

STATE OF HAWAII
Executive Office on Early Learning
2759 South King Street
HONOLULU, HAWAII 96826

February 9, 2020

TO: Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

FROM: Lauren Moriguchi, Director
Executive Office on Early Learning

SUBJECT: Measure: H.B. No. 2258, H.D. 1 – RELATING TO EARLY CHILDHOOD
EDUCATION
Hearing Date: February 10, 2020
Time: 2:05 p.m.
Location: Room 325

Bill Description: Prohibits the suspension or expulsion of children participating in the executive office on early learning's public prekindergarten program, except under limited circumstances. Takes effect on 7/1/2050.

EXECUTIVE OFFICE ON EARLY LEARNING'S POSITION: Support with Amendments

Good afternoon. I am Lauren Moriguchi, Director of the Executive Office on Early Learning (EOEL). EOEL is in strong support of H.B. 2258, H.D. 1 and offers amendments.

We appreciate the Legislature's support of EOEL's work to increase access to high-quality early learning. EOEL is statutorily responsible for the development of the State's early childhood system that shall ensure a spectrum of high-quality development and learning opportunities for children throughout the state, from prenatal care until the time they enter kindergarten, with priority given to underserved or at-risk children.

Included in EOEL's responsibilities is administration of the EOEL Public Prekindergarten Program. **We are wholeheartedly requesting that this prohibition on expulsion, and prohibition on suspension except in very limited circumstances, be imposed on ourselves.**

Every year, as many as 8,710 three- and four-year-olds across the nation may be expelled from or pushed out of their state-funded preschool or prekindergarten classroom – these expulsions are happening at a rate more than three times that of their peers in kindergarten through grade 12, according to a joint statement drafted by the National Association for the Education of Young Children, with support from a host of other national organizations known as leaders in addressing early childhood education. Data from the federal Department of Education Office for Civil Rights indicates a significant percentage of these children are also suspended more than once, leaving

them with few supports and fewer options to ensure they are able to participate in the high-quality early learning they deserve.

Many more children are suspended, with the data demonstrating severe racial disparities. It is important to note that “(g)irls who are Black, Native Hawaiian, or Pacific Islander represent 30 percent or more of all out-of-school suspensions even though they have a much smaller total population in preschool than girls in other racial or ethnic groups” (U.S. Department of Education Office for Civil Rights, 2014).

This is particularly troubling given such suspensions and expulsions occur during a critical period in a child’s development, when their brains are developing rapidly. The earliest years of a child’s life are critical to laying the foundation of learning and wellness needed for success in school and beyond. It is especially during these years that systems should ensure our youngest children have access to opportunities that will set them up to reach their highest potential. By suspending or expelling them, we instead set our youngest off in the wrong direction, before they even reach kindergarten. Also, the EOEL Public Pre-K Program specifically prioritizes our underserved and at-risk populations – those children who can benefit the most from early learning – and suspending or expelling them would not only leave them with no early learning opportunities but send them a completely wrong message that may affect them for a lifetime.

Well-established research indicates that school suspension and expulsion practices are associated with adverse educational and life outcomes. Suspension and expulsion early in a child’s life predicts suspension and expulsion later in school. Children who are suspended or expelled from school are as many as 10 times more likely to drop out of high school, experience academic failure, hold negative school attitudes, and face incarceration than their peers who were never suspended or expelled.

We note that other states have also introduced and enacted legislation to limit suspension/expulsion in the early years, and that **the National Conference of State Legislatures supports states in the crafting of policies that prohibit suspension and expulsion.** The federal Departments of Health and Human Services, and Education also issued a joint policy statement in 2014 to support states and localities in prohibiting suspension and expulsion, “with state and local recommendations to address expulsion and suspension in early learning settings ... affirm(ing) the Departments’ efforts to prevent and eventually eliminate expulsion and suspension in all early childhood settings and support young children’s social, emotional, and behavioral development.”

Though each case is different, suspensions and expulsions may be the result of the lack of or misguided policies, or insufficient training and support services for staff, especially in managing challenging behaviors, recognizing trauma, and promoting socioemotional development.

Research has shown links between program and teacher quality, and suspensions/expulsions.

We recognize that in isolation, legislation is not enough to address the issue of suspension and expulsion. Especially because the Program targets our underserved and at-risk children, we work with the educators in the Program to prevent suspensions and expulsions by arming them with the competencies to work with children who do not come from optimal backgrounds. We provide them with professional learning support and work with school leadership on staffing so they are able to support preschoolers and families living in difficult circumstances. We have also been partnering with the University of Hawaii system to strengthen the pipeline of qualified early childhood educators. When vulnerable children

encounter teachers who are unprepared to support their developmental needs, these children who can benefit the most from early learning are rejected at an even earlier age and their families are left without options.

Since the start of the EOEL Public Pre-K Program in fall 2014, we have had some cases in which a school wanted to consider exiting a child participating in the Program. EOEL provided support and guidance to help the teacher more appropriately address challenging behaviors and better support the children, which, as mentioned, is instrumental to avoiding suspension/expulsion ... and the children ended up staying at the school in the Program.

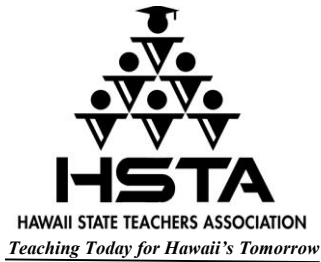
A long-standing and continuing practice in Head Start is not to suspend or expel any child. Programs are required to partner with families, consult with specialists, help the child and family obtain additional services as appropriate, and take all possible steps to ensure the child's successful participation in the program.

The language in this bill was the result of discussions with the Department of the Attorney General.

We respectfully request that the committee consider moving this bill forward with the following amendments for factual consistency and clarification:

- **Page 1, lines 7-8: “~~These suspensions and expulsions are occurring ...~~”**
- **Page 3, lines 13-15: “The executive office on early learning focuses on these matters in its work especially because ...”**
- **Page 4, line 18: Add new paragraph that states, “Though there have been no suspensions or expulsions in the executive office on early learning public prekindergarten program to date – the office has worked with teachers and principals to prevent any from happening and to work through the challenging behaviors – the office wishes to impose this prohibition on its own program.”**
- **Page 4, line 20, through page 5, line 2: “...the purpose of this act is to prohibit the suspension and expulsion, and establish limitations on the suspension, of children participating in the executive office on early learning public prekindergarten program, ~~except in very limited circumstances.~~”**

Thank you for your consideration, and for the opportunity to testify on this bill. I am happy to answer any questions you may have.



Corey Rosenlee
President
Osa Tui Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY

RE: HB 2258, HD1 - RELATING TO EARLY CHILDHOOD EDUCATION

MONDAY, FEBRUARU 10, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Lee and Members of the Committee:

The Hawaii State Teachers Association supports HB 2258, HD1, relating to early childhood education.

This bill would prohibit the expulsion and establishes limitations for suspension of children participating in the Executive Office on Early Learning Public Prekindergarten Program.

According to the National Association for the Education of Young Children, every year, as many as 8,710 three- and four year-old children nationwide may be expelled from their state funded preschool or prekindergarten classroom. These suspensions and expulsions are occurring at a rate more than three times that of their peers in kindergarten through grade twelve, according to a joint statement drafted by the National Association for the Education of Young Children, with support from a host of other national organizations regarded as leaders in the field of early childhood education. They also have higher suspensions rates than their peers in kindergarten through twelfth-grade. These expulsions and suspensions have disproportionately impacted minority students nationwide.

The Hawaii State Teachers Association understands that the Early Learning Public Prekindergarten Program was implemented to help ensure that students, especially those at-risk, have the building blocks to thrive during their entire education career. We want to ensure these nationwide trends do not happen here in Hawaii, thus we support the Executive Office of Early Learning ensuring these practices are prohibited in our state. Our public Pre-Kindergarten programs need more support for our keiki and their teachers, not more suspensions and expulsions of preschool children.

The Hawaii State Teachers Association asks that your committee to **support** this bill.

¹ https://www.naeyc.org/sites/default/files/globallyshared/downloads/PDFs/resources/topics/Standing%20Together.Joint%20Statement.FINAL__9_0.1

To: Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

From: Robert G. Peters, Chair
Early Learning Board

Subject: **Measure:** H.B. No. 2258, H.D. 1 – RELATING TO EARLY CHILDHOOD EDUCATION
Hearing Date: Monday, February 10, 2020
Time: 2:05 p.m.
Location: Room 325

Bill Description: Prohibits the suspension or expulsion of children participating in the executive office on early learning's public prekindergarten program, except under limited circumstances. Takes effect on 7/1/2050.

Early Learning Board Position: Support with amendments

I am Robert G. Peters, Chair of the Early Learning Board (ELB). Thank you for this opportunity to offer testimony on behalf of the ELB in support of HB No. 2258, H.D. 1 and offer amendments.

Through Act 202, Session Laws of Hawaii 2017, ELB transitioned from an advisory to a governing board for the Executive Office on Early Learning (EOEL) and is charged with formulating statewide policy relating to early learning. We are composed of members from across the early childhood field, in both the public and private sectors.

ELB's mission is to support children's academic and lifelong well-being by directing and supporting the EOEL for an effective, coordinated, high-quality early learning system from prenatal to kindergarten entry. Among EOEL responsibilities is the administration of the Public Pre-Kindergarten Program.

National guidelines and best practices have guided other states, such as Illinois and Ohio, which have enacted legislation to prohibit suspension/expulsion in the early years. Such legislation has been modeled after federal law governing the Head Start Program and if enacted in Hawaii will align the Executive Office on Early Learning's Public Education Prekindergarten program with the Department of Health and Human Services and Education Departments' joint policy statement in 2014 "affirm(ing) the Departments efforts to prevent and eventually eliminate expulsion and suspension in all early childhood settings and support young children's social, emotional and behavioral development."

Educators are becoming more informed about, and attuned to the social emotional needs of children, recognizing their impact on learning. Children dealing with trauma or toxic home conditions are not ready to learn and often preoccupied, not able to focus on learning. It is not unusual for children who bring these problems to school to "act out." In young children, especially, it is often difficult to determine if such behaviors are developmental in nature or issues of genuine concern. Expulsion and suspension are often responses to challenging behaviors of this type.

Research indicates that prekindergarten expulsion and suspension of children at this critical juncture in their growth and development are often repeated throughout a student's school history and associated with negative educational and life outcomes. It also demonstrates that there are racial and gender disparities, with boys receiving a majority of out-of-school suspensions. Data from the Office for Civil

Rights, U.S. Department of Education, in 2014 revealed that Black, Native Hawaiian, or Pacific Islander girls represented a higher percentage rate of out-of-school suspensions despite their smaller representation in the total girl population in preschool.

The EOEL has made it a priority to prevent expulsion by providing professional learning support to educators in their Pre-K program, as well as work with school leadership, to recognize when challenging behaviors are truly serious and needing additional attention versus when they are within the natural developmental trajectory of all children. Suggested steps to keep children with challenging behaviors in school and resources to address individual needs has complemented the EOEL's efforts to work with UH in developing the competencies of future teachers needed to meet individual needs.

The language in this bill was the result of discussions with the Department of the Attorney General and EOEL. The ELB supports the EOEL recommended amendments and respectfully requests the committee to move this bill forward incorporating the following:

- **Page 1, lines 7-8: “These ~~suspensions and~~ expulsions are occurring ...”**
- **Page 3, lines 13-15: “The executive office on early learning focuses on these matters in its work especially because ...”**
- **Page 4, line 18: Add new paragraph that states, “Though there have been no suspensions or expulsions in the executive office on early learning public prekindergarten program to date – the office has worked with teachers and principals to prevent any from happening and to work through the challenging behaviors – the office wishes to impose this prohibition on its own program.”**
- **Page 4, line 20, through page 5, line 2: “...the purpose of this act is to prohibit the ~~suspension and~~ expulsion, and establish limitations on the suspension, of children participating in the executive office on early learning public prekindergarten program, ~~except in very limited circumstances.~~”**

Thank you for the opportunity to offer testimony on this bill.



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Representative Lee, Chair
Representative San Buenaventura, Vice Chair
House Committee on Judiciary

LATE

Re: **HB 2258- Relating to early childhood education**
Hawai'i State Capitol, Room 325
2:05PM, 2/10/2020

Chair Lee, Vice Chair San Buenaventura, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, we are writing to support in STRONG support Bill HB2258 HD1 relating to early childhood education, which would prohibit the expulsion and establishes limitations for suspension of children participating in the Executive Office on Early Learning Public Prekindergarten Program. Additionally, we support the amendments proposed by the Executive Office on Early Learning.

The usage of suspension and expulsion in schools has long proved to be a counterproductive, detrimental means of discipline. Research has shown that young children who are suspended or expelled are 10 times more likely to drop out of high school, experience academic failure and grade retention and face incarceration than those who are not.

When suspension and expulsion are used to handle behavior that has broken a rule or policy of the school, the school misses an opportunity to get to the root of the child's behavior. These young children being pushed out of the classroom are often those in need of intervention and support. Research on exclusionary discipline found that students with disabilities are two times more likely to receive out-of-school suspensions¹. Young children with undiagnosed behavioral or developmental disabilities might be suspended or expelled thus mislabeled, which impedes the process of getting them the additional resources they need.

For these reasons, HCAN Speaks! respectfully requests the Committee to support this measure.

Thank you,

Kathleen Algire
Director, Public Policy and Research

¹ U.S. Department of Health and Human Services and U.S. Department of Education. (2014). Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings. Retrieved from <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

LATE

The Thirtieth Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary

Testimony by
Hawaii Government Employees Association

February 10, 2020

H.B. 2258 — Relating To Early Childhood Education

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the intent of H.B. 2258, which prohibits the expulsion and establishes limitations for suspension of children participating in the Executive Office on Early Learning Public Prekindergarten Program, except under limited circumstances.

School administrators are professional educators aware of age appropriate discipline and should already be using suspensions or expulsions as last resort measures. Their hands should not be tied nor should their choice of disciplinary actions be limited. Limiting the discretion and flexibility of school administrators to issue consequences could have a detrimental impact on overall school climate, the safety of both students and staff, and their ability to implement a high quality prekindergarten program.

Thank you for the opportunity to testify in opposition of H.B. 2258.

Respectfully submitted,

Randy Perreira
Executive Director



Parents And
Children Together
BUILDING THE RELATIONSHIPS THAT MATTER MOST

LATE

TO: Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: Monday, February 10, 2020; 2:05 p.m., Conference Room 325

RE: TESTIMONY IN SUPPORT OF HB 2258 HD 1– RELATING TO EARLY CHILDHOOD EDUCATION

We ask you to support HB 2258 HD 1 which seeks to prohibits the suspension or expulsion of children participating in the executive office on early learning's public prekindergarten program, except under limited circumstances. We strongly support this bill which aligns with national best practice and allows for each young child to be supported through his/her earliest learning experiences and be given the opportunity to fulfill his/her highest potential.

As a provider of Head Start and Early Head Start services, we believe in high-quality early childhood education opportunities for every child. We believe in each child's innate abilities and the critical importance of caring for all children and families, especially those who need the most support. Data shows that high-quality care and education during the earliest stages of a child's development provides a critical foundation for later educational and life success. Early learning programs play a key role in early detection and early intervention for students who display extreme and challenging behaviors and it is important that we work with families to address the underlying root causes of these behaviors and work with both students and families to explore and implement every reasonable modification to support the child.

Schools are places of learning where our youngest children along with their families should have every chance to succeed. High-quality early learning programs, like Head Start and EOEL's public pre-K program, with strong training and professional development, have the capacity to train and support staff in dealing with challenging behaviors. They also provide the support for staff to proactively work with children and families to identify a child's needs, connect them with resources and employ effective strategies in the classroom that can best support each child. This bill is consistent with national best practice and the current Head Start mandates that our PACT programs currently adhere to and we believe that these practices are best for all high-quality early learning programs, including EOEL's public Pre-K program. We commend EOEL

for recognizing the importance of this measure and for committing to continued best practice. This bill provides an added measure to ensure that each child and their family has a chance to address issues early on with the help of highly-qualified education professionals and sets the foundation for future success, especially for those children who would not otherwise have access to early childhood.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 2258 HD 1**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

HB-2258-HD-1

Submitted on: 2/9/2020 4:25:49 PM

Testimony for JUD on 2/10/2020 2:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

This bill should also be amended to require video in all early childhood centers with direct access of the DOE. No exceptions.