

# S .B. NO. 2826

JAN 23 2014

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## A BILL FOR AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION.

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

1           SECTION 1. The purpose of this Act is to implement, upon  
2 its ratification, the amendment to article X, section 1, of the  
3 Hawaii State Constitution, as proposed in Senate Bill No. 1084,  
4 introduced in the Regular Session of 2013, by establishing a  
5 statewide early childhood education program consisting of  
6 providers of high-quality early childhood education delivered in  
7 either of Hawaii's two official languages to assist families in  
8 establishing a solid foundation for success in school so that  
9 children graduate from high school prepared for college and a  
10 career.

11           It is not the intent of this Act to establish a voucher  
12 system.

13           Significant research affirms that experiences and the  
14 environments in which children develop in their earliest years  
15 can have a lasting impact on their later success in school and  
16 life. When provided with the opportunity for high-quality early  
17 childhood education, children are more likely to succeed in  
18 kindergarten and beyond and grow into capable adults who

1 contribute positively to the larger community. They are more  
2 likely to reach higher levels of educational attainment, earn  
3 higher salaries, and even be healthier.

4 High-quality early childhood education programs also  
5 generate significant returns on investment for society as a  
6 whole - so much so that some of the country's most respected  
7 economists are now touting early childhood education as an  
8 economic development strategy. The investments yield a return  
9 that far exceeds the return on most public projects considered  
10 to spur economic development: several of the most rigorous  
11 long-term studies done in this area determined returns between  
12 four to nine dollars for every dollar invested. The public sees  
13 returns in the form of reduced welfare, crime, and special  
14 education costs; reduced homelessness and substance abuse; and  
15 increased tax revenues from program participants later in life.  
16 This was validated for Hawaii in a 2008 study commissioned by  
17 the Good Beginnings Alliance, which found more than four dollars  
18 in return for every dollar invested in high-quality early  
19 childhood education for our state.

20 Of particular concern are the low-income children of  
21 Hawaii. Currently, one in six children lives in poverty in  
22 Hawaii, making children the poorest members of our society,  
23 according to data reported by the University of Hawaii center on

1 the family in 2013. This number, which continues an increasing  
2 trend, is alarming because an impoverished childhood puts  
3 children at greater risk of teen pregnancy, failure to graduate  
4 from high school, poor health, and lack of secure employment in  
5 later years.

6 The future is likely to be grim for this population of  
7 children, especially if left without the opportunity for early  
8 childhood education. Reading proficiency is the leading  
9 indicator of long-term academic and life success in life; high  
10 school dropout rates are heavily associated with the inability  
11 to read proficiently by the end of grade three, and the  
12 shortfall in reading proficiency is especially pronounced among  
13 low-income children. As stated by the 2010 national report  
14 "Learning to Read" from the Annie E. Casey Foundation, "(If) we  
15 don't get dramatically more children on track as proficient  
16 readers, the United States will lose a growing and essential  
17 proportion of its human capital to poverty, and the price will  
18 be paid not only by individual children and families, but by the  
19 entire country."

20 Lack of readiness for school directly undermines reading  
21 proficiency. If a child does not arrive at kindergarten ready  
22 to learn, he or she will most likely struggle to keep up, then  
23 eventually lose the interest and motivation needed to learn.

1 The achievement gap only widens with each subsequent year of  
2 schooling.

3 All children need high-quality, developmentally appropriate  
4 early childhood education programs to arrive at school ready to  
5 learn. Sadly, however, too many of our children are starting  
6 kindergarten already behind. Only about forty per cent of  
7 Hawaii's four-year-olds receive services to prepare them for  
8 kindergarten (The Finance Project, 2012). In addition, not all  
9 pre-kindergarten services are of high quality -- close to  
10 seventy-five per cent of fourth graders are not reading  
11 proficiently, according to data reported by the University of  
12 Hawaii center on the family in 2013. The numbers are telling.

13 Early childhood education can help close the achievement  
14 gap between children of different socioeconomic backgrounds.  
15 The Academic Pediatric Association's Task Force on Childhood  
16 Poverty in 2013 identified providing high-quality early  
17 childhood programs and high-quality affordable child care to  
18 poor families as one of the key strategies to reducing poverty.  
19 Studies have proven that high-quality early childhood education  
20 programs are especially effective for children from low-income  
21 families -- it is one of the strongest factors in school  
22 readiness for that population -- as well as otherwise

1 disadvantaged children, with the great potential to alter their  
2 lifetime trajectories for success.

3       It is important to note, however, that every child,  
4 regardless of his or her family income, needs and can benefit  
5 from early childhood education: three-quarters of children from  
6 families with moderate or high incomes are not ready for school  
7 at kindergarten entry (2010 national report "Learning to Read").  
8 More than ninety per cent of kindergarten classrooms in the  
9 department of education reported that students did not meet  
10 benchmarks in all dimensions of school readiness, which include  
11 literacy, math, and school behaviors (Hawaii State School  
12 Readiness Assessment, 2012-2013 school year). Unfortunately,  
13 studies show that students who struggle early in school rarely  
14 catch up, and consequently have less than a one in three chance  
15 of being ready for college or a career at the end of high school  
16 (Dougherty & Fleming, 2012).

17       Teachers in Hawaii, including some at the middle-school  
18 level, have shared that they can tell which students in their  
19 classrooms have and have not gone to preschool. Early childhood  
20 education helps teachers because children will enter their  
21 classrooms better prepared; teachers will spend less time  
22 helping individual students to play catch up and can focus their

1 energies on helping all of their students to master the  
2 knowledge and content needed to progress on time.

3       Although it has been argued that the benefits of early  
4 learning disappear by the third grade, as reported by some  
5 studies of the federal Head Start program, which promotes school  
6 readiness for children from low-income families, reliable  
7 studies have found that gains made in life skills do not fade.  
8 Head Start graduates were less likely to repeat grades or be  
9 diagnosed with a learning disability, and more likely to  
10 graduate from high school and attend college ("Do We Invest in  
11 Preschools or Prisons?", New York Times, October 26, 2013).

12       The executive office on early learning has been planning  
13 for a program that will provide access to high-quality early  
14 childhood education for all Hawaii's children. The United  
15 States Census Bureau estimates there are 17,000 four-year-olds  
16 in Hawaii, who come from families of varying incomes. Although  
17 low-income families require the most assistance, many moderate-  
18 income families, especially those who are just entering the  
19 middle class, also struggle to meet the cost of early learning  
20 on their own. Hawaii ranks twenty-seventh among the least  
21 affordable states for center-based care for a four-year-old: in  
22 2012, the average annual cost of full-time center-based care for  
23 a four-year-old in Hawaii was \$8,172, totaling more than nine

1 per cent of the state median income for a married couple (Child  
2 Care Aware of America, January 2013).

3 Once the constitutional amendment passes, the State will  
4 establish a program through which:

5 (1) Capacity can be built to serve four-year-old children;

6 (2) The infrastructure made available by the private  
7 sector would reduce the amount of public dollars that  
8 will be spent on facilities to accommodate four-year-  
9 old children; and

10 (3) Higher quality can be instituted across all providers  
11 participating in the program through the required use  
12 of quality standards that are linked to children's  
13 educational outcomes, which research emphasizes is  
14 necessary to produce significant outcomes for children  
15 both in the near- and long-term.

16 To help more of our four-year-old children have a quality  
17 early childhood education experience, various program options  
18 must be available to them based on community resources.

19 Families face unique circumstances and every community has its  
20 limitations in regards to access, such as proximity and  
21 transportation to a program, which factor into a family's  
22 ability to send their children to a program.

1           Therefore, this program will be delivered through several  
2 vehicles: center-based programs, group child care homes, and  
3 family child care homes, including those run by faith-based  
4 providers as far as state and federal laws allow; programs on  
5 department of education school campuses; and family-child  
6 interaction learning programs.

7           Private programs have been the backbone of the State's  
8 early childhood services for decades. The State has invested  
9 very little of its own general funds in early care and education  
10 supports and services to ensure children are ready to learn and  
11 succeed in school (The Finance Project, 2012). Center-based  
12 programs are those found in preschools, nursery schools, and  
13 child care centers that are operated by private organizations  
14 and that are licensed by the department of human services.  
15 Group child care homes provide care by two adults for seven to  
16 12 children and must be licensed. Family child care homes  
17 provide care for three to six children in the provider's own  
18 home and must be licensed if more than two unrelated children  
19 are enrolled.

20           Programs on department of education campuses will be  
21 staffed by department of education teachers. Currently, there  
22 are several experimental programs of this type, funded through  
23 the American Recovery and Reinvestment Act of 2009 and Race to



1 the Top. Other school-based programs that exist consist of  
2 special education programs staffed by department of education  
3 special education teachers and those participating in the Pre-  
4 Plus Program, a public-private partnership through which  
5 seventeen preschool facilities have been developed and built on  
6 public elementary school campuses and private, department of  
7 human services-licensed preschool providers contracted to  
8 operate them.

9 Family-child interaction programs are provided in a variety  
10 of public and private facilities, including public schools and  
11 parks, operating, on average, several hours a day and a few days  
12 each week. They require the child's caregiver to participate  
13 with the child and educate the caregiver about how to encourage  
14 the child's learning at home. These programs provide an  
15 important option for our native Hawaiian community.

16 The program involves public-private partnerships to enable  
17 the State to make the best use of available resources -- of  
18 capacity and expertise -- in the public and private sectors and  
19 foster the development of new ones.

20 The portion of the program that will be delivered through  
21 private providers will be done through contracts with the  
22 providers; this program does not institute a voucher system.

1           The program requires participating providers to use quality  
2 standards that are linked to children's educational outcomes.  
3 Research has shown that there are certain components that are  
4 associated with an early childhood education program's ability  
5 to produce positive child outcomes (e.g., Barnett, 2008;  
6 Burchinal, Kainz, & Cai, 2011; Feine, 2002; Forry, Vick, &  
7 Halle, 2009; Schweinhart, Montie, Xiang, Barnett, Belfield, &  
8 Nores et al, 2005; Vandell, Belsky, Burchinal, Steinberg &  
9 Vandergrift, 2010). Although the early childhood field lacks  
10 consensus on a single approach for categorizing factors that  
11 define program quality, there are two broad dimensions commonly  
12 associated with promoting higher rates of learning and  
13 development in children: structural aspects such as physical  
14 environment, child-caregiver ratios, group size, caregiver  
15 qualifications, and caregiver compensation; and the quality of  
16 curriculum and intentional teaching. Recent research has shown  
17 that the latter category has more significant impact on  
18 children's outcomes, and is the basis for the quality standards  
19 that will be required by this program -- positive teacher-child  
20 interactions, individual child formative assessments, and family  
21 engagement.

22           There is substantial evidence that children who attend  
23 early childhood education programs are significantly affected by

1 their interactions with teachers or caregivers and their  
2 responsiveness (e.g., Goffin, 2010; Hyson, Vick Whittaker,  
3 Zaslow, Leong, Bodrova, Hamre, & Smith, 2011). A recent study  
4 found that of the five quality indicators most often used in  
5 program evaluation systems, teacher-child interactions were the  
6 strongest predictor of children's learning (Sabol, Pianta, Hong,  
7 Burchinal, 2013).

8 Another key indicator linked to children's outcomes is the  
9 use of a curriculum that is based on child development. The  
10 degree to which it is implemented fully is dependent on the use  
11 of an ongoing, authentic child assessment that is used to  
12 individualize and is both intellectually rich and broad enough  
13 to meet children's social and emotional development needs.  
14 These are known as formative assessments.

15 Research has also demonstrated that quality programs  
16 involve families and communicate with them on an ongoing basis  
17 (e.g., Administration for Children and Families, 2010; National  
18 Institute of Child Health and Human Development, 1996). One of  
19 the evidence-based methods for engaging families is home-based  
20 instruction programs through a home visiting approach, which  
21 help families prepare their child for success in school and  
22 beyond.

1           The legislature has been interested in early learning for  
2 decades.

3 1989

4 State funding approved for the preschool open doors program to  
5 help families pay for early education and care using a sliding  
6 fee scale based on ability to pay. Components include child  
7 development workshops and staff development in participating  
8 preschools.

9 1991

10 The University of Hawaii board of regents created the University  
11 of Hawaii center on the family in response to Senate Concurrent  
12 Resolution No. 82, Regular Session of 1989, to enhance the well-  
13 being of Hawaii's families through interdisciplinary research,  
14 education, and community outreach. Early childhood is one of  
15 its focal areas.

16 Act 77, Session Laws of Hawaii 1997

17 Recognized a public-private partnership between the State and a  
18 private nonprofit corporation created as a focal point for  
19 policy development and dedicated to enhancing, developing, and  
20 coordinating quality early childhood education and care services  
21 -- the Good Beginnings Alliance. Tasked Good Beginnings  
22 Alliance with overseeing at least four community councils in  
23 each county to develop plans to provide services to children and

1 families and possible local funding sources. Established an  
2 interdepartmental council to assist with the work.  
3 House Concurrent Resolution No. 38, Regular Session of 1998  
4 Established in state policy the goal that "all of Hawaii's  
5 children will be safe, healthy and ready to succeed."  
6 Act 177, Session Laws of Hawaii 2002  
7 Appropriated funds for the pre-plus program, including capital  
8 improvement project moneys, to build preschools on elementary  
9 school campuses throughout the State. The lieutenant governor's  
10 office assumed planning oversight until oversight was  
11 transferred to the department of human services.  
12 Act 13, Session Laws of Hawaii 2002  
13 The legislature led the nation by statutorily defining "school  
14 readiness," which acknowledged the joint responsibility of  
15 families, schools, and communities in preparing children for  
16 lifelong learning.  
17 Act 219, Session Laws of Hawaii 2004  
18 Established an unfunded, two-tiered junior kindergarten and  
19 kindergarten program in the department of education beginning  
20 with the 2006-2007 school year.  
21 Act 151, Session Laws of Hawaii 2005  
22 Created the early childhood education task force with the focus  
23 of "young children are ready to have successful learning

1 experiences when there is a positive interaction among the  
2 child's developmental characteristics, school practices, and  
3 family and community support."

4 Act 259, Session Laws of Hawaii 2006

5 Established the early learning educational task force to develop  
6 a five-year plan for a comprehensive and sustainable early  
7 learning system. The plan, completed prior to the Regular  
8 Session of 2008, included detailed costs for the establishment  
9 and operation of an early learning system in Hawaii that would  
10 include children from birth to age five. It also included, as  
11 requested by the legislature, an implementation and financing  
12 schedule that begins with services to four-year-old children and  
13 proceeds to younger age groups; mechanisms to ensure cross-  
14 sector and interdepartmental collaboration; measures to ensure  
15 the continuing professional development of teachers and  
16 administrators; and provisions for the promotion of the  
17 importance of early learning to families, policymakers, and the  
18 general public.

19 Act 14, Special Session Laws of Hawaii 2008

20 Established the State's early learning system, known as keiki  
21 first steps. Research has indicated that a preschool setting  
22 might be a more appropriate placement (than junior  
23 kindergarten). Established the early learning council, to be

1 attached to the department of education for administrative  
2 purposes only, to develop and administer the early learning  
3 system to benefit all children throughout the state, from birth  
4 until the time they enter kindergarten. Established the keiki  
5 first steps grant program. Statutorily established the pre-plus  
6 program within the department of human services and designated  
7 the department of human services and department of education to  
8 work collaboratively to develop suitable pre-plus classrooms on  
9 department of education campuses statewide, including conversion  
10 charter school campuses. Promoted the development of early  
11 learning facilities.

12 Act 194, Session Laws of Hawaii 2009

13 Required the department of education, beginning with the  
14 2010-2011 school year, to use successful assessment tools and  
15 protocols for determining a student's initial placement and for  
16 decision-making about a student's movement between junior  
17 kindergarten, kindergarten, and into grade one. Required the  
18 early learning council to develop a plan to ensure the needs of  
19 junior kindergarteners are addressed.

20 Act 183, Session Laws of Hawaii 2010

21 Amended the public school kindergarten entry age beginning the  
22 2013-2014 school year, so that children must be at least five  
23 years old on the first day of instruction. Also required the

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1 department of education and early learning council to develop a  
2 plan to assess the success of junior kindergarten programs at  
3 individual schools, that would also address providing  
4 educational opportunities for those who would have been eligible  
5 to attend kindergarten prior to the age change.

6 Act 178, Session Laws of Hawaii 2012

7 Passed by the legislature and signed into law by Governor  
8 Abercrombie. Established the executive office on early  
9 learning; charged the office with creating a comprehensive early  
10 childhood development and learning system for Hawaii's keiki,  
11 prenatal to age five; established the early learning advisory  
12 board to replace the early learning council, as an advisory body  
13 to the office; repealed the existing junior kindergarten program  
14 for four- and early five-year-olds at the end of the 2013-2014  
15 school year; and required that beginning with the 2014-2015  
16 school year, students must be at least five years old on July 31  
17 of that school year to attend kindergarten. The office was  
18 tasked with developing a plan to implement an early learning  
19 program in the 2014-2015 school year.

20 S.B. No. 1084, Regular Session of 2013

21 Bill proposing an amendment to the Hawaii State Constitution to  
22 permit the appropriation of public funds for private early



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1 childhood education programs passed, with more than a two-thirds  
2 majority in each house.

3 Therefore, the purpose of this Act is to fulfill the  
4 State's intent to provide a much-needed early childhood  
5 education program for our children prior to its obligation for  
6 education from kindergarten to grade 12, which addresses the  
7 unique needs of families and communities and institutes the use  
8 of quality standards that are most linked to children's  
9 educational outcomes.

10 SECTION 2. Chapter 302L, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§302L- Early childhood education program. (a) There  
14 is established within the early learning system an early  
15 childhood education program to be administered by the office.  
16 The early childhood education program shall:

17 (1) Through either of the State's two official languages,  
18 prepare children for school and active participation  
19 in society; and

20 (2) Provide equitable access to high-quality early  
21 childhood education that addresses children's  
22 physical, cognitive, linguistic, social, and emotional  
23 development.

1           (b) The early childhood education program shall serve  
2 three- and four-year-old children, with priority extended to:

3           (1) Children in the year prior to being eligible to attend  
4 kindergarten; and

5           (2) Underserved or at-risk children.

6           (c) Enrollment in the early childhood education program  
7 shall be voluntary. A child who is enrolled in or eligible to  
8 attend a public elementary school, or who is required to attend  
9 school pursuant to section 302A-1132, shall not be eligible for  
10 enrollment in the early childhood education program.

11           (d) The office may contract with eligible providers, which  
12 may include private providers, of early childhood education to  
13 increase the capacity of the early childhood education program  
14 to provide high-quality early childhood education to children  
15 across the state. Eligible providers shall incorporate quality  
16 standards in their programs as required by the early childhood  
17 education program pursuant to rules adopted by the office. The  
18 office may provide support to providers to incorporate these  
19 quality standards, including support related to teacher-child  
20 interactions, individual child assessments, and family  
21 engagement. Eligible providers shall comply with all applicable  
22 state and federal laws.

1       (e) Eligible providers of the early childhood education  
2 program shall incorporate quality standards in their programs  
3 that are research-based, developmentally appropriate practices  
4 associated with better educational outcomes for children, such  
5 as:

6       (1) Positive teacher-child interactions;

7       (2) Use of individual child assessments that are used for  
8 ongoing instructional planning, based upon all areas  
9 of childhood development and learning, including  
10 cognitive, linguistic, social, and emotional  
11 approaches to learning and health and physical  
12 development;

13       (3) Family engagement; and

14       (4) Alignment with the Hawaii early learning and  
15 development standards, which align with department of  
16 education standards, including common core state  
17 standards, state content and performance standards,  
18 and general learner outcomes for grades kindergarten  
19 to twelve, to facilitate a seamless and high-quality  
20 educational experience for children.

21 The office shall monitor implementation of the quality standards  
22 pursuant to rules adopted by the office.

1        (f) The office shall coordinate with other agencies and  
2 programs to facilitate comprehensive services for early  
3 childhood education.

4        (g) The office shall collect data to evaluate services  
5 provided, inform policy, and improve the provision of early  
6 childhood education through the early childhood education  
7 program.

8        (h) The office shall adopt rules pursuant to chapter 91  
9 necessary to carry out the purposes of this section, including  
10 compliance with all applicable state and federal laws.

11        (i) Nothing in this section shall be construed to enable  
12 the establishment of a voucher program for educational  
13 purposes."

14        SECTION 3. Section 302L-1, Hawaii Revised Statutes, is  
15 amended by adding two new definitions to be appropriately  
16 inserted and to read as follows:

17        "Early childhood education program" means an education  
18 program for children provided for in section 302L- ."

19        "Family engagement" means practices that engage families in  
20 meaningful ways and recognize the need for families to actively  
21 support their child's learning and development, including  
22 classrooms that make families feel welcome, communication with  
23 families, the promotion of responsible parenting, and

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1 involvement in decisions that affect families and their  
2 children."

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act, upon its approval, shall take effect  
5 upon ratification of the constitutional amendment proposed in  
6 Senate Bill No. 1084, Regular Session of 2013, permitting the  
7 appropriation of public funds for private early childhood  
8 education.

9  
10 INTRODUCED BY:



11 BY REQUEST

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**Report Title:**

Early Childhood Education Program

**Description:**

Establishes the Early Childhood Education Program within the Early Learning System established by section 302L-2, Hawaii Revised Statutes.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: OFFICE OF THE GOVERNOR

TITLE: A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION.

PURPOSE: To implement, upon its ratification, the amendment to article X, section 1, of the Hawaii State Constitution, by establishing a statewide early childhood education program consisting of providers of high-quality early childhood education to assist families in establishing a solid foundation for success in school so that children graduate from high school prepared for college and a career.

MEANS: Add a new section to chapter 302L and amend section 302L-1, Hawaii Revised Statutes.

JUSTIFICATION: Significant research affirms that experiences and the environments in which children develop in their earliest years can have a lasting impact on their later success in school and life. When provided with the opportunity for high-quality early childhood education, children are more likely to succeed in kindergarten and beyond and grow into capable adults who contribute positively to the larger community.

High-quality early childhood education programs also generate significant returns on investment for society as a whole - so much so that some of the country's most respected economists are now touting early childhood education as an economic development strategy.

Too many of our children are starting kindergarten already behind. More than ninety percent of kindergarten classrooms in the Department of Education reported that

students did not meet benchmarks in all dimensions of school readiness, which include literacy, math, and school behaviors (Hawaii State School Readiness Assessment, 2012-2013 school year).

All children need high-quality, developmentally appropriate early childhood education programs to arrive at school ready to learn. However, only about forty percent of Hawaii's four-year-olds receive services to prepare them for kindergarten (The Finance Project, 2012). In addition, not all pre-kindergarten services are of high quality -- close to seventy-five percent of fourth graders are not reading proficiently, according to data reported by the University of Hawaii Center on the Family in 2013. Reading proficiency is the leading indicator of long-term academic and life success, and is directly undermined by lack of readiness for school.

Early childhood education can help close the achievement gap between children of different socioeconomic backgrounds.

The passage of the constitutional amendment will enable the State to establish a program through which:

- (1) Capacity can be built to serve four-year-old children;
- (2) The infrastructure made available by the private sector would reduce the amount of public dollars that will be spent on facilities to accommodate four-year-old children; and
- (3) Higher quality can be instituted across all providers participating in the program through the required use of quality standards that are linked to children's educational outcomes, which research emphasizes is necessary to produce significant outcomes for children both in the near- and long-term.



Impact on the public: This bill will be beneficial to the public because it will provide an early childhood education program for the children of Hawaii.

Impact on the department and other agencies: This bill will impact the Executive Office on Early Learning since it will be responsible for implementing the early childhood education program, consisting of providers of high-quality early childhood education. This bill may also impact the Department of Education because the program may be offered on public school campuses.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: Executive Office of Early Learning and  
Hawaii Department of Education.

EFFECTIVE DATE: Upon ratification of the constitutional amendment permitting the appropriation of public funds for private early childhood education programs.