



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/13/2019  
**Time:** 02:01 PM  
**Location:** 325  
**Committee:** House Judiciary

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 1346, HD1 RELATING TO EARLY CHILDHOOD EDUCATION.

**Purpose of Bill:** Prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under limited circumstances. (HB1346 HD1)

**Department's Position:**

Aligned in content with HB 994, an administrative proposal, the Department of Education (Department) supports HB 1346, HD1 as it also aligns to its vision that ensures all of Hawaii's children are provided with opportunities that foster health, safety, education, school readiness, and success.

The Department believes that young children thrive in an environment with stable, supportive and caring adults who understand how preschoolers learn. Expulsions and suspensions in early childhood settings threaten the development of these positive relationships, disrupt the learning process, and deny children access to critical supports that a high-quality early childhood education can provide. Further, expulsion and suspension is not an effective nor developmentally appropriate intervention for young children.

The U.S. Department of Health and Human Services and U.S. Department of Education released a joint policy statement (source: <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>) that supports fostering the social-emotional and behavioral development of all children and eliminating expulsion and suspension practices in early childhood settings.

The Department remains fully committed to working with other agencies and organizations to ensure that Hawaii's preschoolers are provided with opportunities that foster health, safety, early childhood education, school readiness, and success.

Thank you for this opportunity to provide testimony on HB 1346, HD 1.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan

which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



**STATE OF HAWAII**  
**Executive Office on Early Learning**  
2759 South King Street  
HONOLULU, HAWAII 96826

February 12, 2019

**TO:** Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

**FROM:** Lauren Moriguchi, Director  
Executive Office on Early Learning

**SUBJECT: Measure:** H.B. No. 1346, H.D. 1 – RELATING TO EARLY CHILDHOOD  
EDUCATION  
**Hearing Date:** February 13, 2019  
**Time:** 2:01 p.m.  
**Location:** Room 325

**Bill Description:** Prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under limited circumstances.

**EXECUTIVE OFFICE ON EARLY LEARNING'S POSITION: Support**

Good afternoon. I am Lauren Moriguchi, Director of the Executive Office on Early Learning (EOEL). EOEL is in strong support of H.B. 1346, H.D. 1, with proposed amendments.

We appreciate the Legislature's support of EOEL's work to increase access to high-quality early learning. EOEL is statutorily responsible for the development of the State's early childhood system that shall ensure a spectrum of high-quality development and learning opportunities for children throughout the state, from prenatal care until the time they enter kindergarten, with priority given to underserved or at-risk children.

Included in EOEL's responsibilities is administration of the EOEL Public Prekindergarten Program. We are wholeheartedly requesting that this prohibition on suspension and expulsion be imposed on ourselves.

The rate at which children are expelled from state-funded preschool or prekindergarten across the nation is alarming – a rate more than three times that of their peers in kindergarten through grade 12. Many more children are suspended, with the data demonstrating severe racial disparities. It is important to note that "(g)irls who are Black, Native Hawaiian, or Pacific Islander represent 30 percent or more of all out-of-school suspensions even though they have a much smaller total population in preschool than girls in other racial or ethnic groups" (U.S. Department of Education Office for Civil Rights, 2014).

A study published in 2005 by Walter S. Gilliam at Yale University Child Study Center ranked Hawaii 17th in terms of states with high numbers of preschool expulsions. For every 1,000

children in Hawaii, 7.56 children were expelled from pre-k settings (6.67 = national average) and 14.86% of pre-k teachers reported expelling a student (10.39% = national average).

The EOEL Public Pre-K Program specifically prioritizes our underserved and at-risk populations – those children who can benefit the most from early learning – and suspending or expelling them would not only leave them with no early learning opportunities but send them a completely wrong message that may affect them for a lifetime.

We note that other states have also introduced and enacted legislation to prohibit suspension/expulsion in the early years, and that the National Conference of State Legislatures supports states in the crafting of policies that prohibit suspension and expulsion. The federal Departments of Health and Human Services, and Education also issued a joint policy statement in 2014 to support states and localities in prohibiting suspension and expulsion, "with state and local recommendations to address expulsion and suspension in early learning settings ... affirm(ing) the Departments' efforts to prevent and eventually eliminate expulsion and suspension in all early childhood settings and support young children's social, emotional, and behavioral development."

It recognized that suspensions and expulsions "may be products of misguided or absent policies and/or insufficient training and support services for staff, especially in managing challenging behavior, recognizing trauma, and promoting social and emotional development." Research has shown an association between program and teacher quality, and suspensions/expulsions.

EOEL has already made it a priority to provide professional learning support to the educators in the EOEL Public Pre-K Program, as well as work with school leadership on staffing, and has been partnering with the University of Hawaii system to strengthen the pipeline of early childhood educators, to prevent suspensions and expulsions by arming educators with the appropriate competencies.

Since the start of the EOEL Public Pre-K Program in fall 2014, we have had some cases in which a school wanted to consider exiting a child participating in the Program. EOEL provided support and guidance to help the teacher more appropriately address challenging behaviors and better support the children, which, as mentioned, is instrumental to avoiding suspension/expulsion ... and the children ended up staying at the school in the Program.

A long-standing and continuing practice in Head Start is not to suspend or expel any child.

*(continued on next page)*

**We respectfully request that the committee consider moving this bill forward with the following amendments, as discussed with the Department of the Attorney General:**

- **Delete all amendments to section 302L-7, HRS, in Section 3 of the HB1346 HD1, but add a new subsection to section 302L-7:**  
“() The office shall prohibit the use of suspension in the program due to a child’s behavior; provided that a temporary suspension may be used when there is a serious safety threat as determined by the administrator of the school.  
The office shall prohibit the permanent removal of a student from the program due to a child’s behavior; provided that when a child exhibits persistent and serious challenging behaviors, the administrator of the school shall consult with the office on how to address the behaviors.  
The office shall implement chapter 8-19, Hawaii Administrative Rules, until such a time that the office develops rules to carry out the purposes of this subsection.”
- **Keep Section 1 (purpose language) and Section 2 (amending section 302A-1134, HRS).**

Thank you for the opportunity to testify on this bill. I am happy to answer any questions you may have.

To: Committee Chair Representative Chris Lee  
Committee Vice Chair Representative Joy A. San Buenaventura  
Committee on Judiciary

Date: February 13, 2019; Room 325

RE: **Support for HB 1346 HD 1; Relating to Early Childhood Education; Prohibits the suspension or expulsion of children participating in the EOEL Public Pre-K Program**

The Early Childhood Action Strategy (ECAS) is a statewide public-private collaborative designed to improve the system of care for Hawai'i's youngest children and their families. ECAS brings together government and non-governmental organizations to align priorities for children prenatal to age eight, streamline services, maximize resources, and improve programs to support our youngest keiki. We strongly support HB 1346 HD 1, which prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning's (EOEL) Public Prekindergarten Program.

Research conducted across 40 states found a national rate of 6.7 children expelled per 1,000 in publicly funded prekindergarten programs—a rate triple that of expulsion of k-12 students. Research also finds there are equity issues and stark racial and gender disparities in suspension/expulsion practices. Boys receive more than three-quarters of out-of-school suspensions and girls who are Black, Native Hawaiian, or Pacific Islander represent 30 percent or more of all out-of-school suspensions even though they have a much smaller total population in preschool. Hawaii ranked 17th in terms of states with high numbers of preschool expulsions based on a study published in 2005 by Walter S. Gilliam at Yale University Child Study Center.

Suspension and expulsion may be “products of misguided or absent policies and/or insufficient training and support services for staff, especially in managing challenging behavior, recognizing trauma, and promoting social and emotional development.” It is critical to support the professional development of staff so they can best support keiki and our families. Moreover, staff should exercise all options possible to support keiki, and prioritize collaboration with parents/caregivers and other appropriate resources before decided to suspend or expel a child.

We support the amendments made to HB 1346 HD 1 and prohibit the suspension/expulsion of children participating in EOEL's Public Prekindergarten Program. Thank you for this opportunity to provide testimony.



Parents And  
Children Together  
BUILDING THE RELATIONSHIPS THAT MATTER MOST

**LATE**

**TO: Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary**

**FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)**

**DATE/LOCATION: Wednesday, February 13, 2019; 2:01 p.m., Conference Room 325**

**RE: TESTIMONY IN SUPPORT OF HB 1346– RELATING TO EARLY CHILDHOOD EDUCATION**

**We ask you to support HB 1346 which seeks to prohibit the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under limited circumstances.** We strongly support this bill which aligns with national best practice and allows for each young child to be supported through his/her earliest learning experiences and be given the opportunity to fulfill his/her highest potential.

As a provider of Head Start and Early Head Start services, we believe in high-quality early childhood education opportunities for every child. We believe in each child's innate abilities and the critical importance of caring for all children and families, especially those who need the most support. Data shows that high-quality care and education during the earliest stages of a child's development provides a critical foundation for later educational and life success. Early learning programs play a key role in early detection and early intervention for students who display extreme and challenging behaviors and it is important that we work with families to address the underlying root causes of these behaviors and work with both students and families to explore and implement every reasonable modification to support the child.

Schools are places of learning where our youngest children along with their families should have every chance to succeed. High quality early learning programs, like Head Start and EOEL's public pre-K program, with strong training and professional development, have the capacity to train and support staff in dealing with challenging behaviors. They also provide the support for staff to proactively work with children and families to identify a child's needs, connect them with resources and employ effective strategies in the classroom that can best support each child. This bill is consistent with national best practice and the current Head Start mandates that our PACT programs currently adhere to and we believe that these practices are best for all high-quality early learning programs, including EOEL's public Pre-K program. We commend EOEL

for recognizing the importance of this measure and for committing to continued best practice. This bill provides an added measure to ensure that each child and their family has a chance to address issues early on with the help of highly-qualified education professionals and sets the foundation for future success, especially for those children who would not otherwise have access to early childhood.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 1346**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.



**To:** Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

**From:** Robert G. Peters, Chair  
Early Learning Board

**Subject:** **Measure:** HB No. 1346 H.D. 1 – Relating to Early Childhood Education  
**Hearing Date:** February 13, 2019  
**Time:** 2:10 pm  
**Location:** Room 325

**Description:** Prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning’s Public Prekindergarten Program except under limited circumstances.

**Early Learning Board Position:** Support

I am Robert G. Peters, Chair of the Early Learning Board (ELB). Thank you for this opportunity to offer testimony on behalf of the ELB in support of HB 1346.

This bill reflects national guidelines and best practices as well as regulations in other states which have enacted legislation to prohibit suspension/expulsion in the early years such as Illinois and Ohio. It is modeled after federal law governing the Head Start Program and aligns the Executive Office on Early Learning’s Public Education Prekindergarten program with the Department of Health and Human Services and Education Departments’ joint policy statement in 2014 “affirm(ing) the Departments efforts to prevent and eventually eliminate expulsion and suspension in all early childhood settings and support young children’s social, emotional and behavioral development.”

Educators are becoming more informed about, and attuned to the social emotional needs of children, recognizing their impact on learning. Children dealing with trauma or toxic home conditions are not ready to learn and often preoccupied, not able to focus on learning. It is not unusual for children who bring these problems to school to “act out.” In young children, especially, it is often difficult to determine if such behaviors are developmental in nature or issues of genuine concern. Expulsion and suspension are often responses to challenging behaviors of this type.

Research indicates that prekindergarten expulsion and suspension of children at this critical juncture in their growth and development are often repeated throughout a student’s school history and associated with negative educational and life outcomes. It also demonstrates that there are racial and gender disparities, with boys receiving a majority of out-of-school suspensions. Data from the Office for Civil Rights, U.S. Department of Education, in 2014 revealed that Black, Native Hawaiian, or Pacific Islander girls represented a higher percentage

rate of out-of-school suspensions despite their smaller representation in the total girl population in preschool.

This bill's provisions for EOEL public Pre-Kindergarten programs seek to provide guidelines for school administrators to "short-circuit" expulsion/suspension practices with alternative processes to keep children in school and to support families searching to help children with challenging behaviors. The EOEL has made it a priority to prevent expulsion by providing professional learning support to educators in their Pre-K program, as well as work with school leadership, to recognize when challenging behaviors are truly serious and needing additional attention versus when they are within the natural developmental trajectory of all children. Suggested steps to keep children with challenging behaviors in school and resources to address individual needs has complemented the EOEL's efforts to work with UH in developing the competencies of future teachers needed to meet individual needs.

The ELB asks the Committee to move this bill forward with the recommended amendments offered by the Executive Office of Early Learning.