



1 programs have immediate and long-term benefits not only for the  
2 children participating in the programs, but also for the  
3 societies in which they live, which boast higher levels of  
4 educational attainment; reduced homelessness, crime, and  
5 substance abuse; improved health; and better overall social and  
6 economic well-being.

7 The legislature further finds that although the department  
8 of education administers programs of education and public  
9 instruction throughout the State, the executive office on early  
10 learning, under policies established by the early learning  
11 board, should have administrative authority over all state-  
12 funded prekindergarten programs, except for special education  
13 and Title I-funded prekindergarten programs that the department  
14 currently administers.

15 Since Act 178, Session Laws of Hawaii 2012, the legislature  
16 has enacted a series of laws to clarify its intent that the  
17 responsibility for preschool and prekindergarten lies with the  
18 early learning board and the executive office on early learning,  
19 as the bodies charged with formulating statewide policy relating  
20 to early learning, and developing a cohesive, comprehensive, and  
21 sustainable system of early learning for Hawaii, respectively.





1 SECTION 2. Section 26-12, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§26-12 Department of education. The department of  
4 education shall be headed by an executive board to be known as  
5 the board of education.

6 Under policies established by the board, the superintendent  
7 shall administer programs of education and public instruction  
8 throughout the State, including education at the primary and  
9 secondary school levels, adult education, school library  
10 services, health education and instruction (not including dental  
11 health treatment transferred to the department of health),  
12 special education and Title I funded programs at the  
13 prekindergarten level, and such other programs as may be  
14 established by law[-]; provided that the department shall not  
15 establish general education prekindergarten classrooms; provided  
16 that the department may establish special education, Title I  
17 funded, and private partnership funded prekindergarten  
18 classrooms. Under policies established by the early learning  
19 board, the memorandum of understanding between the executive  
20 office on early learning and department of education shall  
21 include that administrative decisions on the selection of



1 prekindergarten classroom sites, administrator, teacher and  
2 staff professional learning, prekindergarten classroom  
3 facilities standards, developmentally appropriate furniture and  
4 equipment, and monitoring the quality of the instruction and  
5 outcomes for students shall be the responsibility of the  
6 executive office on early learning. The executive office on  
7 early learning may extend the resources and training supports to  
8 other state funded prekindergarten classroom teachers and  
9 administrators as part of an expansion of early learning in a  
10 complex area; provided that this may include complex area  
11 resource teachers as part of the joint support efforts with the  
12 executive office on early learning. Principals shall be able to  
13 include the executive office on early learning prekindergarten  
14 classroom teachers in the school-wide professional development  
15 to ensure that initiatives, such as social emotional learning,  
16 digital reading programs, cultural and place-based instructional  
17 strategies, and transition to kindergarten, are implemented in a  
18 comprehensive and aligned manner. The state librarian, under  
19 policies established by the board of education, shall be  
20 responsible for the administration of programs relating to  
21 public library services and transcribing services for the blind.



1        The functions and authority exercised by the department of  
2 education relating to state-funded prekindergarten programs,  
3 except for special education, Title I, and private partnership  
4 funded prekindergarten programs, shall be delineated in a  
5 memorandum of understanding between the executive office on  
6 early learning and department of education. The administrative  
7 authority for the executive office on early learning shall be  
8 related to services for curriculum, instruction, assessment, and  
9 professional learning support. The department of education  
10 shall have oversight for the general services of the facilities,  
11 daily operations of the prekindergarten classroom, and support  
12 for the inclusion of the teacher and educational assistant in  
13 the school-wide initiatives, participation in the school  
14 programs, and parent participation and engagement.

15        The functions and authority heretofore exercised by the  
16 department of education (except dental health treatment  
17 transferred to the department of health), library of Hawaii,  
18 Hawaii county library, Maui county library, and the transcribing  
19 services program of the bureau of sight conservation and work  
20 with the blind, as heretofore constituted are transferred to the  
21 public library system established by this chapter.



1           The management contract between the board of supervisors of  
2 the county of Kauai and the Kauai public library association  
3 shall be terminated at the earliest time after November 25,  
4 1959, permissible under the terms of the contract and the  
5 provisions of this paragraph shall constitute notice of  
6 termination, and the functions and authority heretofore  
7 exercised by the Kauai county library as heretofore constituted  
8 and the Kauai public library association over the public  
9 libraries in the county of Kauai shall thereupon be transferred  
10 to the public library system established by this chapter.

11           The management contracts between the trustees of the  
12 library of Hawaii and the Friends of the Library of Hawaii, and  
13 between the library of Hawaii and the Hilo library and reading  
14 room association, shall be terminated at the earliest time after  
15 November 25, 1959, permissible under the terms of the contracts,  
16 and the provisions of this paragraph shall constitute notice of  
17 termination.

18           Upon the termination of the contracts, the State or the  
19 counties shall not enter into any library management contracts  
20 with any private association; provided that in providing library  
21 services, the board of education may enter into contracts



1 approved by the governor for the use of lands, buildings,  
2 equipment, and facilities owned by any private association.

3 Notwithstanding any law to the contrary, the board of  
4 education may establish, specify the membership number and  
5 quorum requirements for, appoint members to, and disestablish a  
6 commission in each county to be known as the library advisory  
7 commission, which shall in each case sit in an advisory capacity  
8 to the board of education on matters relating to public library  
9 services in their respective county."

10 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is  
11 amended by deleting the definition of "early childhood  
12 education".

13 [~~"Early childhood education" means a developmentally~~  
14 ~~appropriate early childhood development and education program~~  
15 ~~for children from birth until the time they enter~~  
16 ~~kindergarten."]~~

17 SECTION 4. Section 302A-1111, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§302A-1111 Duties of superintendent.** (a) Under policies  
20 established by the board, the superintendent shall be designated  
21 as the chief executive officer of the public school system





1 having jurisdiction over the internal organization, operation,  
2 and management of the public school system, as provided by law;  
3 and shall administer programs of education and public  
4 instruction throughout the State, including education at the  
5 primary and secondary school levels, and such other programs as  
6 may be established by law[-]; provided that all state-funded  
7 prekindergarten programs, except for special education, Title I,  
8 and private partnership funded prekindergarten program  
9 responsibilities and authority, shall be delineated in the  
10 memorandum of understanding between the executive office on  
11 early learning and department. The administrative authority for  
12 the executive office on early learning shall be related to  
13 services for curriculum, instruction, assessment, and  
14 professional learning support. The department shall have  
15 oversight for the general services of the facilities, daily  
16 operations of the prekindergarten classroom, and support for the  
17 inclusion of the teacher and educational assistant in the  
18 school-wide initiatives, participation in the school programs,  
19 and parent participation and engagement.

20 (b) Except as otherwise provided, the superintendent shall  
21 sign all drafts for the payment of moneys, all commissions and



1 appointments, all deeds, official acts, or other documents of  
2 the department[-]; provided that the director of the executive  
3 office on early learning shall be the signatory for all budget  
4 documents, appointments of staffing, and official acts related  
5 to the executive office on early learning. The executive office  
6 on early learning shall be solely responsible for the decisions  
7 and outcomes for any fiscal decisions, personnel issues, audits,  
8 and legal consequences for decisions made without the approval  
9 of the superintendent. The superintendent and director of the  
10 executive office on early learning may use a printed facsimile  
11 signature in approving appointments, contracts, and other  
12 documents."

13 SECTION 5. Section 302A-1128, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§302A-1128 Department powers and duties.** The department  
16 shall have entire charge and control and be responsible for the  
17 conduct of all affairs pertaining to public instruction in the  
18 public schools the department establishes and operates,  
19 including operating and maintaining the capital improvement and  
20 repair and maintenance programs for department and school  
21 facilities[-]; provided that all state-funded prekindergarten



1 programs, except for special education, Title I, and private  
2 partnership funded prekindergarten program responsibilities and  
3 authority, shall be delineated in the memorandum of  
4 understanding between the executive office on early learning and  
5 department. The administrative authority for the executive  
6 office on early learning shall be related to services for  
7 curriculum, instruction, assessment, and professional learning  
8 support: The department shall have oversight for the general  
9 services of the facilities, daily operations of the  
10 prekindergarten classroom, and support for the inclusion of the  
11 teacher and educational assistant in the school-wide  
12 initiatives, participation in the school programs, and parent  
13 participation and engagement. The department may establish and  
14 maintain schools for secular instruction at such places and for  
15 such terms as in its discretion it may deem advisable and the  
16 funds at its disposal may permit. The schools may include high  
17 schools, kindergarten schools, schools or classes for early  
18 childhood education, special education, Title I, and private  
19 partnership funded prekindergarten, boarding schools, Hawaiian  
20 language medium education schools, and evening and day schools.  
21 The department may also maintain classes for technical and other



1 instruction in any school where there may not be pupils  
2 sufficient in number to justify the establishment of separate  
3 schools for these purposes."

4 SECTION 6. Section 302A-1303.6, Hawaii Revised Statutes,  
5 is amended to read as follows:

6 "§302A-1303.6 Weighted student formula. Based upon  
7 recommendations from the committee on weights, the board of  
8 education may adopt a weighted student formula for the  
9 allocation of moneys to public schools that takes into account  
10 the educational needs of each student [-]; provided that any  
11 prekindergarten classroom funded by the weighted student formula  
12 shall be included in the executive office on early learning  
13 prekindergarten program; provided further that a process for  
14 approval by the director of the executive office on early  
15 learning shall be followed by the school principal with approval  
16 from the complex area superintendent in the year prior to the  
17 establishment of the prekindergarten classroom; provided further  
18 that this process shall be included in the memorandum of  
19 understanding between the executive office on early learning and  
20 the department. The department, upon the receipt of  
21 appropriated moneys, shall use the weighted student formula to



1 allocate funds to public schools. Principals shall expend  
2 moneys provided to the principals' schools. This section shall  
3 only apply to charter schools for fiscal years in which the  
4 charter schools elect pursuant to section 302D-29 to receive  
5 allocations according to the procedures and methodology used to  
6 calculate the weighted student formula allocation."

7 SECTION 7. Section 302L-1.5, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) The director shall be responsible for:

- 10 (1) Serving as the principal officer in state government  
11 responsible for the performance, development, and  
12 control of programs, policies, and activities under  
13 the jurisdiction of the office from prenatal care to  
14 entrance into [~~kindergarten,~~] all state-funded  
15 prekindergarten programs, except for special  
16 education, Title I, and private partnership funded  
17 prekindergarten classrooms;
- 18 (2) [~~Overseeing, supervising,~~] Supervising and directing  
19 the performance of the director's subordinates in  
20 various activities, including planning, evaluation,  
21 and coordination of early learning programs;



- 1 (3) Administering funds allocated for the office and
- 2 applying for, receiving, and disbursing grants and
- 3 donations from all sources for early learning programs
- 4 and services;
- 5 (4) Assessing the policies and practices of other agencies
- 6 impacting early learning and conducting advocacy
- 7 efforts for early learning;
- 8 (5) Advising agencies on new legislation, programs, and
- 9 policy initiatives relating to early learning;
- 10 (6) Employing and retaining staff as may be necessary for
- 11 the purposes of this section; and
- 12 (7) Contracting for services that may be necessary for the
- 13 purposes of this section, including through master
- 14 contracts, memoranda of understanding, and memoranda
- 15 of agreement with other state agencies receiving
- 16 federal and state funds for programs and services for
- 17 early learning, and purchase of service agreements
- 18 with appropriate agencies."

19 SECTION 8. There is appropriated out of the general  
 20 revenues of the State of Hawaii the sum of \$ or so  
 21 much thereof as may be necessary for fiscal year 2019-2020 and



1 the same sum or so much thereof as may be necessary for fiscal  
2 year 2020-2021 for early childhood education programs  
3 administered by the executive office on early learning.

4 The sums appropriated shall be expended by the executive  
5 office on early learning for the purposes of this part.

6 PART III

7 TITLE I-FUNDED PREKINDERGARTEN

8 SECTION 9. Chapter 302A, Hawaii Revised Statutes, is  
9 amended by adding a new section to part II to be appropriately  
10 designated and to read as follows:

11 "§302A- Title I-funded prekindergarten. (a) The  
12 department in its implementation of Title I-funded  
13 prekindergarten classrooms shall adhere to the quality standards  
14 incorporated by the executive office on early learning in the  
15 executive office on early learning public prekindergarten  
16 program pursuant to section 302L-7.

17 (b) The department shall work with the executive office on  
18 early learning to develop a structure to provide support for  
19 Title I-funded prekindergarten classrooms on curriculum,  
20 instruction, assessment, family engagement, and transition of  
21 children in and out of the prekindergarten classroom.



1        (c) This structure of support shall be included in the  
2 memorandum of understanding between the executive office on  
3 early learning and department of education to provide support  
4 for teachers and principals of Title I-funded prekindergarten  
5 classrooms.

6        (d) The executive office on early learning shall include  
7 the Title I-funded prekindergarten classroom data collected as  
8 part of its early learning monitoring report; provided that this  
9 data shall be collected for state-funded and Title I-funded  
10 classrooms as part of the assessment support provided the by  
11 executive office on early learning."

12        SECTION 10. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$                    or so  
14 much thereof as may be necessary for fiscal year 2019-2020 and  
15 the same sum or so much thereof as may be necessary for fiscal  
16 year 2020-2021 for the executive office on early learning to  
17 provide professional learning support for teachers and  
18 principals of Title I-funded prekindergarten classrooms in the  
19 department of education.

20        The sums appropriated shall be expended by the executive  
21 office on early learning for the purposes of this part.





PART IV

EXECUTIVE OFFICE ON EARLY LEARNING PUBLIC PREKINDERGARTEN  
PROGRAM

SECTION 11. Section 302L-1, Hawaii Revised Statutes, is amended by amending the definition of "at-risk children" to read as follows:

"At-risk children" means children who, because of their home and community environment, are subject to language, cultural, economic, and other disadvantages that cause them to be at risk for school failure, including children:

(1) Who are ~~[eligible for special education services,]~~  
placed through their individualized education plan in a general education setting;

(2) Who are English as a second language learners;

~~[-(3) Who reside within a public school district, established under chapter 302A, that is in need of improvement based on the criteria of the federal No Child Left Behind Act of 2001 (Public Law 107-110), as amended; or]~~

(3) Who are in foster care;

(4) Who are homeless; or



1        [~~4~~] (5) Whose family income is no more than three hundred  
2                    per cent of the federal poverty level."

3            SECTION 12. Section 302L-7, Hawaii Revised Statutes, is  
4 amended to read as follows:

5            "§302L-7 Executive office on early learning public  
6 prekindergarten program; public preschools. (a) There is  
7 established within the early learning system an early childhood  
8 education program to be known as the executive office on early  
9 learning public prekindergarten program and to be administered  
10 by the office pursuant to rules adopted by the office. The  
11 program shall:

12            (1) Be provided through the executive office on early  
13 learning, which [~~may~~] shall partner with the  
14 department of education[+] through either a memorandum  
15 of agreement or memorandum of understanding pursuant  
16 to the requirements of this section;

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



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

4 (b) The office shall implement an application process for  
5 schools that are interested in participating in the program.

6 The criteria to prioritize applications shall include:

7 (1) Community need, including:

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

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

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

19 (3) The commitment of the principal to implementing a  
20 high-quality prekindergarten program, including  
21 through active participation in professional learning



1 sessions offered through the office, and to promoting  
2 continuity and alignment between and across other  
3 early learning programs in the community and other  
4 grade levels in the school to ensure the positive  
5 outcomes of children are sustained.

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

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

20 (e) The program shall enroll a maximum of twenty children  
21 per classroom.



- 1           ~~[(d)]~~ (f) The program shall incorporate high-quality  
2 standards pursuant to rules adopted by the office. High-quality  
3 standards shall be research-based, developmentally-appropriate  
4 practices associated with better educational outcomes for  
5 children, such as:
- 6           (1) Positive teacher-child interactions;
- 7           (2) Use of individual child assessments that are used for  
8 ongoing instructional planning, based upon all areas  
9 of childhood development and learning, including  
10 cognitive, linguistic, social, and emotional  
11 approaches to learning and health and physical  
12 development;
- 13           (3) Family engagement ~~[; and]~~ in partnership with the  
14 school to do outreach for enrollment and engagement in  
15 their children's education;
- 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        (5) Highly qualified teachers who have met or are working  
2                    toward the requirements for coursework and licensure  
3                    in early education; and

4        (6) Educational assistants who have met or are working  
5                    toward the requirements for coursework, credentials,  
6                    or certification in early education.

7        [~~e~~] (g) Prior to opening a public prekindergarten class  
8 in a school, the principal, and other school personnel as  
9 required by the office, shall participate in an early learning  
10 induction program.

11        [~~f~~] (h) The office shall provide support to incorporate  
12 the high-quality standards developed pursuant to subsection  
13 [~~d~~], (f), including support related to teacher-child  
14 interactions, individual child assessments, and family  
15 engagement.

16        [~~g~~] (i) The office shall coordinate with other agencies  
17 and programs to facilitate comprehensive services for early  
18 learning.

19        (j) To promote the development of a cohesive,  
20 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 between  
6 prekindergarten and elementary school programs and to  
7 support children and their families in making  
8 successful transitions from prekindergarten into  
9 kindergarten; and

10 (2) Early intervention programs.

11 ~~[(h)]~~ (k) The office shall collect data with the  
12 assistance of the department of education to:

- 13 (1) Evaluate the services provided;  
14 (2) Inform policy; and  
15 (3) Make any improvements to the program.

16 ~~[(i)]~~ (1) 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



1 be in addition to any classrooms used for the pre-plus program  
2 established pursuant to [~~rules adopted by the department~~  
3 ~~pursuant to chapter 91.~~] section 302L-1.7.

4 [~~(j)~~] (m) The office shall adopt rules pursuant to chapter  
5 91 necessary to carry out the purposes of this section,  
6 including compliance with all applicable state and federal  
7 laws."

8 PART V

9 REPORTS TO THE LEGISLATURE

10 SECTION 13. Chapter 302L, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§302L- Public prekindergarten classes; annual report to  
14 the legislature. The office shall submit to the legislature an  
15 annual report on the performance and progress of the public  
16 prekindergarten program it administers. In order for the office  
17 to report to the legislature, the department of education and  
18 every authorizer under its chartering authority shall provide  
19 the office the number and location of public kindergarten  
20 classes that it operates, numbers of students served aggregated





1 by birth month as of the date on which the official enrollment  
2 count is taken, and the sources of funding for each class."

3 **PART VI**

4 **DISPUTE RESOLUTION**

5 SECTION 14. In the event there is a dispute between the  
6 executive office on early learning and department of education,  
7 the superintendent of education, or the superintendent's  
8 designee, and the director of the executive office on early  
9 learning shall work to resolve the dispute within sixty business  
10 days. If the superintendent of education, or superintendent's  
11 designee, and the director of the executive office on early  
12 learning cannot resolve the dispute, a working group with one  
13 board of education member, one early learning board member, the  
14 superintendent, and the director of the executive office on  
15 early learning shall work together to reach resolution. If no  
16 resolution is reached, the chairperson of the board of education  
17 and chairperson of the early learning board shall reach  
18 agreement.

19 **PART VII**

20 **MISCELLANEOUS**



1 SECTION 15. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3 SECTION 16. This Act shall take effect on July 1, 2050.



**Report Title:**

DOE; Executive Office on Early Learning; Appropriation

**Description:**

Defines the roles and responsibilities of the executive office on early learning and the department of education as they relate to the implementation of the public prekindergarten program. Establishes the executive office on early learning as the administrative authority for state funded prekindergarten programs and a support for and with the department of education special education, Title I, and private partnership funded prekindergarten programs to ensure high quality early education programs in department of education school classrooms. Ensures that agreements and services are clearly articulated in a memorandum of understanding between the executive office on early learning and the department of education, including a resolution protocol to settle disputes should either party not be able to come to an agreement. Establishes reporting requirements. Appropriates funds. Effective 7/1/2050. (SD1)

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

