July 10, 2019

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai‘i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Re: SB78 SD2 HD2

Pursuant to Section 16 of Article III of the State Constitution, SB78 SD2 HD2, entitled “A BILL FOR AN ACT RELATING TO EDUCATION” became law as ACT 276 on July 10, 2019.

While this bill provides appropriations to support several priority areas in education, the language included in this bill regarding the early learning public prekindergarten program operations is too prescriptive for statutes and is more appropriate for administrative rules or memoranda of agreements.

For the foregoing reason, I allowed SB78 SD2 HD2 to become law without my signature.

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

PART I

PURPOSE

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

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

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

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

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

Therefore, the purpose of this Act is to:

1. Clearly establish the executive office on early learning as the administrative authority for state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs;

2. Expand the executive office on early learning public prekindergarten program by transferring to the office:
   
   (A) From the department of education, State-funded prekindergarten programs, private partnership-funded prekindergarten programs in the public schools, and classrooms to provide general education settings for children whose
individualized education programs require such placement; and

(B) From the state public charter school commission, the eighteen classrooms at eleven charter schools across the state that are currently funded through the federal preschool development grant from the United States Department of Education and United States Department of Health and Human Services, which will end after the 2018-2019 school year, and thus make strides toward building a coordinated system of early learning that is of consistent high-quality as intended by the legislature;

(3) More clearly define the roles and responsibilities of the executive office on early learning and department of education as related to the executive office on early learning public prekindergarten program; and

(4) Require the department of education in its implementation of Title-I funded prekindergarten classrooms to adhere to certain quality standards and work with the executive office on early learning.
PART II

ADMINISTRATIVE AUTHORITY FOR PREKINDERGARTEN PROGRAMS

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

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

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

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

The functions and authority heretofore exercised by the
department of education (except dental health treatment
transferred to the department of health), library of Hawaii,
Hawaii county library, Maui county library, and the transcribing
services program of the bureau of sight conservation and work
with the blind, as heretofore constituted are transferred to the
public library system established by this chapter.

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

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

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

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

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

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

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

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

(b) Except as otherwise provided, the superintendent shall sign all drafts for the payment of moneys, all commissions and appointments, all deeds, official acts, or other documents of the department[; provided that the director of the executive office on early learning shall be the final authority on drafts for the payment of moneys, all commissions and appointments, all deeds, official acts, or other documents related to the executive office on early learning. The superintendent and director of the executive office on early learning may use a printed facsimile signature in approving appointments, contracts, and other documents."
SECTION 5. Section 302A-1128, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1128 Department powers and duties. The department shall have entire charge and control and be responsible for the conduct of all affairs pertaining to public instruction in the public schools the department establishes and operates, including operating and maintaining the capital improvement and repair and maintenance programs for department and school facilities[7]; provided that all state-funded prekindergarten programs, and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs, shall be under the administrative authority of the executive office on early learning; provided further that the department shall continue to provide, and have administrative authority over, services generally provided to the schools excluding those services related to curriculum, instruction, assessment, and professional learning support, but including operating and maintaining capital improvement and repair and maintenance programs for any facility on a department school campus at which the executive office on early learning administers programs, and evaluation of
teaching staff. The department may establish and maintain
schools for secular instruction at such places and for such
terms as in its discretion it may deem advisable and the funds
at its disposal may permit. The schools may include high
schools, kindergarten schools, schools or classes for [early
childhood education,] special education or Title I-funded
prekindergarten, boarding schools, Hawaiian language medium
education schools, and evening and day schools. The department
may also maintain classes for technical and other instruction in
any school where there may not be pupils sufficient in number to
justify the establishment of separate schools for these
purposes."

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

"§302A-1303.6 Weighted student formula. Based upon
recommendations from the committee on weights, the board of
education may adopt a weighted student formula for the
allocation of moneys to public schools that takes into account
the educational needs of each student; provided that weighted
prekindergarten programs, except for special education and Title
I-funded prekindergarten programs. The department, upon the receipt of appropriated moneys, shall use the weighted student formula to allocate funds to public schools. Principals shall expend moneys provided to the principals' schools. This section shall only apply to charter schools for fiscal years in which the charter schools elect pursuant to section 302D-29 to receive allocations according to the procedures and methodology used to calculate the weighted student formula allocation."

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

"(c) The director shall be responsible for:

(1) Serving as the principal officer in state government responsible for the performance, development, and control of programs, policies, and activities under the jurisdiction of the office from prenatal care to entrance into kindergarten[\textsuperscript{\(\top\)}], including all state-funded prekindergarten programs and private partnership-funded prekindergarten programs in the public schools, except for special education and Title I-funded prekindergarten programs;
(2) [Overseeing, supervising,] Supervising and directing the performance of the director's subordinates in various activities, including planning, evaluation, and coordination of early learning programs;

(3) Administering funds allocated for the office and applying for, receiving, and disbursing grants and donations from all sources for early learning programs and services;

(4) Assessing the policies and practices of other agencies impacting early learning and conducting advocacy efforts for early learning;

(5) Advising agencies on new legislation, programs, and policy initiatives relating to early learning;

(6) Employing and retaining staff as may be necessary for the purposes of this section; and

(7) Contracting for services that may be necessary for the purposes of this section, including through master contracts, memoranda of understanding, and memoranda of agreement with other state agencies receiving federal and state funds for programs and services for
early learning, and purchase of service agreements
with appropriate agencies."

PART III

TITLE I-FUNDED PREKINDERGARTEN

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

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

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

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

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

PART IV

EOEL PUBLIC PREKINDERGARTEN PROGRAM

SECTION 9. Section 302L-1, Hawaii Revised Statutes, is amended by amending the definition of "at-risk children" to read as follows:
"At-risk children" means children who, because of their home and community environment, are subject to language, cultural, economic, and other disadvantages that cause them to be at risk for school failure, including children:

(1) Who are [eligible for special education services;]

placed through their individualized education programs in a general education setting;

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

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

(3) Who are in foster care;

(4) Who are homeless; or

((4) [5] Whose family income is no more than three hundred per cent of the federal poverty level."

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

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

(1) Be provided through the executive office on early learning, which [may] shall partner with the department of education[7] and state public charter school commission through either a memorandum of agreement or memorandum of understanding pursuant to the requirements of this section;

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

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

(b) The office shall implement an application process for schools that are interested in participating in the program.

The criteria to prioritize applications shall include:

(1) Community need, including:
(A) The percentage of the population in the school or community that meets the definitions of at-risk and underserved children pursuant to section 302L-1; and

(B) The availability and capacity of existing early learning programs or services for four-year-old children on the school campus and in the surrounding area;

(2) The availability of a classroom and outdoor play area that meet department of human services requirements for health and safety for four-year-old children; and

(3) The commitment of the principal to implementing a high-quality prekindergarten program including through active participation in professional development sessions offered through the office, and to promoting continuity and alignment between and across other early learning programs in the community and other grade levels in the school to ensure the positive outcomes of children are sustained.

[(c)] (c) The program shall serve children in the year prior to the year of kindergarten eligibility, with priority
extended to underserved or at-risk children, as defined in
section 302L-1[4], and follow the academic year schedule of the
department of education and be aligned with the full-day
kindergarten classroom schedule of each school. Enrollment
priority shall be given but is not limited to children who
attend prekindergarten at schools to which the children will be
assigned upon entering kindergarten under section 302A-1143.

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

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

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

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

1. Positive teacher-child interactions that shall be
evaluated through observations conducted by the office
using a tool several times a year; provided that the
observations shall not be used for the purposes of
teacher evaluation;

2. Use of individual child assessments that are used for
ongoing instructional planning, relating
to all areas of childhood development and learning,
including cognitive, linguistic, social, and emotional
approaches to learning and health and physical
development;

(3) Family engagement[ and] in partnership with the
schools, including conducting outreach for enrollment
and engagement of families in their children's
education;

(4) Alignment with the Hawaii early learning and
development standards, which align with department of
education standards, state content and performance
standards, and general learner outcomes for grades
kindergarten to twelve, to facilitate a seamless and
high-quality educational experience for children[;]

(5) A teacher who has coursework in early childhood
education pursuant to Hawaii teacher standards board
licensing requirements for a prekindergarten teacher.
For program purposes, a teacher shall satisfy the
Hawaii teacher standards board licensing requirements
for a prekindergarten teacher or be enrolled in a
State-approved teacher education program and working
toward satisfying the Hawaii teacher standards board licensing requirements; and

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

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

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

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

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

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

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

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

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

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

(2) Early intervention programs.
(o) The office shall collect data with assistance from the department of education and state public charter school commission, based on a schedule to be determined by the office, to:

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

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

Preschool classrooms established pursuant to this section shall be in addition to any classrooms used for the pre-plus program established pursuant to rules adopted by the department pursuant to chapter 91. section 302L-1.7.

(q) The office shall adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section, including compliance with all applicable state and federal laws."
SECTION 11. Section 346-152, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

(1) A person caring for children related to the caregiver by blood, marriage, or adoption;

(2) A person, group of persons, or facility caring for a child less than six hours a week;

(3) A kindergarten, school, or child care program licensed or certified by the department of education or the United States Department of Defense and located on federal property;

(4) A classroom administered by the executive office on early learning pursuant to section 302L-7;

(5) A program that provides exclusively for a specialized training or skill development for children, including but not limited to programs providing activities such as athletic sports, foreign language, the Hawaiian language, dance, drama, music, or martial arts;

(6) A multiservice organization or community association, duly incorporated under the laws of the
State, that operates for the purpose of promoting
recreation, health, safety, or social group functions
for eligible pupils in public and private schools
through seventeen years of age;

\[(7)\] Programs for children four years of age and
older that operate for no more than two consecutive
calendar weeks in a three-month period;

\[(8)\] A provider agency operating or managing a
homeless facility or any other program for homeless
persons authorized under part XVII;

\[(9)\] After-school, weekend, and summer recess
programs conducted by the department of education
pursuant to section 302A-408;

\[(10)\] Child care programs conducted by counties
pursuant to section 302A-408; provided that each
county adopts rules for its programs;

\[(11)\] Any person who enters a home in a child caring
capacity and only cares for children who are of that
household;
(12) A person caring for two or fewer children unrelated to the caregiver by blood, marriage, or adoption; and
(13) A child care program licensed by the Hawaii council of private schools. A child care program claiming an exemption under this paragraph shall submit an application for the exemption on a form provided by the department and shall provide to the department evidence that the licensing standards of the Hawaii council of private schools meet or exceed the department's standards for a comparable program, including a monitoring component. Upon application of a child care program for the exemption under this paragraph, the department shall have the discretion to determine whether the licensing standards of the Hawaii council of private schools meet or exceed the department's standards."
PART V

REPORT TO THE LEGISLATURE

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

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

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

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

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

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

(5) Child outcomes relating to all areas of childhood
development and learning, including cognitive,
linguistic, social, and emotional approaches to
learning and health and physical development, as
assessed using a formative assessment tool selected by
the office.

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

PART VI

APPROPRIATIONS

SECTION 14. There is appropriated out of the general
revenues of the State of Hawaii the sum of $362,000 or so much
thereof as may be necessary for fiscal year 2019-2020 and
$989,120 or so much thereof as may be necessary for fiscal year
2020-2021 to the executive office on early learning for
operational costs to expand the executive office on early
learning public prekindergarten program by 10 additional
classrooms, which shall be allocated as follows:
1 (1) $110,000 for fiscal year 2019-2020 for the early
leisure induction program;
2 (2) $59,000 for fiscal year 2020-2021 for the early
learning academy;
3 (3) $252,000 for fiscal year 2019-2020 and $93,000 for
fiscal year 2020-2021 for classroom furniture,
supplies, and administrative costs;
4 (4) $546,220 for fiscal year 2020-2021 for 10 full-time
equivalent (10.0 FTE) preschool teacher positions; and
5 (5) $290,900 for fiscal year 2020-2021 for 10 full-time
equivalent (10.0 FTE) educational assistant III
positions.

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

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

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

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

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

The sums appropriated shall be expended by the executive
office on early learning for the purposes of this Act.
SECTION 18. There is appropriated out of the general revenues of the State of Hawaii the sum of $4,000,000 or so much thereof as may be necessary for fiscal year 2019-2020 and $4,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 to continue the currently existing eighteen federally funded charter school prekindergarten classrooms that were provided for by the federal preschool development grant, by adding them as new classrooms in the executive office on early learning public prekindergarten program that are subject to a memorandum of agreement or memorandum of understanding that is entered into with the executive office on early learning pursuant to the requirements of section 302L-7, Hawaii Revised Statutes. This appropriation shall be exempt from section 302D-28, Hawaii Revised Statutes.

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

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

(1) $91,909 for fiscal year 2019-2020 and $91,909 for fiscal year 2020-2021 for one full-time equivalent (1.00 FTE) permanent educational specialist II position; and

(2) $40,128 for fiscal year 2019-2020 and $40,128 for fiscal year 2020-2021 for one full-time equivalent (1.00 FTE) permanent secretary IV position.

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

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

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

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

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

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

(3) $8,000 for fiscal year 2019-2020 for furniture.

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

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

(1) One full-time equivalent (1.00 FTE) permanent program specialist V position for fiscal year 2019-2020 and fiscal year 2020-2021 to coordinate efforts in the development of Hawaii's early childhood workforce; and

(2) One full-time equivalent (1.00 FTE) permanent communication specialist position for fiscal year 2019-2020 and fiscal year 2020-2021 to facilitate communication needs of the executive office on early learning and the early learning board.

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

TURNOVER SAVINGS AND TRANSFERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART VIII

MISCELLANEOUS

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

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

SECTION 34. This Act shall take effect on July 1, 2019.
THE SENATE OF THE STATE OF HAWAI‘I

Date: May 2, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2019.

President of the Senate

Clerk of the Senate
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 9, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the
House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of
2019.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives