

JAN 24 2019

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**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 purpose of this Act is to prohibit the  
2 suspension and expulsion of children participating in the  
3 executive office on early learning public prekindergarten  
4 program, except in very limited circumstances.

5           Every year, as many as 8,710 three- and four-year-olds may  
6 be expelled from or pushed out of their state-funded preschool  
7 or prekindergarten classroom - these expulsions are happening at  
8 a rate more than three times that of their peers in kindergarten  
9 through grade 12, according to a joint statement drafted by the  
10 National Association for the Education of Young Children, with  
11 support from a host of other national organizations known as  
12 leaders in addressing early childhood education.

13           Many more children are suspended, with the data reflecting  
14 severe racial disparities. Data from the federal Department of  
15 Education Office for Civil Rights indicates a significant  
16 percentage of these children are also suspended more than once,  
17 leaving them with few supports and fewer options to ensure they  
18 are able to participate in high-quality early learning.

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1           This is particularly troubling given such suspensions and  
2 expulsions occur during a critical period in a child's  
3 development, when their brains are developing rapidly. The  
4 earliest years of a child's life are critical to laying the  
5 foundation of learning and wellness needed for success in school  
6 and beyond. It is especially during these years that systems  
7 should ensure our youngest children have access to opportunities  
8 that will set them up to reach their highest potential. By  
9 suspending or expelling them, we instead set our youngest off in  
10 the wrong direction, before they even reach kindergarten.

11           Well-established research indicates that school suspension  
12 and expulsion practices are associated with adverse educational  
13 and life outcomes. Suspension and expulsion early in a child's  
14 life predicts suspension and expulsion later in school.

15 Children who are suspended or expelled from school are as many  
16 as ten times more likely to drop out of high school, experience  
17 academic failure, hold negative school attitudes, and face  
18 incarceration than their peers who were never suspended or  
19 expelled.

20           Though each case is different, suspensions and expulsions  
21 may be the result of the lack of, or misguided, policies, or  
22 insufficient training and support services for staff, especially

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1 in managing challenging behaviors, recognizing trauma, and  
2 promoting socioemotional development. The office makes it a  
3 priority to provide professional learning support to executive  
4 office on early learning public prekindergarten program staff as  
5 well as work with school leadership on staffing, and has been  
6 partnering with the University of Hawaii system to strengthen  
7 the pipeline of early childhood educators, in these areas. The  
8 office makes this a focus of its work because the target  
9 population for the executive office on early learning public  
10 prekindergarten program is underserved or at-risk children -  
11 those who stand to benefit the most from high-quality early  
12 learning and should be assured of the opportunity for such,  
13 rather than be denied due to suspension or expulsion.

14 In December 2014, the federal Department of Health and  
15 Human Services and federal Department of Education issued a  
16 joint policy statement and recommendations to assist states and  
17 their public and private local early childhood programs to  
18 prevent and severely limit suspensions and expulsions in early  
19 learning settings. The policy statement affirmed the  
20 departments' efforts to prevent and eventually eliminate  
21 suspension and expulsion in all early childhood settings and

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1 support young children's social, emotional, and behavioral  
2 development.

3 The federal Head Start Program has already prohibited its  
4 programs from expelling or un-enrolling children due to a  
5 child's behavior. It also requires its programs to prohibit or  
6 severely limit the use of suspension due to a child's behavior.  
7 Programs are required to partner with families, consult with  
8 specialists, help the child and family obtain additional  
9 services as appropriate, and take all possible steps to ensure  
10 the child's successful participation in the program.

11 Therefore, the purpose of this Act is to prohibit the  
12 suspension and expulsion of children participating in the  
13 executive office on early learning public prekindergarten  
14 program, except in very limited circumstances, in alignment with  
15 national best practices and the federal government's efforts  
16 along these lines to most appropriately support our youngest  
17 children.

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

20 "(a) If for any reason a child becomes a detriment to the  
21 morals or discipline of any school, the child may be precluded  
22 from attending school by the principal, with the approval of the

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1 complex area superintendent [-]; provided that this section shall  
2 not apply to children participating in the executive office on  
3 early learning public prekindergarten program pursuant to  
4 section 302L-7. The department shall seek the active  
5 participation of other public and private agencies in providing  
6 help to these children before and after they have left school.  
7 An appeal may be taken on behalf of the child to the  
8 superintendent of education within ten days from the date of  
9 such action."

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

12 "§302L-7 Executive office on early learning public  
13 prekindergarten program; public preschools. (a) There is  
14 established within the early learning system an early childhood  
15 education program to be known as the executive office on early  
16 learning public prekindergarten program and to be administered  
17 by the office pursuant to rules adopted by the office. The  
18 program shall:

19 (1) Be provided through the executive office on early  
20 learning, which may partner with the department of  
21 education;

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

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

7           (b) The program shall serve children in the year prior to  
8           the year of kindergarten eligibility, with priority extended to  
9           underserved or at-risk children, as defined in section 302L-1.  
10          Enrollment priority shall be given but is not limited to  
11          children who attend prekindergarten at schools to which the  
12          children will be assigned upon entering kindergarten under  
13          section 302A-1143.

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

19          (d) The program shall incorporate high-quality standards  
20          pursuant to rules adopted by the office. High-quality standards  
21          shall be research-based, developmentally-appropriate practices

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1 associated with better educational outcomes for children, such  
2 as:

- 3 (1) Positive teacher-child interactions;
- 4 (2) Use of individual child assessments that are used for  
5 ongoing instructional planning, based upon all areas  
6 of childhood development and learning, including  
7 cognitive, linguistic, social, and emotional  
8 approaches to learning and health and physical  
9 development;
- 10 (3) Family engagement; and
- 11 (4) Alignment with the Hawaii early learning and  
12 development standards, which align with department of  
13 education standards, state content and performance  
14 standards, and general learner outcomes for grades  
15 kindergarten to twelve, to facilitate a seamless and  
16 high-quality educational experience for children.

17 The office shall monitor implementation of the high-quality  
18 educational experience for children.

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

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1           (f) The office shall provide support to incorporate the  
2 high-quality standards developed pursuant to subsection (d),  
3 including support related to teacher-child interactions,  
4 individual child assessments, and family engagement.

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

8           (h) The use of suspension due to a child's behavior shall  
9 be prohibited; provided that a temporary suspension may be used  
10 when there is a serious safety threat that cannot be reduced or  
11 eliminated by the provision of reasonable modifications, to be  
12 determined as follows:

13           (1) Before a principal determines whether a temporary  
14 suspension is necessary, the principal shall consider  
15 the recommendation of the program staff who shall have  
16 collaborated with the child's parents or guardians,  
17 and other public resources, which may include  
18 behavioral health specialists, psychologists, clinical  
19 psychologists, and other specialists as appropriate,  
20 and any private resources consulted by the child's  
21 parents or guardians as appropriate, to determine no  
22 other reasonable option is appropriate; and



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1       (2) If a temporary suspension is determined to be  
2       necessary, program staff, in collaboration with the  
3       child's parents or guardians and the appropriate  
4       public and private resources specified in paragraph  
5       (1), shall develop and implement a written plan that  
6       documents the actions and supports needed to help the  
7       child return to full participation in all program  
8       activities while ensuring child safety, including the  
9       time required to transition the child to full  
10       participation, and consideration for whether a  
11       referral to special education services is appropriate.

12       (i) The expulsion or un-enrolling of a child due to the  
13       child's behavior shall be prohibited; provided that when a child  
14       exhibits persistent and serious challenging behaviors, program  
15       staff shall explore all possible steps and document all steps  
16       taken to address such behaviors, while facilitating the child's  
17       continued and safe participation in the program, including, at a  
18       minimum:

19       (1) Collaborating with the child's parents or guardians  
20       and the appropriate public and private resources  
21       specified in subsection (h) (1);

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- 1        (2) Considering the appropriateness of providing  
2        appropriate services and supports under section 504 of  
3        the Rehabilitation Act to ensure that the child who  
4        satisfies the definition of disability in 29 U.S.C.  
5        705(9)(b) of the Rehabilitation Act is not excluded  
6        from the program on the basis of disability;
- 7        (3) Consulting with the department of education to ensure  
8        the child receives the needed support services if the  
9        child has an individualized education program; and
- 10       (4) Collaborating, with the consent of the child's parents  
11       or guardians, with the department of education to  
12       determine the child's eligibility for services, if the  
13       child does not have an individualized education  
14       program.

15       The program staff shall provide the principal with all of the  
16       information from its exploration of all possible steps and  
17       documentation of all steps taken to address the child's  
18       behaviors pursuant to this section. If the principal, after  
19       considering all of this information, determines that the child's  
20       continued enrollment presents a continued serious safety threat  
21       to the child or other enrolled children and determines the  
22       program is not the most appropriate placement for the child,

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1 program staff shall determine and provide the child's parents or  
2 guardians with options for more appropriate placement of the  
3 child, and collaborate with the provider of the option selected  
4 by the child's parent or guardians to facilitate the child's  
5 transition.

6 (j) For the purposes of this section, "program staff"  
7 means the principal, teacher, educational assistant, early  
8 learning resource teacher, and educational specialist associated  
9 with the executive office on early learning public  
10 prekindergarten program being implemented at a particular  
11 school.

12 ~~[(h)]~~ (k) The office shall collect data to:

13 (1) Evaluate the services provided;

14 (2) Inform policy; and

15 (3) Make any improvements to the program.

16 ~~[(i)]~~ (l) 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  
22 be in addition to any classrooms used for the pre-plus program

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1 established pursuant to rules adopted by the department pursuant  
2 to chapter 91.

3 (m) All processes involved in the implementation of this  
4 section related to students with special needs shall comply with  
5 federal law.

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

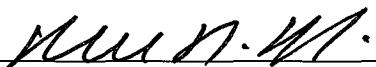
10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



15

BY REQUEST

16

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**Report Title:**

Executive Office on Early Learning Public Prekindergarten Program; Suspension and Expulsion

**Description:**

Prohibits the suspension and expulsion of children participating in the Executive Office on Early Learning Public Prekindergarten Program, except in limited circumstances.

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

# SB. NO. 1220

## JUSTIFICATION SHEET

DEPARTMENT: EDUCATION

TITLE: A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION.

PURPOSE: To prohibit the suspension and expulsion of children participating in the Executive Office on Early Learning Public Prekindergarten Program, except in limited circumstances.

MEANS: Amend sections 302A-1134 and 302L-7, Hawaii Revised Statutes.

JUSTIFICATION: Across the nation, children are expelled from or pushed out of their State-funded preschool or prekindergarten classroom at a rate more than three times that of their peers in kindergarten through grade 12. Many more children are suspended, with the data reflecting severe racial disparities. A significant percentage of these children are also suspended more than once, leaving them with few supports and fewer options to ensure they are able to participate in high-quality early learning.

Such suspensions and expulsions occur during a critical period in a child's development. The earliest years of a child's life are critical to laying the foundation of learning and wellness needed for success in school and beyond. It is especially during these years that systems should ensure our youngest children have access to opportunities that will set them up to reach their highest potential. School suspension and expulsion practices are associated with adverse educational and life outcomes.

Suspensions and expulsions may be the result of the lack of or misguided policies, or insufficient training and support services

for staff, especially in managing challenging behaviors, recognizing trauma, and promoting socioemotional development.

The federal Department of Health and Human Services and federal Department of Education issued a joint policy statement in 2014 to affirm their efforts to prevent and eventually eliminate suspension and expulsion in all early childhood settings and support young children's social, emotional, and behavioral development. They also issued recommendations to assist states and their public and private local early childhood programs accordingly. The federal Head Start Program has already prohibited its programs from expelling or un-enrolling children due to a child's behavior, and requires its programs to prohibit or severely limit the use of suspension due to a child's behavior.

This bill would align the EOEL Public Prekindergarten Program with national best practices and the federal government's efforts along these lines to most appropriately support our youngest children.

Impact on the public: This bill will be beneficial to the public because it will help ensure our youngest children are most appropriately supported during a critical period in their development. The bill may also impact the public through the engagement of parents and private resources which may be needed to prevent suspension or expulsion, or to facilitate a child's transition to a more appropriate placement if, in extraordinary circumstances, it is found that the EOEL Public Prekindergarten Program is determined not to be the most appropriate placement for the child.

Impact on the department and other agencies: This bill will impact the Executive Office on Early Learning since it administers the EOEL Public Prekindergarten Program. The

bill will also impact the Department of Education because the EOEL Public Prekindergarten Program is offered on public school campuses, and staff in EOEL Public Prekindergarten Program classrooms, though funded by EOEL, are DOE employees. Other DOE resources may also be engaged if necessary, such as behavioral health specialists, psychologists, clinical psychologists, and other specialists as appropriate.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Executive Office on Early Learning and Department of Education.

EFFECTIVE DATE: Upon approval.