schedule of each school. Enrollment
5 priority shall be given but is not limited to children who
6 attend prekindergarten at schools to which the children will be
7 assigned upon entering kindergarten under section 302A-1143.

8 (d) The program shall include students with disabilities
9 based on individualized education program placement, recognizing
10 that the in-classroom ratio of students with disabilities to the
11 general population shall be based on the inclusion of children
12 with disabilities in proportion to their presence in the general
13 population; provided that application of this principle does not
14 anticipate or permit imposing caps or quotas on the number of
15 children with disabilities in a program or not individualizing
16 services for children with disabilities under the Individuals
17 with Disabilities Education Act of 2004 (20 U.S.C. 1400-1409,
18 1411-1419, 1431-1444, 1450-1482). The department of education
19 shall collaborate with the office to coordinate services for
20 students with disabilities who are placed in the classroom
21 offered through the program. Funding for all costs associated



1 with implementation of the individualized education programs of
2 students shall be provided through the department of education.

3 [~~(e)~~] (e) Enrollment in the program shall be voluntary. A
4 child 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 (f) The program shall enroll a maximum of twenty children
9 per classroom.

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

15 (1) Positive teacher-child interactions [~~(+)~~] that shall be
16 evaluated through observations conducted by the office
17 using a tool several times a year; provided that the
18 observations shall not be used for the purposes of
19 teacher evaluation;

20 (2) Use of individual child assessments that are used for
21 ongoing instructional planning, [~~based upon~~] relating



- 1 to all areas of childhood development and learning,
2 including cognitive, linguistic, social, and emotional
3 approaches to learning and health and physical
4 development;
- 5 (3) Family engagement [~~and~~] in partnership with the
6 schools, including conducting outreach for enrollment
7 and engagement of families in their children's
8 education;
- 9 (4) Alignment with the Hawaii early learning and
10 development standards, which align with department of
11 education standards, state content and performance
12 standards, and general learner outcomes for grades
13 kindergarten to twelve, to facilitate a seamless and
14 high-quality educational experience for children[~~and~~];
- 15 (5) A teacher who has coursework in early childhood
16 education pursuant to Hawaii teacher standards board
17 licensing requirements for a prekindergarten teacher.
18 For program purposes, a teacher shall satisfy the
19 Hawaii teacher standards board licensing requirements
20 for a prekindergarten teacher or be enrolled in a
21 State-approved teacher education program and working



1 toward satisfying the Hawaii teacher standards board
2 licensing requirements; and
3 (6) An educational assistant who has a child development
4 associate credential or the associated coursework.
5 For program purposes, an educational assistant shall
6 have a current child development associate credential,
7 coursework for a certificate that meets the
8 requirements for child development associate
9 credential preparation, or is enrolled in and working
10 toward completing a program that prepares the
11 individual to obtain the credential.

12 The office shall monitor implementation of the high-quality
13 educational experience for children.

14 ~~(e)~~ (h) Prior to opening a public prekindergarten class
15 in a school, the principal, and other school personnel as
16 required by the office, shall participate in an early learning
17 induction program.

18 ~~(f)~~ (i) The office shall provide support to incorporate
19 the high-quality standards developed pursuant to subsection
20 ~~(d)~~, (g), including support related to teacher-child
21 interactions, individual child assessments, and family



1 engagement. Teaching staff participating in the program shall
2 participate in coaching and mentoring offered through the
3 office; provided that the office shall cover the associated
4 travel and substitute teacher costs. The office may extend this
5 support, excluding travel and substitute teacher costs, to
6 individuals who are not participating in the program to promote
7 alignment between all grade levels, programs, and settings.

8 (j) The teacher and educational assistant teaching in the
9 classroom through the program shall provide direct services
10 solely to students enrolled in the program and shall be provided
11 time for meetings regarding program implementation in the
12 program.

13 (k) The teacher and educational assistant teaching in the
14 classroom through the program shall be included in school
15 meetings and activities to promote alignment between all grade
16 levels and settings, including school-wide professional
17 development relating to social emotional learning, cultural and
18 place-based instructional strategies, and transition to
19 kindergarten.

20 (l) Each school participating in the program shall work
21 with the office to develop and annually update a written two- to



1 three-year plan to promote, within the school and community,
2 alignment of and transitions between high-quality learning
3 experiences, and submit to the office and the appropriate
4 complex area superintendent a report on progress made toward the
5 plan by the end of each school year.

6 [~~g~~] (m) The office shall coordinate with other agencies
7 and programs to facilitate comprehensive services for early
8 learning.

9 (n) To promote the development of a cohesive,
10 comprehensive, and sustainable early learning system, the office
11 shall partner with the schools participating in the program to
12 collaborate with:

13 (1) Other early learning providers, including those
14 providing the programs and services specified in
15 section 302L-2(A)(2), to promote alignment between
16 prekindergarten and elementary school programs and to
17 support children and their families in making
18 successful transitions from prekindergarten into
19 kindergarten; and

20 (2) Early intervention programs.



1 ~~[(h)]~~ (o) The office shall collect data with assistance
2 from the department of education and state public charter school
3 commission, based on a schedule to be determined by the office,
4 to:

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

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

17 ~~[(j)]~~ (q) The office shall adopt rules pursuant to chapter
18 91 necessary to carry out the purposes of this section,
19 including compliance with all applicable state and federal
20 laws."



1 SECTION 11. Section 346-152, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Nothing in this part shall be construed to include:

4 (1) A person caring for children related to the caregiver
5 by blood, marriage, or adoption;

6 (2) A person, group of persons, or facility caring for a
7 child less than six hours a week;

8 (3) A kindergarten, school, or child care program licensed
9 or certified by the department of education or the
10 United States Department of Defense and located on
11 federal property;

12 (4) A classroom administered by the executive office on
13 early learning pursuant to section 302L-7;

14 [~~(4)~~] (5) A program that provides exclusively for a
15 specialized training or skill development for
16 children, including but not limited to programs
17 providing activities such as athletic sports, foreign
18 language, the Hawaiian language, dance, drama, music,
19 or martial arts;

20 [~~(5)~~] (6) A multiservice organization or community
21 association, duly incorporated under the laws of the



1 State, that operates for the purpose of promoting
2 recreation, health, safety, or social group functions
3 for eligible pupils in public and private schools
4 through seventeen years of age;

5 [~~6~~] (7) Programs for children four years of age and
6 older that operate for no more than two consecutive
7 calendar weeks in a three-month period;

8 [~~7~~] (8) A provider agency operating or managing a
9 homeless facility or any other program for homeless
10 persons authorized under part XVII;

11 [~~8~~] (9) After-school, weekend, and summer recess
12 programs conducted by the department of education
13 pursuant to section 302A-408;

14 [~~9~~] (10) Child care programs conducted by counties
15 pursuant to section 302A-408; provided that each
16 county adopts rules for its programs;

17 [~~10~~] (11) Any person who enters a home in a child caring
18 capacity and only cares for children who are of that
19 household;



1 [~~(11)~~] (12) A person caring for two or fewer children
2 unrelated to the caregiver by blood, marriage, or
3 adoption; and

4 [~~(12)~~] (13) A child care program licensed by the Hawaii
5 council of private schools. A child care program
6 claiming an exemption under this paragraph shall
7 submit an application for the exemption on a form
8 provided by the department and shall provide to the
9 department evidence that the licensing standards of
10 the Hawaii council of private schools meet or exceed
11 the department's standards for a comparable program,
12 including a monitoring component. Upon application of
13 a child care program for the exemption under this
14 paragraph, the department shall have the discretion to
15 determine whether the licensing standards of the
16 Hawaii council of private schools meet or exceed the
17 department's standards."



PART V

REPORT TO THE LEGISLATURE

SECTION 12. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302L- Public prekindergarten classrooms; annual report to the legislature. The department shall submit to the legislature an annual report regarding special education and Title I-funded prekindergarten programs, to include, as related to each type of program:

- (1) The number and location of classrooms;
- (2) Numbers of students served and aggregated by birth month as of the date on which the official enrollment count is taken;
- (3) Sources of funding for each classroom;
- (4) Quality of teacher-child interactions relating to social emotional support, classroom structure, and quality of learning experiences, as assessed using a formative assessment tool; and
- (5) Child outcomes relating to all areas of childhood development and learning, including cognitive,



1 linguistic, social, and emotional approaches to
2 learning and health and physical development, as
3 assessed using a formative assessment tool."

4 SECTION 13. Chapter 302L, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§302L- Public prekindergarten classrooms; annual report
8 to the legislature. The office shall submit to the legislature
9 an annual report regarding State-funded prekindergarten programs
10 and private partnership-funded prekindergarten programs in the
11 public schools, except special education and Title I-funded
12 prekindergarten programs, to include, as related to each type of
13 program:

- 14 (1) The number and location of classrooms;
15 (2) Numbers of students served and aggregated by birth
16 month as of the date on which the official enrollment
17 count is taken;
18 (3) Sources of funding for each classroom;
19 (4) Quality of teacher-child interactions relating to
20 social emotional support, classroom structure, and



1 quality of learning experiences, as assessed using a
 2 formative assessment tool selected by the office; and
 3 (5) Child outcomes relating to all areas of childhood
 4 development and learning, including cognitive,
 5 linguistic, social, and emotional approaches to
 6 learning and health and physical development, as
 7 assessed using a formative assessment tool selected by
 8 the office.

9 The department and state public charter school commission shall
 10 share data with the office necessary for the purposes of this
 11 report."

PART VI

APPROPRIATIONS

14 SECTION 14. There is appropriated out of the general
 15 revenues of the State of Hawaii the sum of \$362,000 or so much
 16 thereof as may be necessary for fiscal year 2019-2020 and
 17 \$989,120 or so much thereof as may be necessary for fiscal year
 18 2020-2021 to the executive office on early learning for
 19 operational costs to expand the executive office on early
 20 learning public prekindergarten program by 10 additional
 21 classrooms, which shall be allocated as follows:



- 1 (1) \$110,000 for fiscal year 2019-2020 for the early
2 learning induction program;
- 3 (2) \$59,000 for fiscal year 2020-2021 for the early
4 learning academy;
- 5 (3) \$252,000 for fiscal year 2019-2020 and \$93,000 for
6 fiscal year 2020-2021 for classroom furniture,
7 supplies, and administrative costs;
- 8 (4) \$546,220 for fiscal year 2020-2021 for 10 full-time
9 equivalent (10.0 FTE) preschool teacher positions; and
- 10 (5) \$290,900 for fiscal year 2020-2021 for 10 full-time
11 equivalent (10.0 FTE) educational assistant III
12 positions.

13 The sum appropriated shall be expended by the executive
14 office on early learning for the purposes of this Act.

15 SECTION 15. The director of finance is authorized to issue
16 general obligation bonds in the sum of \$6,500,000 or so much
17 thereof as may be necessary and the same sum or so much thereof
18 as may be necessary is appropriated for fiscal year 2019-2020
19 for the purpose of retrofitting 10 classrooms on department
20 school campuses that will be used to expand the executive office
21 on early learning public prekindergarten program.



1 The sum appropriated shall be expended by the executive
2 office on early learning for the purposes of this Act.

3 SECTION 16. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$885,000 or so much
5 thereof as may be necessary for fiscal year 2019-2020 and
6 \$681,000 or so much thereof as may be necessary for fiscal year
7 2020-2021 to expand the executive office on early learning
8 public prekindergarten program with prekindergarten classrooms
9 transferred from the department of education to the executive
10 office on early learning pursuant to this Act.

11 The sums appropriated shall be expended by the executive
12 office on early learning for the purposes of this Act.

13 SECTION 17. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$115,000 or so much
15 thereof as may be necessary for fiscal year 2019-2020 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2020-2021 for the executive office on early learning to provide
18 professional learning support for teachers and principals of
19 prekindergarten classrooms in the department of education.

20 The sums appropriated shall be expended by the executive
21 office on early learning for the purposes of this Act.



1 SECTION 18. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$4,000,000 or so much
3 thereof as may be necessary for fiscal year 2019-2020 and
4 \$4,000,000 or so much thereof as may be necessary for fiscal
5 year 2020-2021 to continue the currently existing eighteen
6 federally funded charter school prekindergarten classrooms that
7 were provided for by the federal preschool development grant, by
8 adding them as new classrooms in the executive office on early
9 learning public prekindergarten program that are subject to a
10 memorandum of agreement or memorandum of understanding that is
11 entered into with the executive office on early learning
12 pursuant to the requirements of section 302L-7, Hawaii Revised
13 Statutes. This appropriation shall be exempt from section 302D-
14 28, Hawaii Revised Statutes.

15 The sum appropriated shall be expended by the executive
16 office on early learning for the purposes of this Act.

17 SECTION 19. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$132,037 or so much
19 thereof as may be necessary for fiscal year 2019-2020 and the
20 same sum or so much thereof as may be necessary for fiscal year
21 2020-2021 for additional positions to support the executive



1 office on early learning public prekindergarten program, which
2 shall be allocated as follows:

3 (1) \$91,909 for fiscal year 2019-2020 and \$91,909 for
4 fiscal year 2020-2021 for one full-time equivalent
5 (1.00 FTE) permanent educational specialist II
6 position; and

7 (2) \$40,128 for fiscal year 2019-2020 and \$40,128 for
8 fiscal year 2020-2021 for one full-time equivalent
9 (1.00 FTE) permanent secretary IV position.

10 The sum appropriated shall be expended by the executive
11 office on early learning for the purposes of this Act.

12 SECTION 20. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$145,123 or so much
14 thereof as may be necessary for fiscal year 2019-2020 and
15 \$126,423 or so much thereof as may be necessary for fiscal year
16 2020-2021 to the executive office on early learning for
17 additional operating costs and positions to support the
18 executive office on early learning public prekindergarten
19 program, which shall be allocated as follows:

20 (1) \$8,200 for fiscal year 2019-2020 for computer
21 equipment;



- 1 (2) \$3,028 for fiscal year 2019-2020 and \$528 for fiscal
- 2 year 2020-2021 for phones and phone lines;
- 3 (3) \$8,000 for fiscal year 2019-2020 for furniture;
- 4 (4) \$93,231 for fiscal year 2019-2020 and \$93,231 for
- 5 fiscal year 2020-2021 for one full-time equivalent
- 6 (1.0 FTE) institutional analyst I position; and
- 7 (5) \$32,664 for fiscal year 2019-2020 and \$32,664 for
- 8 fiscal year 2020-2021 for one full-time equivalent
- 9 (1.0 FTE) office assistant IV position.

10 The sums appropriated shall be expended by the executive
11 office on early learning for the purposes of this Act.

12 SECTION 21. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$20,128 or so much
14 thereof as may be necessary for fiscal year 2019-2020 and \$528
15 or so much thereof as may be necessary for fiscal year 2020-2021
16 to the executive office on early learning for additional
17 operating costs to support the systems-building work of the
18 office, which shall be allocated as follows:

- 19 (1) \$8,200 for fiscal year 2019-2020 for computer
- 20 equipment;



- 1 (2) \$3,928 for fiscal year 2019-2020 and \$528 for fiscal
2 year 2020-2021 for phones and phone lines; and
3 (3) \$8,000 for fiscal year 2019-2020 for furniture.

4 The sum appropriated shall be expended by the executive
5 office on early learning for the purposes of this Act.

6 SECTION 22. Provided that of the general funds
7 appropriated pursuant to section 3, item G-9, of the General
8 Appropriations Act of 2019 (H.B. 2, H.D. 1, S.D. 1, C.D.1), the
9 following positions are authorized:

- 10 (1) One full-time equivalent (1.00 FTE) permanent program
11 specialist V position for fiscal year 2019-2020 and
12 fiscal year 2020-2021 to coordinate efforts in the
13 development of Hawaii's early childhood workforce; and
14 (2) One full-time equivalent (1.00 FTE) permanent
15 communication specialist position for fiscal year
16 2019-2020 and fiscal year 2020-2021 to facilitate
17 communication needs of the executive office on early
18 learning and the early learning board.

19 The sum appropriated shall be expended by the executive
20 office on early learning for the purposes of this Act.



1 PART VII

2 TURNOVER SAVINGS AND TRANSFERS

3 SECTION 23. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$153,000 or so much
5 thereof as may be necessary for fiscal year 2019-2020 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2020-2021 for teacher certification incentives; provided that
8 the sum appropriated shall be considered a recurring adjustment
9 to the base budget.

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

12 SECTION 24. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$155,000 or so much
14 thereof as may be necessary for fiscal year 2019-2020 and the
15 same sum or so much thereof as may be necessary for fiscal year
16 2020-2021 for school climate and student safety initiatives;
17 provided that the sum appropriated shall be considered a
18 recurring adjustment to the base budget.

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



1 SECTION 25. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$774,110 or so much
3 thereof as may be necessary for fiscal year 2019-2020 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2020-2021 for school-based budgeting; provided that the sum
6 appropriated shall be considered a recurring adjustment to the
7 base budget.

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

10 SECTION 26. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$1,500,000 or so much
12 thereof as may be necessary for fiscal year 2019-2020 and the
13 same sum or so much thereof as may be necessary for fiscal year
14 2020-2021 for early college programs in high schools.

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

17 SECTION 27. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$575,000 or so much
19 thereof as may be necessary for fiscal year 2019-2020 and the
20 same sum or so much thereof as may be necessary for fiscal year
21 2020-2021 for teacher license fees; provided that the sum



1 appropriated shall be considered a recurring adjustment to the
2 base budget.

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

5 SECTION 28. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$226,640 or so much
7 thereof as may be necessary for fiscal year 2019-2020 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2020-2021 for school support; provided that the sum appropriated
10 shall be considered a recurring adjustment to the base budget.

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

13 SECTION 29. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$7,608,587 or so much
15 thereof as may be necessary for fiscal year 2019-2020 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2020-2021 for skilled nursing services; provided that the sum
18 appropriated shall be considered a recurring adjustment to the
19 base budget.

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



1 SECTION 30. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$422,091 or so much
3 thereof as may be necessary for fiscal year 2019-2020 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2020-2021 for state administration; provided that the sum
6 appropriated shall be considered a recurring adjustment to the
7 base budget.

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

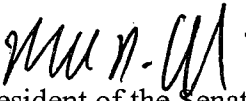
10 SECTION 31. Provided that of the general funds
11 appropriated pursuant to section 3, item G-2, of the General
12 Appropriations Act of 2019 (H.B. 2, H.D. 1, S.D. 1, C.D.1), the
13 sum of \$1,800,183 or so much thereof as may be necessary for
14 fiscal year 2019-2020 and the same sum or so much thereof as may
15 be necessary for fiscal year 2020-2021 shall be expended for
16 other current expenses and personal services for applied
17 behavioral analysis services; provided further that the sum
18 appropriated pursuant to this section shall be transferred from
19 personal services to other current expenses and personal
20 services for applied behavioral analysis services by the
21 department of education for the purposes of this section.



THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.


President of the Senate


Clerk of the Senate

SB No. 78, SD 2, HD 2

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 9, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives