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

11 The legislature further finds that many more children are
12 suspended, with the data demonstrating severe racial
13 disparities. Data from the United States Department of
14 Education Office for Civil Rights indicates a significant
15 percentage of these children are also suspended more than once,
16 leaving them with few supports and even fewer options to ensure



1 that they are able to participate in high-quality early
2 learning.

3 The legislature additionally finds that this situation is
4 particularly troubling given that such suspensions and
5 expulsions occur during a critical period in a child's
6 development, when a child's brain is developing rapidly. The
7 earliest years of a child's life are critical to laying the
8 foundation of learning and wellness needed for success in school
9 and beyond. Especially during these early years, the
10 educational system should ensure that our youngest children have
11 access to opportunities that will prepare them to reach their
12 greatest potential. By suspending or expelling them, the
13 educational system instead sets our youngest off in the wrong
14 direction, before they even begin kindergarten.

15 Well-established research indicates that school suspension
16 and expulsion practices are associated with adverse educational
17 and life outcomes. Suspension and expulsion early in a child's
18 life signals suspension and expulsion later in school. Children
19 who are suspended or expelled from school are up to ten times
20 more likely to drop out of high school, experience academic
21 failure, hold negative attitudes toward school, and face



1 incarceration than their peers who were never suspended or
2 expelled.

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



1 In December 2014, the United States Department of Health
2 and Human Services and Department of Education issued a joint
3 policy statement and recommendations to assist states and their
4 public and private local early childhood learning programs to
5 prevent and severely limit suspensions and expulsions in early
6 learning settings. The policy statement affirmed the
7 departments' efforts to prevent and eventually eliminate
8 suspension and expulsion in all early childhood settings and
9 support young children's social, emotional, and behavioral
10 development.

11 Other states have enacted legislation to prohibit
12 suspension and expulsion in the early years.

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



1 In alignment with national best practices and the federal
2 government's efforts to more appropriately support our youngest
3 children, the purpose of this Act is to prohibit the expulsion
4 of, and establish limitations on the suspension of, children
5 participating in the executive office on early learning public
6 prekindergarten program. Though there have been no suspensions
7 or expulsion in the executive office on early learning public
8 prekindergarten program to date – the office has worked with the
9 teacher and principal to prevent any from happening and to work
10 through challenging behaviors – the executive office on early
11 learning wishes to impose this prohibition on its own program.

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

14 "(a) If for any reason a child becomes a detriment to the
15 morals or discipline of any school, the child may be precluded
16 from attending school by the principal, with the approval of the
17 complex area superintendent [-]; provided that this section shall
18 not apply to children participating in the executive office on
19 early learning public prekindergarten program pursuant to
20 section 302L-7. The department shall seek the active
21 participation of other public and private agencies in providing



1 help to these children before and after they have left school.
2 An appeal may be taken on behalf of the child to the
3 superintendent of education within ten days from the date of
4 such action."

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

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

14 (1) Be provided through the executive office on early
15 learning, which shall partner with the department of
16 education and state public charter school commission
17 through either a memorandum of agreement or memorandum
18 of understanding pursuant to the requirements of this
19 section;



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 office shall implement an application process for
8 schools that are interested in participating in the program.

9 The criteria to prioritize applications shall include:

10 (1) Community need, including:

11 (A) The percentage of the population in the school or
12 community that meets the definitions of at-risk
13 and underserved children pursuant to section
14 302L-1; and

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

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



1 (3) The commitment of the principal to implementing a
2 high-quality prekindergarten program including through
3 active participation in professional development
4 sessions offered through the office, and to promoting
5 continuity and alignment between and across other
6 early learning programs in the community and other
7 grade levels in the school to ensure the positive
8 outcomes of children are sustained.

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

18 (d) The program shall include students with disabilities
19 based on individualized education program placement, recognizing
20 that the in-classroom ratio of students with disabilities to the
21 general population shall be based on the inclusion of children



1 with disabilities in proportion to their presence in the general
2 population; provided that application of this principle does not
3 anticipate or permit imposing caps or quotas on the number of
4 children with disabilities in a program or not individualizing
5 services for children with disabilities under the Individuals
6 with Disabilities Education Act of 2004 (20 U.S.C. 1400-1409,
7 1411-1419, 1431-1444, 1450-1482). The department of education
8 shall collaborate with the office to coordinate services for
9 students with disabilities who are placed in the classroom
10 offered through the program. Funding for all costs associated
11 with implementation of the individualized education programs of
12 students shall be provided through the department of education.

13 (e) Enrollment in the program shall be voluntary. A child
14 who is required to attend school pursuant to section 302A-1132,
15 shall not be eligible for enrollment in the program.

16 (f) The program shall enroll a maximum of twenty children
17 per classroom.

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



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

3 (1) Positive teacher-child interactions that shall be
4 evaluated through observations conducted by the office
5 using a tool several times a year; provided that the
6 observations shall not be used for the purposes of
7 teacher evaluation;

8 (2) Use of individual child assessments that are used for
9 ongoing instructional planning, relating to all areas
10 of childhood development and learning, including
11 cognitive, linguistic, social, and emotional
12 approaches to learning and health and physical
13 development;

14 (3) Family engagement in partnership with the schools,
15 including conducting outreach for enrollment and
16 engagement of families in their children's education;

17 (4) Alignment with the Hawaii early learning and
18 development standards, which align with department of
19 education standards, state content and performance
20 standards, and general learner outcomes for grades



- 1 kindergarten to twelve, to facilitate a seamless and
2 high-quality educational experience for children;
- 3 (5) A teacher who has coursework in early childhood
4 education pursuant to Hawaii teacher standards board
5 licensing requirements for a prekindergarten teacher.
6 For program purposes, a teacher shall satisfy the
7 Hawaii teacher standards board licensing requirements
8 for a prekindergarten teacher or be enrolled in a
9 State-approved teacher education program and working
10 toward satisfying the Hawaii teacher standards board
11 licensing requirements; and
- 12 (6) An educational assistant who has a child development
13 associate credential or the associated coursework.
14 For program purposes, an educational assistant shall
15 have a current child development associate credential,
16 coursework for a certificate that meets the
17 requirements for child development associate
18 credential preparation, or is enrolled in and working
19 toward completing a program that prepares the
20 individual to obtain the credential.



1 The office shall monitor implementation of the high-quality
2 educational experience for children.

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

7 (i) The office shall provide support to incorporate the
8 high-quality standards developed pursuant to subsection (g),
9 including support related to teacher-child interactions,
10 individual child assessments, and family engagement. Teaching
11 staff participating in the program shall participate in coaching
12 and mentoring offered through the office; provided that the
13 office shall cover the associated travel and substitute teacher
14 costs. The office may extend this support, excluding travel and
15 substitute teacher costs, to individuals who are not
16 participating in the program to promote alignment between all
17 grade levels, programs, and settings.

18 (j) The teacher and educational assistant teaching in the
19 classroom through the program shall provide direct services
20 solely to students enrolled in the program and shall be provided



1 time for meetings regarding program implementation in the
2 program.

3 (k) The teacher and educational assistant teaching in the
4 classroom through the program shall be included in school
5 meetings and activities to promote alignment between all grade
6 levels and settings, including school-wide professional
7 development relating to social emotional learning, cultural and
8 place-based instructional strategies, and transition to
9 kindergarten.

10 (l) Each school participating in the program shall work
11 with the office to develop and annually update a written two- to
12 three-year plan to promote, within the school and community,
13 alignment of and transitions between high-quality learning
14 experiences, and submit to the office and the appropriate
15 complex area superintendent a report on progress made toward the
16 plan by the end of each school year.

17 (m) The office shall coordinate with other agencies and
18 programs to facilitate comprehensive services for early
19 learning.

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



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

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

10 (2) Early intervention programs.

11 (o) The office shall collect data with assistance from the
12 department of education and state public charter school
13 commission, based on a schedule to be determined by the office,
14 to:

15 (1) Evaluate the services provided;

16 (2) Inform policy; and

17 (3) Make any improvements to the program.

18 (p) The office shall prohibit the use of suspension in the
19 program due to a child's behavior; provided that a temporary
20 suspension may be used when there is a serious safety threat as
21 determined by the administrator of the school.



1 The office shall prohibit the permanent removal of a child
2 from the program due to a child's behavior; provided that when a
3 child exhibits persistent and serious challenging behaviors, the
4 administrator of the school shall consult with the office on how
5 to address the behaviors.

6 The office shall implement chapter 8-19, Hawaii
7 Administrative Rules, until such a time that the office develops
8 and adopts rules to carry out the purposes of this subsection.

9 ~~(p)~~ (q) The department of education and any public
10 charter school existing pursuant to chapter 302D, may use
11 available classrooms for public preschool programs statewide.
12 The office shall give priority to public charter schools that
13 serve high populations of underserved or at-risk children.
14 Preschool classrooms established pursuant to this section shall
15 be in addition to any classrooms used for the pre-plus program
16 established pursuant to section 302L-1.7.

17 (r) All processes involved in the implementation of this
18 section related to students with disabilities shall comply with
19 federal law.

20 ~~(q)~~ (s) 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 on July 1, 2050.



Report Title:

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

Description:

Prohibits the expulsion, and limits the suspension, of children
participating in the executive office on early learning's public
prekindergarten program. Takes effect on 7/1/2050. (HD2)

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

