

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 821 w/ CS Early Childhood Education

SPONSOR(S): Committee on Education K-20

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 3036

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) EDUCATION K-20	21Y, 8N w/CS	Ashworth	Bohannon
2) Appropriations	32Y, 11N w/CS	Mizereck	Baker
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 821 with the Committee Substitute creates the Voluntary Prekindergarten Education Program (VPK Program) required by the 2002 amendment to Article IX, Section 1 of the State Constitution. The VPK Program is created within the Department of Education (DOE). The VPK Program is voluntary for parents and providers and is not part of the state system of public education and is not subject to collective bargaining.

Prekindergarten schools delivering the VPK Program include public, private, and faith-based schools. No student-to-teacher ratio may exceed the constitutionally established ratio of 18 to 1. Teachers must hold a CDA credential or a CDA equivalent credential and teachers must also complete a DOE approved emerging literacy teacher preparation and continuing education course. The bill encourages professional development toward an associate's and/or bachelor's degree in early childhood education or child development.

A state level Early Learning Advisory Council is established to advise DOE and the Agency for Workforce Innovation (AWI) on early childhood education policy. The Council is administratively housed in AWI.

The bill provides a scholarship to parents of eligible 4-year old children to attend either a 540 hour school year program or a 310 hour summer intensive program. If the child has participated in the 540 hour program, is a limited English proficient child, and is assessed at the end of the 540 school year program as being in the lowest quartile of students in the state, the parent may opt for the child to attend the 310 hour summer intensive program. Parents seeking scholarships submit applications to DOE through a single-point of entry. Payment will be made by voucher, coupon or electronic code in the name of the parent.

During the 2004-2005 school year DOE must implement a statewide kindergarten screening instrument that measures emerging phonemic awareness and phonics skills which are valid and reliable predictors of later reading performance. This instrument must be used for 3 consecutive years to calculate kindergarten readiness rates. Each school district is required to administer the instrument to each kindergarten student. If fewer than 85% of the students are assessed as ready to learn, the prekindergarten school will be required to submit and implement an improvement plan. If a school has less than an 85% readiness rate for two consecutive years, the school is placed on probation until the readiness rate is at least 85%

The bill renames all "school readiness" coalitions as "early learning" councils. AWI will administer the programs. To the maximum extent practicable, the 28 councils permitted to be established are to have regions that are coterminous with community college service regions. The Florida Partnership for School Readiness is abolished and its functions, property and employees are transferred to AWI by a type 2 transfer.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0821d.ap.doc

DATE: April 22, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

The bill increases the size of government by creating a new constitutionally mandated program with a new section of law, new regulations, and new entitlements for parents of 4-year-old children.

B. EFFECT OF PROPOSED CHANGES:

Background

Article IX, section 1 of the State Constitution requires the state to provide a free, voluntary system of high quality pre-kindergarten education for all 4-year-old children beginning in 2005.

In order to most effectively implement the VPK program, in 2003 the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct program audits of the school readiness program created in s. 411.01, F.S., to report on their findings regarding the implementation of that program and to report whether that program could implement VPK. Additionally, the 2003 Legislature directed the State Board of Education (SBOE) to conduct a study and submit a report on the curriculum, design, and standards for the prekindergarten program.¹

OPPAGA and the Auditor General made numerous findings regarding the implementation of the school readiness program.² The key findings include:

- That the Florida Partnership for School Readiness has implemented several key components of the law, but that improvements are needed in key program areas such as in the review of coalition plans, rulemaking for eligibility determinations and implementation of the single-point of entry system;
- That the Partnership has not clarified major policy issues or provided adequate technical assistance or monitoring to local coalitions;
- That major financial management and operational issues need to be resolved to ensure that program resources are properly identified, acquired, safeguarded and utilized; and

¹ Sections 1 and 2, Chapter 2003-93, Laws of Florida; section 411.012, Florida Statutes.

² OPPAGA, *School Readiness Coalitions' Progress Varies in Implementing the Program Over Two Years*, Information Brief, Report No. 03-75, December 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, January 2004.

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, January 2004.

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, January 2004.

- That local coalitions have made progress implementing the school readiness program since the last OPPAGA study in 2002.³

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 2003.⁴ The State Board of Education subsequently issued a final report.⁵

School Readiness

In 1999, the Legislature enacted the School Readiness Act (s. 411.01, F.S.) The Act directed that school readiness programs would be administered by local school readiness coalitions at the county (or multi-county) level and would be coordinated by the Florida Partnership for School Readiness at the statewide level.

Senate Interim Study of Early Childhood Education

The Senate Committee on Commerce, Economic Opportunities and Consumer Services 2003 interim report on the school readiness program and child care licensing included committee recommendations to organize all early childhood education laws into one new chapter of Florida Statutes, updating terminology and correcting technical issues raised by stakeholders.⁶ The report indicated that the School Readiness Act and related laws contained several obsolete and vague provisions. Furthermore, several laws governing early childhood education and child care programs have not been revised since the transfer of these programs under the School Readiness Act. Consequently, these laws do not reflect the current organizational structure of the school readiness system. Additionally, since the Legislature required the statewide licensure of child care facilities in 1974, the state's child care licensing laws (ss. 402.301-402.319, F.S.) have incrementally been amended, gradually broadening the distinctions in licensing standards between the types of child care providers; however, these laws have not been revised to adequately reflect these distinctions.

Provisions of Strike-all Amendment to CS/HB 821

Voluntary PreKindergarten Education Program (VPK Program)

The strike-all amendment for CS/HB 821 creates a new Part V of Chapter 1002, Florida Statutes, to be entitled Voluntary Prekindergarten Education Program. *The VPK Program is a choice option for both parents and providers.* The VPK Program is not part of the system of public education *and is not subject to collective bargaining.*

The VPK Program will begin in the 2005-2006 school year. To be eligible, a child must be 4 years old on or before September 1 of the school year and the child remains eligible until he or she is eligible to attend kindergarten⁷ or is admitted to kindergarten, whichever occurs first. *To apply a parent submits a DOE approved application form with a certified copy of the child's birth certificate (or a DOE approved*

³ Overview Report on Audits of the School Readiness Program, January 2004, by OPPAGA and the Auditor General.

⁴ Florida State Board of Education, Universal Prekindergarten Education Advisory Council, *Report and Recommendations to the Florida State Board of Education*, October 21, 2003.

⁵ Florida State Board of Education, *A Study of the Curriculum, Design, and Standards for Florida's Voluntary Universal Prekindergarten Education Program*, November 18, 2003.

⁶ Florida Senate, Committee on Commerce, Economic Opportunities, and Consumer Services, *Administration of the School Readiness Programs*, Interim Project Report 2004-116 (Dec. 2003).

⁷ Section 1003.21(1)(a)2., F.S., provides that children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year.

*alternative method for proving the child's age) through the single point of entry.*⁸ Participation is voluntary on the part of the parent.

Parents who choose for their child to participate will receive one of the following scholarship options for each eligible child:

- *Attendance at any eligible VPK Program prekindergarten school with available space for a school year of 540 hours.*
- *Attendance at an intensive full-day, 310-hour kindergarten summer school offered by an eligible VPK Program prekindergarten school with available space.*

For either scholarship, the parent is responsible for the child's transportation and for additional hours for supplemental or wrap-around services desired for the child unless the child is eligible for subsidized services under the early learning program. The prekindergarten school may provide transportation services or transportation scholarships; however, state funds may not be used for this purpose.

If a child participates in the 540 hour VPK Program and meets the following criteria, the child is also eligible to attend the intensive 310-hour prekindergarten summer school option:

- *Limited English proficiency; and*
- *Assessed at the end of the 540 hour school year program as being in the lowest quartile of students in the state on a uniform prereadiness assessment instrument provided by DOE.*

The opportunity for the limited English proficient child to participate in the 310-hour and 540-hour programs will give the child more time and instruction in literacy. This is a specific suggestion made by the American Educational Research Association (AERA) to policymakers to address needs of the increasing number of children who enter schools in America with limited or no English. AERA research indicates that children who start school knowing little or not English can learn basic skills of work recognition in about 2 years if they are carefully taught. Children need skills in recognizing words and comprehending meaning to master reading and English literacy.⁹

Background Information on SRUSS and LEP Students¹⁰

2003 was the first time that school readiness data were available from the School Readiness Uniform Screening System (SRUSS), a set of statewide, standardized instruments administered during the first 45 days of the school year. It was also the first year that school readiness data were available in an electronic format that could be matched to student demographic information, as well as information about prior participation in a variety of preschool programs. According to a 2003 ESE study, data from the first year of statewide implementation yielded only modest reliability; this is not to say the results were unreliable, but rather that one should use caution when interpreting results.

Statewide, 82% of entering kindergarten children who had a SRUSS score were deemed "Ready Now," 18% were various gradations of not "Ready Now."

The readiness rate among LEP preschool children is lower than observed in the general population. In the study, substantially more LEP children entered kindergarten "Ready Now" after participation in preschool versus LEP children who did not have the preschool benefit. This argues strongly in favor of readiness programs that emphasize language acquisition and development.

⁸ Section 3 of the bill defines "single point of entry" as an integrated information system that: (1) allows a parent to enroll his or her child in the early learning program at various locations throughout the county or region served by the early learning council, (2) may allow enrollment by telephone or online and (3) uses a unified waiting list to track eligible children waiting for enrollment. AWI is required to establish a single statewide information system that integrates each council's single point of entry. Each council is required to use the statewide system.

⁹ *American Educational Research Association (AERA), "Policies for Teaching Literacy to English Language Learners," March 19, 2004.*

¹⁰ *Richardson, Gerald L., Ph.D., School Readiness Uniform Screening System Analysis of Baseline Data," December, 2003, Educational Enhancement Services.*

All of the scholarships will be issued by a voucher or coupon or an electronic code or coupon in the name of the parent. The parent will present the voucher each month to the VPK Program prekindergarten school that the child is attending. The scholarship amount will be set by the 2005 Legislature and annually adjusted for inflation with the Consumer Price Index (CPI).

Early Learning Advisory Council

The amendment creates an Early Learning Advisory Council (*the Council*) to advise the Department of Education and the Agency for Workforce Innovation on the early childhood education policy of the state, including administration of the VPK and the early learning programs.¹¹ The Council is administratively housed in the Agency for Workforce Innovation (AWI), which will provide staff and administrative support. The Council is composed of 16 members representing parents, state university and community college presidents, private postsecondary educational institution presidents, and district school superintendents. Twelve of the members are to be appointed by the Governor, 2 by the Speaker and 2 by the President. The chair is elected by the Council members. The appointed members are to be geographically and demographically representative of the state. One-half of the members will initially be appointed to 3 year terms; the other half will be appointed to 2 year terms in order to achieve staggered terms. Members may serve 2 consecutive terms.

The Council is to meet at least quarterly, serve without compensation and receive per diem and travel expenses. Members are subject to the ethics provisions of law, and for purposes of tort liability, members are governed by s. 768.28, F.S.¹²

Department of Education

The bill creates the Voluntary Prekindergarten Education Program (VPK Program) within the Department of Education. Required responsibilities of the DOE related to the VPK Program include:

- *Contracting with a program administrator to administer the VPK Program at the statewide level.*¹³
- *Receiving from the prekindergarten school evidence of its fiscal soundness and other evidence which DOE may require.*
- *Develop and adopt, with advice of the Early Learning Advisory Council, education performance standards for students in the VPK Program. Performance standards must address:*
 - *Capabilities, capacities, and skills required under the constitutional pre-kindergarten provision.*
 - *Emerging literacy skills including oral communication, knowledge of print and letters, and phonological or phonemic awareness.*
- *Review and approve curricula for use by schools that are placed on probation, and maintain a list of the approved curricula they have reviewed. Approved curricula must be designed to:*
 - *Enhance the age-appropriate progress of students in attaining DOE adopted performance standards.*
 - *Prepare students to be assessed as ready for kindergarten based upon the statewide kindergarten screening.*
- *Adopt procedures that, through interagency agreement with state or local agencies, make use of existing data whenever feasible, for:*
 - *Enrolling children and determining eligibility and prescribing the application forms to be used by parents seeking a VPK Program scholarship for his or her child. DOE also receives the forms submitted by parents through the single point of entry.*⁸

¹¹ The bill redesignates the school readiness programs as the early learning programs.

¹² Section 768.28, F.S. relates to waiver of sovereign immunity in tort actions.

¹³ The duty of contracting with a statewide administrator is specifically assigned to the Choice Office of DOE.

- *Providing, to each parent enrolling a child in the VPK program, a profile of every prekindergarten school* delivering the program within the school district. Profiles must include at least:
 - School's services, curriculum, teacher credentials, and teacher-to-student ratio.
 - School's most recent kindergarten readiness rate.
- Registering and determining eligibility of prekindergarten schools to deliver the program, including prescribing registration forms to be used by the prekindergarten schools. DOE must also receive the forms when submitted by the school.
- *Approving prekindergarten director credentials* and adopting, with the advice of the Early Learning Advisory Council, minimum standards for such a credential.
- *Approving emerging literacy prekindergarten school teacher preparation and continuing education courses* and submitting recommendations to the Legislature on professional development programs for the VPK Program.
- *Verifying the compliance of prekindergarten schools*, and removing schools from eligibility to deliver the program for noncompliance
- Approving improvement plans of prekindergarten schools.
- Placing prekindergarten schools on probation and requiring corrective actions.
- *Implementing, during the 2004-2005 school year, a statewide kindergarten screening instrument that measures emerging phonemic awareness and phonics skills, which are valid and reliable predictors of later reading performance. The statewide kindergarten screening instrument implemented by DOE will be used to calculate kindergarten readiness rates for a minimum of 3 consecutive school years.*
- Allocating funds for the VPK Program.
- Documenting and certifying the attendance of students in the VPK Program, including providing requirements for the adjustment of the school's funding when a child has more than five consecutive unexcused absences during a month
- Reenrolling students dismissed by a prekindergarten school for noncompliance with the school's attendance policy.
- Paying the prekindergarten schools, including receiving the voucher, coupon or code from the eligible participating prekindergarten schools, depositing the child's monthly scholarship payment in the school's account, contracting for a payment system that contains maximum automation while providing flexibility for direct parental provider choice and that contains built-in safeguards to minimize fraudulent conduct.
- Provide information on needs for the VPK Program as requested by the Early Childhood Education Programs Estimating Conference or individual conference principals in a timely manner.
- Consult with AWI on their administration of all functions of a statewide resource and referral network.
- Review and approve the child development associate (CDA) equivalent credentials. Every 3 years DOE is to *conduct an evaluation of training requirements and testing procedures for CDA and CDA equivalent teachers in order to assess the status of training and testing and to develop methods for improving these requirements and procedures.* The evaluation should include:
 - A determination of accessibility, quality, scope and sources of current training;
 - A determination of the need for specialty training; and
 - A determination of ways to increase inservice training and accessibility, quality, and cost-effectiveness of current and proposed training.
- *Submit recommendations, with the advice of the Early Learning Advisory Council, by January 15, 2005, on professional development programs for the VPK Program.* The recommendations must:
 - Comprise options for the professional development of prekindergarten directors, teachers, and CDA and CDA equivalent personnel.
 - Address curricula and appropriate delivery systems for the programs.
 - Consider the use of Internet-based applications for instruction or assessment.
 - Include estimated costs of the professional development programs, including nonrecurring startup costs and recurring operational costs.

The DOE may:

- Designate alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.
- Remove a prekindergarten school from eligibility to deliver the VPK Program and to receive state funds for the program if the school fails or refuses to comply with the statutory requirements for the program.
- Request a surety bond from the prekindergarten school.

The DOE is prohibited from the following unless otherwise provided in law:

- Imposing requirements on a prekindergarten school that does not deliver the VPK Program or receive state funds.
- Imposing requirements which are not necessary for the administration of the VPK Program.
- Administering powers and duties assigned to the AWI or an early learning council.

Statewide Screening Instruments

The bill requires that during the 2004-2005 school year DOE must implement a statewide kindergarten screening instrument that measures emerging phonemic awareness and phonics skills which are valid and reliable predictors of later reading performance. This instrument will be used to calculate kindergarten readiness rates for at least 3 consecutive school years.

Children who complete the VPK Program during the 2005-2006 school year will be administered the statewide kindergarten screening during the 2006-2007 school year. Beginning with these kindergarten readiness rates, the bill sets the *standard for performance at 85%*.

- If less than 85% of the students in a prekindergarten school's prekindergarten program are assessed as ready for kindergarten based upon the statewide screening of students completing the VPK Program during the 2005-2006 school year, the school must submit an improvement plan to DOE for approval. The school must implement the plan.
- If the school fails to meet the 85% rate for 2 consecutive years, the school will be placed on probation and be required to take corrective actions, including use of DOE approved curriculum. A school on probation must continue all corrective actions until the schools meets the 85% kindergarten readiness rate.

The bill schedules a 2007 legislative review of the baseline data and the 85% kindergarten readiness rate.

Prekindergarten Schools

Prekindergarten schools eligible to deliver the Voluntary Pre-Kindergarten Program include Florida public, private, and faith-based schools. Participation is voluntary on the part of prekindergarten school. The prekindergarten school is not required to admit any child. The number of students admitted by any prekindergarten school may not be limited by DOE. However, no student-to-teacher ratio may exceed the constitutionally established ratio of 18 students to 1 teacher.

Each prekindergarten school may select or design the curriculum that the school uses to implement the VPK Program unless the school is placed on probation for not meeting the 85% kindergarten readiness rate for 2 consecutive years.

Eligible Public Schools -- A public school graded D or F will only be allowed to participate if no other VPK program pre-kindergarten school exists in the geographic area. Even then, in order to provide the pre-kindergarten program, the D or F graded public school is required to contract with an A or B graded public school or a private or faith-based VPK program pre-kindergarten school. In such contracted situations, the VPK Program must be provided in the public school graded D or F.

Eligible Private Schools – Eligible private prekindergarten schools include:

- Nonpublic schools exempt from licensure, pursuant to s. 402.3025(2), F.S., which is accredited by an accrediting association in the National Council for Private School Accreditation (NCPA), the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Non-Public Schools (FAANS), or is Gold Seal Quality designated.
- Child care facility licensed as a child care facility, pursuant to s. 402.305, F.S., and Gold Seal Quality designated.
- Family day care home licensed as a family day care home, pursuant to s. 402.313, F.S., and Gold Seal Quality designated.
- Large family child care home licensed as a large family child care home, pursuant to s. 402.3131, F.S., and Gold Seal Quality designated
- Religious-affiliated child care facility exempt from licensure pursuant to s. 402.316 which is accredited by an accrediting association recognized by the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation or the Florida Association of Academic Non-Public Schools, or is Gold Seal Quality designated.

Accrediting Associations and Gold Seal Information

The National Council for Private School Accreditation (NCPA), the Commission on International and Trans-Regional Accreditation (CITA), and the Florida Association of Academic Nonpublic Schools (FAANS) are all nationally recognized accrediting consortia made up of numerous accrediting agencies that have varying but nationally accepted accreditation standards applicable and relevant to nonpublic and faith-based schools. *Florida Association of Academic Nonpublic Schools (FAANS)* is a Florida-based accrediting consortium whose members are approved by the Florida Department of Education. *Commission of International and Trans-Regional Accreditation (CITA)* includes the Southern Association of Colleges and Schools (SACS), which is recognized by the Florida Department of Education. The *National Council for Private School Accreditation (NCPA)* is a member of CITA

Gold Seal is a recognized standard of quality codified in s. 402.281, F.S. To receive Gold Seal recognition, facilities must be accredited by certain accrediting organizations. The Department of Children and Family Services determines whether an accrediting organization meets Gold Seal standards.

The inclusion of eligible private and faith-based options for the VPK Program available to the state's 4-year-old children does not expand any regulatory authority to impose any additional regulation of private and faith-based prekindergarten schools beyond those reasonably necessary to enforce the requirements for the VPK Program.

Prekindergarten schools offering the prekindergarten program must:

- Offer a literacy-based and numeracy-based foundation curriculum emphasizing phonics, phonemic awareness, and vocabulary.
- Provide a curriculum that is designed to enhance the age-appropriate progress of students in attaining the performance standards adopted by DOE.
- Maintain an accurate school profile and keep the profile readily available and easy to access and understand by parents of children attending the school and for those parents who are interested in the school. The profile must contain the following information regarding the school:
 - Services, curriculum, teacher credentials, and teacher-to-student ratio.
 - Calculated kindergarten readiness rate based on the most recent available results of the statewide kindergarten screening.
 - Other objective measures.
- Provide to DOE evidence of its fiscal soundness and evidence of eligibility to participate in the VPK program. The department may request a surety bond to assure continued provision of prekindergarten education by the school.
- Be licensed by the Department of Children and Family Services or a local licensing agency.
- Register with DOE using their forms.

- Deliver the VPK Program according to the statutory law.
- Comply with the antidiscrimination provisions in the federal law.
- Submit to DOE monthly the voucher, coupon, or code for each eligible child attending the program.
- Provide the child's parent with a copy of the school's attendance policy.¹⁴

Unless expressly authorized by law, a prekindergarten school may not:

- Impose or collect a fee or charge for services provided for a child enrolled in the VPK Program during a period reported for funding purposes.
- 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 VPK Program.

Teachers – The prekindergarten school must have for each prekindergarten class, at least one teacher who meets all of the following requirements:

- Hold either a current Child Development Associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Regulation *or* a current credential approved by the department as being equivalent to or greater than the CDA credential.
- *Complete successfully an emerging literacy teacher preparation and continuing education course approved by DOE as meeting or exceeding the minimum standards outlined in s. 1002.59, F.S. (An exception is the teacher who successfully completes approved training in early literacy and language development pursuant to the requirements for a teacher in child care facilities before the emerging literacy teacher preparation and continuing education course is established.)*

In lieu of the CDA requirements above, a teacher may hold one of the following:

- Bachelor's or higher degree in:
 - Early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
 - Elementary education, if teacher has been certified to teach children any age from birth through grade 6, regardless of whether the teaching certificate is current.
- Associate's or higher degree in:
 - Child development; or
 - 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 DOE.

Director – The prekindergarten school director must be onsite and ultimately responsible for the overall operation. The director may or may not be the owner, but must meet the following credentials and requirements:

- *A prekindergarten director credential that is approved by DOE.*
- *Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5.*
- *Minimum standards, including requirements for education and onsite experience.*
- *Training in professionally accepted standards for prekindergarten programs and child development.*
- *Training in strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining the performance standards for curriculum and accountability adopted by the DOE.*

Child Development Associate Equivalent -- The bill provides that the curriculum standards for the CDA equivalent credential include a requirement to successfully complete a competency-based examination

¹⁴ The bill requires each parent enrolling his or her child in the VPK Program to agree to comply with the attendance policy of the prekindergarten school. The prekindergarten school may dismiss a student who does not comply with the school's attendance policy. If a student has more than 5 consecutive unexcused absences during a month, the bill requires adjustments of the prekindergarten school's funding.

for which a professional certificate will be awarded. The curriculum standards and renewal requirements for the state-approved CDA equivalent credential must include:

- Literacy education.
- Effective practices for increasing parental involvement.
- Strategies to meet the needs of non-English-speaking children and children with disabilities.

Universities, community colleges, school districts, and private providers may provide training for professional development. The bill requires professional development to encourage VPK teachers to improve their skills through education and training toward the associate's degree and/or bachelor's degree in early childhood education or child development.

The bill provides that successful completion of the 45-clock-hour introductory course required for child care personnel will reduce the number of hours required for the equivalent state-approved CDA credential by 45 hours. Successful completion of a CDA or the CDA equivalent that includes the emerging literacy teacher preparation and continuing education course will articulate into a minimum of 8 community college credit hours in early childhood education. The local community college will determine the specific courses into which the credits articulate. Successful completion of an associate degree in early childhood education will articulate into the appropriate state university baccalaureate degree program.

Emerging literacy prekindergarten school teacher preparation and continuing education course –The required *web-based teacher training course* will be designed by the Florida Center for Reading Research (FCRR) at Florida State University. The course must:

- *Provide teaching skills needed to teach literacy, numeracy, phonics, phonemic awareness, and vocabulary foundation skills to 4 year olds.*
- *Be designed with sufficient flexibility to accommodate the variety of curricula and teaching methodologies that may be used by the participating schools.*
- *Comprise 5 clock hours.*
- *Provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students.*
- *Meet or exceed the Department of Children and Family Services requirements for one-half a continuing education unit of approved training in early literacy and language development for child care personnel, operators of family day care homes and large family child care homes.*¹⁵

FCRR is required to provide the course to the DOE by May 1, 2005, and by June 1, 2005, DOE must make the course available to all VPK program prekindergarten schools and teachers.

Early Learning Programs (School Readiness in Current Law)

The strike-all amendment substantially amends the school readiness law.

Early Learning Councils

The bill redesignates the *local school readiness coalitions* as *early learning councils*. By January 1, 2005, *the bill requires a reduction in the number of early learning councils; the bill authorizes 28 or fewer. To the maximum extent practicable, the 28 councils are to have regions that are coterminous with community college service regions.*

No school readiness coalition may become a provider of direct services, including eligibility determination, resource and referral, training and technical assistance, and provider payments, unless the decision to provide such service was officially made by the coalition prior to January 1, 2004.

¹⁵ Training course is required for child care personnel, operators of family day care homes, and operators of large family child care homes under current law, ss. 402.305(2)(d)4. and 402.313(6), F.S., respectively. The bill provides that successful completion of the FCRR course will satisfy these requirements for approved training.

Each council is required to serve at least 1,500 children younger than the age at which a child is eligible for admission to kindergarten in a public school.⁷ If an early learning council would serve fewer than 1,500 children, the council must join with another county to form a multicounty council. Each early learning council must comply with the AWI adopted standards establishing the minimum number and the maximum number of members that may be appointed to an early learning council and including variations for a multicounty council.

Membership of early learning councils -- A majority of the members, including the chair, of the early learning council will be appointed by the Governor. Membership will include:

- District administrator or a designee from the Department of Children and Family Services or a designee who is authorized to make decisions on behalf of the department.
- District superintendent of schools or a designee who is authorized to make decisions on behalf of the district.
- Regional workforce board executive director or a designee.
- County health department director or a designee.
- Children's services council or juvenile welfare board chair or executive director.
- Agency head of a local licensing agency designated by the county to license child care facilities.
- President of community college or a designee.
- One member appointed by a board of county commissioners.
- Central agency administrator, where applicable.
- Head Start director.
- Representative of private child care providers, including family day care homes.
- Representative of faith-based child care providers.
- Representative of a program serving children with disabilities.

More than one-third of the members of each early learning council must be private-sector business members who do not have, and none of whose "public officer"¹⁶ relatives have, a substantial financial interest in the design or delivery of the VPK Program or the council's early learning program. To meet this requirement, an early learning council must appoint additional members according to the guidelines and procedures set by AWI.

A member of an early learning council may not appoint a designee unless specifically authorized to do so as indicated in the list above. When a designee is appointed, the designee is the voting member of the council and anyone attending in the designee's place will not have voting privileges.

All members of the council are subject to statutory provisions regarding standards of conduct for public officers,¹⁷ restrictions on employment of relatives,¹⁸ and voting conflicts.¹⁹ For the purpose of voting conflicts, all early learning council members are considered to be local public officers. For purposes of tort liability, each member or employee of an early learning council is governed by the statutory provisions for the waiver of sovereign immunity in tort actions.²⁰

Terms of the members must be staggered and a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms.

¹⁶ Section 112.3143, F.S., defines "public officer" as any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

¹⁷ Section 112.313, Florida Statutes.

¹⁸ Section 112.3135, Florida Statutes.

¹⁹ Section 112.3143, Florida Statutes. Paragraph (3)(a) provides that no local public officer shall vote upon any measure which would inure special gain or loss for the individual or a relative or any principal by whom he or she is retained.

²⁰ Section 768.28, Florida Statutes.

Early learning program

The bill redesignates, as of November 1, 2004, the *school readiness coalitions and programs as the early learning councils and programs*.

The bill abolishes the Florida Partnership for School Readiness. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the partnership are transferred on November 1, 2004, by a type 2 transfer to AWI. The responsibility to establish a uniform screening instrument is not assigned to AWI. The Department of Education is to adopt and administer, with the advice of the Early Learning Council, the statewide kindergarten screening.

The statutorily required elements in an early learning program are the same as those currently in the school readiness program with one modification; the requirement for a developmentally appropriate curriculum remains in law but must be designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by AWI.

Program Eligibility

The eligible populations under the current school readiness program are also eligible under the early learning program. The bill adds one new population as eligible to participate in the early learning program: 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.

Agency for Workforce Innovation

The bill creates the Office of Early Childhood Education in AWI. The Office will administer the early learning system and is to be directed by the Deputy Director for Early Childhood Education, who shall be appointed by and serve at the pleasure of the director of AWI. The Agency for Workforce Innovation (AWI) is directed to:

- *Develop and adopt, with the advice of the Early Learning Advisory Council and the DOE, performance standards and outcome measures for early learning programs. The performance standards must:*
 - *Address the age-appropriate progress of children in the development of the early learning skills.*
 - *Be integrated into the education performance standards for the VPK Program adopted by DOE.*
- *Require, with the advice of the Early Learning Advisory Council, each early learning council's early learning program to, at a minimum, enhance the age-appropriate progress of each child in the development of early learning skills, which are the same skills as required in current law for school readiness. The health requirements are no longer listed as a skill but are specifically required prior to a child's enrollment in an early learning program.*
- *Adopt and administer, with the advice of the Early Learning Advisory Council, a quality-assurance system, which must be used to monitor and evaluate the performance of each early learning council in administering the early learning program and implementing the council's early learning plan. The quality-assurance system must include, at a minimum, onsite monitoring of each council's finances, management, operations, and programs.*
- *Identify, with the advice of the Early Learning Advisory Council, best practices of early learning councils in order to improve the outcomes of early learning programs.*
- *Establish, with the advice of the Early Learning Advisory Council, the minimum number of children younger than kindergarten eligibility to be served by each early learning council through the council's early learning program. The AWI may only approve early learning plans in accordance with this minimum number. The minimum number must be uniform for every early learning council.*
- *Adopt criteria for the appointment of private-sector business members. The criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the VPK Program or the council's early learning program.*

- Establish a single statewide information system that integrates each early learning council's single point of entry. AWI must make the statewide system available to DOE for purposes of the VPK Program.
- Consider the access of eligible children to the early learning program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning council.
- Adopt, with the advice of the Early Learning Advisory Council, criteria for the approval of early learning plans. The criteria must be consistent with the performance measures and outcome measures adopted by the agency and must require each approved plan to include the similar minimum standards and provisions that are in current law for the school readiness program. One difference is the requirement to include the council's articles of incorporation and bylaws if the council is a corporation, and, if not, to include the contract with a fiscal agent. The plan must be reviewed annually and a council may not implement revisions until the plan is approved. If AWI rejects the revisions, the council must continue to operate under its prior approved plan.
- *Administer all functions of a statewide resource and referral network, in consultation with DOE's program administrator* for the VPK Program, that the agency determines necessary for efficient operation of the early learning councils and the VPK Program. The network is to be composed of statewide resource and referral and a system of local resource and referral contracted through the AWI. The resource and referral must identify existing public and private early childhood education providers that may include early childhood education providers that are licensed, exempt from licensure, or registered; providers participating in the VPK program; and providers participating in a council's early learning programs in addition to those listed in current law.

The AWI may:

- Reject a council's plan if AWI determines during the annual review of the early learning plans, or through monitoring and performance evaluations conducted under the quality-assurance system, that an early learning council has not substantially implemented its plan or has not substantially met the performance standards and outcome measures adopted by the agency. If AWI rejects the plan, AWI may contract with a qualified entity to continue early learning services in the region until the council is reestablished through resubmission and approval of an early learning plan.

The AWI is prohibited from:

- Imposing requirements on a child care or early childhood education provider that does not deliver services under an early learning program or receive state or federal funds.
- Administering powers and duties assigned to the DOE.
- *Transferring to DOE, 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 without specific legislative authority.*

Early learning quality initiatives

The bill *transfers the Teacher Education and Compensation Helps (TEACH) scholarship program from AWI to the Department of Education by a type 2 transfer.* The bill also modifies the name by adding Early Childhood Project after TEACH, and it gives DOE authority to contract for other scholarship initiatives as well as the TEACH Early Childhood Project. The TEACH Early Childhood Project will be based upon the national model and will provide educational scholarships to early childhood education personnel. The bill transfers TEACH Early Childhood Project by a type two transfer from AWI to DOE.

The DOE is also given authority to contract for the administration of the Home Instruction for Parents of Preschool Youngsters (HIPPPY) program. This program is also to be based on the national model and encourage parental involvement in early learning programs by providing parents with assistance in preparing their children for school. The bill transfers HIPPPY by a type two transfer from AWI to DOE.

Early Childhood Estimating Conference

The School Readiness Program Estimating Conference is redesignated as the Early Childhood Estimating Conference. The DOE is directed to provide information on needs for the VPK Program as requested by the Early Childhood Education Programs Estimating Conference or individual conference principals in a timely manner.

Business Partnership for Early Learning

The bill designates the Child Care Executive Partnership as the Business Partnership for Early Learning. The bill removes the legislative findings. Generally, the provisions for the partnership are the same as in current law. Two differences are:

- Subsidies are provided to low-income working parents whose family income does not exceed 200% of the federal poverty level (*Current law provides subsidies to low-income working parents who are eligible for subsidized child care.*)
- The new partnership is staffed and administered by the Agency for Workforce Innovation. (*Current law provides that staffing and administration is through the Department of Children and Family Services.*)

Infants and toddlers in state-funded early learning programs

The requirement for a state-funded education and care program for children from birth to 5 years to include classical music and at least 30 minutes of reading each day is deleted. The education and care program is redesignated as the early learning program.

Gold Seal Quality Program

The Gold Seal Quality Care Program is redesignated as the Gold Seal Quality Program. *The National Council for Private School Accreditation (NCPA) is added to the accrediting associations* listed in current law that are eligible to receive a separate “Gold Seal Quality” designation.

Licensing Standards for Child Care Facilities

The bill changes the minimum training requirements from a required 40-clock-hour introductory course in child care to a 45-clock-hour introductory course in child care. The bill revises the minimum staff credentials by requiring a current national CDA or a credential equivalent to the current national CDA credential.

Department of Children and Family Services (DCFS)

The bill prohibits DCFS from transferring to the DOE, through an interagency agreement or through any other means, any of the department’s powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds which are provided for the purpose of the VPK Program and local learning programs with specific legislative authority.

C. SECTION DIRECTORY:

Section 1. Creates Part V of Chapter 1002, F.S., consisting of:

- s. 1002.51, F.S., defines terms.
- s. 1002.53, F.S., creates the Voluntary Prekindergarten Education Program (VPK Program); establishes eligibility and enrollment criteria; provides that a parent may apply through a single point of entry; provides that participation is voluntary on the part of the parent; provides that the parent may choose a scholarship for a 540-hour school year program or a scholarship for a 310-hour

summer school program; provides that if a child participates in a 540-hour program and is limited English proficient and is assessed at the end of the 540-hour school year program as being in the lowest quartile of students in the state, the parent may opt for the child to also attend the 310-hour summer school program.

- s. 1002.55, F.S., Establishes eligibility criteria for prekindergarten schools in the VPK program, including the criteria for teachers in the school; clarifies that no student-to-teacher ratio may exceed the constitutionally established ratio of 18 students to 1 teacher.
- s. 1002.57, F.S., requires DOE to adopt minimum standards for prekindergarten director credential.
- s. 1002.59, F.S., requires the Florida Center for Reading Research at Florida State University to design a web-based teacher preparation and continuing education course.
- s. 1002.63, F.S., requires DOE to develop and adopt education performance standards; authorizes each prekindergarten school to select or design the curriculum; requires DOE approval of curriculum used by schools on probation; establishes design criteria for curriculum; requires certain levels of student readiness for kindergarten based on statewide kindergarten screening; requires prekindergarten school to take certain actions if certain percentage students in program are not assessed as ready; requires department to take certain actions if prekindergarten schools fails to meet an 85% readiness rate for 2 consecutive years; requires corrective actions to continue until school meets 85% readiness rate.
- s. 1002.65, F.S., requires DOE, with the advice of advisory council, to adopt a statewide kindergarten screening; provides criteria for the screening; requires that during the 2004-2005 school year, implemented screening instrument must measure emerging phonemic awareness and phonics skills which are valid and reliable predictors of later reading performance; requires use of same screening instrument to calculate kindergarten readiness rates; requires future legislative review of baseline data and the 85% kindergarten readiness rate; requires use of same screening instrument to calculate readiness rates for students completing VPK Program during the 2005-2006 school year and for subsequent school years.
- s. 1002.67, F.S., provides for funding; financial and attendance reporting; provides payment to school, after certification of student attendance, by voucher.
- s. 1002.69, F.S., requires Choice Office of DOE, with advice of advisory council, to contract with administrator to administer VPK; requires DOE to adopt certain procedures for administering VPK; prohibits certain activities by DOE.
- s. 1002.701, F.S., requires DOE to conduct evaluation of child development associate (CDA) and child development associate equivalent training and testing; requires SBOE to adopt rules to establish curriculum standards for CDA and CDA equivalent programs; requires professional development to encourage VPK teachers to improve their skills through education and training toward the associate's degree and/or bachelor's degree in early childhood education or child development.
- s. 1002.702, F.S., requires State Board of Education to develop guidelines and develop rules for articulation; establishes certain criteria for rules.
- s. 1002.71, F.S., creates the Early Learning Advisory Council.
- s. 1002.75, F.S., requires State Board of Education to adopt rules.

Section 2. Renumbers s. 402.3017 as 1002.73, F.S., relating to early learning quality initiatives, Teacher Education and Compensation Helps (TEACH) Early Childhood Project or other scholarship initiatives.

- Deletes legislative findings.
- Revises provisions for administration of TEACH and transfers authority to administer from Children and Families to DOE.
- Authorizes DOE to contract for the administration of the Home Instruction for Parents of Preschool Youngsters (HIPPPY).
- Authorizes SBOE to adopt rules.

Section 3. Amends s. 411.01, F.S., relating to early learning programs and early learning councils.

- Changes the name of the section from "School Readiness Act" to "Early Learning Act."
- Changes references from school readiness programs to early learning programs.

- Permits 28 or fewer councils to be established which, to the maximum extent practicable, have regions that are coterminous with community college service regions.
- Provides for parental participation in early learning programs.
- Transfers certain duties from the Florida Partnership for School Readiness to the Agency for Workforce Innovation.
- Creates early learning councils and provides for membership and certain duties.
- Provides eligibility for early learning council's early learning program.
- Requires early learning program to provide parental choice.
- Requires all early learning programs meet performance standards and outcome measures be developed and adopted by the Agency for Workforce Innovation with the advice of the Early Learning Advisory Council and DOE.
- Providing for funding for an early learning program.
- Deletes requirement for DOE to implement a School Readiness Uniform Screening.
- Deletes the requirement for OPPAGA to assess school readiness program.

Section 4. Amends s. 11.45, F.S.; conforms cross-references.

Section 5. Amends s. 20.50, F.S. relating to Agency for Workforce Innovation

- Requires Office of Early Childhood Education to administer the school readiness system.
- Requires office be directed by Deputy Director for Early Childhood Education.

Sections 6 and 7. Amends ss. 125.901 and 216.133, F.S., respectively; conforms cross-references.

Section 8. Amends s. 216.136, F.S.

- Renames School Readiness Program Estimating Conference to Early Childhood Education Programs Estimating Conference.
- Conforms cross-references.
- Assigns certain partnership duties to Agency for Workforce Innovation.
- Requires Department of Education to provide information on needs for the VPK program.

Section 9. Amends s. 402.3016, F.S.; conforms cross-references.

Section 10. Renumbers s. 402.27, F.S., as s. 411.015, F.S., as of November 1, 2004 and amends said section.

- Transfers child care and early childhood resource and referral administrative functions from the Department of Children and Family Services to the Agency for Workforce Innovation.
- Requires AWI consult with DOE's program administrator for the VPK program.
- Revises criteria for composition of network.
- Authorizes identification of early childhood education providers in a database.
- Modifies information included in database.

Section 11. Amends s. 402.3018, F.S.; conforms language.

Section 12. Amends s. 409.178, F.S.

- Deletes the Child Care Executive Partnership Act.
- Deletes legislative findings and intent language.
- Establishes the Business Partnership for Early Learning.
- Requires an early learning purchasing pool to provide subsidies to low-income working parents.
- Requires the Legislature to consider the recommendations from the Business Partnership for Early Learning.

Section 13. Amends s. 402.25, F.S.

- Removes requirement for each state-funded education and care program for children from birth to 5 years of age to include classical music and at least 30 minutes of reading to children each day.
- Removes option for program to be offered through existing early childhood program such as Healthy Start, the Title I program, contracted or directly operated subsidized child care, the prekindergarten early intervention program, Florida First Start, the Head Start program or a private child care program.

Section 14. Amends s. 402.281, F.S.; modifies the Gold Seal Quality program.

Section 15 through 17. Amends ss. 402.3051, 402.315, and 212.08, F.S.; conforms language.

Section 18. Amends s. 402.305, F.S.

- Changes the minimum training for child care personnel from a 40 clock hour course to a 45-clock-hour course.
- Deletes an obsolete date.
- Revises minimum staff credentials.
- Authorizes SBOE to adopt rules.

Section 19 and 20. Amends ss. 383.14, 402.45, F.S.; deletes obsolete language.

Section 21 through 33. Amends ss. 411.011, 411.221, 411.226, 411.227, 445.023, 490.014, 491.014, 624.91, 1001.23, 1002.22, 1003.21, 1003.54, 1006.03, F.S., respectively; conforms language.

Section 34. Creates an unnumbered section of law.

- Requires the Department of Education to submit recommendations to the Legislature on professional development programs for the VPK Program.

Section 35. Repeals the following sections:

- S. 402.30501, F.S., Modification of introductory child care course for community college credit authorized.
- S. 411.012, F.S., Voluntary universal prekindergarten education program.
- S.1008.21, F.S., School readiness uniform screening (kindergarten).

Section 36. Creates an unnumbered section of law.

- Abolishes the Florida Partnership for School Readiness.
- Redesignates the school readiness coalitions as early learning councils.
- Requires a reduction in the number of councils.
- Transfers TEACH Early Childhood Project by a type two transfer from AWI to DOE.
- Transfers HIPPO by a type two transfer from AWI to DOE.

Section 37. Creates an unnumbered section of law prohibiting certain transfers from certain agencies to other agencies.

Section 38. Creates an unnumbered section of law.

- Provides that the VPK program is a choice option for both parents and providers.
- Provides that VPK program is not part of the system of public education and is not subject to collective bargaining.

Section 39. Provides an effective date upon becoming a law except as otherwise provided in the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides that the 2005 Legislature will set the amount of the scholarship per child for the VPK Program.

Recommended Budget Items from DOE	2004-2005 (1 st Year Phase-In)	2005-2006
Early Learning Advisory Council (16 members; meets at least quarterly; receives travel and per diem)	\$24,000	\$32,000
DOE (Estimates are from DOE; <i>italicized notes are not from DOE</i>)		
FTE		
<u>Curriculum, Program, Training</u>		
1 Director		
3 Professional staff		
1 Support staff		
3 Trainers/quality assurance reps		
<u>Accounting, Financial Accountability & Contract</u>		
1 Manager		
5 Accounting & Professional Staff		
1 Support staff		
<u>Assessment & Database Management</u>		
1 Manager		
2 IT staff		
2 Professional staff		
1 Support staff		
<u>CDA Credentialing</u>		
1 Professional staff		
22 FTE		
Subtotal	\$1,361,000	\$1,792,000
DOE – Recurring Operating Costs		
Travel Costs	102,000	132,000
Curriculum & Assessment Materials	10,000	10,000
Operating Capital Outlay	33,000	33,000
Contracted Services		
• Content & Curriculum		950,000
• VPK Assessment Administration (Instrument purchase, training, scoring, & reporting)		2,000,000
• System Maintenance, Modification, & Tech Support for Electronic Voucher System	150,000	426,000
• System Maintenance, Modification, & Tech Support for Electronic Child/Provider Eligibility Database	150,000	426,000
• Database Management/Data Entry for Electronic Voucher System & Child/Provider Eligibility System	775,000	775,000
• System Maintenance, Modification, & Tech Support for CDA/Literacy Training. Operational costs to be provided through subscriber fees.	15,000	43,000
• Content & Curriculum (15 regional staff @ 6 months)	630,000	1,260,000
• Customer Service Center/Phone Bank	250,000	250,000
• Implementation/Maintenance of CDA Online Registry		100,000
• Monitoring & Financial Viability Review		1,500,000

Recommended Budget Items from DOE	2004-2005 (1 st Year Phase-In)	2005-2006
<ul style="list-style-type: none"> Other Personal Services 	100,000	100,000
Subtotal	2,215,000	8,005,000
Agency Transfer		
<ul style="list-style-type: none"> From AWI for TEACH 	3,000,000	3,000,000
<ul style="list-style-type: none"> From AWI for HIPPY 	750,000	750,000
Subtotal	3,750,000	3,750,000
DOE Estimated Nonrecurring Costs (2004-2005 only)		
Contracted Services		
<p>Electronic Voucher/Coupon System Development Automated system for the issuance of electronic vouchers/ scholarships, verification of parents' continued provider choice and student enrollment/attendance, and disbursement of monthly payments to providers. This system must be interactive with the Integrated Child/Provider Eligibility Database</p> <p><i>It appears that this cost could possibly be reduced. The electronic coupon payment system estimate by DOE is \$2 million. DOE already has a choice voucher system for McKay Scholarship. If the McKay Scholarship system could be revised to integrate with the single point of entry VPK system, costs could be greatly reduced.</i></p>	2,000,000	
<p>Web-based CDA/E and VPK Director Training System Development Online training to support personnel in the acquisition of appropriate Child Development Associate/Equivalent and prekindergarten director credential required for staff of VPK programs.</p>	150,000	
<p>Development of CDA/E and VPK Director Online Registry Initial concept development for online registry of persons with CDA/E and prekindergarten director credential to facilitate recruitment and employment to meet VPK program personnel needs.</p>	50,000	
<p>Development of Literacy Curriculum Standards/Curriculum Review Development of curriculum standards to ensure age-appropriate instruction relevant to literacy, numeracy, phonics, phonemic awareness, and vocabulary foundation skills; review of curricula against standards</p>	250,000	
<p>Integrated Child/Provider Eligibility Database Development Integrated Parent Application and Child Eligibility and Provider Eligibility/ Registration Database, including online access for parents to required provider profiles. System must be jointly developed/interactive with Electronic Voucher/Coupon system and, pending subsequent development, with the CDA/CDAE online registry.</p> <p><i>It appears that this cost could be reduced substantially. AWI currently has a single point of entry system for current school readiness programs. The bill requires DOE to use this system. The bill does not require a new or additional system.</i></p>	2,000,000	
<p>Web-based Literacy Training Development Web-based teacher preparation and continuing education course (5 clock hours) that will provide necessary teaching skills for literacy, numeracy, phonics, phonemic awareness, and vocabulary foundation skills. This required course will be available to all VPK teachers and programs.</p>	50,000	
<p>Development of VPK Assessment Specifications Development of specifications/review of available instruments for uniform prereadiness assessment to be administered at the completion of the VPK school year program to determine eligibility of students for additional intensive summer program. (Note: this assessment would be administered to prekindergarten students in the spring, prior to administration of the screening after the student enters kindergarten in the fall)</p>	500,000	

Recommended Budget Items from DOE	2004-2005 (1st Year Phase-In)	2005-2006
Nonrecurring Expense Allocation to Establish Positions	66,000	
Total Nonrecurring Costs	5,066,000	
Total Recurring Costs (includes agency transfers from AWI)	7,326,000	13,545,000
TOTAL ADMINISTRATIVE AND PROGRAM MANAGEMENT COST	\$12,392,000	\$13,547,000

Type 2 Transfers

The bill transfers from the Agency for Workforce Innovation (AWI) to the Department of Education (DOE) the following two programs:

- Teacher Education and Compensation Helps (TEACH), which provides educational scholarships to early childhood education personnel to earn a child development associate credential; and
- Home Instruction for Parents of Preschool Youngsters (HIPPPY), which provides assistance to parents in preparing their children for school.

In 2003-2004, the Legislature appropriated \$3,000,000 for TEACH and \$750,000 for HIPPPY.

Estimated Participation

The number of four-year-olds expected to participate in the program is 81,838. This number was derived as follows:

- According to the Office of Economic and Demographic Research, there will be 214,911 four-year olds in 2005-2006.
- Of the 214,911, Office of Program Policy and Government Analysis (OPPAGA) estimates that 56% or 120,350 will participate in early childhood programs.
- Of the 120,350, the Revenue Estimating Conference of June 27, 2002, estimated that 32% will already be receiving early childhood services.
- The results in 81,838 four-year-olds participating in the VPK Program.

The scholarship amount will be set by the 2005 Legislature.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Information from Department of Children and Families – The increase in the number of hours included in the introductory child care training will result in an increase in the cost to child care personnel. Course fees for child care training vary by training agency and range from \$2 to \$15 per clock-hour.

D. FISCAL COMMENTS:

The State Constitution requires that the VPK program be funded by new state dollars.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The bill appears to be consistent with United States Supreme Court precedent stated in *Zelman v. Simmons-Harris*, 122 S.Ct. 2460 (2002) and *Locke v. Davey*, 2004 WL 344123. The bill is subject to review under the provisions of the State Constitution and may be affected by the precedent to be established by the First District Court of Appeal in the pending case of *Bush v. Holmes*, Case No. 1D02-3160. The court has not issued an opinion in the case as of the date of this analysis.

The Florida Supreme Court has ruled that the incidental benefit to a religious institution from the neutral application of a state program does not violate the State Constitution's Establishment Clause. *Johnson v. Presbyterian Homes of the Synod of Florida, Inc.*, 239 So.2d 256 (Fla. 1970).

B. RULE-MAKING AUTHORITY:

The strike-all amendment confers rulemaking authority to the State Board of Education for the following purposes:

- a. Establish curriculum standards for the approval and renewal of child development associate (CDA) and CDA equivalent credential programs.
- b. A statewide articulation agreement.
- c. Administer the provisions of the Part V of Chapter 1002, F.S., that confer duties upon DOE.
- d. Administer the provisions of s. 1002.73, F.S., relating to early learning quality initiatives, TEACH Early Childhood Project or other scholarship initiatives.
- e. Establish standards and procedures for the approval of credentials equivalent to the national CDA credential.

Additionally, authority is conferred to the Agency for Workforce Innovation (AWI) to administer provisions of law conferring duties upon the agency, including, but not limited to rules governing the preparation and implementation of the early learning system, the collection of data, the approval of early learning councils and early learning plans, the provision of a method whereby an early learning council may serve 2 or more counties, the award of incentives to early learning councils, and the issuance of waivers.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Amendments

On April 20, 2004, the House Appropriations Committee adopted a strike-all amendment to CS/HB 821. The strike-all amendment differs from CS/HB 821 in the following ways:

- Creates the Voluntary Prekindergarten Program within the Department of Education with administration contracted by the Choice Office.
- Provides a scholarship to parents of an eligible 4-year old child to attend either a 540 hour year long program or a 310 hour summer intensive program. Certain limited English proficient children may attend both programs.
- Adds coupon or electronic coupon or code as a method of payment.
- Uses same single point of entry as the early learning program (currently the school readiness program) uses.
- Creates the Early Learning Advisory Council within AWI to advise AWI and DOE on early education policy.

- Contains Gold Seal quality standards and amends number of Gold Seal accrediting associations to include the National Council for Private School Accreditation.
- Requires teachers to hold either a current CDA credential or an equivalent.
- Requires teachers to successfully complete approved training in early literacy and language development.
- Requires the web-based teacher preparation and continuing education for teachers to comprise 5 clock hours and meet or exceed the requirements of DCF-approved training in early literacy and language development.
- Requires DOE to conduct a study of CDA and training requirements.
- Requires SBOE to adopt rules establishing curriculum standards for the approval and renewal of CDA and CDA equivalent credential programs.
- Requires SBOE to develop guidelines for the articulation of early learning training to CDA, associate and bachelor degree programs.
- Requires each private prekindergarten school to have a director who has a prekindergarten director credential approved by DOE.
- Allows DOE to establish prekindergarten director credential standards, including training standards and requirements.
- Requires DOE, with the advice of the Early Learning Council, to adopt performance standards and sets criteria for the standards.
- Allows each VPK Program design or select the curriculum but requires it to meet the DOE standards.
- Requires that at least 85% of students in VPK Program be assessed as “ready to learn” by the statewide screening instrument, and requires an improvement plan for providers who fail to meet that standard.
- Requires AWI to integrate early learning performance standards it adopts into the performance standards adopted by DOE for the VPK Program.
- Requires DOE to adopt a new statewide screening instrument for incoming kindergarten students and requires each school district to administer the instrument to each kindergarten student within 30 days of entry into school.
- Renames all school readiness programs and coalitions as early learning programs and councils.
- Provides that AWI administer early learning programs.
- Abolishes the Florida Partnership for School Readiness.
- Requires AWI to develop a quality assurance system and to identify best practices for early learning councils.
- Requires AWI to set a minimum number of children to be served by each early learning council, to have a floor of 1,500 children, and permits no more than 28 councils to be established.
- Requires AWI to administer the statewide resource and referral network in consultation with the DOE VPK administrator.