

By Representative Warner

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          providing for transfer of funds to the Early  
17          Education and Child Care Trust Fund; providing  
18          for distribution of funds; requiring a  
19          reimbursement rate schedule; providing  
20          requirements relating to fiscal agents;  
21          providing for vouchers or contracts and an  
22          electronic funds transfer system; providing for  
23          evaluation and reporting; providing that  
24          federal requirements control in the case of  
25          conflict; providing an effective date.  
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27   Be It Enacted by the Legislature of the State of Florida:  
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29            Section 1.   Section 402.265, Florida Statutes, is  
30   created to read:  
31            402.265 Early education and child care program.--

1           (1) LEGISLATIVE INTENT.--

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

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

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

26           (d) It is legislative intent that the implementation  
27 of an early education and child care program be optional on a  
28 county-by-county basis. It is further intended that if a  
29 county or counties decide to implement a program, procedures  
30 such as, but not limited to, contracting, collocation,  
31 mainstreaming, and cooperative and integrated funding be used

1 to coordinate all publicly funded early education and child  
2 care programs, including prekindergarten early intervention  
3 programs, Head Start programs, programs offered by public or  
4 private providers of child care, preschool programs for  
5 children with disabilities, programs for migrant children,  
6 Title I programs, subsidized child care programs, teen parent  
7 programs, and other services.

8 (2) OPTIONAL PROGRAM; EXEMPTIONS.--The early education  
9 and child care program is an optional program. A county or  
10 counties may elect to participate in this program by following  
11 the requirements of this section. The provisions of this  
12 section shall supersede and prevail over any provisions of ss.  
13 230.2305 and 402.3015 as to any county that chooses to  
14 participate in the early education and child care program and  
15 obtains plan approval from the State Board of Governance.

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

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

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

30 1. The Secretary of Children and Family Services or a  
31 designee.

- 1           2. The Commissioner of Education or a designee.
- 2           3. The chair of the State Workforce Development Board.
- 3           4. The chair of the State WAGES Board.
- 4           5. The Comptroller or a designee.
- 5           6. The chair of the Child Care Executive Partnership
- 6 Committee.

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8 The State Board of Governance shall select a chair and vice

9 chair.

10           (4) PROGRAM ELIGIBILITY.--The early education and

11 child care program shall be established for children from

12 birth to 13 years of age. The program shall be coordinated and

13 funding integrated with the programs listed in paragraph

14 (1)(d), be administered by a fiscal agent selected by the

15 district interagency coordinating council, and receive funds

16 pursuant to subsection (8). Within funding limitations, the

17 fiscal agent along with all providers shall make reasonable

18 efforts to accommodate the needs of children for extended-day

19 and extended-year services without compromising the quality of

20 the program. Priority for participation in the early

21 education and child care program is as follows:

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

23           1. Children determined to be at risk of abuse,

24 neglect, or exploitation and who are currently clients of the

25 Children and Families Program Office of the Department of

26 Children and Family Services.

27           2. Children at risk of welfare dependency, including

28 children of participants in the WAGES Program, children of

29 migrant farmworkers, children of teen parents, and children

30 from other families at risk of welfare dependency due to a

31

1 family income of less than 100 percent of the federal poverty  
2 level.

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

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

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

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

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

1           (5) STANDARDS; OUTCOME MEASURES.--  
2           (a) All publicly funded early education and child care  
3 programs shall be required to meet the following performance  
4 standards and outcome measures developed by the Department of  
5 Education and the Department of Children and Family Services:  
6           1. They must help prepare preschool children to enter  
7 kindergarten ready to learn, as measured by the School  
8 Readiness Checklist of the Department of Education.  
9           2. They must provide extended-day and extended-year  
10 services when needed.  
11           3. There must be coordinated staff development and  
12 teaching opportunities.  
13           4. There must be expanded access to community services  
14 and resources for families to help achieve economic  
15 self-sufficiency.  
16           5. There must be a simplified point of entry and  
17 unified waiting list.  
18           6. They must serve at least as many children as were  
19 served prior to implementation of the program.  
20  
21 The fiscal agent shall be responsible for monitoring and  
22 providing assistance to these programs to achieve the expected  
23 performance standards and outcome measures. The State Board of  
24 Governance shall develop a phase-in schedule through which all  
25 publicly funded early education and child care programs shall  
26 be measured by these performance standards. The fiscal agent  
27 shall report to the district interagency coordinating council  
28 on the achievement of performance standards with  
29 recommendations for future funding.  
30           (b) All publicly funded early education and child care  
31 programs shall be required to implement a comprehensive

1 program of children and family services that enhance the  
2 cognitive and physical development of children to achieve the  
3 performance standards and outcome measures specified in  
4 paragraph (a). At a minimum, these programs must contain the  
5 following elements:

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

16 (6) DISTRICT INTERAGENCY COORDINATING COUNCILS.--

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

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

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

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

4           3. One member who is a member of a district school  
5 board, appointed by the school board.

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

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

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

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

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

6           (7) IMPLEMENTATION.--

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

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

1 council may request the Governor to apply for a waiver to  
2 allow the county to administer the Head Start program to  
3 accomplish the purposes of the early education and child care  
4 program. Prior to implementation of the program, the district  
5 interagency coordinating council must submit the plan to the  
6 State Board of Governance for approval. The plan shall be  
7 reviewed and revised as necessary, but not less than every 3  
8 years.

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

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

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

16 c. A ratio of one child care personnel for every 11  
17 children who are 2 years of age or older but under 3 years of  
18 age.

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

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

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

29 3. A choice of settings and locations in licensed,  
30 registered, religious exempt, or school-based programs to be  
31 provided to parents.

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

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

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

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

23           (8) FUNDING; EARLY EDUCATION AND CHILD CARE TRUST  
24 FUND.--

25           (a) The intent of the Early Education and Child Care  
26 Trust Fund is to ensure a seamless service delivery system for  
27 all publicly funded early education and child care programs  
28 operating in this state.

29           (b) All state funds budgeted for a county for the  
30 programs specified in paragraph (1)(d) and all federal funds  
31 and required local matching funds for a county for programs

1 specified in paragraph (1)(d) shall be transferred to the  
2 Early Education and Child Care Trust Fund for the benefit of  
3 the county for implementation of the early education and child  
4 care program. Additional funds may be placed in the trust fund  
5 for purposes of this section.

6 (c) All funds transferred to and retained in the trust  
7 fund shall be invested pursuant to s. 18.125. Any interest  
8 accruing to the trust fund shall be for the benefit of  
9 counties providing an early education and child care program.  
10 Notwithstanding the provisions of s. 216.301, and pursuant to  
11 s. 216.351, any undisbursed balance remaining in the trust  
12 fund and interest accruing to the trust fund not distributed  
13 at the end of the fiscal year shall remain in the trust fund  
14 and shall increase the total funds available for the counties  
15 implementing an early education and child care program.

16 (d) The State Board of Governance shall annually  
17 distribute to the fiscal agent in each county the funds that  
18 were transferred into the Early Education and Child Care Trust  
19 Fund for the benefit of that county. Additional funds and  
20 investment income from the trust fund shall be distributed to  
21 the counties implementing an early education and child care  
22 program based on outcome performance measures or need, or  
23 combination thereof. Counties may be required to provide  
24 matching funds. The State Board of Governance shall provide  
25 rewards to counties that serve more children in the early  
26 education and child care program than were served through  
27 previously existing programs.

28 (e) State funds appropriated for the early education  
29 and child care program may not be used for the construction of  
30 new facilities, the transportation of students, or the  
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1 purchase of buses, but may be used for educational field trips  
2 which enhance the curriculum.

3 (9) REIMBURSEMENT RATE.--The district interagency  
4 coordinating council shall develop a reimbursement rate  
5 schedule that encompasses all publicly funded early education  
6 and child care programs. The reimbursement rate schedule must  
7 include the projected number of children to be served and must  
8 be submitted to the State Board of Governance for approval.  
9 Informal child care arrangements shall be reimbursed at 50  
10 percent of the rate developed for family child care.

11 (10) REQUIREMENTS RELATING TO FISCAL AGENTS.--The  
12 fiscal agent must be a public entity, a private nonprofit  
13 organization, or a partnership of public entities and private  
14 nonprofit organizations. The fiscal agent shall be required to  
15 provide all administrative and direct funding services as  
16 determined by the district interagency coordinating council.  
17 The cost of these services shall be negotiated between the  
18 fiscal agent and the Department of Children and Family  
19 Services. The fiscal agent shall be responsible for monitoring  
20 all providers to ensure that the legislatively mandated  
21 performance standards and outcome measures are carried out. No  
22 public funds shall be paid to a provider unless the provider  
23 agrees to allow the fiscal agent access to fulfill its  
24 monitoring responsibilities.

25 (11) PARENTAL CHOICE; VOUCHER OR CONTRACT.--The early  
26 education and child care program shall be provided by voucher  
27 or contract issued pursuant to a purchase service order that  
28 ensures, to the maximum extent possible, parental choice  
29 through flexibility in early education and child care  
30 arrangements and payment arrangements. According to federal  
31 regulations requiring parental choice, a parent may choose an

1 informal child care arrangement. The voucher must bear the  
2 name of the beneficiary and the program provider and, when  
3 redeemed, must bear the signature of both the beneficiary and  
4 an authorized representative of the provider. If it is  
5 determined that a provider has provided any cash to the  
6 beneficiary in return for receiving the voucher, the  
7 Department of Children and Family Services shall refer the  
8 matter to the Division of Public Assistance Fraud of the  
9 office of the Auditor General for investigation. The  
10 Department of Children and Family Services and the office of  
11 the Comptroller shall establish an electronic funds transfer  
12 system for the dissemination of funds and vouchers in  
13 accordance with this subsection. Fiscal agents shall fully  
14 implement the electronic funds transfer system within 3 years  
15 of plan approval unless a waiver is obtained from the State  
16 Board of Governance. The fiscal agent may charge an  
17 administrative fee not to exceed 1 1/2 percent of each voucher  
18 to offset administrative costs of the early education and  
19 child care program.

20 (12) EVALUATION AND ANNUAL REPORT.--Each district  
21 interagency coordinating council shall conduct an evaluation  
22 of the effectiveness of the early education and child care  
23 program, including performance standards and outcome measures,  
24 and shall provide an annual report to the State Board of  
25 Governance. Additionally, the State Coordinating Council for  
26 Early Childhood Services shall monitor the early education and  
27 child care program on a statewide basis and shall annually  
28 report to the State Board of Governance, by November 1, on  
29 implementation and compliance.

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1           (13) CONFLICTING PROVISIONS.--In the event of a  
 2 conflict between the provisions of this section and federal  
 3 requirements, the federal requirements shall control.

4           Section 2. This act shall take effect July 1, 1997.

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7                                   HOUSE SUMMARY

8           Establishes the early education and child care program  
 9           consisting of all publicly funded early education and  
 10           child care programs, with oversight by the Department of  
 11           Education and the Department of Children and Family  
 12           Services. Provides for optional participation in the  
 13           program by a county or counties. Establishes a State  
 14           Board of Governance with responsibility for plan and  
 15           program approval. Provides eligibility and priority for  
 16           participation in the program. Provides performance  
 17           standards and outcome measures. Provides for district  
 18           interagency coordinating councils to assist in the  
 19           development, implementation, and evaluation of a county  
 20           program. Provides program requirements including a  
 21           sliding fee scale. Provides for funding through the  
 22           transfer of funds to the Early Education and Child Care  
 23           Trust Fund and distribution to counties. Requires a  
 24           reimbursement rate schedule and provides requirements  
 25           relating to fiscal agents. Provides for vouchers or  
 26           contracts and an electronic funds transfer system.  
 27           Provides for evaluation and reporting. Provides that  
 28           federal requirements control in the case of conflict.