



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1151

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB2543 HD1 SD2

RELATING TO ACCESS TO LEARNING.
Act 046 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

1 PART I. INTRODUCTION

2 SECTION 1. The purpose of this Act is to:

- 3 (1) Expand the capacity, resources, affordability, and
- 4 flexibility of childcare facilities licensed by the
- 5 department of human services to significantly increase
- 6 affordable and accessible childcare choices for
- 7 Hawaii's families, especially those in financial need
- 8 and in lesser-served areas of the State;
- 9 (2) Expand the capacity, early learning, and availability
- 10 of public pre-kindergarten;
- 11 (3) Offset the cost of living for Hawaii families by
- 12 subsidizing both childcare and preschool;
- 13 (4) Clarify the coordination of the continuum of early
- 14 learning and preschool programs throughout the State;
- 15 (5) Build the infrastructure and develop the resources
- 16 necessary to achieve the objective of providing the
- 17 capacity to serve fifty per cent of all otherwise



1 unserved children who are three to four years of age,
2 or will not be at least five years of age on or before
3 July 31 of the current school year, with access to
4 learning by the year 2027, and providing the capacity
5 to serve one hundred per cent of those children within
6 the same age group with access to learning by the year
7 2032; and

8 (6) Ensure that the implementation of new and expanded
9 programs pursuant to this Act aligns with other
10 statutory provisions that provide distinctive support
11 for education through the medium of the Hawaiian
12 language.

13 This Act is part of the State's early childhood plan to
14 increase access to child care and early learning opportunities
15 for children in the State.

16 PART II. DEPARTMENT OF EDUCATION

17 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
18 amended by adding two new sections to subpart C of part IV to be
19 appropriately designated and to read as follows:

20 "§302A-A Standardized assessment for students entering
21 kindergarten. (a) The board of education shall adopt a student



1 assessment model pursuant to section 302A-1101(a) to assess all
2 students entering kindergarten.

3 (b) Within the first thirty days of each school year, the
4 department shall assess all kindergarten students with the
5 student assessment model; provided that any assessment
6 administered pursuant to this subsection shall be conducted in
7 either English or Hawaiian.

8 (c) The department shall share the information gathered
9 pursuant to this section with the department of human services,
10 executive office on early learning, and public charter school
11 commission to the extent not otherwise prohibited by
12 administrative rule or law.

13 **§302A-B Prior early learning programs attendance**

14 **disclosure.** (a) At least one parent or guardian of each child
15 entering kindergarten shall disclose to the department the name
16 of, address of, and duration of attendance at the early learning
17 program that the child attended during the previous academic
18 year. The department may also require the disclosure of any
19 other information not otherwise prohibited by law that would
20 assist the department, the department of human services, and the
21 executive office on early learning in developing, assessing, and



1 implementing strategies to meet the early learning needs of
2 children in the State. The department and the executive office
3 on early learning shall use the information to assist the
4 executive office on early learning and department of human
5 services in determining the levels of prekindergarten attendance
6 and need for child care in geographic regions of the State and
7 identify the highest priority regions requiring prekindergarten
8 programs and child care to meet the needs of unserved or
9 underserved eligible children.

10 (b) The department may include a request for the
11 information required by subsection (a) on a kindergarten
12 enrollment form or any other appropriate form.

13 (c) The department shall share the information gathered
14 pursuant to this section with the department of human services,
15 executive office on early learning, and public charter school
16 commission to the extent not otherwise prohibited by
17 administrative rule or law."

18 SECTION 3. Chapter 302D, Hawaii Revised Statutes, is
19 amended by adding three new sections to be appropriately
20 designated and to read as follows:



1 "§302D-A Standardized assessment for students entering

2 kindergarten. (a) The commission shall adopt the student

3 assessment model adopted by the board pursuant to section

4 302A-A(a) to assess all charter school students entering

5 kindergarten.

6 (b) Within the first thirty days of each school year, the

7 commission shall ensure that all charter school kindergarten

8 students are assessed by public charter schools with the student

9 assessment model; provided that any assessment administered

10 pursuant to this subsection shall be conducted in either English

11 or Hawaiian.

12 (c) The commission shall share the information gathered

13 from public charter schools pursuant to this section with the

14 department, department of human services, and executive office

15 on early learning to the extent not otherwise prohibited by

16 administrative rule or law.

17 §302D-B Prior early learning programs attendance

18 disclosure. (a) At least one parent or guardian of each child

19 entering kindergarten shall disclose to the public charter

20 school at which the child is enrolled the name and address of

21 the early learning program that the child attended during the



1 previous academic year. Each public charter school shall
2 provide to the commission the information disclosed pursuant to
3 this section. The commission may also require the disclosure of
4 any other information not otherwise prohibited by law that would
5 assist the department, the department of human services, and the
6 executive office on early learning in developing, assessing, and
7 implementing strategies to meet the early learning needs of
8 children in the State. The commission and the executive office
9 on early learning shall use the information to assist the
10 department of human services and executive office on early
11 learning in determining the levels of prekindergarten attendance
12 and need for child care in geographic regions of the State and
13 identify the highest priority regions requiring prekindergarten
14 programs and child care to meet the needs of unserved or
15 underserved eligible children and shall provide the information
16 to the department of human services.

17 (b) The commission may include a request for the
18 information required by subsection (a) on a kindergarten
19 enrollment form or any other appropriate form used at all public
20 charter schools.



1 (c) The commission shall share the information gathered
2 pursuant to this section with the department, department of
3 human services, and executive office on early learning to the
4 extent not otherwise prohibited by administrative rule or law.

5 **§302D-C Public early learning and preschool programs;**
6 **administrative authority.** (a) The commission shall have
7 administrative authority over all state-funded early learning
8 programs and private partnership-funded preschool programs in
9 public charter schools except for special education and Title I-
10 funded prekindergarten programs.

11 (b) The early learning programs in charter schools
12 shall enroll no more than a maximum of twenty children per
13 classroom who are three- or four-years-old on or before
14 July 31 of the school year, as aligned with the department's
15 kindergarten age entry requirements.

16 (c) Subject to the availability of funding, the commission
17 shall implement an application process for schools to establish
18 an early learning program.

19 (d) Each early learning program and preschool program
20 shall meet the following requirements:



- 1 (1) The availability of a classroom and outdoor play area
2 that meet department of human services requirements
3 for the health and safety of three- and four-year-old
4 children and is exempt from section 346-161 as a
5 public preschool provider;
- 6 (2) The commitment of the principal to implementing an
7 early learning program, including through active
8 participation in professional development sessions
9 offered through the commission, and promoting
10 continuity and alignment between and across other
11 early learning programs in the community and other
12 grade levels in the school to ensure the positive
13 outcomes of children are sustained;
- 14 (3) The inclusion of students with disabilities based on
15 individualized education program placement; provided
16 that:
- 17 (A) The in-classroom ratio of students with
18 disabilities shall be based on the inclusion of
19 children with disabilities in proportion to the
20 general population of the school;



- 1 (B) Subparagraph (A) does not anticipate or permit
2 imposing caps or quotas on the number of children
3 with disabilities in a program or not
4 individualizing services for children with
5 disabilities under the Individuals with
6 Disabilities Education Act of 2004 (20 U.S.C.
7 1400 et seq., as amended);
- 8 (C) The department shall collaborate with the charter
9 school to coordinate services for students with
10 disabilities who are placed in the classroom
11 offered through the program; and
- 12 (D) Funding for all costs associated with the
13 implementation of the individualized education
14 program of students shall be provided through the
15 department;
- 16 (4) Enrollment in the program shall be free and voluntary;
17 (5) The enrollment shall not exceed twenty children per
18 classroom; and
- 19 (6) The incorporation of standards that are research-based
20 and developmentally-appropriate practices associated



1 with improved educational outcomes for children, such

2 as:

3 (A) Positive teacher-child interactions that shall be
4 evaluated through observations conducted by the
5 commission using a research-based tool at least
6 twice a year, for the purposes of professional
7 development; provided that the observations shall
8 not be used for the purposes of teacher
9 evaluation;

10 (B) The early learning environment shall be assessed
11 using a tool that measures its effectiveness and
12 shall be conducted at least two times per school
13 year by a certified observer who is employed or
14 contracted by the commission; provided that the
15 teaching staff shall use the assessment data and
16 feedback to improve the quality of the learning
17 environment; provided further that observations
18 shall be used for the purposes of professional
19 development and shall not be used for the
20 purposes of teacher evaluation;



- 1 (C) Use of individual child formative assessments
2 that are used for ongoing planning relating to
3 all areas of child development and learning
4 including cognitive, linguistic, social emotional
5 approaches to learning, and health and physical
6 development;
- 7 (D) Family engagement in partnership with charter
8 schools, including conducting outreach for
9 enrollment and engagement of families in their
10 children's education in recognition of families'
11 role as their child's first and most important
12 teacher;
- 13 (E) Alignment with the Hawaii early learning and
14 development standards, department standards,
15 state content and performance standards, and
16 general learner outcomes for grades kindergarten
17 to twelve to facilitate a seamless educational
18 experience for children;
- 19 (F) Requirements that any teacher shall have
20 coursework in early childhood education pursuant
21 to Hawaii teacher standards board licensing



1 requirements for a prekindergarten teacher or be
2 enrolled in a state-approved teacher education
3 program and be working toward satisfying the
4 Hawaii teacher standards board licensing
5 requirements; and

6 (G) Requirements that any educational assistant has a
7 current child development associate credential,
8 coursework for a certificate that meets the
9 requirements for child development associate
10 credential preparation, or be enrolled in and
11 working toward completing a program that prepares
12 the individual to obtain the credential.

13 (e) The commission shall monitor the implementation of the
14 educational experience for children.

15 (f) The commission shall provide support to incorporate
16 the standards developed pursuant to subsection (d), including
17 support related to teacher-child interactions, early childhood
18 learning environment, individual child assessments, and family
19 engagement.

20 (g) Teaching staff participating in a program established
21 pursuant to this section shall participate in coaching and



1 mentoring and professional development opportunities offered
2 through the commission; provided that the commission shall cover
3 the associated travel and substitute teacher costs, contingent
4 upon funding availability. The commission may extend this
5 support, excluding travel and substitute teacher costs, to
6 individuals who are not participating in the program to promote
7 alignment between all grade levels, programs, and settings.

8 (h) School leaders shall attend professional development
9 sessions related to P-3 (preschool to grade three) alignment
10 offered through the commission. The commission shall cover the
11 costs associated with travel and substitute teacher
12 expenditures, contingent upon the availability of funding. The
13 commission may extend this support, excluding travel and
14 substitute teacher costs, to individuals who are not
15 participating in the program to promote alignment between all
16 grade levels, programs, and settings.

17 (i) The commission shall work with each charter school to
18 develop and annually update a written three-year plan that
19 promotes, within the school and community, alignment of and
20 transitions between learning experiences, and report on the
21 progress made toward the plan by the end of the school year.



1 (j) The commission shall coordinate with other agencies
2 and programs to facilitate comprehensive services for early
3 learning.

4 (k) The commission shall promote the development of a
5 cohesive, comprehensive, and sustainable early learning system.
6 The commission shall coordinate with other early learning
7 providers, including those providing the programs and services,
8 to promote alignment between prekindergarten and elementary
9 school programs and to support children and their families in
10 making successful transitions from prekindergarten into
11 kindergarten.

12 (l) The commission shall adopt rules pursuant to chapter
13 91 for the purpose of this section.

14 (m) The commission shall submit a report to the
15 legislature no later than twenty days prior to the convening of
16 each regular session regarding state-funded early learning
17 programs in charter schools. The report shall include, as
18 related to each type of program:

19 (1) The number and location of classrooms;

20 (2) Sources of funding for each classroom;



- 1 (3) Aggregated data reflecting the quality of teacher-
2 child interactions relating to emotional support,
3 classroom organization, and instructional support;
- 4 (4) Aggregated data reflecting the quality of the early
5 learning environment and the teacher-child
6 interactions that maximize the learning opportunities
7 of the environment; and
- 8 (5) Aggregated student outcomes related to all areas of
9 child development and learning, including cognitive,
10 linguistic, social and emotional approaches to
11 learning and health and physical development, as
12 assessed using a formative assessment tool selected or
13 approved by the commission.

14 This reported data shall be compiled from the previously state-
15 funded school year."

16 SECTION 4. Section 302L-5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§302L-5 Early learning [~~trust fund~~] special fund.** (a)
19 There is established within the state treasury the early
20 learning [~~trust fund~~] special fund, to be administered by the



1 executive office on early learning, into which shall be
2 deposited all moneys received by the office in the form of:

- 3 (1) Fees;
- 4 (2) Grants;
- 5 (3) Donations;
- 6 (4) Appropriations made by the legislature to the fund;
- 7 and
- 8 (5) Revenues regardless of their source,

9 and earnings on moneys in the fund. Moneys in the fund shall be
10 used for the early learning system. Expenditures from the fund
11 may be made by the office without appropriation or allotment.

12 (b) The office shall submit an annual report to the
13 legislature, no later than August 31, on the sources of moneys
14 deposited into the fund and expenditures of the moneys in the
15 fund."

16 SECTION 5. Section 302L-7, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) There is established within the early learning system
20 an early childhood education program to be known as the
21 executive office on early learning public prekindergarten



1 program and to be administered by the office pursuant to rules
2 adopted by the office. The program shall:

3 (1) Be provided through the executive office on early
4 learning, which shall partner with the department of
5 education [~~and state public charter school commission~~]
6 through either a memorandum of agreement or memorandum
7 of understanding pursuant to the requirements of this
8 section;

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

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

15 2. By amending subsections (o) and (p) to read:

16 "(o) The office shall collect data with assistance from
17 the department of education [~~and state public charter school~~
18 ~~commission~~], based on a schedule to be determined by the office,
19 to:

20 (1) Evaluate the services provided;

21 (2) Inform policy; and



1 (3) Make any improvements to the program.

2 (p) The department of education [~~and any public charter~~
3 ~~school existing pursuant to chapter 302D,~~] may use available
4 classrooms for public preschool programs statewide. [~~The office~~
5 ~~shall give priority to public charter schools that serve high~~
6 ~~populations of underserved or at risk children.~~] Preschool
7 classrooms established pursuant to this section shall be in
8 addition to any classrooms used for the pre-plus program
9 established pursuant to section 302L-1.7."

10 SECTION 6. Section 312-2.1, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "[+](d)[+] The state librarian shall collect, purchase,
13 receive gifts of, and otherwise acquire all books and other
14 publications proper for libraries, and arrange, classify, and
15 catalog the same; provide for their safekeeping; expend moneys
16 appropriated by the legislature and otherwise acquired for the
17 development, use, support, and maintenance of libraries[+] and
18 other related purposes; provide ways and means for placing
19 libraries within reach of all residents throughout the State and
20 particularly of all public and private school children; provide
21 and maintain branch libraries, offices, or places for the



1 distribution of books and periodicals throughout the State;
2 enter into contracts as may be necessary to carry into effect
3 the general duties herein imposed; appoint such officers and
4 employees as deemed necessary, all of whom shall be under the
5 authority of the governor for purposes of chapters 76, 78, 89,
6 and 89C; and adopt rules for the management and use of
7 libraries, and for the control of the property under its
8 management."

9 PART III. DEPARTMENT OF HUMAN SERVICES

10 SECTION 7. Chapter 346, Hawaii Revised Statutes, is
11 amended by adding four new sections to subpart D of part VIII to
12 be appropriately designated and to read as follows:

13 "§346-A Preschool open doors special fund. (a) There is
14 established within the state treasury the preschool open doors
15 special fund, to be administered by the department's child care
16 assistance program, into which shall be deposited all moneys
17 received by the department's child care assistance program in
18 the form of:

19 (1) Fees;

20 (2) Grants;

21 (3) Donations;



1 (4) Appropriations made by the legislature to the fund;

2 and

3 (5) Revenues regardless of their source,

4 and earnings on moneys in the fund. Moneys in the fund shall be

5 used for the procurement of health and human services under the

6 preschool open doors program. Expenditures from the fund may be

7 made by the department without appropriation or allotment but

8 shall not be made for capital improvement projects.

9 (b) The department shall submit an annual report to the

10 legislature, no later than August 31, on the sources of moneys

11 deposited into the fund and expenditures of moneys in the fund.

12 **§346-B Preschool grant program special fund; established.**

13 (a) There is established within the state treasury the

14 preschool grant program special fund, to be administered by the

15 department, into which shall be deposited:

16 (1) Donations to the fund;

17 (2) Appropriations made by the legislature to the fund;

18 (3) Revenues regardless of their source; and

19 (4) Earnings on moneys in the fund.

20 (b) The department shall expend moneys in the special fund

21 to award funds to private entities for the operating costs of



1 new preschools or expansion of existing preschools at the
2 private entity's place of business.

3 (c) Expenditures from the fund may be made by the
4 department without appropriation or allotment.

5 (d) Any grant awarded pursuant to this section or
6 expenditure of funds for the administration of the preschool
7 open doors program shall be exempt from chapters 103D and 103F.
8 The department shall adopt rules pursuant to chapter 91 to
9 effectuate the grant program.

10 (e) The department shall submit an annual report to the
11 legislature, no later than August 31, on the sources of moneys
12 deposited into the fund and expenditures of moneys in the fund.

13 **§346-C Preschool open doors program; provider**

14 **accreditation.** (a) Each service provider of the preschool open
15 doors program shall be accredited or shall obtain accreditation
16 within seven calendar years of first receiving any funds from
17 the preschool open doors program; provided that any existing
18 service provider unaccredited on July 1, 2020, shall commence
19 the accreditation process no later than July 1, 2022, and obtain
20 accreditation by July 1, 2027; provided further that the



1 director may grant to any service provider one or more
2 extensions to obtain accreditation on a case-by-case basis.

3 (b) Accreditation under this section shall be obtained
4 from one or more of the following national early learning
5 accrediting organizations:

6 (1) National Association for the Education of Young
7 Children;

8 (2) National Early Childhood Program Accreditation;

9 (3) National Association for Family Child Care; or

10 (4) An accrediting organization approved by the director;
11 provided that the accrediting organization is
12 comparable to the organizations specified in
13 paragraphs (1) through (3).

14 (c) Notwithstanding subsections (a) and (b), a service
15 provider may receive or continue to receive funding through the
16 preschool open doors program if the service provider maintains a
17 satisfactory performance rating under the Classroom Assessment
18 Scoring System developed by the University of Virginia and
19 performed in conformance with United States Department of Health
20 and Human Services guidelines.



1 (d) The department shall provide operational and financial
2 support to service providers to assist the service providers in
3 obtaining accreditation. The department may contract with a
4 private entity to assist service providers in obtaining
5 accreditation.

6 **§346-D Preschool open doors; procurement exemption.**

7 Effective July 1, 2020, any expenditure of funds by the
8 department to implement, operate, or expand the preschool open
9 doors program may be made without regard to chapters 103D and
10 103F."

11 SECTION 8. Chapter 346, Hawaii Revised Statutes, is
12 amended by adding a new section to part VIII to be appropriately
13 designated and to read as follows:

14 **"§346- Prior early learning program information. (a)**

15 The department shall establish or augment an existing database
16 to collect and analyze information it receives from the
17 department of education pursuant to sections 302A-A and 302A-B
18 and the state public charter school commission pursuant to
19 sections 302D-A and 302D-B and any other information the
20 department may collect on all children in the State who are
21 three to four years old and children who will not be at least



1 five years of age on or before July 31 of the current school
2 year.

3 (b) To the extent not prohibited by administrative rule or
4 law, the department, department of education, public charter
5 school commission, and executive office on early learning shall
6 share any information gathered pursuant to sections 302A-A,
7 302A-B, 302D-A, and 302D-B with each other, along with any other
8 information the department, department of education, or public
9 charter school commission may collect on all children in the
10 State who are three to four years old and children who will not
11 be at least five years of age on or before July 31 of the
12 current school year.

13 (c) Any procurement executed pursuant to this section
14 shall be exempt from chapters 103D and 103F."

15 SECTION 9. Section 346-181, Hawaii Revised Statutes, is
16 amended by amending subsections (b) and (c) to read as follows:

17 " (b) Subject to the availability of funds, the program
18 shall serve three- and four-year-old children[7] who are in the
19 two years prior to kindergarten entry pursuant to section
20 302A-411, with priority extended [~~to~~] in the following order to
21 any:



1 ~~[(1) Children who are not eligible to attend public school~~
2 ~~kindergarten in the calendar year in which they turn~~
3 ~~five years of age because their birth date occurs~~
4 ~~after the kindergarten eligibility date pursuant to~~
5 ~~section 302A-411; and~~

6 +2+] (1) Underserved or at-risk [children,] four-year-old
7 child who was previously served as a three-year-old
8 child, as defined by rules adopted by the
9 department[-];

10 (2) Four-year-old child who was previously served as a
11 three-year-old child;

12 (3) Four-year-old child;

13 (4) Underserved or at-risk three-year-old child, as
14 defined by rules adopted by the department; and

15 (5) Three-year-old child.

16 (c) Enrollment in the program shall be voluntary. A
17 parent or guardian of a child enrolled in the program [~~shall~~]
18 may share in the costs of the program through a copayment
19 according to a sliding fee scale that is based on need pursuant
20 to rules adopted by the department."



1 SECTION 10. There are established twelve permanent full-
2 time equivalent (12.0 FTE) positions for the preschool open
3 doors program within the department of human services for the
4 purposes of this Act.

5 SECTION 11. There is appropriated out of federal funds
6 deposited in the state treasury the sum of \$5,000,000 or so much
7 thereof as may be necessary for fiscal year 2020-2021 for the
8 department of human services to expand its information
9 technology system for the purpose of managing the information
10 collected pursuant to this Act.

11 The sum appropriated shall be expended by the department of
12 human services for the purposes of this Act.

13 PART IV. OFFICE OF THE GOVERNOR

14 SECTION 12. Chapter 26, Hawaii Revised Statutes, is
15 amended by adding a new part to be appropriately designated and
16 to read as follows:

17 "PART . EARLY LEARNING

18 §26- Benchmarks; duties. (a) The department of human
19 services and the executive office on early learning shall ensure
20 access to learning through preschool programs that meet or
21 exceed the following benchmarks:



- 1 (1) Fifty per cent of all otherwise unserved children who
2 are three to four years of age, or will not be at
3 least five years of age on or before July 31 of the
4 current school year, shall have access to enrollment
5 in a preschool program by December 31, 2027; and
6 (2) One hundred per cent of all children who are three to
7 four years of age, or will not be at least five years
8 of age on or before July 31 of the current school
9 year, shall have access to enrollment in a preschool
10 program by December 31, 2032.

11 The department of human services and the executive office on
12 early learning shall submit an annual report to the legislature,
13 no later than August 31 of each year, on the progress toward
14 achieving the benchmarks until all children who are three to
15 four years of age, or will not be at least five years of age on
16 or before July 31 of the current school year, are enrolled in a
17 preschool program.

18 (b) The department of human services and the executive
19 office on early learning shall collaborate to identify the need
20 for child care and early learning in geographic regions of the
21 State and consider using public facilities including schools,



1 libraries, and the university of Hawaii system as locations for
2 child care and early learning programs.

3 (c) The department of human services may create programs
4 and private sector delivery systems that can pose the essential
5 information and policy questions, monitor the progress of the
6 implementation of this part, and generate timely detailed
7 reports to the extent allowable by law.

8 (d) The department of human services shall facilitate and
9 support data sharing among public and private entities to the
10 extent not otherwise prohibited by law or rule."

11 SECTION 13. Section 27-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§27-7[+] **Departmental data sharing.** (a) The
14 department of education, the University of Hawaii, the
15 department of labor and industrial relations, and other state
16 agencies, as appropriate, shall share data to support research
17 that will improve educational and workforce outcomes and meet
18 the longitudinal data requirements of the federal American
19 Recovery and Reinvestment Act of 2009, as amended. The data to
20 be shared shall be determined jointly by the department of
21 education, the University of Hawaii, the department of labor and



1 industrial relations, and other state agencies, as appropriate,
2 and shall be shared no less than annually.

3 (b) The department of education, the University of Hawaii,
4 the department of labor and industrial relations, and other
5 state agencies, as appropriate, shall share data in a manner
6 that safeguards the confidentiality of student education
7 records, as defined by the federal Family Educational Rights and
8 Privacy Act, and workforce data, as provided by applicable
9 federal and state laws, rules, and regulations.

10 (c) All data shared by or with the department of human
11 services, department of education, public charter school
12 authorizers, public charter schools, executive office on early
13 learning, and other entities as required by statute shall be
14 subject to any administrative rule regarding privacy adopted by
15 the department or agency that collected the data.

16 [+e] (d) The department of education, the University of
17 Hawaii, the department of labor and industrial relations, and
18 other state agencies, as appropriate, shall establish a data
19 governance and access committee that meets on a quarterly basis
20 to determine protocols to:



1 (1) Prioritize analyses and research questions that will
2 provide information to improve educational and
3 workforce outcomes and policies; and

4 (2) Approve requests for access to data provided by the
5 department of education, the University of Hawaii, the
6 department of labor and industrial [+]relations[+],
7 and other state agencies, as appropriate.

8 [~~d~~] (e) All state agency directors shall consider
9 sharing data for the statewide longitudinal data system."

10 PART V. HAWAIIAN LANGUAGE IMMERSION

11 SECTION 14. Chapter 304A, Hawaii Revised Statutes, is
12 amended by adding a new section to subpart E of part V to be
13 appropriately designated and to read as follows:

14 "§304A- Hawaiian early learning trust fund. (a) There
15 is established the Hawaiian early learning trust fund, into
16 which shall be deposited:

- 17 (1) Donations to the fund;
- 18 (2) Appropriations made by the legislature to the fund;
- 19 (3) Revenues regardless of their source; and
- 20 (4) Earnings on moneys in the fund.



1 (b) The university of Hawaii at Hilo shall expend moneys
2 in the trust fund for purposes of Hawaiian early learning.

3 (c) The university of Hawaii shall submit an annual report
4 to the legislature, no later than August 31, on the sources of
5 moneys deposited into the fund and expenditures of moneys from
6 the fund."

7 SECTION 15. There is appropriated out of the Hawaiian
8 early learning trust fund the sum of \$5,000,000 or so much
9 thereof as may be necessary for fiscal year 2020-2021 for the
10 purpose of assisting Ka Haka Ula O Keelikolani, in partnership
11 with the Imiloa astronomy center and other public or private
12 partners as appropriate or required by law, to build two or more
13 classrooms for Hawaiian language medium pre-kindergarten
14 programs that shall be used to establish a pathway for the
15 development of other Hawaiian language medium pre-kindergarten
16 and Hawaiian language immersion classes.

17 The sum appropriated shall be expended by the university of
18 Hawaii at Hilo for the purposes of this Act.

19 SECTION 16. The standards, assessments, performance
20 ratings, staff qualifications, and staff training requirements
21 established by this Act shall not apply to any laboratory school



1 program of the Hawaiian language college at the university of
2 Hawaii at Hilo until July 1, 2026.

3 PART VI. LIBRARIES

4 SECTION 17. Chapter 312, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§312- Early learning classrooms and services on public
8 library property; authorized. (a) The Hawaii state public
9 library system, in consultation and partnership with the
10 department of human services or the executive office on early
11 learning, may establish new early learning classrooms and
12 contract for early learning services licensed by the department
13 of human services or authorized by the executive office on early
14 learning at any library under the jurisdiction of the Hawaii
15 state public library system; provided that:

16 (1) The entity with which the Hawaii state public library
17 system partners to establish a new early learning
18 classroom shall be the same entity responsible for the
19 oversight of that early learning classroom; and



1 (2) The oversight of that early learning classroom shall
2 be conducted pursuant to administrative rules adopted
3 by that entity.

4 (b) The planning, constructing, equipping, and operating
5 of new early learning classrooms and the contracting of early
6 learning services shall not be subject to chapters 103D or
7 103F."

8 SECTION 18. There is appropriated out of federal funds
9 deposited in the state treasury the sum of \$3,000,000 or so much
10 thereof as may be necessary for fiscal year 2020-2021 for early
11 learning classrooms and services on public library property.

12 The sum appropriated shall be expended by the Hawaii state
13 public library system for the purposes of this part.

14 PART VII. MISCELLANEOUS PROVISIONS

15 SECTION 19. In codifying the new sections added by
16 sections 2, 3, and 7 of this Act, the revisor of statutes shall
17 substitute appropriate section numbers for the letters used in
18 designating the new sections in this Act.

19 SECTION 20. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 21. This Act shall take effect upon approval;
2 provided that:

3 (1) Sections 10, 11, 15, and 18 shall take effect on July
4 1, 2020;

5 (2) Section 2; sections 302D-A and 302D-B, Hawaii Revised
6 Statutes, as set forth in section 3; section 8; and
7 section 13 shall take effect on July 1, 2022; and

8 (3) Section 12 shall take effect on July 1, 2024.

APPROVED this 15 day of SEP, 2020




GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: July 6, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.


President of the Senate

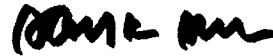

Clerk of the Senate

HB No. 2543, HD 1, SD 2

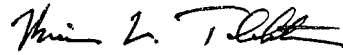
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives