



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 112 T

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

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

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

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB1346 HD2 SD2

RELATING TO EARLY CHILDHOOD
EDUCATION.
Act 024 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 regarded as leaders in the field of early
5 childhood education, every year, as many as 8,710 three- and
6 four-year-old children nationwide may be expelled from their
7 state-funded preschool or prekindergarten classroom. These
8 suspensions and expulsions are occurring at a rate more than
9 three times that of their peers in kindergarten through grade
10 twelve.

11 The legislature further finds that many more children are
12 suspended, with the data demonstrating severe racial
13 disparities. Data from the United States Department of
14 Education Office for Civil Rights indicates a significant
15 percentage of these children are also suspended more than once,
16 leaving them with few supports and even fewer options to ensure



1 that they are able to participate in high-quality early
2 learning.

3 The legislature additionally finds that this situation is
4 particularly troubling given that these suspensions and
5 expulsions occur during a critical period in a child's
6 development, when a child's brain is developing rapidly. The
7 earliest years of a child's life are critical to laying the
8 foundation of learning and wellness needed for success in school
9 and beyond. Especially during these early years, the
10 educational system should ensure that our youngest children have
11 access to opportunities that will prepare them to reach their
12 greatest potential. By suspending or expelling them, the
13 educational system instead sets our youngest off in the wrong
14 direction, before they even begin kindergarten.

15 Well-established research indicates that school suspension
16 and expulsion practices are associated with adverse educational
17 and life outcomes. Suspension and expulsion early in a child's
18 life predicts suspension and expulsion later in school.
19 Children who are suspended or expelled from school are as much
20 as ten times more likely to drop out of high school, experience
21 academic failure, hold negative attitudes toward school, and



1 face incarceration than their peers who were never suspended or
2 expelled.

3 Though each case is different, suspensions and expulsions
4 may be the result of the lack of, or misguided, policies, or
5 insufficient training and support services for staff, especially
6 in managing challenging behaviors, recognizing trauma, and
7 promoting socioemotional development. The executive office on
8 early learning makes it a priority to provide professional
9 learning support to executive office on early learning public
10 prekindergarten program staff as well as to work with school
11 leadership on staffing, and has also been partnering with the
12 University of Hawaii system to strengthen the pipeline of early
13 childhood educators with respect to these areas. The executive
14 office on early learning focuses on these matters in its work
15 because the target population for the executive office on early
16 learning public prekindergarten program is underserved or
17 at-risk children, those who stand to benefit the most from and
18 should be assured of high-quality early learning, rather than be
19 denied access to it due to suspension or expulsion.

20 In December 2014, the United States Department of Health
21 and Human Services and Department of Education issued a joint



1 policy statement and recommendations to assist states and their
2 public and private local early childhood learning programs to
3 prevent and severely limit suspensions and expulsions in early
4 learning settings. The policy statement affirmed the
5 departments' efforts to prevent and eventually eliminate
6 suspension and expulsion in all early childhood settings and
7 support young children's social, emotional, and behavioral
8 development.

9 The federal Office of Head Start has already prohibited its
10 programs from expelling or un-enrolling children due to a
11 child's behavior and requires its programs to prohibit or
12 severely limit the use of suspension due to a child's behavior.
13 Federal Head Start programs are required to partner with
14 families, consult with specialists, help the child and family
15 obtain additional services as appropriate, and take all possible
16 steps to ensure the child's successful participation in the
17 program.

18 In alignment with national best practices and the federal
19 government's efforts to more appropriately support our youngest
20 children, the purpose of this Act is to prohibit the suspension
21 and expulsion of children participating in the executive office



1 on early learning public prekindergarten program, except in very
2 limited circumstances.

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

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

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

19 "**§302L-7 Executive office on early learning public**
20 **prekindergarten program; public preschools.** (a) There is
21 established within the early learning system an early childhood



1 education program to be known as the executive office on early
2 learning public prekindergarten program and to be administered
3 by the office pursuant to rules adopted by the office. The
4 program shall:

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

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

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

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

19 The criteria to prioritize applications shall include:

20 (1) Community need, including:



- 1 (A) The percentage of the population in the school or
2 community that meets the definitions of at-risk
3 and underserved children pursuant to section
4 302L-1; and
- 5 (B) The availability and capacity of existing early
6 learning programs or services for four-year-old
7 children on the school campus and in the
8 surrounding area;
- 9 (2) The availability of a classroom and outdoor play area
10 that meet department of human services requirements
11 for health and safety for four-year-old children; and
- 12 (3) The commitment of the principal to implementing a
13 high-quality prekindergarten program including through
14 active participation in professional development
15 sessions offered through the office, and to promoting
16 continuity and alignment between and across other
17 early learning programs in the community and other
18 grade levels in the school to ensure the positive
19 outcomes of children are sustained.
- 20 (c) The program shall serve children in the year prior to
21 the year of kindergarten eligibility, with priority extended to



1 underserved or at-risk children, as defined in section 302L-1,
2 and follow the academic year schedule of the department of
3 education and be aligned with the full-day kindergarten
4 classroom schedule of each school. Enrollment priority shall be
5 given but is not limited to children who attend prekindergarten
6 at schools to which the children will be assigned upon entering
7 kindergarten under section 302A-1143.

8 (d) The program shall include students with disabilities
9 based on individualized education program placement, recognizing
10 that the in-classroom ratio of students with disabilities to the
11 general population shall be based on the inclusion of children
12 with disabilities in proportion to their presence in the general
13 population; provided that application of this principle does not
14 anticipate or permit imposing caps or quotas on the number of
15 children with disabilities in a program or not individualizing
16 services for children with disabilities under the Individuals
17 with Disabilities Education Act of 2004 (20 U.S.C. 1400-1409,
18 1411-1419, 1431-1444, 1450-1482). The department of education
19 shall collaborate with the office to coordinate services for
20 students with disabilities who are placed in the classroom
21 offered through the program. Funding for all costs associated



1 with implementation of the individualized education programs of
2 students shall be provided through the department of education.

3 (e) Enrollment in the program shall be voluntary. A child
4 who is required to attend school pursuant to section 302A-1132,
5 shall not be eligible for enrollment in the program.

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

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

13 (1) Positive teacher-child interactions that shall be
14 evaluated through observations conducted by the office
15 using a tool several times a year; provided that the
16 observations shall not be used for the purposes of
17 teacher evaluation;

18 (2) Use of individual child assessments that are used for
19 ongoing instructional planning, relating to all areas
20 of childhood development and learning, including
21 cognitive, linguistic, social, and emotional



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



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

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

12 (h) Prior to opening a public prekindergarten class in a
13 school, the principal, and other school personnel as required by
14 the office, shall participate in an early learning induction
15 program.

16 (i) The office shall provide support to incorporate the
17 high-quality standards developed pursuant to subsection (g),
18 including support related to teacher-child interactions,
19 individual child assessments, and family engagement. Teaching
20 staff participating in the program shall participate in coaching
21 and mentoring offered through the office; provided that the



1 office shall cover the associated travel and substitute teacher
2 costs. The office may extend this support, excluding travel and
3 substitute teacher costs, to individuals who are not
4 participating in the program to promote alignment between all
5 grade levels, programs, and settings.

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

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

18 (l) Each school participating in the program shall work
19 with the office to develop and annually update a written two- to
20 three-year plan to promote, within the school and community,
21 alignment of and transitions between high-quality learning



1 experiences, and submit to the office and the appropriate
2 complex area superintendent a report on progress made toward the
3 plan by the end of each school year.

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

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

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

18 (2) Early intervention programs.

19 (o) The office shall collect data with assistance from the
20 department of education and state public charter school



1 commission, based on a schedule to be determined by the office,
2 to:

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

6 (p) The department of education and any public charter
7 school existing pursuant to chapter 302D, may use available
8 classrooms for public preschool programs statewide. The office
9 shall give priority to public charter schools that serve high
10 populations of underserved or at-risk children. Preschool
11 classrooms established pursuant to this section shall be in
12 addition to any classrooms used for the pre-plus program
13 established pursuant to section 302L-1.7.

14 (q) All processes involved in implementation of this
15 section related to students having special needs shall comply
16 with federal law.

17 [~~(q)~~] (r) The office shall adopt rules pursuant to chapter
18 91 necessary to carry out the purposes of this section,
19 including compliance with all applicable state and federal laws.

20 (s) The office shall prohibit the use of suspension in the
21 program due to a child's behavior; provided that a temporary



1 suspension may be used when there is a serious safety threat as
2 determined by the administrator of the school.

3 The office shall prohibit the permanent removal of a
4 student from the program due to a child's behavior; provided
5 that when a child exhibits persistent and serious challenging
6 behaviors, the administrator of the school shall consult with
7 the office on how to address the behaviors.

8 The office shall implement chapter 19 of title 8, Hawaii
9 Administrative Rules, for the purposes of the program, until the
10 office develops and adopts rules to carry out the purposes of
11 this subsection."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

APPROVED this 15 day of SEP, 2020




GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: July 6, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.


President of the Senate

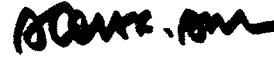

Clerk of the Senate

HB No. 1346, HD 2, SD 2


THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives