

By Senator Flores

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1 A bill to be entitled
2 An act relating to early learning; amending s. 411.01,
3 F.S.; revising the duties of the Office of Early
4 Learning within the Department of Education; requiring
5 that the Office of Early Learning develop and adopt by
6 rule unified performance standards and outcome
7 measures for school readiness programs; requiring that
8 the Office of Early Learning adopt a statewide,
9 standardized contract that is limited to state and
10 federal requirements to be used by the early learning
11 coalitions; requiring that the Office of Early
12 Learning prohibit such coalitions from adopting
13 addenda to the contract; revising provisions to
14 conform to changes made by the act; amending s.
15 411.01013, F.S.; defining the term "affordable parent
16 contribution"; revising provisions relating to the
17 prevailing market rate schedule adopted by the Office
18 of Early Learning; requiring that the prevailing
19 market rate schedule differentiate rates by the type
20 of child care services provided for preschool-age
21 children participating in the Voluntary
22 Prekindergarten Education Program; requiring that the
23 Office of Early Learning calculate a payment schedule
24 equal to the prevailing market rate for each
25 differentiated rate, minus the affordable parent
26 contribution; amending s. 1002.71, F.S.; requiring
27 that a school district offering the Voluntary
28 Prekindergarten Education Program adopt procedures
29 that separately account for the funds received and the

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30 expenses incurred for the program; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Paragraph (e) of subsection (2), paragraph (d)
36 of subsection (4), paragraph (d) of subsection (5), paragraph
37 (c) of subsection (6), and paragraph (g) of subsection (9) of
38 section 411.01, Florida Statutes, are amended to read:

39 411.01 School readiness programs; early learning
40 coalitions.—

41 (2) LEGISLATIVE INTENT.—

42 (e) It is the intent of the Legislature that the school
43 readiness program coordinate and operate in conjunction with the
44 district school systems. However, it is also the intent of the
45 Legislature that the school readiness program not be construed
46 as part of the system of free public schools but rather as a
47 separate program for children under the age of kindergarten
48 eligibility, funded separately from the system of free public
49 schools, using the affordable parent contribution as defined in
50 s. 411.01013(1)(a) utilizing a mandatory sliding fee scale, and
51 providing an integrated and seamless system of school readiness
52 services for the state's birth-to-kindergarten population.

53 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF
54 EDUCATION.—

55 (d) The Office of Early Learning shall:

56 1. Be responsible for the prudent use of all public and
57 private funds in accordance with all legal and contractual
58 requirements.

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59 2. Provide final approval and every 2 years review early
60 learning coalitions and school readiness plans.

61 3. Establish a unified approach to the state's efforts
62 toward enhancement of school readiness. In support of this
63 effort, the Office of Early Learning shall adopt specific system
64 support services that address the state's school readiness
65 programs. An early learning coalition shall amend its school
66 readiness plan to conform to the specific system support
67 services adopted by rule of the Office of Early Learning. System
68 support services ~~shall include, but are not~~ limited to the
69 following:

- 70 a. Child care resource and referral services;
- 71 b. Warm-Line services;
- 72 c. Eligibility determinations;
- 73 d. Child performance standards;
- 74 e. Child screening and assessment;
- 75 f. Developmentally appropriate curricula;
- 76 g. Health and safety requirements;
- 77 h. Statewide data system requirements; and
- 78 i. Rating and improvement systems.

79 4. Safeguard the effective use of federal, state, local,
80 and private resources to achieve the highest possible level of
81 school readiness for the children in this state.

82 5. Adopt a rule establishing criteria for the expenditure
83 of funds designated for the purpose of funding activities to
84 improve the quality of child care within the state in accordance
85 with s. 658G of the federal Child Care and Development Block
86 Grant Act.

87 6. Provide technical assistance to early learning

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88 coalitions in a manner determined by the Office of Early
89 Learning based upon information obtained by the office from
90 various sources, including, but not limited to, public input,
91 government reports, private interest group reports, office
92 monitoring visits, and coalition requests for service.

93 7. In cooperation with the early learning coalitions,
94 coordinate with the Child Care Services Program Office of the
95 Department of Children and Family Services to minimize
96 duplicating interagency activities, health and safety
97 monitoring, and acquiring and composing data pertaining to child
98 care training and credentialing.

99 8. Develop and adopt by rule unified performance standards
100 and outcome measures for school readiness programs. The
101 performance standards must address the age-appropriate progress
102 of children in the development of school readiness skills. The
103 performance standards for children from birth to 5 years of age
104 in school readiness programs must be integrated with the
105 performance standards adopted by the Department of Education for
106 children in the Voluntary Prekindergarten Education Program
107 under s. 1002.67.

108 9. Adopt a statewide, standardized ~~standard~~ contract that
109 is limited to state and federal requirements and that must be
110 used by the coalitions when contracting with school readiness
111 providers. In order to fulfill the legislative intent in
112 paragraph (2) (c), the Office of Early Learning shall prohibit
113 the coalitions from adopting addenda to the contract.

114 (5) CREATION OF EARLY LEARNING COALITIONS.—

115 (d) *Implementation.*—

116 1. An early learning coalition may not implement the school

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117 readiness program until the coalition's school readiness plan is
118 approved by the Office of Early Learning.

119 2. Each early learning coalition shall coordinate with one
120 another to implement a comprehensive program of school readiness
121 services which enhances the cognitive, social, physical, and
122 moral character of the children to achieve the performance
123 standards and outcome measures and which helps families achieve
124 economic self-sufficiency. Such program must contain, at a
125 minimum, the following elements:

126 a. Implement the school readiness program to meet the
127 requirements of this section and the system support services,
128 performance standards, and outcome measures adopted by the
129 Office of Early Learning.

130 b. Demonstrate how the program will ensure that each child
131 from birth through 5 years of age in a publicly funded school
132 readiness program receives scheduled activities and instruction
133 designed to enhance the age-appropriate progress of the children
134 in attaining the performance standards adopted by the department
135 under subparagraph (4) (d) 8.

136 c. Ensure that the coalition has solicited and considered
137 comments regarding the proposed school readiness plan from the
138 local community.

139

140 Before implementing the school readiness program, the early
141 learning coalition must submit the plan to the office for
142 approval. The office may approve the plan, reject the plan, or
143 approve the plan with conditions. The office shall review school
144 readiness plans at least every 2 years.

145 3. If the Office of Early Learning determines during the

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146 review of school readiness plans, or through monitoring and
147 performance evaluations conducted under paragraph (4)(1), that
148 an early learning coalition has not substantially implemented
149 its plan, has not substantially met the performance standards
150 and outcome measures adopted by the office, or has not
151 effectively administered the school readiness program or
152 Voluntary Prekindergarten Education Program, the office may
153 dissolve the coalition and temporarily contract with a qualified
154 entity to continue school readiness and prekindergarten services
155 in the coalition's county or multicounty region until the office
156 reestablishes the coalition and a new school readiness plan is
157 approved in accordance with the rules adopted by the office.

158 4. The Office of Early Learning shall adopt rules
159 establishing criteria for the approval of school readiness
160 plans. The criteria must be consistent with the system support
161 services, performance standards, and outcome measures adopted by
162 the office and must require each approved plan to include the
163 following minimum standards for the school readiness program:

164 a. A community plan that addresses the needs of all
165 children and providers within the coalition's county or
166 multicounty region.

167 ~~b. A sliding fee scale establishing a copayment for parents~~
168 ~~based upon their ability to pay, which is the same for all~~
169 ~~program providers.~~

170 b.e. A choice of settings and locations in licensed,
171 registered, religious-exempt, or school-based programs to be
172 provided to parents.

173 ~~c.d.~~ Specific eligibility priorities for children in
174 accordance with subsection (6).

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175 d.e. Performance standards and outcome measures adopted by
176 the office.

177 e.f. Payment rates adopted by the early learning coalitions
178 and approved by the office. Payment rates may not have the
179 effect of limiting parental choice or creating standards or
180 levels of services that have not been expressly established by
181 the Legislature, unless the creation of such standards or levels
182 of service, which must be uniform throughout the state, has been
183 approved by the Federal Government and result in the state being
184 eligible to receive additional federal funds available for early
185 learning on a statewide basis.

186 f.g. Direct enhancement services for families and children.
187 System support and direct enhancement services shall be in
188 addition to payments for the placement of children in school
189 readiness programs. Direct enhancement services for families may
190 include parent training and involvement activities and
191 strategies to meet the needs of unique populations and local
192 eligibility priorities. Enhancement services for children may
193 include provider supports and professional development approved
194 in the plan by the Office of Early Learning.

195 g.h. The business organization of the early learning
196 coalition, which must include the coalition's articles of
197 incorporation and bylaws if the coalition is organized as a
198 corporation. If the coalition is not organized as a corporation
199 or other business entity, the plan must include the contract
200 with a fiscal agent. An early learning coalition may contract
201 with other coalitions to achieve efficiency in multicounty
202 services, and these contracts may be part of the coalition's
203 school readiness plan.

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204 ~~h.i.~~ The implementation of locally developed quality
205 programs in accordance with the requirements adopted by the
206 office under subparagraph (4) (d)5.

207
208 The Office of Early Learning may request the Governor to apply
209 for a waiver to allow the coalition to administer the Head Start
210 Program to accomplish the purposes of the school readiness
211 program.

212 5. Persons with an early childhood teaching certificate may
213 provide support and supervision to other staff in the school
214 readiness program.

215 6. An early learning coalition may not implement its school
216 readiness plan until it submits the plan to and receives
217 approval from the Office of Early Learning. Once the plan is
218 approved, the plan and the services provided under the plan
219 shall be controlled by the early learning coalition. The plan
220 shall be reviewed and revised as necessary, but at least
221 biennially. An early learning coalition may not implement the
222 revisions until the coalition submits the revised plan to and
223 receives approval from the office. If the office rejects a
224 revised plan, the coalition must continue to operate under its
225 prior approved plan.

226 7. Section 125.901(2)(a)3. does not apply to school
227 readiness programs. The Office of Early Learning may apply to
228 the Governor and Cabinet for a waiver of, and the Governor and
229 Cabinet may waive, any of the provisions of ss. 411.223 and
230 1003.54, if the waiver is necessary for implementation of school
231 readiness programs.

232 8. Two or more early learning coalitions may join for

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233 purposes of planning and implementing a school readiness
234 program.

235 (6) PROGRAM ELIGIBILITY.—The school readiness program is
236 established for children from birth to the beginning of the
237 school year for which a child is eligible for admission to
238 kindergarten in a public school under s. 1003.21(1)(a)2. or who
239 are eligible for any federal subsidized child care program. Each
240 early learning coalition shall give priority for participation
241 in the school readiness program as follows:

242 (c) Subsequent priority shall be given to a child who meets
243 one or more of the following criteria:

244 1. A child who is younger than the age of kindergarten
245 eligibility and:

246 a. Is at risk of welfare dependency, including an
247 economically disadvantaged child, a child of a participant in
248 the welfare transition program, a child of a migratory
249 agricultural worker, or a child of a teen parent.

250 b. Is a member of a working family that is economically
251 disadvantaged.

252 c. For whom financial assistance is provided through the
253 Relative Caregiver Program under s. 39.5085.

254 2. A 3-year-old child or 4-year-old child who may not be
255 economically disadvantaged but who has a disability; has been
256 served in a specific part-time exceptional education program or
257 a combination of part-time exceptional education programs with
258 required special services, aids, or equipment; and was
259 previously reported for funding part time under the Florida
260 Education Finance Program as an exceptional student.

261 3. An economically disadvantaged child, a child with a

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262 disability, or a child at risk of future school failure, from
263 birth to 4 years of age, who is served at home through a home
264 visitor program and an intensive parent education program.

265 4. A child who meets federal and state eligibility
266 requirements for the migrant preschool program but who is not
267 economically disadvantaged.

268

269 As used in this paragraph, the term "economically disadvantaged"
270 means having a family income that does not exceed 150 percent of
271 the federal poverty level. Notwithstanding any change in a
272 family's economic status, but subject to the affordable parent
273 contribution ~~additional family contributions in accordance with~~
274 ~~the sliding fee scale~~, a child who meets the eligibility
275 requirements upon initial registration for the program remains
276 eligible until the beginning of the school year for which the
277 child is eligible for admission to kindergarten in a public
278 school under s. 1003.21(1)(a)2.

279 (9) FUNDING; SCHOOL READINESS PROGRAM.—

280 (g) All cost savings and all revenues received through the
281 affordable parent contribution ~~a mandatory sliding fee scale~~
282 shall be used to help fund each early learning coalition's
283 school readiness program.

284 Section 2. Subsection (1), paragraph (b) of subsection (3),
285 and subsection (5) of section 411.01013, Florida Statutes, are
286 amended to read:

287 411.01013 Prevailing market rate schedule.—

288 (1) As used in this section, the term:

289 (a) "Affordable parent contribution" means 10 percent of
290 the annual family income.

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291 (b)~~(a)~~ "Market rate" means the price that a child care
292 provider charges for daily, weekly, or monthly child care
293 services.

294 (c)~~(b)~~ "Prevailing market rate" means the annually
295 determined 75th percentile of a reasonable frequency
296 distribution of the market rate in a predetermined geographic
297 market at which child care providers charge a person for child
298 care services.

299 (3) The prevailing market rate schedule, at a minimum,
300 must:

301 (b) Differentiate rates by the type of child care services
302 provided for children with special needs or risk categories,
303 infants, toddlers, preschool-age children, preschool-age
304 children participating in the Voluntary Prekindergarten
305 Education Program, and school-age children.

306 (5) In order to enable parents to work and be financially
307 self-sufficient as provided in s. 411.01(4) (a), the Office of
308 Early Learning shall calculate a payment schedule equal to the
309 prevailing market rate for each differentiated rate, minus the
310 affordable parent contribution. ~~The prevailing market rate shall~~
311 be considered by an early learning coalition in the adoption of
312 a payment schedule in accordance with s. 411.01(5) (e)2.

313 Section 3. Subsection (10) is added to section 1002.71,
314 Florida Statutes, to read:

315 1002.71 Funding; financial and attendance reporting.-

316 (10) A school district that offers the Voluntary
317 Prekindergarten Education Program pursuant to s. 1002.61 or s.
318 1002.63 shall adopt procedures that separately account for the
319 funds received and the expenses incurred for the program.

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Section 4. This act shall take effect July 1, 2012.