



214282

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/19/2008	.	
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	.	

1 The Committee on Education Pre-K - 12 (Gaetz) recommended the  
 2 following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete lines 369-477 and insert:

6 Section 5. Present subsections (2), (3), and (4) of section  
 7 1002.55, Florida Statutes, are renumbered as subsections (3),  
 8 (4), and (5), respectively, a new subsection (2) is added to that  
 9 section, and present subsection (3) of that section is amended,  
 10 to read:

11 1002.55 School-year prekindergarten program delivered by  
 12 private prekindergarten providers.--

13 (2) A private provider participating in the Voluntary  
 14 Prekindergarten Education Program under this section must comply  
 15 with the following:

16 (a) The provider must complete ethics training that has  
 17 been developed jointly by the Department of Children and Family

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18 Services, the Department of Education, and the Agency for  
19 Workforce Innovation. Such training shall include strategies on  
20 how to adopt and communicate policies, responsibilities, and  
21 procedures for reporting suspected or actual misconduct by a  
22 prekindergarten instructor or administrator which affects the  
23 health, safety, or welfare of a student, and an explanation of  
24 liability protections provided to students, parents, and  
25 employees under ss. 39.201, 39.202, and 768.095. Successful  
26 completion of training shall be documented on the child care  
27 personnel training transcript of the Department of Children and  
28 Family Services.

29 (b) The provider must disqualify from employment any  
30 prekindergarten instructor or administrator who has been  
31 convicted of a disqualifying offense identified under s. 435.04.

32 (c) Before appointing a candidate as a prekindergarten  
33 instructor or administrator, the provider must contact the  
34 candidate's previous employer pursuant to ss. 402.302(13) and  
35 435.10 to assess the candidate's ability to meet ethical  
36 standards for professional educators, screen the candidate  
37 through the use of the educator screening tools described in s.  
38 1001.10(5) and the Department of Children and Families'  
39 electronic database, and document the findings.

40 (d) The provider may not enter into a confidentiality  
41 agreement regarding a terminated or dismissed employee or an  
42 employee who resigns in lieu of termination based in whole or in  
43 part on unethical conduct that affects the health, safety, or  
44 welfare of a student and may not provide the employee with a  
45 favorable recommendation for employment in another educational  
46 setting. A portion of an agreement or contract that has the  
47 purpose or effect of concealing the unethical conduct of a



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48 prekindergarten instructor or administrator as described under s.  
49 1012.795 is void, is contrary to public policy, and may not be  
50 enforced.

51 (e) The Agency for Workforce Innovation shall prohibit a  
52 private provider that fails to comply with this subsection from  
53 accepting funds under the Voluntary Prekindergarten Program for a  
54 period of 1 calendar year and until the provider complies with  
55 this subsection.

56 (4) ~~(3)~~ To be eligible to deliver the prekindergarten  
57 program, a private prekindergarten provider must meet each of the  
58 following requirements:

59 (a) The private prekindergarten provider must be a child  
60 care facility licensed under s. 402.305, family day care home  
61 licensed under s. 402.313, large family child care home licensed  
62 under s. 402.3131, nonpublic school exempt from licensure under  
63 s. 402.3025(2), or faith-based child care provider exempt from  
64 licensure under s. 402.316.

65 (b) The private prekindergarten provider must:

66 1. Be accredited by an accrediting association that is a  
67 member of the National Council for Private School Accreditation,  
68 the Commission on International and Trans-Regional Accreditation,  
69 or the Florida Association of Academic Nonpublic Schools and have  
70 written accreditation standards that meet or exceed the state's  
71 licensing requirements under s. 402.305, s. 402.313, or s.  
72 402.3131 and require at least one on-site visit to the provider  
73 or school before accreditation is granted;

74 2. Hold a current Gold Seal Quality Care designation under  
75 s. 402.281; or

76 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131  
77 and demonstrate, before delivering the Voluntary Prekindergarten



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78 Education Program, as verified by the early learning coalition,  
79 that the provider meets each of the requirements of the program  
80 under this part, including, but not limited to, the requirements  
81 for credentials and background screenings of prekindergarten  
82 instructors under paragraphs (c) and (d), minimum and maximum  
83 class sizes under paragraph (f)~~(e)~~, prekindergarten director  
84 credentials under paragraph (g)~~(f)~~, and a developmentally  
85 appropriate curriculum under s. 1002.67(2)(b).

86 (c) The private prekindergarten provider must have, for  
87 each prekindergarten class, at least one prekindergarten  
88 instructor who meets each of the following requirements:

89 1. The prekindergarten instructor must hold, at a minimum,  
90 one of the following credentials:

91 a. A child development associate credential issued by the  
92 National Credentialing Program of the Council for Professional  
93 Recognition; or

94 b. A credential approved by the Department of Children and  
95 Family Services as being equivalent to or greater than the  
96 credential described in sub-subparagraph a.

97  
98 The Department of Children and Family Services may adopt rules  
99 under ss. 120.536(1) and 120.54 which provide criteria and  
100 procedures for approving equivalent credentials under sub-  
101 subparagraph b.

102 2. The prekindergarten instructor must successfully  
103 complete an emergent literacy training course approved by the  
104 department as meeting or exceeding the minimum standards adopted  
105 under s. 1002.59. This subparagraph does not apply to a  
106 prekindergarten instructor who successfully completes approved  
107 training in early literacy and language development under s.



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108 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the  
109 establishment of one or more emergent literacy training courses  
110 under s. 1002.59 or April 1, 2005, whichever occurs later.

111 (d) Each prekindergarten instructor employed by the private  
112 prekindergarten provider must be of good moral character, must be  
113 screened using the level 2 screening standards in s. 435.04  
114 before employment and rescreened at least once every 5 years,  
115 must be denied employment or terminated if required under s.  
116 435.06, and must not be ineligible to teach in a public school  
117 because his or her educator certificate is suspended or revoked.

118 (e) A private prekindergarten provider may assign a  
119 substitute instructor to temporarily replace a credentialed  
120 instructor if the credentialed instructor assigned to a  
121 prekindergarten class is absent, as long as the substitute  
122 instructor is of good moral character and has been screened in  
123 accordance with level 2 background screening requirements in s.  
124 435.04, and meets the screening standards in that section. The  
125 Agency for Workforce Innovation shall adopt rules to implement  
126 this paragraph which shall include required qualifications of  
127 substitute instructors and the circumstances and time limits for  
128 which a private prekindergarten provider may assign a substitute  
129 instructor.

130 (f)~~(e)~~ Each of the private prekindergarten provider's  
131 prekindergarten classes must be composed of at least 4 students  
132 but may not exceed 18 students. In order to protect the health  
133 and safety of students, each private prekindergarten provider  
134 must also provide appropriate adult supervision for students at  
135 all times and, for each prekindergarten class composed of 11 or  
136 more students, must have, in addition to a prekindergarten  
137 instructor who meets the requirements of paragraph (c), at least



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138 one adult prekindergarten instructor who is not required to meet  
 139 those requirements but who must meet each requirement of  
 140 paragraph (d). This paragraph does not supersede any requirement  
 141 imposed on a provider under ss. 402.301-402.319.

142 (g)~~(f)~~ Before the beginning of the 2006-2007 school year,  
 143 the private prekindergarten provider must have a prekindergarten  
 144 director who has a prekindergarten director credential that is  
 145 approved by the department as meeting or exceeding the minimum  
 146 standards adopted under s. 1002.57. Successful completion of a  
 147 child care facility director credential under s. 402.305(2)(f)  
 148 before the establishment of the prekindergarten director  
 149 credential under s. 1002.57 or July 1, 2006, whichever occurs  
 150 later, satisfies the requirement for a prekindergarten director  
 151 credential under this paragraph.

152 (h)~~(g)~~ The private prekindergarten provider must register  
 153 with the early learning coalition on forms prescribed by the  
 154 Agency for Workforce Innovation.

155 (i)~~(h)~~ The private prekindergarten provider must deliver  
 156 the Voluntary Prekindergarten Education Program in accordance  
 157 with this part.

158  
 159  
 160 ===== T I T L E A M E N D M E N T =====

161 And the title is amended as follows:

162 Between lines 22 and 23 insert:

163 ...

164  
 165 requiring owners of certain private schools and private  
 166 prekindergarten providers to adopt ethical standards for all  
 167 employees; prohibiting confidentiality agreements regarding



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168 | terminated or dismissed employees which have the effect of  
169 | concealing certain conduct; requiring such owners and providers  
170 | to contact the previous employer of each instructional or  
171 | administrative candidate for employment and notify the Department  
172 | of Education of dates of employment of an educator;