
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 **PART I**

2 **PURPOSE**

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

13 Longitudinal studies have also proven that high-quality
14 early learning programs are especially effective for high-risk
15 children, including low-income and otherwise disadvantaged
16 children, with great potential to alter their lifetime
17 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, 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 Therefore, the purpose of parts I to VI is to:

2 (1) Define the roles and responsibilities of the executive
3 office on early learning and the department of
4 education as they relate to the implementation of the
5 public prekindergarten program;

6 (2) Establish the executive office on early learning as
7 the administrative authority for state funded
8 prekindergarten programs and a support for and with
9 the department of education special education, Title
10 I, and private partnership funded prekindergarten
11 programs to ensure high quality early education
12 programs in department of education school classrooms;
13 and

14 (3) Ensure that agreements and services are clearly
15 articulated in a memorandum of understanding between
16 the executive office on early learning and the
17 department of education, including a resolution
18 protocol to settle disputes should either party not be
19 able to come to an agreement.

20 **PART II**

21 **ADMINISTRATIVE AUTHORITY FOR PREKINDERGARTEN PROGRAMS**



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

3 "§26-12 Department of education. The department of
4 education shall be headed by an executive board to be known as
5 the board of education.

6 Under policies established by the board, the superintendent
7 shall administer programs of education and public instruction
8 throughout the State, including education at the primary and
9 secondary school levels, adult education, school library
10 services, health education and instruction (not including dental
11 health treatment transferred to the department of health),
12 special education and Title I funded programs at the
13 prekindergarten level, and such other programs as may be
14 established by law[-]; provided that the department shall not
15 establish general education prekindergarten classrooms; provided
16 that the department may establish special education, Title I
17 funded, and private partnership funded prekindergarten
18 classrooms. Under policies established by the early learning
19 board, the memorandum of understanding between the executive
20 office on early learning and department of education shall
21 include that administrative decisions on the selection of



1 prekindergarten classroom sites, administrator, teacher and
2 staff professional learning, prekindergarten classroom
3 facilities standards, developmentally appropriate furniture and
4 equipment, and monitoring the quality of the instruction and
5 outcomes for students shall be the responsibility of the
6 executive office on early learning. The executive office on
7 early learning may extend the resources and training supports to
8 other state funded prekindergarten classroom teachers and
9 administrators as part of an expansion of early learning in a
10 complex area; provided that this may include complex area
11 resource teachers as part of the joint support efforts with the
12 executive office on early learning. Principals shall be able to
13 include the executive office on early learning prekindergarten
14 classroom teachers in the school-wide professional development
15 to ensure that initiatives, such as social emotional learning,
16 digital reading programs, cultural and place-based instructional
17 strategies, and transition to kindergarten, are implemented in a
18 comprehensive and aligned manner. The state librarian, under
19 policies established by the board of education, shall be
20 responsible for the administration of programs relating to
21 public library services and transcribing services for the blind.



1 The functions and authority exercised by the department of
2 education relating to state-funded prekindergarten programs,
3 except for special education, Title I, and private partnership
4 funded prekindergarten programs, shall be delineated in a
5 memorandum of understanding between the executive office on
6 early learning and department of education. The administrative
7 authority for the executive office on early learning shall be
8 related to services for curriculum, instruction, assessment, and
9 professional learning support. The department of education
10 shall have oversight for the general services of the facilities,
11 daily operations of the prekindergarten classroom, and support
12 for the inclusion of the teacher and educational assistant in
13 the school-wide initiatives, participation in the school
14 programs, and parent participation and engagement.

15 The functions and authority heretofore exercised by the
16 department of education (except dental health treatment
17 transferred to the department of health), library of Hawaii,
18 Hawaii county library, Maui county library, and the transcribing
19 services program of the bureau of sight conservation and work
20 with the blind, as heretofore constituted are transferred to the
21 public library system established by this chapter.



1 The management contract between the board of supervisors of
2 the county of Kauai and the Kauai public library association
3 shall be terminated at the earliest time after November 25,
4 1959, permissible under the terms of the contract and the
5 provisions of this paragraph shall constitute notice of
6 termination, and the functions and authority heretofore
7 exercised by the Kauai county library as heretofore constituted
8 and the Kauai public library association over the public
9 libraries in the county of Kauai shall thereupon be transferred
10 to the public library system established by this chapter.

11 The management contracts between the trustees of the
12 library of Hawaii and the Friends of the Library of Hawaii, and
13 between the library of Hawaii and the Hilo library and reading
14 room association, shall be terminated at the earliest time after
15 November 25, 1959, permissible under the terms of the contracts,
16 and the provisions of this paragraph shall constitute notice of
17 termination.

18 Upon the termination of the contracts, the State or the
19 counties shall not enter into any library management contracts
20 with any private association; provided that in providing library
21 services, the board of education may enter into contracts



1 approved by the governor for the use of lands, buildings,
2 equipment, and facilities owned by any private association.

3 Notwithstanding any law to the contrary, the board of
4 education may establish, specify the membership number and
5 quorum requirements for, appoint members to, and disestablish a
6 commission in each county to be known as the library advisory
7 commission, which shall in each case sit in an advisory capacity
8 to the board of education on matters relating to public library
9 services in their respective county."

10 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
11 amended by deleting the definition of "early childhood
12 education".

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

17 SECTION 4. Section 302A-1111, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§302A-1111 Duties of superintendent.** (a) Under policies
20 established by the board, the superintendent shall be designated
21 as the chief executive officer of the public school system



1 having jurisdiction over the internal organization, operation,
2 and management of the public school system, as provided by law;
3 and shall administer programs of education and public
4 instruction throughout the State, including education at the
5 primary and secondary school levels, and such other programs as
6 may be established by law[-]; provided that all state-funded
7 prekindergarten programs, except for special education, Title I,
8 and private partnership funded prekindergarten program
9 responsibilities and authority, shall be delineated in the
10 memorandum of understanding between the executive office on
11 early learning and department. The administrative authority for
12 the executive office on early learning shall be related to
13 services for curriculum, instruction, assessment, and
14 professional learning support. The department shall have
15 oversight for the general services of the facilities, daily
16 operations of the prekindergarten classroom, and support for the
17 inclusion of the teacher and educational assistant in the
18 school-wide initiatives, participation in the school programs,
19 and parent participation and engagement.

20 (b) Except as otherwise provided, the superintendent shall
21 sign all drafts for the payment of moneys, all commissions and



1 appointments, all deeds, official acts, or other documents of
2 the department[-]; provided that the director of the executive
3 office on early learning shall be the signatory for all budget
4 documents, appointments of staffing, and official acts related
5 to the executive office on early learning. The executive office
6 on early learning shall be solely responsible for the decisions
7 and outcomes for any fiscal decisions, personnel issues, audits,
8 and legal consequences for decisions made without the approval
9 of the superintendent. The superintendent and director of the
10 executive office on early learning may use a printed facsimile
11 signature in approving appointments, contracts, and other
12 documents."

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

15 "**§302A-1128 Department powers and duties.** The department
16 shall have entire charge and control and be responsible for the
17 conduct of all affairs pertaining to public instruction in the
18 public schools the department establishes and operates,
19 including operating and maintaining the capital improvement and
20 repair and maintenance programs for department and school
21 facilities[-]; provided that all state-funded prekindergarten



1 programs, except for special education, Title I, and private
2 partnership funded prekindergarten program responsibilities and
3 authority, shall be delineated in the memorandum of
4 understanding between the executive office on early learning and
5 department. The administrative authority for the executive
6 office on early learning shall be related to services for
7 curriculum, instruction, assessment, and professional learning
8 support. The department shall have oversight for the general
9 services of the facilities, daily operations of the
10 prekindergarten classroom, and support for the inclusion of the
11 teacher and educational assistant in the school-wide
12 initiatives, participation in the school programs, and parent
13 participation and engagement. The department may establish and
14 maintain schools for secular instruction at such places and for
15 such terms as in its discretion it may deem advisable and the
16 funds at its disposal may permit. The schools may include high
17 schools, kindergarten schools, schools or classes for early
18 childhood education, special education, Title I, and private
19 partnership funded prekindergarten, boarding schools, Hawaiian
20 language medium education schools, and evening and day schools.
21 The department may also maintain classes for technical and other



1 instruction in any school where there may not be pupils
2 sufficient in number to justify the establishment of separate
3 schools for these purposes."

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

6 "§302A-1303.6 Weighted student formula. Based upon
7 recommendations from the committee on weights, the board of
8 education may adopt a weighted student formula for the
9 allocation of moneys to public schools that takes into account
10 the educational needs of each student [-]; provided that any
11 prekindergarten classroom funded by the weighted student formula
12 shall be included in the executive office on early learning
13 prekindergarten program; provided further that a process for
14 approval by the director of the executive office on early
15 learning shall be followed by the school principal with approval
16 from the complex area superintendent in the year prior to the
17 establishment of the prekindergarten classroom; provided further
18 that this process shall be included in the memorandum of
19 understanding between the executive office on early learning and
20 the department. The department, upon the receipt of
21 appropriated moneys, shall use the weighted student formula to



1 allocate funds to public schools. Principals shall expend
2 moneys provided to the principals' schools. This section shall
3 only apply to charter schools for fiscal years in which the
4 charter schools elect pursuant to section 302D-29 to receive
5 allocations according to the procedures and methodology used to
6 calculate the weighted student formula allocation."

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

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

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

18 (2) [~~Overseeing, supervising,~~] Supervising and directing
19 the performance of the director's subordinates in
20 various activities, including planning, evaluation,
21 and coordination of early learning programs;



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

19 SECTION 8. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2019-2020 and



1 the same sum or so much thereof as may be necessary for fiscal
2 year 2020-2021 for early childhood education programs
3 administered by the executive office on early learning.

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

6 PART III

7 TITLE I-FUNDED PREKINDERGARTEN

8 SECTION 9. Chapter 302A, Hawaii Revised Statutes, is
9 amended by adding a new section to part II to be appropriately
10 designated and to read as follows:

11 "§302A- Title I-funded prekindergarten. (a) The
12 department in its implementation of Title I-funded
13 prekindergarten classrooms shall adhere to the quality standards
14 incorporated by the executive office on early learning in the
15 executive office on early learning public prekindergarten
16 program pursuant to section 302L-7.

17 (b) The department shall work with the executive office on
18 early learning to develop a structure to provide support for
19 Title I-funded prekindergarten classrooms on curriculum,
20 instruction, assessment, family engagement, and transition of
21 children in and out of the prekindergarten classroom.



1 (c) This structure of support shall be included in the
2 memorandum of understanding between the executive office on
3 early learning and department of education to provide support
4 for teachers and principals of Title I-funded prekindergarten
5 classrooms.

6 (d) The executive office on early learning shall include
7 the Title I-funded prekindergarten classroom data collected as
8 part of its early learning monitoring report; provided that this
9 data shall be collected for state-funded and Title I-funded
10 classrooms as part of the assessment support provided the by
11 executive office on early learning."

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

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



PART IV

EXECUTIVE OFFICE ON EARLY LEARNING PUBLIC PREKINDERGARTEN
PROGRAM

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

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

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

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

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

(3) Who are in foster care;

(4) Who are homeless; or



1 [~~(4)~~] (5) Whose family income is no more than three hundred
2 per cent of the federal poverty level."

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

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

12 (1) Be provided through the executive office on early
13 learning, which [~~may~~] shall partner with the
14 department of education[~~7~~] through either a memorandum
15 of agreement or memorandum of understanding pursuant
16 to the requirements of this section;

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



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

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

6 The criteria to prioritize applications shall include:

7 (1) Community need, including:

8 (A) The percentage of the population in the school or
9 community that meets the definitions of at-risk
10 and underserved children pursuant to section
11 302L-1; and

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

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

19 (3) The commitment of the principal to implementing a
20 high-quality prekindergarten program, including
21 through active participation in professional learning



1 sessions offered through the office, and to promoting
2 continuity and alignment between and across other
3 early learning programs in the community and other
4 grade levels in the school to ensure the positive
5 outcomes of children are sustained.

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

15 ~~[(e)]~~ (d) Enrollment in the program shall be voluntary. A
16 child who is ~~[enrolled in, or is eligible to attend, a public~~
17 ~~elementary school, or who is]~~ required to attend school pursuant
18 to section 302A-1132, shall not be eligible for enrollment in
19 the program.

20 (e) The program shall enroll a maximum of twenty children
21 per classroom.



- 1 ~~[(d)]~~ (f) The program shall incorporate high-quality
2 standards pursuant to rules adopted by the office. High-quality
3 standards shall be research-based, developmentally-appropriate
4 practices associated with better educational outcomes for
5 children, such as:
- 6 (1) Positive teacher-child interactions;
- 7 (2) Use of individual child assessments that are used for
8 ongoing instructional planning, based upon all areas
9 of childhood development and learning, including
10 cognitive, linguistic, social, and emotional
11 approaches to learning and health and physical
12 development;
- 13 (3) Family engagement ~~[, and]~~ in partnership with the
14 school to do outreach for enrollment and engagement in
15 their children's education;
- 16 (4) Alignment with the Hawaii early learning and
17 development standards, which align with department of
18 education standards, state content and performance
19 standards, and general learner outcomes for grades
20 kindergarten to twelve, to facilitate a seamless and
21 high-quality educational experience for children~~[-]~~;



1 (5) Highly qualified teachers who have met or are working
2 toward the requirements for coursework and licensure
3 in early education; and

4 (6) Educational assistants who have met or are working
5 toward the requirements for coursework, credentials,
6 or certification in early education.

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

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

16 [~~g~~] (i) The office shall coordinate with other agencies
17 and programs to facilitate comprehensive services for early
18 learning.

19 (j) To promote the development of a cohesive,
20 comprehensive, and sustainable early learning system, the office



1 shall partner with the schools participating in the program to
2 collaborate with:

3 (1) Other early learning providers, including those
4 providing the programs and services specified in
5 section 302L-2(2)(A), to promote alignment between
6 prekindergarten and elementary school programs and to
7 support children and their families in making
8 successful transitions from prekindergarten into
9 kindergarten; and

10 (2) Early intervention programs.

11 [~~h~~] (k) The office shall collect data with the
12 assistance of the department of education to:

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

16 [~~i~~] (1) The department of education and any public
17 charter school existing pursuant to chapter 302D, may use
18 available classrooms for public preschool programs statewide.
19 The office shall give priority to public charter schools that
20 serve high populations of underserved or at-risk children.
21 Preschool classrooms established pursuant to this section shall



1 be in addition to any classrooms used for the pre-plus program
2 established pursuant to [~~rules adopted by the department~~
3 ~~pursuant to chapter 91.~~] section 302L-1.7.

4 [~~(j)~~] (m) The office shall adopt rules pursuant to chapter
5 91 necessary to carry out the purposes of this section,
6 including compliance with all applicable state and federal
7 laws."

8 PART V

9 REPORTS TO THE LEGISLATURE

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

13 "§302L- Public prekindergarten classes; annual report to
14 the legislature. The office shall submit to the legislature an
15 annual report on the performance and progress of the public
16 prekindergarten program it administers. In order for the office
17 to report to the legislature, the department of education and
18 every authorizer under its chartering authority shall provide
19 the office the number and location of public kindergarten
20 classes that it operates, numbers of students served aggregated



1 by birth month as of the date on which the official enrollment
2 count is taken, and the sources of funding for each class."

3 **PART VI**

4 **DISPUTE RESOLUTION**

5 SECTION 14. In the event there is a dispute between the
6 executive office on early learning and department of education,
7 the superintendent of education, or the superintendent's
8 designee, and the director of the executive office on early
9 learning shall work to resolve the dispute within sixty business
10 days. If the superintendent of education, or superintendent's
11 designee, and the director of the executive office on early
12 learning cannot resolve the dispute, a working group with one
13 board of education member, one early learning board member, the
14 superintendent, and the director of the executive office on
15 early learning shall work together to reach resolution. If no
16 resolution is reached, the chairperson of the board of education
17 and chairperson of the early learning board shall reach
18 agreement.

19 **PART VII**

20 SECTION 15. Section 302D-3, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§302D-3 State public charter school commission;
2 establishment; appointment. (a) There is established the state
3 public charter school commission with statewide chartering
4 jurisdiction and authority. The commission shall be placed
5 within the department for administrative purposes only.
6 Notwithstanding section 302D-25 and any law to the contrary, the
7 commission shall be subject to chapter 92.
8 (b) The mission of the commission shall be to authorize
9 high-quality public charter schools throughout the State.
10 (c) The commission shall consist of nine members to be
11 appointed by the board. The board shall appoint members who
12 will be tasked with authorizing public charter schools that
13 serve the unique and diverse needs of public school students.
14 The chair of the commission shall be designated by the members
15 of the commission for each school year beginning July 1, and
16 whenever there is a vacancy. The board shall consider the
17 combination of abilities, breadth of experiences, and
18 characteristics of the commission, including but not limited to
19 reflecting the diversity of the student population, geographical
20 representation, and a broad representation of education-related



1 stakeholders. The commission shall be exempt from sections
2 26-34 and 26-36.

3 (d) Understanding that the role of the commission is to
4 ensure a long-term strategic vision for Hawaii's public charter
5 schools, each nominee to the commission shall meet the following
6 minimum qualifications:

7 (1) Commitment to education. Each nominee's record should
8 demonstrate a deep and abiding interest in education,
9 and a dedication to the social, academic, and
10 character development of young people through the
11 administration of a high performing charter school
12 system;

13 (2) Record of integrity, civic virtue, and high ethical
14 standards. Each nominee shall demonstrate integrity,
15 civic virtue, and high ethical standards and be
16 willing to hold fellow commission members to the same;

17 (3) Availability for constructive engagement. Each
18 nominee shall commit to being a conscientious and
19 attentive commission member; and

20 (4) Knowledge of best practices. Each nominee shall have
21 an understanding of best practices in charter school



1 educational governance or shall be willing to be
2 trained in such.

3 (e) Each nominee to the commission shall ideally meet the
4 following recommended qualifications:

5 (1) Experience governing complex organizations. Each
6 nominee should possess experience with complex
7 organizations, including but not limited to
8 performance contract management, and a proven ability
9 to function productively within them; and

10 (2) Collaborative leadership ability. Each nominee should
11 have substantial leadership experience that ideally
12 illustrates the nominee's ability to function among
13 diverse colleagues as an effective team member, with
14 the ability to articulate, understand, and help shape
15 consensus surrounding commission policies.

16 (f) Five members of the commission shall constitute a
17 quorum to conduct business. Any action taken by the commission
18 shall be by a simple majority of the members of the commission
19 who are present; provided that any action of the commission that
20 may be appealed pursuant to section 302D-15 shall require a
21 concurrence of at least five members to be valid.



1 (g) Commission members shall serve not more than three
2 consecutive three-year terms, with each term beginning on
3 July 1; provided that the initial terms that commence after
4 June 30, 2012, shall be staggered as follows:

5 (1) Three members, including the chairperson, to serve
6 three-year terms;

7 (2) Three members to serve two-year terms; and

8 (3) Three members to serve one-year terms.

9 (h) Notwithstanding the terms of the members, the board
10 may fill vacancies in the commission at any time when a vacancy
11 occurs due to resignation, non-participation, the request of a
12 majority of the commission members, or termination by the board
13 for cause.

14 (i) Commission members shall receive no compensation.
15 When commission duties require that a commission member take
16 leave of the member's duties as a state employee, the
17 appropriate state department shall allow the commission member
18 to be placed on administrative leave with pay and shall provide
19 substitutes, when necessary, to fulfill that member's
20 departmental duties. Members shall be reimbursed for necessary



1 travel expenses incurred in the conduct of official commission
2 business.

3 (j) The commission shall operate with dedicated resources
4 and staff qualified to execute the day-to-day responsibilities
5 of the commission pursuant to this chapter. Beginning with the
6 2015-2016 fiscal year, the legislature shall make an
7 appropriation to the commission separate from, and in addition
8 to, any appropriation made to charter schools pursuant to
9 sections 302D-28 and 302D-29.5.

10 (k) The commission shall have the power to hire staff
11 without regard to chapters 76 and 89. The commission shall
12 determine staff wages, hours, benefits, and other terms and
13 conditions for employment in accordance with chapter 89C.

14 (l) The commission shall have the power to establish and
15 fund charter school prekindergarten classrooms."

16 SECTION 16. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2019-2020 for
19 the state public charter school commission to establish and fund
20 charter school prekindergarten classrooms.



1 The sum appropriated shall be expended by the state public
2 charter school commission for the purposes of this part.

3 **PART VIII**

4 **MISCELLANEOUS**

5 SECTION 17. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 18. This Act shall take effect on July 1, 2050.



Report Title:

DOE; Executive Office on Early Learning; State Public Charter School Commission; Appropriation

Description:

Defines the roles and responsibilities of the executive office on early learning and the department of education as they relate to the implementation of the public prekindergarten program. Establishes the executive office on early learning as the administrative authority for state funded prekindergarten programs and a support for and with the department of education special education, Title I, and private partnership funded prekindergarten programs to ensure high quality early education programs in department of education school classrooms. Ensures that agreements and services are clearly articulated in a memorandum of understanding between the executive office on early learning and the department of education, including a resolution protocol to settle disputes should either party not be able to come to an agreement. Establishes reporting requirements. Authorizes the state public charter school commission to establish and fund charter school prekindergarten classrooms. Appropriates funds. Effective 7/1/2050. (Proposed SD2)

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

