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DATE: May 4, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
FINAL ANALYSIS**

BILL #: HB 271

RELATING TO: Prekindergarten Early Intervention Programs

SPONSOR(S): Representative Barreiro

COMPANION BILL(S): SB 1032 (I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION
- (2) CHILDREN AND FAMILIES
- (3) EDUCATION APPROPRIATIONS
- (4) GENERAL APPROPRIATIONS
- (5)

I. FINAL ACTION STATUS:

HB 271 was temporarily postponed in the Education Innovation Committee, and, subsequently, died in the committee on April 30, 1999.

II. SUMMARY:

HB 271 requires the Department of Education, in consultation with the Department of Children and Family Services and the Legislature, to develop legislation to expand the prekindergarten early intervention program to provide access for all 3-year-old and 4-year-old children at no cost to the children's parents. DOE is then required to report these recommendations to the Legislature, in the form of legislation, no later than November 1, 1999.

This bill makes no allowance for family income as prescribed in the original intent of the preK legislation. Nor does it take into consideration the changes in the area of early childhood education and the governance structure of early childhood programs proposed by CS/HB 259 and CS/CS/SB 366. Under the provisions of CS/HB 259 a local coalition may choose to allow the preK program to maintain its programmatic autonomy or it could choose to allow expansion of the program as suggested by HB 271. It would be a local decision.

HB 271 provides an appropriation to DOE an amount sufficient to carry out the provisions of this act. Since DOE, DCF employ personnel in which the development of legislation is well within the scope of their position, the fiscal impact would be minimal. The bill does not specify the amount of the appropriation. The fiscal impact is indeterminate at this time.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

PREKINDERGARTEN PROGRAM

Purpose

The prekindergarten early intervention program (s. 230.2305, F.S.) was created in 1986. It is the intent of the Legislature that prekindergarten early intervention programs (preK) are developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. Each preK provides the elements necessary to prepare children for school, including health screening and referral and a developmentally appropriate educational program and opportunities for parental involvement in the program.

It is also the legislative intent that the preK program not exist as an isolated program, but build upon existing services and work in cooperation with other programs for young children. It is intended that procedures such as, but not limited to, contracting, mainstreaming, and cooperative funding be used to coordinate the program with Head Start, public and private providers of child care, preschool programs for children with disabilities, programs for migrant children, Chapter I, subsidized child care, adult literacy programs, and other services. It is further the intent of the Legislature that the Commissioner of Education seek the advice of the Secretary of the Department of Children and Family Services (DCF) in the development and implementation of the preK program and the coordination of services to young children.

The purpose of preK is to assist local communities in implementing programs that will enable *all* the families and children in the school district to be prepared for the children's success in school.

Eligibility

Children who are three and four-year of age are eligible for preK. At least 75 percent of the children projected to be served by the district program must be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the WAGES Program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

- Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.
- Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in an exceptional student education program with required special services, aids, or equipment and who are reported for partial funding in the K-12 Florida Education Finance Program (FEFP).
- Economically disadvantaged 3-year-old children.
- Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.
- Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged."
- After the groups listed above have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

An "economically disadvantaged" child is defined as a child eligible to participate in the free lunch program. A child who meets the eligibility requirements upon initial registration for the program is considered eligible until the child reaches kindergarten age.

Student participation must be contingent upon parental involvement. The parental involvement activities are integral to the program and must include program site-based parental activities designed to fully involve parents in the program. They may include parenting education, home visitor activities, family support services coordination, and other activities.

Services are to be provided during a school day and school year equal to or exceeding the requirements for kindergarten under ss. 228.041 and 236.013, F.S. Strategies to provide care before school, after school, and 12 months a year, when needed, must be developed by the school district in cooperation with the central agency for state-subsidized child care or the local service district of the DCF and the district interagency coordinating council. Programs may be provided on Saturdays and through other innovative scheduling arrangements.

The school district is required to make efforts to meet the first state education goal, readiness to start school, including the involvement of nonpublic schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. A written description of these efforts must be provided to the district interagency coordinating council on early childhood services.

Parents must be provided an option regarding a child's participation at a school-based site or among contracted sites, when such an option is appropriate and within the school district. The school district may consider availability of sites, transportation, staffing ratios, costs, and other factors in determining the assignment and setting district guidelines. Parents may request and be assigned a site other than one first assigned by the district, provided the parents pay the cost of transporting the child to the site of the parents' choice.

The school district is required to coordinate with the central agency for state-subsidized child care or the local service district of the DCF to verify family participation in the WAGES Program, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care.

Standards

The program curriculum must be developmentally appropriate according to current nationally recognized recommendations for high-quality prekindergarten programs. School districts may establish a sliding fee scale for participants.

The ratio of direct instructional staff to children must be one adult to 10 children, or a lower ratio. Upon written request from a school district, the commissioner may grant permission for a ratio of up to one adult to 15 children for individual schools or centers for which a 1-to-10 ratio would not be feasible.

Staff

All staff must meet the following minimum requirements:

- The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the DOE/DCF to include the following areas:
 - state and local rules that govern child care, health, safety, and nutrition;
 - identification and report of child abuse and neglect;
 - child growth and development;
 - use of developmentally appropriate early childhood curricula;
 - and avoidance of income-based, race-based, and gender-based stereotyping.
- When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17, F.S., and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within two years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstances.

- When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17, F.S., and State Board of Education rules in regularly scheduled direct contact with each classroom. These classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.
- Principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.
- All personnel who are not certified under s. 231.17, F.S., must comply with screening requirements under ss. 231.02 (qualifications of personnel) and 231.1713, F.S. (finger printing and background screening requirements)

Evaluation

Each school district is required to conduct an evaluation of the effectiveness of the prekindergarten early intervention program. This evaluation must include measures of the following:

- The children's achievement as measured by assessments upon entry into the program and upon completion of the program; and
- The children's readiness for kindergarten as measured by the instrument the district uses to assess the school readiness of all children entering kindergarten. The results of this evaluation must be maintained by the school district and made available to the public upon request.

Funding

State funds appropriated for the preK program may not be used for the construction of new facilities, the transportation of students, or the purchase of buses, but may be used for educational field trips which enhance the curriculum.

At least 70 percent of the total funds allocated to each school district under this section must be used for implementing and conducting a preK program or contracting with other public or nonpublic entities for programs to serve eligible children. The maximum amount to be spent per child for this purpose is to be designated annually in the General Appropriations Act.

No more than 30 percent of the funds allocated to each school district may be used to enhance existing public and nonpublic programs for eligible children, to provide before-school and after-school care for children served under this section, to remodel or renovate existing facilities, to lease or lease-purchase facilities, to purchase classroom equipment to allow the implementation of the preK early intervention program, and to provide training for program teachers and administrative personnel employed by the school district and by agencies with which the school district contracts for the provision of preK services. Funds may also be used to provide the preK program for more than 180 school days.

A minimum grant for each district is to be determined annually in the General Appropriations Act. The funds remaining after allocating the minimum grants must be prorated based on an allocation factor for each district and must be added to each district's minimum grant. The calculation of each district's allocation factor is to be based upon the official estimate of the total number of 3-year-old and 4-year-old children by school district and the official record of the Department of Education for K-12 student total free lunches served by school district for the prior fiscal year.

According to a report issued by the Office of Program Policy and Governmental Accountability (OPPAGA) in 1998, the total funding for the preK program in 1997-98 was \$97.1 million. The average per pupil expenditure was \$3,200 and approximately 30,014 children were served.

District Interagency Coordinating Councils

To be eligible for a preK program, each school district must develop, implement, and evaluate its preK program in cooperation with a district interagency coordinating council on early childhood services. Each district coordinating council must consist of at least 12 members to be appointed by the district school board, the county commission for the county in which participating schools are located, and the DCF district administrator and must include at least the following:

- One member who is a parent of a child enrolled in, or intending to enroll in, the public school prekindergarten program, appointed by the school board.
- One member who is a director or designated director of a preK program in the district, appointed by the school board.
- One member who is a member of a district school board, appointed by the school board.
- One member who is a representative of an agency serving children with disabilities, appointed by the DCF district administrator.
- Four members who are representatives of organizations providing prekindergarten educational services, one of whom is a representative of a Head Start Program, appointed by the DCF; one of whom is a representative of a Title XX subsidized child day care program, if such programs exist within the county, appointed by the DCF district administrator; and two of whom are private providers of preschool care and education to 3-year-old and 4-year-old children, one appointed by the county commission and one appointed by the DCF district administrator. If there is no Head Start Program or Title XX program operating within the county, these two members must represent community interests in prekindergarten education.
- Two members who are representatives of agencies responsible for providing social, medical, dental, adult literacy, or transportation services, one of whom represents the county health department, both appointed by the county commission.
- One member to represent a local child advocacy organization, appointed by the DCF district administrator.
- One member to represent the district K-3 program, appointed by the school board.

Each district interagency coordinating council shall:

- Assist district school boards in developing a plan or an amended plan to implement a preK program. The plan and all amendments must be signed by the council chair, the chair of the district school board, and the district school superintendent.
- Coordinate the delivery of educational, social, medical, child care, and other services.

B. EFFECT OF PROPOSED CHANGES:

HB 271 requires the Department of Education, in consultation with the Department of Children and Family Services and the Legislature, to develop legislation to expand the prekindergarten early intervention program to provide access for all 3-year-old and 4-year-old children at no cost to the children's parents. DOE is then required to report these recommendations to the Legislature, in the form of legislation, no later than November 1, 1999.

This bill makes no allowance for family income as prescribed in the original intent of the preK legislation. Nor does it take into consideration the sweeping changes in the area of early childhood education and the governance structure of early childhood programs proposed by CS/HB 259. Under the provisions of CS/HB 259 a local coalition may choose to allow the preK program to maintain its programmatic autonomy or it could choose to allow expansion of the program as suggested by HB 271. It would be a local decision.

HB 271 provides an appropriation to DOE an amount sufficient to carry out the provisions of this act. Since DOE, DCF employ personnel in which the development of legislation is well within the scope of their position, the fiscal impact would be minimal.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 230.2305, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 Amends s. 230.2305, F.S., requiring DOE to develop legislation to expand the prekindergarten early intervention to provide access to all 3-year-old and 4-year-old children at no cost to the children's parents; requiring a report.

Section 2 Provides an appropriation.

Section 3 Provides and effective date of upon becoming law.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

HB 271 provides an appropriation to DOE an amount sufficient to carry out the provisions of this act. Since DOE, DCF employ personnel in which the development of legislation is well within the scope of their position, the fiscal impact would be minimal. The bill does not specify the amount of the appropriation. The fiscal impact is indeterminate at this time.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

If the legislation proposed by DOE, DCF and the legislature as a result of the bill were to pass, all three and four year old children, regardless of family income level, would become eligible for preK. This would have a significant fiscal impact. By eliminating the income and other eligibility requirements substantially more children would become eligible for the preK program.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties and municipalities.

VI. COMMENTS:

This bill stipulates no allowance for family income as prescribed in the original intent of the preK legislation. Nor does it take into consideration the changes in the area of early childhood education and the governance structure of early childhood programs proposed by CS/HB 259 and CS/CS/SB 366. Under the provisions of CS/HB 259 a local coalition may choose to allow the preK program to maintain its programmatic autonomy or it could choose to allow expansion of the program as suggested by HB 271. It would be a local decision.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Pamela M. Allen

Staff Director:

Ouida J. Ashworth

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Pamela M. Allen

Staff Director:

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