



**GOV. MSG. NO. 1281**

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 28, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 28, 2012, the following bill was signed into law:

SB2545 SD2 HD2 CD1

RELATING TO EDUCATION.  
**Act 178 (12)**

*Alaka'i*  
*Neil Abercrombie*

NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

on JUN 28 2012

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 178

S.B. NO. 2545  
S.D. 2  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that the period from  
2 birth to age five is the most crucial period of learning in a  
3 child's life. This is when over eighty-five per cent of a  
4 person's brain development takes place. Early life experiences  
5 lay the groundwork for a child's lifelong learning and behavior.  
6 The legislature further finds that high quality early learning  
7 programs that are affordable and accessible for all children are  
8 critically important for ensuring the success of Hawaii's keiki.

9           In addition, the significant, long-term benefits realized  
10 through investments in high-quality, early learning systems have  
11 been established through decades of research. Many studies show  
12 the importance of early childhood education. For example, a  
13 federal Department of Education study reports that children  
14 enrolled in kindergarten increase their knowledge and skills  
15 regardless of development prior to enrollment. Kindergarteners  
16 are expected to leave kindergarten knowing how to read and  
17 write. First graders who did not go to kindergarten are  
18 typically developmentally behind their peers in academic and



1 social development and are more likely to fail a grade level in  
2 elementary school.

3 The purpose of this Act is, among other things, to:

- 4 (1) Establish the executive office on early learning;  
5 (2) Establish the early learning advisory board to replace  
6 the early learning council;  
7 (3) Repeal junior kindergarten programs at the end of the  
8 2013-2014 school year;  
9 (4) Starting with the 2014-2015 school year, require  
10 students to be at least five years of age on July 31  
11 of the school year in order to attend kindergarten;  
12 (5) Make an appropriation to the executive office on early  
13 learning; and  
14 (6) Require an implementation plan and projected  
15 financials in order to ensure a seamless transition  
16 from the junior kindergarten program to the keiki  
17 first steps program in the 2014-2015 school year.

18 SECTION 2. Chapter 302L, Hawaii Revised Statutes, is  
19 amended by adding three new sections to be appropriately  
20 designated and to read as follows:

21 **"§302L-A Executive office on early learning; director;**  
22 **general functions, duties, and powers.** (a) There is



1 established an executive office on early learning that shall be  
2 temporarily placed within the office of the governor; provided  
3 that on July 1, 2015, the executive office on early learning  
4 shall be permanently established within the department of  
5 education for administrative purposes only.

6 (b) The head of the executive office on early learning  
7 shall be known as the director of the executive office on early  
8 learning, hereinafter referred to as director. The director  
9 shall:

- 10 (1) Be appointed by the governor;  
11 (2) Have professional training in the field of social  
12 work, education, or other related fields;  
13 (3) Have direct experience in programs or services related  
14 to early education;  
15 (4) Have recent experience in a supervisory, consultative,  
16 or administrative position;  
17 (5) Be paid a salary set by the governor that shall not  
18 exceed ninety per cent of the salary of the director  
19 of human resources development; and  
20 (6) Be included in any benefit program generally  
21 applicable to the officers and employees of the State.  
22 (c) The director shall be responsible for:



- 1       (1) Serving as the principal officer in state government  
2           responsible for the performance, development, and  
3           control of programs, policies, and activities related  
4           to a public-private comprehensive early childhood  
5           system for children, from prenatal care to entrance  
6           into kindergarten;
- 7       (2) Overseeing, supervising, and directing the performance  
8           of the director's subordinates in various activities,  
9           including planning, evaluation, and coordination of  
10          early learning programs;
- 11       (3) Administering funds allocated for the office and  
12           applying for, receiving, and disbursing grants and  
13           donations from all sources for early learning programs  
14           and services;
- 15       (4) Assessing the policies and practices of other agencies  
16           impacting early learning and conducting advocacy  
17           efforts for early learning;
- 18       (5) Advising agencies on new legislation, programs, and  
19           policy initiatives relating to early learning;
- 20       (6) Employing and retaining staff as may be necessary for  
21           the purposes of this section; and



1        (7) Contracting for services that may be necessary for the  
2        purposes of this section, including through master  
3        contracts with other state agencies receiving federal  
4        and state funds for programs and services for early  
5        learning, and purchase of service agreements with  
6        appropriate agencies.

7        (d) In developing the early learning system established  
8        pursuant to section 302L-2, the office, among other things,  
9        shall:

10       (1) Establish policies and procedures governing its  
11       operations;

12       (2) Develop a plan, with goals and objectives, for the  
13       early learning system, including the development,  
14       execution, and monitoring of a phased implementation  
15       plan;

16       (3) Coordinate, improve, and expand upon existing early  
17       learning programs and services for children from  
18       prenatal care until the time they enter kindergarten;

19       (4) Establish policies and procedures to include existing  
20       early learning programs and services;



- 1        (5) Establish additional early learning programs and  
2        services, including public and private partnerships,  
3        where applicable;
- 4        (6) Establish policies and procedures governing the  
5        inclusion of children with special needs;
- 6        (7) Develop incentives to enhance the quality of programs,  
7        services, and educational professionals within the  
8        early learning system;
- 9        (8) Coordinate efforts to develop a highly-qualified,  
10       stable, and diverse workforce;
- 11       (9) Develop and implement methods of maximizing the  
12       engagement of families, caregivers, and teachers in  
13       the early learning system;
- 14       (10) Develop an effective, comprehensive, and integrated  
15       system to provide training and technical support for  
16       programs and services within the early learning  
17       system;
- 18       (11) Develop standards of accountability to ensure that  
19       high-quality early learning experiences are provided  
20       by programs and services of the early learning system;
- 21       (12) Collect, interpret, and release data relating to early  
22       learning in the State;



1        (13) Recommend the appropriate proportion of state funds  
2        that should be distributed to programs and services  
3        across the early learning system, to ensure the most  
4        effective and efficient allocation of fiscal resources  
5        within the early learning system;

6        (14) Promote awareness of early learning opportunities to  
7        families and the general public; and

8        (15) Consult with community groups, including statewide  
9        organizations that are involved in early learning  
10       professional development, policy and advocacy, and  
11       early childhood programs.

12       (e) The Hawaii head start state collaboration office shall  
13       be transferred from the department of human services to the  
14       executive office on early learning.

15       **§302L-B Early learning advisory board.**    (a) There is  
16       established an early learning advisory board, whose members  
17       shall be appointed by the governor pursuant to section 26-34.  
18       The advisory board shall be responsible for:

19       (1) Advising the office on how best to meet the  
20       educational needs of children, from prenatal care to  
21       entry into kindergarten;





1        (2) Providing recommendations to the office on improving  
2        the quality, availability, and coordination of early  
3        childhood care and education programs;

4        (3) Promoting collaboration across agencies and  
5        stakeholders serving young children; and

6        (4) Being an independent voice for children's health,  
7        safety, development, and learning.

8        (b) The advisory board shall consist of the following  
9        voting members:

10       (1) A representative of center-based program providers or  
11       the representative's designee;

12       (2) A representative of family child care program  
13       providers;

14       (3) A representative of family-child interaction learning  
15       program providers;

16       (4) A representative of philanthropic organizations that  
17       support early learning or the representative's  
18       designee;

19       (5) A representative from a head start provider agency;

20       (6) A representative from the Hawaii Early Intervention  
21       Coordinating Council;

22       (7) A parent representative;



- 1       (8) A representative from the Hawaii chapter of the  
2           American Academy of Pediatrics;
- 3       (9) A representative of home-visiting program providers;
- 4       (10) A representative of Hawaiian medium early learning  
5           providers; and
- 6       (11) Two representatives of the Hawaii Council of Mayors or  
7           each representative's respective designee.

8       The superintendent of education, director of human  
9       services, director of health, and president of the University of  
10       Hawaii shall serve as ex officio, voting members of the advisory  
11       board.

12       The advisory board shall invite the director of the Hawaii  
13       head start state collaboration office, the chief executive  
14       officer of Kamehameha Schools, and the executive director of the  
15       Hawaii Association of Independent Schools, or their designees,  
16       to serve as voting members of the advisory board.

17       (c) Except for the superintendent of education, directors  
18       of state departments, president of the University of Hawaii,  
19       director of the Hawaii head start state collaboration office,  
20       chief executive officer of Kamehameha Schools, and the executive  
21       director of the Hawaii Association of Independent Schools, or



1 their designees, the members of the advisory board shall serve  
2 staggered terms as follows:

- 3       (1) The representative of center-based program providers  
4           shall serve a two-year term;
- 5       (2) The representative of family child care program  
6           providers shall serve a three-year term;
- 7       (3) The representative of family-child interaction  
8           learning program providers shall serve a three-year  
9           term;
- 10       (4) The representative of philanthropic organizations that  
11           support early learning shall serve a two-year term;
- 12       (5) The representative from a head start provider agency  
13           shall serve a three-year term;
- 14       (6) The representative from the Hawaii Early Intervention  
15           Coordinating Council shall serve a three-year term;
- 16       (7) The parent representative shall serve a two-year term;
- 17       (8) The representative from the Hawaii chapter of the  
18           American Academy of Pediatrics shall serve a two-year  
19           term;
- 20       (9) The representative of home-visiting program providers  
21           shall serve a three-year term;



1       (10) The representative of Hawaiian medium early learning  
2           providers shall serve a two-year term; and

3       (11) Of the two representatives of the Hawaii Council of  
4           Mayors, one shall serve a two-year term, and the other  
5           shall serve a three-year term as determined by the  
6           Hawaii Council of Mayors.

7       (d) The advisory board shall select a chairperson by a  
8           majority vote of its members; provided that the chairperson  
9           shall be a representative from the private sector. A majority  
10          of the members serving on the advisory board shall constitute a  
11          quorum to conduct business. The concurrence of the majority of  
12          the members serving on the advisory board shall be necessary to  
13          make any action of the advisory board valid.

14       (e) The advisory board may form workgroups and  
15          subcommittees, including with individuals who are not advisory  
16          board members, to:

17       (1) Obtain resource information from early learning  
18           professionals and other individuals as deemed  
19           necessary by the advisory board;

20       (2) Make recommendations to the advisory board; and



1       (3) Perform other functions as deemed necessary by the  
2               advisory board to fulfill its duties and  
3               responsibilities.

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

9       (f) The advisory board may testify before the legislature  
10 on any matter related to its duties and responsibilities.

11       (g) Members of the advisory board shall serve without  
12 compensation but shall be reimbursed for expenses, including  
13 travel expenses, necessary for the performance of their duties.

14       **§302L-C Early childhood education facilities; pre-plus.**

15       (a) There is established the pre-plus program within the office  
16 to expand access to affordable and high-quality early childhood  
17 education for children from low-income families who are not  
18 otherwise eligible for kindergarten, by allowing preschool  
19 programs to be established on public school campuses through  
20 public-private partnerships.

21       (b) The office, the department of education, and the  
22 department of human services shall work collaboratively to



1 develop suitable pre-plus classrooms on department of education  
2 campuses statewide, including conversion charter school  
3 campuses. The executive office on early learning, with the  
4 department of education and department of human services, shall  
5 coordinate site selection for additional pre-plus programs at  
6 public school sites, with priority given to public school sites  
7 that serve at-risk children as defined in section 302L-1,  
8 including sites located in areas with limited access to early  
9 learning programs and services."

10 SECTION 3. Section 302A-411, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "§302A-411 [~~Junior kindergarten and kindergarten~~]

13 **Kindergarten program; establishment; attendance.** (a) The  
14 department shall establish and maintain [~~junior kindergartens~~  
15 ~~and~~] kindergartens with a program of instruction as a part of  
16 the public school system; provided that:

17 (1) Attendance shall not be mandatory; and

18 (2) Charter schools shall be excluded from mandatory  
19 participation in the program.

20 (b) [~~The department shall establish a two-tier junior~~  
21 ~~kindergarten and kindergarten program to support the range of~~  
22 ~~developmental abilities of children in junior kindergarten and~~



1 ~~kindergarten. Schools shall not move students between junior~~  
2 ~~kindergarten and kindergarten, except in cases where the~~  
3 ~~movement is warranted and based on appropriate assessments~~  
4 ~~determined by:~~

5 ~~(1) A qualified teacher with early childhood education~~  
6 ~~background or experience; and~~

7 ~~(2) The formative and summative assessment of a student's~~  
8 ~~academic, physical, social, and emotional abilities,~~  
9 ~~provided that, beginning with the 2010-2011 school year, the~~  
10 ~~department shall use successful assessment tools and protocols~~  
11 ~~for determining a student's initial placement and for decision~~  
12 ~~making about a student's movement between tiers and into grade~~  
13 ~~one. Junior kindergarten students may graduate directly to~~  
14 ~~grade one when promotion is based on appropriate assessments and~~  
15 ~~other progress data collected over time.~~

16 ~~(c) Beginning with the 2004-2005 school year, a child who~~  
17 ~~will be at least five years of age on or before December 31 of~~  
18 ~~the school year may attend a public school kindergarten.~~

19 ~~Beginning with the 2006-2007 school year, a child who will be at~~  
20 ~~least five years of age on or before August 1 of the school year~~  
21 ~~may attend a public school kindergarten. Beginning with the~~  
22 ~~2006-2007 school year, a child who will be at least five years~~



1 ~~of age after August 1 and before January 1 of the school year~~  
2 ~~may attend a public school junior kindergarten.]~~ Beginning with  
3 the ~~[2013-2014]~~ 2014-2015 school year, a child who will be at  
4 least five years of age on ~~[the first day of instruction]~~  
5 July 31 of the school year may attend a public school  
6 kindergarten.

7 ~~[(d)]~~ (c) The department may accept gifts to establish and  
8 maintain ~~[junior kindergartens and]~~ kindergartens."

9 SECTION 4. Section 302A-1151.5, Hawaii Revised Statutes,  
10 is amended to read as follows:

11 "~~[§]~~§302A-1151.5~~[§]~~ **Use of vacant public school facilities**  
12 **for pre-plus programs and by charter schools.** (a) When the  
13 department considers whether to close any particular public  
14 school, it shall simultaneously give reasonable consideration to  
15 making all or portions of the facilities of the public school  
16 available for ~~[the]~~:

- 17 (1) The exclusive occupancy and use by a charter school or  
18 a pre-plus program established pursuant to section  
19 302L-C; or
- 20 (2) The joint occupancy and use by the charter school or a  
21 pre-plus program and the department;





1 provided that the department may elect to use the facilities for  
2 the support of public education programs, with preference given  
3 to instructional uses over administrative uses.

4 (b) The department shall submit a notice of possible  
5 availability of a public school to the charter school review  
6 panel and the executive office on early learning as early as  
7 possible; provided that if a vacancy is established, a notice of  
8 vacancy shall be submitted to the charter school review panel  
9 and executive office on early learning no later than thirty days  
10 after the establishment of the vacancy.

11 (c) Pursuant to section 302B-3.6 and upon receipt of a  
12 notice pursuant to subsection (b), the charter school review  
13 panel shall solicit applications from charter schools interested  
14 in using and occupying all or portions of the facilities of the  
15 public school and submit a prioritized list of charter schools  
16 to the department for final determination of which charter  
17 school, if any, shall be authorized to use and occupy the public  
18 school facilities.

19 (d) Upon receipt of a notice pursuant to subsection (b),  
20 the executive office on early learning shall solicit  
21 applications from pre-plus programs interested in using and  
22 occupying all or portions of the facilities of the public school



1 and submit a prioritized list of pre-plus programs to the  
2 department for final determination of which pre-plus program, if  
3 any, shall be authorized to use and occupy the public school  
4 facilities.

5 ~~[(d)]~~ (e) Upon the selection of a charter school or pre-plus  
6 program to use a vacant school facility or portion of a school  
7 facility, the department and the charter school review panel or  
8 executive office on early learning, whichever is appropriate,  
9 shall enter into necessary agreements within ninety days of the  
10 selection to carry out the purposes of this section.

11 ~~[(e)]~~ (f) After receipt ~~[by the charter school review panel]~~  
12 of a notice pursuant to subsection (b), if the charter school  
13 review panel ~~[does]~~ or executive office on early learning does  
14 not provide a prioritized list of charter schools or pre-plus  
15 programs because no charter school or pre-plus program has  
16 requested to use the facilities of the public school, or if the  
17 department receives the prioritized ~~[list]~~ lists but determines  
18 that no charter school or pre-plus program on ~~[the]~~ either list  
19 is an appropriate candidate to occupy and use the facilities,  
20 the department shall give reasonable consideration to making all  
21 or portions of the facilities of the public school, if closed,  
22 available for occupancy and use for other educational purposes.



1       ~~[-f-]~~ (g) The department shall adopt rules necessary to  
2 carry out the purposes of this section.

3       ~~[-g-]~~ (h) For purposes of this section, "public school"  
4 means any school that falls within the definition of public  
5 schools in section 302A-101, except for charter schools."

6       SECTION 5. Section 302L-1, Hawaii Revised Statutes, is  
7 amended as follows:

8       1. By adding two new definitions to read:

9       "Advisory board" means the early learning advisory board  
10 established pursuant to this chapter.

11       "Office" means the executive office on early learning  
12 established pursuant to this chapter."

13       2. By repealing the definition of "council":

14       ~~["Council" means the early learning council established~~  
15 ~~pursuant to this chapter."]~~

16       SECTION 6. Section 302L-3, Hawaii Revised Statutes, is  
17 repealed.

18       ~~["§302L-3 Early learning council. (a) There is~~  
19 ~~established an early learning council which shall be attached to~~  
20 ~~the department of education for administrative purposes only,~~  
21 ~~notwithstanding any other law to the contrary. To the extent~~  
22 ~~permissible by law, the council shall develop and administer the~~



1 ~~early learning system established in section 302L-2 to benefit~~  
2 ~~all children throughout the State, from birth until the time~~  
3 ~~they enter kindergarten. In developing the early learning~~  
4 ~~system, the council shall, among other things:~~

- 5       ~~(1) Establish policies and procedures governing its~~  
6           ~~operations;~~
- 7       ~~(2) Develop a plan, with goals and objectives, for the~~  
8           ~~early learning system, including the development,~~  
9           ~~execution, and monitoring of a phased implementation~~  
10           ~~plan;~~
- 11       ~~(3) Coordinate, improve, and expand upon existing early~~  
12           ~~learning programs and services for children from birth~~  
13           ~~until the time they enter kindergarten;~~
- 14       ~~(4) Establish policies and procedures to include existing~~  
15           ~~early learning programs and services;~~
- 16       ~~(5) Establish additional early learning programs and~~  
17           ~~services;~~
- 18       ~~(6) Establish policies and procedures governing the~~  
19           ~~inclusion of children with special needs;~~
- 20       ~~(7) Develop incentives to enhance the quality of programs~~  
21           ~~and services within the early learning system;~~



- 1       ~~(8) Coordinate efforts to develop a highly qualified,~~
- 2       ~~stable, and diverse workforce, including:~~
- 3       ~~(A) Ensuring that more early childhood educators and~~
- 4       ~~administrators, existing or potential, have~~
- 5       ~~opportunities to receive early childhood~~
- 6       ~~education degrees, including offering higher~~
- 7       ~~education scholarships;~~
- 8       ~~(B) Increasing the availability of early childhood~~
- 9       ~~education coursework, including distance learning~~
- 10       ~~courses and community based early childhood~~
- 11       ~~education training;~~
- 12       ~~(C) Providing access to continuing professional~~
- 13       ~~development for all educators and administrators;~~
- 14       ~~(D) Establishing a system for awarding appropriate~~
- 15       ~~credentials to educators and administrators, as~~
- 16       ~~incentives to improve the quality of programs and~~
- 17       ~~services, relevant to the various early learning~~
- 18       ~~approaches, service deliveries, and settings,~~
- 19       ~~such as for experience or coursework or degrees~~
- 20       ~~completed;~~
- 21       ~~(E) Providing consultation on the social emotional~~
- 22       ~~development of children; and~~



- 1           ~~(F) Providing substitute teacher allowances;~~
- 2           ~~(9) Develop and implement methods of maximizing the~~
- 3           ~~involvement of families, caregivers, and teachers in~~
- 4           ~~the early learning system;~~
- 5           ~~(10) Develop an effective, comprehensive, and integrated~~
- 6           ~~system to provide training and technical support to~~
- 7           ~~programs and services within the early learning~~
- 8           ~~system;~~
- 9           ~~(11) Develop standards of accountability to ensure that~~
- 10           ~~high-quality early learning experiences are provided~~
- 11           ~~by programs and services of the early learning system;~~
- 12           ~~(12) Collect, interpret, and release data relating to early~~
- 13           ~~learning in the State;~~
- 14           ~~(13) Recommend the appropriate proportion of state funds~~
- 15           ~~that should be distributed to programs and services~~
- 16           ~~across the early learning system, to ensure the most~~
- 17           ~~effective and efficient allocation of fiscal resources~~
- 18           ~~within the early learning system;~~
- 19           ~~(14) Develop a plan to ensure that the needs of junior~~
- 20           ~~kindergarteners are addressed, including:~~
- 21           ~~(A) Recommending an appropriate and effective~~
- 22           ~~curriculum;~~



- 1           ~~(B) Establishing criteria for junior kindergarten~~  
2           ~~teachers and aides,~~
- 3           ~~(C) Incorporating Hawaii's preschool content~~  
4           ~~standards for junior kindergarteners, and~~
- 5           ~~(D) Recommending an effective transition from the~~  
6           ~~early learning system to kindergarten,~~
- 7       ~~(15) Promote awareness of early learning opportunities to~~  
8       ~~families and the general public, and~~
- 9       ~~(16) Consult with community groups, including statewide~~  
10       ~~organizations that are involved in early learning~~  
11       ~~professional development, policy and advocacy, and~~  
12       ~~early childhood programs, to broaden the council's~~  
13       ~~knowledge of early learning.~~
- 14       ~~(b) The council shall consist of the following voting~~  
15       ~~members:~~
- 16       ~~(1) The superintendent of education or the~~  
17       ~~superintendent's designee,~~
- 18       ~~(2) The director of human services or the director's~~  
19       ~~designee,~~
- 20       ~~(3) The director of health or the director's designee,~~
- 21       ~~(4) The president of the University of Hawaii or the~~  
22       ~~president's designee,~~



- 1       ~~(5) A representative of center based program providers or~~
- 2           ~~the representative's designee;~~
- 3       ~~(6) A representative of family child care program~~
- 4           ~~providers or the representative's designee;~~
- 5       ~~(7) A representative of family child interaction learning~~
- 6           ~~program providers or the representative's designee;~~
- 7       ~~(8) A representative of philanthropic organizations that~~
- 8           ~~support early learning or the representative's~~
- 9           ~~designee;~~
- 10       ~~(9) A representative from a head start provider agency or~~
- 11           ~~the representative's designee; and~~
- 12       ~~(10) Two representatives of the Hawaii Council of Mayors or~~
- 13           ~~each representative's respective designee.~~

14       ~~The council shall invite the director of the Hawaii head~~

15       ~~start state collaboration office, the chief executive officer of~~

16       ~~the Kamehameha Schools, and the executive director of the Hawaii~~

17       ~~Association of Independent Schools, or their designees, to serve~~

18       ~~as voting members of the council.~~

19       ~~Except for the superintendent of education, directors of~~

20       ~~state departments, president of the University of Hawaii,~~

21       ~~director of the Hawaii head start state collaboration office,~~

22       ~~chief executive officer of the Kamehameha Schools, and executive~~





1 ~~director of the Hawaii Association of Independent Schools, or~~  
2 ~~their designees, and the two representatives of the Hawaii~~  
3 ~~Council of Mayors, or their respective designees, the members~~  
4 ~~shall be nominated and, by and with the advice and consent of~~  
5 ~~the senate, appointed by the governor.~~

6 ~~(c) Except for the superintendent of education, directors~~  
7 ~~of state departments, president of the University of Hawaii,~~  
8 ~~director of the Hawaii head start state collaboration office,~~  
9 ~~chief executive officer of the Kamehameha Schools, and executive~~  
10 ~~director of the Hawaii Association of Independent Schools, or~~  
11 ~~their designees, members of the council shall serve staggered~~  
12 ~~terms as follows:~~

13 ~~(1) The representative of center based program providers~~  
14 ~~shall serve a two year term,~~

15 ~~(2) The representative of family child care program~~  
16 ~~providers shall serve a three year term,~~

17 ~~(3) The representative of family child interaction~~  
18 ~~learning program providers shall serve a three year~~  
19 ~~term,~~

20 ~~(4) The representative of philanthropic organizations that~~  
21 ~~support early learning shall serve a two year term,~~

22 ~~and~~



1       ~~(5) Of the two representatives of the Hawaii Council of~~  
2           ~~Mayors, one shall serve a two year term, and the other~~  
3           ~~shall serve a three year term as determined by the~~  
4           ~~Hawaii Council of Mayors.~~

5       ~~(d) The council shall select a chairperson by a majority~~  
6       ~~vote of its members; provided that the chairperson shall be a~~  
7       ~~representative from the private sector. A majority of the~~  
8       ~~members serving on the council shall constitute a quorum to do~~  
9       ~~business. The concurrence of the majority of the members~~  
10       ~~serving on the council shall be necessary to make any action of~~  
11       ~~the council valid.~~

12       ~~(e) The council may form workgroups and subcommittees,~~  
13       ~~including with individuals who are not council members, to:~~

14           ~~(1) Obtain resource information from early learning~~  
15           ~~professionals and other individuals as deemed~~  
16           ~~necessary by the council;~~

17           ~~(2) Make recommendations to the council; and~~

18           ~~(3) Perform other functions as deemed necessary by the~~  
19           ~~council to fulfill its duties and responsibilities.~~

20       ~~Two or more council members, but less than a quorum, may discuss~~  
21       ~~matters relating to official council business in the course of~~  
22       ~~their participation in a workgroup or subcommittee, and such~~



1 ~~discussion shall be a permitted interaction as provided for in~~  
2 ~~section 92-2.5.~~

3 ~~(f) Members of the council shall serve without~~  
4 ~~compensation but shall be reimbursed for expenses, including~~  
5 ~~travel expenses, necessary for the performance of their duties.~~

6 ~~(g) The council shall appoint, without regard to chapters~~  
7 ~~76 and 89, an executive director who shall serve at the pleasure~~  
8 ~~of the council and whose duties shall be set by the council.~~

9 ~~The salary of the executive director shall be set by the~~  
10 ~~council, provided that the salary shall not exceed the salary of~~  
11 ~~the deputy director of the department of human services. The~~  
12 ~~executive director may also appoint other personnel, without~~  
13 ~~regard to chapters 76 and 89, to work directly for the executive~~  
14 ~~director.~~

15 ~~(h) The council may require reports as necessary in the~~  
16 ~~form specified by the council, from state agencies, and program~~  
17 ~~and service providers of the early learning system. All~~  
18 ~~publicly run programs and services that participate in the early~~  
19 ~~learning system shall establish a system to account for~~  
20 ~~expenditures of non-federal funds that would qualify for~~  
21 ~~matching federal child care and development funds, or other~~  
22 ~~federal funds, and provide this data to the council to maximize~~



1 ~~the availability of federal funds. Privately run programs and~~  
2 ~~services that participate in the early learning system shall be~~  
3 ~~encouraged to make the same data available.~~

4 ~~(i) The council shall submit to the legislature no later~~  
5 ~~than twenty days prior to the convening of each regular session,~~  
6 ~~a report regarding:~~

7 ~~(1) Its progress; and~~

8 ~~(2) The status of the early learning system in the~~  
9 ~~State." ]~~

10 SECTION 7. Section 346-1.7, Hawaii Revised Statutes, is  
11 repealed.

12 ~~["§346-1.7] Early childhood education facilities; pre-~~  
13 ~~plus. (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~~  
22 ~~charter school campuses. The department, with the department of~~



1 ~~education, shall coordinate site selection for additional pre-~~  
2 ~~plus programs at public school sites, with priority given to~~  
3 ~~public school sites that serve at risk children as defined in~~  
4 ~~section 302L-1, including sites located in areas with limited~~  
5 ~~access to early learning programs and services." ]~~

6 SECTION 8. The executive office on early learning  
7 established pursuant to section 2 of this Act shall submit a  
8 report to the legislature no later than twenty days prior to the  
9 convening of the regular session of 2013 on the status of an  
10 implementation plan for the development of the early learning  
11 system established pursuant to section 302L-2, Hawaii Revised  
12 Statutes. The report shall include a timeline of the  
13 implementation plan and any projected funding needs, with a  
14 focus on targeting four year old children.

15 SECTION 9. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$300,000 or so much  
17 thereof as may be necessary for fiscal year 2012-2013 to  
18 establish the executive office on early learning.

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

21 SECTION 10. The members serving on the early learning  
22 council on the effective date of this Act shall serve as the



1 initial members of the early learning advisory board established  
2 pursuant to section 2 and shall continue to serve as members of  
3 the early learning advisory board until their terms expire.

4 SECTION 11. Sections 302A-1506.5, 302L-2, 302L-4, and  
5 302L-5, Hawaii Revised Statutes, are amended by substituting the  
6 term "executive office on early learning" wherever the term  
7 "early learning council" appears and by substituting the term  
8 "office" whenever the term "council" appears, as the context  
9 requires.

10 SECTION 12. Section 302L-3.5, Hawaii Revised Statutes, is  
11 amended by substituting the term "advisory board" wherever the  
12 term "council" appears, as the context requires.

13 SECTION 13. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

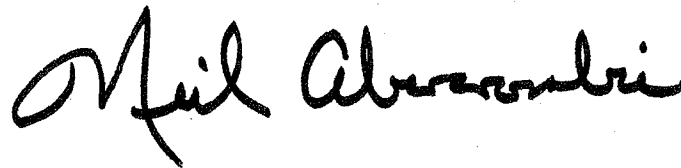
17 SECTION 14. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 15. This Act shall take effect on July 1, 2012;  
20 provided that section 3 of this Act shall take effect on July 1,  
21 2014.

S.B. NO.

2545  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this 28 day of JUN, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII