

By Senator Kirkpatrick

5-276-98

See HB

1 A bill to be entitled
2 An act relating to early education and child
3 care; creating s. 402.265, F.S.; providing
4 legislative intent; establishing the early
5 education and child care program and providing
6 for optional participation; providing for
7 oversight; establishing a State Board of
8 Governance; providing eligibility for
9 participation in the program; providing
10 performance standards and outcome measures;
11 providing for district interagency coordinating
12 councils; providing for implementation of
13 programs; requiring development of a plan and
14 providing program requirements; requiring a
15 sliding fee scale; providing for funding;
16 requiring a reimbursement rate schedule;
17 providing requirements relating to fiscal
18 agents; providing for vouchers or contracts and
19 an electronic funds transfer system; providing
20 for evaluation and reporting; providing that
21 federal requirements control in the case of
22 conflict; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Section 402.265, Florida Statutes, is
27 created to read:

28 402.265 Early education and child care program.--

29 (1) LEGISLATIVE INTENT.--

30 (a) The Legislature recognizes that high-quality early
31 education and child care programs increase children's chances

1 of achieving future educational success and becoming
2 productive members of society. It is the intent of the
3 Legislature that such programs be developmental, serve as
4 preventive measures for children at risk of future school
5 failure, enhance the educational readiness of all children,
6 and support family education and the involvement of parents in
7 their child's educational progress. Each early education and
8 child care program shall provide the elements necessary to
9 help prepare preschool children for school, including health
10 screening and referral, a developmentally appropriate
11 educational program, and opportunities for parental
12 involvement in the program.

13 (b) It is legislative intent that early education and
14 child care programs be operated within funding limits on a
15 full-day, year-round basis to enable parents to work and
16 become financially self-sufficient.

17 (c) It is legislative intent that early education and
18 child care programs not exist as isolated programs, but build
19 upon existing services and work in cooperation with other
20 programs for young children, and that these programs be
21 coordinated and funding integrated to achieve full
22 effectiveness.

23 (d) It is legislative intent that the implementation
24 of an early education and child care program be optional on a
25 county-by-county basis. It is further intended that, if a
26 county or counties decide to implement a program, procedures
27 such as, but not limited to, contracting, collocation,
28 mainstreaming, and cooperative and integrated funding be used
29 to coordinate all publicly funded early education and child
30 care programs, including prekindergarten early intervention
31 programs, Head Start programs, programs offered by public or

1 private providers of child care, preschool programs for
2 children with disabilities, programs for migrant children,
3 Title I programs, subsidized child care programs, teen parent
4 programs, and other services.

5 (2) OPTIONAL PROGRAM; EXEMPTIONS.--The early education
6 and child care program is an optional program. A county or
7 counties may elect to participate in this program by following
8 the requirements of this section. The provisions of this
9 section shall supersede and prevail over any provisions of ss.
10 230.2305 and 402.3015 as to any county that chooses to
11 participate in the early education and child care program and
12 obtains plan approval from the State Board of Governance.

13 (3) CREATION; OVERSIGHT; STATE BOARD OF GOVERNANCE.--

14 (a) The early education and child care program,
15 consisting of publicly funded programs listed in paragraph
16 (1)(d), is established. The program is the joint
17 responsibility of the Department of Education and the
18 Department of Children and Family Services. The Department of
19 Education is the state oversight agency for the education
20 component of the programs listed in paragraph (1)(d), and the
21 Department of Children and Family Services is the state
22 oversight agency for the implementation and administration of
23 these programs.

24 (b) There is established a State Board of Governance
25 with oversight of the entire early education and child care
26 program. The State Board of Governance shall consist of:

- 27 1. The Secretary of Children and Family Services or a
28 designee.
29 2. The Commissioner of Education or a designee.
30 3. The chair of the State Workforce Development Board.
31 4. The chair of the State WAGES Board.

- 1 5. The Comptroller or a designee.
2 6. The chair of the Child Care Executive Partnership
3 Committee.

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5 The State Board of Governance shall select a chair and vice
6 chair.

7 (4) PROGRAM ELIGIBILITY.--The early education and
8 child care program shall be established for children from
9 birth to 13 years of age. The program shall be coordinated and
10 funding integrated with the programs listed in paragraph
11 (1)(d), be administered by a fiscal agent selected by the
12 district interagency coordinating council, and receive funds
13 pursuant to HB 2133 or similar legislation. Within funding
14 limitations, the fiscal agent along with all providers shall
15 make reasonable efforts to accommodate the needs of children
16 for extended-day and extended-year services without
17 compromising the quality of the program. Priority for
18 participation in the early education and child care program is
19 as follows:

- 20 (a) Children under 13 years of age who are:
21 1. Children determined to be at risk of abuse,
22 neglect, or exploitation and who are currently clients of the
23 Children and Families Program Office of the Department of
24 Children and Family Services.
25 2. Children at risk of welfare dependency, including
26 children of participants in the WAGES Program, children of
27 migrant farmworkers, children of teen parents, and children
28 from other families at risk of welfare dependency due to a
29 family income of less than 100 percent of the federal poverty
30 level.

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1 3. Children of working families whose family income is
2 equal to or greater than 100 percent, but does not exceed 150
3 percent, of the federal poverty level.

4 (b) Three-year-old children and 4-year-old children
5 who may not be economically disadvantaged but who are students
6 with disabilities and served in a specific part-time or
7 combination of part-time exceptional student education
8 programs with required special services, aids, or equipment
9 and who are reported for funding part-time in the Florida
10 Education Finance Program as exceptional students.

11 (c) Economically disadvantaged children, children with
12 disabilities, and children at risk of future school failure,
13 from birth to 4 years of age, who are served at home through
14 home visitor programs and intensive parent education programs
15 such as the Florida First Start Program.

16 (d) Children who meet federal and state requirements
17 for eligibility for the migrant preschool program but who do
18 not meet the criteria of economically disadvantaged.

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20 An "economically disadvantaged" child means a child whose
21 family income is below 150 percent of the federal poverty
22 level or who is eligible to participate in the free lunch
23 program. Notwithstanding any change in a family's economic
24 status or in the federal eligibility requirements for free
25 lunch, but subject to additional family contributions in
26 accordance with the sliding fee scale, a child who meets the
27 eligibility requirements upon initial registration for the
28 program shall be considered eligible until the child reaches
29 kindergarten age.

30 (5) STANDARDS; OUTCOME MEASURES.--
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1 (a) All publicly funded early education and child care
2 programs must meet the following performance standards and
3 outcome measures developed by the Department of Education and
4 the Department of Children and Family Services:

5 1. They must help prepare preschool children to enter
6 kindergarten ready to learn, as measured by the School
7 Readiness Checklist of the Department of Education.

8 2. They must provide extended-day and extended-year
9 services when needed.

10 3. There must be coordinated staff development and
11 teaching opportunities.

12 4. There must be expanded access to community services
13 and resources for families to help achieve economic
14 self-sufficiency.

15 5. There must be a simplified point of entry and
16 unified waiting list.

17 6. They must serve at least as many children as were
18 served prior to implementation of the program.

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20 The fiscal agent is responsible for monitoring and providing
21 assistance to these programs to achieve the expected
22 performance standards and outcome measures. The State Board of
23 Governance shall develop a phase-in schedule through which all
24 publicly funded early education and child care programs shall
25 be measured by these performance standards. The fiscal agent
26 shall report to the district interagency coordinating council
27 on the achievement of performance standards with
28 recommendations for future funding.

29 (b) All publicly funded early education and child care
30 programs must implement a comprehensive program of children
31 and family services that enhance the cognitive and physical

1 development of children to achieve the performance standards
2 and outcome measures specified in paragraph (a). At a minimum,
3 these programs must contain the following elements:

4 1. Staff-child interaction.

5 2. Developmentally appropriate curriculum.

6 3. An appropriate staff-to-child ratio.

7 4. Continuity of care.

8 5. Group size.

9 6. A healthy and safe environment.

10 7. Varied family components.

11 8. Quality services at an identified cost.

12 9. A resource and referral network to assist parents

13 in making informed choice pursuant to s. 402.27.

14 (6) DISTRICT INTERAGENCY COORDINATING COUNCILS.--

15 (a) The Department of Children and Family Services and
16 the Department of Education must develop, implement, and
17 evaluate the early education and child care program in
18 cooperation with a district interagency coordinating council
19 on early childhood services.

20 (b) Each district interagency coordinating council
21 must consist of at least 12 members to be appointed by the
22 district school board, the county commission for the county in
23 which participating schools are located, and the Department of
24 Children and Family Services' district administrator and must
25 include at least the following:

26 1. One member who is a parent of a child enrolled in,
27 or intending to enroll in, the early education and child care
28 program, appointed by the school board.

29 2. One member who is a director or designated director
30 of the early education and child care program in the school
31 district, appointed by the school board.

1 3. One member who is a member of a district school
2 board, appointed by the school board.

3 4. One member who is a representative of an agency
4 serving children with disabilities, appointed by the
5 Department of Children and Family Services' district
6 administrator.

7 5. Four members who are representatives of
8 organizations providing early education and child care
9 services, one of whom is a representative of a Head Start
10 program, appointed by the Department of Children and Family
11 Services' district administrator; one of whom is a
12 representative of a Title XX subsidized child day care
13 program, if such programs exist within the county, appointed
14 by the Department of Children and Family Services' district
15 administrator; and two of whom are private providers of early
16 education and child care to 3-year-old and 4-year-old
17 children, one appointed by the county commission and one
18 appointed by the Department of Children and Family Services'
19 district administrator. If there is no Head Start program or
20 Title XX program operating within the county, these two
21 members must represent community interests in early education
22 and child care.

23 6. Two members who are representatives of agencies
24 responsible for providing social, medical, dental, adult
25 literacy, or transportation services, one of whom represents
26 the county health department, both appointed by the county
27 commission.

28 7. One member to represent a local child advocacy
29 organization, appointed by the Department of Children and
30 Family Services' district administrator.

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1 8. One member to represent the school district K-3
2 program, appointed by the school board.

3 (7) IMPLEMENTATION.--

4 (a) The early education and child care program may be
5 implemented in any county by agreement of the district school
6 system and the Department of Children and Family Services
7 district, with approval of the State Board of Governance.
8 Approval by the State Board of Governance must be predicated
9 on the submission of a plan of implementation prepared and
10 submitted by the district interagency coordinating council.

11 (b) The district interagency coordinating council in
12 each county that chooses to participate in the early education
13 and child care program shall develop a plan for implementation
14 to meet the requirements of this section. The plan shall
15 include a written description of the role of the program in
16 the district's effort to meet the first state education goal,
17 readiness to start school, including a description of the plan
18 to involve prekindergarten early intervention programs, Head
19 Start programs, programs offered by public or private
20 providers of child care, preschool programs for children with
21 disabilities, programs for migrant children, Title I programs,
22 subsidized child care programs, and teen parent programs. The
23 plan shall also demonstrate how the program will ensure that
24 each 3-year-old and 4-year-old child in a publicly funded
25 early education and child care program will receive at least 3
26 hours per day of scheduled activities and instruction designed
27 to prepare children to enter kindergarten ready to learn. As a
28 part of the plan, the district interagency coordinating
29 council may request the Governor to apply for a waiver to
30 allow the county to administer the Head Start program to
31 accomplish the purposes of the early education and child care

1 program. Prior to implementation of the program, the district
2 interagency coordinating council must submit the plan to the
3 State Board of Governance for approval. The plan shall be
4 reviewed and revised as necessary, but not less than every 3
5 years.

6 (c) The early education and child care program shall
7 include the following minimum standards and provisions:

8 1.a. A ratio of one child care personnel for every
9 four children who are under 1 year of age.

10 b. A ratio of one child care personnel for every six
11 children who are 1 year of age or older but under 2 years of
12 age.

13 c. A ratio of one child care personnel for every 11
14 children who are 2 years of age or older but under 3 years of
15 age.

16 d. A ratio of one adult with a child development
17 associate credential or its equivalent for every 15 children
18 who are 3 or 4 years of age, except that the ratio shall be
19 one adult for every 10 children during 3 hours of educational
20 instruction each day.

21 e. A ratio of one child care personnel for every 25
22 children who are 5 years of age or older.

23 2. A sliding fee scale, which is the same for all
24 programs, to be implemented and reflected in each program's
25 budget.

26 3. A choice of settings and locations in licensed,
27 registered, religious exempt, or school-based programs to be
28 provided to parents.

29 4. Instructional staff who have completed the training
30 course as required in s. 402.305(2)(d)1.

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1 All cost savings resulting from a change in the staff-to-child
2 ratio from the staff-to-child ratios in previously existing
3 programs and all revenues received through the sliding fee
4 scale shall be used to help fund extended-day and
5 extended-year services.

6 (d) If an early education and child care plan can
7 demonstrate that specific statutory goals can be achieved more
8 effectively by using procedures that require modification of
9 existing rules, policies, or procedures, a request for a
10 waiver to the State Board of Governance may be made as part of
11 the district interagency coordinating council's plan. Upon
12 review, the State Board of Governance may grant the proposed
13 modification.

14 (e) Persons with an early childhood teaching
15 certificate may provide support and supervision to other staff
16 in the early education and child care program.

17 (f) Two or more counties may join for the purpose of
18 planning and implementing an early education and child care
19 program.

20 (8) REIMBURSEMENT RATE.--The district interagency
21 coordinating council shall develop a reimbursement rate
22 schedule that encompasses all publicly funded early education
23 and child care programs. The reimbursement rate schedule must
24 include the projected number of children to be served and must
25 be submitted to the State Board of Governance for approval.
26 Informal child care arrangements shall be reimbursed at 50
27 percent of the rate developed for family child care.

28 (9) REQUIREMENTS RELATING TO FISCAL AGENTS.--The
29 fiscal agent must be a public entity, a private nonprofit
30 organization, or a partnership of public entities and private
31 nonprofit organizations. The fiscal agent shall be required to

1 provide all administrative and direct funding services as
2 determined by the district interagency coordinating council.
3 The cost of these services shall be negotiated between the
4 fiscal agent and the Department of Children and Family
5 Services. The fiscal agent shall be responsible for monitoring
6 all providers to ensure that the legislatively mandated
7 performance standards and outcome measures are carried out. No
8 public funds shall be paid to a provider unless the provider
9 agrees to allow the fiscal agent access to fulfill its
10 monitoring responsibilities.

11 (10) PARENTAL CHOICE; VOUCHER OR CONTRACT.--The early
12 education and child care program shall be provided by voucher
13 or contract issued pursuant to a purchase service order that
14 ensures, to the maximum extent possible, parental choice
15 through flexibility in early education and child care
16 arrangements and payment arrangements. According to federal
17 regulations requiring parental choice, a parent may choose an
18 informal child care arrangement. The voucher must bear the
19 name of the beneficiary and the program provider and, when
20 redeemed, must bear the signature of both the beneficiary and
21 an authorized representative of the provider. If it is
22 determined that a provider has provided any cash to the
23 beneficiary in return for receiving the voucher, the
24 Department of Children and Family Services shall refer the
25 matter to the Division of Public Assistance Fraud of the
26 office of the Auditor General for investigation. The
27 Department of Children and Family Services and the office of
28 the Comptroller shall establish an electronic funds transfer
29 system for the dissemination of funds and vouchers in
30 accordance with this subsection. Fiscal agents shall fully
31 implement the electronic funds transfer system within 3 years

1 of plan approval unless a waiver is obtained from the State
2 Board of Governance. The fiscal agent may charge an
3 administrative fee not to exceed 1 1/2 percent of each voucher
4 to offset administrative costs of the early education and
5 child care program.

6 (11) EVALUATION AND ANNUAL REPORT.--Each district
7 interagency coordinating council shall conduct an evaluation
8 of the effectiveness of the early education and child care
9 program, including performance standards and outcome measures,
10 and shall provide an annual report to the State Board of
11 Governance. Additionally, the State Coordinating Council for
12 Early Childhood Services shall monitor the early education and
13 child care program statewide and shall annually report to the
14 State Board of Governance, by November 1, on implementation
15 and compliance.

16 (12) CONFLICTING PROVISIONS.--In the event of a
17 conflict between the provisions of this section and federal
18 requirements, the federal requirements shall control.

19 Section 2. This act shall take effect July 1, 1998.
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LEGISLATIVE SUMMARY

Establishes the early education and child care program consisting of all publicly funded early education and child care programs, with oversight by the Department of Education and the Department of Children and Family Services. Provides for optional participation in the program by a county or counties. Establishes a State Board of Governance with responsibility for plan and program approval. Provides eligibility and priority for participation in the program. Provides performance standards and outcome measures. Provides for district interagency coordinating councils to assist in the development, implementation, and evaluation of a county program. Provides program requirements including a sliding fee scale. Requires a reimbursement rate schedule and provides requirements relating to fiscal agents. Provides for vouchers or contracts and an electronic funds transfer system. Provides for evaluation and reporting. Provides that federal requirements control in the case of conflict.