



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 16, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 1329 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 1329, entitled "A Bill for an Act Relating to Early Learning" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend the structure and duties of the Early Learning Council and the early learning system by: (1) authorizing members of the Early Learning Council to assign a designee to represent them on the Council; (2) adding a representative from a Head Start provider agency to serve as a member of the Council; (3) directing the Council to develop a plan to address the operations of the junior kindergarten program, (4) prohibiting the Department of Education from moving a child between junior kindergarten and kindergarten unless they use an assessment tool to determine the placement, and (5) renaming the Keiki First Steps Trust Fund as the Early Learning Trust Fund.

This bill presents policy concerns that will adversely impact the delivery of education to the children in our State. First, the legislation further blurs the relationship and responsibilities of the Department of Education over the junior kindergarten program. The bill is prescriptive in what the Department of Education can and can not do in operating its junior kindergarten and kindergarten programs. For example, it expressly prohibits the Department of Education from moving a student between junior kindergarten and kindergarten, except after a detailed assessment is conducted using an evaluation system to be developed by the Early Learning Council.

The bill also continues the presumption that the State should continue to develop an early childhood learning program that operates outside of the purview of the Department of Human Services. The powers vested in the Early Learning Council could adversely impact the ability of

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the Department of Human Services to license, fund, regulate, and terminate early childhood education programs as provided for in Chapter 346, Hawaii Revised Statutes.

Last year I warned of the indeterminate costs to fully implement an early learning system. Since Act 14 became law, the State's fiscal outlook has worsened and it is difficult to foresee how the State could support a program with a projected implementation cost ranging from \$144 million to \$170 million.

The Department of Education has raised concerns about its ability to administratively support the continued operation of the Council. The Department of Education's 2009 report to the Legislature on the Early Learning Council states, "The progress report from the Early Learning Council indicates that the Council must explore options for its continued work, beyond June 30, 2009, as the funding has been eliminated from the Department of Education budget. Without future funding, it will be challenging to secure the staff to ensure the smooth operations of the Council."

Additionally, this bill fails to recognize the substantial progress my Administration has made in early learning. The Department of Human Services has worked closely with the preschool community of providers to adopt preschool content standards, improve teacher qualifications, and add slots for low-income children who could not previously attend preschool.

I will continue to support expanded early learning opportunities for children through the Quality Care Program administered by the Department of Human Services. I am particularly proud of the fact that this program has enabled over 2,000 additional disadvantaged children to attend preschool. This legislation, regrettably, does not build upon that progress.

For the foregoing reasons, I allowed Senate Bill No. 1329 to become law as Act 194, effective July 15, 2009, without my signature.

Sincerely,



LINDA LINGLE