

By the Committee on Children, Families and Seniors and Senator Kirkpatrick

300-1642A-98

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; creating the School
7 Readiness Commission to serve as an advisory
8 body to the State Board of Education and other
9 state agencies on matters relating to school
10 readiness; providing for the commission to be
11 assigned to the Executive Office of the
12 Governor for administrative purposes; providing
13 for oversight; establishing a School Readiness
14 Coordinating Council; providing eligibility for
15 participation in the program; providing
16 performance standards and outcome measures;
17 providing for School Readiness Coalitions;
18 providing for implementation of programs;
19 requiring development of a plan and providing
20 program requirements; requiring a sliding fee
21 scale; providing for funding; requiring a
22 reimbursement rate schedule; providing
23 requirements relating to fiscal agents;
24 providing for vouchers or contracts and an
25 electronic funds transfer system; providing for
26 evaluation and reporting; providing that
27 federal requirements control in the case of
28 conflict; exempting family child care providers
29 from increased standards; repealing s.
30 411.222(4), F.S., relating to the State
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1 Coordinating Council for Early Childhood
2 Services; providing an effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Section 402.265, Florida Statutes, is
7 created to read:

8 402.265 Early education and child care program.--

9 (1) LEGISLATIVE INTENT.--

10 (a) The Legislature recognizes that high-quality early
11 education and child care programs increase children's chances
12 of achieving future educational success and becoming
13 productive members of society. It is the intent of the
14 Legislature that such programs be developmental, serve as
15 preventive measures for children at risk of future school
16 failure, enhance the educational readiness of all children,
17 and support family education and the involvement of parents in
18 their child's educational progress. Each early education and
19 child care program shall provide the elements necessary to
20 help prepare preschool children for school, including health
21 screening and referral, a developmentally appropriate
22 educational program, and opportunities for parental
23 involvement in the program.

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

28 (c) It is legislative intent that early education and
29 child care programs not exist as isolated programs, but build
30 upon existing services and work in cooperation with other
31 programs for young children, and that these programs be

1 coordinated and funding integrated to achieve full
2 effectiveness.

3 (d) It is legislative intent that the implementation
4 of an early education and child care program be optional on a
5 county-by-county basis. It is further intended that, if a
6 county or counties decide to implement a program, procedures
7 such as, but not limited to, contracting, collocation,
8 mainstreaming, and cooperative and integrated funding shall be
9 used to coordinate all publicly funded early education and
10 child care programs, defined as prekindergarten early
11 intervention programs, Head Start programs, programs offered
12 by public or private providers of child care, preschool
13 programs for children with disabilities, programs for migrant
14 children, Title I programs, subsidized child care programs,
15 teen parent programs, and other services.

16 (2) OPTIONAL PROGRAM; EXEMPTIONS.--The early education
17 and child care program is an optional program. A county or
18 counties may elect to participate in this program by following
19 the requirements of this section. The provisions of this
20 section shall supersede and prevail over any provisions of ss.
21 230.2305 and 402.3015 as to any county that chooses to
22 participate in the early education and child care program and
23 obtains plan approval from the School Readiness Coordinating
24 Council.

25 (3) SCHOOL READINESS COMMISSION.--The School Readiness
26 Commission is established and assigned to the Executive Office
27 of the Governor for administrative purposes. The commission
28 shall carry out the duties and responsibilities provided in
29 this section and delegated by the State Board of Education,
30 and the commission is not subject to control, supervision, or
31 direction by the Executive Office of the Governor or the State

1 Board of Education. The commission shall be composed of 12
2 members of the public, to be appointed by the Governor. The
3 commission shall serve as a citizen board to coordinate the
4 efforts toward school readiness in this state and provide
5 independent policy analyses and recommendations to the
6 Governor, the State Board of Education, and the Legislature.

7 (4) CREATION; OVERSIGHT; SCHOOL READINESS COORDINATING
8 COUNCIL.--

9 (a) The early education and child care program,
10 consisting of publicly funded programs listed in paragraph
11 (1)(d), is established.

12 (b) There is established the School Readiness
13 Coordinating Council with responsibility for implementing the
14 policies of the School Readiness Commission, facilitating
15 local implementation, reviewing and approving local plans,
16 providing technical assistance, and helping secure waivers.
17 The School Readiness Coordinating Council shall consist of:

18 1. The Deputy Commissioner of Education Programs in
19 the Department of Education;

20 2. The Secretary of Children and Family Services or a
21 designated division director;

22 3. The Secretary of Health or a designated division
23 director;

24 4. The Chair of the Child Care Partnership Board;

25 5. The Executive Director of the State WAGES Board;

26 6. The President of the Florida Pediatric Society;

27 7. The Chair of the Florida Council of 100;

28 8. The President of the Head Start Directors'

29 Association;

30 9. The President of the Florida Children's Forum;

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1 10. The Chair of the Developmental Disabilities
2 Council;

3 11. The Director of the Healthy Start Coalition
4 Association;

5 12. The President of the Florida School Boards
6 Association;

7 13. The Chair of the Florida Association of Family
8 Child Care Homes;

9 14. The Chair of a School Readiness Coalition; and

10 15. An additional five members representing the
11 private-sector business community. These five members must be
12 selected by a majority vote of the other members.

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14 The School Readiness Coordinating Council shall select a chair
15 from among the business community and a vice chair.

16 (c) School Readiness Coordinating Council members are
17 entitled to receive per diem and expenses for travel, as
18 provided in s. 112.061, while carrying out the official
19 business of the council. For administrative purposes only,
20 the council shall be assigned to the Office of the Governor.

21 (d) The School Readiness Coordinating Council shall
22 meet and conduct business at least quarterly or as needed to
23 carry out the duties of the council.

24 (e) The School Readiness Coordinating Council shall be
25 staffed by the Office of the Governor and draw upon state
26 agency personnel and resources as needed to implement policy
27 necessary to facilitate the early education and child care
28 program.

29 (f) Quarterly meetings of the School Readiness
30 Coordinating Council shall be open to the public and
31 opportunity for public comment shall be made available at each

1 such meeting. The staff of the School Readiness Coordinating
2 Council shall notify all persons who request such notice as to
3 the date, time, and place of each quarterly meeting.

4 (5) PROGRAM ELIGIBILITY.--The early education and
5 child care program shall be established for children from
6 birth to 13 years of age. The program shall be coordinated,
7 and its funding integrated, with the programs listed in
8 paragraph (1)(d), be administered by a fiscal agent selected
9 by the School Readiness Coalition, and receive funds pursuant
10 to SB 180 or similar legislation. Within funding limitations,
11 the fiscal agent along with all providers shall make
12 reasonable efforts to accommodate the needs of children for
13 extended-day and extended-year services without compromising
14 the quality of the program. Priority for participation in the
15 early education and child care program is as follows:

16 (a) Children under 13 years of age who are:

17 1. Children determined to be at risk of abuse,
18 neglect, or exploitation and who are currently clients of the
19 Department of Children and Family Services.

20 2. Children at risk of welfare dependency, including
21 children of participants in the WAGES Program, children of
22 migrant farmworkers, children of teen parents, and children
23 from other families at risk of welfare dependency due to a
24 family income of less than 100 percent of the federal poverty
25 level.

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

29 (b) Three-year-old children and 4-year-old children
30 who may not be economically disadvantaged but who are students
31 with disabilities and served in a specific part-time or

1 combination of part-time exceptional student education
2 programs with required special services, aids, or equipment
3 and who are reported for funding part-time in the Florida
4 Education Finance Program as exceptional students.

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

10 (d) Children who meet federal and state requirements
11 for eligibility for the migrant preschool program but who do
12 not meet the criteria of being economically disadvantaged.

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

24 (6) STANDARDS; OUTCOME MEASURES.--

25 (a) All publicly funded early education and child care
26 programs must meet the following performance standards and
27 outcome measures developed by the Department of Education and
28 the Department of Children and Family Services:

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

1 2. They must provide extended-day and extended-year
2 services when possible.

3 3. There must be coordinated staff development and
4 teaching opportunities.

5 4. There must be expanded access to community services
6 and resources for families to help achieve economic
7 self-sufficiency.

8 5. There must be a simplified point of entry and
9 unified waiting list.

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

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13 The fiscal agent is responsible for monitoring and providing
14 assistance to these programs to achieve the expected
15 performance standards and outcome measures. The fiscal agent
16 shall report to the School Readiness Coalition on the
17 achievement of performance standards with recommendations for
18 future funding.

19 (b) All participating publicly funded early education
20 and child care programs must implement a comprehensive program
21 of children and family services that enhance the cognitive and
22 physical development of children to achieve the performance
23 standards and outcome measures specified in paragraph (a). At
24 a minimum, these programs must contain the following elements:

25 1. Staff-child interaction.

26 2. Developmentally appropriate curriculum.

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

28 4. Continuity of care.

29 5. Group size.

30 6. A healthy and safe environment.

31 7. Varied family components.

1 8. Quality services at an identified cost.
2 9. A resource and referral network to assist parents
3 in making informed choice pursuant to s. 402.27.
4 (7) SCHOOL READINESS COALITIONS.--
5 (a) The Department of Children and Family Services and
6 the Department of Education must develop and implement the
7 early education and child care program in cooperation with the
8 School Readiness Coalition established in each participating
9 county.
10 (b) Each School Readiness Coalition must consist of at
11 least 12 members. Four members shall be appointed by the
12 district school board, four members shall be appointed by the
13 county commission for the county in which participating
14 schools are located, and four members shall be appointed by
15 the Department of Children and Family Services district
16 administrator. School Readiness Coalition membership shall
17 include, in addition to private-sector business leaders, the
18 local public and private leaders in health care, education,
19 disabilities, and child welfare systems in each county.
20 School Readiness Coalition membership must include
21 representatives from programs serving children in the early
22 education and child care programs and may include
23 representatives from organizations such as Children's Services
24 Councils, Central Agencies for Child Care, Healthy Start
25 Coalitions, local school boards, child care licensing boards,
26 local WAGES Coalitions, Head Start, municipal and county
27 governments, the Department of Children and Family Services,
28 the County Public Health Unit, and chambers of commerce. A
29 minimum of five coalition members shall be from the private
30 sector.
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1 (c) If a county chooses to participate in the early
2 education and child care program, the School Readiness
3 Coalition will replace the district interagency coordinating
4 council.

5 (8) IMPLEMENTATION.--

6 (a) The early education and child care program may be
7 implemented in any county by agreement of the district school
8 system and the Department of Children and Family Services
9 district, with approval of the School Readiness Coordinating
10 Council. Approval by the School Readiness Coordinating Council
11 must be predicated on the submission of a plan of
12 implementation prepared and submitted by the School Readiness
13 Coalition.

14 (b) The School Readiness Coalition in each county that
15 chooses to participate in the early education and child care
16 program shall develop a plan for implementation to meet the
17 requirements of this section. The plan shall include a written
18 description of the role of the program in the district's
19 effort to meet the first state education goal, readiness to
20 start school, including a description of the plan to involve
21 prekindergarten early intervention programs, Head Start
22 programs, programs offered by public or private providers of
23 child care, preschool programs for children with disabilities,
24 programs for migrant children, Title I programs, subsidized
25 child care programs, and teen parent programs. The plan shall
26 also demonstrate how the program will ensure that each
27 3-year-old and 4-year-old child in a publicly funded early
28 education and child care program receives scheduled activities
29 and instruction designed to prepare children to enter
30 kindergarten ready to learn. Prior to implementation of the
31 program, the School Readiness Coalition must submit the plan

1 to the School Readiness Coordinating Council for approval. The
2 plan shall be reviewed and revised as necessary, but not less
3 than every 3 years.

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

6 1. A sliding fee scale, which is the same for all
7 programs, to be implemented and reflected in each program's
8 budget.

9 2. A choice of settings and locations in licensed,
10 registered, religious exempt, or school-based programs to be
11 provided to parents.

12 3. Instructional staff who have completed the training
13 course as required in s. 402.305(2)(d)1.

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15 All revenues received through the sliding fee scale shall be
16 used to help fund extended-day and extended-year services.

17 (d) Persons with an early childhood teaching
18 certificate may provide support and supervision to other staff
19 in the early education and child care program.

20 (e) Two or more counties may join for the purpose of
21 planning and implementing an early education and child care
22 program.

23 (9) REIMBURSEMENT RATE.--The School Readiness
24 Coalition shall develop a reimbursement rate schedule that
25 encompasses all publicly funded early education and child care
26 programs. The reimbursement rate schedule must include the
27 projected number of children to be served and must be
28 submitted to the School Readiness Coordinating Council for
29 approval. Informal child care arrangements shall be
30 reimbursed at 50 percent of the rate developed for family
31 child care.

1 (10) REQUIREMENTS RELATING TO FISCAL AGENTS.--The
2 fiscal agent must be a public entity, a private nonprofit
3 organization, or a partnership of public entities and private
4 nonprofit organizations. The fiscal agent shall be required to
5 provide all administrative and direct funding services as
6 determined by the School Readiness Coalition. The cost of
7 these services shall be negotiated between the fiscal agent
8 and the Department of Children and Family Services. The fiscal
9 agent shall be responsible for monitoring all providers to
10 ensure that the legislatively mandated performance standards
11 and outcome measures are carried out. No public funds shall be
12 paid to a provider unless the provider agrees to allow the
13 fiscal agent access to fulfill its monitoring
14 responsibilities.

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

1 with the office of the Comptroller shall establish an
2 electronic disbursement system for the dissemination of funds
3 and vouchers in accordance with this subsection. Fiscal agents
4 shall fully implement the electronic funds transfer system
5 within 3 years of plan approval unless a waiver is obtained
6 from the School Readiness Coordinating Council. The fiscal
7 agent may charge an administrative fee not to exceed 1 1/2
8 percent of each voucher to offset administrative costs of the
9 early education and child care program.

10 (12) EVALUATION AND ANNUAL REPORT.--Each School
11 Readiness Coalition shall conduct an evaluation of the
12 effectiveness of the early education and child care program,
13 including performance standards and outcome measures, and
14 shall provide an annual report and fiscal statement to the
15 School Readiness Commission, the President of the Senate, and
16 the Speaker of the House of Representatives for review by the
17 Legislature. This report must conform to the content and
18 format specifications set by the School Readiness Commission.

19 (13) CONFLICTING PROVISIONS.--In the event of a
20 conflict between the provisions of this section and federal
21 requirements, the federal requirements shall control.

22 Section 2. Nothing in this act shall have the effect
23 of increasing the standards that must be met by family child
24 care providers; however, children who receive child care
25 services from family child care providers will participate in
26 school readiness assessment upon entering public or private
27 kindergarten or the first grade.

28 Section 3. Subsection (4) of section 411.222, Florida
29 Statutes, is repealed.

30 Section 4. This act shall take effect July 1, 1998.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 182

- Modifies the requirement that funds be distributed through a specific electronic funds transfer system to allow for other types of electronic payment systems considered to be more cost effective. Allows the comptroller a consulting role in establishing this system.
- Deletes reference to a School Board of Governance.
- Establishes the School Readiness Commission as an oversight group for all early education and child care.
- Establishes the School Readiness Coordinating Council to review local coalition plans and to coordinate the goals of the State Readiness Commission.
- Establishes School Readiness Coalition in those counties opting to participate in the early education and child care program in place of the district interagency coordinating council; such Coalitions will replace the district interagency coordinating council.
- Deletes enhanced staff to child ratio as well as the required 3 hours scheduled activities and instruction per day.
- Provides that nothing in this act shall increase the standards which must be met by family child care providers but that children served by family child care providers will be assessed upon entering public or private kindergarten or first grade.
- Repeals s. 411.222(4), Florida Statutes.