

By the Committees on Education, Children, Families and Seniors
and Senators Kirkpatrick and Holzendorf

304-1760A-98

1 A bill to be entitled
2 An act relating to early education and child
3 care; creating the School Readiness Commission
4 to serve as an advisory body to the State Board
5 of Education and other state agencies on
6 matters that relate to school readiness;
7 providing for the commission to be assigned to
8 the Executive Office of the Governor for
9 administrative purposes; providing for the
10 Governor to appoint the members of the
11 commission; providing for the members to be
12 approved by the State Board of Education and
13 confirmed by the Senate; requiring the
14 commission to appoint an executive director;
15 providing for payment of per diem and travel
16 expenses of commission members; establishing
17 duties of the commission; requiring the
18 commission to prepare a system for measuring
19 school readiness; specifying objectives to be
20 measured by such system; requiring the
21 commission to contract with an independent
22 entity to evaluate the measurement system;
23 requiring the commission to make
24 recommendations to the Governor and the State
25 Board of Education; authorizing the commission
26 to adopt rules; establishing a School Readiness
27 Coordinating Council; creating s. 402.265,
28 F.S.; providing legislative intent;
29 establishing the early education and child care
30 program and providing for optional
31 participation; providing for the council to be

1 assigned to the Executive Office of the
2 Governor for administrative purposes; providing
3 for oversight; providing eligibility for
4 participation in the program; providing
5 performance standards and outcome measures;
6 providing for School Readiness Coalitions;
7 providing for implementation of programs;
8 requiring development of a plan and providing
9 program requirements; requiring a sliding fee
10 scale; providing for funding; requiring a
11 reimbursement rate schedule; providing
12 requirements relating to fiscal agents;
13 providing for parental choice and for payment
14 arrangements; providing for evaluation and
15 reporting; providing that federal requirements
16 control in the case of conflict; exempting
17 family child care providers from increased
18 standards; repealing s. 411.222(4), F.S.,
19 relating to the State Coordinating Council for
20 Early Childhood Services; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. School Readiness Commission.--
26 (1) The School Readiness Commission is established and
27 assigned to the Executive Office of the Governor for
28 administrative purposes. The commission shall carry out the
29 duties and responsibilities provided in this section and
30 delegated by the State Board of Education and is not subject
31 to control, supervision, or direction by the Executive Office

1 of the Governor or the State Board of Education. The
2 commission shall serve as an advisory body to the State Board
3 of Education and other appropriate state agencies and entities
4 on all matters relating to achievement of the first state
5 education goal, readiness to start school. In addition, the
6 commission's reports and recommendations shall be made
7 available to the Governor, the Legislature, the State Board of
8 Education, other appropriate state agencies and entities,
9 district school boards, central agencies for child care, and
10 county public health units.

11 (2) The commission shall be composed of 12 members of
12 the public who shall be business, community, and civic leaders
13 in the state who are not elected to public office and who do
14 not earn their income in the early education and child care
15 industry. Each member shall be appointed by the Governor,
16 subject to approval by three members of the State Board of
17 Education other than the Governor and subject to confirmation
18 by the Senate. Members shall be appointed to 4-year terms of
19 office. However, of the initial appointees, three shall be
20 appointed to 1-year terms, three shall be appointed to 2-year
21 terms, three shall be appointed to 3-year terms, and three
22 shall be appointed to 4-year terms. The members of the
23 commission shall elect a chairperson annually. Any vacancy on
24 the commission shall be filled in the same manner as the
25 original appointment.

26 (3) The commission shall meet as often as it deems
27 necessary to carry out its duties and responsibilities.

28 (4) The commission shall appoint an executive director
29 to serve at its pleasure, who shall perform the duties
30 assigned to him or her by the commission. The executive
31 director shall be the chief administrative officer of the

1 commission and shall be responsible for appointing all
2 employees and staff members of the commission, who shall serve
3 under his or her direction and control.

4 (5) Members of the commission shall serve without
5 compensation, but are entitled to reimbursement for per diem
6 and travel expenses incurred in the performance of their
7 duties as provided in section 112.061, Florida Statutes.

8 (6) The commission shall:

9 (a) Serve as a citizen board to coordinate the efforts
10 toward school readiness in this state and provide independent
11 policy analyses and recommendations to the Governor, the State
12 Board of Education, and the Legislature.

13 (b) Prepare and submit to the State Board of Education
14 a system for measuring school readiness. The system must
15 include a screening instrument, or instruments, which shall
16 provide objective data regarding the following expectations
17 for school readiness:

18 1. The child's immunizations and other health
19 requirements as necessary.

20 2. The child's display of physical development
21 appropriate for kindergarten.

22 3. The child's compliance with rules, limitations, and
23 routines.

24 4. The child's successful engagement in kindergarten
25 tasks.

26 5. The child's demonstration of appropriate
27 interactions with adults.

28 6. The child's demonstration of appropriate
29 interactions with peers.

30 7. The child's effective coping with challenges and
31 frustrations.

1 8. The child's demonstration of appropriate self-help
2 skills.

3 9. The child's ability to express his needs
4 appropriately.

5 10. The child's demonstration of verbal communication
6 skills necessary to succeed in kindergarten.

7 11. The child's demonstration of problem-solving
8 skills necessary to succeed in kindergarten.

9 12. The child's following of verbal directions.

10 13. The child's demonstration of curiosity,
11 persistence, and exploratory behavior.

12 14. The child's demonstration of an interest in books
13 and other printed materials.

14 15. The child's paying attention to stories.

15 16. The child's participation in art and music
16 activities.

17 (c) Prepare a plan for implementing the system for
18 measuring school readiness in such a way that all children in
19 this state have the opportunity to undergo the screening in
20 the year prior to their entry into kindergarten. The plan must
21 include a way to make the screening instrument and the
22 training required to administer it available to public and
23 private providers of preschool and child care programs, and a
24 way to make the screening available to children who do not
25 participate in such programs.

26 (d) Establish a method for collecting data from the
27 screening instrument and establish guidelines for using the
28 data so that the measurement, the data collection, and the use
29 of the data serve the statewide goal that all children will be
30 ready for school. The criteria for determining which data to
31 collect should be the usefulness of the data to state

1 policymakers and program administrators in administering
2 programs and allocating state funds.

3 (e) Contract with an independent entity for an
4 evaluation of the measurement system. The evaluation must
5 provide the information that local and state agencies, the
6 Governor, and the Legislature need to provide for the
7 effective administration of programs that serve preschool
8 children. The evaluation must provide information that will
9 assist providers of private preschool and child care programs
10 in assessing the success of preschool and child care programs
11 and making decisions about improving program services to
12 prepare children for school.

13 (f) Recommend to the Governor, the Commissioner of
14 Education, and the State Board of Education rules, and
15 revisions or repeal of rules, which would increase the
16 effectiveness of programs that prepare children for school.

17 (g) Conduct studies and planning activities related to
18 the overall improvement and effectiveness of school-readiness
19 measures.

20 (h) Submit an annual report of its activities to the
21 Governor, the President of the Senate, the Speaker of the
22 House of Representatives, and the minority leaders of both
23 houses of the Legislature.

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25 To ensure that the system for measuring school readiness is
26 comprehensive and appropriate statewide, as the system is
27 developed and implemented, the commission must consult with
28 representatives of district school systems, providers of
29 public and private child care, health care providers, large
30 and small employers, and experts in child development.

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1 (7) The commission may adopt rules necessary to
2 administer the provisions of this section relating to
3 preparation and implementation of the system for school
4 readiness, data collection, approving local coalition plans,
5 awarding incentives to coalitions, and contracting for an
6 evaluation.

7 Section 2. School Readiness Coordinating Council.--

8 (1) The School Readiness Coordinating Council is
9 established with responsibility for advising the School
10 Readiness Commission regarding policies facilitating local
11 implementation, providing technical assistance, and helping
12 secure waivers. The School Readiness Coordinating Council
13 shall consist of:

14 (a) The Deputy Commissioner of Education Programs in
15 the Department of Education;

16 (b) The Secretary of Children and Family Services or a
17 designated division director;

18 (c) The Secretary of Health or a designated division
19 director;

20 (d) The Chair of the Child Care Partnership Board;

21 (e) The Executive Director of the State WAGES Board;

22 (f) The President of the Florida Pediatric Society;

23 (g) The Chair of the Florida Council of 100;

24 (h) The President of the Head Start Directors'

25 Association;

26 (i) The President of the Florida Children's Forum;

27 (j) The Chair of the Developmental Disabilities

28 Council;

29 (k) The Director of the Healthy Start Coalition

30 Association;

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1 (l) The President of the Florida School Boards
2 Association;
3 (m) The Chair of the Florida Association of Family
4 Child Care Homes;
5 (n) The Chair of a School Readiness Coalition;
6 (o) The President of the Florida Association of Child
7 Care Management;
8 (p) The Executive Director of the Early Childhood
9 Association;
10 (q) The Chair of the Florida Interagency Coordinating
11 Council for Infants and Toddlers;
12 (r) The Coordinator of the Florida Parent Resource
13 Organization;
14 (s) A representative of the Family Network on
15 Disabilities of Florida;
16 (t) The President of the Children's Services Council
17 Association of Florida;
18 (u) The Director of the Agency for Health Care
19 Administration;
20 (v) The President of the State of Florida P.T.A.; and
21 (w) An additional five members representing the
22 private-sector business community. These five members must be
23 selected by a majority vote of the other members.
24
25 The School Readiness Coordinating Council shall select a chair
26 from among the business community and a vice chair.
27 (2) School Readiness Coordinating Council members are
28 entitled to receive per diem and expenses for travel, as
29 provided in section 112.061, Florida Statutes, while carrying
30 out the official business of the council. For administrative
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1 purposes only, the council shall be assigned to the Office of
2 the Governor.

3 (3) The School Readiness Coordinating Council shall
4 meet and conduct business at least quarterly or as needed to
5 carry out the duties of the council.

6 (4) The School Readiness Coordinating Council shall be
7 staffed by the Office of the Governor and draw upon state
8 agency personnel and resources as needed to implement policy
9 necessary to facilitate the early education and child care
10 program.

11 (5) Quarterly meetings of the School Readiness
12 Coordinating Council shall be open to the public and
13 opportunity for public comment shall be made available at each
14 such meeting. The staff of the School Readiness Coordinating
15 Council shall notify all persons who request such notice as to
16 the date, time, and place of each quarterly meeting.

17 Section 3. Section 402.265, Florida Statutes, is
18 created to read:

19 402.265 Early education and child care program.--

20 (1) LEGISLATIVE INTENT.--

21 (a) The Legislature recognizes that high-quality early
22 education and child care programs increase children's chances
23 of achieving future educational success and becoming
24 productive members of society. It is the intent of the
25 Legislature that such programs be developmental, serve as
26 preventive measures for children at risk of future school
27 failure, enhance the educational readiness of all children,
28 and support family education and the involvement of parents in
29 their child's educational progress. Each early education and
30 child care program shall provide the elements necessary to
31 help prepare preschool children for school, including health

1 screening and referral, a developmentally appropriate
2 educational program, and opportunities for parental
3 involvement in the program.

4 (b) It is legislative intent that all programs and
5 services for Florida children in the first 5 years of life,
6 including health care, child care, child welfare, and formal
7 education, are school readiness programs.

8 (c) It is legislative intent that early education and
9 child care programs be operated within funding limits on a
10 full-day, year-round basis to enable parents to work and
11 become financially self-sufficient.

12 (d) It is legislative intent that early education and
13 child care programs not exist as isolated programs, but build
14 upon existing services and work in cooperation with other
15 programs for young children, and that these programs be
16 coordinated and funding integrated to achieve full
17 effectiveness.

18 (e) It is legislative intent that the implementation
19 of an early education and child care program be optional on a
20 county-by-county basis. It is further intended that, if a
21 county or counties decide to implement a program, procedures
22 such as, but not limited to, contracting, collocation,
23 mainstreaming, and cooperative or integrated funding shall be
24 used to coordinate all publicly funded early education and
25 child care programs, defined as prekindergarten early
26 intervention programs, Head Start programs, programs offered
27 by public or private providers of child care, preschool
28 programs for children with disabilities, programs for migrant
29 children, Title I programs, subsidized child care programs,
30 teen parent programs, and other services.

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1 (2) CREATION OF OPTIONAL PROGRAM; EXEMPTIONS.--The
2 early education and child care program consisting of publicly
3 funded programs listed in paragraph (1)(e) is established. The
4 early education and child care program is an optional program.
5 A county or counties may elect to participate in this program
6 by following the requirements of this section. If the
7 provisions of this section are found to be in conflict with
8 any provisions of ss. 230.2305 and 402.3015, the provisions of
9 this section shall prevail in any county that chooses to
10 participate in the early education and child care program and
11 obtains plan approval from the School Readiness Coordinating
12 Council.

13 (3) PROGRAM ELIGIBILITY.--The early education and
14 child care program shall be established for children from
15 birth to 6 years of age. The program shall consist of the
16 programs listed in paragraph (1)(e), be administered by a
17 fiscal agent selected by the School Readiness Coalition, and
18 receive funds pursuant to SB 180 or similar legislation.
19 Within funding limitations, the fiscal agent along with all
20 providers shall make reasonable efforts to accommodate the
21 needs of children for extended-day and extended-year services
22 without compromising the quality of the program. Eligibility
23 for admission in the early education and child care program is
24 as follows:

25 (a) Children of participants in the WAGES program are
26 the only children eligible for services funded through the
27 federal Temporary Assistance for Needy Families program.

28 (b) Children under 6 years of age who are:

29 1. Children determined to be at risk of abuse,
30 neglect, or exploitation and who are currently clients of the
31 Department of Children and Family Services.

1 2. Children at risk of welfare dependency, including
2 children of migrant farmworkers, children of teenage parents,
3 and children from other families at risk of welfare dependency
4 due to a family income of less than 100 percent of the federal
5 poverty level.

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

9 (c) Children who meet the eligibility requirements for
10 the pre-kindergarten early intervention program under s.
11 230.2305(2).

12 (4) STANDARDS; OUTCOME MEASURES.--

13 (a) All publicly funded early education and child care
14 programs must meet the following performance standards and
15 outcome measures developed by the Department of Education and
16 the Department of Children and Family Services:

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

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

22 3. There must be coordinated staff development and
23 teaching opportunities.

24 4. There must be expanded access to community services
25 and resources for families to help achieve economic
26 self-sufficiency.

27 5. There must be a simplified point of entry and
28 unified waiting list.

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

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1 The fiscal agent is responsible for monitoring and providing
2 assistance to these programs to achieve the expected
3 performance standards and outcome measures. The fiscal agent
4 shall report to the School Readiness Coalition on the
5 achievement of performance standards with recommendations for
6 future funding.

7 (b) All participating publicly funded early education
8 and child care programs must implement a comprehensive program
9 of children and family services that enhance the cognitive and
10 physical development of children to achieve the performance
11 standards and outcome measures specified in paragraph (a). At
12 a minimum, these programs must contain the following elements:

- 13 1. Staff-child interaction.
- 14 2. Developmentally appropriate curriculum.
- 15 3. An appropriate staff-to-child ratio.
- 16 4. Continuity of care.
- 17 5. Group size.
- 18 6. A healthy and safe environment.
- 19 7. Varied family components.
- 20 8. Quality services at an identified cost.
- 21 9. A resource and referral network to assist parents
22 in making an informed choice pursuant to s. 402.27.

23 (5) SCHOOL READINESS COALITIONS.--

24 (a)1. Each School Readiness Coalition must consist of
25 at least 12 members. Four members shall be appointed by the
26 district school board, four members shall be appointed by the
27 county commission for the county in which participating
28 schools are located, and four members shall be appointed by
29 the Department of Children and Family Services district
30 administrator. If a coalition has more than 12 members, the
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1 additional members shall be appointed equally by the three
2 appointing entities.

3 2. School Readiness Coalition membership shall
4 include, in addition to private-sector business leaders, the
5 local public and private leaders in health care, education,
6 disabilities, and child welfare systems in each county. Three
7 members of the coalition must be administrators from each of
8 the following entities: The central agency for child care, the
9 district school board, and the Head Start program. School
10 Readiness Coalition membership must include representatives
11 from programs serving children in the early education and
12 child care programs and may include representatives from
13 organizations such as Children's Services Councils, Central
14 Agencies for Child Care, Healthy Start Coalitions, local
15 school boards, child care licensing boards, local WAGES
16 Coalitions, Head Start, municipal and county governments, the
17 Department of Children and Family Services, the County Public
18 Health Unit, and chambers of commerce. A minimum of five
19 coalition members shall be from the private sector.

20 (b) If a county chooses to participate in the early
21 education and child care program, the School Readiness
22 Coalition will replace the district interagency coordinating
23 council.

24 (6) IMPLEMENTATION.--

25 (a) The early education and child care program may be
26 implemented in any county by agreement of the district school
27 system and the Department of Children and Family Services
28 district, with approval of the School Readiness Commission.
29 Approval by the School Readiness Commission must be predicated
30 on the submission of a plan of implementation prepared and
31 submitted by the School Readiness Coalition.

1 (b) The School Readiness Coalition in each county that
2 chooses to participate in the early education and child care
3 program shall develop a plan for implementation to meet the
4 requirements of this section. The plan shall include a written
5 description of the role of the program in the district's
6 effort to meet the first state education goal, readiness to
7 start school, including a description of the plan to involve
8 prekindergarten early intervention programs, Head Start
9 programs, programs offered by public or private providers of
10 child care, preschool programs for children with disabilities,
11 programs for migrant children, Title I programs, subsidized
12 child care programs, and teen parent programs. The plan shall
13 also demonstrate how the program will ensure that each
14 3-year-old and 4-year-old child in a publicly funded early
15 education and child care program receives scheduled activities
16 and instruction designed to prepare children to enter
17 kindergarten ready to learn. Prior to implementation of the
18 program, the School Readiness Coalition must submit the plan
19 to the School Readiness Commission for approval. The plan
20 shall be reviewed and revised as necessary, but not less than
21 every 3 years.

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

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

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

30 3. Instructional staff who have completed the training
31 course as required in s. 402.305(2)(d)1., as well as staff who

1 have additional training or credentials as required by the
2 respective programs.

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

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

9 (e) Two or more counties may join for the purpose of
10 planning and implementing an early education and child care
11 program.

12 (7) REIMBURSEMENT RATE.--The School Readiness
13 Coalition shall develop a reimbursement rate schedule that
14 encompasses all publicly funded early education and child care
15 programs and complies with applicable state and federal laws
16 and regulations. The reimbursement rate schedule must include
17 the projected number of children to be served and must be
18 submitted to the School Readiness Commission for approval.
19 Informal child care arrangements shall be reimbursed at 50
20 percent of the rate developed for family child care.

21 (8) REQUIREMENTS RELATING TO FISCAL AGENTS.--The
22 fiscal agent must be a public entity or a private nonprofit
23 organization. The fiscal agent shall be required to provide
24 all administrative and direct funding services as determined
25 by the School Readiness Coalition. The cost of these services
26 shall be negotiated between the fiscal agent and the
27 Department of Children and Family Services. The fiscal agent
28 shall be responsible for monitoring all providers to ensure
29 that coalition funds are expended in the manner and for the
30 purpose required by the funding source. No public funds shall
31 be paid to a provider unless the provider agrees to allow the

1 fiscal agent access to fulfill its monitoring
2 responsibilities.

3 (9)(a) PARENTAL CHOICE; PAYMENT ARRANGEMENT.--The
4 early education and child care program shall be provided in a
5 manner that ensures, to the maximum extent possible, parental
6 choice through flexibility in early education and child care
7 arrangements and payment arrangements, including, but not
8 limited to, voucher, contract, and direct service provision.
9 According to federal regulations requiring parental choice, a
10 parent may choose an informal child care arrangement.

11 (b) When a voucher is provided, each voucher must bear
12 the name of the beneficiary and the program provider and, when
13 redeemed, must bear the signature of both the beneficiary and
14 an authorized representative of the provider. If it is
15 determined that a provider has provided any cash to the
16 beneficiary in return for receiving the voucher, the local
17 coalition shall refer the matter to the Division of Public
18 Assistance Fraud of the the Office of the Auditor General for
19 investigation and shall notify the agency responsible for the
20 funding source.

21 (c) The Department of Children and Family Services in
22 consultation with the office of the Comptroller shall
23 establish an electronic disbursement system for the
24 dissemination of funds and vouchers in accordance with this
25 subsection. Fiscal agents shall fully implement the electronic
26 funds transfer system within 3 years after plan approval
27 unless a waiver is obtained from the School Readiness
28 Coordinating Council. The fiscal agent may charge an
29 administrative fee not to exceed 1.5 percent of each voucher
30 to offset administrative costs of the early education and
31 child care program.

1 (10) EVALUATION AND ANNUAL REPORT.--Each School
2 Readiness Coalition shall conduct an evaluation of the
3 effectiveness of the early education and child care program,
4 including performance standards and outcome measures, and
5 shall provide an annual report and fiscal statement to the
6 School Readiness Commission, the President of the Senate, and
7 the Speaker of the House of Representatives for review by the
8 Legislature. This report must conform to the content and
9 format specifications set by the School Readiness Commission.

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

13 Section 4. Nothing in this act shall have the effect
14 of increasing the standards that must be met by family child
15 care providers; however, children who receive child care
16 services from family child care providers will participate in
17 school readiness assessment upon entering public or private
18 kindergarten or the first grade.

19 Section 5. Subsection (4) of section 411.222, Florida
20 Statutes, is repealed.

21 Section 6. This act shall take effect upon becoming a
22 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 182

4 The committee substitute differs from CS/SB 182 and SB 1042 in
5 the following ways:

6 The School Readiness Commission, not the coordinating council,
7 has the authority to adopt rules and approve local coalition
8 plans.

9 The commission must submit an annual report to the Governor,
10 President of the Senate, and Speaker of the House of
11 Representatives.

12 Members of the School Readiness Commission must not hold
13 public office or receive income from the early education and
14 child care industry.

15 Local coalitions may choose to have their prekindergarten and
16 subsidized child care funds placed in the Early Education and
17 Child Care Trust Fund or they may form a coalition based on
18 cooperation without combining their funds.

19 Eight additional members are added to the School Readiness
20 Coordinating Council.

21 An administrator from each of the three major program
22 providers, Head Start, the school board, and the central
23 agency for child care must be appointed to a School Readiness
24 Coalition.

25 Rather than establishing a single priority order for admission
26 to the program individual program criteria will apply.
27 Children below the age of 6 years, rather than 13 years, are
28 eligible for the program.

29 Criteria for staff training for individual programs will
30 apply.

31 The early education and child care program may be offered
through direct operation, contract and voucher.