

# 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/SB 3036

SPONSOR: Education Committee and Senator Carlton

SUBJECT: Early Childhood Education

DATE: March 31, 2004      REVISED: \_\_\_\_\_

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

**I. Summary:**

This committee substitute (CS) implements s. 1(b) and (c), Art. IX of the State Constitution by creating the Florida Prekindergarten Education Program within the Department of Education (DOE). The prekindergarten Education Program affords parental choice by providing parents with two prekindergarten education options for their eligible children: a prekindergarten education program offered by child development providers operating under regional child development boards, or a prekindergarten summer education program offered by school districts. The CS:

- Requires child development providers participating in the prekindergarten education program to be licensed or exempt from licensure; have credentialed teachers or childcare personnel, including successful completion of an emerging literacy course; and meet the teacher-student ratio and program length adopted by the 2005 Legislature.
- Requires school districts to select the public schools participating in the prekindergarten summer education program. A participating public school must maintain a teacher-to-student ratio of at least one certified teacher for every six students and use educational facilities available in the public schools during the summer term for the summer prekindergarten education program.
- Mandates accountability by requiring DOE to adopt performance standards. A child development provider or public school may select the curriculum of their choice as long as the curriculum addresses prekindergarten standards including emerging literacy. However, if any child development provider or public school fails to maintain an 85 percent kindergarten readiness rate based on the results of the statewide screening instrument, the provider or public school would be subject to corrective action such as use of a DOE approved curriculum.

- Provides a timeframe for revising the current statewide screening instrument to measure readiness for kindergarten.
- Provides a funding mechanism for the prekindergarten education program based on full-time equivalent (FTE) student membership and certified attendance. An FTE shall be 300 hours in the prekindergarten summer education program offered by public schools. The 2005 Legislature shall set the program length for the child development providers. A student may not be reported for funding purposes as more than one FTE.
- Requires membership surveys of the participating child development providers and public schools to be administered by the regional child development boards and school districts, respectively. Initial funding allocations shall be based on estimates provided by the Child Development Programs Estimating Conference. Funding shall flow from the Department of Education through the school districts to the regional child development boards, and ultimately to the child development providers. The school districts and regional child development boards may not withhold funds from the child development providers for administrative costs. The CS provides that DOE shall annually allocate administrative funds to the regional child development boards from funds provided in the General Appropriations Act based on each board's FTE student membership.
- Prohibits a child development provider or public school from imposing or collecting a fee from parents for services provided under the prekindergarten education program. The CS prohibits state funds from being used under the prekindergarten education program for religious worship or instruction in accordance with the State Constitution. In addition, the CS requires the parent to be responsible for transportation of his or her child to the prekindergarten education program.
- Creates the Florida Child Development Advisory Council (FCDAC) within DOE, to provide advice to DOE and the Agency for Workforce Innovation (AWI) on child development policy.
- Abolishes the Partnership for School Readiness and transfers the current school readiness programs to AWI. AWI shall be directly responsible for oversight of the school readiness program and regional child development boards. The CS renames the school readiness coalitions as regional child development boards, who are responsible for local level implementation.
- Reduces the number of coalitions to at least 30 or fewer boards and requires each board to serve at least 1,500 students.
- Creates a summer prekindergarten education program in selected school districts for the 2003-2004 fiscal year. The Office of Program Policy Analysis and Government Accountability must conduct a study of the pilot program before the 2005 Legislative Session.

The CS creates Part V of chapter 1002, F.S., entitled the Florida Prekindergarten Education Program and consisting of ss. 1002.51, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71, and 1002.73, F.S.

The CS substantially amends ss. 411.01, 11.45, 20.15, 20.50, 125.901, 216.133, 216.136, 402.3016, 411.011, 411.226, 411.227, 624.91, 1001.23, 1002.22, F.S.

The CS repeals ss. 411.012 and 1008.21, F.S.

## II. Present Situation:

### **Voluntary Universal Prekindergarten Education Program**

In 2002, the electors of Florida amended the State Constitution to require 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.<sup>1</sup> 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.<sup>2</sup> The State Board of Education established a Universal Prekindergarten Education Advisory Council, which issued a report of its recommendations to the state board in October 2003.<sup>3</sup> The State Board of Education subsequently accepted the advisory council's report and issued a final report,<sup>4</sup> which was submitted to the Legislature in December 2003. In addition, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct audits of the school readiness system and submit reports by January 15, 2004.<sup>5</sup> In particular, the Legislature directed OPPAGA to assess the implementation, efficiency, and outcomes of the school readiness programs and to examine the progress achieved by the Florida Partnership for School Readiness and school readiness coalitions. In particular, OPPAGA was directed to evaluate the ability of the school readiness system to effectively implement the voluntary universal prekindergarten education program.

### **Program Review of the School Readiness System**

In January 2004, OPPAGA released its report and found that, although the school readiness system's potential is beginning to be realized at the local level, there is inadequate statewide guidance by the Florida Partnership for School Readiness, which is hindering progress of the school readiness system.<sup>6</sup> OPPAGA opined that most school readiness coalitions could effectively implement the universal prekindergarten education program if given appropriate statewide guidance.<sup>7</sup>

In 2002, OPPAGA reviewed the existing school readiness system.<sup>8</sup> The report found the Florida Partnership for School Readiness and the local school readiness coalitions had not implemented key elements of the school readiness program as required by law, including the establishment of an assessment system using a uniform screening instrument that measures the readiness of children entering kindergarten and the development of performance standards and outcome measures. The report also found that certain issues could jeopardize the future of the school readiness system, including the following:

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<sup>1</sup> Section 1(b) and (c), Art. IX of the State Constitution.

<sup>2</sup> Section 411.012, F.S.

<sup>3</sup> Florida State Board of Education, Universal Prekindergarten Education Advisory Council, *Report and Recommendations to the Florida State Board of Education* (Oct. 21, 2003).

<sup>4</sup> Florida State Board of Education, *A Study of the Curriculum, Design, and Standards for Florida's Voluntary Universal Prekindergarten Education Program* (Nov. 18, 2003).

<sup>5</sup> Section 2, ch. 2003-93, L.O.F.

<sup>6</sup> OPPAGA, *School Readiness Program's Potential Is Beginning to Be Realized, But Is Hindered by Partnership Guidance Issues*, Report No. 04-06 (Jan. 2004).

<sup>7</sup> Id.

<sup>8</sup> OPPAGA, Florida Legislature, *Program Review: School Readiness Program's Potential Not Realized With Critical Issues Unresolved*, Report No. 02-07 (Jan. 2002), available at <http://www.oppaga.state.fl.us/reports/pdf/0207rpt.pdf>.

- Several school districts had chosen to terminate their school-based prekindergarten services;
- Disagreements between the partnership and the local coalitions over the partnership's authority to administer the school readiness system had caused disruption in implementation of the school readiness program;
- Local coalitions had difficulty retaining the participation of private-sector members who do not, and whose families do not, earn an income from the early education and childcare industry; and
- Smaller school readiness coalitions had difficulty affording a full-time staff within the requirement that total administrative expenditures are limited to 5 percent unless specifically waived by the partnership.<sup>9</sup>

### **Senate Select Committee on Constitutional Amendment Implementation**

On February 17, 2003, a Senate Select Committee on Constitutional Amendment Implementation adopted recommendations concerning the implementation of Amendment No. 8 (Voluntary Universal Pre-Kindergarten Education).<sup>10</sup> The select committee's recommendations, which established a strategy to begin the planning and implementation of a new voluntary universal prekindergarten education program to effectuate the constitutional amendment, included the following:

- **Governance.**—The existing school readiness system (i.e., Florida Partnership for School Readiness, local school readiness coalitions, and the Agency for Workforce Innovation) should be used as the base from which to implement the new voluntary universal prekindergarten education program, but improvements to the existing system should be determined, especially at the local level. The Office of Program Policy Analysis and Government Accountability should conduct a follow-up study on the existing system, which should include models for improvement of the existing school readiness system.
- **Time factor.**—During the 2003 Regular Session, the Legislature should designate the existing school readiness system as the basic governance structure for implementation of the constitutional amendment and should require a study of the existing system to identify modifications needed for improvement. During the 2004 Regular Session, the Legislature should review the completed study recommendations, finalize the curriculum for the new voluntary universal prekindergarten education program, enact modifications needed to improve the existing school readiness system, and, if funding is available, begin to phase in implementation of the new program by expanding the eligibility criteria (e.g., family income) of the existing system. No later than the beginning of the 2005-2006 school year, the Legislature must begin full implementation of the new voluntary universal prekindergarten education program for every 4-year-old child in the state. The Legislature should monitor implementation of the new program and schedule a mandatory review of the program for the 2006 Regular Session.
- **Program design and standards.**—The Department of Education should recommend options for the curriculum of the new voluntary universal prekindergarten education program and

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<sup>9</sup> Section 411.01(9)(d), F.S.

<sup>10</sup> Florida Senate, Select Committee on Constitutional Amendment Implementation, *Amendment No. 8—Voluntary Universal Pre-Kindergarten Education* (Feb. 19, 2003), available at <http://www.flsenate.gov/data/committees/senate/sci/recommendations/amendments8and6.pdf> (last modified Feb. 20, 2003).

should maintain a continuing role in the development of the program's curriculum. In addition, the program's design must contain minimum standards for certification of providers based on health and safety and on outcome measurement.

- ***Delivery systems.***—The new voluntary universal prekindergarten education program should use both school-based providers and private providers to deliver services.
- ***Funding.***—Funds for the new voluntary universal prekindergarten education program should be allocated by the Florida Partnership for School Readiness to the local school readiness coalitions for distribution to providers in the most efficient manner, although current methods of allocation should be reexamined to ensure equity.

### **School Readiness Programs**

In 1999, the Legislature enacted the School Readiness Act, which consolidated the state's early childhood education and childcare programs into one integrated program of school readiness services.<sup>11</sup> School readiness coalitions design, operate, and manage the school readiness program at the local level. The Florida Partnership for School Readiness provides state oversight for the local coalitions by adopting a system for measuring school readiness; developing performance standards and outcome measurements, data design and review; and approving and reviewing local school readiness coalitions and plans.

Fifty school readiness coalitions, encompassing all 67 counties of the state, currently operate under approved plans.<sup>12</sup> The partnership may approve a coalition's plan, reject the plan, or approve the plan with conditions.<sup>13</sup> If a coalition's school readiness plan serves fewer than 400 children less than 5 years of age, the coalition must:

- Join with another coalition to form a multi-county coalition;
- Enter into an agreement with a fiscal agent to serve more than one coalition; or
- Demonstrate to the partnership its ability to implement its plan and meet all performance standards and outcome measures.<sup>14</sup>

Forty-three counties are organized as single-county school readiness coalitions. The remaining 24 counties are grouped into seven multi-county coalitions:

- Baker, Bradford, Clay, and Nassau counties.
- Bay, Calhoun, Franklin, and Gulf counties.
- Columbia, Hamilton, Lafayette, Suwannee, and Union counties.
- Dixie, Gilchrist, and Levy counties.
- Glades and Hendry counties.
- Holmes and Washington counties.
- Jefferson, Liberty, Madison, and Wakulla counties.

School readiness programs must contain, at a minimum, the following elements:

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<sup>11</sup> Chapter 99-357, L.O.F.

<sup>12</sup> Florida Partnership for School Readiness, *2002 Annual Report: Ready to Reach for the Stars* 6, 15, & 17-18 (Mar. 2003).

<sup>13</sup> Section 411.01(5)(d)2., F.S.

<sup>14</sup> Section 411.01(5)(a)1., F.S.

- 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 childcare providers.<sup>15</sup>

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:

- 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.<sup>16</sup>

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;<sup>17</sup>
- Transfer of the subsidized childcare program, the prekindergarten early intervention program, the migrant education program, and the Florida First Start Program to the Agency for Workforce Innovation;<sup>18</sup>
- Transfer of the Childcare Executive Partnership and the statewide resource and referral network to the Agency for Workforce Innovation;<sup>19</sup> and
- Designation of the Agency for Workforce Innovation as the lead agency for the federal Even Start Family Literacy Programs.<sup>20</sup>

### **Regulation of Childcare Providers**

The delivery system for school readiness programs is comprised of childcare providers and of school-based sites operated by public and nonpublic schools.<sup>21</sup> Childcare providers are distinguished by six types of settings: childcare facilities, specialized childcare facilities for the

<sup>15</sup> Section 411.01(5)(c)2., F.S.

<sup>16</sup> Section 411.01(5)(d)3. and 5., F.S.

<sup>17</sup> Section 16, ch. 2001-170, L.O.F.

<sup>18</sup> Sections 17 and 18, ch. 2001-170, L.O.F.

<sup>19</sup> Section 17, ch. 2001-170, L.O.F.

<sup>20</sup> Section 19, ch. 2001-170, L.O.F.; s. 411.0105, F.S.

<sup>21</sup> Section 411.01(5)(d)3.b., F.S.

care of mildly ill children, large family childcare homes, family day care homes, religious-exempt providers,<sup>22</sup> and informal providers.<sup>23</sup> Childcare providers are generally subject to two parallel systems of regulatory requirements. Unless exempted, all childcare providers other than informal providers are subject to state regulation,<sup>24</sup> 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 childcare services; childcare personnel requirements (e.g., training, professional credentials, and background screening); and staff-to-children ratios.<sup>25</sup> Childcare 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 childcare facilities in the state must be licensed.<sup>26</sup> Specialized childcare facilities for the care of mildly ill children and large family childcare homes also must be licensed.<sup>27</sup> Depending on local requirements, family day care homes either must be licensed or registered.<sup>28</sup> The licensure or registration of childcare providers is administered by the Childcare 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.<sup>29</sup>

The Childcare Services Program Office also develops, approves, and coordinates training programs for childcare personnel; develops and verifies professional credentials, including the state equivalent of the child development associate and the credential for directors of childcare facilities; and develops standards for the Gold Seal Quality Care program,<sup>30</sup> which creates the basis for increased reimbursement rates in school readiness programs.<sup>31</sup>

### **Funding of School Readiness Programs**

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 Childcare and Development Fund (CCDF) block grant; \$112.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant; \$170.9 million from the state's General Revenue Fund; and \$17.2 million from other funds, including \$500,000 from the federal Social Services Block Grant.<sup>32</sup>

<sup>22</sup> See s. 402.316, F.S.

<sup>23</sup> Although the term "informal childcare 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 childcare industry to refer to a relative or other caregiver who provides unregulated childcare services.

<sup>24</sup> Section 402.312, F.S.

<sup>25</sup> See ss. 402.305, 402.313, and 402.3131, F.S.).

<sup>26</sup> Sections 402.305 and 402.312, F.S.

<sup>27</sup> Sections 402.305(17), 402.312, and 402.3131, F.S.

<sup>28</sup> Sections 402.312 and 402.313, F.S.

<sup>29</sup> Sections 402.306 and 402.307, F.S.

<sup>30</sup> Section 402.281, F.S.

<sup>31</sup> 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 childcare ... 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.").

<sup>32</sup> Specific Appropriations 2010-2022, *General Appropriations Act for Fiscal Year 2003-2004*, ch. 2003-397, L.O.F.

### III. Effect of Proposed Changes:

#### **THE FLORIDA PREKINDERGARTEN EDUCATION PROGRAM**

This committee substitute (CS) implements s. 1(b) and (c), Art. IX of the State Constitution by creating the Florida Prekindergarten Education Program.

#### **Parental Choice**

##### *Options*

The CS affords parental choice by providing parents with two education options for their eligible children: a prekindergarten education program offered by child development providers operating under regional child development boards, or a prekindergarten summer education program offered by school districts. However, a child may not be enrolled in both programs.

A parent may enroll his or her child with any child development provider that is eligible to deliver the prekindergarten education program. However, a child development provider is not required to admit any child. A regional child development board or DOE may not limit the number of students admitted by any child development provider for enrollment in the program.

A parent may enroll his or her child with any public school within the school district, which is eligible to deliver the prekindergarten summer education program, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in the summer prekindergarten program.

##### *Informed Choice*

The CS requires each regional child development board to provide a parent enrolling a child in the prekindergarten education program a profile of each child development provider and public school in a format prescribed by DOE. The profile must include:

- The provider or public school's services, curriculum, teacher credentials, and teacher-to-student ratio;
- The average of kindergarten readiness rates for the provider or public school.

##### *Application*

The CS establishes a single point of entry for parents to apply for both prekindergarten education options by requiring a parent to submit his or her application to the regional development board. The regional child development board must coordinate with the school districts regarding enrollment procedures for students enrolling in the prekindergarten summer education program. The CS requires a parent to submit an application to enroll his or her child in the prekindergarten education program on a form prescribed by DOE. In addition, the parent must submit a certified copy of the child's birth certificate or alternative proof of a child's age as determined by DOE with the application.

The CS does not provide a deadline for submission. Accordingly, the CS does not indicate whether a student who fails to complete an application shall be prohibited from participating in the prekindergarten education program.



***Eligible Students***

Each 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. The CS limits the eligibility of children to state residents.

**Prekindergarten Education Program Delivered by Child Development Providers*****Eligibility of Child Development Providers***

The CS defines eligible child development providers for purposes of the prekindergarten education program. To participate in the program a provider must be a:

- Nonpublic school exempt from licensure under s. 402.3025(2), F.S., which is accredited by an accrediting agency that is recognized and approved by the United States Department of Education;
- Childcare facility licensed under s. 402.305, F.S.;
- Family day care home licensed under s. 402.313, F.S.;
- Large family childcare home licensed under s. 402.3131, F.S.; or
- Religious-affiliated childcare facility exempt from licensure under s. 402.316, F.S., which is a member, participant, or accredited by a state, regional, or national accrediting agency for religious exemption, recognized by the Department of Children and Family Services as enforcing minimum accrediting standards that meet or exceed the minimum licensing standards in s. 402.305(1)-(11), (13), (15), and (16), F.S.

The Department of Children and Family Services may adopt rules to provide procedures for the recognition of accrediting agencies for religious-affiliated childcare facilities exempt from licensure under s. 402.316, F.S.

The CS omits informal childcare providers, which although not statutorily defined, are unlicensed family or relative caregivers, from participation in the program.

***Teacher Credentials***

The CS requires a child development provider, as a condition of participating in the prekindergarten education program and receiving state funds, to employ teachers or childcare personnel with the following credentials:

- A Child Development Associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Regulation;
- A CDA equivalent approved by the Department of Children and Families<sup>33</sup> as being equivalent to or greater than the CDA issued by National Credentialing Program of the Council for Professional Regulation;
- Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

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<sup>33</sup> The CS provides that the Department of Children and Family Services may adopt rules to provide criteria and procedures for the approval of CDA equivalent credentials.

- Bachelor's or higher degree in elementary education, if the teacher has been certified to teach children any age from birth through 6<sup>th</sup> grade, regardless of whether the certificate is current;
- An associate's or higher degree in child development;
- An 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 childcare services for children any age from birth through 8 years of age; or
- An educational credential approved by DOE as being equivalent to or greater than any of the above educational credentials.

### ***Emerging Literacy Training***

In addition, the CS requires a teacher or childcare personnel to successfully complete an emerging literacy training course approved by DOE. DOE shall adopt, with advice from FCDAC, by January 1, 2005, minimum standards for a training course in emerging literacy for teachers and childcare personnel of the prekindergarten education program. The course shall consist of five clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in the development of emerging literacy skills, including oral communication, knowledge of print and letters, and phonological or phonemic awareness.

The emerging literacy training course must meet or exceed the Department of Children and Families' requirements for approved training in early literacy and language development under s. 402.305(2)(d)4., F.S., s. 402.313(6), F.S., and s. 402.3131(5), F.S. Successful completion of the training course satisfies these requirements for approved training.

However, a teacher or childcare personnel is not required to complete the emerging literacy course if the teacher or childcare personnel successfully completes an approved training in early literacy and language development under s. 402.305(2)(d)4., s. 402.313(6), or s. 402.3131(5), F.S., before the establishment of the emerging literacy training course or January 1, 2005, whichever occurs later.

### ***Director Credentials***

The CS requires a director of a child development provider to obtain a prekindergarten director credential approved by DOE. DOE shall adopt by July 1, 2005, with the advice of FCDAC, minimum standards for a credential for prekindergarten directors of child development providers delivering the prekindergarten education program. The credential must include requirements for:

- Education and onsite experience;
- Training in professionally accepted standards for prekindergarten programs, child development, and strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining DOE performance standards for the prekindergarten education program.
- Training in program administration and operations, including management, organizational leadership, and financial and legal issues; and
- The credential must meet or exceed the requirements of the Department of Children and Families for a childcare facility director credential under s. 402.305(2)(f), F.S., and

successful completion of the prekindergarten director credential satisfies the requirements for a childcare facility director credential.

A director satisfies this requirement if the director successfully completes a childcare facility director credential under s. 402.305(2)(f), F.S., before the establishment of the prekindergarten director credential under s. 1002.57, F.S., or July 1, 2005, whichever occurs later.

#### ***Program Length and Teacher-Student Ratios***

The CS requires DOE, by February 15, 2005, with the advice of FCDAC, to recommend to the Governor and the Legislature an appropriate teacher-to-student ratio and program length for prekindergarten programs delivered by child development providers. The recommendations must consider the outcomes of the summer prekindergarten demonstration program and the evaluation of the demonstration program by OPPAGA. The Legislature shall, at the 2005 Regular Session:

- Review the evaluation of the demonstration program by OPPAGA;
- Review the recommendations of DOE;
- Adopt a teacher-to-student ratio and program length for prekindergarten programs delivered by child development providers.

#### ***Licensure Requirements***

The CS requires that the Department of Children and Families or a local licensing agency, if required under ss. 402.301-402.319, F.S., must license a child development provider.

#### ***Registration***

The CS requires a child development provider to register with the regional child development board on forms prescribed by DOE.

#### ***Discrimination***

The CS prohibits a child development provider from refusing to admit a child for enrollment in the prekindergarten education program, or otherwise discriminating against a parent or child, because of the parent's or child's race, color, or national origin.

#### **The Summer Prekindergarten Program**

The CS creates the prekindergarten summer education program within the school districts beginning in the 2005-2006 school year. Each school district shall administer the program and determine which public schools are eligible to deliver the summer prekindergarten program. The school district must use educational facilities available in the public schools during the summer term for the prekindergarten summer education program. Each participating public school:

- Must maintain a teacher-to-student ratio of at least one certified teacher for every six students in the prekindergarten summer education program;
- Must use a certified teacher as provided under s. 1012.56, F.S., who the district determines to be qualified to instruct students in the summer program; and
- May not refuse to admit a child for enrollment in the prekindergarten education program, or otherwise discriminate against a parent or child, because of the parent's or child's race, color, or national origin.

The CS authorizes the school district to determine which teacher may be used to instruct prekindergarten education program students in the summer program. Accordingly, a district may use a certified teacher who does not have a specialization in early childhood education to instruct prekindergarten students.

**The Prekindergarten Summer Education Demonstration Program**

The CS creates a prekindergarten summer education demonstration program to be implemented during the 2004 summer in the following school districts: Baker, Duval, Hillsborough, Martin, Miami-Dade, Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla. The demonstration program shall implement the prekindergarten summer education program delivered by public schools within the demonstration districts.

OPPAGA shall develop a research design for the demonstration program that 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.

Each demonstration district and demonstration school shall implement the demonstration program in accordance with the research design developed by OPPAGA, and to the maximum extent practicable, in accordance with the CS.

By December 1, 2004, DOE shall submit to the Legislature the results of the statewide kindergarten screening instrument administered to students who completed the summer prekindergarten demonstration program.

By January 15, 2005, OPPAGA shall 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 bill provides for an unspecified sum of funds to be appropriated from the General Revenue Fund to DOE to implement the summer prekindergarten demonstration program during the 2003-2004 fiscal year.

Each demonstration district's allocation of funds appropriated for the summer prekindergarten demonstration program shall be based upon each demonstration district's FTE student membership in the demonstration program. The amount allocated per FTE student shall be calculated by DOE and approved by the Florida Education Finance Program Appropriation Allocation Conference in accordance with s. 1011.65, F.S. The calculations must be determined using school district expenditures from the most recent annual program cost report for kindergarten through third grade, based upon the following costs directly related to implementing the demonstration project for 300 hours with one certified teacher for every six students:

- Salary supplement or contract extension for each certified teacher;
- Benefits directly associated with each teacher's additional salary;
- Materials and supplies for each prekindergarten classroom;
- Cost of substitute teachers; and

- Additional costs for school plant operations and maintenance for utilities and custodial services.

Each demonstration district must submit all information requested by DOE for calculating FTE student membership in the demonstration program or for reporting and funding purposes.

Any unexpended balance at the end of the 2003-2004 fiscal year from the funds appropriated for the demonstration program shall be certified forward to the 2004-2005 fiscal year and shall be used to continue implementation of the demonstration program during summer 2004.

The prekindergarten summer education demonstration program expires July 1, 2005.

### **Accountability**

#### ***Performance Standards***

The CS requires DOE, by January 1, 2005, with advice from FCDAC, to adopt performance standards. The standards must address the age-appropriate progress of students as required by the constitution and emerging literacy skills, including oral communication, knowledge of print and letters, and phonological or phonemic awareness.

#### ***Curriculum***

The CS authorizes each child development provider or public school to select its own curriculum, consistent with the adopted prekindergarten standards and emerging literacy requirements, for use in implementing the prekindergarten education program. However, if a child development provider or public school is placed on probation, it must use a curriculum approved by DOE. DOE shall maintain a list of approved curricula, which must be designed to enhance the age-appropriate progress of students in attaining the performance standards adopted by DOE and prepare students to be assessed as ready by the statewide kindergarten screening.

#### ***Compliance***

The CS requires each regional child development board and school district to verify compliance by the child development providers or public schools, respectively, with the prekindergarten education program requirements.

The CS authorizes a regional child development board or DOE to remove a child development provider from participation in the prekindergarten education program for failure or refusal to comply with the program requirements. The CS authorizes a school district or DOE to remove a public school from participation in the prekindergarten summer education program if the school fails or refuses to comply with the program requirements.

#### ***Readiness for Kindergarten***

The CS requires a child development provider or public school to meet certain kindergarten readiness completion rates to avoid sanctions by the regional child development board or the school district, respectively. The statewide screening instrument shall be used to measure the outcomes of the prekindergarten education programs delivered by child development providers or public schools. Beginning with the kindergarten readiness rates for students completing the prekindergarten education 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 completion rates:

- If less than 85 percent of a provider's or public school's prekindergarten education program students are assessed as ready for kindergarten, the regional child development board or school district shall 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 or public school's prekindergarten education students are assessed as ready for kindergarten for 2 consecutive years, the provider or public school shall be placed on probation and required to take certain corrective actions including the use of a DOE approved curriculum. A child development provider or public school that is placed on probation must continue the corrective actions, including the use of DOE approved curriculum until the provider or public school meets the 85-percent kindergarten readiness rate based upon results of the statewide kindergarten screening.

Although the CS provides a regional child development board, public school, or DOE to prohibit a provider or public school from participating in the program that fails or refuses to comply with the program requirements, the CS does not specifically authorize the removal of a provider or public school that fails to meet the 85-percent threshold. Accordingly, a provider or public school could indefinitely participate in the program and never meet the screening standards.

#### ***Statewide kindergarten screening***

The CS requires DOE, with advice from FCDAC, to adopt a statewide kindergarten screening instrument that assesses the readiness of each student for kindergarten based upon the performance standards adopted by DOE for the prekindergarten education program. Each kindergarten student in a public school or private school who participated in the prekindergarten education program must take the screening instrument within 30 days after the student's entry into kindergarten. Each school district shall designate the public schools that administer the statewide kindergarten screening for children admitted to kindergarten in a private school.

The screening instrument must provide objective data on each student's progress in attaining the performance standards adopted by DOE. The screening instrument shall incorporate mechanisms recognizing potential variations in kindergarten readiness rates for children with disabilities.

From the 2004-2005 school year through the 2006-2007 school year, DOE shall use the Early Screening Inventory-Kindergarten (ESI-K) developmental screening instrument as the statewide screening instrument. DOE may administer additional instruments but only if the instruments are administered statewide. During these years, DOE must use the ESI-K to calculate kindergarten readiness rates.

By January 15, 2006, DOE, with the advice of FCDAC, shall recommend to the Legislature valid and reliable screening instruments for the statewide screening instrument. The Legislature shall review the recommendations of DOE at the 2006 Regular Session and adopt screening instruments for statewide kindergarten screening.

DOE shall continue to administer ESI-K during the 2006-2007 school year for baseline data comparisons but beginning with the 2006-2007 school year, DOE shall administer the statewide screening instrument adopted by the Legislature in the 2006 Regular Session.

The Legislature shall review the baseline data and the 85 percent kindergarten readiness rate in the 2007 Regular Session.

For the 2007-2008 school year and beyond, DOE shall use the screening instruments authorized by the Legislature in the 2006 Regular Session to calculate kindergarten readiness rates.

### **Funding**

The CS establishes a funding mechanism for the prekindergarten education program. A categorical fund is created for the program. Categorical funds appropriated for the program shall be in addition to funds appropriated based upon full-time equivalent (FTE) student membership in the program.

Each school district's allocation of funds appropriated for the prekindergarten education program shall be based on the district's FTE student membership as delivered by child development providers within the district and in the summer prekindergarten program delivered by public schools within the district.

DOE shall annually allocate initial funding for the prekindergarten education program to the school districts according to each district's estimated FTE student membership based on the estimates and forecasts of the Child Development Programs Estimating Conference. DOE shall revise and reallocate the initial funding allocations according to each district's FTE membership surveys.

FTE student membership in the prekindergarten education program shall be calculated as follows:

- For a student in a prekindergarten program delivered by a child development provider, in accordance with the program length adopted by the 2005 Legislature.
- For a student in a summer prekindergarten program delivered by a public school, 300 hours.

However, a student may not be reported for funding purposes as more than one FTE.

Each regional child development board and school district shall administer membership surveys in the prekindergarten education program for each child development provider and public school.

A regional child development board shall administer the membership survey to child development providers in October for the fall term, February for the spring term, and June for the end-of-year or summer term. The regional child development board shall report its membership surveys to each school district within the county or multicounty region served by the board.

Each public school shall administer the membership survey during the midweek of the summer prekindergarten program. The school district shall administer the survey in the same manner as

under s. 1011.62(1), F.S. Each school district shall report to DOE the district's membership survey and the regional child development board's membership survey.

The CS does not have a mechanism for distributing allocations on a pro-rata basis if the student membership estimates are inaccurate. Accordingly, in the 2005-2006 school year, if the school district's actual membership in the prekindergarten education program is higher than the initial estimates of the estimating conference, it may result in a situation where there are unfunded FTE(s) in the school district. If the Legislature implements a pro-rata distribution in this or the 2005 Regular Session, and if a school district's actual student membership in the prekindergarten summer education program in the 2005-2006 school year is higher than the initial estimates of the estimating conference, it may result in a situation where a reduction in value per FTE would not be proportionately shared between the school districts and the child development providers.

#### ***Payment Tied to Certified Attendance***

Each regional child development board shall pay child development providers on a monthly basis. To receive payment, a child development provider must certify student attendance to the regional child development board. The regional child development board shall submit the certified student attendance to each school district within the county or multicounty regional served by the board. The school districts shall pay the regional child development board from the funds allocated to the district for each student in accordance with certified student attendance. The regional child development provider within the school district shall pay the funds to each child development provider in accordance with certified student attendance.

The CS does not establish a timeframe for payments to be made. Providers often cite delay in reimbursements in the school readiness program as a problem.

Each parent enrolling his or her child in the prekindergarten education program must agree to comply with the attendance policy of the child development provider or school district, as applicable. Upon enrollment of the child, the provider or school district must provide the parent a copy of the attendance policy.

The child development provider or school district may dismiss a student who does not comply with the provider or district's attendance policy. A student who is dismissed may continue the program through enrollment with another child development provider or public school. A school district is not required to provide for the admission of a student dismissed for failure to comply with the district's attendance policy.

DOE shall adopt procedures for documenting attendance of students in the prekindergarten education program. The procedures must provide requirements for the adjustment of a child development provider or public school's funding when a student has more than five consecutive unexcused absences during a month.

#### ***Administrative Costs***

A school district may not withhold any funds to a regional child development board for administrative costs. A regional child development board may not withhold any funds to a child development provider for administrative costs. DOE shall annually allocate administrative funds to each regional child development board from funds provided in the General Appropriations Act



for administration of the prekindergarten education program based on each regional child development board's FTE student membership in the prekindergarten education program. The amount of each regional child development board's administrative funds may not exceed three percent of the funds paid by the board to child development providers for the prekindergarten education program.

The CS does not provide for administrative costs for school districts in performing their administrative function in acting as a conduit for funds and certified attendance reports from the regional child development boards.

### ***Prohibitions***

Except as otherwise expressly authorized by law, a child development provider or public school may not:

- Impose or collect a fee or charge for services provided for a child enrolled in the prekindergarten education program during a period reported for funding purposes under s. 1002.67(4), F.S., or
- Require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the prekindergarten education program.

State funds provided for the prekindergarten education program may not be used for:

- A sectarian purpose or activity, including religious worship or instruction, to the extent prohibited under s. 3, Art. I of the State Constitution; or
- The transportation of students to and from the program. A parent is responsible for transportation of his or her child.

### **Governance**

The prekindergarten education program shall be housed in DOE. The CS creates the Division of Early Childhood Education in DOE, under the direction of a chancellor. The division, with the advice of the Florida Child Development Advisory Council, shall administer the prekindergarten education program at the statewide level. The division shall administer the powers and duties assigned to DOE under the prekindergarten education program. DOE shall adopt procedures for:

- Enrolling children in and determining the eligibility of children for the prekindergarten education program.
- Providing parents with profiles of child development providers and public schools.
- Registering and determining the eligibility of child development providers to deliver the program.
- Approving prekindergarten director credentials.
- Approving emerging literacy training courses.
- Verifying the compliance of child development providers and public schools, and removing providers or schools from eligibility to deliver 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.
- Allocating categorical funds among school districts.
- Documenting and certifying student attendance and administering membership surveys.
- Reenrolling students dismissed by a child development provider or public school for noncompliance with the provider or school district's attendance policy.
- Paying child development providers, public schools, and regional child development boards.
- Allocating administrative funds among regional child development boards.

Section 120.52(15), F.S., defines a rule for purposes of the Administrative Procedure Act to include an agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency. The State Board of Education should address several of DOE's procedural obligations through rulemaking.

The CS prohibits DOE, except as otherwise provided by law, from:

- Imposing requirements on a child development provider that does not deliver the prekindergarten education program or receive state funds under this part;
- Imposing requirements on a regional child development board, which are not necessary for the administration of the prekindergarten education program; or
- Administering powers and duties assigned to the Agency for Workforce Innovation or a regional child development board under s. 411.01, F.S.

The State Board of Education shall adopt rules under s. 120.536(1), F.S., and s. 120.54, F.S., to administer the prekindergarten education program. The State Board of Education shall adopt initial rules for the prekindergarten education program by January 1, 2005.

**The Florida Child Development Advisory Council:**

The CS creates the Florida Child Development Advisory Council (FCDAC) within DOE to provide advice to DOE and AWI on child development policy, including advice related to the prekindergarten education program and to school readiness under s. 411.01, F.S. DOE shall provide staff and administrative support.

FCDAC shall meet at least quarterly but may meet as often as necessary. Members of FCDAC shall serve without compensation but shall be reimbursed for per diem and travel expenses for attendance of council meetings as provided in s. 112.061, F.S. Each member is subject to the ethics provisions of part III, chapter 112, F.S. Each member is governed by sovereign immunity as provided in s. 768.28, F.S.

FCDAC shall be composed of the following members:

- The Chancellor for Early Childhood Education.
- The Deputy Director for Child Development of AWI.

- The director of the Childcare Services Program Office of DFS.
- The director of the Division of Community Colleges of DOE.
- The Secretary of Health or his or her designee.
- The chair of the Childcare Executive Partnership.
- The chair or executive director of Workforce, Florida, Inc., or his or her designee.
- 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.
- 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 meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6., F.S.
- Six members appointed by the Governor, as follows:
  - The chair of the advisory council and one other member, who must both meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6., F.S.
  - A district superintendent of schools.
  - A representative of private childcare providers, including family day care homes.
  - A representative of faith-based childcare providers.
  - A representative of programs for prekindergarten children with disabilities under the federal Individuals with Disabilities Education Act.

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

#### **Professional Development Programs for the Prekindergarten Education Program**

The CS requires DOE, by January 15, 2005, with the advice of FCDAC, to submit recommendations to the Legislature on professional development programs for the prekindergarten education program. The recommendations must:

- Comprise options for the professional development of prekindergarten directors, teachers, and childcare personnel;
- Address curricula and appropriate delivery systems for the programs and shall 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 CS 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 recommendations for the prekindergarten education program, including the Governor's recommendations for an appropriate program length, teacher-to-student ratio or other minimum staffing requirements or credentials, and curricular requirements for the program. The cost projections must be based on the Governor's estimated number of children to be served annually in the prekindergarten education program, including annual estimates for the potential shift of children to the prekindergarten education program from school readiness programs provided under section 411.01, F.S.

### **THE SCHOOL READINESS SYSTEM**

The CS revises the governance structure of school readiness system by abolishing the Partnership for School Readiness and directing the Agency for Workforce Innovation (AWI) to oversee policy and implementation of school readiness programs at the state level, with regional child development boards administering the school readiness programs at the local level.

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

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

In conformance with AWI assuming the functions of the partnership, the CS makes the following changes:

- The Governor may designate AWI as the lead agency for purposes of the Childcare and Development Fund (CCDF), 45 C.F.R. parts 98 and 99.
- AWI, with the advice of FCDAC and DOE, must 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 the school readiness skills required under s. 411.01(4)(j), F.S. AWI shall integrate the performance standards for school readiness programs into the performance standards adopted by DOE for the prekindergarten education program.
- AWI may adopt rules to administer the school readiness program.
- AWI is prohibited from imposing requirements on a childcare or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under s. 411.01, F.S., or administering powers and duties assigned to DOE and the regional child development boards under the prekindergarten education program.
- AWI, with the advice of FCDAC, shall 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 FCDAC, shall adopt and administer a quality-assurance system. AWI shall 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.
- AWI, with the advice of FCDAC, must identify best practices of regional child development boards to improve the outcomes of school readiness programs.

**Regional Child Development Boards:**

The CS revises the structure and composition of local school readiness coalitions. Effective July 1, 2004, school readiness coalitions are redesignated 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 shall be retained by the coalition upon its redesignation as a regional child development board.

Effective January 1, 2005, the number of regional child development boards must be reduced. AWI shall, with the advice of FCDAC, 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. AWI may only approve school readiness plans in accordance with this number. The minimum number must be uniform and must permit 30 or fewer boards to be established, and require each board to serve at least 1,500 children younger than kindergarten eligibility. If the board cannot meet the minimum threshold established by AWI, it must join with another county to form a multicounty board.

Each regional child development board shall be organized in accordance with this act by January 1, 2005. By June 30, 2005, each board must complete the transfer to the successor board, if applicable.

***Membership***

The CS revises the membership of the regional child development boards by providing that they be composed of at least 18 members but not more than 35 whereas previously the maximum number of members was 25. AWI, with the advice of FCDAC, shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. These standards shall include variations for multicounty boards.

The Governor shall 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 under s. 411.01(5)(a)6., F.S. In addition, the bill authorizes the regional workforce board executive director to have his or her designee serve on the board. The bill adds a president of a community college or his or designee to the regional boards and revises the childcare licensing agency head to mean an agency head of a local licensing agency as defined in s. 402.302, F.S. The bill revises the representation of private childcare providers to include family day care homes. The bill eliminates duplicative membership by eliminating the district administrator appointed by the Department of Children and Families and the member appointed by a district school board. Finally, the bill adds a representative of a program, serving children with disabilities under the federal Individuals with Disabilities Education Act.

Including the members appointed by the Governor, more than one third of the members of each regional child development board must be private-sector business members who do not have a relative as defined in s. 112.3143, F.S., who has a substantial financial interest in the design or delivery of the prekindergarten education program or the board's school readiness program. AWI shall 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.

Each member of a regional child development board is subject to s. 112.313, s. 112.3135, and s. 112.3143, F.S. For purposes of s. 112.3143(3)(a), F.S., each member is a local public officer who must abstain from voting when a voting conflict exists.

Each regional child development board shall establish the terms for all appointed members of the board. Terms may not exceed 4 years and members may serve a maximum of two consecutive terms.

#### ***Payments and Reimbursements***

The CS requires each regional child development board to comply with s. 287.057, F.S., for the procurement of commodities or contractual services from the funds described in s. 411.01(9)(d), F.S. A contract for the purchase of commodities or contractual services, including any renewal of the original contract, may not exceed 3 years.

A regional child development board must adopt a payment schedule for the school readiness program. The payment schedule must be submitted for approval by AWI. Formerly, a coalition only submitted the payment schedule to the partnership for information.

#### **School Readiness Programs**

The CS makes corresponding changes to the school readiness programs.

#### ***Single Point of Entry***

AWI shall establish a single statewide information system that integrates each regional child development board's single point of entry, each board must use the statewide system. The CS 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.

The school readiness program must, at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills required under s. 411.01(4)(j), F.S., as measured by the performance standards and outcome measures adopted by AWI.

AWI must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by a regional child development board.

The bill eliminates the requirement that a school readiness program must serve at least as many children as were served prior to implementation of the program.

### **School Readiness Plans**

The CS makes corresponding changes to the school readiness plans. The CS:

- Requires AWI authorization prior to a regional child development board implementing a school readiness plan.
- Requires AWI, with advice from FCDAC, 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.
- 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 if AWI determines, during its annual review of plans, 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.
- Prohibits a regional child development board from being a child development provider.

### ***School Readiness Priority***

The CS revises and clarifies the school readiness program priority for eligible children. The CS adds to the priority of eligible children, 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 not otherwise given priority. In addition, the CS makes permanent the first placement of children, who are from families receiving temporary cash assistance and subject to federal work requirements, in school readiness programs.

### ***Funding***

The CS 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 CS 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.

**Auditor General**

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

**Child Development Programs Estimating Conference**

The CS renames the School Readiness Estimating Conference the Child Development Programs Estimating Conference and provides additional estimating duties with respect to the number of children eligible for the prekindergarten education program. DOE must provide information on the needs for the prekindergarten education program as requested by the estimating conference or individual conference principals in a timely manner.

**Conforming changes**

The CS makes conforming changes throughout the Florida Statutes to reflect the new organizational structure of the prekindergarten education program and the school readiness system, and to eliminate obsolete provisions.

**Repeals**

The CS 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, as these provisions are obsolete.

**Effective Date**

This bill, unless otherwise expressly provided, has an effective date of upon becoming a law.

**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 CS provides that each 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 four years old on September 1 of the school year may not actually receive a prekindergarten education until the student is five years old. Accordingly, based on a strict literal interpretation of the constitution, the provision could be challenged.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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

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