

By the Committee on Education Pre-K - 12; and Senator Gaetz

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1 A bill to be entitled

2 An act relating to early learning; providing a short
3 title; amending s. 402.316, F.S.; requiring the Department
4 of Children and Family Services to adopt rules regarding
5 screening standards and notice for certain child care
6 personnel; amending s. 411.01, F.S.; authorizing the use
7 of telecommunication methods in conducting early learning
8 coalition board meetings; amending and renumbering s.
9 402.27, F.S.; transferring requirements for the
10 establishment of a statewide child care resource and
11 referral network by the Department of Children and Family
12 Services to the Agency for Workforce Innovation; providing
13 for use of early learning coalitions as child care
14 resource and referral agencies; requiring rulemaking;
15 amending and renumbering s. 409.178, F.S.; transferring
16 duties of the Department of Children and Family Services
17 with respect to the Child Care Executive Partnership
18 Program to the Agency for Workforce Innovation and early
19 learning coalitions; requiring rulemaking; amending s.
20 435.04, F.S.; providing additional criminal offenses for
21 screening child care personnel; amending s. 1001.10, F.S.;
22 requiring the Department of Education to assist school
23 districts, charter schools, the Florida School for the
24 Deaf and the Blind, and certain private schools and
25 providers in developing policies and procedures governing
26 educator ethics and employment; requiring the department
27 to provide authorized staff with access to or provide
28 verification through certain employment-screening tools;
29 amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating

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30 to the Voluntary Prekindergarten Education Program;
31 providing additional accreditation standards for private
32 prekindergarten providers; providing requirements for
33 assignment of substitute instructors; requiring owners of
34 certain private schools and private prekindergarten
35 providers to adopt ethical standards for all employees;
36 prohibiting confidentiality agreements regarding
37 terminated or dismissed employees which have the effect of
38 concealing certain conduct; requiring such owners and
39 providers to contact the previous employer of each
40 instructional or administrative candidate for employment
41 and notify the Department of Education of dates of
42 employment of an educator; requiring rulemaking;
43 conforming cross-references; providing an effective date.
44

45 Be It Enacted by the Legislature of the State of Florida:
46

47 Section 1. This act may be cited as the "Success in Early
48 Learning Act."

49 Section 2. Subsection (4) is added to section 402.316,
50 Florida Statutes, to read:

51 402.316 Exemptions.--

52 (4) The department shall adopt rules establishing minimum
53 standards for screening child care personnel and for providing
54 notification of employee termination to child care personnel
55 pursuant to s. 1002.55(2).

56 Section 3. Paragraph (a) of subsection (5) of section
57 411.01, Florida Statutes, is amended to read:

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58 411.01 School readiness programs; early learning
59 coalitions.--

60 (5) CREATION OF EARLY LEARNING COALITIONS.--

61 (a) Early learning coalitions.--

62 1. The Agency for Workforce Innovation shall establish the
63 minimum number of children to be served by each early learning
64 coalition through the coalition's school readiness program. The
65 Agency for Workforce Innovation may only approve school readiness
66 plans in accordance with this minimum number. The minimum number
67 must be uniform for every early learning coalition and must:

68 a. Permit 30 or fewer coalitions to be established; and

69 b. Require each coalition to serve at least 2,000 children
70 based upon the average number of all children served per month
71 through the coalition's school readiness program during the
72 previous 12 months.

73
74 The Agency for Workforce Innovation shall adopt procedures for
75 merging early learning coalitions, including procedures for the
76 consolidation of merging coalitions, and for the early
77 termination of the terms of coalition members which are necessary
78 to accomplish the mergers. Each early learning coalition must
79 comply with the merger procedures and shall be organized in
80 accordance with this subparagraph by April 1, 2005. By June 30,
81 2005, each coalition must complete the transfer of powers,
82 duties, functions, rules, records, personnel, property, and
83 unexpended balances of appropriations, allocations, and other
84 funds to the successor coalition, if applicable.

85 2. If an early learning coalition would serve fewer
86 children than the minimum number established under subparagraph

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87 | 1., the coalition must merge with another county to form a
88 | multicounty coalition. However, the Agency for Workforce
89 | Innovation may authorize an early learning coalition to serve
90 | fewer children than the minimum number established under
91 | subparagraph 1., if:

92 | a. The coalition demonstrates to the Agency for Workforce
93 | Innovation that merging with another county or multicounty region
94 | contiguous to the coalition would cause an extreme hardship on
95 | the coalition;

96 | b. The Agency for Workforce Innovation has determined
97 | during the most recent annual review of the coalition's school
98 | readiness plan, or through monitoring and performance evaluations
99 | conducted under paragraph (4)(1), that the coalition has
100 | substantially implemented its plan and substantially met the
101 | performance standards and outcome measures adopted by the agency;
102 | and

103 | c. The coalition demonstrates to the Agency for Workforce
104 | Innovation the coalition's ability to effectively and efficiently
105 | implement the Voluntary Prekindergarten Education Program.
106 |

107 | If an early learning coalition fails or refuses to merge as
108 | required by this subparagraph, the Agency for Workforce
109 | Innovation may dissolve the coalition and temporarily contract
110 | with a qualified entity to continue school readiness and
111 | prekindergarten services in the coalition's county or multicounty
112 | region until the coalition is reestablished through resubmission
113 | of a school readiness plan and approval by the agency.

114 | 3. Notwithstanding the provisions of subparagraphs 1. and
115 | 2., the early learning coalitions in Sarasota, Osceola, and Santa

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116 Rosa Counties which were in operation on January 1, 2005, are
117 established and authorized to continue operation as independent
118 coalitions, and shall not be counted within the limit of 30
119 coalitions established in subparagraph 1.

120 4. Each early learning coalition shall be composed of at
121 least 18 members but not more than 35 members. The Agency for
122 Workforce Innovation shall adopt standards establishing within
123 this range the minimum and maximum number of members that may be
124 appointed to an early learning coalition. These standards must
125 include variations for a coalition serving a multicounty region.
126 Each early learning coalition must comply with these standards.

127 5. The Governor shall appoint the chair and two other
128 members of each early learning coalition, who must each meet the
129 same qualifications as private sector business members appointed
130 by the coalition under subparagraph 7.

131 6. Each early learning coalition must include the following
132 members:

133 a. A Department of Children and Family Services district
134 administrator or his or her designee who is authorized to make
135 decisions on behalf of the department.

136 b. A district superintendent of schools or his or her
137 designee who is authorized to make decisions on behalf of the
138 district, who shall be a nonvoting member.

139 c. A regional workforce board executive director or his or
140 her designee.

141 d. A county health department director or his or her
142 designee.

143 e. A children's services council or juvenile welfare board
144 chair or executive director, if applicable, who shall be a

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145 nonvoting member if the council or board is the fiscal agent of
146 the coalition or if the council or board contracts with and
147 receives funds from the coalition.

148 f. An agency head of a local licensing agency as defined in
149 s. 402.302, where applicable.

150 g. A president of a community college or his or her
151 designee.

152 h. One member appointed by a board of county commissioners.

153 i. A central agency administrator, where applicable, who
154 shall be a nonvoting member.

155 j. A Head Start director, who shall be a nonvoting member.

156 k. A representative of private child care providers,
157 including family day care homes, who shall be a nonvoting member.

158 l. A representative of faith-based child care providers,
159 who shall be a nonvoting member.

160 m. A representative of programs for children with
161 disabilities under the federal Individuals with Disabilities
162 Education Act, who shall be a nonvoting member.

163 7. Including the members appointed by the Governor under
164 subparagraph 5., more than one-third of the members of each early
165 learning coalition must be private sector business members who do
166 not have, and none of whose relatives as defined in s. 112.3143
167 has, a substantial financial interest in the design or delivery
168 of the Voluntary Prekindergarten Education Program created under
169 part V of chapter 1002 or the coalition's school readiness
170 program. To meet this requirement an early learning coalition
171 must appoint additional members from a list of nominees submitted
172 to the coalition by a chamber of commerce or economic development
173 council within the geographic region served by the coalition. The

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174 Agency for Workforce Innovation shall establish criteria for
175 appointing private sector business members. These criteria must
176 include standards for determining whether a member or relative
177 has a substantial financial interest in the design or delivery of
178 the Voluntary Prekindergarten Education Program or the
179 coalition's school readiness program.

180 8. A majority of the voting membership of an early learning
181 coalition constitutes a quorum required to conduct the business
182 of the coalition. An early learning coalition board may use any
183 method of telecommunications to conduct meetings, including
184 establishing a quorum through telecommunications, provided that
185 the public is given proper notice of a telecommunications meeting
186 and reasonable access to observe and, when appropriate,
187 participate.

188 9. A voting member of an early learning coalition may not
189 appoint a designee to act in his or her place, except as
190 otherwise provided in this paragraph. A voting member may send a
191 representative to coalition meetings, but that representative
192 does not have voting privileges. When a district administrator
193 for the Department of Children and Family Services appoints a
194 designee to an early learning coalition, the designee is the
195 voting member of the coalition, and any individual attending in
196 the designee's place, including the district administrator, does
197 not have voting privileges.

198 10. Each member of an early learning coalition is subject
199 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
200 112.3143(3)(a), each voting member is a local public officer who
201 must abstain from voting when a voting conflict exists.

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202 11. For purposes of tort liability, each member or employee
203 of an early learning coalition shall be governed by s. 768.28.

204 12. An early learning coalition serving a multicounty
205 region must include representation from each county.

206 13. Each early learning coalition shall establish terms for
207 all appointed members of the coalition. The terms must be
208 staggered and must be a uniform length that does not exceed 4
209 years per term. Appointed members may serve a maximum of two
210 consecutive terms. When a vacancy occurs in an appointed
211 position, the coalition must advertise the vacancy.

212 Section 4. Section 402.27, Florida Statutes, is renumbered
213 as section 411.0101, Florida Statutes, and amended to read:

214 411.0101 ~~402.27~~ Child care and early childhood resource and
215 referral.--The Agency for Workforce Innovation ~~Department of~~
216 ~~Children and Family Services~~ shall establish a statewide child
217 care resource and referral network. Preference shall be given to
218 using the already established early learning coalitions ~~central~~
219 ~~agencies for subsidized child care~~ as the child care resource and
220 referral agency. If an early learning coalition ~~the agency~~ cannot
221 comply with the requirements to offer the resource information
222 component or does not want to offer that service, the early
223 learning coalition ~~Department of Children and Family Services~~
224 shall select the resource information agency based upon a request
225 for proposal pursuant to s. 411.01(5)(e)1. At least one child
226 care resource and referral agency must be established in each
227 early learning coalition's county or multicounty region ~~district~~
228 ~~of the department, but no more than one may be established in any~~
229 ~~county~~. Child care resource and referral agencies shall provide
230 the following services:

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231 (1) Identification of existing public and private child
232 care and early childhood education services, including child care
233 services by public and private employers, and the development of
234 a resource file of those services. These services may include
235 family day care, public and private child care programs, head
236 start, prekindergarten early intervention programs, special
237 education programs for prekindergarten handicapped children,
238 services for children with developmental disabilities, full-time
239 and part-time programs, before-school and after-school programs,
240 vacation care programs, parent education, the WAGES Program, and
241 related family support services. The resource file shall include,
242 but not be limited to:

- 243 (a) Type of program.
- 244 (b) Hours of service.
- 245 (c) Ages of children served.
- 246 (d) Number of children served.
- 247 (e) Significant program information.
- 248 (f) Fees and eligibility for services.
- 249 (g) Availability of transportation.

250 (2) The establishment of a referral process which responds
251 to parental need for information and which is provided with full
252 recognition of the confidentiality rights of parents. Resource
253 and referral programs shall make referrals to licensed child care
254 facilities. Referrals shall be made to an unlicensed child care
255 facility or arrangement only if there is no requirement that the
256 facility or arrangement be licensed.

257 (3) Maintenance of ongoing documentation of requests for
258 service tabulated through the internal referral process. The

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259 following documentation of requests for service shall be
260 maintained by all child care resource and referral agencies:

261 (a) Number of calls and contacts to the child care
262 information and referral agency component by type of service
263 requested.

264 (b) Ages of children for whom service was requested.

265 (c) Time category of child care requests for each child.

266 (d) Special time category, such as nights, weekends, and
267 swing shift.

268 (e) Reason that the child care is needed.

269 (f) Name of the employer and primary focus of the business.

270 (4) Provision of technical assistance to existing and
271 potential providers of child care services. This assistance may
272 include:

273 (a) Information on initiating new child care services,
274 zoning, and program and budget development and assistance in
275 finding such information from other sources.

276 (b) Information and resources which help existing child
277 care services providers to maximize their ability to serve
278 children and parents in their community.

279 (c) Information and incentives which could help existing or
280 planned child care services offered by public or private
281 employers seeking to maximize their ability to serve the children
282 of their working parent employees in their community, through
283 contractual or other funding arrangements with businesses.

284 (5) Assistance to families and employers in applying for
285 various sources of subsidy including, but not limited to,
286 subsidized child care, head start, prekindergarten early

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287 intervention programs, Project Independence, private
288 scholarships, and the federal dependent care tax credit.

289 (6) Assistance to state agencies in determining the market
290 rate for child care.

291 (7) Assistance in negotiating discounts or other special
292 arrangements with child care providers.

293 (8) Information and assistance to local interagency
294 councils coordinating services for prekindergarten handicapped
295 children.

296 (9) Assistance to families in identifying summer recreation
297 camp and summer day camp programs and in evaluating the health
298 and safety qualities of summer recreation camp and summer day
299 camp programs and in evaluating the health and safety qualities
300 of summer camp programs. Contingent upon specific appropriation,
301 a checklist of important health and safety qualities that parents
302 can use to choose their summer camp programs shall be developed
303 and distributed in a manner that will reach parents interested in
304 such programs for their children.

305 (10) A child care facility licensed under s. 402.305 and
306 licensed and registered family day care homes must provide the
307 statewide child care and resource and referral agencies with the
308 following information annually:

309 (a) Type of program.

310 (b) Hours of service.

311 (c) Ages of children served.

312 (d) Fees and eligibility for services.

313 (11) The Agency for Workforce Innovation shall adopt any
314 rules necessary for the implementation and administration of this
315 section.

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316 Section 5. Section 409.178, Florida Statutes, is renumbered
317 as section 411.0102, Florida Statutes, and subsection (4),
318 paragraphs (b), (c), and (d) of subsection (5), and subsection
319 (6) of that section are amended to read:

320 411.0102 ~~409.178~~ Child Care Executive Partnership Act;
321 findings and intent; grant; limitation; rules.--

322 (4) The Child Care Executive Partnership, staffed by the
323 Agency for Workforce Innovation ~~department~~, shall consist of a
324 representative of the Executive Office of the Governor and nine
325 members of the corporate or child care community, appointed by
326 the Governor.

327 (a) Members shall serve for a period of 4 years, except
328 that the representative of the Executive Office of the Governor
329 shall serve at the pleasure of the Governor.

330 (b) The Child Care Executive Partnership shall be chaired
331 by a member chosen by a majority vote and shall meet at least
332 quarterly and at other times upon the call of the chair.

333 (c) Members shall serve without compensation, but may be
334 reimbursed for per diem and travel expenses in accordance with s.
335 112.061.

336 (d) The Child Care Executive Partnership shall have all the
337 powers and authority, not explicitly prohibited by statute,
338 necessary to carry out and effectuate the purposes of this
339 section, as well as the functions, duties, and responsibilities
340 of the partnership, including, but not limited to, the following:

341 1. Assisting in the formulation and coordination of the
342 state's child care policy.

343 2. Adopting an official seal.

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344 3. Soliciting, accepting, receiving, investing, and
345 expending funds from public or private sources.

346 4. Contracting with public or private entities as
347 necessary.

348 5. Approving an annual budget.

349 6. Carrying forward any unexpended state appropriations
350 into succeeding fiscal years.

351 7. Providing a report to the Governor, the Speaker of the
352 House of Representatives, and the President of the Senate, on or
353 before December 1 of each year.

354 (5)

355 (b) To ensure a seamless service delivery and ease of
356 access for families, an early learning coalition ~~the community~~
357 ~~coordinated child care agencies~~ or the ~~state resource and~~
358 ~~referral~~ Agency for Workforce Innovation shall administer the
359 child care purchasing pool funds.

360 (c) The Agency for Workforce Innovation ~~department~~, in
361 conjunction with the Child Care Executive Partnership, shall
362 develop procedures for disbursement of funds through the child
363 care purchasing pools. In order to be considered for funding, an
364 early learning coalition ~~the community coordinated child care~~
365 ~~agency~~ or the ~~statewide resource and referral~~ Agency for
366 Workforce Innovation must commit to:

367 1. Matching the state purchasing pool funds on a dollar-
368 for-dollar basis; and

369 2. Expending only those public funds which are matched by
370 employers, local government, and other matching contributors who
371 contribute to the purchasing pool. Parents shall also pay a fee,
372 which shall be not less than the amount identified in the early

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373 learning coalition's ~~department's~~ subsidized child care sliding
374 fee scale.

375 (d) Each early learning coalition ~~community coordinated~~
376 ~~child care agency~~ shall be required to establish a community
377 child care task force for each child care purchasing pool. The
378 task force must be composed of employers, parents, private child
379 care providers, and one representative from the local children's
380 services council, if one exists in the area of the purchasing
381 pool. The early learning coalition ~~community coordinated child~~
382 ~~care agency~~ is expected to recruit the task force members from
383 existing child care councils, commissions, or task forces already
384 operating in the area of a purchasing pool. A majority of the
385 task force shall consist of employers. Each task force shall
386 develop a plan for the use of child care purchasing pool funds.
387 The plan must show how many children will be served by the
388 purchasing pool, how many will be new to receiving child care
389 services, and how the early learning coalition ~~community~~
390 ~~coordinated child care agency~~ intends to attract new employers
391 and their employees to the program.

392 (6) The Agency for Workforce Innovation ~~Department of~~
393 ~~Children and Family Services~~ shall adopt any rules necessary for
394 the implementation and administration of this section.

395 Section 6. Paragraph (c) is added to subsection (4) of
396 section 435.04, Florida Statutes, to read:

397 435.04 Level 2 screening standards.--

398 (4) Standards must also ensure that the person:

399 (c) For child care personnel screened pursuant to s.
400 402.305, s. 402.3055, s. 402.313, s. 402.3131, or s. 402.316, has
401 not been convicted of, or entered a plea of guilty or nolo

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402 contendere, regardless of adjudication, to offenses prohibited
403 under any of the following statutes or under similar statutes of
404 another jurisdiction:

405 1. Section 787.025, relating to luring or enticing a child.

406 2. Section 794.05, relating to unlawful sexual activity
407 with certain minors.

408 3. Section 810.14, relating to voyeurism.

409 4. Section 810.145, relating to video voyeurism.

410 5. Any delinquent act that qualified or would have
411 qualified an individual for inclusion on the Registered Juvenile
412 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

413 Section 7. Present subsection (4) of section 1001.10,
414 Florida Statutes, is renumbered as subsection (6), and
415 subsections (4) and (5) are added to that section, to read:

416 1001.10 Commissioner of Education; general powers and
417 duties.--

418 (4) The Department of Education shall provide technical
419 assistance to local school districts, charter schools, the
420 Florida School for the Deaf and the Blind, and private schools
421 that accept scholarship students under chapter 1002 or s. 220.187
422 in the development of policies, procedures, and training related
423 to educator ethics and employment practices.

424 (5) The Department of Education shall provide authorized
425 staff of local school districts, charter schools, the Florida
426 School for the Deaf and the Blind, private schools that accept
427 scholarship students under chapter 1002 or s. 220.187, and
428 private providers pursuant to s. 1002.55 with secure access to or
429 provide electronic verification of information required to
430 effectively screen employees through the following employment-

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431 screening tools:

432 (a) The Professional Practices' Database of Disciplinary
433 Actions Against Educators;

434 (b) The Department of Education's Teacher Certification
435 Database; and

436 (c) The Department of Education's Educator Employment
437 Information Database.

438 Section 8. Present subsections (2), (3), and (4) of section
439 1002.55, Florida Statutes, are renumbered as subsections (3),
440 (4), and (5), respectively, a new subsection (2) is added to that
441 section, and present subsection (3) of that section is amended,
442 to read:

443 1002.55 School-year prekindergarten program delivered by
444 private prekindergarten providers.--

445 (2) A private provider participating in the Voluntary
446 Prekindergarten Education Program under this section must comply
447 with the following:

448 (a) The provider must complete ethics training that has
449 been developed jointly by the Department of Children and Family
450 Services, the Department of Education, and the Agency for
451 Workforce Innovation. Such training shall include strategies on
452 how to adopt and communicate policies, responsibilities, and
453 procedures for reporting suspected or actual misconduct by a
454 prekindergarten instructor or administrator which affects the
455 health, safety, or welfare of a student, and an explanation of
456 liability protections provided to students, parents, and
457 employees under ss. 39.201, 39.202, and 768.095. Successful
458 completion of training shall be documented on the child care
459 personnel training transcript of the Department of Children and

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460 Family Services.

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

464 (c) Before appointing a candidate as a prekindergarten
465 instructor or administrator, the provider must contact the
466 candidate's previous employer pursuant to ss. 402.302(13) and
467 435.10 to assess the candidate's ability to meet ethical
468 standards for professional educators, screen the candidate
469 through the use of the educator-screening tools described in s.
470 1001.10(5) and the electronic database of the Department of
471 Children and Family Services, and document the findings.

472 (d) The provider may not enter into a confidentiality
473 agreement regarding a terminated or dismissed employee or an
474 employee who resigns in lieu of termination based in whole or in
475 part on unethical conduct that affects the health, safety, or
476 welfare of a student and may not provide the employee with a
477 favorable recommendation for employment in another educational
478 setting. A portion of an agreement or contract that has the
479 purpose or effect of concealing the unethical conduct of a
480 prekindergarten instructor or administrator as described under s.
481 1012.795 is void, is contrary to public policy, and may not be
482 enforced.

483 (e) The Agency for Workforce Innovation shall prohibit a
484 private provider that fails to comply with this subsection from
485 accepting funds under the Voluntary Prekindergarten Program for a
486 period of 1 calendar year and until the provider complies with
487 this subsection.

488 (4)-(3)- To be eligible to deliver the prekindergarten

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489 | program, a private prekindergarten provider must meet each of the
490 | following requirements:

491 | (a) The private prekindergarten provider must be a child
492 | care facility licensed under s. 402.305, family day care home
493 | licensed under s. 402.313, large family child care home licensed
494 | under s. 402.3131, nonpublic school exempt from licensure under
495 | s. 402.3025(2), or faith-based child care provider exempt from
496 | licensure under s. 402.316.

497 | (b) The private prekindergarten provider must:

498 | 1. Be accredited by an accrediting association that is a
499 | member of the National Council for Private School Accreditation,
500 | the Commission on International and Trans-Regional Accreditation,
501 | or the Florida Association of Academic Nonpublic Schools and have
502 | written accreditation standards that meet or exceed the state's
503 | licensing requirements under s. 402.305, s. 402.313, or s.
504 | 402.3131 and require at least one on-site visit to the provider
505 | or school before accreditation is granted;

506 | 2. Hold a current Gold Seal Quality Care designation under
507 | s. 402.281; or

508 | 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131
509 | and demonstrate, before delivering the Voluntary Prekindergarten
510 | Education Program, as verified by the early learning coalition,
511 | that the provider meets each of the requirements of the program
512 | under this part, including, but not limited to, the requirements
513 | for credentials and background screenings of prekindergarten
514 | instructors under paragraphs (c) and (d), minimum and maximum
515 | class sizes under paragraph (f) ~~(e)~~, prekindergarten director
516 | credentials under paragraph (g) ~~(f)~~, and a developmentally
517 | appropriate curriculum under s. 1002.67(2)(b).

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

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

523 a. A child development associate credential issued by the
524 National Credentialing Program of the Council for Professional
525 Recognition; or

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

529

530 The Department of Children and Family Services may adopt rules
531 under ss. 120.536(1) and 120.54 which provide criteria and
532 procedures for approving equivalent credentials under sub-
533 subparagraph b.

534 2. The prekindergarten instructor must successfully
535 complete an emergent literacy training course approved by the
536 department as meeting or exceeding the minimum standards adopted
537 under s. 1002.59. This subparagraph does not apply to a
538 prekindergarten instructor who successfully completes approved
539 training in early literacy and language development under s.
540 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
541 establishment of one or more emergent literacy training courses
542 under s. 1002.59 or April 1, 2005, whichever occurs later.

543 (d) Each prekindergarten instructor employed by the private
544 prekindergarten provider must be of good moral character, must be
545 screened using the level 2 screening standards in s. 435.04
546 before employment and rescreened at least once every 5 years,

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547 | must be denied employment or terminated if required under s.
548 | 435.06, and must not be ineligible to teach in a public school
549 | because his or her educator certificate is suspended or revoked.

550 | (e) A private prekindergarten provider may assign a
551 | substitute instructor to temporarily replace a credentialed
552 | instructor if the credentialed instructor assigned to a
553 | prekindergarten class is absent, as long as the substitute
554 | instructor is of good moral character, has been screened in
555 | accordance with level 2 background screening requirements in s.
556 | 435.04, and meets the screening standards in that section. The
557 | Agency for Workforce Innovation shall adopt rules to implement
558 | this paragraph which shall include required qualifications of
559 | substitute instructors and the circumstances and time limits for
560 | which a private prekindergarten provider may assign a substitute
561 | instructor.

562 | (f)~~(e)~~ Each of the private prekindergarten provider's
563 | prekindergarten classes must be composed of at least 4 students
564 | but may not exceed 18 students. In order to protect the health
565 | and safety of students, each private prekindergarten provider
566 | must also provide appropriate adult supervision for students at
567 | all times and, for each prekindergarten class composed of 11 or
568 | more students, must have, in addition to a prekindergarten
569 | instructor who meets the requirements of paragraph (c), at least
570 | one adult prekindergarten instructor who is not required to meet
571 | those requirements but who must meet each requirement of
572 | paragraph (d). This paragraph does not supersede any requirement
573 | imposed on a provider under ss. 402.301-402.319.

574 | (g)~~(f)~~ Before the beginning of the 2006-2007 school year,
575 | the private prekindergarten provider must have a prekindergarten

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576 director who has a prekindergarten director credential that is
577 approved by the department as meeting or exceeding the minimum
578 standards adopted under s. 1002.57. Successful completion of a
579 child care facility director credential under s. 402.305(2)(f)
580 before the establishment of the prekindergarten director
581 credential under s. 1002.57 or July 1, 2006, whichever occurs
582 later, satisfies the requirement for a prekindergarten director
583 credential under this paragraph.

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

587 (i) ~~(h)~~ The private prekindergarten provider must deliver
588 the Voluntary Prekindergarten Education Program in accordance
589 with this part.

590 Section 9. Section 1002.61, Florida Statutes, is amended to
591 read:

592 1002.61 Summer prekindergarten program delivered by public
593 schools and private prekindergarten providers.--

594 (1) (a) Each school district shall administer the Voluntary
595 Prekindergarten Education Program at the district level for
596 students enrolled under s. 1002.53(3)(b) in a summer
597 prekindergarten program delivered by a public school.

598 (b) Each early learning coalition shall administer the
599 Voluntary Prekindergarten Education Program at the county or
600 regional level for students enrolled under s. 1002.53(3)(b) in a
601 summer prekindergarten program delivered by a private
602 prekindergarten provider.

603 (2) Each summer prekindergarten program delivered by a
604 public school or private prekindergarten provider must:

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605 (a) Comprise at least 300 instructional hours;
606 (b) Not begin earlier than May 1 of the school year; and
607 (c) Not deliver the program for a child earlier than the
608 summer immediately before the school year for which the child is
609 eligible for admission to kindergarten in a public school under
610 s. 1003.21(1)(a)2.

611 (3)(a) Each district school board shall determine which
612 public schools in the school district are eligible to deliver the
613 summer prekindergarten program. The school district shall use
614 educational facilities available in the public schools during the
615 summer term for the summer prekindergarten program.

616 (b) Except as provided in this section, to be eligible to
617 deliver the summer prekindergarten program, a private
618 prekindergarten provider must meet each requirement in s.
619 1002.55.

620 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(5),
621 each public school and private prekindergarten provider must
622 have, for each prekindergarten class, at least one
623 prekindergarten instructor who:

624 (a) Is a certified teacher; or

625 (b) Holds one of the educational credentials specified in
626 s. 1002.55(4)(a) or (b).

627
628 As used in this subsection, the term "certified teacher" means a
629 teacher holding a valid Florida educator certificate under s.
630 1012.56 who has the qualifications required by the district
631 school board to instruct students in the summer prekindergarten
632 program. In selecting instructional staff for the summer
633 prekindergarten program, each school district shall give priority

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634 to teachers who have experience or coursework in early childhood
635 education.

636 (5) Each prekindergarten instructor employed by a public
637 school or private prekindergarten provider delivering the summer
638 prekindergarten program must be of good moral character, must be
639 screened using the level 2 screening standards in s. 435.04
640 before employment and rescreened at least once every 5 years,
641 must be denied employment or terminated if required under s.
642 435.06, and must not be ineligible to teach in a public school
643 because his or her educator certificate is suspended or revoked.
644 This subsection does not supersede employment requirements for
645 instructional personnel in public schools which are more
646 stringent than the requirements of this subsection.

647 (6) A public school or private prekindergarten provider may
648 assign a substitute instructor to temporarily replace a
649 credentialed instructor if the credentialed instructor assigned
650 to a prekindergarten class is absent, as long as the substitute
651 instructor is of good moral character and has been screened in
652 accordance with level 2 background screening requirements in s.
653 435.04, and meets the screening standards in that section. The
654 Agency for Workforce Innovation shall adopt rules to implement
655 this subsection which shall include required qualifications of
656 substitute instructors and the circumstances and time limits for
657 which a public school or private prekindergarten provider may
658 assign a substitute instructor.

659 (7)~~(6)~~ Notwithstanding ss. 1002.55(3)~~(f)~~~~(e)~~ and
660 1002.63~~(8)~~~~(7)~~, each prekindergarten class in the summer
661 prekindergarten program, regardless of whether the class is a
662 public school's or private prekindergarten provider's class, must

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663 | be composed of at least 4 students but may not exceed 10
664 | students. In order to protect the health and safety of students,
665 | each public school or private prekindergarten provider must also
666 | provide appropriate adult supervision for students at all times.
667 | This subsection does not supersede any requirement imposed on a
668 | provider under ss. 402.301-402.319.

669 | (8)~~(7)~~ Each public school delivering the summer
670 | prekindergarten program must also:

671 | (a) Register with the early learning coalition on forms
672 | prescribed by the Agency for Workforce Innovation; and

673 | (b) Deliver the Voluntary Prekindergarten Education Program
674 | in accordance with this part.

675 | Section 10. Section 1002.63, Florida Statutes, is amended
676 | to read:

677 | 1002.63 School-year prekindergarten program delivered by
678 | public schools.--

679 | (1) Each school district eligible under subsection (4) may
680 | administer the Voluntary Prekindergarten Education Program at the
681 | district level for students enrolled under s. 1002.53(3)(c) in a
682 | school-year prekindergarten program delivered by a public school.

683 | (2) Each school-year prekindergarten program delivered by a
684 | public school must comprise at least 540 instructional hours.

685 | (3) The district school board of each school district
686 | eligible under subsection (4) shall determine which public
687 | schools in the district are eligible to deliver the
688 | prekindergarten program during the school year.

689 | (4) To be eligible to deliver the prekindergarten program
690 | during the school year, each school district must meet both of
691 | the following requirements:

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692 (a) The district school board must certify to the State
693 Board of Education that the school district:

694 1. Has reduced the average class size in each classroom in
695 accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX
696 of the State Constitution; and

697 2. Has sufficient satisfactory educational facilities and
698 capital outlay funds to continue reducing the average class size
699 in each classroom in the district's elementary schools for each
700 year in accordance with the schedule for class size reduction and
701 to achieve full compliance with the maximum class sizes in s.
702 1(a), Art. IX of the State Constitution by the beginning of the
703 2010-2011 school year.

704 (b) The Commissioner of Education must certify to the State
705 Board of Education that the department has reviewed the school
706 district's educational facilities, capital outlay funds, and
707 projected student enrollment and concurs with the district school
708 board's certification under paragraph (a).

709 (5) Each public school must have, for each prekindergarten
710 class, at least one prekindergarten instructor who meets each
711 requirement in s. 1002.55(3)(c) for a prekindergarten instructor
712 of a private prekindergarten provider.

713 (6) Each prekindergarten instructor employed by a public
714 school delivering the school-year prekindergarten program must be
715 of good moral character, must be screened using the level 2
716 screening standards in s. 435.04 before employment and rescreened
717 at least once every 5 years, must be denied employment or
718 terminated if required under s. 435.06, and must not be
719 ineligible to teach in a public school because his or her
720 educator certificate is suspended or revoked. This subsection

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721 | does not supersede employment requirements for instructional
722 | personnel in public schools which are more stringent than the
723 | requirements of this subsection.

724 | (7) A public school prekindergarten provider may assign a
725 | substitute instructor to temporarily replace a credentialed
726 | instructor if the credentialed instructor assigned to a
727 | prekindergarten class is absent, as long as the substitute
728 | instructor is of good moral character and has been screened in
729 | accordance with level 2 background screening requirements in s.
730 | 435.04, and meets the screening standards in that section. The
731 | Agency for Workforce Innovation shall adopt rules to implement
732 | this subsection which shall include required qualifications of
733 | substitute instructors and the circumstances and time limits for
734 | which a public school prekindergarten provider may assign a
735 | substitute instructor.

736 | ~~(8)-(7)~~ Each prekindergarten class in a public school
737 | delivering the school-year prekindergarten program must be
738 | composed of at least 4 students but may not exceed 18 students.
739 | In order to protect the health and safety of students, each
740 | school must also provide appropriate adult supervision for
741 | students at all times and, for each prekindergarten class
742 | composed of 11 or more students, must have, in addition to a
743 | prekindergarten instructor who meets the requirements of s.
744 | 1002.55(3)(c), at least one adult prekindergarten instructor who
745 | is not required to meet those requirements but who must meet each
746 | requirement of subsection (6).

747 | ~~(9)-(8)~~ Each public school delivering the school-year
748 | prekindergarten program must:

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749 (a) Register with the early learning coalition on forms
750 prescribed by the Agency for Workforce Innovation; and

751 (b) Deliver the Voluntary Prekindergarten Education Program
752 in accordance with this part.

753 Section 11. This act shall take effect July 1, 2008.