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# A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

1 PART I. INTRODUCTION

2 SECTION 1. The purpose of this Act is to build the  
3 infrastructure and develop the resources necessary to achieve  
4 the objective of providing the capacity to serve fifty per cent  
5 of all otherwise unserved children who are three to four years  
6 of age, or will not be at least five years of age on or before  
7 July 31 of the current school year, with access to learning by  
8 the year 2025, and providing the capacity to serve one hundred  
9 per cent of those children within the same age group with access  
10 to learning by the year 2030.

11 This Act is part of the State's early childhood plan to  
12 provide access to child care and early learning opportunities to  
13 all newborn to five-year-old children in the State.

14 PART II. DEPARTMENT OF EDUCATION

15 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
16 amended by adding two new sections to subpart C of part IV to be  
17 appropriately designated and to read as follows:



1           "§302A-       Standardized assessment for students entering  
2 kindergarten.    (a)   The board of education shall adopt a  
3 student assessment model pursuant to section 302A-1101(a) to  
4 assess all students entering kindergarten.

5           (b)   Within the first two weeks of each school year, the  
6 department shall assess all kindergarten students with the  
7 student assessment model.

8           (c)   The department shall share information from the  
9 student assessment model with the department of human services  
10 and the early learning coordinator in the same manner as the  
11 information gathered in section 302A-       .

12           §302A-       Prior early learning programs attendance  
13 disclosure.    (a)   At least one parent or guardian of each child  
14 entering kindergarten shall disclose to the department the name  
15 and address of the early learning program that the child  
16 attended during the previous academic year. The department may  
17 also require the disclosure of any other information not  
18 otherwise prohibited by law that would assist the department,  
19 the department of human services, and the early learning  
20 coordinator in developing, assessing, and implementing  
21 strategies to meet the early learning needs of children in the



1 State. The department and the executive office on early  
2 learning shall use the information to determine the levels of  
3 prekindergarten attendance and need for child care in geographic  
4 regions of the State and identify the highest priority regions  
5 requiring prekindergarten programs and child care to meet the  
6 needs of unserved or underserved eligible children and shall  
7 provide the information to the department of human services and  
8 the early learning coordinator.

9 (b) The department may include a request for the  
10 information required by subsection (a) on a kindergarten  
11 enrollment form or any other appropriate form."

12 SECTION 3. Section 302L-1.6, Hawaii Revised Statutes, is  
13 amended by amending subsections (b) and (c) to read as follows:

14 "(b) The board shall consist of the following voting  
15 members:

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

18 (2) A representative of family child care program  
19 providers;

20 (3) A representative of family-child interaction learning  
21 program providers;



1 (4) A representative of philanthropic organizations that  
2 support early learning or the representative's  
3 designee;

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

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

7 (7) A parent representative;

8 (8) A representative from the Hawaii chapter of the  
9 American Academy of Pediatrics;

10 (9) A representative of home-visiting program providers;

11 (10) A representative of Hawaiian medium early learning  
12 providers; and

13 (11) A representative of the Hawaii Council of Mayors, or  
14 the representative's designee.

15 The superintendent of education, director of human  
16 services, director of health, early learning coordinator, and  
17 president of the University of Hawaii shall serve as ex officio,  
18 nonvoting members of the board.

19 The board shall invite the chief executive officer of  
20 Kamehameha Schools and the executive director of the Hawaii



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

3 (c) Except for the early learning coordinator,  
4 superintendent of education, directors of state departments,  
5 president of the University of Hawaii, chief executive officer  
6 of Kamehameha Schools, and the executive director of the Hawaii  
7 Association of Independent Schools, or their designees, the  
8 members of the board shall serve staggered terms as follows:

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



1 (7) The parent representative shall serve a two-year term;

2 (8) The representative from the Hawaii chapter of the  
3 American Academy of Pediatrics shall serve a two-year  
4 term;

5 (9) The representative of home-visiting program providers  
6 shall serve a three-year term;

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

9 (11) The representative of the Hawaii Council of Mayors  
10 shall serve a three-year term."

11 SECTION 4. Section 302L-5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§302L-5 Early learning trust fund.** (a) There is  
14 established within the state treasury the early learning trust  
15 fund, to be administered by the executive office on early  
16 learning, into which shall be deposited all moneys received by  
17 the office in the form of:

18 (1) Fees;

19 (2) Grants;

20 (3) Donations;



1 (4) Appropriations made by the legislature to the fund;

2 and

3 (5) Revenues regardless of their source,

4 and earnings on moneys in the fund. Moneys in the fund shall be

5 used for the early learning system. Expenditures from the fund

6 may be made by the office without appropriation or allotment.

7 (b) The office shall submit an annual report to the

8 legislature, no later than August 31, on the sources of moneys

9 deposited into the fund and expenditures of the moneys in the

10 fund."

11 SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so much  
13 thereof as may be necessary for fiscal year 2020-2021 for the  
14 executive office on early learning to support early learning  
15 programs in accordance with this Act.

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

18 PART III. DEPARTMENT OF HUMAN SERVICES

19 SECTION 6. Chapter 346, Hawaii Revised Statutes, is  
20 amended by adding three new sections to part VIII to be  
21 appropriately designated and to read as follows:



1        "§346-        Preschool open doors trust fund.   (a)   There is  
2 established within the state treasury the preschool open doors  
3 trust fund, to be administered by the department's child care  
4 assistance program, into which shall be deposited all moneys  
5 received by the department's child care assistance program in  
6 the form of:

7        (1)   Fees;

8        (2)   Grants;

9        (3)   Donations;

10       (4)   Appropriations made by the legislature to the fund;

11        and

12       (5)   Revenues regardless of their source,

13 and earnings on moneys in the fund. Moneys in the fund shall be  
14 used for the preschool open doors program. Expenditures from  
15 the fund may be made by the department without appropriation or  
16 allotment.

17        (b)   The department shall submit an annual report to the  
18 legislature, no later than August 31, on the sources of moneys  
19 deposited into the fund and expenditures of moneys in the fund.

20        §346-        Preschool grant program; special fund;

21 established.   (a)   There is established within the state





1 treasury the preschool grant special fund, into which shall be  
2 deposited:

3 (1) Donations to the special fund; and

4 (2) Appropriations made by the legislature to the fund;

5 (3) Revenues regardless of their source; and

6 (4) Earnings on moneys in the fund.

7 (b) The department shall expend moneys in the special fund  
8 to award grants to private entities for the establishment of new  
9 preschools or expansion of existing preschools at the private  
10 entity's place of business. Expenditures from the fund may be  
11 made by the department without appropriation or allotment.

12 (c) Any grant issued pursuant to this section shall be  
13 exempt from chapters 103D and 103F. The department shall adopt  
14 rules pursuant to chapter 91 to effectuate the grant program.

15 (d) The department shall submit an annual report to the  
16 legislature, no later than August 31, on the sources of moneys  
17 deposited into the fund and expenditures of moneys in the fund.

18 **§346- Prior early learning program information.** (a)  
19 The department shall establish or augment an existing database  
20 to collect and analyze information it receives from the  
21 department of education pursuant to section 302A- and any



1 other information the department may collect on all children in  
2 the State who are three to four years old and children who will  
3 not be at least five years of age on or before July 31 of the  
4 current school year. The department, along with the early  
5 learning coordinator, shall use the information to determine the  
6 levels of prekindergarten attendance and need for child care in  
7 geographic regions of the State and identify the highest  
8 priority regions requiring prekindergarten programs and child  
9 care to meet the needs of unserved or underserved eligible  
10 children.

11 (b) Pursuant to section 27-7, the department shall share  
12 with the early learning coordinator the information that it  
13 receives from the department of education pursuant to section  
14 302A- and any other information the department may collect on  
15 all children in the State who are three to four years old and  
16 children who will not be at least five years of age on or before  
17 July 31 of the current school year."

18 SECTION 7. Section 346-181, Hawaii Revised Statutes, is  
19 amended by amending subsections (b) and (c) to read as follows:

20 "(b) Subject to the availability of funds, the program  
21 shall serve [~~four-year-old~~] children[~~7~~] who are three to four



1 years of age, or will not be at least five years of age on or  
2 before July 31 of the current school year, with priority  
3 extended to:

4 (1) Children who are not eligible to attend public school  
5 kindergarten in the calendar year in which they turn  
6 five years of age because their birth date occurs  
7 after the kindergarten eligibility date pursuant to  
8 section 302A-411; and

9 (2) Underserved or at-risk children, as defined by rules  
10 adopted by the department.

11 (c) Enrollment in the program shall be voluntary. A  
12 parent or guardian of a child enrolled in the program [~~shall~~  
13 may share in the costs of the program through a copayment  
14 according to a sliding fee scale that is based on need pursuant  
15 to rules adopted by the department."

16 SECTION 8. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so much  
18 thereof as may be necessary for fiscal year 2020-2021  
19 for permanent full-time ( .0 FTE) positions for the  
20 preschool open doors program.



1           The sum appropriated shall be expended by the department of  
2 human services for the purposes of this Act.

3           SECTION 9. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$                    or so much  
5 thereof as may be necessary for fiscal year 2020-2021 for the  
6 department of human services to expand its information  
7 technology system for the purpose of managing the information  
8 collected pursuant to 302A-     , Hawaii Revised Statutes.

9           The sum appropriated shall be expended by the department of  
10 human services for the purposes of this Act.

11           SECTION 10. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$                    or so much  
13 thereof as may be necessary for fiscal year 2020-2021 for the  
14 department of human services to contract for and operate  
15 preschool and child care programs without regard to chapters  
16 103D and 103F, Hawaii Revised Statutes, to carry out the  
17 purposes of this Act.

18           The sum appropriated shall be expended by the department of  
19 human services for the purposes of this Act.

20           SECTION 11. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                    or so much



1 thereof as may be necessary for fiscal year 2020-2021 for  
2 deposit into the preschool grant special fund.

3 PART IV. OFFICE OF THE GOVERNOR

4 SECTION 12. Chapter 26, Hawaii Revised Statutes, is  
5 amended by adding a new part to be appropriately designated and  
6 to read as follows:

7 "PART . EARLY LEARNING

8 §26- Position of early learning coordinator;

9 **established; benchmarks; duties.** (a) There is established  
10 within the office of the governor an early learning coordinator  
11 position. The governor, without regard to chapter 76, shall  
12 appoint the early learning coordinator for a term of six years,  
13 subject to the advice and consent of the Senate. The term  
14 limitation in section 26-34 shall not apply to the early  
15 learning coordinator position. The early learning coordinator  
16 may be removed from office by:

17 (1) The governor subject to the advice and consent of the  
18 senate; or

19 (2) A majority vote of the senate.

20 (b) The salary of the early learning coordinator shall be  
21 fixed by the governor. The early learning coordinator shall be



1 a member of the state employees' retirement system and shall be  
2 included under the operations of the federal social security  
3 program or any other state or federal employee benefit program  
4 generally applicable to officers and employees of the State.

5 (c) The early learning coordinator may employ and retain  
6 officers and employees as may be necessary to carry out the  
7 duties of the early learning coordinator. The officers and  
8 employees may be hired without regard to chapter 76, shall serve  
9 at the pleasure of the early learning coordinator, and shall be  
10 included in any benefit program generally applicable to officers  
11 and employees of the State.

12 (d) The early learning coordinator shall ensure access to  
13 learning through preschool programs that meet or exceed the  
14 following benchmarks:

15 (1) Fifty per cent of all otherwise unserved children who  
16 are three to four years of age, or will not be at  
17 least five years of age on or before July 31 of the  
18 current school year, shall be enrolled in a preschool  
19 program by December 31, 2025; and

20 (2) One hundred per cent of all children who are three to  
21 four years of age, or will not be at least five years



1 of age on or before July 31 of the current school  
2 year, shall be enrolled in a preschool program by  
3 December 31, 2030.

4 The early learning coordinator shall submit an annual report to  
5 the legislature, no later than August 31 of each year, on the  
6 progress toward achieving the benchmarks until all children who  
7 are three to four years of age, or will not be at least five  
8 years of age on or before July 31 of the current school year,  
9 are enrolled in a preschool program.

10 (e) The early learning coordinator shall:

11 (1) Ensure safe, healthy, quality, and affordable child  
12 care and school readiness opportunities so that  
13 parents do not need to choose between employment and  
14 child care;

15 (2) Build upon, expand, and modify existing access to  
16 child care and school readiness programs, including  
17 but not limited to the preschool open doors and other  
18 child care programs;

19 (3) Develop and implement strategies and programs that can  
20 offset the cost of child care and school readiness  
21 programs for high priority workforce needs;



- 1 (4) Ensure that all child care and early learning services  
2 delivered shall be approved and regulated by the  
3 department and the executive office on early learning;
- 4 (5) Create a flexible, expandable, and focused funding and  
5 budgeting approach that will encourage public and  
6 private partnerships to implement school readiness  
7 programs;
- 8 (6) Create a smooth and coordinated transition of school  
9 readiness programs between child care and kindergarten  
10 in department of education, charter, private, and  
11 homeschool environments;
- 12 (7) Facilitate the location of public and private venues  
13 for child care and school readiness programs,  
14 including but not limited to public facilities such as  
15 schools, libraries, the university of Hawaii system,  
16 and other state facilities; and
- 17 (8) Create:
- 18 (A) An ongoing information collection and analysis  
19 function that is independent of the agencies; and
- 20 (B) Programs and private sector delivery systems that  
21 can pose the essential information and policy





1                    questions, monitor the progress of the  
2                    implementation of this part, and generate timely  
3                    detailed reports to the extent allowable by law.

4            **§26-        Access to learning trust fund.** (a) There is  
5 established within the state treasury the access to learning  
6 trust fund, to be administered by the early learning  
7 coordinator, into which shall be deposited all moneys received  
8 by the early learning coordinator in the form of:

9            (1) Fees;

10           (2) Grants;

11           (3) Donations;

12           (4) Appropriations made by the legislature to the fund;

13           and

14           (5) Revenues regardless of their source,

15 and earnings on moneys in the fund. Moneys in the fund shall be

16 used to fulfill the duties of the early learning coordinator.

17 Expenditures from the fund may be made by the early learning

18 coordinator without appropriation or allotment.

19           (b) Any law to the contrary notwithstanding, the governor

20 may authorize expenditures from the trust fund of any donation,

21 grant, bequest, and devise of money from any private



1 institution, person, firm, or corporation for the purposes of  
 2 funding or augmenting the salaries of the early learning  
 3 coordinator and any officers and employees of the early learning  
 4 coordinator. If all or any portion of any salary of the early  
 5 learning coordinator or any officer or employee of the early  
 6 learning coordinator is funded pursuant to this subsection, the  
 7 report pursuant to subsection (c) shall include information  
 8 detailing the use of any funds authorized under this subsection.

9 (c) The early learning coordinator shall submit an annual  
 10 report to the legislature, no later than August 31, on the  
 11 sources of moneys deposited into the fund and expenditures of  
 12 moneys in the fund."

13 SECTION 13. There is appropriated out of the general  
 14 revenues of the State of Hawaii the sum of \$ or so much  
 15 thereof as may be necessary for fiscal year 2020-2021 for the  
 16 early learning coordinator position and officers and employees  
 17 of the early learning coordinator.

18 The sum appropriated shall be expended by the office of the  
 19 governor for the purposes of this Act.

20 PART V. HAWAIIAN LANGUAGE IMMERSION



1 SECTION 14. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for fiscal year 2020-2021 for the  
4 purpose of assisting the Imiloa astronomy center to build two or  
5 more classrooms for Hawaiian language immersion pre-kindergarten  
6 programs that shall be used to establish a pathway for the  
7 development of other Hawaiian language immersion classes.

8 The sum appropriated shall be expended by the university of  
9 Hawaii for the purposes of this Act.

10 PART VI. LIBRARIES

11 SECTION 15. Chapter 312, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriated designated  
13 and to read as follows:

14 "§312- Early learning classrooms and services on public  
15 library property; authorized. The state librarian, in  
16 consultation with the early learning coordinator, may establish  
17 early learning classrooms and contract for early learning  
18 services at any library under the state librarian's  
19 jurisdiction. The planning, constructing, equipping, and  
20 operating of early learning classrooms and the contracting of



1 early learning services shall not be subject to chapters 103D or  
2 103F."

3 SECTION 16. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2020-2021 for  
6 the purpose of building two or more early learning services  
7 classrooms on property under the jurisdiction of the public  
8 library system.

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

11 PART VII. MISCELLANEOUS PROVISIONS

12 SECTION 17. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 18. This Act shall take effect on July 1, 2020.



**Report Title:**

DHS; DOE; Preschool Open Doors Program; Executive Office on Early Learning; Appropriation

**Description:**

Requires the parents or guardians of public school kindergarten students to disclose information on the child's prior child care program or prekindergarten attendance, if any, for the purpose of determining areas with the highest need for prekindergarten and child care programs. Requires Department of Education to assess kindergarten students. Establishes the preschool open doors trust fund and requires annual reporting. Expands Preschool Open Doors Program eligibility from 4-year-old children to all children who are 3 to 4 years old or will not be at least five years old on or before July 31 of the current school year. Requires annual reporting regarding the revenues and expenditures of the early learning trust fund. Establishes program for Department of Human Services to award grants for preschools. Appropriates funds and authorizes positions for the preschool open doors program. Appropriates funds for the Department of Human Services to expand its information technology system for the purpose of managing information on prekindergarten attendance and child care need and to contract for and operate preschool and child care programs. Establishes the Early Learning Coordinator position within the Office of the Governor. Establishes the goal of providing all children who are 3 to 4 years old, or will not be at least five years old on or before July 31 of the current school year, with enrollment in a preschool program by the year 2030 and assigns that responsibility to the Early Learning Coordinator. Appropriates funds to the Imiloa Astronomy Center for building classrooms for Hawaiian language immersion pre-kindergarten programs. Appropriates funds for building early learning services classrooms on public library property. Appropriates funds.  
(HB2543 HD1 PROPOSED)

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