

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 3036

SPONSOR: Appropriations Committee, Education Committee, and Senators Carlton and Constantine

SUBJECT: Early Childhood Education

DATE: April 14, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	<u>Gillespie</u>	<u>Newman</u>	<u>AED</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Committee Substitute for Senate Bill 3036 creates the Florida Prekindergarten (Pre-K) Education Program within the Department of Education. The program allows parents to enroll their children in a voluntary, free Pre-K program offered during the year before the child is eligible for admission to kindergarten. The Pre-K program provides parents of eligible children with a choice of three program options:

- A 540-hour Pre-K program delivered by a child development provider that meets or exceeds Gold Seal Quality Care program standards, that has a director with a prekindergarten director credential, and that has for each class a teacher who has at least a Child Development Associate (CDA) or equivalent credential and completes a 5-clock-hour course in emergent literacy training;
- A 300-hour summer Pre-K program delivered by a public school that has at least one Florida-certified teacher for every 10 Pre-K students; or
- A 540-hour school-year Pre-K program delivered by a public school in school districts that meet class-size reduction requirements.

The committee substitute directs the Department of Education to adopt performance standards for the Pre-K program. Each child development provider or public school may select or design its own curriculum for the Pre-K program if the curriculum addresses the Pre-K performance standards, including emergent literacy. However, if any child development provider or public school fails to maintain an 85-percent kindergarten readiness rate based upon results from the statewide kindergarten screening, the provider or public school would be subject to corrective actions, including the required use of a curriculum approved by the department. The committee

substitute establishes a phase-in schedule for replacing the current school readiness uniform screening instrument (i.e., ESI-K¹) with new statewide kindergarten screening instruments.

The committee substitute creates a summer Pre-K demonstration program in selected school districts during summer 2004. The Office of Program Policy Analysis and Government Accountability must conduct a study of the pilot program before the 2005 Regular Session.

The committee substitute transfers the existing school readiness system from the Florida Partnership for School Readiness to the Agency for Workforce Innovation (AWI). AWI would be directly responsible for state-level coordination of the school readiness program and the school readiness coalitions, which the committee substitute renames as regional child development boards. The committee substitute reduces the number of regional boards to 30 or fewer boards and requires each board to serve at least 1,500 birth-to-kindergarten children in the school readiness program.

The committee substitute also creates the Florida Child Development Advisory Council within the Department of Education to advise the department and AWI on child development policy, including the Pre-K and school readiness programs.

This committee substitute creates Part V of chapter 1002, Florida Statutes, which is titled "Florida Prekindergarten Education Program" and consists of the following sections of the Florida Statutes: 1002.51, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71, 1002.73, and 1002.75. The committee substitute substantially amends sections 11.45, 20.15, 20.50, 125.901, 216.133, 216.136, 402.3016, 411.01, 411.011, 411.226, 411.227, 624.91, 1001.23, and 1002.22, Florida Statutes. The committee substitute repeals sections 411.012 and 1008.21, Florida Statutes.

II. Present Situation:

Voluntary Universal Prekindergarten Education

In 2002, the electors of Florida approved Amendment No. 8 to the State Constitution, which requires the Legislature to establish by the 2005 school year, a new early childhood education program (i.e., the voluntary universal prekindergarten education program) for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards:

ARTICLE IX EDUCATION

SECTION 1. Public education.—

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An

¹ See *ESI-K*, *infra*, note 28.

early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development.

Section 1(b) and (c), Art. IX of the State Constitution.

In response, the 2003 Legislature directed the State Board of Education to conduct a study and submit a report on the curriculum, design, and standards for this new prekindergarten program (s. 1, ch. 2003-93, L.O.F.; s. 411.012, F.S.). The state board established a Universal Prekindergarten Education Advisory Council, which issued a report of its recommendations to the state board in October 2003.² The State Board of Education subsequently accepted the advisory council's report and issued a final report,³ which was submitted to the Legislature in December 2003.⁴ In addition, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA)⁵ and the Auditor General⁶ to conduct audits of the school readiness system and submit reports by January 15, 2004 (s. 2, ch. 2003-93, L.O.F.).⁷

State-Funded Early Childhood Education and Child Care Programs

Before 1999, Florida's state-funded early childhood education and child care programs were delivered through various independent programs, with administration of the programs divided principally between the Department of Education (DOE) and the Department of Children and Family Services (DCF):

² Florida State Board of Education, Universal Prekindergarten Education Advisory Council, *Report and Recommendations to the Florida State Board of Education* (Oct. 21, 2003).

³ Florida State Board of Education, *A Study of the Curriculum, Design, and Standards for Florida's Voluntary Universal Prekindergarten Education Program* (Nov. 18, 2003).

⁴ Letter from F. Philip Handy, Chairman, State Board of Education, to The Honorable Jim King, President, Florida Senate (Dec. 8, 2003).

⁵ See OPPAGA, *School Readiness Coalitions' Progress Varies in Implementing the Program Over Two Years*, Information Brief, Report No. 03-75 (Dec. 2003); OPPAGA, *School Readiness Program's Potential is Beginning to be Realized, but is Hindered by Partnership Guidance Issues*, Program Review, Report No. 04-06 (Jan. 2004).

⁶ See Auditor General, *School Readiness Program Administered by the Florida Partnership for School Readiness, the Florida School Readiness Coalitions, and the Florida Agency for Workforce Innovation, Operational Audit, July 1, 2000, through June 30, 2003, and Selected Actions taken through October 2003*, Report No. 2004-085 (Jan. 2004).

⁷ OPPAGA and Auditor General, *School Readiness Program Makes Progress, but Stronger Partnership Guidance and Internal Controls are Needed*, Overview Report on Audits of the School Readiness Program (Jan. 2004).

- DOE formerly administered early childhood education programs, including the prekindergarten early intervention program; the Florida First Start Program; the migrant education program; and the federal Even Start Family Literacy Programs.
- DCF formerly administered the subsidized child care program, which funded child care services for at-risk and economically disadvantaged children younger than 13 years of age.

The Legislature prescribed separate requirements for each of these state-funded programs, including eligibility criteria (e.g., family income); minimum hours and days of service; appropriate types of settings (i.e., child care providers or school-based sites); staff-to-children ratios; qualifications for instructional staff (e.g., training, education, and professional credentials); and sliding fee scales.

School Readiness Programs

In 1999, the Legislature enacted the School Readiness Act (s. 411.01, F.S.), which consolidated each of these early childhood education and child care programs into one integrated program of school readiness services (ch. 99-357, L.O.F.). The act directed that school readiness programs would be administered by local school readiness coalitions at the county or multicounty level and would be coordinated by the Florida Partnership for School Readiness at the statewide level.

School readiness programs must contain, at a minimum, the following elements: developmentally appropriate curriculum, a character development program, an age-appropriate assessment of each child's development, a pretest and posttest administered as children enter and leave programs, an appropriate staff-to-children ratio, a healthful and safe environment, and a resource and referral network that assists parents in making an informed choice of child care providers (s. 411.01(5)(c)2., F.S.).

Before implementing its school readiness program, each school readiness coalition must develop and submit a school readiness plan to the Florida Partnership for School Readiness. The plan must include, among other things, a sliding fee scale, parental choice of settings and locations where services will be provided, eligibility priorities, qualifications for instructional staff, reimbursement rates, systems support and direct enhancement services, a business plan, strategies to meet the needs of unique populations, and performance standards and outcome measures (s. 411.01(5)(d)3. and 5., F.S.). The partnership may approve a coalition's plan, reject the plan, or approve the plan with conditions (s. 411.01(5)(d)2., F.S.). Fifty school readiness coalitions, encompassing all 67 counties of the state, currently operate under approved plans.⁸

School readiness programs are funded through a mixture of state and federal funds. The combined budget of the system is approximately \$687.2 million, comprised of \$386.6 million from the federal Child Care and Development Fund (CCDF) block grant; \$112.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant; \$170.9 million from

⁸ Florida Partnership for School Readiness, *2002 Annual Report: Ready to Reach for the Stars* 6, 15, & 17-18 (Mar. 2003).

the state's General Revenue Fund; and \$17.2 million from other funds, including \$500,000 from the federal Social Services Block Grant.⁹

Amendments to the School Readiness System

In 2001, the Legislature made several changes to the school readiness system, including the:

- Transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation (AWI) (s. 16, ch. 2001-170, L.O.F.);
- Transfer of the subsidized child care program, the prekindergarten early intervention program, the migrant education program, and the Florida First Start Program to AWI (ss. 17 and 18, ch. 2001-170, L.O.F.);
- Transfer of the Child Care Executive Partnership and the statewide resource and referral network to AWI (s. 17, ch. 2001-170, L.O.F.); and
- Designation of AWI as the lead agency for the federal Even Start Family Literacy Programs (s. 19, ch. 2001-170, L.O.F.; s. 411.0105, F.S.).

Effective January 1, 2002, the Legislature repealed the sections prescribing program requirements for the Florida First Start Program (former s. 230.2303, F.S. (2000)), the prekindergarten early intervention program (former s. 230.2305, F.S. (2000)), and the subsidized child care program (former s. 402.3015, F.S. (2000)). In 2002, the program requirements for the migrant education program were repealed.¹⁰ These repeals marked the end of these former early childhood education and child care programs as separate from the school readiness programs.

⁹ Specific Appropriations 2010-2022, *General Appropriations Act for Fiscal Year 2003-2004*, ch. 2003-397, L.O.F.

¹⁰ Section 1058, ch. 2002-387, L.O.F., repealed former ch. 228, F.S., which included the section prescribing program requirements for migrant education program, former s. 228.062, F.S. (2001).

Regulation of Child Care Providers

The delivery system for school readiness programs is comprised of child care providers and of school-based sites operated by public and nonpublic schools (s. 411.01(5)(d)3.b., F.S.). Child care providers are distinguished by six types of settings: child care facilities, specialized child care facilities for the care of mildly ill children, large family child care homes, family day care homes, religious-exempt providers (see s. 402.316, F.S.), and informal providers.¹¹ Child care providers are generally subject to two parallel systems of regulatory requirements. Unless exempted, all child care providers other than informal providers are subject to state regulation (s. 402.312, F.S.), regardless of whether they receive state funds for school readiness programs. These state regulations generally govern the health, safety, sanitation, nutrition, physical surroundings, and child development needs of children receiving child care services; child care personnel requirements (e.g., training, professional credentials, and background screening); and staff-to-children ratios (see, e.g., ss. 402.305, 402.313, and 402.3131, F.S.). Child care providers receiving school readiness funds are also subject to the provider requirements established by the school readiness coalitions.

Except for certain facilities that are exempt from licensure (e.g., religious-exempt providers), all child care facilities in the state must be licensed (ss. 402.305 and 402.312, F.S.). Specialized child care facilities for the care of mildly ill children and large family child care homes also must be licensed (ss. 402.305(17), 402.312, and 402.3131, F.S.). Depending on local requirements, family day care homes must either be licensed or registered (ss. 402.312 and 402.313, F.S.). The licensure or registration of child care providers is administered by the Child Care Services Program Office of the Department of Children and Family Services or, in seven counties (Alachua, Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota), by local licensing agencies that have licensing standards meeting or exceeding the state's minimum standards (ss. 402.306 and 402.307, F.S.).

The Child Care Services Program Office also develops, approves, and coordinates training programs for child care personnel; develops and verifies professional credentials, including the state equivalent of the child development associate and the credential for directors of child care facilities; and develops standards for the Gold Seal Quality Care program (s. 402.281, F.S.), which creates the basis for increased reimbursement rates in school readiness programs.¹²

III. Effect of Proposed Changes:

Florida Prekindergarten Education Program

¹¹ Although the term “informal child care arrangement” is used in s. 411.01(5)(e)2. and (7)(a), F.S., the term is not defined. The term “informal provider” is commonly used in the child care industry to refer to a relative or other caregiver who provides unregulated child care services.

¹² See, e.g., Specific Appropriation 2014A, *General Appropriations Act for Fiscal Year 2003-2004*, ch. 2003-397, L.O.F. (funds “may be used to enhance the quality of child care . . . by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.”).

The committee substitute creates the Florida Prekindergarten Education Program in the Department of Education and specifies that the program shall take effect in each county at the beginning of the 2005-2006 school year. The committee substitute specifies that the program must be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.¹³

Student Eligibility

The committee substitute provides that each child who will have attained 4 years of age on or before September 1 of the school year is eligible for the Florida Prekindergarten (Pre-K) Education Program during that school year. The committee substitute specifies that a child remains eligible until the child is admitted to kindergarten or attains the age of 5 years on or before September 1 of the school year, whichever occurs first. The committee substitute limits the eligibility of children to state residents.

Parental Choice of Program Options

The committee substitute allows the parent of each child eligible for the Pre-K program to choose among three distinct programs:

- Pre-K program delivered by a child development provider;
- Summer Pre-K program delivered by a public school; or
- School-year Pre-K program delivered by a public school.

However, the committee substitute prohibits a parent from enrolling a child in more than one of these programs. In order to enroll a child, the committee substitute requires the child's parent to submit an application and a certified copy of the child's birth certificate or alternative proof of the child's age, as specified by the Department of Education. The committee substitute requires the application form to include a certification of the parent's choice of a child development provider or public school and direction that payments for the Pre-K program be made to the provider or school.

The committee substitute requires parents enrolling their children in the Pre-K program to submit the application to the regional child development board.¹⁴ The committee substitute directs that applications for the Pre-K program shall be received by the regional boards through each board's "single point of entry" established under the school readiness system.¹⁵ The committee substitute also directs the regional boards to coordinate with the school districts in developing procedures for enrolling children in school-based Pre-K programs.

Informed Choice

¹³ See the text of Amendment No. 8 to the State Constitution, which relates to voluntary universal prekindergarten education, on pages 2 and 3 of this staff analysis.

¹⁴ The committee substitute renames the current school readiness coalitions as "regional child development boards."

¹⁵ See the discussion about the single point of entry, *infra*, on page 25 of this staff analysis.

The committee substitute requires each regional child development board to provide a parent enrolling a child in the Pre-K program with a profile of each child development provider and public school in a format prescribed by the Department of Education. The profile must include the provider's or school's:

- Services, curriculum, teacher credentials, and teacher-to-student ratio; and
- Kindergarten readiness rate¹⁶ based upon the most recent available results of the statewide kindergarten screening.

Prekindergarten Program Delivered by Child Development Providers

For parents choosing a Pre-K program delivered by a child development provider, the committee substitute establishes a program based upon funding for 540 hours per year. The committee substitute does not provide any temporal limits on a child development provider's Pre-K program; thus, a provider's program may encompass:

- Any number of hours per day or number of days per year;
- Weekdays, weekends, or any combination of days; and
- Days throughout any month of the year.

The committee substitute directs the program to be administered at the county or regional level by the regional child development boards.

Eligibility of Child Development Providers

The committee substitute establishes eligibility criteria for child development providers seeking to deliver the Pre-K program. To participate in the program, a provider must register with the regional child development board and must be a:

- Nonpublic school exempt from licensure which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation;¹⁷

¹⁶ See the discussion about kindergarten readiness rates, *infra*, on pages 14 and 15 of this staff analysis.

¹⁷ Under current law, the "Gold Seal Quality Care" designation is awarded to child care providers that are accredited by a nationally recognized accrediting association that has standards substantially meeting or exceeding the standards of the National Association for the Education of Young Children, the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission (s. 402.281(1), F.S.). The Department of Children and Family Services is authorized to develop Gold Seal Quality Care program standards for purposes of approving the accrediting associations (s. 402.281(2), F.S.). These standards encompass items such as minimum teacher-to-student ratios, maximum group sizes, and teacher qualifications. In addition to the three organizations cited in law, the department has approved the following accrediting associations: Accredited Professional Preschool Learning Environment, Association of Christian Schools International, Association of Christian Teachers and Schools, Montessori School Accreditation Commission, National Accreditation Commission, National School-Age Care Alliance, Southern Association of Colleges and Schools, and National Accreditation Council for Early Childhood Professional Personnel and Programs. See Department of Children and Family Services, *Gold Seal Quality Care Program*, at http://www.dcf.state.fl.us/child_care/goldseal.shtml (last visited Apr. 14, 2004).

- Licensed child care facility, licensed family day care home, or licensed large family child care home, which facility or home holds a current Gold Seal Quality Care designation or meets or exceeds the Gold Seal Quality Care program standards, as verified by the regional child development board, but does not hold the designation; or
- Faith-based child care provider exempt from licensure which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation.

The committee substitute omits from eligibility to deliver the Pre-K program unlicensed family day care homes¹⁸ and informal child care providers.¹⁹

The committee substitute allows a parent to enroll his or her child with any eligible child development provider; however, the provider may determine whether to admit the child. The committee substitute also prohibits a regional child development board or the Department of Education from limiting the number of students that a child development provider may admit for enrollment in the Pre-K program.

The committee substitute prohibits a child development provider from discriminating against a parent or child, including the refusal to admit a child for enrollment in the Pre-K program, because of the parent's or child's race, color, or national origin.

Teacher Credentials

The committee substitute requires a child development provider, as a condition of participating in the Pre-K program and receiving state funds, to employ for each Pre-K class at least one teacher or child care personnel with the following credentials:

- A Child Development Associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Regulation;
- A credential approved by the Department of Children and Family Services²⁰ as being equivalent to or greater than the national CDA; or
- One of the following educational credentials:
 - Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
 - Bachelor's or higher degree in elementary education, if the teacher has been certified to teach children any age from birth through 6th grade, regardless of whether the certificate is current;

¹⁸ Under current law, family day care homes that are not licensed must register with the Department of Children and Family Services (s. 402.313(1)(a), F.S.). The committee substitute does not include these registered family day care homes as eligible providers for the Pre-K program.

¹⁹ The term "informal child care provider" is commonly used in the child care industry to refer to a relative or other caregiver who provides unregulated child care services. A similar term, "informal child care arrangement," is used in s. 411.01(5)(e)2. and (7)(a), F.S., but is not defined in current law.

²⁰ The committee substitute provides that the Department of Children and Family Services may adopt rules to provide criteria and procedures for approval of CDA equivalent credentials.

- Associate's or higher degree in child development;
- Associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours experience in teaching or providing child care services for children any age from birth through 8 years of age; or
- Educational credential approved by the Department of Education as being equivalent to or greater than any of these educational credentials.

Emergent Literacy Training Course

In addition, the committee substitute requires each teacher or child care personnel to successfully complete an emergent literacy training course approved by the Department of Education. Teachers and child care personnel who possess educational credentials in lieu of a CDA or state-approved equivalent are exempt from this requirement.

The committee substitute directs the Department of Education to adopt, with advice from the Florida Child Development Advisory Council,²¹ by January 1, 2005, minimum standards for the emergent literacy training course. The course must consist of 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of Pre-K students in the development of emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

The committee substitute requires the training course to meet or exceed the Department of Children and Family Services' requirements for approved training in early literacy and language development, which is a continuing education requirement under current law for child care personnel of child care facilities (s. 402.305(2)(d)4., F.S.), family day care homes (s. 402.313(6), F.S.), and large family child care homes (s. 402.3131(5), F.S.). Successful completion of the training course satisfies these requirements for approved training.

The committee substitute exempts a teacher or child care personnel from having to complete the emergent literacy training course, if the teacher or child care personnel successfully completes the Department of Children and Family Services' requirements for approved training in early literacy and language development before the training course is established by the Department of Education or January 1, 2005, whichever occurs later.

Prekindergarten Director Credential

The committee substitute requires the prekindergarten director²² of each child development provider delivering the Pre-K program to obtain a prekindergarten director credential approved by the Department of Education. The department is directed to adopt by July 1, 2005, with the

²¹ The committee substitute creates the Florida Child Development Advisory Council. See the discussion about the advisory council, *infra*, on pages 19 and 20 of this staff analysis.

²² The committee substitute defines a "prekindergarten director" as an onsite person ultimately responsible for the overall operation of a child development provider or, alternatively, of the provider's prekindergarten program, regardless of whether the person is the owner of the provider.

advice of the Florida Child Development Advisory Council, minimum standards for the prekindergarten director credential. The credential must include requirements for:

- Education and onsite experience;
- Training in professionally accepted standards for Pre-K programs, child development, and strategies and techniques to address the age-appropriate progress of Pre-K students in attaining Pre-K performance standards adopted by the Department of Education; and
- Training in program administration and operations, including management, organizational leadership, and financial and legal issues.

The committee substitute provides that the Department of Education's standards for the prekindergarten director credential must meet or exceed the Department of Children and Family Services' requirements for the child care facility director credential.²³ The committee substitute specifies that successful completion of the prekindergarten director credential satisfies requirements for the child care facility director credential.

The committee substitute provides that successful completion of the child care facility director credential before the Department of Education establishes the prekindergarten director credential, or July 1, 2005, whichever occurs later, satisfies requirements for the prekindergarten director credential. The committee substitute also directs the Department of Education to award credit to persons successfully completing the child care facility director credential, to the maximum extent practicable, for those requirements of the credentials which are duplicative.

Summer Prekindergarten Program Delivered by Public Schools

For parents choosing a summer Pre-K program delivered by a public school, the committee substitute establishes a program based upon funding for 300 hours per year. The committee substitute specifies that each school district must use educational facilities available in the public schools during the summer term for the summer Pre-K program. Except for limiting the program to the summer, the committee substitute does not provide any other temporal limits on a public school's summer Pre-K program; thus, a school's program may encompass:

- Any number of hours per day or number of days during the summer; and
- Weekdays, weekends, or any combination of days.

The committee substitute directs the summer Pre-K program to be administered at the district level by the school districts. The committee substitute authorizes each school district to determine which public schools are eligible to deliver the summer Pre-K program, except that each participating public school must maintain a teacher-to-student ratio of at least one certified teacher for every 10 students in the summer Pre-K program. The committee substitute specifies that each certified teacher must hold a valid Florida teaching certificate and have other qualifications required by the district school board. The committee substitute requires each school district, in selecting instructional staff for the summer Pre-K program, to give priority to

²³ Under current law, the director of each licensed child care facility is required to possess a child care facility director credential, which, since January 1, 2004, is a required minimum standard for licensing (s. 402.305(2)(f), F.S.).

teachers who have experience or coursework in early childhood education. To participate in the program, each public school provider must register with the regional child development board.

The committee substitute allows a parent to enroll his or her child with any eligible public school, subject to available space. The committee substitute authorizes school districts to limit the number of students admitted to the program in a particular public school but requires school districts to provide for the admission of every eligible student enrolling in the summer Pre-K program. The committee substitute in effect requires a school district to ensure that space is available in a public school for every eligible child enrolling in the summer Pre-K program.

The committee substitute prohibits a public school from discriminating against a parent or child, including the refusal to admit a child for enrollment in the Pre-K program, because of the parent's or child's race, color, or national origin.

School-Year Prekindergarten Program Delivered by Public Schools

For parents choosing a school-year Pre-K program delivered by a public school, the committee substitute establishes a program based upon funding for 540 hours per year. The committee substitute does not provide any temporal limits on a public school's school-year Pre-K program, nor does the committee substitute prohibit a public school from delivering both a summer Pre-K program and a school-year Pre-K program. Thus, a public school's school-year Pre-K program may encompass:

- Any number of hours per day or number of days per year;
- Weekdays, weekends, or any combination of days; and
- Days throughout any month of the school year.

The committee substitute specifies that a public school may only offer the school-year Pre-K program if the school's district school board certifies that the school district:

- Is in compliance with the schedules for class-size reduction;²⁴ and
- Has sufficient satisfactory educational facilities and capital outlay funds to achieve full compliance with the class-size reduction requirements in s. 1(a), Art. IX of the State Constitution.

For eligible school districts, the committee substitute directs the school-year Pre-K program to be administered at the district level by the school districts. The committee substitute authorizes each eligible school district to determine which public schools are eligible to deliver the school-year Pre-K program. The committee substitute does not specify minimum teaching credentials or establish teacher-to-student ratios for the school-year Pre-K program; thus, each school district would be permitted to establish these requirements when determining which public schools are

²⁴ See s. 1003.03, F.S.; s. 1(a), Art. IX of the State Constitution.

eligible to deliver the program.²⁵ To participate in the program, each public school must register with the regional child development board.

The committee substitute allows a parent to enroll his or her child with any eligible public school, subject to available space. The committee substitute authorizes school districts to limit the number of students admitted to the school-year Pre-K program in a particular public school, but, unlike the summer Pre-K program, the committee substitute does not require school districts to provide for the admission of every eligible student enrolling in the school-year Pre-K program.

The committee substitute prohibits a public school from discriminating against a parent or child, including the refusal to admit a child for enrollment in the Pre-K program, because of the parent's or child's race, color, or national origin.

Curriculum and Accountability

Performance Standards

The committee substitute requires the Department of Education, by January 1, 2005, with advice from Florida Child Development Advisory Council, to adopt performance standards for the Pre-K program. The standards must address the age-appropriate progress of students in the skills required in the State Constitution²⁶ and emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The committee substitute specifies that each child development provider's and public school's curriculum, and the statewide kindergarten screening, must be designed to satisfy these Pre-K performance standards.

Curriculum

The committee substitute authorizes each child development provider and public school to select or design its own curriculum for use in implementing the Pre-K program. The committee substitute requires each provider's and school's curriculum to be developmentally appropriate and to:

- Be based upon reading research;
- Enhance the age-appropriate progress of students in attaining the Department of Education's adopted Pre-K performance standards; and
- Prepare students to be assessed as ready on the statewide kindergarten screening.

²⁵ The committee substitute does exempt any school district from compliance with the class-size requirements in s. 1(a)(1), Art. IX of the State Constitution; thus, the minimum teacher-to-student ratio for a school-year Pre-K program would remain one teacher for every 18 students.

²⁶ See, e.g., s. 1(b), Art. IX of the State Constitution ("an organized program designed to address and enhance each child's ability to make age appropriate progress ... in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate").

However, if a child development provider or public school is placed on probation because less than 85 percent of the provider's or school's Pre-K students are assessed as ready for kindergarten for 2 consecutive years, the provider or school must use a curriculum approved by the Department of Education. The committee substitute requires the department to maintain a list of approved curricula for these providers and schools on probation.

Statewide Kindergarten Screening

The committee substitute requires the Department of Education, with advice from the Florida Child Development Advisory Council, to adopt a statewide kindergarten screening instrument that assesses the readiness of each student for kindergarten based upon the Pre-K performance standards adopted by the department. The committee substitute establishes a timeline for the department to phase in assessment instruments to replace the current school readiness uniform screening:²⁷

- For the 2004-2005 through 2006-2007 school years, the Department of Education shall use the Early Screening Inventory-Kindergarten (ESI-K)²⁸ developmental screening instrument as the statewide screening instrument. The department may administer additional instruments but only if the instruments are administered statewide. During these school years, the department must use the ESI-K to calculate the kindergarten readiness rates assigned to child development providers and public schools.
- By January 15, 2006, the department, with the advice of Florida Child Development Advisory Council, is required to recommend to the Legislature valid and reliable screening instruments for the statewide screening instrument. The Legislature shall review the recommendations of the department at the 2006 Regular Session and adopt screening instruments for the statewide kindergarten screening.
- Beginning with the 2006-2007 school year, the Department of Education must administer the statewide screening instrument adopted by the Legislature at the 2006 Regular Session, but, for baseline-data comparisons, the department must continue to administer ESI-K for the 2006-2007 school year.
- The Legislature shall review the baseline data and the 85-percent kindergarten readiness rate at the 2007 Regular Session.
- For the 2007-2008 school year and beyond, the department shall use the screening instruments adopted by the Legislature at the 2006 Regular Session to calculate kindergarten readiness rates.

The committee substitute requires each school district to administer the statewide screening to each kindergarten student in the public schools within the first 30 school days after each student's entry into kindergarten. The committee substitute also requires parents of children in the Pre-K program to submit their children for the statewide screening, regardless of whether the child is admitted to kindergarten in a public or private school. The committee substitute directs

²⁷ See s. 411.01(10), F.S.

²⁸ See Pearson Early Learning, *Early Screening Inventory-Revised, A Developmental Screening Instrument for Children*, at http://www.pearsonearlylearning.com/catalog/index.cfm?action=viewprogram&sub_id=S6&prog_id=88362020 (last visited Apr. 12, 2004).

the school districts to designate public-school sites that would administer the statewide screening for students admitted to kindergarten in private schools.

The committee substitute requires the screening instruments to provide objective data on each student's progress in attaining the Pre-K performance standards adopted by the Department of Education. The screening instruments must also incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for children with disabilities.

Kindergarten Readiness Rates

The committee substitute requires each child development provider and public school to meet certain kindergarten readiness rates to avoid sanctions by the regional child development board or the school district, respectively. The committee substitute provides for the statewide screening instrument to be used to measure the outcomes of the Pre-K programs delivered by child development providers or public schools. The committee substitute directs the Department of Education to adopt procedures for the calculation of each provider's and school's kindergarten readiness rate. These rates must be based exclusively on results from the statewide kindergarten screening and must not consider students who are not administered the screening.

Beginning with the kindergarten readiness rates for students completing the Pre-K program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year, the following sanctions are imposed for failure to meet the kindergarten readiness rates:

- Of the students who are administered the screening, if less than 85 percent of a provider's or school's Pre-K students are assessed as ready for kindergarten, the committee substitute directs the regional child development board or school district to require the respective child development provider or public school to submit an improvement plan for approval by the regional child development board or the school district, as applicable.
- If less than 85 percent of a provider's or school's Pre-K students are assessed as ready for kindergarten for 2 consecutive years, the committee substitute specifies that the provider or school must be placed on probation and required to take certain corrective actions, including the use of a curriculum approved by the Department of Education. A child development provider or public school that is placed on probation must continue the corrective actions, including the use of a department-approved curriculum until the provider or school meets the 85-percent kindergarten readiness rate based upon results from the statewide kindergarten screening.

Compliance

The committee substitute requires each regional child development board and school district to verify compliance by child development providers or public schools, respectively, with the Pre-K program's requirements. The committee substitute authorizes a regional child development board or the Department of Education to remove a child development provider from participation in the Pre-K program if the provider fails or refuses to comply with the program requirements. The committee substitute likewise authorizes a school district or the department to remove a public

school from participation in the Pre-K program if the school fails or refuses to comply with the program requirements.

Funding

The committee substitute establishes a funding mechanism for the Pre-K program. The Pre-K program would be funded through a categorical fund in the budget for the Department of Education. The committee substitute specifies that funds appropriated for the Pre-K program would be in addition to funds appropriated for the Florida Education Finance Program (FEFP).²⁹ The categorical funding for the Pre-K program would be based upon each full-time equivalent (FTE) student in the program. The committee substitute specifies that each FTE student would be calculated as follows:

- Pre-K program delivered by a child development provider: 540 hours.
- Summer Pre-K program delivered by a public school: 300 hours.
- School-year Pre-K program delivered by a public school: 540 hours.

The committee substitute prohibits a student from being reported as more than one FTE. Thus, the committee substitute in effect prohibits Pre-K program funding from supporting services for a student for more hours than these specified levels.

The committee substitute provides that the amount of funding per FTE student would be specified in the General Appropriations Act and would be equal, regardless of whether the student is enrolled in a prekindergarten program delivered by a child development provider, a summer prekindergarten program delivered by a public school, or a school-year prekindergarten program delivered by a public school.

The committee substitute specifies that child development providers and public schools in one county would not receive the same funding per student as providers and schools in other counties. Instead each county's allocation per FTE student would be calculated annually by multiplying the base student allocation in the General Appropriations Act by the county's district cost differential.³⁰ The committee substitute requires that child development providers and public schools be paid in accordance with the county's allocation per FTE student.

Advance Payments Based Upon Enrollment

²⁹ The Florida Education Finance Program (FEFP) encompasses the formula used annually to allocate funds among school districts for the operation of public schools. See s. 1011.62, F.S.

³⁰ The term "district cost differential" refers to an allocation methodology used to adjust statewide education funding based upon each county's relative price levels. See s. 1011.62(2), F.S.:

The Commissioner of Education shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

The committee substitute requires each regional child development board to maintain, through the single point of entry,³¹ a current database of the students enrolled in the Pre-K program for each county in the board's region.

The committee substitute directs the Department of Education to adopt procedures for the payment of child development providers and public schools for the Pre-K program. These procedures must provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments based upon the certified student attendance. The procedures must also provide for the monthly distribution of funds by the department to the regional child development boards for payment by the boards to child development providers and public schools.

Attendance Policies and Reporting

The committee substitute requires a parent enrolling his or her child in the Pre-K program to agree to compliance with the attendance policy of the respective child development provider or district school board. Upon enrollment of a child, the provider or school must provide the child's parent with a copy of the applicable provider's or school district's attendance policy. The committee substitute specifies that each provider's and district school board's attendance policy must require the parent to verify, each month, the student's attendance on the prior month's certified student attendance.

The parent must submit verification of the student's attendance to the provider or school. In addition, the verification must include a certification, in substantially the following form, that the parent continues to choose the provider or school and directs that payments for the program be made to the provider or school:

**VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE**

I, (Name of Parent), swear (or affirm) that my child, (Name of Student), attended the Florida Prekindergarten Education Program on the days listed above and certify that I continue to choose (Name of Provider or School) to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

(Signature of Parent)
(Date)

The committee substitute requires each provider or school to submit the parental verifications to the regional child development board, which must keep the verifications in accordance with the Public Records Law.³² The committee substitute requires the regional child development boards to review the parental verifications, in accordance with procedures adopted by the Department of Education, using selective inspection techniques, including, but not limited to, random sampling.

³¹ See the discussion about the single point of entry, *infra*, on page 25 of this staff analysis.

³² Chapter 119, F.S.

Enforcing Attendance Policies

The committee substitute authorizes a provider or school to dismiss a student who does not comply with the provider's or school district's attendance policy. A student dismissed for attendance violations is not removed from the Pre-K program and may continue in the program through reenrollment with another provider or school. However, a school district is not required to provide for the admission of a student dismissed for attendance violations.

Administrative Funding

The committee substitute prohibits a regional child development board from withholding any portion of the funds paid by the board to providers and schools for administrative costs. The committee substitute directs the Department of Education to annually allocate administrative funds to each regional child development board from funds provided in the General Appropriations Act for that purpose. The committee substitutes limits the use of these funds to administration of the Pre-K program. The committee substitute limits each board's administrative funds to 3 percent of the program funds paid by the board to providers and schools.

Prohibited Fees and Charges

The committee substitute prohibits a child development provider or public school, except as otherwise expressly authorized by law, from:

- Imposing or collecting a fee or charge for services provided for a child in the Pre-K program during a period reported for funding purposes; or
- Requiring a child to enroll in, or requiring the payment of any fee or charge for, supplemental services as a condition of admitting a child in the Pre-K program.

Funding of Transportation Services Prohibited

The committee substitute prohibits state Pre-K program funds from being used for the transportation of students to and from the program. The committee substitute declares that a parent is responsible for the transportation of his or her child to and from the Pre-K program, regardless of whether the program is delivered by a child development provider or a public school.

Division of Early Childhood Education

The committee substitute provides that the Pre-K program is created within the Department of Education. The committee substitute creates the Division of Early Childhood Education in the department, under the direction of a Chancellor for Early Childhood Education. The division, with the advice of the Florida Child Development Advisory Council, would administer the Pre-K program at the statewide level. The division would be responsible for administering the powers and duties assigned to the department for the Pre-K program.

The committee substitute requires the department to adopt procedures for:

- Enrolling children in and determining the eligibility of children for the Pre-K program.
- Providing parents with profiles of child development providers and public schools.
- Registering and determining the eligibility of child development providers participating in the program.
- Verifying Gold Seal Quality Program standards.
- Approving prekindergarten director credentials.
- Approving emergent literacy training courses.
- Certifying the eligibility of school districts for the school-year Pre-K program.
- Verifying the compliance of child development providers and public schools, and removing providers or schools from eligibility to participate in the program for noncompliance.
- Approving improvement plans of child development providers and public schools.
- Placing child development providers and public schools on probation and requiring corrective actions.
- Administering the statewide kindergarten screening and calculating kindergarten readiness rates.
- Distributing funds to regional child development boards.
- Paying child development providers and public schools.
- Documenting and certifying student enrollment and attendance.
- Reconciling advance payments.
- Reenrolling students dismissed by a child development provider or public school for noncompliance with the provider or school district's attendance policy.
- Allocating administrative funds among regional child development boards.

The committee substitute directs the State Board of Education to adopt rules for administration of the Pre-K program. The committee substitute requires the state board to adopt initial rules for the program by January 1, 2005.

The committee substitute prohibits the Department of Education, except as otherwise provided by law, from:

- Imposing requirements on a child development provider that does not participate in the Pre-K program or receive state funds for the Pre-K program;
- Imposing requirements on a regional child development board which are not necessary for the administration of the Pre-K program; or
- Administering powers and duties assigned to the Agency for Workforce Innovation or a regional child development board under the school readiness program (see s. 411.01, F.S.).

Florida Child Development Advisory Council

The committee substitute creates the Florida Child Development Advisory Council within the Department of Education to provide advice to the department and the Agency for Workforce Innovation on child development policy, including advice related to the Pre-K program and the school readiness program. The department is required to provide staff and administrative support for the advisory council.

The advisory council is required to meet at least quarterly but may meet as often as necessary. Advisory council members are required to serve without compensation but would be reimbursed for per diem and travel expenses for attendance at council meetings. Each advisory council member would also be subject to the Code of Ethics for public officers and employees in part III of ch. 112, F.S., and would also be governed by the sovereign immunity requirements in s. 768.28, F.S.

The committee substitute specifies that the advisory council would be composed of the following 25 members:

- Eleven members appointed by the Governor, as follows:
 - Chair of the advisory council and one other member, who must both be private-sector business members with the same qualifications as private-sector business members appointed to a regional child development board.³³
 - A representative of nonpublic schools accredited by accrediting associations in either the National Council for Private School Accreditation or the Commission on International and Trans-Regional Accreditation.
 - A representative of nonpublic schools accredited by accrediting associations in the Florida Association of Academic Nonpublic Schools.
 - A representative of licensed child care facilities.
 - A representative of licensed or registered family day care homes.
 - A representative of licensed large family child care homes.
 - A representative of faith-based child care providers.
 - A representative of programs for prekindergarten children with disabilities under the federal Individuals with Disabilities Education Act.
 - A public school classroom teacher.
 - A district superintendent of schools.
- The director of the Florida Head Start-State Collaboration Office.
- A chair of a regional child development board who shall be selected by the chairs of the regional child development boards.
- An executive director of a regional child development board who shall be selected by the executive directors of the regional child development boards.
- The chair of the Child Care Executive Partnership.
- The chair or executive director of Workforce Florida, Inc., or his or her designee.
- The director of the Division of Community Colleges of the Department of Education.
- The Secretary of Health or his or her designee.
- The director of the Child Care Services Program Office of the Department of Children and Family Services.
- The Deputy Director for Child Development of the Agency for Workforce Innovation.
- The Chancellor for Early Childhood Education.
- Two members appointed by and who serve at the pleasure of the President of the Senate and two members appointed by and who serve at the pleasure of the Speaker of the House of Representatives, who must each be private-sector business members with the same

³³ See the discussion about the membership of regional child development boards, *infra*, on pages 23 and 24 of this staff analysis.

qualifications as private-sector business members appointed to a regional child development board.

The members appointed by the Governor must be geographically and demographically representative of the state. These members shall be appointed to terms of 3 years each, except that, to establish staggered terms, one-half of the these members shall be appointed to initial terms of 2 years each. These appointed members may serve a maximum of two consecutive terms.

Summer Prekindergarten Demonstration Program

The committee substitute creates a summer Pre-K demonstration program to be implemented during the summer 2004 in the Baker, Duval, Hillsborough, Martin, Miami-Dade, Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla school districts. The demonstration program would implement the summer Pre-K program delivered by public schools within the demonstration districts.

The committee substitute directs the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) to develop a research design for the demonstration program which ensures that students in the demonstration program are demographically representative of students statewide and that the sample size is sufficient to generate statistically valid data.

The committee substitute provides a \$7 million appropriation from nonrecurring funds in the General Revenue Fund for the Department of Education to implement the summer Pre-K demonstration program during the 2003-2004 fiscal year. The committee substitute authorizes the department to certify forward any unexpended balance of these funds at the end of the 2003-2004 fiscal year for continued implementation of the demonstration program during summer 2004.

The committee substitute directs that these funds would be allocated based upon each demonstration district's student enrollment in the demonstration program. The committee substitute specifies that each demonstration district's student enrollment in the demonstration program, and the demographic composition of the student enrollment, must be consistent with the research design developed by OPPAGA.

The committee substitute specifies that a full-time equivalent (FTE) student in the summer Pre-K program is 300 hours, and the base student allocation is \$2,500 per FTE student. The committee substitute specifies that schools in one demonstration district would not receive the same funding per student as schools in other demonstration districts. Instead each demonstration district's allocation per FTE student would be calculated by multiplying the \$2,500 base student allocation by the respective district cost differential.³⁴

³⁴ See *District Cost Differential*, *supra* note 30.

The committee substitute requires each demonstration district and demonstration school to implement the demonstration program in accordance with the research design developed by OPPAGA, and to the maximum extent practicable, in accordance with the permanent Pre-K program requirements. The committee substitute specifies that each demonstration school must maintain a teacher-to-student ratio of at least one Florida certified teacher for every 10 students in the demonstration program.

Each demonstration district is required to submit to OPPAGA the results of the statewide kindergarten screening instrument administered to students who completed the summer Pre-K demonstration program. Each district is also required to submit all information requested by the Department of Education for reporting and funding purposes.

By January 15, 2005, OPPAGA is directed to conduct an evaluation of the demonstration program in consultation with the Legislature. Each demonstration district shall submit data about the demonstration program as requested by OPPAGA.

The committee substitute provides for the expiration of the provisions governing the summer Pre-K program on July 1, 2005.

Professional Development for Prekindergarten Programs

The committee substitute requires the Department of Education, by January 15, 2005, with the advice of Florida Child Development Advisory Council, to submit recommendations to the Legislature on professional development programs for the Pre-K program. The recommendations must:

- Comprise options for the professional development of prekindergarten directors, teachers, and child care personnel;
- Address curricula and appropriate delivery systems for the programs and consider the use of Internet-based applications for instruction or assessment; and
- Include the estimated costs of the professional development programs, including nonrecurring startup costs and recurring operational costs.

Cost Projections

The committee substitute requires the Governor to submit to the Legislature, as part of the Governor's recommended budget for the 2005-2006 fiscal year, the Governor's annual cost projections for the prekindergarten education program for the 5-year period ending with the 2009-2010 fiscal year. The cost projections must be based on the Governor's estimated number of children to be served annually in the Pre-K program, including annual estimates for the potential shift of children to the Pre-K program from school readiness programs.

School Readiness System

The committee substitute revises the governance structure of the school readiness system by abolishing the Florida Partnership for School Readiness and directing the Agency for Workforce Innovation (AWI) to govern state-level policy and provide statewide coordination of school

readiness programs, with regional child development boards administering the school readiness programs at the county or regional level.

The committee substitute creates the Office of Child Development within AWI to administer the school readiness system. The director of AWI would appoint a Deputy Director for Child Development, who would direct the office and who would serve at the pleasure of the director of AWI.

Effective July 1, 2004, the committee substitute transfers to AWI the partnership's powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds by a type two transfer.³⁵

The committee substitute makes the following changes associated with AWI's assuming of the powers and duties of the Florida Partnership for School Readiness:

- The Governor may designate AWI as the lead agency for purposes of the Child Care and Development Fund (CCDF).
- AWI may adopt rules to administer the school readiness program.
- AWI is prohibited from imposing requirements on a child care or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under the School Readiness Act (s. 411.01, F.S.), and from administering powers and duties assigned to the Department of Education or the regional child development boards under the Pre-K program.
- AWI, with the advice of Florida Child Development Advisory Council, is directed to coordinate the efforts toward school readiness and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.
- AWI, with the advice of Florida Child Development Advisory Council, must identify best practices of regional child development boards to improve the outcomes of school readiness programs.

Regional Child Development Boards

The committee substitute revises the structure and composition of the local school readiness coalitions. Effective July 1, 2004, school readiness coalitions are renamed as "regional child development boards." All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of each school readiness coalition are not transferred but are retained by each coalition upon its renaming as a regional child development board.

³⁵ Section 20.06(2), F.S., defines a "type two transfer" as the:

merging into another agency or department of an existing agency or department or a program, activity, or function thereof or, if certain identifiable units or subunits, programs, activities, or functions are removed from the existing agency or department, or are abolished, it is the merging into an agency or department of the existing agency or department with the certain identifiable units or subunits, programs, activities, or functions removed therefrom or abolished.

Effective January 1, 2005, the committee substitute provides for a reduction of the number of regional child development boards. AWI is directed, with the advice of the Florida Child Development Advisory Council, to establish the minimum number of children younger than kindergarten eligibility to be served by each regional child development board through the board's school readiness program. The committee substitute prohibits AWI from approving school readiness plans that do not comply with this minimum number. The minimum number must be uniform for each board, must permit 30 or fewer boards to be established, and must require each board to serve at least 1,500 children younger than kindergarten eligibility. If a board cannot meet the minimum threshold established by AWI, the committee substitute requires the board to join with another county to form a multicounty board.

The committee substitute requires each regional child development board to be organized in accordance with these provisions by January 1, 2005. By June 30, 2005, each board must complete the transfer to the successor board, if applicable.

Membership

The committee substitute revises the membership of the regional child development boards by requiring each board to be composed of at least 18 members but not more than 35 members, whereas the maximum number under current law is 25 members (s. 411.01(5)(a)2., F.S.). AWI, with the advice of the Florida Child Development Advisory Council, would adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. The committee substitute requires these standards to include variations for multicounty boards.

The committee substitute directs the Governor to appoint the chair and two other members of each regional child development board, who must each meet the same qualifications as private-sector business members appointed by the board. In addition, the committee substitute authorizes the regional workforce board executive director to have his or her designee serve on the board. The committee substitute adds a president of a community college or his or her designee to each regional board and clarifies that the head of a child care licensing agency, for purposes of membership on the regional boards, means an agency head of a local licensing agency as defined in s. 402.302, F.S. The committee substitute revises the representation of private child care providers to include family day care homes. The committee substitute deletes from membership on the regional boards a member appointed by a Department of Children and Family Services (DCF) district administrator and a member appointed by a district school board, but retains on each regional board a DCF district administrator and a member appointed by a district superintendent of schools. The committee substitute also adds to the regional boards a representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

Including the members appointed by the Governor, the committee substitute requires that more than one third of the members of each regional child development board must be private-sector business members who do not have, and who do not have a relative that has, a substantial financial interest in the design or delivery of the Pre-K program or the board's school readiness program. The committee substitute directs AWI to adopt criteria for the appointment of private-

sector business members, which must include standards for determining whether a member or relative has a substantial financial interest.

The committee substitute declares that each member of a regional child development board is subject to three sections in the Code of Ethics for public officers and employees: s. 112.313, F.S. (standards of conduct), s. 112.3135, F.S. (restriction on employment of relatives), and s. 112.3143, F.S. (voting conflicts). For purposes of provisions governing actions by public officers with voting conflicts (i.e., s. 112.3143(3)(a), F.S.), the committee substitute specifies that each regional board member is a local public officer who must abstain from voting when a voting conflict exists.

The committee substitute requires each regional child development board to establish the terms for all appointed members of the board. The terms may not exceed 4 years and members may serve a maximum of two consecutive terms.

Payments and Competitive Procurement

The committee substitute requires each regional child development board to adopt a payment schedule for the school readiness program. The payment schedule must be submitted for approval by AWI. The committee substitute eliminates the requirement that a school readiness program must serve at least as many children as were served prior to implementation of the program. In lieu of this requirement, AWI is required to consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving proposed increases in payment rates submitted by a regional child development board.

The committee substitute requires each regional child development board to comply with provisions governing competitive procurement (i.e., s. 287.057, F.S.) for the procurement of commodities or contractual services from state, federal, maintenance-of-effort, or matching funds provided for school readiness programs. The committee substitute specifies that a contract for the purchase of commodities or contractual services, including any renewal of the original contract, may not exceed 3 years.

Single Point of Entry

The committee substitute directs the Agency for Workforce Innovation (AWI) to establish a single statewide information system that integrates each regional child development board's single point of entry, and each board must use the statewide system. The committee substitute defines a "single point of entry" to mean an integrated information system that:

- Allows a parent to enroll his or her child in the school readiness program at various locations throughout the county or multicounty region served by a regional child development board;
- May allow a parent to enroll his or her child by telephone or through an Internet website; or
- Uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program.

School Readiness Programs

Performance Standards and Outcome Measures

The committee substitute requires the Agency for Workforce Innovation (AWI), with the advice of Florida Child Development Advisory Council and the Department of Education, to adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of certain school readiness skills. AWI is directed to integrate the performance standards for school readiness programs into the performance standards adopted by the Department of Education for the Pre-K program.

The committee substitute specifies that each school readiness program must, at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills, as measured by the performance standards and outcome measures adopted by AWI.

School Readiness Plans

The committee substitute revises requirements for the school readiness plans. The committee substitute:

- Requires the authorization of AWI before a regional child development board implements a school readiness plan.
- Requires AWI, with advice from the Florida Child Development Advisory Council, to adopt criteria for the approval of school readiness plans, which must be consistent with the performance standards and outcome measures adopted by AWI.
- Requires the plan to demonstrate how the program would enhance the age-appropriate progress of the children in attaining the performance standards adopted by AWI.
- Requires the plan to include the business organization of the regional child development board, including the articles of incorporation and bylaws if the board is organized as a corporation. If the board is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent.
- Requires AWI, with the advice of Florida Child Development Advisory Council, to adopt and administer a quality-assurance system. AWI must use the quality-assurance system to monitor and evaluate the performance of each regional child development board in administering the school readiness program and implementing the board's school readiness plan. The quality-assurance plan must include onsite monitoring of each board's finances, management, operations, and programs.
- Authorizes AWI to reject a regional child development board's plan and contract with a qualified entity to continue school readiness services until the board is reestablished through adoption by AWI of a plan. AWI may only exercise this authority if AWI determines, during its annual review of plans or through the quality-assurance system, that a regional child development board has not substantially implemented its plan or has not substantially met the performance standards and outcome measures adopted by AWI.
- Prohibits the implementation of revised plans until AWI approves the revisions.
- Prohibits a regional child development board from being a child development provider.

School Readiness Priority

The committee substitute revises and clarifies the school readiness program priority for eligible children. The committee substitute adds to the priority groups those children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services but who are not otherwise given priority. In effect, the committee substitute authorizes that priority be given for at-risk children younger than 3 years of age. In addition, the committee substitute makes permanent requirements that require first priority for placement in school readiness programs to be given to children who are from families receiving temporary cash assistance and subject to federal work requirements.

Funding

The committee substitute provides that all state, federal, and required local maintenance-of-effort or matching funds provided to a regional child development board shall be used in implementing the board's school readiness plan. The committee substitute requires AWI to annually distribute, to the maximum extent practicable, all eligible funds provided under s. 411.01, F.S., as block grants to the regional child development boards.

Unauthorized Transfers

The committee substitute prohibits AWI from transferring to the Department of Education, through an interagency agreement or through any other means, any of the agency's powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds which are provided for purposes of the School Readiness Act (s. 411.01, F.S.), without specific legislative authority.

Auditor General

The committee substitute authorizes the Auditor General to conduct audits of the school readiness system and the regional child development boards.

Child Development Programs Estimating Conference

The committee substitute renames the School Readiness Estimating Conference as the Child Development Programs Estimating Conference and provides the conference with additional estimating duties with respect to the number of children eligible for the Pre-K program. The committee substitute directs the Department of Education to provide, in a timely manner, information about the needs for the Pre-K program as requested by the estimating conference or individual conference principals.

Conforming Changes

The committee substitute makes conforming changes throughout the Florida Statutes to reflect the new organizational structure of the Pre-K program and the school readiness system, and to delete obsolete provisions.

Repeals

The committee substitute repeals s. 411.012, F.S., relating to the voluntary universal prekindergarten education program, and s. 1008.21, F.S., relating to the school readiness uniform screening.

Effective Date

The committee substitute specifies that it takes effect upon becoming a law, except as otherwise expressly provided in the committee substitute.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Eligible Students

Section 1(b), Art. IX of the State Constitution requires every four-year-old to be provided a high quality learning opportunity in the form of early childhood education program. The committee substitute allows a child who will have attained 4 years of age on or before September 1 of the school year is eligible during that school year. The child remains eligible until the child has attained the age of 5 years on or before September 1 of the school year or the child is admitted to kindergarten, whichever occurs first. A student who is not 4 years old on September 1 of the school year may not actually receive a prekindergarten education until the student is 5 years old. Accordingly, based on a strict, literal interpretation of the State Constitution, this provision could be challenged.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The committee substitute establishes the governance structure and basic program standards for the Florida Prekindergarten Education Program to be implemented beginning with the 2005-2006 school year. Parents who choose to enroll their children in

the program would receive the benefits of this voluntary, free program. Child development providers who choose to deliver the program would be eligible to receive state funds under the program and would be responsible for complying with the program requirements. The committee substitute does not alter requirements for the licensure of child care providers under ss. 402.301-402.319, F.S., nor does the committee substitute impose requirements upon providers who choose not to participate in the program.

C. Government Sector Impact:

The committee substitute does not provide for implementation of the Florida Prekindergarten (Pre-K) Education Program until the 2005-2006 school year. The committee substitute includes a \$7 million appropriation for the summer Pre-K demonstration program to be implemented during summer 2004,³⁶ which would likely extend from the 2003-2004 fiscal year into the 2004-2005 fiscal year. The committee substitute authorizes funds to be certified forward for this purpose.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

³⁶ See the discussion about the summer prekindergarten demonstration program on pages 20 and 21 of this staff analysis.