

JAN 23 2020

A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

1 SECTION 1. The purpose of this Act is to build the
2 infrastructure and develop the resources necessary to achieve
3 the objective of providing all three- to four-year-old children
4 in the State, or children who will be eligible for kindergarten
5 within two years, with access to learning by the year 2030.

6 This Act also establishes annual benchmarks on the progress
7 of the objective, including the goal to provide half of all
8 otherwise unserved children who are three to four years of age,
9 or who will be eligible for kindergarten within two years, with
10 access to learning by the year 2025.

11 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
12 amended by adding a new subpart to part VIII to be appropriately
13 designated and to read as follows:

14 " . LEARNING TO GROW AGENCY

15 **§346-A Definitions.** As used in this subpart, unless the
16 context otherwise requires:



1 "Agency" means the learning to grow agency established
2 pursuant to section 346-C.

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

7 (1) Who are placed through their individualized education
8 programs in a general education setting;

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

10 (3) Who are in foster care;

11 (4) Who are homeless; or

12 (5) Whose family income is no more than three hundred per
13 cent of the federal poverty level.

14 "Center-based" describes programs in which early learning
15 services are provided in a facility, including private
16 preschools, child care centers, and head start programs, that
17 are licensed, or excluded or exempt from licensing, by the
18 department of human services.

19 "Early learning" means developmentally appropriate early
20 childhood development and education for children who are three



1 to four years of age or will be eligible for kindergarten within
2 two years.

3 "Early learning system" means a developmentally appropriate
4 early childhood development system for children who are three to
5 four years of age or will be eligible for kindergarten within
6 two years.

7 "Executive director" means the executive director of the
8 learning to grow agency.

9 "Family child care program" means a program in which a
10 child is cared for in a family child care home licensed under
11 section 346-161.

12 "Family-child interaction learning program" means a program
13 that is attended by both a child and at least one adult who is
14 the child's parent, relative, or other caregiver and that
15 facilitates family-child interactive learning experiences for
16 children and educates the family member or members about how to
17 encourage the child's learning.

18 "Family engagement" means practices that engage families in
19 recognition of the need for families to actively support their
20 child's learning and development, including classrooms that make
21 families feel welcome, communication with families on an ongoing



1 basis, the promotion of responsible parenting, and involvement
2 in decisions that affect families and their children.

3 "Home-based instruction program" means a family-
4 involvement, school-readiness program that helps families
5 prepare their child for success in school and beyond and that is
6 based in the child's home; provided that home schooling is not a
7 home-based instruction program.

8 "Underserved children" means children who have no access
9 to, or are not qualified to attend, other early learning
10 programs and whose family income is no more than three hundred
11 per cent of the federal poverty level.

12 **§346-B Access to learning objective; benchmarks.** The
13 learning to grow agency shall ensure access to learning through
14 an early education program that meets or exceeds the following
15 benchmarks:

16 (1) Twenty-five per cent of all otherwise unserved
17 children who are three to four years of age or will be
18 eligible for kindergarten within two years shall have
19 access to learning by December 31, 2022;

20 (2) Fifty per cent of all otherwise unserved children who
21 are three to four years of age or will be eligible for



1 kindergarten within two years shall have access to
2 learning by December 31, 2025;

3 (3) Seventy-five per cent of all otherwise unserved
4 children who are three to four years of age or will be
5 eligible for kindergarten within two years shall have
6 access to learning by December 31, 2028; and

7 (4) All children who are three to four years of age or
8 will be eligible for kindergarten within two years
9 shall have access to learning by December 31, 2030.

10 **§346-C Learning to grow agency; executive director;**

11 **general functions, duties, and powers.** (a) There is
12 established the learning to grow agency within the department of
13 human services for administrative purposes only.

14 (b) The head of the agency shall be known as the executive
15 director of the learning to grow agency. The executive director
16 shall:

17 (1) Be appointed pursuant to section 26-34;

18 (2) Be evaluated annually by the board;

19 (3) Be paid a salary set by the governor; and

20 (4) Be included in any benefit program generally

21 applicable to the officers and employees of the State.



1 (c) The governor may consider individuals having the
2 following qualifications or other applicable qualifications to
3 serve as the executive director:

4 (1) Individuals having professional training in the field
5 of social work, education, or other related fields,
6 including major coursework in early childhood
7 education and child development, and preferably
8 holding an academic degree in the field of early
9 childhood education and child development;

10 (2) Individuals having direct experience in programs or
11 services related to early learning; and

12 (3) Individuals having recent experience in a supervisory,
13 consultative, or administrative position.

14 (d) The executive director shall be responsible for:

15 (1) Serving as the principal officer in state government
16 responsible for the performance, development, and
17 control of programs, policies, and activities under
18 the jurisdiction of the agency for all children who
19 are three to four years of age or will be eligible for
20 kindergarten within two years, including all state-
21 funded prekindergarten programs and private



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- 1 partnership-funded prekindergarten programs in the
2 public schools, except for special education and Title
3 I-funded prekindergarten programs;
- 4 (2) Supervising and directing the performance of the
5 executive director's subordinates in various
6 activities, including planning, evaluation, and
7 coordination of early learning programs;
- 8 (3) Administering funds allocated for the agency and
9 applying for, receiving, and disbursing grants and
10 donations from all sources for early learning programs
11 and services;
- 12 (4) Assessing the policies and practices of other agencies
13 impacting early learning and conducting advocacy
14 efforts for early learning;
- 15 (5) Advising agencies on new legislation, programs, and
16 policy initiatives relating to early learning;
- 17 (6) Employing and retaining staff as may be necessary for
18 the purposes of this section; and
- 19 (7) Contracting for services that may be necessary for the
20 purposes of this section, including through master
21 contracts, memoranda of understanding, and memoranda



1 of agreement with private entities and other state
2 agencies for programs and services for early learning,
3 and purchase of service agreements with appropriate
4 agencies.

5 (d) In developing the early learning system established
6 pursuant to section 346-G, the agency, among other things,
7 shall:

- 8 (1) Establish policies and procedures governing its
9 operations;
- 10 (2) Develop a plan, with goals and objectives, for the
11 early learning system, including the development,
12 execution, and monitoring of a phased implementation
13 plan;
- 14 (3) Coordinate, improve, and expand upon existing early
15 learning programs and services for children three
16 years of age until the time they enter kindergarten;
- 17 (4) Establish policies and procedures to include existing
18 early learning programs and services;
- 19 (5) Establish additional early learning programs and
20 services, including public and private partnerships,



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- 1 through contracts, memoranda of understanding, or
2 other agreements, where applicable;
- 3 (6) Establish policies and procedures to ensure that
4 children with disabilities or who require special
5 education are identified and appropriately referred to
6 and educated by the department of education;
- 7 (7) Develop incentives to enhance the quality of programs,
8 services, and professionals within the early learning
9 system;
- 10 (8) Coordinate efforts to develop a qualified and
11 effective workforce;
- 12 (9) Develop and implement methods of maximizing the
13 engagement of families, caregivers, teachers, and
14 providers in the early learning system;
- 15 (10) Develop an effective, comprehensive, and integrated
16 system to provide training and technical support for
17 programs and services within the early learning
18 system;
- 19 (11) Develop standards of accountability to ensure that
20 quality early learning experiences are provided by
21 programs and services of the early learning system;



1 (12) Collect, interpret, and release data relating to early
2 learning in the State;

3 (13) Recommend the appropriate proportion of state funds
4 that should be distributed to programs and services
5 across the early learning system, to ensure the most
6 effective and efficient allocation of fiscal resources
7 within the early learning system;

8 (14) Promote awareness of early learning opportunities to
9 families and the general public; and

10 (15) Consult with community groups, including statewide
11 organizations that are involved in early learning
12 professional development, policy and advocacy, and
13 early childhood programs.

14 (e) The Hawaii head start state collaboration office shall
15 be established within the department of human services.

16 **§346-D Learning to grow board.** (a) There is established
17 within the department of human services for administrative
18 purposes only a learning to grow board, whose members shall be
19 appointed by the governor pursuant to section 26-34. The board
20 shall advise the agency on policies relating to early learning.
21 The board shall be responsible for:



1 (1) Advising the agency on how best to meet the
2 developmental and educational needs of children who
3 are three to four years of age or will be eligible for
4 kindergarten within two years;

5 (2) Providing recommendations to the agency on improving
6 the quality, availability, and coordination of early
7 learning programs;

8 (3) Promoting collaboration across agencies and
9 stakeholders serving young children; and

10 (4) Evaluating the executive director on an annual basis.

11 (b) The board shall consist of eleven voting members who
12 have an interest in providing access to early learning to
13 children who are three to four years of age or will be eligible
14 for kindergarten within two years.

15 The superintendent of education, director of human
16 services, director of health, and president of the university of
17 Hawaii shall serve as ex officio, nonvoting members of the
18 board.

19 (c) The board shall select a chairperson by a majority
20 vote of its voting members. A majority of the voting members
21 serving on the board shall constitute a quorum to conduct



1 business. The concurrence of the majority of the voting members
2 serving on the board shall be necessary to make any action of
3 the board valid.

4 (d) The board may form workgroups and subcommittees,
5 including with individuals who are not board members, to:

6 (1) Obtain resource information from early learning
7 professionals and other individuals as deemed
8 necessary by the board;

9 (2) Make recommendations to the board; and

10 (3) Perform other functions as deemed necessary by the
11 board to fulfill its duties and responsibilities.

12 Two or more board members, but less than a quorum, may
13 discuss matters relating to official board business in the
14 course of their participation in a workgroup or subcommittee,
15 and these discussions shall be a permitted interaction as
16 provided for in section 92-2.5.

17 (e) The board may testify before the legislature on any
18 matter related to its duties and responsibilities.

19 (f) Members of the board shall serve without compensation
20 but may be reimbursed for expenses, including travel expenses,
21 necessary for the performance of their duties.



1 **§346-E Board meetings by teleconference.** (a)

2 Notwithstanding any law to contrary, the board may meet by
3 teleconference.

4 (b) Each member of the board participating in a meeting by
5 teleconference shall be considered present at the meeting for
6 purposes of determining quorum and participating in all
7 proceedings.

8 (c) A meeting by teleconference:

9 (1) Need not have a quorum present at any one location;
10 and

11 (2) Is subject to the notice requirements applicable to
12 other board meetings.

13 (d) The notice of each teleconference meeting shall
14 specify all physical locations from which members of the board
15 will participate. The notice shall also specify the physical
16 location from which the presiding officer of the board will
17 preside. All physical teleconference locations shall be open to
18 the public during the open portion of the meeting.

19 (e) Board materials to be considered at the meeting shall
20 be made available at all physical teleconference locations.



1 (f) Each part of the teleconference meeting that is
2 required to be open to the public shall be audible to the public
3 at each physical location specified in the notice of the
4 meeting.

5 (g) Except when voice votes are authorized, the vote shall
6 be conducted in such a manner that the public may know the vote
7 of each person entitled to vote. The vote at a meeting held by
8 teleconference shall be taken by roll call.

9 (h) The public shall be allowed to participate and speak
10 at a meeting conducted by teleconference in the same manner and
11 to the same extent that the public is allowed to participate and
12 speak at each physical site of the meeting.

13 **§346-F Learning to grow facilities; pre-plus preschools**
14 **program.** (a) There is established the pre-plus preschools
15 program within the agency to expand access to affordable and
16 quality early learning for children from low-income families who
17 are three to four years of age or will be eligible for
18 kindergarten within two years, by allowing preschool programs to
19 be established on public school campuses through public-private
20 partnerships.



1 (b) The agency, the department of accounting and general
2 services, the department of education, and the department of
3 human services shall work collaboratively, including entering
4 into a memorandum of understanding, to develop suitable pre-plus
5 classrooms on department of education campuses statewide,
6 including conversion charter school campuses. The agency, with
7 the department of education and department of human services,
8 shall coordinate site selection for additional pre-plus programs
9 at public school sites, with priority given to public school
10 sites that serve at-risk children as defined in section 346-A,
11 including sites located in areas with limited access to early
12 learning programs and services.

13 **§346-G Early learning system.** There is established an
14 early learning system that shall ensure a spectrum of quality
15 early learning opportunities for children throughout the State
16 who are three to four years of age or will be eligible for
17 kindergarten within two years, with priority given to
18 underserved or at-risk children. The early learning system
19 shall be developed and administered by the agency to the extent
20 permissible by law. The early learning system shall:



- 1 (1) Be widely accessible and voluntary for both those
- 2 served and program and service providers;
- 3 (2) Be a cohesive, comprehensive, and sustainable system
- 4 in which:
- 5 (A) All existing early learning programs and
- 6 services, whether publicly- or privately-run,
- 7 that consist of a variety of early learning
- 8 approaches, service deliveries, and settings,
- 9 including center-based programs, family child
- 10 care programs, family-child interaction learning
- 11 programs, and home-based instruction programs
- 12 designed to promote early learning, are
- 13 coordinated, improved, and expanded;
- 14 (B) Public and private resources are maximized; and
- 15 (C) The use of public facilities for either publicly-
- 16 or privately-run early learning programs is
- 17 maximized;
- 18 (3) Provide quality early learning experiences with:
- 19 (A) Standards-based content and curriculum, and
- 20 accountability; and



1 (B) Sufficient numbers of qualified educators and
2 administrators who are fairly compensated and
3 have access to continuing professional
4 development;

5 (4) Offer opportunities for family and community
6 engagement and parent education and support; and

7 (5) Be sensitive to family choice and cultural diversity.

8 **§346-H Grant program; establishment.** (a) There is
9 established as part of the early learning system a grant program
10 to be developed and administered by the agency. The program
11 shall increase early learning opportunities that meet standards
12 of quality through the awarding of grants to publicly- or
13 privately-run center-based programs for children who are three
14 to four years of age or will be eligible for kindergarten within
15 two years.

16 (b) The agency may award grants based on criteria that
17 shall be developed by the agency. The criteria shall require
18 that early learning programs and services meet certain standards
19 of quality, including:

20 (1) The implementation of evidence-based and culturally
21 responsive models of service delivery;



- 1 (2) The use of evidence-based curricula and methods;
- 2 (3) Minimum scheduling requirements, as follows:
 - 3 (A) For center-based programs: providing services
 - 4 for a full school day and full school year;
 - 5 (B) For family child care programs: providing
 - 6 services for three hours daily for a full school
 - 7 year;
 - 8 (C) For family-child interaction learning programs
 - 9 operating in classroom-like settings: providing
 - 10 early learning activities at least twice a week
 - 11 for a full school year, and for a minimum of
 - 12 three hours each day; and
 - 13 (D) For home-based instruction programs: providing
 - 14 early learning activities for no fewer than
 - 15 thirty weeks within a school year;
- 16 (4) Staff-to-child ratios and group sizes that meet or
- 17 exceed nationally recommended standards;
- 18 (5) The employment of teachers and administrators who meet
- 19 the qualifications required by the agency;
- 20 (6) The incorporation of preschool content standards or
- 21 other early learning guidelines;



- 1 (7) The implementation of health and developmental
- 2 screenings for children;
- 3 (8) Opportunities for parent or family engagement and
- 4 parent education and support; and
- 5 (9) Activities for monitoring and data collection to
- 6 evaluate early learning programs and services and
- 7 inform best practices.

8 (c) The agency may offer technical support to, and shall
9 be responsible for monitoring to ensure the accountability of,
10 programs and services within the grant program, according to the
11 standards developed by the agency.

12 **§346-I Learning to grow trust fund.** (a) There is
13 established within the state treasury the learning to grow trust
14 fund, to be administered by the agency, into which shall be
15 deposited all moneys received by the agency in the form of:

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



1 Moneys in the fund shall be used for the early learning
2 system. Expenditures from the fund may be made by the agency
3 without appropriation or allotment.

4 (b) Any law to the contrary notwithstanding, the governor
5 may authorize expenditures from this fund of any donation,
6 grant, bequest, and devise of money from any private
7 institution, person, firm, or corporation for the purposes of
8 funding the salaries of the executive director and any officers,
9 agents, and employees of the agency. If all or any portion of
10 any salary of the executive director or any officer, agent, or
11 employee of the agency is funded pursuant to this subsection,
12 the agency shall submit a report to the legislature detailing
13 the use of any funds authorized under this subsection no later
14 than twenty days prior to the convening of each regular session.

15 (c) The agency may expend moneys of the fund to:

16 (1) Construct learning to grow centers in collaboration
17 with the school facilities agency established pursuant
18 to 302A- ; provided that any private entity that
19 uses the learning to grow center shall allocate not
20 less than one-third of the enrollment at the learning
21 to grow center to children in families at one hundred



1 per cent or less of the federal poverty level and
2 shall not charge tuition to those children; and
3 (2) Augment the salaries of teachers employed by a private
4 entity that the agency has determined meets the high-
5 quality standards of section 346-K(f); provided that
6 any private entity that accepts funds pursuant to this
7 paragraph shall allocate not less than one-third of
8 the enrollment of the private entity to children in
9 families at one hundred percent or less of the federal
10 poverty level and shall not charge tuition to those
11 children.

12 **§346-J Federal funds.** The agency may use and expend
13 federal funds for the purpose of early learning.

14 **§346-K Learning to grow public prekindergarten program.**

15 (a) There is established within the early learning system an
16 early childhood learning program to be known as the learning to
17 grow public prekindergarten program and to be administered by
18 the agency pursuant to rules adopted by the agency. The program
19 shall:

20 (1) Be provided through the agency, which shall partner
21 with the department of education and state public



1 charter school commission through either a memorandum
2 of agreement or memorandum of understanding pursuant
3 to the requirements of this section;

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

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

10 (b) The agency shall implement an application process for
11 schools that are interested in participating in the program.

12 The criteria to prioritize applications shall include:

13 (1) Community need, including:

14 (A) The percentage of the population in the school or
15 community that meets the definitions of
16 underserved and at-risk children pursuant to
17 section 346-A; and

18 (B) The availability and capacity of existing early
19 learning programs or services on the school
20 campus and in the surrounding area for children



1 who are three to four years of age or will be
2 eligible for kindergarten within two years;

3 (2) The availability of a classroom and outdoor play area
4 that meet department of human services requirements
5 for health and safety for three to four-year-old
6 children; and

7 (3) The commitment to the principle of implementing a
8 quality prekindergarten program, including through
9 active participation in professional development
10 sessions offered through the agency, and to promoting
11 continuity and alignment between and across other
12 early learning programs in the community and other
13 grade levels in the school to ensure that the positive
14 outcomes of children are sustained.

15 (c) The program shall serve children who are three to four
16 years of age or will be eligible for kindergarten within two
17 years, with priority extended to underserved or at-risk
18 children, as defined in section 346-A, and follow the academic
19 year schedule of the department of education and be aligned with
20 the full-day kindergarten classroom schedule of each school.
21 Enrollment priority shall be given but is not limited to



1 children who attend prekindergarten at schools to which the
2 children will be assigned upon entering kindergarten under
3 section 302A-1143.

4 (d) Enrollment in the program shall be voluntary. A child
5 who is required to attend school pursuant to section 302A-1132,
6 shall not be eligible for enrollment in the program.

7 (e) The program shall enroll a maximum of twenty children
8 per classroom.

9 (f) The program shall incorporate quality standards
10 pursuant to rules adopted by the agency. Quality standards
11 shall be research-based, developmentally-appropriate practices
12 associated with improved educational outcomes for children, such
13 as:

14 (1) Positive teacher-child interactions that shall be
15 evaluated through observations conducted by the agency
16 using a tool several times a year; provided that the
17 observations shall not be used for the purposes of
18 teacher evaluation;

19 (2) Use of individual child assessments that are used for
20 ongoing instructional planning, relating to all areas
21 of childhood development and learning, including



- 1 cognitive, linguistic, social, and emotional
2 approaches to learning and health and physical
3 development;
- 4 (3) Family engagement in partnership with the schools,
5 including conducting outreach for enrollment and
6 engagement of families in their children's learning
7 and development;
- 8 (4) Alignment with the Hawaii early learning and
9 development standards, which align with department of
10 education standards, state content and performance
11 standards, and general learner outcomes for grades
12 kindergarten to twelve, to facilitate a seamless and
13 quality learning experience for children;
- 14 (5) A teacher who has coursework in early childhood
15 education pursuant to Hawaii teacher standards board
16 licensing requirements for a prekindergarten teacher.
17 For program purposes, a teacher shall satisfy the
18 Hawaii teacher standards board licensing requirements
19 for a prekindergarten teacher or be enrolled in a
20 state-approved teacher education program and working



1 toward satisfying the Hawaii teacher standards board
2 licensing requirements; and

3 (6) An assistant who has a child development associate
4 credential or the associated coursework. For program
5 purposes, an assistant shall have a current child
6 development associate credential, coursework for a
7 certificate that meets the requirements for child
8 development associate credential preparation, or be
9 enrolled in and working toward completing a program
10 that prepares the individual to obtain the credential.

11 The agency shall monitor implementation of the quality learning
12 experience for children.

13 (g) Prior to opening a public prekindergarten class in a
14 school, the principal, and other school personnel as required by
15 the agency, shall participate in an early learning induction
16 program.

17 (h) The agency shall provide support to incorporate the
18 quality standards developed pursuant to subsection (f),
19 including support related to teacher-child interactions,
20 individual child assessments, and family engagement. Teaching
21 staff participating in the program shall participate in coaching



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

7 (i) The teacher and any assistants in the classroom
8 through the program shall provide direct services solely to
9 students enrolled in the program and shall be provided time
10 during program hours for meetings regarding program
11 implementation.

12 (j) The teacher and any assistants teaching in the
13 classroom through the program shall be included in school
14 meetings and activities to promote alignment between all grade
15 levels and settings, including school-wide professional
16 development relating to social emotional learning, cultural and
17 place-based instructional strategies, and transition to
18 kindergarten.

19 (k) Each school participating in the program shall work
20 with the agency to develop and annually update a written two- to
21 three-year plan to promote, within the school and community,



1 alignment of and transitions between quality learning
2 experiences. Each participating school shall submit to the
3 agency and the appropriate complex area superintendent a report
4 on progress made toward the plan by the end of each school year.

5 (1) The agency shall coordinate with other government
6 entities and programs to facilitate comprehensive services for
7 early learning.

8 (m) To promote the development of a cohesive,
9 comprehensive, and sustainable early learning system, the agency
10 shall partner with the entities participating in the program to
11 collaborate with:

12 (1) Other early learning providers, including those
13 providing the programs and services specified in
14 section 346-G(2)(A), to promote alignment between
15 prekindergarten and elementary school programs and to
16 support children and their families in making
17 successful transitions from prekindergarten into
18 kindergarten; and

19 (2) Early intervention programs.

20 (n) The agency shall collect data with assistance from the
21 department of education and state public charter school



1 commission, based on a schedule to be determined by the agency,
2 to:

3 (1) Evaluate the services provided;

4 (2) Inform policy; and

5 (3) Make any improvements to the program.

6 (o) The department of education and any public charter
7 school existing pursuant to chapter 302D may use available
8 classrooms for public preschool programs statewide. The agency
9 shall give priority to public charter schools that serve high
10 populations of underserved or at-risk children. Preschool
11 classrooms established pursuant to this section shall be in
12 addition to any classrooms used for the pre-plus preschools
13 program established pursuant to section 346-F.

14 (p) The agency shall adopt rules pursuant to chapter 91
15 necessary to carry out the purposes of this section, including
16 compliance with all applicable state and federal laws.

17 **§346-L Public prekindergarten classrooms; annual report to**
18 **the legislature.** The agency shall submit to the legislature an
19 annual report regarding state-funded prekindergarten programs
20 and private partnership-funded prekindergarten programs in the
21 public schools, except special education and Title I-funded



1 prekindergarten programs, to include, as related to each type of
2 program:

3 (1) The number and location of classrooms;

4 (2) Numbers of students served and aggregated by birth
5 month as of the date on which the official enrollment
6 count is taken;

7 (3) Sources of funding for each classroom;

8 (4) Quality of teacher-child interactions relating to
9 social emotional support, classroom structure, and
10 quality of learning experiences, as assessed using a
11 formative assessment tool selected by the office;

12 (5) Child outcomes relating to all areas of childhood
13 development and learning, including cognitive,
14 linguistic, social, and emotional approaches to
15 learning and health and physical development, as
16 assessed using a formative assessment tool selected by
17 the agency; and

18 (6) Status of meeting benchmarks established pursuant to
19 section 346-B.



1 The department of education and state public charter school
2 commission shall share data with the agency necessary for the
3 purposes of this report."

4 SECTION 3. Section 302A-449, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The department in its implementation of Title I-
7 funded prekindergarten classrooms shall adhere to the quality
8 standards incorporated by the [~~executive office on early~~
9 ~~learning~~] learning to grow agency in the [~~executive office on~~
10 ~~early learning~~] learning to grow public prekindergarten program
11 pursuant to section [~~302L-7;~~] 346-K; provided that if any
12 quality standard incorporated in the [~~executive office on early~~
13 ~~learning~~] learning to grow public prekindergarten program is
14 found to be in conflict with federal requirements that are a
15 prescribed condition for the allocation of federal funds to the
16 State, the department shall adhere to the federal requirements
17 with respect to the conflicting standard, and this finding does
18 not affect the requirement that the department adhere to the
19 remainder of the quality standards incorporated in the
20 [~~executive office on early learning~~] learning to grow public



1 prekindergarten program in its implementation of Title I-funded
2 prekindergarten classrooms."

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

5 "**§302A-1111 Duties of superintendent.** (a) Under policies
6 established by the board, the superintendent shall be designated
7 as the chief executive officer of the public school system
8 having jurisdiction over the internal organization, operation,
9 and management of the public school system, as provided by law;
10 and shall administer programs of education and public
11 instruction throughout the State, including education at the
12 primary and secondary school levels, and such other programs as
13 may be established by law; provided that all state-funded
14 prekindergarten programs, and private partnership-funded
15 prekindergarten programs in the public schools, except for
16 special education and Title I-funded prekindergarten programs,
17 shall be under the administrative authority of the [~~executive~~
18 ~~office on early learning,~~] learning to grow agency; provided
19 further that the department shall continue to provide, and have
20 administrative authority over, services generally provided to
21 the schools excluding those services related to curriculum,



1 instruction, assessment, and professional learning support, for
2 any facility on a department school campus at which the
3 ~~[executive office on early learning]~~ learning to grow agency
4 administers programs.

5 (b) Except as otherwise provided, the superintendent shall
6 sign all drafts for the payment of moneys, all commissions and
7 appointments, all deeds, official acts, or other documents of
8 the department; provided that the director of the executive
9 office on early learning shall be the final authority on drafts
10 for the payment of moneys, all commissions and appointments, all
11 deeds, official acts, or other documents related to the
12 executive office on early learning. The superintendent and
13 executive director of the ~~[executive office on early learning]~~
14 learning to grow agency may use a printed facsimile signature in
15 approving appointments, contracts, and other documents."

16 SECTION 5. Section 325-124, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) Registry information regarding specific individuals
19 in the registry may be accessed by school and post-secondary
20 school personnel authorized by the director of health, the
21 superintendent of education, the executive director of the



1 ~~[executive office on early learning,]~~ learning to grow agency or
2 the administrator of a private or post-secondary school for the
3 purpose of ensuring compliance with mandatory student
4 immunization requirements."

5 SECTION 6. Section 346-152, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Nothing in this part shall be construed to include:

- 8 (1) A person caring for children related to the caregiver
9 by blood, marriage, or adoption;
- 10 (2) A person, group of persons, or facility caring for a
11 child less than six hours a week;
- 12 (3) A kindergarten, school, or child care program licensed
13 or certified by the department of education or the
14 United States Department of Defense and located on
15 federal property;
- 16 (4) A classroom administered by the ~~[executive office on~~
17 ~~early learning pursuant to section 302L-7,]~~ learning
18 to grow agency pursuant to section 346-K;
- 19 (5) A program that provides exclusively for a specialized
20 training or skill development for children, including
21 but not limited to programs providing activities such



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- 1 as athletic sports, foreign language, the Hawaiian
2 language, dance, drama, music, or martial arts;
- 3 (6) A multiservice organization or community association,
4 duly incorporated under the laws of the State, that
5 operates for the purpose of promoting recreation,
6 health, safety, or social group functions for eligible
7 pupils in public and private schools through seventeen
8 years of age;
- 9 (7) Programs for children four years of age and older that
10 operate for no more than two consecutive calendar
11 weeks in a three-month period;
- 12 (8) A provider agency operating or managing a homeless
13 facility or any other program for homeless persons
14 authorized under part XVII;
- 15 (9) After-school, weekend, and summer recess programs
16 conducted by the department of education pursuant to
17 section 302A-408;
- 18 (10) Child care programs conducted by counties pursuant to
19 section 302A-408; provided that each county adopts
20 rules for its programs;



- 1 (11) Any person who enters a home in a child caring
2 capacity and only cares for children who are of that
3 household;
- 4 (12) A person caring for two or fewer children unrelated to
5 the caregiver by blood, marriage, or adoption; and
- 6 (13) A child care program licensed by the Hawaii council of
7 private schools. A child care program claiming an
8 exemption under this paragraph shall submit an
9 application for the exemption on a form provided by
10 the department and shall provide to the department
11 evidence that the licensing standards of the Hawaii
12 council of private schools meet or exceed the
13 department's standards for a comparable program,
14 including a monitoring component. Upon application of
15 a child care program for the exemption under this
16 paragraph, the department shall have the discretion to
17 determine whether the licensing standards of the
18 Hawaii council of private schools meet or exceed the
19 department's standards."

20 SECTION 7. Chapter 302L Hawaii Revised Statutes, is
21 repealed.



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1 SECTION 8. Notwithstanding section 26-34, Hawaii Revised
2 Statutes, or any other provision to the contrary, each member of
3 the early learning board repealed by this Act is hereby
4 appointed as a member of the learning to grow board established
5 pursuant to section 346-D, Hawaii Revised Statutes, for a term
6 to coincide with the remaining term of the member.

7 SECTION 9. Sections 26-12, 302A-449, 302A-1128, and
8 302A-1151.5, Hawaii Revised Statutes, are amended by
9 substituting the phrase "learning to grow agency", or similar
10 term, wherever the term "executive office on early learning", or
11 similar term, appears, as the context requires.

12 SECTION 10. Section 26-12, Hawaii Revised Statutes, is
13 amended by substituting the phrase "learning to grow board", or
14 similar term, wherever the term "early learning board", or
15 similar term, appears, as the context requires.

16 SECTION 11. On the effective date of this Act all
17 unencumbered funds of the early learning trust fund repealed by
18 section 7 of this Act shall lapse to the credit of the learning
19 to grow trust fund established pursuant to section 346-I, Hawaii
20 Revised Statutes.



1 SECTION 12. All rights, powers, functions, and duties of
2 the executive office on early learning are transferred to the
3 department of human services; provided that teachers and other
4 classroom level employees of the department of education shall
5 remain within the department of education and shall not be
6 transferred pursuant to this Act.

7 All employees who occupy civil service positions and whose
8 functions are transferred to the department of human services by
9 this Act shall retain their civil service status, whether
10 permanent or temporary. Employees shall be transferred without
11 loss of salary, seniority (except as prescribed by applicable
12 collective bargaining agreements), retention points, prior
13 service credit, any vacation and sick leave credits previously
14 earned, and other rights, benefits, and privileges, in
15 accordance with state personnel laws and this Act; provided that
16 the employees possess the minimum qualifications and public
17 employment requirements for the class or position to which
18 transferred or appointed, as applicable; provided further that
19 subsequent changes in status may be made pursuant to applicable
20 civil service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 retain the employee's exempt status, but shall not be appointed
4 to a civil service position as a consequence of this Act. An
5 exempt employee who is transferred by this Act shall not suffer
6 any loss of prior service credit, vacation or sick leave credits
7 previously earned, or other employee benefits or privileges as a
8 consequence of this Act; provided that the employees possess
9 legal and public employment requirements for the position to
10 which transferred or appointed, as applicable; provided further
11 that subsequent changes in status may be made pursuant to
12 applicable employment and compensation laws. The director of
13 human services may prescribe the duties and qualifications of
14 these employees and fix their salaries without regard to chapter
15 76, Hawaii Revised Statutes.

16 SECTION 13. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the executive office on early learning
20 relating to the functions transferred to the department of human
21 services shall be transferred with the functions to which they



1 relate; provided that any records, equipment, machines, files,
2 supplies, contracts, books, papers, documents, maps, and other
3 personal property associated with use in a classroom shall not
4 be transferred pursuant to this Act.

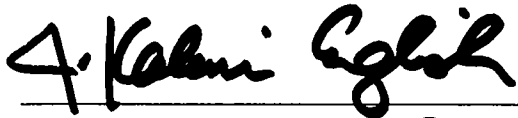


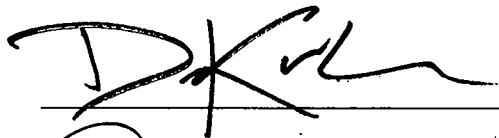

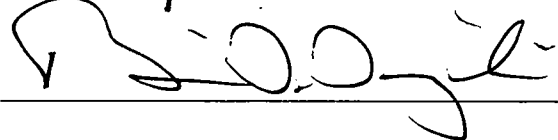
5 SECTION 14. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2020-2021 for
8 establishment and implementation of the learning to grow agency
9 and programs of the agency.

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

12 SECTION 15. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 16. This Act shall take effect on July 1, 2020.
15

INTRODUCED BY:



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[Signature]

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S.B. NO. 3101

Report Title:

DHS; DOE; Learning to Grow; Executive Office on Early Learning; Appropriation

Description:

Transfers the Executive Office on Early Learning from the Department of Education to the Department of Human Services. Renames the Office as the Learning to Grow Agency. Focuses the jurisdiction of the agency to children who are 3 to 4 years old or will be eligible for kindergarten within 2 years. Establishes the goal of providing all children who are 3 to 4 years old or will be eligible for kindergarten within 2 years with access to learning through an early learning program by the year 2030. Appropriates funds.

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

