A BILL FOR AN ACT

RELATING TO ACCESS TO LEARNING.

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

SECTION 1. The purpose of this Act is to build the infrastructure and develop the resources necessary to achieve the objective of providing all three- to four-year-old children in the State, or children who will be eligible for kindergarten within two years, with access to learning by the year 2030.

This Act also establishes annual benchmarks on the progress of the objective, including the goal to provide half of all otherwise unserved children who are three to four years of age, or who will be eligible for kindergarten within two years, with access to learning by the year 2025.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new subpart to part VIII to be appropriately designated and to read as follows:

§346-A Definitions. As used in this subpart, unless the context otherwise requires:
"Agency" means the learning to grow agency established pursuant to section 346-C.

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

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

(3) Who are in foster care;

(4) Who are homeless; or

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

"Center-based" describes programs in which early learning services are provided in a facility, including private preschools, child care centers, and head start programs, that are licensed, or excluded or exempt from licensing, by the department of human services.

"Early learning" means developmentally appropriate early childhood development and education for children who are three
1 to four years of age or will be eligible for kindergarten within
2 two years.
3 "Early learning system" means a developmentally appropriate
4 early childhood development system for children who are three to
5 four years of age or will be eligible for kindergarten within
6 two years.
7 "Executive director" means the executive director of the
8 learning to grow agency.
9 "Family child care program" means a program in which a
10 child is cared for in a family child care home licensed under
11 section 346-161.
12 "Family-child interaction learning program" means a program
13 that is attended by both a child and at least one adult who is
14 the child's parent, relative, or other caregiver and that
15 facilitates family-child interactive learning experiences for
16 children and educates the family member or members about how to
17 encourage the child's learning.
18 "Family engagement" means practices that engage families in
19 recognition of the need for families to actively support their
20 child's learning and development, including classrooms that make
21 families feel welcome, communication with families on an ongoing
basis, the promotion of responsible parenting, and involvement in decisions that affect families and their children.

"Home-based instruction program" means a family-involvement, school-readiness program that helps families prepare their child for success in school and beyond and that is based in the child's home; provided that home schooling is not a home-based instruction program.

"Underserved children" means children who have no access to, or are not qualified to attend, other early learning programs and whose family income is no more than three hundred per cent of the federal poverty level.

§346-B Access to learning objective; benchmarks. The learning to grow agency shall ensure access to learning through an early education program that meets or exceeds the following benchmarks:

(1) Twenty-five per cent of all otherwise unserved children who are three to four years of age or will be eligible for kindergarten within two years shall have access to learning by December 31, 2022;

(2) Fifty per cent of all otherwise unserved children who are three to four years of age or will be eligible for
kindergarten within two years shall have access to learning by December 31, 2025;

(3) Seventy-five per cent of all otherwise unserved children who are three to four years of age or will be eligible for kindergarten within two years shall have access to learning by December 31, 2028; and

(4) All children who are three to four years of age or will be eligible for kindergarten within two years shall have access to learning by December 31, 2030.

§346-C Learning to grow agency; executive director;
general functions, duties, and powers. (a) There is established the learning to grow agency within the department of human services for administrative purposes only.

(b) The head of the agency shall be known as the executive director of the learning to grow agency. The executive director shall:

(1) Be appointed pursuant to section 26-34;

(2) Be evaluated annually by the board;

(3) Be paid a salary set by the governor; and

(4) Be included in any benefit program generally applicable to the officers and employees of the State.
(c) The governor may consider individuals having the following qualifications or other applicable qualifications to serve as the executive director:

(1) Individuals having professional training in the field of social work, education, or other related fields, including major coursework in early childhood education and child development, and preferably holding an academic degree in the field of early childhood education and child development;

(2) Individuals having direct experience in programs or services related to early learning; and

(3) Individuals having recent experience in a supervisory, consultative, or administrative position.

(d) The executive 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 agency for all children who are three to four years of age or will be eligible for kindergarten within two years, 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) Supervising and directing the performance of the executive director's subordinates in various activities, including planning, evaluation, and coordination of early learning programs;

(3) Administering funds allocated for the agency 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 private entities and other state agencies for programs and services for early learning, and purchase of service agreements with appropriate agencies.

(d) In developing the early learning system established pursuant to section 346-G, the agency, among other things, shall:

(1) Establish policies and procedures governing its operations;

(2) Develop a plan, with goals and objectives, for the early learning system, including the development, execution, and monitoring of a phased implementation plan;

(3) Coordinate, improve, and expand upon existing early learning programs and services for children three years of age until the time they enter kindergarten;

(4) Establish policies and procedures to include existing early learning programs and services;

(5) Establish additional early learning programs and services, including public and private partnerships,
through contracts, memoranda of understanding, or other agreements, where applicable;

(6) Establish policies and procedures to ensure that children with disabilities or who require special education are identified and appropriately referred to and educated by the department of education;

(7) Develop incentives to enhance the quality of programs, services, and professionals within the early learning system;

(8) Coordinate efforts to develop a qualified and effective workforce;

(9) Develop and implement methods of maximizing the engagement of families, caregivers, teachers, and providers in the early learning system;

(10) Develop an effective, comprehensive, and integrated system to provide training and technical support for programs and services within the early learning system;

(11) Develop standards of accountability to ensure that quality early learning experiences are provided by programs and services of the early learning system;
(12) Collect, interpret, and release data relating to early learning in the State;

(13) Recommend the appropriate proportion of state funds that should be distributed to programs and services across the early learning system, to ensure the most effective and efficient allocation of fiscal resources within the early learning system;

(14) Promote awareness of early learning opportunities to families and the general public; and

(15) Consult with community groups, including statewide organizations that are involved in early learning professional development, policy and advocacy, and early childhood programs.

(e) The Hawaii head start state collaboration office shall be established within the department of human services.

§346-D Learning to grow board. (a) There is established within the department of human services for administrative purposes only a learning to grow board, whose members shall be appointed by the governor pursuant to section 26-34. The board shall advise the agency on policies relating to early learning. The board shall be responsible for:
(1) Advising the agency on how best to meet the developmental and educational needs of children who are three to four years of age or will be eligible for kindergarten within two years;

(2) Providing recommendations to the agency on improving the quality, availability, and coordination of early learning programs;

(3) Promoting collaboration across agencies and stakeholders serving young children; and

(4) Evaluating the executive director on an annual basis.

(b) The board shall consist of eleven voting members who have an interest in providing access to early learning to children who are three to four years of age or will be eligible for kindergarten within two years.

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

(c) The board shall select a chairperson by a majority vote of its voting members. A majority of the voting members serving on the board shall constitute a quorum to conduct
business. The concurrence of the majority of the voting members serving on the board shall be necessary to make any action of the board valid.

(d) The board may form workgroups and subcommittees, including with individuals who are not board members, to:

(1) Obtain resource information from early learning professionals and other individuals as deemed necessary by the board;

(2) Make recommendations to the board; and

(3) Perform other functions as deemed necessary by the board to fulfill its duties and responsibilities.

Two or more board members, but less than a quorum, may discuss matters relating to official board business in the course of their participation in a workgroup or subcommittee, and these discussions shall be a permitted interaction as provided for in section 92-2.5.

(e) The board may testify before the legislature on any matter related to its duties and responsibilities.

(f) Members of the board shall serve without compensation but may be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.
§346-E Board meetings by teleconference.  

(a) Notwithstanding any law to contrary, the board may meet by teleconference.

(b) Each member of the board participating in a meeting by teleconference shall be considered present at the meeting for purposes of determining quorum and participating in all proceedings.

(c) A meeting by teleconference:

(1) Need not have a quorum present at any one location; and

(2) Is subject to the notice requirements applicable to other board meetings.

(d) The notice of each teleconference meeting shall specify all physical locations from which members of the board will participate. The notice shall also specify the physical location from which the presiding officer of the board will preside. All physical teleconference locations shall be open to the public during the open portion of the meeting.

(e) Board materials to be considered at the meeting shall be made available at all physical teleconference locations.
(f) Each part of the teleconference meeting that is required to be open to the public shall be audible to the public at each physical location specified in the notice of the meeting.

(g) Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call.

(h) The public shall be allowed to participate and speak at a meeting conducted by teleconference in the same manner and to the same extent that the public is allowed to participate and speak at each physical site of the meeting.

§346-F Learning to grow facilities; pre-plus preschools program. (a) There is established the pre-plus preschools program within the agency to expand access to affordable and quality early learning for children from low-income families who are three to four years of age or will be eligible for kindergarten within two years, by allowing preschool programs to be established on public school campuses through public-private partnerships.
(b) The agency, the department of accounting and general services, the department of education, and the department of human services shall work collaboratively, including entering into a memorandum of understanding, to develop suitable pre-plus classrooms on department of education campuses statewide, including conversion charter school campuses. The agency, with the department of education and department of human services, shall coordinate site selection for additional pre-plus programs at public school sites, with priority given to public school sites that serve at-risk children as defined in section 346-A, including sites located in areas with limited access to early learning programs and services.

§346-G Early learning system. There is established an early learning system that shall ensure a spectrum of quality early learning opportunities for children throughout the State who are three to four years of age or will be eligible for kindergarten within two years, with priority given to underserved or at-risk children. The early learning system shall be developed and administered by the agency to the extent permissible by law. The early learning system shall:
(1) Be widely accessible and voluntary for both those served and program and service providers;

(2) Be a cohesive, comprehensive, and sustainable system in which:

(A) All existing early learning programs and services, whether publicly- or privately-run, that consist of a variety of early learning approaches, service deliveries, and settings, including center-based programs, family child care programs, family-child interaction learning programs, and home-based instruction programs designed to promote early learning, are coordinated, improved, and expanded;

(B) Public and private resources are maximized; and

(C) The use of public facilities for either publicly- or privately-run early learning programs is maximized;

(3) Provide quality early learning experiences with:

(A) Standards-based content and curriculum, and accountability; and
(B) Sufficient numbers of qualified educators and administrators who are fairly compensated and have access to continuing professional development;

(4) Offer opportunities for family and community engagement and parent education and support; and

(5) Be sensitive to family choice and cultural diversity.

§346-H Grant program; establishment. (a) There is established as part of the early learning system a grant program to be developed and administered by the agency. The program shall increase early learning opportunities that meet standards of quality through the awarding of grants to publicly- or privately-run center-based programs for children who are three to four years of age or will be eligible for kindergarten within two years.

(b) The agency may award grants based on criteria that shall be developed by the agency. The criteria shall require that early learning programs and services meet certain standards of quality, including:

(1) The implementation of evidence-based and culturally responsive models of service delivery;
(2) The use of evidence-based curricula and methods;
(3) Minimum scheduling requirements, as follows:
   (A) For center-based programs: providing services
       for a full school day and full school year;
   (B) For family child care programs: providing
       services for three hours daily for a full school
       year;
   (C) For family-child interaction learning programs
       operating in classroom-like settings: providing
       early learning activities at least twice a week
       for a full school year, and for a minimum of
       three hours each day; and
   (D) For home-based instruction programs: providing
       early learning activities for no fewer than
       thirty weeks within a school year;
(4) Staff-to-child ratios and group sizes that meet or
    exceed nationally recommended standards;
(5) The employment of teachers and administrators who meet
    the qualifications required by the agency;
(6) The incorporation of preschool content standards or
    other early learning guidelines;
(7) The implementation of health and developmental screenings for children;

(8) Opportunities for parent or family engagement and parent education and support; and

(9) Activities for monitoring and data collection to evaluate early learning programs and services and inform best practices.

(c) The agency may offer technical support to, and shall be responsible for monitoring to ensure the accountability of, programs and services within the grant program, according to the standards developed by the agency.

§346-1 Learning to grow trust fund. (a) There is established within the state treasury the learning to grow trust fund, to be administered by the agency, into which shall be deposited all moneys received by the agency in the form of:

(1) Fees;

(2) Grants;

(3) Donations;

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

(5) Revenues regardless of their source; and

(6) 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 agency without appropriation or allotment.

(b) Any law to the contrary notwithstanding, the governor may authorize expenditures from this fund of any donation, grant, bequest, and devise of money from any private institution, person, firm, or corporation for the purposes of funding the salaries of the executive director and any officers, agents, and employees of the agency. If all or any portion of any salary of the executive director or any officer, agent, or employee of the agency is funded pursuant to this subsection, the agency shall submit a report to the legislature detailing the use of any funds authorized under this subsection no later than twenty days prior to the convening of each regular session.

(c) The agency may expend moneys of the fund to:

(1) Construct learning to grow centers in collaboration with the school facilities agency established pursuant to 302A- ; provided that any private entity that uses the learning to grow center shall allocate not less than one-third of the enrollment at the learning to grow center to children in families at one hundred
per cent or less of the federal poverty level and
shall not charge tuition to those children; and

(2) Augment the salaries of teachers employed by a private
entity that the agency has determined meets the high-
quality standards of section 346-K(f); provided that
any private entity that accepts funds pursuant to this
paragraph shall allocate not less than one-third of
the enrollment of the private entity to children in
families at one hundred percent or less of the federal
poverty level and shall not charge tuition to those
children.

§346-J Federal funds. The agency may use and expend
federal funds for the purpose of early learning.

§346-K Learning to grow public prekindergarten program.

(a) There is established within the early learning system an
early childhood learning program to be known as the learning to
grow public prekindergarten program and to be administered by
the agency pursuant to rules adopted by the agency. The program
shall:

(1) Be provided through the agency, which shall partner
with the department of education 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 quality early learning that addresses children's physical, cognitive, linguistic, social, and emotional development.

(b) The agency 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 underserved and at-risk children pursuant to section 346-A; and

(B) The availability and capacity of existing early learning programs or services on the school campus and in the surrounding area for children
who are three to four years of age or will be eligible for kindergarten within two years;

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

(3) The commitment to the principle of implementing a quality prekindergarten program, including through active participation in professional development sessions offered through the agency, 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 that the positive outcomes of children are sustained.

(c) The program shall serve children who are three to four years of age or will be eligible for kindergarten within two years, with priority extended to underserved or at-risk children, as defined in section 346-A, 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) Enrollment in the program shall be voluntary. A child
who is required to attend school pursuant to section 302A-1132,
shall not be eligible for enrollment in the program.

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

(f) The program shall incorporate quality standards
pursuant to rules adopted by the agency. Quality standards
shall be research-based, developmentally-appropriate practices
associated with improved educational outcomes for children, such
as:

(1) Positive teacher-child interactions that shall be
evaluated through observations conducted by the agency
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
1 cognitive, linguistic, social, and emotional
2 approaches to learning and health and physical
3 development;
4 (3) Family engagement in partnership with the schools,
5 including conducting outreach for enrollment and
6 engagement of families in their children's learning
7 and development;
8 (4) Alignment with the Hawaii early learning and
9 development standards, which align with department of
10 education standards, state content and performance
11 standards, and general learner outcomes for grades
12 kindergarten to twelve, to facilitate a seamless and
13 quality learning experience for children;
14 (5) A teacher who has coursework in early childhood
15 education pursuant to Hawaii teacher standards board
16 licensing requirements for a prekindergarten teacher.
17 For program purposes, a teacher shall satisfy the
18 Hawaii teacher standards board licensing requirements
19 for a prekindergarten teacher or be enrolled in a
20 state-approved teacher education program and working
toward satisfying the Hawaii teacher standards board licensing requirements; and

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

The agency shall monitor implementation of the quality learning experience for children.

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

(h) The agency shall provide support to incorporate the quality standards developed pursuant to subsection (f), 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 agency; provided that the
agency shall cover the associated travel and substitute teacher
costs. The agency 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.

(i) The teacher and any assistants in the classroom
through the program shall provide direct services solely to
students enrolled in the program and shall be provided time
during program hours for meetings regarding program
implementation.

(j) The teacher and any assistants 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.

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

(1) The agency shall coordinate with other government entities and programs to facilitate comprehensive services for early learning.

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

(1) Other early learning providers, including those providing the programs and services specified in section 346-G(2)(A), 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.

(n) The agency 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 agency, to:

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

(o) The department of education and any public charter school existing pursuant to chapter 302D may use available classrooms for public preschool programs statewide. The agency 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 preschools program established pursuant to section 346-F.

(p) The agency 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.

§346-L Public prekindergarten classrooms; annual report to the legislature. The agency 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;

(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 agency; and

(6) Status of meeting benchmarks established pursuant to section 346-B.
The department of education and state public charter school commission shall share data with the agency necessary for the purposes of this report."

SECTION 3. Section 302A-449, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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] learning to grow agency in the [executive office on early learning] learning to grow public prekindergarten program pursuant to section [302L-7+] 346-K; provided that if any quality standard incorporated in the [executive office on early learning] learning to grow 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] learning to grow public
prekindergarten program in its implementation of Title I-funded
prekindergarten classrooms."

SECTION 4. Section 302A-1111, Hawaii Revised Statutes, is
amended to read as follows:

"§302A-1111 Duties of superintendent. (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
doctorate or early learning] learning to grow agency; 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] learning to grow agency 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 executive director of the [executive office on early learning] learning to grow agency may use a printed facsimile signature in approving appointments, contracts, and other documents."

SECTION 5. Section 325-124, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Registry information regarding specific individuals in the registry may be accessed by school and post-secondary school personnel authorized by the director of health, the superintendent of education, the executive director of the
[executive office on early learning, learning to grow agency or
the administrator of a private or post-secondary school for the
purpose of ensuring compliance with mandatory student
immunization requirements."

SECTION 6. 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, learning
to grow agency pursuant to section 346-K;

(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."

SECTION 7. Chapter 302L Hawaii Revised Statutes, is repealed.
SECTION 8. Notwithstanding section 26-34, Hawaii Revised Statutes, or any other provision to the contrary, each member of the early learning board repealed by this Act is hereby appointed as a member of the learning to grow board established pursuant to section 346-D, Hawaii Revised Statutes, for a term to coincide with the remaining term of the member.

SECTION 9. Sections 26-12, 302A-449, 302A-1128, and 302A-1151.5, Hawaii Revised Statutes, are amended by substituting the phrase "learning to grow agency", or similar term, wherever the term "executive office on early learning", or similar term, appears, as the context requires.

SECTION 10. Section 26-12, Hawaii Revised Statutes, is amended by substituting the phrase "learning to grow board", or similar term, wherever the term "early learning board", or similar term, appears, as the context requires.

SECTION 11. On the effective date of this Act all unencumbered funds of the early learning trust fund repealed by section 7 of this Act shall lapse to the credit of the learning to grow trust fund established pursuant to section 346-I, Hawaii Revised Statutes.
SECTION 12. All rights, powers, functions, and duties of the executive office on early learning are transferred to the department of human services; provided that teachers and other classroom level employees of the department of education shall remain within the department of education and shall not be transferred pursuant to this Act.

All employees who occupy civil service positions and whose functions are transferred to the department of human services by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.
Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status, but shall not be appointed to a civil service position as a consequence of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The director of human services may prescribe the duties and qualifications of these employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

SECTION 13. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the executive office on early learning relating to the functions transferred to the department of human services shall be transferred with the functions to which they
relate; provided that any records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property associated with use in a classroom shall not be transferred pursuant to this Act.

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 establishment and implementation of the learning to grow agency and programs of the agency.

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

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect on July 1, 2020.
Report Title:
DHS; DOE; Learning to Grow; Executive Office on Early Learning;
Appropriation

Description:
Transfers the Executive Office on Early Learning from the Department of Education to the Department of Human Services. Renames the Office as the Learning to Grow Agency. Focuses the jurisdiction of the agency to children who are 3 to 4 years old or will be eligible for kindergarten within 2 years. Establishes the goal of providing all children who are 3 to 4 years old or will be eligible for kindergarten within 2 years with access to learning through an early learning program by the year 2030. Appropriates funds.

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