
A BILL FOR AN ACT

VETO OVERRIDE

ACT No. 14

Approved: f / Cmy

Dated: July 8, 2008

RELATING TO EARLY LEARNING.

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

1 PART I

2 PURPOSE

3 SECTION 1. The legislature reaffirms its findings in Act
4 51, Session Laws of Hawaii 2004, that:

5 *[A]lthough many responsibilities are laid upon education,*
6 *ultimately education must do no less than advance the*
7 *endowment of human culture itself, so that each succeeding*
8 *generation finds itself further along the road towards*
9 *peace, social justice, and environmental sustainability in*
10 *a society guided by creativity, compassion, and curiosity.*

11 The legislature finds that Hawaii's children, starting at birth,
12 need support and guidance from families, caregivers, and
13 teachers to reach their full potential as citizens. As a report
14 released in 2007 by the National Scientific Council on the
15 Developing Child, *The Science of Early Childhood Development,*
16 *Closing the Gap Between What We Know and What We Do,* so aptly
17 states:



1 *The future of any society depends on its ability to*
2 *foster the health and well-being of the next*
3 *generation. Stated simply, today's children will*
4 *become tomorrow's citizens, workers, and parents.*
5 *When we invest wisely in children and families, the*
6 *next generation will pay that back through a lifetime*
7 *of productivity and responsible citizenship. When we*
8 *fail to provide our children with what they need to*
9 *build a strong foundation for healthy and productive*
10 *lives, we put our future prosperity and security at*
11 *risk.*

12 Yet, many of Hawaii's children lack the fundamental skills
13 they should have when they enter kindergarten, a problem for
14 which our state, let alone society as a whole, cannot afford a
15 delayed response. *From Neurons to Neighborhoods*, a report
16 developed by a committee of 17 national experts in the fields of
17 education, psychiatry, neuroscience, economics, and public
18 policy, found that:

19 *[S]triking disparities in what children know and can*
20 *do are evident well before they enter kindergarten.*

21 *These differences are strongly associated with social*



1 *and economic circumstances, and they are predictive of*
2 *subsequent academic performance.*

3 Research has confirmed that a large gap exists between the
4 academic abilities of children from high- and low-income
5 families by age six: the latter "lag further behind in
6 acquiring more sophisticated reading and math knowledge and
7 skills such as recognizing words by sight or solving simple
8 addition and subtraction problems" (National Child Care
9 Association, 2002).

10 The gap can be closed by building an early learning system
11 for Hawaii. Decades of research have determined that
12 investments in high-quality early learning systems, based on the
13 collective involvement of families, caregivers, and teachers,
14 produce significant, long-term benefits for all children. These
15 benefits include improved school success, decreased dropout
16 rates, reduced crime, and increased workforce preparedness and
17 productivity.

18 Thirty-six states now offer some type of publicly-funded
19 preschool program. Two states, Oklahoma and Georgia, have
20 established preschool systems for all four-year-olds statewide,



1 and New York, Florida, and Illinois are in the process of
2 establishing similar systems.

3 Hawaii is now one of only a few states in the nation that
4 lacks a state-sponsored early learning system, despite the fact
5 that it was one of the leaders in providing universal access for
6 kindergarten and providing in 2001 a definition for "school
7 readiness," which acknowledged the joint responsibility of
8 families, schools, and communities in preparing children for
9 lifelong learning. The legislature acknowledges the significant
10 milestones achieved thus far in promoting young children's
11 development and school readiness through public and private
12 efforts:

13 (1) Hawaii's healthy start program provides home visiting
14 support to 2,400 at-risk children each year, and head
15 start and early head start programs currently serve
16 over 3,000 children from low-income families;

17 (2) Publicly-funded subsidies provided by the department
18 of human services -- including the preschool open
19 doors program that serves four-year-old children, and
20 the subsidies provided to eligible parents and
21 caregivers using federal funds from the child care



1 development block grant and temporary assistance to
2 needy families block grant -- make private child care
3 and early learning programs more accessible to many
4 children in need;

5 (3) Other programs of the department of human services
6 have increased both the quality and quantity of child
7 care services, including the pre-plus program which
8 operates at 16 department of education elementary
9 schools throughout the state, and the child care
10 capacity building and quality incentive payments
11 program which supports professional development and
12 increased capacity at private preschools;

13 (4) Local philanthropic educational organizations, such as
14 Kamehameha Schools, operate and otherwise contribute
15 to a full spectrum of early learning services for
16 children from birth until the time they enter
17 kindergarten;

18 (5) The United States Department of Defense has developed
19 a nationally-renowned quality child care system that
20 incorporates measures of accountability and offers



1 technical support, and is available to share its
2 expertise with local communities; and
3 (6) Act 219, Session Laws of Hawaii 2004, established a
4 two-tier junior kindergarten and kindergarten program
5 within the department of education to support the
6 range of developmental abilities of children. The
7 program allows for an extended period of time for a
8 child to succeed in kindergarten prior to entering
9 first grade.

10 However, the current landscape of Hawaii's early learning
11 services remains highly fragmented and lacks cohesiveness. Act
12 77, Session Laws of 1997, created a public-private partnership
13 to build a coordinated system of early childhood care and
14 education, but it lacked sufficient authority, resources, and
15 accountability to reach its intended goal.

16 The current array of services and expertise form the basis
17 for further development and integration into an early learning
18 system that better serves Hawaii's young children and their
19 families. The legislature finds that the state needs a
20 cohesive, comprehensive, and sustainable early learning system
21 that ensures a spectrum of quality early learning opportunities



1 for young children from birth until the time they enter
2 kindergarten. It is vital that the early learning system be
3 widely accessible and provide high-quality education and
4 services that are evidence- and standards-based and require
5 accountability, all the while maintaining sensitivity to family
6 choice and cultural elements.

7 In 2006, the 23rd legislature passed Act 259, establishing
8 the early learning educational task force, a diverse group of
9 public and private stakeholders given the mission to develop a
10 five-year plan for an early learning system. The resulting plan
11 proposed a comprehensive, voluntary early learning system that
12 would initially offer services to four-year-old children and
13 focus on underserved families. In time, all families,
14 regardless of income or background, would be provided access to
15 high-quality, culturally-responsive early learning services that
16 promote the healthy, successful development of children and
17 their ability to reach their full potential. In late 2007, the
18 task force produced a report to present their plan and findings
19 and recommendations for an early learning system, including cost
20 models with implementation guidelines over either a five- or
21 ten-year period. The task force and its members are to be



1 commended for their excellent efforts that spanned over a year
2 of meetings and discussion. This Act takes into consideration
3 the findings and recommendations of the task force.

4 The purpose of this Act is to help Hawaii's children
5 succeed upon entry into kindergarten by:

- 6 (1) Establishing an early learning system to be known as
- 7 keiki first steps;
- 8 (2) Creating the early learning council to develop and
- 9 administer the state's early learning system;
- 10 (3) Establishing the keiki first steps grant program;
- 11 (4) Statutorily establishing the pre-plus program; and
- 12 (5) Promoting the development of early learning
- 13 facilities.

14 PART II

15 EARLY LEARNING SYSTEM

16 SECTION 2. The Hawaii Revised Statutes is amended by
17 adding a new chapter to be appropriately designated and to read
18 as follows:

19 "CHAPTER

20 EARLY LEARNING SYSTEM



1 § -1 **Definitions.** As used in this chapter, unless the
2 context otherwise requires:

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 eligible for special education services;

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

9 (3) Who reside within a public school district,
10 established under chapter 302A, that is in need of
11 improvement based on the criteria of the federal No
12 Child Left Behind Act of 2001 (Public Law 107-110), as
13 amended; or

14 (4) Whose family income is no more than two hundred fifty
15 per cent of the federal poverty level.

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



1 "Council" means the early learning council established
2 pursuant to this chapter.

3 "Family child care program" means a program in which a
4 child is cared for in a family child care home licensed under
5 section 346-161.

6 "Family-child interaction learning program" means a program
7 attended by both a child and at least one adult who is the
8 child's parent, relative, or other caregiver, that facilitates
9 family-child interactive learning experiences for children and
10 educates the family member or members about how to encourage the
11 child's learning.

12 "Home-based instruction program" means a family-
13 involvement, school-readiness program that helps families
14 prepare their child for success in school and beyond, and that
15 is based in the child's home; provided that home schooling is
16 not a home-based instruction program.

17 § -2 **Early learning system; keiki first steps.** There is
18 established an early learning system, to be known as keiki first
19 steps, that shall ensure a spectrum of high-quality early
20 learning opportunities for children throughout the state, from
21 birth until the time they enter kindergarten, with priority



1 given to underserved or at-risk children. The early learning
2 system shall be developed and administered by the early learning
3 council to the extent permissible by law. The early learning
4 system shall:

5 (1) Be widely accessible and voluntary for both those
6 served and program and service providers;

7 (2) Be a cohesive, comprehensive, and sustainable system
8 in which:

9 (A) All existing early learning programs and
10 services, whether publicly- or privately-run,
11 which consist of a variety of early learning
12 approaches, service deliveries, and settings,
13 including center-based programs, family child
14 care programs, family-child interaction learning
15 programs, and home-based instruction programs
16 designed to promote early learning, are
17 coordinated, improved, and expanded;

18 (B) Public and private resources are maximized; and

19 (C) The use of public facilities for either publicly-
20 or privately-run early learning programs is
21 maximized;



1 (3) Provide high-quality early learning experiences with:

2 (A) Standards-based content and curriculum, and
3 accountability; and

4 (B) Sufficient numbers of well-qualified educators
5 and administrators who are fairly compensated and
6 have access to continuing professional
7 development;

8 (4) Offer opportunities for family and community
9 engagement and parent education and support; and

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

11 § -3 **Early learning council.** (a) There is established
12 an early learning council which shall be attached to the
13 department of education for administrative purposes only,
14 notwithstanding any other law to the contrary. To the extent
15 permissible by law, the council shall develop and administer the
16 early learning system established in section -2 to benefit all
17 children throughout the state, from birth until the time they
18 enter kindergarten. In developing the early learning system,
19 the council shall, among other things:

20 (1) Establish policies and procedures governing its
21 operations;



- 1 (2) Develop a plan, with goals and objectives, for the
- 2 early learning system, including the development,
- 3 execution, and monitoring of a phased implementation
- 4 plan;
- 5 (3) Coordinate, improve, and expand upon existing early
- 6 learning programs and services for children from birth
- 7 until the time they enter kindergarten;
- 8 (4) Establish policies and procedures to include existing
- 9 early learning programs and services;
- 10 (5) Establish additional early learning programs and
- 11 services;
- 12 (6) Establish policies and procedures governing the
- 13 inclusion of children with special needs;
- 14 (7) Develop incentives to enhance the quality of programs
- 15 and services within the early learning system;
- 16 (8) Coordinate efforts to develop a highly-qualified,
- 17 stable, and diverse workforce, including:
- 18 (A) Ensuring that more early childhood educators and
- 19 administrators, existing or potential, have
- 20 opportunities to receive early childhood



- 1 education degrees, including offering higher
- 2 education scholarships;
- 3 (B) Increasing the availability of early childhood
- 4 education coursework, including distance learning
- 5 courses and community-based early childhood
- 6 education training;
- 7 (C) Providing access to continuing professional
- 8 development for all educators and administrators;
- 9 (D) Establishing a system for awarding appropriate
- 10 credentials to educators and administrators, as
- 11 incentives to improve the quality of programs and
- 12 services, relevant to the various early learning
- 13 approaches, service deliveries, and settings,
- 14 such as for experience or coursework or degrees
- 15 completed;
- 16 (E) Providing consultation on the social-emotional
- 17 development of children; and
- 18 (F) Providing substitute teacher allowances;
- 19 (9) Develop and implement methods of maximizing the
- 20 involvement of families, caregivers, and teachers in
- 21 the early learning system;



- 1 (10) Develop an effective, comprehensive, and integrated
2 system to provide training and technical support to
3 programs and services within the early learning
4 system;
- 5 (11) Develop standards of accountability to ensure that
6 high-quality early learning experiences are provided
7 by programs and services of the early learning system;
- 8 (12) Collect, interpret, and release data relating to early
9 learning in the state;
- 10 (13) Recommend the appropriate proportion of state funds
11 that should be distributed to programs and services
12 across the early learning system, to ensure the most
13 effective and efficient allocation of fiscal resources
14 within the early learning system;
- 15 (14) Promote awareness of early learning opportunities to
16 families and the general public; and
- 17 (15) Consult with community groups, including statewide
18 organizations that are involved in early learning
19 professional development, policy and advocacy, and
20 early childhood programs, to broaden the council's
21 knowledge of early learning.



1 (b) The council shall consist of the following voting
2 members:

3 (1) The superintendent of education or the
4 superintendent's designee;

5 (2) The director of human services or the director's
6 designee;

7 (3) The director of health or the director's designee;

8 (4) The president of the University of Hawaii or the
9 president's designee;

10 (5) A representative of center-based program providers;

11 (6) A representative of family child care program
12 providers;

13 (7) A representative of family-child interaction learning
14 program providers;

15 (8) A representative of philanthropic organizations that
16 support early learning; and

17 (9) Two representatives of the Hawaii Council of Mayors.

18 The council shall invite the director of the Hawaii head
19 start state collaboration office, the chief executive officer of
20 the Kamehameha Schools, and the executive director of the Hawaii



1 Association of Independent Schools, or their designees, to serve
2 as voting members of the council.

3 Except for the superintendent of education, directors of
4 state departments, president of the University of Hawaii,
5 director of the Hawaii head start state collaboration office,
6 chief executive officer of the Kamehameha Schools, and executive
7 director of the Hawaii Association of Independent Schools, or
8 their designees, and the two representatives of the Hawaii
9 Council of Mayors, the members shall be nominated and, by and
10 with the advice and consent of the senate, appointed by the
11 governor.

12 (c) Except for the superintendent of education, directors
13 of state departments, president of the University of Hawaii,
14 director of the Hawaii head start state collaboration office,
15 chief executive officer of the Kamehameha Schools, and executive
16 director of the Hawaii Association of Independent Schools, or
17 their designees, members of the council shall serve staggered
18 terms as follows:

19 (1) The representative of center-based program providers
20 shall serve a two-year term;



- 1 (2) The representative of family child care program
2 providers shall serve a three-year term;
- 3 (3) The representative of family-child interaction
4 learning program providers shall serve a three-year
5 term;
- 6 (4) The representative of philanthropic organizations that
7 support early learning shall serve a two-year term;
8 and
- 9 (5) Of the two representatives of the Hawaii Council of
10 Mayors, one shall serve a two-year term, and the other
11 shall serve a three-year term as determined by the
12 Hawaii Council of Mayors.
- 13 (d) The council shall select a chairperson by a majority
14 vote of its members; provided that the chairperson shall be a
15 representative from the private sector. A majority of the
16 members serving on the council shall constitute a quorum to do
17 business. The concurrence of the majority of the members
18 serving on the council shall be necessary to make any action of
19 the council valid.
- 20 (e) The council may form workgroups and subcommittees,
21 including with individuals who are not council members, to:



- 1 (1) Obtain resource information from early learning
- 2 professionals and other individuals as deemed
- 3 necessary by the council;
- 4 (2) Make recommendations to the council; and
- 5 (3) Perform other functions as deemed necessary by the
- 6 council to fulfill its duties and responsibilities.

7 Two or more council members, but less than a quorum, may discuss
8 matters relating to official council business in the course of
9 their participation in a workgroup or subcommittee, and such
10 discussion shall be a permitted interaction as provided for in
11 section 92-2.5.

12 (f) Members of the council shall serve without
13 compensation but shall be reimbursed for expenses, including
14 travel expenses, necessary for the performance of their duties.

15 (g) The council shall appoint, without regard to chapters
16 76 and 89, an executive director who shall serve at the pleasure
17 of the council and whose duties shall be set by the council.
18 The salary of the executive director shall be set by the
19 council; provided that the salary shall not exceed the salary of
20 the deputy director of the department of human services. The
21 executive director may also appoint other personnel, without



1 regard to chapters 76 and 89, to work directly for the executive
2 director.

3 (h) The council may require reports as necessary in the
4 form specified by the council, from state agencies, and program
5 and service providers of the early learning system. All
6 publicly-run programs and services that participate in the early
7 learning system shall establish a system to account for
8 expenditures of non-federal funds that would qualify for
9 matching federal childcare and development funds, or other
10 federal funds, and provide this data to the council to maximize
11 the availability of federal funds. Privately-run programs and
12 services that participate in the early learning system shall be
13 encouraged to make the same data available.

14 (i) The council shall submit to the legislature no later
15 than twenty days prior to the convening of each regular session,
16 a report regarding:

- 17 (1) Its progress; and
- 18 (2) The status of the early learning system in the state.

19 § -4 Keiki first steps grant program; establishment.

20 (a) There is established, as part of the early learning system,
21 the keiki first steps grant program, to be developed by the



1 council and administered by the department of human services.
2 The program shall increase early learning opportunities that
3 meet high standards of quality through the awarding of grants to
4 publicly- or privately-run:

- 5 (1) Center-based programs for three- and four-year-old
6 children; and
- 7 (2) Family child care programs, family-child interaction
8 learning programs, and other early learning programs
9 and services regardless of the age of children served.

10 (b) Eligibility criteria for grants. The department of
11 human services may award grants for the keiki first steps grant
12 program based on criteria that shall be developed by the
13 council. The criteria shall include the requirement that early
14 learning programs and services meet certain standards of
15 quality, including:

- 16 (1) The implementation of evidence-based and culturally
17 responsive models of service delivery;
- 18 (2) The use of evidence-based curricula and methods;
- 19 (3) Minimum scheduling requirements, as follows:
 - 20 (A) For center-based programs: providing services
21 for a full school day and full school year;



- 1 (B) For family child care programs: providing
2 services for three hours daily for a full school
3 year;
- 4 (C) For family-child interaction learning programs
5 operating in classroom-like settings: providing
6 early learning activities at least twice a week
7 for a full school year, and for a minimum of
8 three hours each day; and
- 9 (D) For home-based instruction programs: providing
10 early learning activities for no fewer than
11 thirty weeks within a school year;
- 12 (4) Staff-to-child ratios and group size that meet or
13 exceed nationally recommended standards;
- 14 (5) The employment of teachers and administrators who meet
15 the qualifications required by the council;
- 16 (6) The incorporation of preschool content standards or
17 other early learning guidelines;
- 18 (7) The implementation of health and developmental
19 screenings for children;
- 20 (8) Opportunities for parent or family engagement and
21 parent education and support; and



1 (9) Activities for monitoring and data collection to
2 evaluate early learning programs and services and
3 inform best practices.

4 (c) Training; technical assistance; monitoring. The
5 department of human services may offer technical support to, and
6 shall be responsible for monitoring to ensure the accountability
7 of programs and services within the keiki first steps grant
8 program, according to the standards developed by the council.

9 § -5 **Keiki first steps trust fund.** There is established
10 within the state treasury the keiki first steps trust fund, to
11 be administered by the early learning council, into which shall
12 be deposited all moneys received by the council in the form of:

- 13 (1) Fees;
- 14 (2) Grants;
- 15 (3) Donations;
- 16 (4) Appropriations made by the legislature to the fund;
- 17 and
- 18 (5) Revenues regardless of their source,

19 and earnings on moneys in the fund. Moneys in the fund shall be
20 used for the early learning system. Expenditures from the fund
21 may be made by the council without appropriation or allotment."



PART III

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SECTION 3. Section 302A-409, Hawaii Revised Statutes, is repealed.

~~["§302A-409] Policy. The department shall develop a plan for quality voluntary early education that will be fully implemented and available statewide to all eligible children on a voluntary basis no later than January 1, 2000."~~

SECTION 4. Section 302A-410, Hawaii Revised Statutes, is repealed.

~~["§302A-410 Quality early education plan. (a) The department plan for quality early education shall focus on children from ages four up to six years.~~

~~(b) The board shall adopt standards and criteria for quality early education based on current national standards and the needs of Hawaii's children. The standards and criteria shall provide the basis upon which the early education plan shall be developed.~~

~~(c) The department of education shall work cooperatively with the department of human services, the department of health, college level education programs, early education organizations, parents of young children, and other appropriate organizations,~~

1 ~~in developing a quality early education plan. The plan shall~~
2 ~~include but not be limited to the following:~~

3 ~~(1) Standards for curriculum, activities, facilities, and~~
4 ~~teacher training for early childhood education;~~

5 ~~(2) Methods and materials designed to involve and educate~~
6 ~~parents and guardians in the education and development~~
7 ~~of their young children;~~

8 ~~(3) A timetable and implementation schedule, approved by~~
9 ~~the board, to be submitted to the governor and the~~
10 ~~legislature;~~

11 ~~(4) Costs for delivery of early childhood services,~~
12 ~~including how costs can be shared between the public~~
13 ~~and private sectors; and~~

14 ~~(5) Assessment of training and certification capacity of~~
15 ~~teachers, including assurances by teacher training~~
16 ~~institutions to recruit and graduate qualified staff~~
17 ~~for early childhood education.~~

18 ~~(d) Early education shall be delivered through private~~
19 ~~providers to the maximum extent possible, and provision shall be~~
20 ~~made to enable parents and guardians to opt for home care if~~



1 ~~they so choose by providing early childhood education resources~~
2 ~~in each school for in-home use.~~

3 ~~(c) Beginning with the 1997-1998 school year, this section~~
4 ~~shall be interpreted as though the term "certification" read~~
5 ~~"licensing", as the term is used in part III, subpart D, and as~~
6 ~~circumstances require."]~~

7 PART IV

8 EARLY LEARNING FACILITIES

9 SECTION 5. Chapter 346, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§346- Early childhood education facilities; pre-plus.

13 (a) There is established the pre-plus program within the
14 department to expand access to affordable and high-quality early
15 childhood education for three- to four-year-old children from
16 low-income families, by allowing preschool programs to be
17 established on public school campuses through public-private
18 partnerships.

19 (b) The department and the department of education shall
20 work collaboratively to develop suitable pre-plus classrooms on
21 department of education campuses statewide, including conversion



1 charter school campuses. The department, with the department of
2 education, shall coordinate site selection for additional pre-
3 plus programs at public school sites, with priority given to
4 public school sites that serve at-risk children as defined in
5 section -1, including sites located in areas with limited
6 access to early learning programs and services."

7 SECTION 6. Section 302A-1506.5, Hawaii Revised Statutes,
8 is amended to read as follows:

9 "[+]§302A-1506.5[+] **Early [~~childhood education~~] learning**
10 **facilities; identifying sites.** (a) The department of education
11 shall identify unused public school facilities to be used for
12 [~~use by~~] early [~~childhood education~~] learning programs[-] and
13 services. Suitable empty classrooms, as determined by the
14 department, shall be inventoried for potential use [~~in~~] for
15 early [~~childhood education~~] learning programs[-] and services.
16 Priority shall be given to facilities on sites with sufficient
17 space for three or more classrooms to be renovated or
18 constructed.

19 (b) The department shall assist in the identification of
20 possible construction sites for private providers to build early
21 [~~childhood education~~] learning facilities.



