A BILL FOR AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION.

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

SECTION 1. Every year, as many as 8,710 three- and four-year-old children nationwide may be expelled from their state-funded preschool or prekindergarten classroom. These suspensions and expulsions are occurring at a rate more than three times that of their peers in kindergarten through grade 12, according to a joint statement drafted by the National Association for the Education of Young Children, with support from a host of other national organizations regarded as leaders in the field of early childhood education.

Many more children are suspended, with the data demonstrating severe racial disparities. Data from the United States Department of Education Office for Civil Rights indicates a significant percentage of these children are also suspended more than once, leaving them with few supports and even fewer options to ensure that they are able to participate in high-quality early learning.
This situation is particularly troubling given that such suspensions and expulsions occur during a critical period in a child's development, when a child's brain is developing rapidly. The earliest years of a child's life are critical to laying the foundation of learning and wellness needed for success in school and beyond. Especially during these early years, the educational system should ensure that our youngest children have access to opportunities that will prepare them to reach their greatest potential. By suspending or expelling them, our educational system instead sets our youngest off in the wrong direction, before they even begin kindergarten.

Well-established research indicates that school suspension and expulsion practices are associated with adverse educational and life outcomes. Suspension and expulsion early in a child's life predicts suspension and expulsion later in school. Children who are suspended or expelled from school are as many as ten times more likely to drop out of high school, experience academic failure, hold negative attitudes toward school, and face incarceration than their peers who were never suspended or expelled.
Though each case is different, suspensions and expulsions may be the result of the lack of—or misguided—policies, or insufficient training and support services for staff, especially in managing challenging behaviors, recognizing trauma, and promoting socioemotional development. The executive office on early learning makes it a priority to provide professional learning support to executive office on early learning public prekindergarten program staff as well as to work with school leadership on staffing. The office has also been partnering with the University of Hawaii system to strengthen the pipeline of early childhood educators with respect to these areas. The office focuses on these matters in its work because the target population for the executive office on early learning public prekindergarten program is underserved or at-risk children—those who stand to benefit the most from and should be assured of high-quality early learning, rather than be denied access to it due to suspension or expulsion.

In December 2014, the United States Department of Health and Human Services and Department of Education issued a joint policy statement and recommendations to assist states and their public and private local early childhood learning programs to
prevent and severely limit suspensions and expulsions in early
learning settings. The policy statement affirmed the
departments' efforts to prevent and eventually eliminate
suspension and expulsion in all early childhood settings and
support young children's social, emotional, and behavioral
development.

The federal Office of Head Start has already prohibited its
programs from expelling or un-enrolling children due to a
child's behavior, and requires its programs to prohibit or
severely limit the use of suspension due to a child's behavior.
Federal Head Start programs are required to partner with
families; consult with specialists; help the child and family
obtain additional services, as appropriate; and take all
possible steps to ensure the child's successful participation in
the program.

In alignment with national best practices and the federal
government's efforts along these lines to most appropriately
support our youngest children, the purpose of this Act is to
prohibit the suspension and expulsion of children participating
in the executive office on early learning public prekindergarten
program, except in very limited circumstances.
SECTION 2. Section 302A-134, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If, for any reason, a child becomes a detriment to the morals or discipline of any school, the child may be precluded from attending school by the principal, with the approval of the complex area superintendent; provided that this section shall not apply to children participating in the executive office on early learning public prekindergarten program pursuant to section 302L-7. The department shall seek the active participation of other public and private agencies in providing help to these children before and after they have left school. An appeal may be taken on behalf of the child to the superintendent of education within ten days from the date of such action."

SECTION 3. Section 302L-7, Hawaii Revised Statutes, is amended to read as follows:

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

(1) Be provided through the executive office on early learning, which may partner with the department of education;

(2) Prepare children for school and active participation in society through the use of either of the State's two official languages; and

(3) Provide access to high-quality early learning that addresses children's physical, cognitive, linguistic, social, and emotional development.

(b) The program shall serve children in the year prior to the year of kindergarten eligibility, with priority extended to underserved or at-risk children, as defined in section 302L-1. Enrollment priority shall be given but is not limited to children who attend prekindergarten at schools to which the children will be assigned upon entering kindergarten under section 302A-1143.

(c) Enrollment in the program shall be voluntary. A child who is enrolled in, or is eligible to attend, a public elementary school, or who is required to attend school pursuant
to section 302A-1132, shall not be eligible for enrollment in
the program.
(d) The program shall incorporate high-quality standards
pursuant to rules adopted by the office. High-quality standards
shall be research-based, developmentally-appropriate practices
associated with better educational outcomes for children, such
as:
(1) Positive teacher-child interactions;
(2) Use of individual child assessments that are used for
ongoing instructional planning, based upon all areas
of childhood development and learning, including
cognitive, linguistic, social, and emotional
approaches to learning and health and physical
development;
(3) Family engagement; and
(4) Alignment with the Hawaii early learning and
development standards, which align with department of
education standards, state content and performance
standards, and general learner outcomes for grades
kindergarten to twelve, to facilitate a seamless and
high-quality educational experience for children.
The office shall monitor implementation of the high-quality educational experience for children.

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

(f) The office shall provide support to incorporate the high-quality standards developed pursuant to subsection (d), including support related to teacher-child interactions, individual child assessments, and family engagement.

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

(h) The use of suspension due to a child's behavior shall be prohibited; provided that a temporary suspension may be used when there is a serious threat to safety that cannot be reduced or eliminated through reasonable modifications, to be determined in the following manner:

(1) Before a principal determines whether a temporary suspension is necessary, the principal shall consider
the recommendation of the program staff, who shall have collaborated with:

(A) The child's parents or guardians;

(B) Other public resources, which may include behavioral health specialists; psychologists; clinical psychologists; and other specialists, as appropriate; and

(C) Any private resources consulted by the child's parents or guardians, as appropriate, to determine that no other reasonable option is appropriate; and

(2) If a temporary suspension is determined to be necessary, program staff, in collaboration with the child's parents or guardians and the appropriate public and private resources identified in paragraph (1), shall develop and implement a written plan that documents the actions and supports needed to help the child return to full participation in all program activities while ensuring child safety, including the time required to transition the child to full
participation and consideration of whether a referral
to special education services is appropriate.

(i) The expulsion or un-enrolling of a child due to the
child's behavior shall be prohibited; provided that when a child
exhibits persistent and serious challenging behaviors, program
staff shall explore all possible steps and document all steps
taken to address such behaviors, while facilitating the child's
continued and safe participation in the program, including, at a
minimum:

(1) Collaborating with the child's parents or guardians
and the appropriate public and private resources
identified in subsection (h)(1);

(2) Considering whether to provide appropriate services
and supports under section 504 of the Rehabilitation
Act to ensure that a child who satisfies the
definition of disability in 29 U.S.C. 705(9)(b) is not
excluded from the program on the basis of disability;

(3) Consulting with the department of education to ensure
that the child receives the needed support services if
the child has an individualized education program; and
(4) Collaborating, with the consent of the child's parents or guardians, with the department of education to determine the child's eligibility for services, if the child does not have an individualized education program.

The program staff shall provide the principal with all of the information from its exploration of all possible steps and documentation of all steps taken to address the child's behaviors pursuant to this section. If the principal, after considering all of this information, determines that the child's continued enrollment presents a continued serious threat to the safety of the child or other enrolled children and determines that the program is not the most appropriate placement for the child, program staff shall determine and provide the child's parents or guardians with options for more-appropriate placement of the child.

Program staff shall also collaborate with the provider of the option selected by the child's parent or guardians to facilitate the child's transition.

(j) As used in this section, "program staff" means the principal, teacher, educational assistant, early learning
resource teacher, and educational specialist associated with the
executive office on early learning public prekindergarten
program being implemented at a particular school.

(k) The office shall collect data to:

(1) Evaluate the services provided;
(2) Inform policy; and
(3) Make any improvements to the program.

(l) The department of education and any public
charter school existing pursuant to chapter 302D, may use
available classrooms for public preschool programs statewide.
The office shall give priority to public charter schools that
serve high populations of underserved or at-risk children.

Preschool classrooms established pursuant to this section shall
be in addition to any classrooms used for the pre-plus program
established pursuant to rules adopted by the department pursuant
to chapter 91.

(m) All processes involved in implementation of this
section related to students with special needs shall comply with
federal law.

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

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

[Signatures]

[Signatures]

[Signatures]

[Signatures]

[Signatures]

[Signatures]
Report Title:
Suspension or Expulsion of Public Prekindergarten Students; Prohibited

Description:
Prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under limited circumstances.

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