

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 Commerce Committee

BILL: CS/SB 2014

INTRODUCER: Commerce Committee and Senator Wise

SUBJECT: Early Learning

DATE: March 18, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Cooper	CM	Fav/CS
2.			ED	
3.			CF	
4.			TA	
5.			WPSC	
6.				

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| 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:

CS/SB 2014 amends Florida's school readiness provisions by:

- Clarifying the role of the Agency for Workforce Innovation and its responsibilities to implement a comprehensive system of support services;
- Requiring early learning coalitions to implement direct enhancement services and ensure access to services in all of Florida's 67 counties;
- Granting AWI greater rulemaking authority for the administration of the school readiness program in certain areas, including standards, outcome measures, and system support services;
- Altering eligibility requirements for the school readiness programs;
- Consolidating provisions that are in disparate sections of the statutes;
- Deleting obsolete references to programs that no longer exist and agencies that no longer direct aspects of school readiness programs; and
- Repealing statutes that administer programs no longer in existence.

This CS substantially amends the following sections of the Florida Statutes: 39.0121, 39.202, 39.5085, 383.14, 402.26, 402.281, 402.313, 402.315, 402.45, 409.1671, 411.01, 411.0101,

411.0102, 411.203, 411.221, 445.024, 445.030, 490.014, 491.014, 1002.53, 1002.55, 1002.67, 1002.71, and 1009.64.

This CS transfers, renumbers and amends the following sections of the Florida Statutes: 402.25, 402.3016, 402.3018, 402.3051, and 402.3145.

This CS creates the following sections of the Florida Statutes: 411.01013, 411.01015, 411.01014, 411.0104, and 411.0106.

This CS repeals s. 402.3135, F.S.

II. Present Situation:

Florida School Readiness

In 1999, the Legislature passed the School Readiness Act, ch. 99-357, L.O.F., now codified in s. 411.01, F.S. That act integrated several early education programs run by the state Department of Education (DOE) and child care programs run by the Department of Children and Families (DCF) into one system of school readiness delivery. The legislation established a state-level governing board, the Florida Partnership for School Readiness, charged with coordinating statewide program efforts. The act also required that county-level school readiness coalitions be formed to plan, implement and administer the program services locally.

School readiness programs are required to contain, at a minimum, the following elements: developmentally appropriate curriculum, a character development program, an age-appropriate assessment of each child's development, a pretest and posttest administered as children enter and leave programs, an appropriate staff-to-children ratio, a healthful and safe environment, and a resource and referral network that assists parents in making an informed choice of child care providers.¹

2001 Amendments to the School Readiness System

In 2001, the Legislature made several changes to the school readiness system, including the:

- Transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor (EOG) to AWI;²
- Transfer of the subsidized child care program, the prekindergarten early intervention program, the migrant education program, and the Florida First Start Program to AWI;³
- Transfer of the Child Care Executive Partnership and the statewide resource and referral network to AWI;⁴ and
- Designation of AWI as the lead agency for the federal Even Start Family Literacy Programs.⁵

Effective January 1, 2002, the Legislature repealed the sections prescribing program requirements for the Florida First Start Program (former s. 230.2303, F.S. (2000)), the

¹ Section 411.01(5)(c)2., F.S.

² Section 16, ch. 2001-170, L.O.F.

³ Sections 17 and 18, ch. 2001-170, L.O.F.

⁴ Section 17, ch. 2001-170, L.O.F.

⁵ Section 19, ch. 2001-170, L.O.F.; s. 411.0105, F.S.

prekindergarten early intervention program (former s. 230.2305, F.S. (2000)), and the subsidized child care program (former s. 402.3015, F.S. (2000)). Additionally in 2002, the program requirements for the migrant education program were repealed.⁶ These repeals marked the end of these former early childhood education and child care programs as separate from the school readiness programs.

2004 Amendments to the School Readiness System

In December 2004, at its 2004 Special Session “A,” the Legislature enacted House Bill 1-A, which created the Voluntary Prekindergarten Education (VPK) Program, as required by a constitutional amendment adopted by voters in 2002.⁷ In addition to establishing the VPK program, this chapter law enacted several reforms of the school readiness system. The Florida Partnership for School Readiness was abolished on January 2, 2005,⁸ and the partnership’s duties were transferred to the AWI. Consequently, the chapter law established that, in addition to responsibility for the operational aspects of the VPK program, AWI is directly responsible for state-level coordination of school readiness programs and of the early learning coalitions.

The chapter law required that, by April 1, 2005, with certain exceptions, each early learning coalition serve at least 2,000 children in the school readiness program or merge with another coalition. This had the effect of reducing the number of coalitions to its current number of 30, although under the current law there could be fewer. The memberships of the coalitions were revised and the chapter law established the prohibition on members from voting when they have a conflict of interest.

The school readiness uniform screening at the time was replaced with a new statewide kindergarten screening to be used for determining whether children entering kindergarten are ready for school. The chapter law required DOE to assign each private prekindergarten provider and public school with a kindergarten readiness rate based upon the results of the kindergarten screening for students completing the provider’s or school’s VPK program.

⁶ Section 1058, ch. 2002-387, L.O.F., repealed former ch. 228, F.S., which included the section prescribing program requirements for migrant education program, former s. 228.062, F.S. (2001).

⁷ Chapter 2004-484, L.O.F. In November 2002, the electors of Florida approved Amendment No. 8 to the State Constitution, which required the Legislature to establish, by the 2005 school year, a prekindergarten program for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards. Section 1(b) and (c), Art. IX of the State Constitution. In 2003, the Legislature enacted s. 1002.53, F.S., as the initial voluntary prekindergarten education program to implement Amendment No. 8.

⁸ House Bill 1-A specified that the Florida Partnership for School Readiness was abolished when the bill became a law (ss. 16(1) and 20, ch. 2004-484, L.O.F.). The Governor approved HB 1-A on January 2, 2005.

2003 and 2004 Review of the School Readiness Program

In 2003 and 2004, the staff of the Committee on Commerce, Economic Opportunities, and Consumer Services issued two reports on the school readiness programs. The 2003 report, Administration of the School Readiness Programs,⁹ and the 2005 report, School Readiness Programs II: Next Steps in the Evolution of Early Learning,¹⁰ both reviewed the history of school readiness programs in Florida. The 2005 report also surveyed the results of studies regarding such programs and examined ch. 2004-484, L.O.F., to determine what issues, if any, remained outstanding and suggested ways to redress several of those issues. This report offered, in part, the following recommendations:

- Consolidate a number of statutes governing early childhood education and child care;
- Delete obsolete references to repealed and transferred programs;
- Require AWI to publish profiles of school readiness providers (similar to profiles required for VPK program providers) which specify whether the provider complies with the educational requirements of the School Readiness Act;
- Limit financial incentives to providers that comply with the educational requirements of the School Readiness Act;
- Establish an age-distribution policy for School Readiness Funding; and
- Require AWI to develop a comprehensive design of outcome measurements for early learning programs.

2008 Amendments to the School Readiness System

In 2008, two separate sections were transferred and renumbered to be included in ch. 411, F.S.¹¹ These changes corrected obsolete statutory references due to the changes involved in changing early child care and education to the school readiness system.

Section 402.27, F.S. (2007), was renumbered as s. 411.0101, F.S. The child care and early childhood resource and referral network is maintained by AWI, with preference given to the early learning coalitions 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.

Section 409.178, F.S. (2007), was renumbered as s. 411.0102, F.S. The Child Care Executive Partnership Program is staffed by AWI. The 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.

School Readiness Funding

School readiness services are funded through a mixture of state and federal funds. The FY 2009-2010 appropriations for grants for services total \$615.5 million, comprised of \$353.6 million from the federal Child Care and Development Fund (CCDF) block grant; \$500,000 from the

⁹ Florida Senate, Committee on Commerce, Economic Opportunities, and Consumer Services, Administration of the School Readiness System, Interim Project Report 2004-116 (Dec. 2003).

¹⁰ Florida Senate Committee on Commerce and Consumer Services, School Readiness Programs II: Next Steps in the Evolution of Early Learning, Interim Project Report 2005-112 (Jan. 2005).

¹¹ Chapter 2008-196, L.O.F.

Employment Security Administration Trust Fund; \$116.4 million from the Welfare Transition Trust Fund (Temporary Assistance for Needy Families (TANF) block grant); \$6.3 million from the Employment Security Administration Trust Fund; and \$138.7 million from the state's General Revenue Fund.¹²

AWI is required to develop a formula for the allocation of all state and federal school readiness funds for children participating in public or private school readiness programs based upon equity and performance.¹³ In 2006, the law was changed such that AWI is now required to submit a recommended allocation formula to the Governor and to the Legislature by January 1 of each year, instead of to the Governor and to the Legislative Budget Commission for approval.¹⁴ The Legislature must specify in the General Appropriations Act any changes from the prior year allocation methodology that must be used by AWI in allocating funds to the early learning coalitions.¹⁵

Currently early learning coalitions are responsible for implementing the School Readiness program at the local level. By federal law, the administrative expenditures for this program must be kept below a maximum of 5 percent for each program.¹⁶ The statewide administrative spending for these functions averages 3 percent, or \$18 million dollars, annually. The administrative costs associated with local entities are offset by match requirements from local sources that the state mandates (about \$25 million annually).

Voluntary Prekindergarten Education Program

The VPK program is administered at the local level by school districts and school readiness coalitions, called "early learning coalitions." At the state level, DOE administers the accountability requirements of the prekindergarten program and AWI administers the operational requirements of the program.

Currently, to participate in the program, private prekindergarten providers that are not licensed by DCF or Gold Seal Accredited 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. These accreditation associations must have written standards that meet or exceed the state's licensing requirements. 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. 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. Private providers must offer classes comprised of at least 4 students but no more than 18 students.

¹² Specific Appropriation 2157, General Appropriations Act for Fiscal Year 2009-2010, ch. 2009-81, L.O.F.

¹³ Section 411.01(9)(c), F.S. The requirement was created by s. 20, ch. 2001-120, L.O.F. It was modified by s. 2 of ch. 2004-484, L.O.F., to make specific reference to the early learning coalitions, to require AWI to "adopt a formula" instead of "prepare a plan," and to make other technical but non-substantive changes in the language.

¹⁴ The criticism was that the statute specified neither the frequency with which AWI was to submit a funding allocation formula to the LBC, nor any date by which it was to be submitted.

¹⁵ Chapters 2006-17 and 2006-26 (ss. 40, 41), L.O.F.

¹⁶ 45 CFR 98.50(d).

Public providers must be a part of a school district that has met classroom size requirements pursuant to the State Constitution and has sufficient facilities and capital outlay funds to continue reducing the average class size in elementary schools each year in accordance with the schedule for class size reduction to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution, by the 2010-2011 school year. The Commissioner of Education must certify that the school district has met or is on pace to meet all requirements.

For public and private providers, each prekindergarten instructor must submit to level 2 background screenings every 5 years, which includes fingerprinting procedures for employees who have had a break in continuous employment of more than 90 days.

If an approved prekindergarten instructor is absent, present law requires the provider to hire another credentialed instructor as a substitute. For shorter periods of time, a substitute instructor who does not meet the VPK instructor qualifications may be used.

Early Learning Coalitions

Early learning coalitions are, in general, community agencies incorporated as private, not-for-profit organizations. They implement the school readiness program and provide certain family services. The early learning coalitions also assist in the implementation of the VPK program. The coalitions:¹⁷

- Accept applications for VPK through a single point of entry for all coalitions;
- Determine eligibility for participation;
- Provide parents with a profile of every private prekindergarten provider or public school delivering the program within the coalition's county or multicounty region;
- Enroll children in the program by working with each school district in the coalition's area;
- Ensure that appropriate staff-to-children ratios are maintained; and
- Ensure that children are enrolled with an eligible provider.

Furthermore, the early learning coalitions also have the responsibility to administer the VPK program at the county or regional level for students enrolled in a summer program delivered by a private prekindergarten provider.¹⁸

The early learning coalitions are responsible for implementing the educational requirements of both the School Readiness and VPK programs. Program expectations that are part of the School Readiness Act, include:

- The program must enhance the age-appropriate progress of each child in the development of school readiness skills, including self-help skills, compliance with rules, and problem solving skills;¹⁹
- The early learning coalition must implement a comprehensive program of School Readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures adopted by AWI;²⁰

¹⁷ Sections 1002.53 and 1002.67, F.S.

¹⁸ Section 1002.61, F.S.

¹⁹ Sections 411.01(4)(j) and 411.01(5)(c)1.a., F.S.

²⁰ Section 411.01(5)(c)2., F.S.

- The program must provide extended-day and extended-year services to meet the needs of parents who work;²¹
- There must be coordinated staff development and teaching opportunities;²²
- There must be expanded access to community services and resources for families to help achieve economic self-sufficiency;²³
- The program must meet all state licensing guidelines, where applicable;²⁴ and
- Instructional staff must have completed the training course as required in s. 402.305(2)(d)1., F.S., or have had additional training or credentials as required by AWI.²⁵

Currently children ages birth to five, as well as school age children up to the age of 13, children up to the age of 19 if there is a documented physical or mental incapacity, and children under the Relative Caregiver Program,²⁶ are served in the school readiness program.

III. Effect of Proposed Changes:

SB 2014 clarifies the role of the Agency for Workforce Innovation and its responsibilities to implement a comprehensive system of support services, while requiring early learning coalitions to implement direct enhancement services and ensure access to services in all of Florida's 67 counties. The CS deletes obsolete references to the subsidized child care program and to the State Coordinating Council for School Readiness Programs. Programs related to school readiness located in other chapters of the Florida Statutes are moved to Part I, ch. 411, F.S., dealing with school readiness. Each proposed change is discussed separately below.

Section 1 amends s. 39.0121, F.S., which deals with rulemaking authority for DCF in proceedings related to children. The CS deletes an obsolete reference to the repealed subsidized child care program in subsection (7).

Section 2 amends s. 39.202, F.S., relating to reports and records in cases of child abuse or neglect. This section replaces a reference to "subsidized child care" and replaces it with "school readiness" for certain records available to certain persons of DCF, the Department of Health, the Agency for Persons with Disabilities, or county agencies in cases of child abuse or neglect.

Section 3 amends s. 39.5085, F.S., related to the Relative Caregiver Program, which is established and operated by DCF. This section deletes a reference to the repealed subsidized child care program in subsection (2)(f), and replaces it with school readiness.

Section 4 amends s. 383.14, F.S., which deals with Department of Health screening programs for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors for all newborns in Florida. This section replaces obsolete references to the former State

²¹ Section 411.01(5)(c)1.b., F.S.

²² Section 411.01(5)(c)1.c., F.S.

²³ Section 411.01(5)(c)1.d., F.S.

²⁴ Section 411.01(5)(c)1.h., F.S.

²⁵ Section 411.01(5)(d)4.c., F.S.

²⁶ Section 39.5085, F.S.

Coordinating Council for School Readiness Programs with updated references to AWI in subsections (1)(b) and (2).²⁷

Section 5 transfers, renumbers, and amends s. 402.25, F.S., which directs each state funded education and care program for children from birth to 5 years of age to provide activities to foster brain development in infants and toddlers. Section 402.25, F.S., is renumbered as s. 411.0106, F.S. It adds a requirement that the program provide an environment that helps children attain the performance standards adopted by AWI pursuant to s. 411.01(4)(d)8., F.S. This section also deletes and replaces references to the repealed subsidized child care program, prekindergarten early intervention program, and Florida First Start Program with a reference to the school readiness program.

Section 6 amends s. 402.26, F.S., which sets forth the Legislature's intent for child care programs in Florida. This section deletes a reference to "subsidized child care system" and replaces it with "school readiness program" in subsection (5), related to the development of child care opportunities for children at risk, economically disadvantaged children, and other children traditionally disenfranchised from society.

Section 7 amends s. 402.281, F.S., related to the Gold Seal Quality Care Program administered by DCF. This section adds a reference that would require DCF to consult with AWI regarding the approval of accrediting associations for the Gold Seal Quality Care program. It deletes a reference to the former State Coordinating Council for School Readiness Programs, and amends a reference to the National Association for Child Development Education to the Child Development Education Alliance.

Section 8 transfers and renumbers s. 402.3016, F.S., to s. 411.0104, F.S. This statute relates to Early Head Start collaboration grants. AWI administers a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants.²⁸

Section 9 transfers, renumbers, and amends s. 402.3018, F.S., as s. 411.01015, F.S., to reflect the transfer of early learning responsibilities from DCF to AWI and the evolution of child care to school readiness and prekindergarten services. This section revises provisions requiring, subject to legislative appropriation, the establishment of a statewide toll-free Warm-Line, providing assistance and consultation to child development providers regarding health, developmental, disability, and special needs issues. This section revises the purpose of the Warm-Line, specifying that the purpose is to provide advice to child care personnel concerning strategies, curriculum, and environmental adaptations for children with a disability or special need.

Under current law, DCF is required to contract with the "statewide resource information and referral agency" for the Warm-Line. Resource and referral was transferred to AWI from DCF in

²⁷ Section 5, ch. 2000-149, provides that "[e]ffective July 1, 2000, no state funding shall be provided to support activities of the State Coordinating Council for School Readiness Services established pursuant to section 411.222(4), Florida Statutes." As amended by s. 13, ch. 2000-337, s. 411.222(4) was redesignated as s. 411.222(1)-(6). Section 411.222, F.S., was repealed July 1, 2002, by s. 7, ch. 99-357. See s. 411.222, F.S. (2000).

²⁸ This was transferred to AWI in 2001 (ch. 2001-170, L.O.F.).

2001,²⁹ but the statute did not accurately reflect that change. This section specifies that AWI, not DCF, is the agency responsible for the Warm-Line. AWI is directed to annually inform child care centers and family day care homes about the Warm-Line through the child care resource and referral network under s. 411.0101, F.S. AWI is also directed to contract or expand the Warm-Line such that at least one Warm-Line is maintained in each early learning coalition area.

Section 10 transfers, renumbers, and amends s. 402.3051, F.S., as s. 411.01013, F.S., to address collection of market rates. Under the former subsidized child care program, DCF determined reimbursement rates for child care services across the state. In 1999, under the School Readiness Act, the authority to set reimbursement rates was devolved to school readiness coalitions.³⁰ Under federal regulations governing the Child Care and Development Fund Block Grant, which provides more than one-half of the funding for the state's school readiness programs, the state must demonstrate "[h]ow payment rates are adequate based on a local market rate survey..."³¹ Although s. 402.3051, F.S., has not been revised since responsibility for determining reimbursement rates was transferred to the school readiness coalitions, AWI has collected market rates and published the schedule of rates.

This section replaces obsolete provisions relating to the state-level determination of reimbursement rates with provisions requiring AWI to establish a prevailing market-rate schedule with county-by-county rates. Rates are differentiated by type of child care providers, the type of services offered, and multiple children of a single family served.

This section also:

- Deletes a provision specifying that the prevailing market rate is based on the prices charged for child development services only by licensed providers, thereby reflecting AWI's current practice that the market-rate survey also encompasses unlicensed providers;
- Requires the prevailing market-rate schedule to differentiate rates based on the type of child care provider, types of services provided, full-time and part-time services, and the number of children in a single family;
- However, the prevailing market rate must be based exclusively on the prices charged for child care services;
- Authorizes AWI to contract with one or more qualified entities to administer these provisions and provide technical support; and
- Provides that the federal requirements control if there is a conflict between state and federal requirements; and
- Allows AWI to adopt rules to administer this section.

Section 11 amends s. 402.313, F.S., dealing with family home daycares. This section deletes references to the repealed subsidized child care program, including obsolete provisions authorizing DCF to license family day care homes participating in the repealed program.

²⁹ Section 17, ch. 2001-170, L.O.F.

³⁰ Section 1, ch. 99-357, L.O.F.; s. 411.01(5)(e)2., F.S.

³¹ 45 C.F.R. s. 98.43(b)(2).

Section 12 repeals ss. 402.3135, F.S., relating to the subsidized child care case management program. The subsidized child care program was repealed in 2002.³²

Section 13 transfers, renumbers, and amends s. 402.3145, F.S., as s. 411.01014, F.S., dealing with transportation services for children participating in the school readiness program. The statute currently references the subsidized child care program, and the CS updates these references.

Section 14 amends s. 402.315, F.S., related to fees collected for licensing and registration of certain facilities by DCF.

Currently, s. 402.315, F.S., sets a license fee for child care facilities licensed under s. 402.308, F.S., that is \$1 per child, with the minimum fee set at \$25 and the maximum fee set at \$100 per facility. Section 402.308, F.S., states that “every child care facility in the state shall have a license which shall be renewed annually.”

This section adds fees for licensing and registration for different types of child care:

- For a child care facility licensed pursuant to s. 402.305, the fee is \$1 per child based on the licensed capacity of the facility, with a minimum fee set at \$25 and a maximum fee set at \$100 per facility.³³
- For a family day care home registered with DCF pursuant to s. 402.313, F.S., the fee is \$25. Currently, family day care homes are registered with DCF if they are not subject to licensure.
- For a family day care home licensed pursuant to s. 402.313, F.S., the fee is \$50. As changed by Section 11 of the CS, family day care homes are licensed pursuant to s. 402.313, F.S., if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed.
- For a large family child care home licensed under s. 402.3131, F.S., the fee is \$60. Large family child care homes are occupied residences in which child care is regularly provided for children from at least two unrelated families.

Section 15 amends s. 402.45, F.S., which directs the Department of Health to establish a community resource mother or father program, the purpose of which is to demonstrate to mothers or fathers the benefits of utilizing community resources for children. This section deletes a reference to the former State Coordinating Council for School Readiness Programs and replaces it with AWI, such that individuals contracted to administer these programs will be trained as determined by the Department of Health in consultation with AWI.

Section 16 amends s. 409.1671, F.S., relating to foster care and related services. This section clarifies that a licensed foster home under s. 409.175, F.S., may be dually licensed as a child care facility and also receive certain payments for the same child.

³² Section 26, ch. 2001-170, L.O.F.

³³ Section 402.305, F.S., sets out the licensing standards for child care facilities in Florida, including personnel requirements, staff-to-children ratios, and building standards.

Section 17 amends s. 411.01, F.S., the School Readiness Act. This section revises the legislative intent by:

- Changing the intent that school readiness programs involve “parents” as a child’s first teacher to “parent.”
- Deleting the intent that school readiness programs be regionally designed, operated and managed with AWI developing the program’s performance standards, outcome measures, and approving and reviewing coalitions’ and their plans.
- Adding a requirement that administrative staff for the school readiness programs be kept to the minimum necessary to administer the duties of AWI and the early learning coalitions.
- Directing AWI to implement a state level system to build a comprehensive early learning system (Clarifies the role of AWI and its responsibilities to implement a comprehensive system of support services);
- Deleting the intent related to appropriations for combined school readiness programs.
- Deleting the intent that the federal child care income tax credit be preserved for school readiness programs.

This section amends subsection (4), related to AWI’s participation in the school readiness program, by making clarifying changes, including:

- Directing AWI to coordinate with the early learning coalitions, instead of directing them;
- Designating that AWI is, rather than may be, designated by the Governor as the lead agency for the federal Child Care and Development Fund;³⁴
- Directing AWI to provide a review every 2 years of the early learning coalitions and school readiness plans;
- Directing AWI to establish a unified approach to school readiness and adopt specific “system support service” strategies;
 - “System support service” strategies may include, but are not limited to:
 - Child care resource and referral services;
 - Warm-Line services;
 - Eligibility determinations;
 - Child performance standards;
 - Child screening and assessment;
 - Developmentally appropriate curricula;
 - Health and safety requirements;
 - Statewide data system requirements; and
 - Rating and improving systems.
- Directing the early learning coalitions to amend their school readiness plans to conform to AWI’s specific “system support service” strategies adopted;
- Directing AWI to adopt a rule establishing criteria for expending funds to improve the quality of child care in Florida in accordance with s. 658G of the federal Child Care and Development Block Grant;

³⁴ According to AWI, the agency explicitly authorized to administer early childhood services and the school readiness program has always been designated as the lead agency for the federal Child Care and Development Fund. Because AWI administers these services and programs, AWI must be the designated agency and no other agency can be the lead agency for purposes of administering the federal fund.

- Directing AWI to provide technical assistance to the coalitions based on information obtained from public input, government reports, private interest group reports, and coalition requests for service;
- Requires AWI to work with DOE, DCF, and the early learning coalitions to minimize duplicative interagency activities;
- Deleting the requirement for AWI to address gaps in service;
- Deleting the requirement for AWI to provide technical assistance to counties that form a multicounty region to be serviced by a coalition;
- Clarifies the age which AWI's performance standards must be integrated with DOE's standards for VPK (from birth to 5, instead of from birth to 3 currently in the statute);
- Requires AWI to adopt a standard contract to be used by the early learning coalitions when contracting with school readiness providers;
- Allowing AWI to adopt rules for child performance standards, outcome measures, and the implementation of the federal Child Care and Development Fund Plan;³⁵
- Adding a requirement that within 30 days after enrollment, the coalition or program provider should obtain certain information regarding the child's health history; for programs licensed by DCF, this will be ensured as required by s. 402.305(9), and verified pursuant to s. 402.311, F.S., by DCF or a local licensing agency;³⁶
- Directing AWI to conduct studies and planning activities related to specific system support service strategies for school readiness adopted by AWI;
- Deleting the requirement for AWI to identify best practices of early learning coalitions; and
- Deleting the requirement for AWI to provide, or make available, an annual report to the Florida Healthy Kids Corporation, the State Board of Education, district school boards, central agencies, and county health departments.

This section revises parts of s. 411.01(5)(a), F.S., related to the creation of early learning coalitions. It requires early learning coalitions to implement direct enhancement services and ensure access to services in all Florida counties.

This section increases the number of coalitions permitted in statute from 30 to 31. Currently, s. 411.01(5)(a)3., F.S., states that coalitions in Sarasota, Osceola, and Santa Rosa counties are not to be counted within the limit of 30 coalitions. This provision is deleted.³⁷ In essence, the number of coalitions permitted in statute is reduced from 33 to 31. There are currently 31 early learning coalitions in Florida. Further, the CS deletes obsolete provisions regarding the merging of early learning coalitions.

³⁵ This program, authorized by the Child Care and Development Block Grant Act, and Section 418 of the Social Security Act, assists low-income families, families receiving temporary public assistance, and those transitioning from public assistance in obtaining child care so they can work or attend training/education. About the Child Care Development Fund, U.S. Department of Health and Human Services, Administration for Children and Families, Child Care Bureau, at <http://www.acf.hhs.gov/programs/ccb/ccdf/index.htm> (last visited 3/26/2009).

³⁶ Section 402.311, F.S., sets forth the right to inspection of licensed child care facilities by DCF or a local licensing agency. The right of entry and inspection is also extended to any premises which DCF or the local licensing agency has reason to believe are being operated or maintained as a child care facility without a license, subject to permission by the owner or a warrant issued by a circuit court.

³⁷ This was a statutory exception which did not require these coalitions to serve a minimum of 2,000 students. However, a coalition may petition AWI for waiver of the requirements of the number of children served.

This section reduces the number of members that each early learning coalition may have from 18–35 down to 15–25 members. The CS changes the way in which members are determined to be “voting” or “non-voting.” Currently in statute, certain members are specifically designated as voting or non-voting; the CS eliminates all references to a member’s voting status, and instead states that AWI shall establish procedures for identifying which members will have voting privileges. One limitation is provided, though, and states that if more than 1 member position represents the same entity, only one may be a voting member position. Further, multi-county coalitions are permitted to have representation from more than one county in a board position; however, only one of those members in the position may vote.

This section adds language such that the coalition chair, appointed by the Governor, will be appointed for 4 years in conjunction with their membership of the Early Learning Advisory Council under s. 20.052, F.S. The Early Learning Advisory Council was established under s. 1002.77, F.S., to submit recommendations to DOE and AWI on the early learning policy of this state, including recommendations relating to administration of VPK and the school readiness programs. Section 20.052, F.S., sets forth the requirements for how advisory bodies are established, evaluated, or maintained; this includes requirements as to how private citizens are appointed to advisory bodies.

This section repeals the current subsection (5)(b), which discusses program participation.

This section adds a new subsection (5)(b), related to limitations on early learning coalitions. The coalitions may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness program or receive funds under s. 411.01, F.S.

This section adds a requirement under subsection (5)(c) for the school readiness program to provide a coordinated professional system supportive of school readiness instructors in helping children to attain the performance standards and outcomes required by AWI.

This section adds a requirement under subsection (5)(c) for AWI to establish “through technology” a single statewide information system that each coalition must use to manage the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. This provides statutory authority for the Early Learning Information System (ELIS), currently under development, which will be a centralized technology system that will provide critical information to early learning parents, partners, and providers. Benefits of ELIS include the following:

- Streamlines administrative processes including attendance tracking, eligibility processing, and provider payments.
- Reduces potential fraud and overpayments.
- Provides data sharing capabilities between educators, parents, providers, and state agencies.
- Provides parents with easy on-line access to child care resource and referral information along with a wealth of child development and early education information.

This section adds a requirement under subsection (5)(c) that the school readiness program must ensure that minimum standards for child discipline practices are age appropriate, are not severe, humiliating, or frightening, and are not associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

This section also adds requirements under subsection (5)(c) for each early learning coalition to implement a comprehensive program of school readiness services in accordance with rules adopted by AWI. The statute currently provides the minimum elements that the program must address; these minimum requirements are increased by adding that the program must include:

- An appropriate staff-to-children ratio that, when applicable, meets the required ratios for licensed child care facilities and family day care homes, and is verified pursuant by DCF or a local licensing agency.
- A healthy and safe environment that meets the required ratios for licensed child care facilities, and is verified by DCF or a local licensing agency.
- An age-appropriate assessment administered when children enter and leave the program.
- A resource and referral network established under s. 411.0101, F.S., to assist parents and “a regional warm line under s. 411.01015, F.S.”³⁸

Further, the CS requires AWI, DOE, DCF, and the early learning coalitions to minimize duplicative interagency activities pertaining to collecting and compiling data for child care training and credentialing.

This section adds a requirement under subsection (5)(d) for early learning coalitions to coordinate with one another to implement a comprehensive program of school readiness services to serve specific purposes for children and families in addition to previously required criteria. Previously this section directed each coalition individually to develop a plan to implement the criteria. New criteria include a demonstration of how the plan ensures that each child from birth to 5 years of age, instead of 3 and 4 year olds, receives services meeting AWI performance standards and helps families achieve economic self sufficiency. The coalitions must solicit and consider comments from the local community on the school readiness plan. AWI is also directed to review the school readiness plans at least every 2 years (current language requires a review by AWI at least once a year).

This section amends the requirements for coalition school readiness plans, including that the plan be consistent with AWI system support services, and address:

- The needs of all eligible providers and children in the coalition’s area;
- Enhancement services to families, including parent training and involvement activities that meet the needs of unique populations and local eligibility priorities; and
- The implementation of locally developed quality programs in accordance with AWI requirements adopted pursuant to s. 411.01(4)(d)5., F.S. (addressed above).

This section repeals requirements for coalition school readiness plans, including criteria that address:

- Training for instructional staff;

³⁸ See analysis of section 9 of the CS above, and section 18 of the CS later in this analysis.

- Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support (most of the systems support services are addressed elsewhere in the statutes, either currently or through changes made by this CS); and
- Strategies to meet the needs of unique populations, such as migrant workers.

Currently, each early learning coalition is responsible for identifying local needs and applying appropriate solutions as local entities; the early learning coalitions have discretion in their day-to-day operations. The federal and state governments establish guidelines, and the early learning coalitions develop quality initiatives based on a local needs assessment as part of the coalition plan. This allows early learning coalitions to measure the level of achievement and impact their services have on their communities.

An early learning coalition will no longer be able to petition AWI for waiver of meeting the agency's rules when the coalition demonstrates that specific statutory goals may be achieved more effectively in another way. Additionally, AWI, not the early learning coalitions, may petition the Governor and Cabinet to waive any provisions of ss. 411.223,³⁹ 411.232,⁴⁰ or 1003.54,⁴¹ F.S., if the waiver is necessary to implement the school readiness program. This section also deletes an obsolete provision in s. 411.01(5)(d)9., F.S. Because all federal subsidized child-care programs in Florida have been consolidated into the Florida School Readiness program, it is unnecessary to retain this reference. Those programs included: the Prekindergarten Intervention Program; the Migrant Education Program; subsidized child care; and Florida First Start.

This section changes the way the coalitions may procure commodities or contractual services. Currently the coalitions may submit requests for proposals pursuant to s. 287.054, F.S. Under the CS, early learning coalitions must comply with the procurement and expenditure procedures developed by AWI.

This section repeals s. 411.01(5)(f), F.S. This subsection dealt with requirements related to fiscal agents.

This section also amends current subsection (5)(g),⁴² requiring each early learning coalition to prepare an annual report that includes an evaluation of the effectiveness of its direct enhancement services.

This section amends subsection (6) of s. 411.01, F.S., to clearly define the group of children eligible for the school readiness program. Currently the law states that the school readiness program is established for children from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school. The new language adds that the program is also established for children who are eligible for any federal subsidized child care program. Children eligible for federal subsidized child care programs include school aged

³⁹ Addresses uniform standards for preschool preventative health services.

⁴⁰ Establishes the Children's Early Investment Program for young children who are at risk of developmental dysfunction or delay and for their families.

⁴¹ Establishes teenage parent programs by each district school board.

⁴² Subsection (5)(g) becomes (5)(f) with the repeal of current subsection (5)(f).

children up to 13 years of age, and disabled children up to 19 years of age. AWI stated that this is not an increase in the number of eligible children served, but language necessary to protect TANF funding. These children are currently served by the school readiness program, as discussed above in the Present Situation.

Currently, priority is established:

- Firstly, to children from the temporary assistance to needy families (TANF) program, set forth in subsection (11) of s. 401.01, F.S.
- Subsection (6) specifies that second priority is given to pre-school children (3-5 years old) who are served by the Family Safety Program Office of DCF, or similar local program.
- Subsequent priority is determined by the local coalition, provided that the children meet the qualifications set forth in subsection (6), and are pre-school-aged.

This section of the CS further amends subsection (6) of s. 411.01, F.S., to establish a definitive priority sequence for admissions to school readiness programs. First, subsection (11) is repealed; instead first priority is given to a child from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements. Second priority is given to children who are eligible for a school readiness program but have not entered school and are served by the Family Safety Program Office of DCF, or similar local program, including those children being served by a community based lead agency under ch. 409, F.S. (social and economic assistance, including children's zones), and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Subsequent priority may be given to a child who meets one or more of the following:

- Children under the age of kindergarten eligibility who are:
 - Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents;
 - Children of working families whose family is economically disadvantaged; and
 - Children for whom the state is paying a relative caregiver payment under s. 39.5085, F.S.
- Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.
- Economically disadvantaged children, children with disabilities, or children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs.
- Children who meet federal and state eligibility requirements for the migrant preschool program but who are not economically disadvantaged.

This section revises provisions related to parental choice in s. 411.01(7), F.S. It specifies that parental choice of child care providers must be established to the maximum extent possible as required by federal law. This section adds a definition for "payment certificate" as a child care

certificate defined in 45 C.F.R. s. 98.2.⁴³ The defined term replaces “purchase service order” throughout the section. The school readiness program is required to be administered in accordance with 45 C.F.R. s. 98.30, which deals with federal requirements for parental choice in child care services.

This section revises subsection (8) to require that all program providers participating in the school readiness program meet the performance standards and outcomes adopted by AWI.

This section revises provisions related to funding of the school readiness program in s. 411.01(9), F.S. AWI must establish a formula for allocation of state and federal school readiness funds subject to legislative notice and review under s. 216.177, F.S.⁴⁴ This formula will be based on equity “for each county” and not performance. This section eliminates requirements for AWI to submit recommendations to the Legislature for providing necessary transportation services for school readiness programs.

Section 18 amends s. 411.0101, F.S., by revising requirements for services provided by the statewide child care resource and referral network. In particular, referrals will only be made to “legally operating” child care facilities; no referrals will be made to facilities operating illegally. The current law states that referrals will only be made to licensed child care facilities and no referrals will be made to unlicensed facilities. This change incorporates programs which are legally operating but that are not required to be licensed to be included in the referral network; this would include faith-based facilities.

The language also specifies that the network is established by AWI as a part of the school readiness program. AWI is directed to adopt rules regarding the accessibility of the network, which include required hours of operation, methods for parents to request services, and network staff requirements.

The agencies implementing the network are required to develop a resource file of existing public and private child care and early childhood education services through the single statewide information system developed by AWI pursuant to s. 411.01, F.S., as discussed above in Section 17. Additionally, agencies are to keep a record of requests for service “tabulated through the internal referral process through the single statewide information system.”

The referral program is now referenced as the “network” and appropriate changes are made throughout the statute to reflect this. References to repealed programs are deleted and changed to current programs, such as VPK and the school readiness program. Additionally references to “handicapped” are changed to refer to children with disabilities.

⁴³ The federal law defines “child care certificate” as “means a certificate (that may be a check, or other disbursement) that is issued by a grantee directly to a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider, pursuant to §98.30. Nothing in this part shall preclude the use of such certificate for sectarian child care services if freely chosen by the parent. For the purposes of this part, a child care certificate is assistance to the parent, not assistance to the provider.”

⁴⁴ Dealing with appropriations acts of the Legislature.

Section 19 amends s. 411.0102, F.S., revising provisions relating to the Child Care Executive Partnership Act. This section deletes and replaces references to subsidized child care with appropriate language.

Currently, the early learning coalitions must establish a community child care task force for each child care purchasing pool. The task force is required to be made up of certain persons, who the early learning coalition must recruit from existing child care councils, commissions, or other task forces operating in the area of a purchasing pool. Each task force is directed to develop a plan for the use of child care purchasing pool funds. This language is deleted by the CS; the early learning coalition board is directed to develop the plan for the child care purchasing pool funds.

This section adds language to subsection (4)(b) to allow the Child Care Executive Partnership to conduct meetings through telecommunications.

Section 20 amends s. 411.203, F.S., dealing with the continuum of comprehensive services. This section deletes references to the repealed subsidized child care program.

Section 21 amends s. 411.221, F.S., related to prevention and early assistance strategic plan and agency responsibilities. This section deletes a reference to the former State Coordinating Council for School Readiness Programs and replaces it with AWI.

Section 22 amends ss. 445.024(4), F.S., related to prioritization of work requirements for regional workforce boards. This section deletes a reference to subsidized child care.⁴⁵

Section 23 amends s. 445.030, F.S., related to transitional education and training for former recipients of temporary cash assistance who are actively seeking work or working. This section deletes a reference to subsidized child care.

Section 24 amends s. 490.014(2), F.S., related to exemptions for state licensure as psychologists. This section deletes references to the subsidized child care program and fixes a reference to the child care resource and referral network to the current statute.

Section 25 amends s. 491.014(4), F.S., related to state licensure for clinical, counseling, and psychotherapy services. This section deletes references to the subsidized child care program and fixes a reference to the child care resource and referral network to the current statute.

Section 26 amends s. 1002.53, F.S., related to VPK, to conform subsection (5) of this statute to the changes made to the early learning coalitions.

Section 27 amends s. 1002.55, F.S., to add AdvancED to the list of accrediting agencies from which a private prekindergarten provider may obtain accreditation (replaces the Commission on International and Trans Regional Accreditation).

⁴⁵ This reference was added by ch. 2007-197, L.O.F., as part of a change to align the statute with the federal TANF law.

This section adds language to the VPK program that a private provider's disciplinary policies must prohibit discipline that is severe, humiliating, or frightening, is associated with food, rest, or toileting, or involves spanking or other physical punishment.

Section 28 amends s. 1002.67, F.S., related to VPK, to conform subparagraph (3)(c)4. of this statute to the changes made to the early learning coalitions.

Section 29 amends s. 1002.71, F.S., to make a technical change in subsection (6) of the statute.

Section 30 amends s. 1009.64, F.S., to delete a reference to subsidized child care.

Section 31 provides an effective date of July 1, 2010.

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:

The CS updates the statutes to reflect the current organizational structure of the school readiness system and clarifies obsolete and vague laws relating to child development. These changes may reduce potential confusion, may improve the effectiveness of school readiness coalitions by administering a uniform program statewide, and may promote consistency in the regulation of child development providers.

Changes in the school readiness program may also result in an increase in the number of facilities eligible to participate as well as an increase in the number of children eligible.

Section 14 of the CS imposes licensing fees for licensed and registered family day care homes and large family child care homes. These entities are not currently subject to licensing fees.

C. Government Sector Impact:

This CS may require short-term workload increases for AWI associated with reviewing and updating existing administrative rules and associated forms used to administer school readiness programs.

AWI has estimated that to establish and deploy a single statewide information system for use by all early learning coalitions, as required by the CS, will cost about \$23.7 million over 3 years.

DCF indicated that the bill as filed would have no fiscal impact on their operations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

AWI identified in its analysis that s. 411.0101, F.S., does not include the same confidentiality protections for children's personal information as do ss. 411.011 and 1002.72, F.S.

In several places in the CS, the amendatory language refers to requirements on early learning coalitions "as verified pursuant to s. 402.311." Section 402.311, F.S., does not provide for verification, but instead discusses the right to inspection of licensed child care facilities by DCF or a local licensing agency. It may be more appropriate to refer to an inspection rather than verification, as appropriate.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

CS by the Commerce Committee on March 17, 2010:

The CS differs from the bill as filed in the following ways:

- Makes technical and grammatical changes throughout;
- Inserts a reference to "school readiness" in section 3, related to the Relative Caregiver Program, as suggested by DCF in its analysis of the original bill;
- Changes a reference to "early learning program" in section 6, related to legislative intent for child care programs in Florida, to "school readiness program;"
- Amends a reference to the National Association for Child Development Education to the Child Development Education Alliance in section 7, related to the Gold Seal Quality Care program;
- Makes technical changes to section 10, related to the prevailing market rate schedule, including removing an unnecessary reference to parental choice and providing that the federal requirements control if there is a conflict between state and federal requirements;

- Transfers, renumbers, and amends s. 402.3145, F.S., as s. 411.01014, F.S., dealing with transportation services for children participating in the school readiness program, to update obsolete references (instead of repealing it, as in the original bill);
- Makes technical changes to section 16, dealing with foster care and related services, as suggested by DCF in its analysis of the original bill;
- Amends section 17, dealing with the school readiness program by:
 - Directing AWI to implement a state level system to build a comprehensive early learning system (Clarifies the role of AWI and its responsibilities to implement a comprehensive system of support services, as suggested by AWI in its analysis of the original bill);
 - Clarifying that for the requirement that the coalition or program provider should obtain certain information within 30 days after enrollment regarding a child’s health history will be ensured as required for those programs licensed by DCF;
 - Requiring early learning coalitions to implement direct enhancement services and ensure access to services in all Florida counties;
 - Changing the way in which members are determined to be “voting” or “non-voting;”
 - Adding the county health department director and the central agency administrator back in as members of the early learning coalitions;
 - Removing the requirement that DCF or a local licensing agency ensure that certain disciplinary practices do not occur;
 - Removing a requirement that the early learning coalitions reduce agency duplication, due to the fact that the coalitions are not agencies; and
 - Specifying that parental choice of child care providers must be established to the maximum extent possible as required by federal law.

B. Amendments:

None.