

Honolulu, Hawaii

April 25, 2008

RE: S.B. No. 2878
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2878, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EARLY LEARNING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to help Hawaii's children reach their full potential as individuals and citizens, beginning at birth, by:

- (1) Establishing a cohesive, comprehensive, and sustainable early learning system of voluntary educational programs and services to be known as Keiki First Steps (System), to ensure a spectrum of high-quality early learning opportunities for children throughout the state, from birth until the time they enter kindergarten, with priority given to underserved or at-risk children;



- (2) Creating and appropriating funds for the Early Learning Council (Council) to develop and administer the System;
- (3) Establishing and appropriating funds for the Keiki First Steps Grant Program (Program) component of the System, which shall increase early learning opportunities that meet high standards of quality through the awarding of grants to certain publicly- or privately-run programs and services;
- (4) Statutorily establishing the existing Pre-Plus Program, which expands access to affordable and quality early childhood education for three- to four-year-old children from low-income families by allowing preschool programs to be established on public school campuses through public-private partnerships; and
- (5) Requiring the Department of Human Services (DHS) and Department of Education (DOE) to develop suitable classrooms on DOE campuses to increase the supply of suitable classrooms for early learning programs and services statewide.

Your Committee on Conference notes that concerns have been raised regarding the extent of the Council's authority, and wishes to clarify that the intent is neither to authorize the Council to establish policies prohibited by other state or federal laws, nor to act in contradiction to state or federal law by directing programs currently housed in any state department or agency. For example:

- (1) The Department of Health (DOH) should be allowed to continue administering and operating the Healthy Start Program and other existing programs for children from birth to three years of age;
- (2) DOE should be allowed to continue the current practice of administering and operating special education classes for three- and four-year-old children; and
- (3) DHS should be allowed to continue administering existing child care programs that are funded with state general funds and federal funds.

However, it is reasonably expected that state departments and agencies such as DOH, DOE, and DHS should work cooperatively with



the Council to enhance, expand, and improve the quality of the System to be developed by the Council.

Your Committee would also like to clarify that the reason for statutorily establishing the Keiki First Steps Trust Fund (Fund) is to provide a means by which private donors may contribute to the development of the System. Hawaii- and mainland-based private donors are encouraged to donate to the Fund, as your Committee believes that the System will be most effective if both public and private funds are available to build a spectrum of quality early learning opportunities in Hawaii.

Your Committee on Conference has amended this bill by, among other things:

- (1) Including in the purpose, language regarding:
 - (A) The two-tier junior kindergarten and kindergarten program as one of the milestones achieved thus far in promoting young children's development and school readiness through public and private efforts; and
 - (B) The work of the Early Learning Educational Task Force;
- (2) Including in the definition of "center-based", programs in which early childhood education and care services are provided in a facility excluded or exempt from licensing by DHS;
- (3) Clarifying that the Council is to establish policies and procedures to include existing early learning programs and services;
- (4) Requiring the Council, in developing the System, to consult with community groups, including statewide organizations that are involved in early learning professional development, policy and advocacy, and early childhood programs, to broaden the council's knowledge of early learning;
- (4) Replacing references to the Association of Mayors with the Hawaii Council of Mayors;



- (5) Replacing references to the Head Start Collaboration Office with the Hawaii Head Start State Collaboration Office;
- (6) Specifying that except for the superintendent of education, directors of state departments, president of the University of Hawaii, director of the Hawaii Head Start State Collaboration Office, chief executive officer of the Kamehameha Schools, and executive director of the Hawaii Association of Independent Schools, or their designees, and the two representatives of the Hawaii Council of Mayors, Council members are to be nominated and, by and with the advice and consent of the Senate, appointed by the Governor;
- (7) Requiring the Hawaii Council of Mayors to determine which of its two representatives are to serve the two-year term and three-year term on the Council;
- (8) Clarifying that a majority of the members serving on the Council constitute a quorum to do business, and the concurrence of the majority of the members serving on the Council is necessary to validate any of the Council's actions;
- (9) Requiring the Council to set the salary of the Council's executive director, provided that it not exceed the salary of the deputy director of DHS;
- (10) Deleting the appropriation to support the early learning system and operations of the Council, including the establishment of positions;
- (11) Deleting the appropriation for the Program;
- (12) Repealing 302A-409, Hawaii Revised Statutes, requiring DOE to develop a plan for quality voluntary early education, as this will no longer be necessary with the establishment of the System and Council;
- (13) Removing references to programs and services in the System from the provision that statutorily establishes the Pre-Plus Program;



- (14) Requiring DOE to also submit to the Council the report relating to available classrooms for early learning facilities;
- (15) Changing the effective date to July 1, 2008; and
- (16) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2878, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



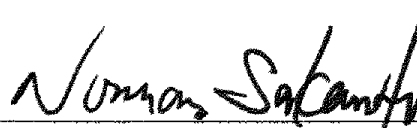
ROY TAKUMI, Co-Chair



MAILE SHIMABUKURO, Co-Chair



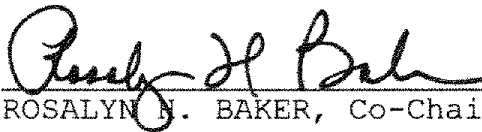
MARCUS R. OSHIRO, Co-Chair



NORMAN SAKAMOTO, Chair



SUZANNE CHUN OAKLAND, Co-Chair



ROSALYN N. BAKER, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2878, SD 2, HD 2 Date/Time: 4/29/09 10:01 pm

[x] The recommendation of the House and Senate managers is to pass with amendments (CD).

[] The Committee is reconsidering its previous decision.

[] The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure [] The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Table with columns for Senate Managers and House Managers, and sub-columns for A, WR, N, E. Includes names like SAKAMOTO, Norman, Chr. and TAKUMI, Roy M., Co-Chr. and a summary row with totals 4 and 6.

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: [x] Adopted [] Not Adopted

House Recommendation is: [x] Adopted [] Not Adopted

Senate Lead Chair's or Designee's Signature: [Signature]

House Lead Chair's or Designee's Signature: [Signature]

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