

Honolulu, Hawaii

APR - 5 2019

RE: H.B. No. 921
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 921, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the respective authority of the Department of Education and the Executive Office on Early Learning over state-funded prekindergarten programs.

Specifically, this measure:

- (1) Requires that the functions and authority exercised by the Department of Education relating to state-funded prekindergarten programs, except for special education, Title I, and private partnership funded prekindergarten programs, shall be delineated in a memorandum of understanding between the Executive Office on Early Learning and the Department of Education, including the structure of support for Title I-funded prekindergarten classrooms;
- (2) Outlines the administrative authority of the Executive Office on Early Learning over state-funded prekindergarten programs;



- (3) Outlines the oversight areas of the Department of Education for prekindergarten classrooms;
- (4) Establishes dispute resolution procedures for the Executive Office on Early Learning and the Department of Education; and
- (5) Appropriates funds to the Executive Office on Early Learning to administer early childhood education programs and to provide support to Title I-funded prekindergarten classrooms in the Department of Education.

Your Committee held a public hearing on a Proposed Senate Draft 2 (Proposed S.D. 2), which was circulated prior to the hearing.

The Proposed S.D. 2 added a new part to the measure to appropriate funds for and authorize the State Public Charter School Commission to establish and fund charter school prekindergarten classrooms.

Your Committee received testimony in support of the Proposed S.D. 2 from the State Public Charter School Commission, Waialae Elementary Public Charter School, Aloha United Way, and several individuals.

Your Committee received comments on the Proposed S.D. 2 from the Board of Education, Department of Education, Department of the Attorney General, Executive Office on Early Learning, Parents and Children Together, Kamehameha Schools, Early Childhood Action Strategy, and Hawaii Children's Action Network.

Your Committee finds that overlap in jurisdiction over prekindergarten programs between the Department of Education and the Executive Office on Early Learning is wasteful and unnecessary, and is based upon a misunderstanding of the specialized knowledge and education that is required when providing educational services to the youngest children.

Your Committee notes that the Department of the Attorney General proposed further amendments to the measure in its



testimony. Specifically, the Department of the Attorney General proposed:

- (1) Exempting charter school prekindergarten classrooms from the administrative authority of the Executive Office on Early Learning, if the intent of the Legislature is to make State Public Charter School Commission charter school prekindergarten classrooms independent of the Executive Office on Early Learning;
- (2) Changing a reference to "individualized education plan" to "individualized education program," in order to conform Hawaii statutory language with the federal Individuals with Disabilities Education Act; and
- (3) Exempting the Executive Office on Early Learning prekindergarten programs from the child care licensing standards of the Department of Human Services, if the intent of the Legislature is to maintain the status quo for Department of Education prekindergarten programs, which are currently exempt from the Department of Human Services child care licensing standards.

Your Committee has amended this measure by adopting the Proposed S.D. 2, which takes effect on July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 921, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 921, H.D. 2, S.D. 2.


Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB921, HD2, SD1	EDU, WAM	4/5/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani				X
HARIMOTO, Breene	X			
INOUYE, Lorraine R.				X
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
FEVELLA, Kurt	X			
TOTAL	8			5
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes