

ACT 276

S.B. NO. 78

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

**PART I
PURPOSE**

SECTION 1. The legislature finds that there is a public benefit from substantial investment in high-quality, developmentally appropriate early learning programs. These investments have been driven by significant and continuing research affirming the positive effects of high-quality early learning programs on the physical, cognitive, linguistic, social, emotional, and economic outcomes of young children. Provided with such opportunities, children are more likely to succeed in kindergarten and beyond as well as grow into healthy, capable, and contributing adults.

Longitudinal studies have also proven that high-quality early learning programs are especially effective for high-risk children, including low-income and otherwise disadvantaged children, with great potential to alter their lifetime trajectories. Well-executed and well-targeted early learning programs have immediate and long-term benefits not only for the children participating in the programs but also for the societies in which they live, which boast higher levels of educational attainment; reduced homelessness, crime, and substance abuse; improved health; and better overall social and economic well-being.

The legislature further finds that although the department of education administers programs of education and public instruction throughout the

State, the executive office on early learning, under policies established by the early learning board, should have administrative authority over all state-funded prekindergarten programs and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs that the department currently administers.

Since Act 178, Session Laws of Hawaii 2012, the legislature has enacted a series of laws to clarify that the authority for preschool and prekindergarten lies with the early learning board and the executive office on early learning, as the bodies charged with formulating statewide policy relating to early learning, and developing a cohesive, comprehensive, and sustainable system of early learning for Hawaii's children from prenatal to age five, respectively. The purpose of Act 108, Regular Session of Hawaii 2015, was in part to "(a) mend or repeal various early childhood education provisions of chapter 302A ... that fall under the purview of the executive office on early learning, and not the department of education." The purpose of Act 175, Regular Session of Hawaii 2018, was in part to "(make) housekeeping amendments to remove preschools from the Superintendent's scope of authority."

While the legislature recognizes the independence and authority of the executive office on early learning, it also recognizes the transition and alignment that is needed to ensure a continuum of early childhood development and learning from prenatal to the year before kindergarten, and through kindergarten and beyond. The recently finalized Hawaii Early Childhood State Plan 2019-2024, which provides a roadmap for stakeholders statewide to work together to reach our desired outcomes for young children, confirms the need for information-sharing and collaboration between diverse settings to support children and families as they move between settings and transition into kindergarten and the primary grades – and thus help ensure children's long-term success. It identifies as a priority for collective action the coordination of support and advocacy for such aligned and seamless transition practices, especially for children transitioning from preschool to kindergarten. One of the responsibilities of the executive office on early learning toward the State Plan is to coordinate and advocate for such transitions.

Therefore, the purpose of this Act is to:

- (1) Clearly establish the executive office on early learning as the administrative authority for state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs;
- (2) Expand the executive office on early learning public prekindergarten program by transferring to the office:
 - (A) From the department of education, State-funded prekindergarten programs, private partnership-funded prekindergarten programs in the public schools, and classrooms to provide general education settings for children whose individualized education programs require such placement; and
 - (B) From the state public charter school commission, the eighteen classrooms at eleven charter schools across the state that are currently funded through the federal preschool development grant from the United States Department of Education and United States Department of Health and Human Services, which will end after the 2018-2019 school year,

and thus make strides toward building a coordinated system of early learning that is of consistent high-quality as intended by the legislature;

- (3) More clearly define the roles and responsibilities of the executive office on early learning and department of education as related to the executive office on early learning public prekindergarten program; and
- (4) Require the department of education in its implementation of Title-I funded prekindergarten classrooms to adhere to certain quality standards and work with the executive office on early learning.

PART II ADMINISTRATIVE AUTHORITY FOR PREKINDERGARTEN PROGRAMS

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

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

Under policies established by the board, the superintendent shall administer programs of education and public instruction throughout the State, including education at the primary and secondary school levels, adult education, school library services, health education and instruction (not including dental health treatment transferred to the department of health), special education and Title I funded programs at the prekindergarten level, and such other programs as may be established by law[-]; provided that the department shall not establish general education prekindergarten classrooms, including private partnership-funded classrooms and classrooms to provide general education settings for children whose individualized education programs require such placement; provided further that the department may establish Title I-funded prekindergarten classrooms. The department shall collaborate with the executive office on early learning to coordinate services for children who are placed through their individualized education programs in a general education prekindergarten setting in a classroom offered by the executive office on early learning public prekindergarten program. Under policies established by the early learning board, the executive office on early learning shall have administrative authority over all state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs. The state librarian, under policies established by the board of education, shall be responsible for the administration of programs relating to public library services and transcribing services for the blind.

The functions and authority exercised by the department relating to state-funded prekindergarten programs, private partnership-funded prekindergarten programs in the public schools, and classrooms to provide general education settings for children whose individualized education programs require such placement, except for special education and Title I-funded prekindergarten programs, shall be transferred to the executive office on early learning; provided that the department shall continue to provide, and have administrative authority over, services generally provided to the schools excluding those services related to curriculum, instruction, assessment, and professional learning support, for any facility on a department school campus at which the executive office on early learning administers programs.

The functions and authority heretofore exercised by the department of education (except dental health treatment transferred to the department of health), library of Hawaii, Hawaii county library, Maui county library, and the transcribing services program of the bureau of sight conservation and work with

the blind, as heretofore constituted are transferred to the public library system established by this chapter.

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

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

Upon the termination of the contracts, the State or the counties shall not enter into any library management contracts with any private association; provided that in providing library services, the board of education may enter into contracts approved by the governor for the use of lands, buildings, equipment, and facilities owned by any private association.

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

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

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

SECTION 4. Section 302A-1111, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Under policies established by the board, the superintendent shall be designated as the chief executive officer of the public school system having jurisdiction over the internal organization, operation, and management of the public school system, as provided by law; and shall administer programs of education and public instruction throughout the State, including education at the primary and secondary school levels, and such other programs as may be established by law[-]; provided that all state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs, shall be under the administrative authority of the executive office on early learning; provided further that the department shall continue to provide, and have administrative authority over, services generally provided to the schools excluding those services related to curriculum, instruction, assessment, and professional learning support, for any facility on a department school campus at which the executive office on early learning administers programs.

(b) Except as otherwise provided, the superintendent shall sign all drafts for the payment of moneys, all commissions and appointments, all deeds, official acts, or other documents of the department[-]; provided that the director of the executive office on early learning shall be the final authority on drafts for

the payment of moneys, all commissions and appointments, all deeds, official acts, or other documents related to the executive office on early learning. The superintendent and director of the executive office on early learning may use a printed facsimile signature in approving appointments, contracts, and other documents.”

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

“§302A-1128 Department powers and duties. The department shall have entire charge and control and be responsible for the conduct of all affairs pertaining to public instruction in the public schools the department establishes and operates, including operating and maintaining the capital improvement and repair and maintenance programs for department and school facilities~~[-]; provided that all state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs, shall be under the administrative authority of the executive office on early learning; provided further that the department shall continue to provide, and have administrative authority over, services generally provided to the schools excluding those services related to curriculum, instruction, assessment, and professional learning support, but including operating and maintaining capital improvement and repair and maintenance programs for any facility on a department school campus at which the executive office on early learning administers programs, and evaluation of teaching staff.~~ The department may establish and maintain schools for secular instruction at such places and for such terms as in its discretion it may deem advisable and the funds at its disposal may permit. The schools may include high schools, kindergarten schools, schools or classes for ~~[early childhood education,]~~ special education or Title I-funded prekindergarten, boarding schools, Hawaiian language medium education schools, and evening and day schools. The department may also maintain classes for technical and other instruction in any school where there may not be pupils sufficient in number to justify the establishment of separate schools for these purposes.”

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

“§302A-1303.6 Weighted student formula. Based upon recommendations from the committee on weights, the board of education may adopt a weighted student formula for the allocation of moneys to public schools that takes into account the educational needs of each student~~[-]; provided that weighted student formula moneys shall not be used for state-funded prekindergarten programs, except for special education and Title I-funded prekindergarten programs.~~ The department, upon the receipt of appropriated moneys, shall use the weighted student formula to allocate funds to public schools. Principals shall expend moneys provided to the principals’ schools. This section shall only apply to charter schools for fiscal years in which the charter schools elect pursuant to section 302D-29 to receive allocations according to the procedures and methodology used to calculate the weighted student formula allocation.”

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

- “(c) The director shall be responsible for:
 - (1) Serving as the principal officer in state government responsible for the performance, development, and control of programs, policies, and activities under the jurisdiction of the office from prenatal care

to entrance into kindergarten[;], including all state-funded prekindergarten programs and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs;

- (2) [~~Overseeing, supervising,~~] Supervising and directing the performance of the director's subordinates in various activities, including planning, evaluation, and coordination of early learning programs;
- (3) Administering funds allocated for the office and applying for, receiving, and disbursing grants and donations from all sources for early learning programs and services;
- (4) Assessing the policies and practices of other agencies impacting early learning and conducting advocacy efforts for early learning;
- (5) Advising agencies on new legislation, programs, and policy initiatives relating to early learning;
- (6) Employing and retaining staff as may be necessary for the purposes of this section; and
- (7) Contracting for services that may be necessary for the purposes of this section, including through master contracts, memoranda of understanding, and memoranda of agreement with other state agencies receiving federal and state funds for programs and services for early learning, and purchase of service agreements with appropriate agencies."

PART III TITLE I-FUNDED PREKINDERGARTEN

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

"§302A- Title I-funded prekindergarten. (a) The department in its implementation of Title I-funded prekindergarten classrooms shall adhere to the quality standards incorporated by the executive office on early learning in the executive office on early learning public prekindergarten program pursuant to section 302L-7; provided that if any quality standard incorporated in the executive office on early learning public prekindergarten program is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, the department shall adhere to the federal requirements with respect to the conflicting standard, and this finding does not affect the requirement that the department adhere to the remainder of the quality standards incorporated in the executive office on early learning public prekindergarten program in its implementation of Title I-funded prekindergarten classrooms.

(b) The department shall work with the executive office on early learning regarding curriculum, instruction, assessment, family engagement, and transition of children in and out of the prekindergarten classroom.

(c) The department and executive office on early learning shall enter into a memorandum of agreement or memorandum of understanding for the executive office on early learning to provide ongoing professional development support for teachers and principals of Title I-funded prekindergarten classrooms.

(d) The department shall submit an annual report to the executive office on early learning on its implementation of Title I-funded prekindergarten classrooms, regarding curriculum, instruction, assessment, family engagement, and transition in and out of the classroom."

PART IV EOEL PUBLIC PREKINDERGARTEN PROGRAM

SECTION 9. 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 programs 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
- ~~[(4)]~~ (5) Whose family income is no more than three hundred per cent of the federal poverty level.”

SECTION 10. Section 302L-7, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) Be provided through the executive office on early learning, which ~~[may]~~ shall partner with the department of education~~[:]~~ and state public charter school commission through either a memorandum of agreement or memorandum of understanding pursuant to the requirements of this section;
 - (2) Prepare children for school and active participation in society through the use of either of the State’s two official languages; and
 - (3) Provide access to high-quality early learning that addresses children’s physical, cognitive, linguistic, social, and emotional development.
- (b) The office shall implement an application process for schools that are interested in participating in the program. The criteria to prioritize applications shall include:

- (1) Community need, including:
 - (A) The percentage of the population in the school or community that meets the definitions of at-risk and underserved children pursuant to section 302L-1; and
 - (B) The availability and capacity of existing early learning programs or services for four-year-old children on the school campus and in the surrounding area;
- (2) The availability of a classroom and outdoor play area that meet department of human services requirements for health and safety for four-year-old children; and
- (3) The commitment of the principal to implementing a high-quality prekindergarten program including through active participation in professional development sessions offered through the office, and to promoting continuity and alignment between and across other early

learning programs in the community and other grade levels in the school to ensure the positive outcomes of children are sustained.

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

(d) The program shall include students with disabilities based on individualized education program placement, recognizing that the in-classroom ratio of students with disabilities to the general population shall be based on the inclusion of children with disabilities in proportion to their presence in the general population; provided that application of this principle does not anticipate or permit imposing caps or quotas on the number of children with disabilities in a program or not individualizing services for children with disabilities under the Individuals with Disabilities Education Act of 2004 (20 U.S.C. 1400-1409, 1411-1419, 1431-1444, 1450-1482). The department of education shall collaborate with the office to coordinate services for students with disabilities who are placed in the classroom offered through the program. Funding for all costs associated with implementation of the individualized education programs of students shall be provided through the department of education.

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

(f) The program shall enroll a maximum of twenty children per classroom.

~~[(d)]~~ (g) The program shall incorporate high-quality standards pursuant to rules adopted by the office. High-quality standards shall be research-based, developmentally-appropriate practices associated with better educational outcomes for children, such as:

- (1) Positive teacher-child interactions[; that shall be evaluated through observations conducted by the office using a tool several times a year; provided that the observations shall not be used for the purposes of teacher evaluation;
- (2) Use of individual child assessments that are used for ongoing instructional planning, ~~[based upon]~~ relating to all areas of childhood development and learning, including cognitive, linguistic, social, and emotional approaches to learning and health and physical development;
- (3) Family engagement[; and] in partnership with the schools, including conducting outreach for enrollment and engagement of families in their children's education;
- (4) Alignment with the Hawaii early learning and development standards, which align with department of education standards, state content and performance standards, and general learner outcomes for grades kindergarten to twelve, to facilitate a seamless and high-quality educational experience for children[-];
- (5) A teacher who has coursework in early childhood education pursuant to Hawaii teacher standards board licensing requirements for a prekindergarten teacher. For program purposes, a teacher shall satisfy the Hawaii teacher standards board licensing requirements for a prekindergarten teacher or be enrolled in a State-approved teacher

- education program and working toward satisfying the Hawaii teacher standards board licensing requirements; and
- (6) An educational assistant who has a child development associate credential or the associated coursework. For program purposes, an educational assistant shall have a current child development associate credential, coursework for a certificate that meets the requirements for child development associate credential preparation, or is enrolled in and working toward completing a program that prepares the individual to obtain the credential.

The office shall monitor implementation of the high-quality educational experience for children.

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

~~[(f)]~~ (i) The office shall provide support to incorporate the high-quality standards developed pursuant to subsection ~~[(d)-]~~ (g), including support related to teacher-child interactions, individual child assessments, and family engagement. Teaching staff participating in the program shall participate in coaching and mentoring offered through the office; provided that the office shall cover the associated travel and substitute teacher costs. The office may extend this support, excluding travel and substitute teacher costs, to individuals who are not participating in the program to promote alignment between all grade levels, programs, and settings.

(j) The teacher and educational assistant teaching in the classroom through the program shall provide direct services solely to students enrolled in the program and shall be provided time for meetings regarding program implementation in the program.

(k) The teacher and educational assistant teaching in the classroom through the program shall be included in school meetings and activities to promote alignment between all grade levels and settings, including school-wide professional development relating to social emotional learning, cultural and place-based instructional strategies, and transition to kindergarten.

(l) Each school participating in the program shall work with the office to develop and annually update a written two- to three-year plan to promote, within the school and community, alignment of and transitions between high-quality learning experiences, and submit to the office and the appropriate complex area superintendent a report on progress made toward the plan by the end of each school year.

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

(n) To promote the development of a cohesive, comprehensive, and sustainable early learning system, the office shall partner with the schools participating in the program to collaborate with:

- (1) Other early learning providers, including those providing the programs and services specified in section 302L-2(A)(2), to promote alignment between prekindergarten and elementary school programs and to support children and their families in making successful transitions from prekindergarten into kindergarten; and
- (2) Early intervention programs.

~~[(h)]~~ (o) The office shall collect data with assistance from the department of education and state public charter school commission, based on a schedule to be determined by the office, to:

- (1) Evaluate the services provided;
- (2) Inform policy; and

(3) Make any improvements to the program.

~~[(4)]~~ (p) The department of education and any public charter school existing pursuant to chapter 302D, may use available classrooms for public preschool programs statewide. The office shall give priority to public charter schools that serve high populations of underserved or at-risk children. Preschool classrooms established pursuant to this section shall be in addition to any classrooms used for the pre-plus program established pursuant to ~~[rules adopted by the department pursuant to chapter 91-]~~ section 302L-1.7.

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

SECTION 11. Section 346-152, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

- (1) A person caring for children related to the caregiver by blood, marriage, or adoption;
- (2) A person, group of persons, or facility caring for a child less than six hours a week;
- (3) A kindergarten, school, or child care program licensed or certified by the department of education or the United States Department of Defense and located on federal property;
- (4) A classroom administered by the executive office on early learning pursuant to section 302L-7;
- ~~[(4)]~~ (5) A program that provides exclusively for a specialized training or skill development for children, including but not limited to programs providing activities such as athletic sports, foreign language, the Hawaiian language, dance, drama, music, or martial arts;
- ~~[(5)]~~ (6) A multiservice organization or community association, duly incorporated under the laws of the State, that operates for the purpose of promoting recreation, health, safety, or social group functions for eligible pupils in public and private schools through seventeen years of age;
- ~~[(6)]~~ (7) Programs for children four years of age and older that operate for no more than two consecutive calendar weeks in a three-month period;
- ~~[(7)]~~ (8) A provider agency operating or managing a homeless facility or any other program for homeless persons authorized under part XVII;
- ~~[(8)]~~ (9) After-school, weekend, and summer recess programs conducted by the department of education pursuant to section 302A-408;
- ~~[(9)]~~ (10) Child care programs conducted by counties pursuant to section 302A-408; provided that each county adopts rules for its programs;
- ~~[(10)]~~ (11) Any person who enters a home in a child caring capacity and only cares for children who are of that household;
- ~~[(11)]~~ (12) A person caring for two or fewer children unrelated to the caregiver by blood, marriage, or adoption; and
- ~~[(12)]~~ (13) A child care program licensed by the Hawaii council of private schools. A child care program claiming an exemption under this paragraph shall submit an application for the exemption on a form provided by the department and shall provide to the department evidence that the licensing standards of the Hawaii council of private schools meet or exceed the department’s standards for

a comparable program, including a monitoring component. Upon application of a child care program for the exemption under this paragraph, the department shall have the discretion to determine whether the licensing standards of the Hawaii council of private schools meet or exceed the department's standards."

PART V REPORT TO THE LEGISLATURE

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

"§302L-¹ Public prekindergarten classrooms; annual report to the legislature. The department shall submit to the legislature an annual report regarding special education and Title I-funded prekindergarten programs, to include, as related to each type of program:

- (1) The number and location of classrooms;
- (2) Numbers of students served and aggregated by birth month as of the date on which the official enrollment count is taken;
- (3) Sources of funding for each classroom;
- (4) Quality of teacher-child interactions relating to social emotional support, classroom structure, and quality of learning experiences, as assessed using a formative assessment tool; and
- (5) Child outcomes relating to all areas of childhood development and learning, including cognitive, linguistic, social, and emotional approaches to learning and health and physical development, as assessed using a formative assessment tool."

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

"§302L- Public prekindergarten classrooms; annual report to the legislature. The office shall submit to the legislature an annual report regarding State-funded prekindergarten programs and private partnership-funded prekindergarten programs in the public schools, except special education and Title I-funded prekindergarten programs, to include, as related to each type of program:

- (1) The number and location of classrooms;
- (2) Numbers of students served and aggregated by birth month as of the date on which the official enrollment count is taken;
- (3) Sources of funding for each classroom;
- (4) Quality of teacher-child interactions relating to social emotional support, classroom structure, and quality of learning experiences, as assessed using a formative assessment tool selected by the office; and
- (5) Child outcomes relating to all areas of childhood development and learning, including cognitive, linguistic, social, and emotional approaches to learning and health and physical development, as assessed using a formative assessment tool selected by the office.

The department and state public charter school commission shall share data with the office necessary for the purposes of this report."

PART VI APPROPRIATIONS

SECTION 14. There is appropriated out of the general revenues of the State of Hawaii the sum of \$362,000 or so much thereof as may be necessary for fiscal year 2019-2020 and \$989,120 or so much thereof as may be necessary for fiscal year 2020-2021 to the executive office on early learning for operational costs to expand the executive office on early learning public prekindergarten program by 10 additional classrooms, which shall be allocated as follows:

- (1) \$110,000 for fiscal year 2019-2020 for the early learning induction program;
- (2) \$59,000 for fiscal year 2020-2021 for the early learning academy;
- (3) \$252,000 for fiscal year 2019-2020 and \$93,000 for fiscal year 2020-2021 for classroom furniture, supplies, and administrative costs;
- (4) \$546,220 for fiscal year 2020-2021 for 10 full-time equivalent (10.0 FTE) preschool teacher positions; and
- (5) \$290,900 for fiscal year 2020-2021 for 10 full-time equivalent (10.0 FTE) educational assistant III positions.

The sum appropriated shall be expended by the executive office on early learning for the purposes of this Act.

SECTION 15. The director of finance is authorized to issue general obligation bonds in the sum of \$6,500,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fiscal year 2019-2020 for the purpose of retrofitting 10 classrooms on department school campuses that will be used to expand the executive office on early learning public prekindergarten program.

The sum appropriated shall be expended by the executive office on early learning for the purposes of this Act.

SECTION 16. There is appropriated out of the general revenues of the State of Hawaii the sum of \$885,000 or so much thereof as may be necessary for fiscal year 2019-2020 and \$681,000 or so much thereof as may be necessary for fiscal year 2020-2021 to expand the executive office on early learning public prekindergarten program with prekindergarten classrooms transferred from the department of education to the executive office on early learning pursuant to this Act.

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

SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$115,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for the executive office on early learning to provide professional learning support for teachers and principals of prekindergarten classrooms in the department of education.

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

SECTION 18. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,000,000 or so much thereof as may be necessary for fiscal year 2019-2020 and \$4,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 to continue the currently existing eighteen federally funded charter school prekindergarten classrooms that were provided for by the

federal preschool development grant, by adding them as new classrooms in the executive office on early learning public prekindergarten program that are subject to a memorandum of agreement or memorandum of understanding that is entered into with the executive office on early learning pursuant to the requirements of section 302L-7, Hawaii Revised Statutes. This appropriation shall be exempt from section 302D-28, Hawaii Revised Statutes.

The sum appropriated shall be expended by the executive office on early learning for the purposes of this Act.

SECTION 19. There is appropriated out of the general revenues of the State of Hawaii the sum of \$132,037 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for additional positions to support the executive office on early learning public prekindergarten program, which shall be allocated as follows:

- (1) \$91,909 for fiscal year 2019-2020 and \$91,909 for fiscal year 2020-2021 for one full-time equivalent (1.00 FTE) permanent educational specialist II position; and
- (2) \$40,128 for fiscal year 2019-2020 and \$40,128 for fiscal year 2020-2021 for one full-time equivalent (1.00 FTE) permanent secretary IV position.

The sum appropriated shall be expended by the executive office on early learning for the purposes of this Act.

SECTION 20. There is appropriated out of the general revenues of the State of Hawaii the sum of \$145,123 or so much thereof as may be necessary for fiscal year 2019-2020 and \$126,423 or so much thereof as may be necessary for fiscal year 2020-2021 to the executive office on early learning for additional operating costs and positions to support the executive office on early learning public prekindergarten program, which shall be allocated as follows:

- (1) \$8,200 for fiscal year 2019-2020 for computer equipment;
- (2) \$3,028 for fiscal year 2019-2020 and \$528 for fiscal year 2020-2021 for phones and phone lines;
- (3) \$8,000 for fiscal year 2019-2020 for furniture;
- (4) \$93,231 for fiscal year 2019-2020 and \$93,231 for fiscal year 2020-2021 for one full-time equivalent (1.0 FTE) institutional analyst I position; and
- (5) \$32,664 for fiscal year 2019-2020 and \$32,664 for fiscal year 2020-2021 for one full-time equivalent (1.0 FTE) office assistant IV position.

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

SECTION 21. There is appropriated out of the general revenues of the State of Hawaii the sum of \$20,128 or so much thereof as may be necessary for fiscal year 2019-2020 and \$528 or so much thereof as may be necessary for fiscal year 2020-2021 to the executive office on early learning for additional operating costs to support the systems-building work of the office, which shall be allocated as follows:

- (1) \$8,200 for fiscal year 2019-2020 for computer equipment;
- (2) \$3,928 for fiscal year 2019-2020 and \$528 for fiscal year 2020-2021 for phones and phone lines; and
- (3) \$8,000 for fiscal year 2019-2020 for furniture.

The sum appropriated shall be expended by the executive office on early learning for the purposes of this Act.

SECTION 22. Provided that of the general funds appropriated pursuant to section 3, item G-9, of the General Appropriations Act of 2019 (H.B. 2, H.D. 1, S.D. 1, C.D.1),² the following positions are authorized:

- (1) One full-time equivalent (1.00 FTE) permanent program specialist V position for fiscal year 2019-2020 and fiscal year 2020-2021 to coordinate efforts in the development of Hawaii's early childhood workforce; and
- (2) One full-time equivalent (1.00 FTE) permanent communication specialist position for fiscal year 2019-2020 and fiscal year 2020-2021 to facilitate communication needs of the executive office on early learning and the early learning board.

The sum appropriated shall be expended by the executive office on early learning for the purposes of this Act.

PART VII TURNOVER SAVINGS AND TRANSFERS

SECTION 23. There is appropriated out of the general revenues of the State of Hawaii the sum of \$153,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for teacher certification incentives; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 24. There is appropriated out of the general revenues of the State of Hawaii the sum of \$155,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for school climate and student safety initiatives; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 25. There is appropriated out of the general revenues of the State of Hawaii the sum of \$774,110 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for school-based budgeting; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 26. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for early college programs in high schools.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 27. There is appropriated out of the general revenues of the State of Hawaii the sum of \$575,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for teacher license fees; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 28. There is appropriated out of the general revenues of the State of Hawaii the sum of \$226,640 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for school support; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 29. There is appropriated out of the general revenues of the State of Hawaii the sum of \$7,608,587 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for skilled nursing services; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 30. There is appropriated out of the general revenues of the State of Hawaii the sum of \$422,091 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for state administration; provided that the sum appropriated shall be considered a recurring adjustment to the base budget.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 31. Provided that of the general funds appropriated pursuant to section 3, item G-2, of the General Appropriations Act of 2019 (H.B. 2, H.D. 1, S.D. 1, C.D.1),² the sum of \$1,800,183 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for other current expenses and personal services for applied behavioral analysis services; provided further that the sum appropriated pursuant to this section shall be transferred from personal services to other current expenses and personal services for applied behavioral analysis services by the department of education for the purposes of this section.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

PART VIII MISCELLANEOUS

SECTION 32. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the entire Act shall be invalidated, and the Act shall not be given effect, and to this end the provisions of this Act are non-severable.

SECTION 33. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 34. This Act shall take effect on July 1, 2019.

(Became law on July 9, 2019, without the governor's signature, pursuant to Art. III, §16, State Constitution.)

Notes

1. So in original.

2. Act 5.

3. Edited pursuant to HRS §23G-16.5.