
A BILL FOR AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION.

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

1 SECTION 1. Every year, as many as 8,710 three- and four-
2 year-old children nationwide may be expelled from their state-
3 funded preschool or prekindergarten classroom. These
4 suspensions and expulsions are occurring at a rate more than
5 three times that of their peers in kindergarten through grade
6 12, according to a joint statement drafted by the National
7 Association for the Education of Young Children, with support
8 from a host of other national organizations regarded as leaders
9 in the field of early childhood education.

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



1 This situation is particularly troubling given that such
2 suspensions and expulsions occur during a critical period in a
3 child's development, when a child's brain is developing rapidly.
4 The 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. Especially during these early years, the
7 educational system should ensure that our youngest children have
8 access to opportunities that will prepare them to reach their
9 greatest potential. By suspending or expelling them, our
10 educational system instead sets our youngest off in the wrong
11 direction, before they even begin kindergarten.

12 Well-established research indicates that school suspension
13 and expulsion practices are associated with adverse educational
14 and life outcomes. Suspension and expulsion early in a child's
15 life predicts suspension and expulsion later in school.
16 Children who are suspended or expelled from school are as many
17 as ten times more likely to drop out of high school, experience
18 academic failure, hold negative attitudes toward school, and
19 face incarceration than their peers who were never suspended or
20 expelled.



1 Though each case is different, suspensions and expulsions
2 may be the result of the lack of--or misguided--policies, or
3 insufficient training and support services for staff, especially
4 in managing challenging behaviors, recognizing trauma, and
5 promoting socioemotional development. The executive office on
6 early learning makes it a priority to provide professional
7 learning support to executive office on early learning public
8 prekindergarten program staff as well as to work with school
9 leadership on staffing. The office has also been partnering
10 with the University of Hawaii system to strengthen the pipeline
11 of early childhood educators with respect to these areas. The
12 office focuses on these matters in its work because the target
13 population for the executive office on early learning public
14 prekindergarten program is underserved or at-risk children--
15 those who stand to benefit the most from and should be assured
16 of high-quality early learning, rather than be denied access to
17 it due to suspension or expulsion.

18 In December 2014, the United States Department of Health
19 and Human Services and Department of Education issued a joint
20 policy statement and recommendations to assist states and their
21 public and private local early childhood learning programs to



1 prevent and severely limit suspensions and expulsions in early
2 learning settings. The policy statement affirmed the
3 departments' efforts to prevent and eventually eliminate
4 suspension and expulsion in all early childhood settings and
5 support young children's social, emotional, and behavioral
6 development.

7 The federal Office of Head Start has already prohibited its
8 programs from expelling or un-enrolling children due to a
9 child's behavior, and requires its programs to prohibit or
10 severely limit the use of suspension due to a child's behavior.
11 Federal Head Start programs are required to partner with
12 families; consult with specialists; help the child and family
13 obtain additional services, as appropriate; and take all
14 possible steps to ensure the child's successful participation in
15 the program.

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



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

3 "(a) If, for any reason, a child becomes a detriment to
4 the morals or discipline of any school, the child may be
5 precluded from attending school by the principal, with the
6 approval of the complex area superintendent[-]; provided that
7 this section shall not apply to children participating in the
8 executive office on early learning public prekindergarten
9 program pursuant to section 302L-7. The department shall seek
10 the active participation of other public and private agencies in
11 providing help to these children before and after they have left
12 school. An appeal may be taken on behalf of the child to the
13 superintendent of education within ten days from the date of
14 such action."

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

17 "**§302L-7 Executive office on early learning public**
18 **prekindergarten program; public preschools.** (a) There is
19 established within the early learning system an early childhood
20 education program to be known as the executive office on early
21 learning public prekindergarten program and to be administered



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

3 (1) Be provided through the executive office on early
4 learning, which may partner with the department of
5 education;

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

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

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

19 (c) Enrollment in the program shall be voluntary. A child
20 who is enrolled in, or is eligible to attend, a public
21 elementary school, or who is required to attend school pursuant



1 to section 302A-1132, shall not be eligible for enrollment in
2 the program.

3 (d) The program shall incorporate high-quality standards
4 pursuant to rules adopted by the office. High-quality standards
5 shall be research-based, developmentally-appropriate practices
6 associated with better educational outcomes for children, such
7 as:

- 8 (1) Positive teacher-child interactions;
- 9 (2) Use of individual child assessments that are used for
10 ongoing instructional planning, based upon all areas
11 of childhood development and learning, including
12 cognitive, linguistic, social, and emotional
13 approaches to learning and health and physical
14 development;
- 15 (3) Family engagement; and
- 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 The office shall monitor implementation of the high-quality
2 educational experience for children.

3 (e) Prior to opening a public prekindergarten class in a
4 school, the principal, and other school personnel as required by
5 the office, shall participate in an early learning induction
6 program.

7 (f) The office shall provide support to incorporate the
8 high-quality standards developed pursuant to subsection (d),
9 including support related to teacher-child interactions,
10 individual child assessments, and family engagement.

11 (g) The office shall coordinate with other agencies and
12 programs to facilitate comprehensive services for early
13 learning.

14 (h) The use of suspension due to a child's behavior shall
15 be prohibited; provided that a temporary suspension may be used
16 when there is a serious threat to safety that cannot be reduced
17 or eliminated through reasonable modifications, to be determined
18 in the following manner:

19 (1) Before a principal determines whether a temporary
20 suspension is necessary, the principal shall consider



1 the recommendation of the program staff, who shall
2 have collaborated with:
3 (A) The child's parents or guardians;
4 (B) Other public resources, which may include
5 behavioral health specialists; psychologists;
6 clinical psychologists; and other specialists, as
7 appropriate; and
8 (C) Any private resources consulted by the child's
9 parents or guardians, as appropriate,
10 to determine that no other reasonable option is
11 appropriate; and
12 (2) If a temporary suspension is determined to be
13 necessary, program staff, in collaboration with the
14 child's parents or guardians and the appropriate
15 public and private resources identified in paragraph
16 (1), shall develop and implement a written plan that
17 documents the actions and supports needed to help the
18 child return to full participation in all program
19 activities while ensuring child safety, including the
20 time required to transition the child to full



1 participation and consideration of whether a referral
2 to special education services is appropriate.

3 (i) The expulsion or un-enrolling of a child due to the
4 child's behavior shall be prohibited; provided that when a child
5 exhibits persistent and serious challenging behaviors, program
6 staff shall explore all possible steps and document all steps
7 taken to address such behaviors, while facilitating the child's
8 continued and safe participation in the program, including, at a
9 minimum:

10 (1) Collaborating with the child's parents or guardians
11 and the appropriate public and private resources
12 identified in subsection (h)(1);

13 (2) Considering whether to provide appropriate services
14 and supports under section 504 of the Rehabilitation
15 Act to ensure that a child who satisfies the
16 definition of disability in 29 U.S.C. 705(9)(b) is not
17 excluded from the program on the basis of disability;

18 (3) Consulting with the department of education to ensure
19 that the child receives the needed support services if
20 the child has an individualized education program; and



1 (4) Collaborating, with the consent of the child's parents
2 or guardians, with the department of education to
3 determine the child's eligibility for services, if the
4 child does not have an individualized education
5 program.

6 The program staff shall provide the principal with all of
7 the information from its exploration of all possible steps
8 and documentation of all steps taken to address the child's
9 behaviors pursuant to this section. If the principal,
10 after considering all of this information, determines that
11 the child's continued enrollment presents a continued
12 serious threat to the safety of the child or other enrolled
13 children and determines that the program is not the most
14 appropriate placement for the child, program staff shall
15 determine and provide the child's parents or guardians with
16 options for more-appropriate placement of the child.

17 Program staff shall also collaborate with the provider of
18 the option selected by the child's parent or guardians to
19 facilitate the child's transition.

20 (j) As used in this section, "program staff" means the
21 principal, teacher, educational assistant, early learning



1 resource teacher, and educational specialist associated with the
2 executive office on early learning public prekindergarten
3 program being implemented at a particular school.

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

- 5 (1) Evaluate the services provided;
- 6 (2) Inform policy; and
- 7 (3) Make any improvements to the program.

8 [~~i~~] (l) The department of education and any public
9 charter school existing pursuant to chapter 302D, may use
10 available classrooms for public preschool programs statewide.
11 The office shall give priority to public charter schools that
12 serve high populations of underserved or at-risk children.
13 Preschool classrooms established pursuant to this section shall
14 be in addition to any classrooms used for the pre-plus program
15 established pursuant to rules adopted by the department pursuant
16 to chapter 91.

17 (m) All processes involved in implementation of this
18 section related to students with special needs shall comply with
19 federal law.

20 [~~j~~] (n) The office shall adopt rules pursuant to chapter
21 91 necessary to carry out the purposes of this section,



1 including compliance with all applicable state and federal
2 laws."

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

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

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H.B. NO. 1346

Report Title:

Suspension or Expulsion of Public Prekindergarten Students;
Prohibited

Description:

Prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under 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.

