

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: CS/SB 1670

INTRODUCER: Education Pre-K-12 Committee and Senator Gaetz

SUBJECT: Early Learning

DATE: March 20, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	ED	Fav/CS
2.			CF	
3.			CM	
4.			TA	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill transfers the requirement to establish a statewide child care resource and referral network from the Department of Children and Families (DCF) to the Agency for Workforce Innovation (AWI). It transfers the duties of the Child Care Executive Partnership Program from DCF to AWI and early learning coalitions. It also permits early learning coalition boards to engage in board business by telecommunication methods.

With regard to the voluntary prekindergarten program, the bill provides that: (1) substitute instructors would no longer be required to possess the same accreditation as regular instructors, so long as they are of good moral character and screened in accordance with level 2 background screenings; and (2) accreditation standards would require written standards that meet or exceed the state's licensing standards and at least one site visit to the provider prior to accreditation.

The bill specifies the screening standards and requirements for all childcare personnel to parallel existing offenses in s. 435.04, F.S., and additional offenses that will serve as an absolute bar from employment.

Compliance measures for private VPK providers include:

- Development of ethical standards for employees;
- Stringent screening requirements;
- Prohibition against confidentiality agreements for employees who are terminated for unethical conduct with students; and
- Appropriate training for staff and administrators.

The bill establishes stringent screening standards for public and private substitute instructors in VPK programs.

The Agency for Workforce Innovation is authorized to adopt rules relating to the establishment of a statewide child care resource and referral network and the use of substitute instructors.

This bill amends sections 402.316, 411.01, 435.04, 1001.10, 1002.55, 1002.61, and 1002.63, Florida Statutes. The bill amends ss. 402.27 and 409.178, F.S., and renumbers them as ss. 411.0101 and 411.0102, F.S., respectively.

II. Present Situation:

Under s. 411.01, F.S. the delivery of publicly-funded school readiness programs is administered by the Agency for Workforce Innovation (AWI). Local early learning coalitions provide the school readiness services to enable parents to work and to be financially self-sufficient.

Early Learning Coalition Meetings

Currently, early learning coalition boards meet in person to conduct board business. Some coalitions comprise a large geographic area and travel-related issues may hinder the ability of the board to conduct business.

Child Care Resource and Referral Network

Section 402.27, F.S., established the child care and early childhood resource and referral network in the Department of Children and Families, with preference given to the central agencies for the administration of this program. The network helps families identify quality early learning programs by providing information related to the type of program, hours of services, ages of children served, teacher credentials, and other significant program information. Currently, this service is provided by early learning coalitions.

Child Care Executive Partnership

Section 409.178, F.S., the Child Care Executive Partnership Act, established the Child Care Executive Partnership Program. The Child Care Executive Partnership Program uses state and federal funds to match local funds derived from various sources, to create community-based partnerships with employers and provide child care subsidies to low-income working parents. The Legislature is required to annually review the effectiveness of the program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

Voluntary Pre-Kindergarten

The 2003 Legislature created a new voluntary prekindergarten education program (VPK) within AWI to implement Amendment No. 8 (Voluntary Universal Prekindergarten Education), s. 1(b) and (c), Art. IX of the State Constitution.

Licensure and Accreditation Requirements

To participate in the VPK program, private prekindergarten providers, which are not licensed by DCF or designated as a Gold Seal Quality Care facility, must be accredited by a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools. Private providers must be a licensed child care facility, a licensed family day care provider, a licensed large family child care home, a nonpublic school exempt from licensure, or a faith-based child care provider exempt from licensure.

Prekindergarten Instructor Credentials

For each prekindergarten class, there must be at least one instructor that holds a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR) or a credential approved by DCF that meets or exceeds the NCPCPR standards.

Background Screening

For public and private providers, each prekindergarten instructor, before employment, must submit to state and national criminal history records checks every five years, which includes fingerprinting procedures. Fingerprints are sent to the Florida Department of Law Enforcement and the Federal Bureau of Investigation. In some instances, processing fingerprints can take between 6 weeks and 3 months to complete. Prekindergarten instructors may not be convicted of a disqualifying offense under s. 435.04, F.S.

Substitute Prekindergarten Instructors

If an approved prekindergarten instructor is absent, present law requires the provider to hire another credentialed instructor as a substitute. This provision has placed a substantial burden on providers, as credentialed instructors are not always available to fill in as substitutes when an instructor misses work.

III. Effect of Proposed Changes:**Technical Adjustments**

The bill corrects an obsolete statutory reference relating to the child care resource and referral network by moving the statute governing the program from ch. 402, F.S., to ch. 411, F.S. The program is currently housed in AWI's Office of Early Learning and is no longer under the Department of Children and Family Services. The bill also moves the Child Care Executive Partnership Act from ch. 409, F.S., to ch. 411, F.S. The program is staffed by AWI's Office of Early Learning. The bill clarifies that the Child Care Executive Partnership purchasing pools would be administered by AWI. The bill gives AWI the authority to adopt rules for the implementation of the child care resource and referral network.

Early Learning Coalition Meetings

The bill provides that early learning coalition boards may meet by telecommunication methods including establishing a quorum by telecommunications. The coalition must give the public proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

Voluntary Pre-Kindergarten Program*Accreditation*

The bill maintains the current list of accreditation associations allowed under the voluntary prekindergarten program. However, it requires each accrediting entity to have written standards that meet or exceed the state's licensing requirements, and requires that each entity conducts at least one onsite visit to the provider before accreditation.

Background Screening

The bill retains the requirement that prekindergarten instructors are subject to Level 2 background screening before employment and requires that they must be refingerprinted once every five years.

The bill adds the following disqualifying statutory criminal offenses to s. 435.04, F.S., for childcare personnel:

- Luring and enticing children (s. 787.025, F.S.);
- Unlawful sex with certain minors (s. 794.05, F.S.);
- Voyeurism (s. 810.14, F.S.);
- Video voyeurism (s. 810.145, F.S.); and
- Any delinquent act that qualified or would have qualified an individual for inclusion on the Registered Juvenile Sex Offender List pursuant to s. 943.0435(1)(a)1.d., F.S.

School districts, charter schools, and private schools and private VPK providers, who participate in certain educational scholarship programs would be required to adhere to the established list of disqualifying offenses when employing instructional personnel and prekindergarten instructors.

Substitute Instructors

The bill allows providers to use a substitute instructor who does not meet the voluntary prekindergarten program instructor qualifications in the event an instructor is absent. A substitute instructor must be of good moral character and must meet level 2 background screening requirements. The Agency for Workforce Innovation must adopt rules governing the qualifications of substitute instructors and the circumstances and time limits for which substitute instructors may be used.

Ethics Training

A private provider participating in the Voluntary Prekindergarten Program must complete ethics training that has been developed jointly by DCF, AWI, and DOE. The provider must adopt and communicate policies, responsibilities, and procedures for reporting suspected or actual misconduct by a prekindergarten instructor or administrator.

Confidentiality Agreements Prohibited

Voluntary Prekindergarten providers may not enter into a confidentiality agreement when terminating an employee, and the bill provides financial penalties and certification sanctions for non-compliance. These provisions would prohibit efforts to conceal unethical conduct by educators or allow them to be passed from one provider to another unsuspecting provider.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to DCF, the bill would have an agency fiscal impact of \$270,514 in FY 2008-2009 and \$310,410 in 2009-2010. The department indicates it would require the addition of 5 FTE to review individual screening results. Additionally, the department is concerned with additional workload issues for disqualification exemption hearings and hearing under chapter 120, F.S.

The cost for the development of a 2 hour on-line ethics training course is \$48,800 and for a 3-hour on-line course is \$55,300. The bill does not indicate the duration of the ethical training. These amounts were provided by DCF to give an example of possible cost.

The bill would require DCF to adapt its child care information system to include additional providers. The department estimates that this could be done within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Pre-K – 12 on March 19, 2008:**

The CS for SB 1670:

- Restores current law requirements that a prekindergarten instructor be screened before employment;
- Retains current law with respect to the 5-year refingerprinting requirements as the 5-year check could otherwise not be accomplished for prekindergarten instructors whose prints were not retained;
- Retains the bar on exemptions from disqualifying offenses for prekindergarten instructors;
- Prohibits confidentiality agreements for VPK providers when an employee resigns or is terminated for unethical conduct;
- Adds disqualifying offenses for employment purposes of luring or enticing a child, unlawful sexual activity with a minor, voyeurism, video voyeurism, and delinquent acts that qualify or would qualify an individual for inclusion on the Registered Juvenile Sex Offender List;
- Requires additional pre-employment screening to include contacting previous employers; and
- Requires ethics training that is jointly developed by DCF, AWI, and DOE, on adopting policies for preventing and reporting suspected or actual misconduct by a prekindergarten instructor or administrator.

B. Amendments:

None.