
A BILL FOR AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION.

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

1 SECTION 1. The legislature finds that according to a joint
2 statement drafted by the National Association for the Education
3 of Young Children, with support from a host of other national
4 organizations regarded as leaders in the field of early
5 childhood education, every year, as many as 8,710 three- and
6 four-year-old children nationwide may be expelled from their
7 state-funded preschool or prekindergarten classroom. These
8 suspensions and expulsions are occurring at a rate more than
9 three times that of their peers in kindergarten through grade
10 twelve.

11 The legislature further finds that many more children are
12 suspended, with the data demonstrating severe racial
13 disparities. Data from the United States Department of
14 Education Office for Civil Rights indicates a significant
15 percentage of these children are also suspended more than once,
16 leaving them with few supports and even fewer options to ensure



1 that they are able to participate in high-quality early
2 learning.

3 The legislature additionally finds that this situation is
4 particularly troubling given that such suspensions and
5 expulsions occur during a critical period in a child's
6 development, when a child's brain is developing rapidly. The
7 earliest years of a child's life are critical to laying the
8 foundation of learning and wellness needed for success in school
9 and beyond. Especially during these early years, the
10 educational system should ensure that our youngest children have
11 access to opportunities that will prepare them to reach their
12 greatest potential. By suspending or expelling them, the
13 educational system instead sets our youngest off in the wrong
14 direction, before they even begin kindergarten.

15 Well-established research indicates that school suspension
16 and expulsion practices are associated with adverse educational
17 and life outcomes. Suspension and expulsion early in a child's
18 life predicts suspension and expulsion later in school.
19 Children who are suspended or expelled from school are as many
20 as ten times more likely to drop out of high school, experience
21 academic failure, hold negative attitudes toward school, and



1 face incarceration than their peers who were never suspended or
2 expelled.

3 Though each case is different, suspensions and expulsions
4 may be the result of the lack of, or misguided, policies, or
5 insufficient training and support services for staff, especially
6 in managing challenging behaviors, recognizing trauma, and
7 promoting socioemotional development. The executive office on
8 early learning makes it a priority to provide professional
9 learning support to executive office on early learning public
10 prekindergarten program staff as well as to work with school
11 leadership on staffing, and has also been partnering with the
12 University of Hawaii system to strengthen the pipeline of early
13 childhood educators with respect to these areas. The executive
14 office on early learning focuses on these matters in its work
15 because the target population for the executive office on early
16 learning public prekindergarten program is underserved or at-
17 risk children, those who stand to benefit the most from and
18 should be assured of high-quality early learning, rather than be
19 denied access to it due to suspension or expulsion.

20 In December 2014, the United States Department of Health
21 and Human Services and Department of Education issued a joint



1 policy statement and recommendations to assist states and their
2 public and private local early childhood learning programs to
3 prevent and severely limit suspensions and expulsions in early
4 learning settings. The policy statement affirmed the
5 departments' efforts to prevent and eventually eliminate
6 suspension and expulsion in all early childhood settings and
7 support young children's social, emotional, and behavioral
8 development.

9 The federal Office of Head Start has already prohibited its
10 programs from expelling or un-enrolling children due to a
11 child's behavior and requires its programs to prohibit or
12 severely limit the use of suspension due to a child's behavior.
13 Federal Head Start programs are required to partner with
14 families, consult with specialists, help the child and family
15 obtain additional services as appropriate, and take all possible
16 steps to ensure the child's successful participation in the
17 program.

18 In alignment with national best practices and the federal
19 government's efforts to more appropriately support our youngest
20 children, the purpose of this Act is to prohibit the suspension
21 and expulsion of children participating in the executive office



1 on early learning public prekindergarten program, except in very
2 limited circumstances.

3 SECTION 2. Section 302A-1134, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) If for any reason a child becomes a detriment to the
6 morals or discipline of any school, the child may be precluded
7 from attending school by the principal, with the approval of the
8 complex area superintendent[-]; provided that this section shall
9 not apply to children participating in the executive office on
10 early learning public prekindergarten program pursuant to
11 section 302L-7. The department shall seek the active
12 participation of other public and private agencies in providing
13 help to these children before and after they have left school.
14 An appeal may be taken on behalf of the child to the
15 superintendent of education within ten days from the date of
16 such action."

17 SECTION 3. Section 302L-7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§302L-7 Executive office on early learning public
20 prekindergarten program; public preschools. (a) There is
21 established within the early learning system an early childhood



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

- 5 (1) Be provided through the executive office on early
6 learning, which may partner with the department of
7 education;
- 8 (2) Prepare children for school and active participation
9 in society through the use of either of the State's
10 two official languages; and
- 11 (3) Provide access to high-quality early learning that
12 addresses children's physical, cognitive, linguistic,
13 social, and emotional development.

14 (b) The program shall serve children in the year prior to
15 the year of kindergarten eligibility, with priority extended to
16 underserved or at-risk children, as defined in section 302L-1.
17 Enrollment priority shall be given but is not limited to
18 children who attend prekindergarten at schools to which the
19 children will be assigned upon entering kindergarten under
20 section 302A-1143.



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

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

- 11 (1) Positive teacher-child interactions;
- 12 (2) Use of individual child assessments that are used for
13 ongoing instructional planning, based upon all areas
14 of childhood development and learning, including
15 cognitive, linguistic, social, and emotional
16 approaches to learning and health and physical
17 development;
- 18 (3) Family engagement; and
- 19 (4) Alignment with the Hawaii early learning and
20 development standards, which align with department of
21 education standards, state content and performance



1 standards, and general learner outcomes for grades
2 kindergarten to twelve, to facilitate a seamless and
3 high-quality educational experience for children.

4 The office shall monitor implementation of the high-quality
5 educational experience for children.

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

10 (f) The office shall provide support to incorporate the
11 high-quality standards developed pursuant to subsection (d),
12 including support related to teacher-child interactions,
13 individual child assessments, and family engagement.

14 (g) The office shall coordinate with other agencies and
15 programs to facilitate comprehensive services for early
16 learning.

17 (h) The office shall collect data to:

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



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

10 (j) All processes involved in implementation of this
11 section related to students with special needs shall comply with
12 federal law.

13 [~~(j)~~] (k) 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 laws.

16 (l) The office shall prohibit the use of suspension in the
17 program due to a child's behavior; provided that a temporary
18 suspension may be used when there is a serious safety threat as
19 determined by the administrator of the school.

20 The office shall prohibit the permanent removal of a
21 student from the program due to a child's behavior; provided



1 that when a child exhibits persistent and serious challenging
2 behaviors, the administrator of the school shall consult with
3 the office on how to address the behaviors.

4 The office shall implement chapter 8-19, Hawaii
5 Administrative Rules, until such a time that the office develops
6 and adopts rules to carry out the purposes of this subsection."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Suspension or Expulsion of Public Prekindergarten Students;
Prohibited

Description:

Prohibits the suspension or expulsion of children participating
in the Executive Office on Early Learning's Public
Prekindergarten Program, except under limited circumstances.
Effective 7/1/2050. (SD1)

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

