
A BILL FOR AN ACT

RELATING TO EARLY CHILDHOOD EDUCATION.

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

1 SECTION 1. The legislature finds that according to a joint
2 statement drafted by the National Association for the Education
3 of Young Children, with support from a host of other national
4 organizations known as leaders in addressing early childhood
5 education, every year, as many as 8,710 three- and four-year-
6 olds may be expelled from or pushed out of their state-funded
7 preschool or prekindergarten classroom at a rate more than three
8 times that of their peers in kindergarten through grade twelve.

9 The legislature further finds that the data reflects severe
10 racial disparities in the number of children who get suspended.
11 Data from the federal Department of Education Office for Civil
12 Rights indicates a significant percentage of these children are
13 also suspended more than once, leaving them with few supports
14 and fewer options to ensure they are able to participate in
15 high-quality early learning.

16 The legislature additionally finds that this is
17 particularly troubling given such suspensions and expulsions



1 occur during a critical period in a child's development, when
2 their brains are developing rapidly. The earliest years of a
3 child's life are critical to laying the foundation of learning
4 and wellness needed for success in school and beyond. It is
5 especially during these years that systems should ensure the
6 State's youngest children have access to opportunities that will
7 set them up to reach their highest potential. By suspending or
8 expelling them, the youngest children are set off in the wrong
9 direction before they even reach kindergarten.

10 Well-established research indicates that school suspension
11 and expulsion practices are associated with adverse educational
12 and life outcomes. Suspension and expulsion early in a child's
13 life predicts suspension and expulsion later in school.
14 Children who are suspended or expelled from school are as many
15 as ten times more likely to drop out of high school, experience
16 academic failure, hold negative school attitudes, and face
17 incarceration than their peers who were never suspended or
18 expelled.

19 Though each case is different, suspensions and expulsions
20 may be the result of the lack of, or misguided, policies, or
21 insufficient training and support services for staff, especially



1 in managing challenging behaviors, recognizing trauma, and
2 promoting socioemotional development. The executive office on
3 early learning makes it a priority to provide professional
4 learning support to executive office on early learning public
5 prekindergarten program staff as well as work with school
6 leadership on staffing, and has been partnering with the
7 University of Hawaii system to strengthen the pipeline of early
8 childhood educators in these areas. The executive office on
9 early learning makes this a focus of its work because the target
10 population for the executive office on early learning public
11 prekindergarten program is underserved or at-risk children -
12 those who stand to benefit the most from high-quality early
13 learning and should be assured of the opportunity for such,
14 rather than be denied due to suspension or expulsion.

15 In December 2014, the federal Department of Health and
16 Human Services and federal Department of Education issued a
17 joint policy statement and recommendations to assist states and
18 their public and private local early childhood programs to
19 prevent and severely limit suspensions and expulsions in early
20 learning settings. The policy statement affirmed the
21 departments' efforts to prevent and eventually eliminate



1 suspension and expulsion in all early childhood settings and
2 support young children's social, emotional, and behavioral
3 development.

4 The federal Head Start Program has already prohibited its
5 programs from expelling or un-enrolling children due to a
6 child's behavior. It also requires its programs to prohibit or
7 severely limit the use of suspension due to a child's behavior.
8 Programs are required to partner with families, consult with
9 specialists, help the child and family obtain additional
10 services as appropriate, and take all possible steps to ensure
11 the child's successful participation in the program.

12 Therefore, the purpose of this Act is to prohibit the
13 suspension and expulsion of children participating in the
14 executive office on early learning public prekindergarten
15 program, except in very limited circumstances, in alignment with
16 national best practices and the federal government's efforts
17 along these lines to most appropriately support our youngest
18 children.

19 SECTION 2. Section 302A-1134, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



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

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

15 "**§302L-7 Executive office on early learning public**
16 **prekindergarten program; public preschools.** (a) There is
17 established within the early learning system an early childhood
18 education program to be known as the executive office on early
19 learning public prekindergarten program and to be administered
20 by the office pursuant to rules adopted by the office. The
21 program shall:



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

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

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

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

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



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

- 6 (1) Positive teacher-child interactions;
- 7 (2) Use of individual child assessments that are used for
8 ongoing instructional planning, based upon all areas
9 of childhood development and learning, including
10 cognitive, linguistic, social, and emotional
11 approaches to learning and health and physical
12 development;
- 13 (3) Family engagement; and
- 14 (4) Alignment with the Hawaii early learning and
15 development standards, which align with department of
16 education standards, state content and performance
17 standards, and general learner outcomes for grades
18 kindergarten to twelve, to facilitate a seamless and
19 high-quality educational experience for children.

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



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

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

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

12 (h) The office shall collect data to:

13 (1) Evaluate the services provided;

14 (2) Inform policy; and

15 (3) Make any improvements to the program.

16 (i) The department of education and any public charter
17 school existing pursuant to chapter 302D, may use available
18 classrooms for public preschool programs statewide. The office
19 shall give priority to public charter schools that serve high
20 populations of underserved or at-risk children. Preschool
21 classrooms established pursuant to this section shall be in



1 addition to any classrooms used for the pre-plus program
2 established pursuant to rules adopted by the department pursuant
3 to chapter 91.

4 (j) The office shall prohibit the use of suspension in the
5 program due to a child's behavior; provided that a temporary
6 suspension may be used when there is a serious safety threat as
7 determined by the administrator of the school.

8 The office shall prohibit the permanent removal of a
9 student from the program due to a child's behavior; provided
10 that when a child exhibits persistent and serious challenging
11 behaviors, the administrator of the school shall consult with
12 the office on how to address the behaviors.

13 ~~[(j)]~~ (k) The office shall adopt rules pursuant to chapter
14 91 necessary to carry out the purposes of this section,
15 including compliance with all applicable state and federal
16 laws[-]; provided that the office shall be subject to chapter 8-
17 19, Hawaii Administrative Rules, to carry out the purposes of
18 subsection (j) until such a time that the office develops and
19 adopts rules pursuant to chapter 91."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2



Report Title:

Executive Office on Early Learning Public Prekindergarten
Program; Suspension and Expulsion

Description:

Prohibits the suspension and expulsion of children participating
in the Executive Office on Early Learning Public Prekindergarten
Program. (SD1)

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

