

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, except for special education
13 and Title I-funded prekindergarten programs that the department
14 currently administers.

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



1 Under policies established by the board, the superintendent
2 shall administer programs of education and public instruction
3 throughout the State, including education at the primary and
4 secondary school levels, adult education, school library
5 services, health education and instruction (not including dental
6 health treatment transferred to the department of health),
7 special education and Title I funded programs at the
8 prekindergarten level, and such other programs as may be
9 established by law[-]; provided that the department shall not
10 establish general education prekindergarten classrooms for any
11 purpose except for Title I-funded prekindergarten. Under
12 policies established by the early learning board, the executive
13 office on early learning shall have administrative authority
14 over all state-funded prekindergarten programs, except for
15 special education and Title I-funded prekindergarten programs.
16 The state librarian, under policies established by the board of
17 education, shall be responsible for the administration of
18 programs relating to public library services and transcribing
19 services for the blind.

20 The functions and authority exercised by the department
21 relating to state-funded prekindergarten programs, except for



1 special education and Title I-funded prekindergarten programs,
2 shall be transferred to the executive office on early learning;
3 provided that the department shall continue to be responsible
4 for the provision of services generally provided to the schools
5 excluding those services related to curriculum, instruction,
6 assessment, and professional learning support, for any facility
7 on a department school campus at which the executive office on
8 early learning 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, except



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

10 (b) Except as otherwise provided, the superintendent shall
11 sign all drafts for the payment of moneys, all commissions and
12 appointments, all deeds, official acts, or other documents of
13 the department [-]; provided that the director of the executive
14 office on early learning shall be the final authority on drafts
15 for the payment of moneys, all commissions and appointments, and
16 all deeds, official acts, or other documents related to the
17 executive office on early learning. The superintendent and
18 director of the executive office on early learning may use a
19 printed facsimile signature in approving appointments,
20 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, except for special education and Title I-funded
11 prekindergarten programs, shall be under the administrative
12 authority of the executive office on early learning; provided
13 further that the department shall continue to be responsible for
14 the provision of services generally provided to the schools
15 including operating and maintaining capital improvement and
16 repair and maintenance programs for any facility at which the
17 executive office on early learning administers programs. The
18 department may establish and maintain schools for secular
19 instruction at such places and for such terms as in its
20 discretion it may deem advisable and the funds at its disposal
21 may permit. The schools may include high schools, kindergarten



1 schools, schools or classes for [~~early childhood education,~~]
2 special education or Title I-funded prekindergarten, boarding
3 schools, Hawaiian language medium education schools, and evening
4 and day schools. The department may also maintain classes for
5 technical and other instruction in any school where there may
6 not be pupils sufficient in number to justify the establishment
7 of separate schools for these purposes."

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

10 "**§302A-1303.6 Weighted student formula.** Based upon
11 recommendations from the committee on weights, the board of
12 education may adopt a weighted student formula for the
13 allocation of moneys to public schools that takes into account
14 the educational needs of each student[-]; provided that weighted
15 student formula moneys shall not be used for state-funded
16 prekindergarten programs, except for special education and Title
17 I-funded prekindergarten programs. The department, upon the
18 receipt of appropriated moneys, shall use the weighted student
19 formula to allocate funds to public schools. Principals shall
20 expend moneys provided to the principals' schools. This section
21 shall only apply to charter schools for fiscal years in which



1 the charter schools elect pursuant to section 302D-29 to receive
2 allocations according to the procedures and methodology used to
3 calculate the weighted student formula allocation."

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

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

- 7 (1) Serving as the principal officer in state government
8 responsible for the performance, development, and
9 control of programs, policies, and activities under
10 the jurisdiction of the office from prenatal care to
11 entrance into kindergarten[~~7~~], including all state-
12 funded prekindergarten programs, except for special
13 education and Title I-funded prekindergarten programs;
- 14 (2) [~~Overseeing, supervising,~~] Supervising and directing
15 the performance of the director's subordinates in
16 various activities, including planning, evaluation,
17 and coordination of early learning programs;
- 18 (3) Administering funds allocated for the office and
19 applying for, receiving, and disbursing grants and
20 donations from all sources for early learning programs
21 and services;



- 1 (4) Assessing the policies and practices of other agencies
2 impacting early learning and conducting advocacy
3 efforts for early learning;
- 4 (5) Advising agencies on new legislation, programs, and
5 policy initiatives relating to early learning;
- 6 (6) Employing and retaining staff as may be necessary for
7 the purposes of this section; and
- 8 (7) Contracting for services that may be necessary for the
9 purposes of this section, including through master
10 contracts, memoranda of understanding, and memoranda
11 of agreement with other state agencies receiving
12 federal and state funds for programs and services for
13 early learning, and purchase of service agreements
14 with appropriate agencies."

15 SECTION 8. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2019-2020 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2020-2021 for early childhood education programs administered by
20 the executive office on early learning.



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

3 PART III

4 TITLE I-FUNDED PREKINDERGARTEN

5 SECTION 9. 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.

14 (b) The department shall work with the executive office on
15 early learning regarding curriculum, instruction, assessment,
16 family engagement, and transition of children in and out of the
17 prekindergarten classroom.

18 (c) The department and executive office on early learning
19 shall enter into a memorandum of agreement or memorandum of
20 understanding for the executive office on early learning to



1 provide ongoing professional learning support for teachers and
2 principals of Title I-funded prekindergarten classrooms.

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

8 SECTION 10. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2019-2020 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2020-2021 for the executive office on early learning to provide
13 professional learning support for teachers and principals of
14 Title I-funded prekindergarten classrooms in the department of
15 education.

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

18 PART IV

19 EXECUTIVE OFFICE ON EARLY LEARNING PUBLIC PREKINDERGARTEN

20 PROGRAM



1 SECTION 11. Section 302L-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "at-risk children" to read
3 as follows:

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

8 (1) Who are [~~eligible for special education services;~~
9 placed through their individualized education plan in
10 a general education setting;

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 (3) Who are in foster care;

18 (4) Who are homeless; or

19 [+4+] (5) Whose family income is no more than three
20 hundred per cent of the federal poverty level."



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

3 "§302L-7 Executive office on early learning public
4 prekindergarten program; public preschools. (a) There is
5 established within the early learning system an early childhood
6 education program to be known as the executive office on early
7 learning public prekindergarten program and to be administered
8 by the office pursuant to rules adopted by the office. The
9 program shall:

- 10 (1) Be provided through the executive office on early
11 learning, which [~~may~~] shall partner with the
12 department of education[+] through either a memorandum
13 of agreement or memorandum of understanding pursuant
14 to the requirements of this section;
- 15 (2) Prepare children for school and active participation
16 in society through the use of either of the State's
17 two official languages; and
- 18 (3) Provide access to high-quality early learning that
19 addresses children's physical, cognitive, linguistic,
20 social, and emotional development.



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

3 The criteria to prioritize applications shall include:

4 (1) Community need, including:

5 (A) The percentage of the population in the school or
6 community that meets the definitions of at-risk
7 and underserved children pursuant to section
8 302L-1; and

9 (B) The availability and capacity of existing early
10 learning programs or services for four-year-old
11 children on the school campus and in the
12 surrounding area;

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

16 (3) The commitment of the principal to implementing a
17 high-quality prekindergarten program including through
18 active participation in professional learning sessions
19 offered through the office, and to promoting
20 continuity and alignment between and across other
21 early learning programs in the community and other



1 grade levels in the school to ensure the positive
2 outcomes of children are sustained.

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

12 (d) The program shall include students with disabilities
13 based on individualized education plan placement, recognizing
14 that the in-classroom ratio of students with disabilities to the
15 general population shall be based on the inclusion of children
16 with disabilities in proportion to their presence in the general
17 population. The office and the department of education shall
18 collaborate to coordinate services for students with
19 disabilities who are placed in the classroom offered through the
20 program. Funding for all costs associated with implementation



1 of the individualized education plans of students shall be
2 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 ~~[(d)]~~ (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 [~~+~~], based on a schedule determined between
5 the office and the principals of the schools
6 participating in the program;

7 (3) Family engagement [~~+~~and], including partnering with
8 the schools participating in the program to implement
9 outreach and communication efforts to enroll hard-to-
10 reach families and engage families in their children's
11 education;

12 (4) Alignment with the Hawaii early learning and
13 development standards, which align with department of
14 education standards, state content and performance
15 standards, and general learner outcomes for grades
16 kindergarten to twelve, to facilitate a seamless and
17 high-quality educational experience for children [~~-~~];
18 and

19 (5) A teacher who has coursework in early childhood
20 education. For program purposes, a teacher shall have
21 a minimum number of hours of coursework, as determined



1 by the memorandum of agreement or memorandum of
2 understanding established pursuant to subsection (a),
3 from a state-approved teacher education program, or be
4 enrolled in a state-approved teacher education program
5 and working toward completing the coursework, to
6 obtain teacher licensure with specialization in early
7 childhood; and

8 (6) An educational assistant who has a child development
9 associate credential or the associated coursework.

10 For program purposes, an educational assistant shall
11 have a current child development associate credential,
12 coursework for a certificate that meets the
13 requirements for child development associate
14 credential preparation, or is enrolled in and working
15 toward completing a program that prepares the
16 individual to obtain the credential.

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



1 ~~[(f)]~~ (i) The office shall provide support to incorporate
2 the high-quality standards developed pursuant to subsection
3 ~~[(d)],~~ (g), including support related to teacher-child
4 interactions, individual child assessments, and family
5 engagement. Teaching staff and principals participating in the
6 program shall participate in all relevant professional learning
7 sessions, coaching and mentoring, and meetings offered through
8 the office; provided that the office shall cover the associated
9 travel and substitute teacher costs.

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

15 (k) The teacher and educational assistant teaching in the
16 classroom through the program shall be included in school
17 meetings and activities to promote alignment between all grade
18 levels and settings.

19 (l) Each school participating in the program shall work
20 with the office to develop and annually update a written two- to
21 three-year plan to promote, within the school and community,



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

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

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

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

19 (2) Early intervention programs.



1 SECTION 13. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Public prekindergarten classes; annual report to
5 the legislature. The department shall submit to the legislature
6 an annual report regarding the number and location of public
7 prekindergarten classes that it operates, numbers of students
8 served and aggregated by birth month as of the date on which the
9 official enrollment count is taken, and the sources of funding
10 for each class."

11 SECTION 14. Chapter 302D, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§302D- Public prekindergarten classes; annual report to
15 the legislature. Every authorizer shall submit to the
16 legislature an annual report regarding the number and location
17 of public prekindergarten classes under its chartering
18 authority, numbers of students served and aggregated by birth
19 month as of the date on which the official enrollment count is
20 taken, and the sources of funding for each class."



1 SECTION 15. Chapter 302L, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302L- Public prekindergarten classes; annual report to
5 the legislature. The office shall submit to the legislature an
6 annual report regarding the number and location of public
7 prekindergarten classes that it administers, numbers of students
8 served and aggregated by birth month as of the date on which the
9 official enrollment count is taken, and the sources of funding
10 for each class."

11 PART VI

12 MISCELLANEOUS

13 SECTION 16. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 17. This Act shall take effect on July 1, 2050.



Report Title:

DOE; Executive Office on Early Learning; Appropriation

Description:

Clearly establishes the Executive Office on Early Learning as the administrative authority for State-funded prekindergarten programs, except for special education and Title I-funded prekindergarten programs. Requires the Department of Education in its implementation of Title I-funded prekindergarten classrooms to adhere to certain quality standards and work with the Executive Office on Early Learning. Defines the roles and responsibilities of the Executive Office on Early Learning and Department of Education as they relate to the Executive Office on Early Learning Public Prekindergarten Program. (HB921 HD2)

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

