A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

PART I. INTRODUCTION

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

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

PART II. DEPARTMENT OF EDUCATION

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding two new sections to subpart C of part IV to be appropriately designated and to read as follows:
§302A- Standardized assessment for students entering kindergarten. (a) The board of education shall adopt a student assessment model pursuant to section 302A-1101(a) to assess all students entering kindergarten. (b) Within the first two weeks of each school year, the department shall assess all kindergarten students with the student assessment model. (c) The department shall share information from the student assessment model with the department of human services and the early learning coordinator in the same manner as the information gathered in section 302A-.

§302A- Prior early learning programs attendance disclosure. (a) At least one parent or guardian of each child entering kindergarten shall disclose to the department the name and address of the early learning program that the child attended during the previous academic year. The department may also require the disclosure of any other information not otherwise prohibited by law that would assist the department, the department of human services, and the early learning coordinator in developing, assessing, and implementing strategies to meet the early learning needs of children in the
State. The department and the executive office on early
learning shall use the information to determine the levels of
prekindergarten attendance and need for child care in geographic
regions of the State and identify the highest priority regions
requiring prekindergarten programs and child care to meet the
needs of unserved or underserved eligible children and shall
provide the information to the department of human services and
the early learning coordinator.

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

SECTION 3. Section 302L-1.6, Hawaii Revised Statutes, is
amended by amending subsections (b) and (c) to read as follows:
"(b) The board shall consist of the following voting
members:
(1) A representative of center-based program providers or
the representative's designee;
(2) A representative of family child care program
providers;
(3) A representative of family-child interaction learning
program providers;
(4) A representative of philanthropic organizations that support early learning or the representative's
designee;

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

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

(7) A parent representative;

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

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

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

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

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

The board shall invite the chief executive officer of
Kamehameha Schools and the executive director of the Hawaii
Association of Independent Schools, or their designees, to serve as voting members of the board.

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

(1) The representative of center-based program providers shall serve a two-year term;

(2) The representative of family child care program providers shall serve a three-year term;

(3) The representative of family-child interaction learning program providers shall serve a three-year term;

(4) The representative of philanthropic organizations that support early learning shall serve a two-year term;

(5) The representative from a head start provider agency shall serve a three-year term;

(6) The representative from the Hawaii Early Intervention Coordinating Council shall serve a three-year term;
(7) The parent representative shall serve a two-year term;
(8) The representative from the Hawaii chapter of the American Academy of Pediatrics shall serve a two-year term;
(9) The representative of home-visiting program providers shall serve a three-year term;
(10) The representative of Hawaiian medium early learning providers shall serve a two-year term; and
(11) The representative of the Hawaii Council of Mayors shall serve a three-year term."

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

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

(1) Fees;
(2) Grants;
(3) Donations;
(4) Appropriations made by the legislature to the fund;

and

(5) Revenues regardless of their source, and earnings on moneys in the fund. Moneys in the fund shall be used for the early learning system. Expenditures from the fund may be made by the office without appropriation or allotment.

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

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

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

PART III. DEPARTMENT OF HUMAN SERVICES

SECTION 6. Chapter 346, Hawaii Revised Statutes, is amended by adding three new sections to part VIII to be appropriately designated and to read as follows:
"§346- Preschool open doors trust fund. (a) There is established within the state treasury the preschool open doors trust fund, to be administered by the department's child care assistance program, into which shall be deposited all moneys received by the department's child care assistance program in the form of:

(1) Fees;
(2) Grants;
(3) Donations;
(4) Appropriations made by the legislature to the fund; and
(5) Revenues regardless of their source, and earnings on moneys in the fund. Moneys in the fund shall be used for the preschool open doors program. Expenditures from the fund may be made by the department without appropriation or allotment.

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

§346- Preschool grant program; special fund; established. (a) There is established within the state
treasury the preschool grant special fund, into which shall be
deposited:

(1) Donations to the special fund; and
(2) Appropriations made by the legislature to the fund;
(3) Revenues regardless of their source; and
(4) Earnings on moneys in the fund.

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

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

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

§346- Prior early learning program information. (a)
The department shall establish or augment an existing database
to collect and analyze information it receives from the
department of education pursuant to section 302A- and any
other information the department may collect on all children in
the State who are three to four years old and children who will
not be at least five years of age on or before July 31 of the
current school year. The department, along with the early
learning coordinator, shall use the information to determine the
levels of prekindergarten attendance and need for child care in
geographic regions of the State and identify the highest
priority regions requiring prekindergarten programs and child
care to meet the needs of unserved or underserved eligible
children.

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

SECTION 7. Section 346-181, Hawaii Revised Statutes, is
amended by amending subsections (b) and (c) to read as follows:
"(b) Subject to the availability of funds, the program
shall serve [four-year-old] children[7] who are three to four
years of age, or will not be at least five years of age on or before July 31 of the current school year, with priority extended to:

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

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

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

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 for permanent full-time ( .0 FTE) positions for the preschool open doors program.
The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 for the department of human services to expand its information technology system for the purpose of managing the information collected pursuant to 302A- , Hawaii Revised Statutes. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

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

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much
thereof as may be necessary for fiscal year 2020-2021 for deposit into the preschool grant special fund.

PART IV. OFFICE OF THE GOVERNOR

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

"PART . EARLY LEARNING

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

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

(2) A majority vote of the senate.

(b) The salary of the early learning coordinator shall be fixed by the governor. The early learning coordinator shall be
a member of the state employees' retirement system and shall be included under the operations of the federal social security program or any other state or federal employee benefit program generally applicable to officers and employees of the State.

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

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

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

(2) One hundred per cent of all children who are three to four years of age, or will not be at least five years
of age on or before July 31 of the current school
year, shall be enrolled in a preschool program by
December 31, 2030.

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

(e) The early learning coordinator shall:

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

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

(3) Develop and implement strategies and programs that can
offset the cost of child care and school readiness
programs for high priority workforce needs;
(4) Ensure that all child care and early learning services delivered shall be approved and regulated by the department and the executive office on early learning;

(5) Create a flexible, expandable, and focused funding and budgeting approach that will encourage public and private partnerships to implement school readiness programs;

(6) Create a smooth and coordinated transition of school readiness programs between child care and kindergarten in department of education, charter, private, and homeschool environments;

(7) Facilitate the location of public and private venues for child care and school readiness programs, including but not limited to public facilities such as schools, libraries, the university of Hawaii system, and other state facilities; and

(8) Create:

(A) An ongoing information collection and analysis function that is independent of the agencies; and

(B) Programs and private sector delivery systems that can pose the essential information and policy
questions, monitor the progress of the
implementation of this part, and generate timely
detailed reports to the extent allowable by law.

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

(1) Fees;

(2) Grants;

(3) Donations;

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

and

(5) Revenues regardless of their source,

and earnings on moneys in the fund. Moneys in the fund shall be
used to fulfill the duties of the early learning coordinator.
Expenditures from the fund may be made by the early learning
coordinator without appropriation or allotment.

(b) Any law to the contrary notwithstanding, the governor
may authorize expenditures from the trust fund of any donation,
grant, bequest, and devise of money from any private
institution, person, firm, or corporation for the purposes of
funding or augmenting the salaries of the early learning
coordinator and any officers and employees of the early learning
coordinator. If all or any portion of any salary of the early
learning coordinator or any officer or employee of the early
learning coordinator is funded pursuant to this subsection, the
report pursuant to subsection (c) shall include information
detailing the use of any funds authorized under this subsection.

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

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

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

PART V. HAWAIIAN LANGUAGE IMMERSION
SECTION 14. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 for the purpose of assisting the Imiloa astronomy center to build two or more classrooms for Hawaiian language immersion pre-kindergarten programs that shall be used to establish a pathway for the development of other Hawaiian language immersion classes. The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.

PART VI. LIBRARIES

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

"§312- Early learning classrooms and services on public library property; authorized. The state librarian, in consultation with the early learning coordinator, may establish early learning classrooms and contract for early learning services at any library under the state librarian's jurisdiction. The planning, constructing, equipping, and operating of early learning classrooms and the contracting of
early learning services shall not be subject to chapters 103D or 103F."

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

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

PART VII. MISCELLANEOUS PROVISIONS

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

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)

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