



GOV. MSG. NO. 1272

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

SB239 SD2 HD3 CD1

RELATING TO EARLY LEARNING
ACCREDITATION.
ACT 169

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 3 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 239
S.D. 2
H.D. 3
C.D. 1

A BILL FOR AN ACT

RELATING TO EARLY LEARNING ACCREDITATION.

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

1 SECTION 1. In accordance with section 9 of article VII of
 2 the Hawaii State Constitution and sections 37-91 and 37-93,
 3 Hawaii Revised Statutes, the legislature has determined that the
 4 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1,
 5 C.D. 1, and this Act will cause the state general fund
 6 expenditure ceiling for fiscal year 2023-2024 to be exceeded by
 7 \$1,065,869,467 or 11.0 per cent. This current declaration takes
 8 into account general fund appropriations authorized for fiscal
 9 year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1, and this
 10 Act only. The reasons for exceeding the general fund
 11 expenditure ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to
- 13 serve the public interest; and
- 14 (2) The appropriation made in this Act meets the needs
- 15 addressed by this Act.

16 SECTION 2. The legislature finds that high-quality early
 17 childhood education programs are critical for young children's
 18 development. The legislature further finds that accreditation



1 by a national organization is one marker of quality in early
2 childhood education. The legislature also finds that existing
3 service providers unaccredited as of July 1, 2022, who wish to
4 participate in the preschool open doors program must achieve
5 accreditation by July 1, 2029.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Require the department of human services to establish
8 a child care accreditation program to assist licensed
9 and registered child care providers in obtaining
10 accreditation;
- 11 (2) Extend the deadlines by which existing preschool open
12 doors program service providers are required to
13 commence the accreditation process and obtain
14 accreditation; and
- 15 (3) Appropriate funds for the child care accreditation
16 program.

17 SECTION 3. Chapter 346, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:



1 "§346- Child care accreditation program; established.

2 (a) The department shall establish and implement a child care
3 accreditation program.

4 (b) The department shall develop standards, policies, and
5 procedures for the administration of the child care
6 accreditation program, which shall, at minimum:

7 (1) Provide upfront grant funding to cover the cost of
8 accreditation by one of the national early learning
9 accrediting organizations, as identified in section
10 346-184(b), or as approved by the director;

11 (2) Provide grant funding for technical assistance to
12 assist an eligible child care provider through the
13 accreditation process; and

14 (3) Be available to licensed group child care centers,
15 licensed group child care homes, licensed infant and
16 toddler child care centers, and registered family
17 child care homes.

18 (c) Requests for grants shall be submitted to the
19 department in accordance with administrative rules adopted by
20 the department to administer the grant program. Each request
21 shall at a minimum state:



1 (1) The name of the child care provider requesting grant
2 funds;

3 (2) The expenses that are necessary for the child care
4 provider to obtain the accreditation; and

5 (3) The age range of the children the child care provider
6 serves.

7 (d) Each applicant for a grant shall provide proof that
8 the applicant:

9 (1) Has United States citizenship or permanent United
10 States resident alien status and is a resident of the
11 State at the time of application;

12 (2) Is currently licensed or registered as a child care
13 provider, or is an exempt provider approved by the
14 department;

15 (3) Provides child care at the time of application;

16 (4) Complies with all other federal, state, or county
17 statutes, rules, or ordinances necessary to conduct
18 the activities or provide the services for which a
19 grant is awarded;

20 (5) Complies with all applicable federal and state laws
21 prohibiting discrimination against a person on the



- 1 basis of race, color, national origin, religion,
2 creed, sex, age, sexual orientation, or disability;
- 3 (6) Agrees not to use state funds for entertainment or
4 lobbying activities;
- 5 (7) Allows the department, legislative committees and
6 their staff, and the auditor full access to the
7 applicant's records, reports, files, and other related
8 documents and information for the purposes of
9 monitoring, measuring the effectiveness of, and
10 ensuring the proper expenditure of the grant;
- 11 (8) Is not employed by a child care facility that is part
12 of, owned or operated by, or owned or operated as a
13 private educational institution; provided that an
14 organization or individual that owns or operates both
15 a private educational institution and a child care
16 facility may apply only if the organization or
17 individual can provide evidence that the operations
18 and finances of the private educational institution
19 are completely separate from the operations and
20 finances of the child care facility such that it is
21 clear a grant awarded under this section would not



1 support or benefit the private educational institution
2 in violation of article X, section 1 of the Hawaii
3 State Constitution;

4 (9) Satisfies any other standards that may be required by
5 the source of funding; and

6 (10) Meets all other standards prescribed in rules adopted
7 by the department to implement the grants awarded
8 under this section.

9 (e) Each child care provider who, after meeting the
10 requirements of subsection (d), receives grant funds from the
11 department shall be required to obtain accreditation and
12 continue to provide child care for three years after receiving
13 accreditation.

14 (f) Each request for grant funds shall be submitted to the
15 department on an application form provided by the department and
16 shall at a minimum contain the information required by
17 subsection (d). The department shall review each request to
18 determine whether the applicant is eligible to receive grant
19 funds and shall make a final decision on each request. The
20 department shall inform each grant applicant of the disposition



1 of the applicant's request. The department shall adopt rules to
2 establish an appeals process for any denial of a request.

3 (g) The department shall not release the public funds
4 approved for a grant under this section unless a contract is
5 entered into between the department and the grant recipient.

6 The department shall develop and determine, in consultation with
7 and subject to review and approval of the department of the
8 attorney general, the specific contract form to be used.

9 (h) Appropriations for grants made under this section
10 shall be subject to the allotment system generally applicable to
11 all appropriations made by the legislature.

12 (i) Each grant contract executed pursuant to this section
13 shall be monitored by the department to ensure compliance with
14 this section, and shall be evaluated annually to determine
15 whether the grant attained the intended results in the manner
16 contemplated.

17 (j) Any grant recipient who withholds or omits any
18 material fact or deliberately misrepresents facts to the
19 department shall be in violation of this section and, in
20 addition to other penalties provided by law, any recipient found
21 to have violated this section or the terms of any contract



1 executed pursuant to this section shall be prohibited from
2 applying for any grants awarded by the department for a period
3 of five years from the date of termination.

4 (k) The child care accreditation program may provide grant
5 funding to cover incidental expenses to allow a child care
6 provider to receive accreditation, including but not limited to
7 expenses for furniture, equipment, or minor renovations.

8 (l) The department may contract with a service provider in
9 accordance with chapters 103D and 103F, as applicable, to
10 operate the child care accreditation program.

11 (m) The department shall adopt rules without regard to
12 chapter 91 to administer the child care accreditation program.

13 (n) The department shall report to the legislature no
14 later than twenty days prior to the convening of each regular
15 session with the number and general location of programs
16 applying for and participating in the child care accreditation
17 program, an aggregated breakdown of the type and amount of costs
18 the program covered for providers, and the percentage of
19 providers receiving preschool open doors program funds that have
20 begun the accreditation process or are currently accredited.

21 (o) For the purposes of this section:



1 "Grant" means an award of state funds to a specified
2 recipient to support the activities of the recipient and permit
3 the community to benefit from those activities.

4 "Private educational institution" means a nonpublic entity
5 that provides:

6 (1) Educational services for any grades from kindergarten
7 through grade twelve;

8 (2) Post-secondary education; or

9 (3) Pre-kindergarten level services that are provided by
10 an entity that holds itself out to the public as a
11 school or educational institution, or that are
12 identified by the entity as educational services
13 rather than solely as child care services.

14 "Recipient" means a child care provider receiving a grant."

15 SECTION 4. Section 346-183, Hawaii Revised Statutes, is
16 amended by amending subsections (b) and (c) to read as follows:

17 "(b) The department shall expend moneys in the special
18 fund to award grants to private entities for [the]:

19 (1) The operating costs of new or existing child care
20 facilities [~~to establish~~];



1 (2) The establishment of new child care facilities [~~or~~
2 ~~for~~];

3 (3) The expansion of existing child care facilities [-]; or

4 (4) Child care accreditation program grants awarded
5 pursuant to section 346- .

6 (c) [Expenditures] Except for child care accreditation
7 program grants awarded pursuant to section 346- , expenditures
8 from the fund may be made by the department without allotment."

9 SECTION 5. Section 346-184, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Each service provider of the preschool open doors
12 program shall be accredited or shall obtain accreditation within
13 seven calendar years of first receiving any funds from the
14 preschool open doors program; provided that any existing service
15 provider unaccredited on July 1, 2022, shall commence the
16 accreditation process no later than July 1, [~~2024~~] 2029, and
17 obtain accreditation by July 1, [~~2029~~] 2034; provided further
18 that the director may grant to any service provider one or more
19 extensions to obtain accreditation on a case-by-case basis."

20 SECTION 6. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$2,102,100 or so much



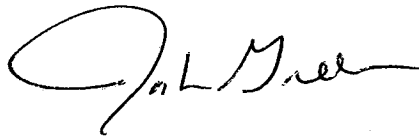
1 thereof as may be necessary for fiscal year 2023-2024 for the
2 child care accreditation program established by section 3 of
3 this Act, including the establishment of one full-time
4 equivalent (1.0 FTE) permanent position for the child care
5 accreditation program.

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

8 SECTION 7. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect on July 1, 2023.

APPROVED this 3rd day of July, 2023



GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: May 4, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 239, SD 2, HD 3, CD 1

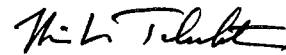
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives