

HB 879

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1 A bill to be entitled  
2 An act relating to early learning; providing a short  
3 title; amending s. 411.01, F.S.; authorizing use of  
4 telecommunication methods in conducting early learning  
5 coalition board meetings; amending and renumbering s.  
6 402.27, F.S.; transferring requirements for the  
7 establishment of a statewide child care resource and  
8 referral network by the Department of Children and Family  
9 Services to the Agency for Workforce Innovation; providing  
10 for use of early learning coalitions as child care  
11 resource and referral agencies; requiring rulemaking;  
12 amending and renumbering s. 409.178, F.S.; transferring  
13 duties of the Department of Children and Family Services  
14 with respect to the Child Care Executive Partnership  
15 Program to the Agency for Workforce Innovation and early  
16 learning coalitions; requiring rulemaking; amending ss.  
17 1002.55, 1002.61, and 1002.63, F.S., relating to the  
18 Voluntary Prekindergarten Education Program; providing  
19 additional accreditation standards for private  
20 prekindergarten providers; revising background screening  
21 requirements for prekindergarten instructors; providing  
22 requirements for assignment of substitute instructors;  
23 requiring rulemaking; conforming cross-references;  
24 providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28           Section 1. This act may be cited as the "Success in Early  
29 Learning Act."

30           Section 2. Paragraph (a) of subsection (5) of section  
31 411.01, Florida Statutes, is amended to read:

32           411.01 School readiness programs; early learning  
33 coalitions.--

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

35           (a) Early learning coalitions.--

36           1. The Agency for Workforce Innovation shall establish the  
37 minimum number of children to be served by each early learning  
38 coalition through the coalition's school readiness program. The  
39 Agency for Workforce Innovation may only approve school  
40 readiness plans in accordance with this minimum number. The  
41 minimum number must be uniform for every early learning  
42 coalition and must:

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

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

48  
49 The Agency for Workforce Innovation shall adopt procedures for  
50 merging early learning coalitions, including procedures for the  
51 consolidation of merging coalitions, and for the early  
52 termination of the terms of coalition members which are  
53 necessary to accomplish the mergers. Each early learning  
54 coalition must comply with the merger procedures and shall be  
55 organized in accordance with this subparagraph by April 1, 2005.

56 By June 30, 2005, each coalition must complete the transfer of  
57 powers, duties, functions, rules, records, personnel, property,  
58 and unexpended balances of appropriations, allocations, and  
59 other funds to the successor coalition, if applicable.

60 2. If an early learning coalition would serve fewer  
61 children than the minimum number established under subparagraph  
62 1., the coalition must merge with another county to form a  
63 multicounty coalition. However, the Agency for Workforce  
64 Innovation may authorize an early learning coalition to serve  
65 fewer children than the minimum number established under  
66 subparagraph 1., if:

67 a. The coalition demonstrates to the Agency for Workforce  
68 Innovation that merging with another county or multicounty  
69 region contiguous to the coalition would cause an extreme  
70 hardship on the coalition;

71 b. The Agency for Workforce Innovation has determined  
72 during the most recent annual review of the coalition's school  
73 readiness plan, or through monitoring and performance  
74 evaluations conducted under paragraph (4)(1), that the coalition  
75 has substantially implemented its plan and substantially met the  
76 performance standards and outcome measures adopted by the  
77 agency; and

78 c. The coalition demonstrates to the Agency for Workforce  
79 Innovation the coalition's ability to effectively and  
80 efficiently implement the Voluntary Prekindergarten Education  
81 Program.

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83 If an early learning coalition fails or refuses to merge as  
84 required by this subparagraph, the Agency for Workforce  
85 Innovation may dissolve the coalition and temporarily contract  
86 with a qualified entity to continue school readiness and  
87 prekindergarten services in the coalition's county or  
88 multicounty region until the coalition is reestablished through  
89 resubmission of a school readiness plan and approval by the  
90 agency.

91 3. Notwithstanding the provisions of subparagraphs 1. and  
92 2., the early learning coalitions in Sarasota, Osceola, and  
93 Santa Rosa Counties which were in operation on January 1, 2005,  
94 are established and authorized to continue operation as  
95 independent coalitions, and shall not be counted within the  
96 limit of 30 coalitions established in subparagraph 1.

97 4. Each early learning coalition shall be composed of at  
98 least 18 members but not more than 35 members. The Agency for  
99 Workforce Innovation shall adopt standards establishing within  
100 this range the minimum and maximum number of members that may be  
101 appointed to an early learning coalition. These standards must  
102 include variations for a coalition serving a multicounty region.  
103 Each early learning coalition must comply with these standards.

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

108 6. Each early learning coalition must include the  
109 following members:

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

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

116 c. A regional workforce board executive director or his or  
 117 her designee.

118 d. A county health department director or his or her  
 119 designee.

120 e. A children's services council or juvenile welfare board  
 121 chair or executive director, if applicable, who shall be a  
 122 nonvoting member if the council or board is the fiscal agent of  
 123 the coalition or if the council or board contracts with and  
 124 receives funds from the coalition.

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

127 g. A president of a community college or his or her  
 128 designee.

129 h. One member appointed by a board of county  
 130 commissioners.

131 i. A central agency administrator, where applicable, who  
 132 shall be a nonvoting member.

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

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

137 1. A representative of faith-based child care providers,  
138 who shall be a nonvoting member.

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

142 7. Including the members appointed by the Governor under  
143 subparagraph 5., more than one-third of the members of each  
144 early learning coalition must be private sector business members  
145 who do not have, and none of whose relatives as defined in s.  
146 112.3143 has, a substantial financial interest in the design or  
147 delivery of the Voluntary Prekindergarten Education Program  
148 created under part V of chapter 1002 or the coalition's school  
149 readiness program. To meet this requirement an early learning  
150 coalition must appoint additional members from a list of  
151 nominees submitted to the coalition by a chamber of commerce or  
152 economic development council within the geographic region served  
153 by the coalition. The Agency for Workforce Innovation shall  
154 establish criteria for appointing private sector business  
155 members. These criteria must include standards for determining  
156 whether a member or relative has a substantial financial  
157 interest in the design or delivery of the Voluntary  
158 Prekindergarten Education Program or the coalition's school  
159 readiness program.

160 8. A majority of the voting membership of an early  
161 learning coalition constitutes a quorum required to conduct the  
162 business of the coalition. An early learning coalition board may  
163 use any method of telecommunications to conduct meetings,  
164 including establishing a quorum through telecommunications,

165 provided that the public is given proper notice of a  
166 telecommunications meeting and reasonable access to observe and,  
167 when appropriate, participate.

168 9. A voting member of an early learning coalition may not  
169 appoint a designee to act in his or her place, except as  
170 otherwise provided in this paragraph. A voting member may send a  
171 representative to coalition meetings, but that representative  
172 does not have voting privileges. When a district administrator  
173 for the Department of Children and Family Services appoints a  
174 designee to an early learning coalition, the designee is the  
175 voting member of the coalition, and any individual attending in  
176 the designee's place, including the district administrator, does  
177 not have voting privileges.

178 10. Each member of an early learning coalition is subject  
179 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
180 112.3143(3)(a), each voting member is a local public officer who  
181 must abstain from voting when a voting conflict exists.

182 11. For purposes of tort liability, each member or  
183 employee of an early learning coalition shall be governed by s.  
184 768.28.

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

187 13. Each early learning coalition shall establish terms  
188 for all appointed members of the coalition. The terms must be  
189 staggered and must be a uniform length that does not exceed 4  
190 years per term. Appointed members may serve a maximum of two  
191 consecutive terms. When a vacancy occurs in an appointed  
192 position, the coalition must advertise the vacancy.

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193 Section 3. Section 402.27, Florida Statutes, is renumbered  
194 as section 411.0101, Florida Statutes, and amended to read:

195 411.0101 ~~402.27~~ Child care and early childhood resource  
196 and referral.--The Agency for Workforce Innovation ~~Department of~~  
197 ~~Children and Family Services~~ shall establish a statewide child  
198 care resource and referral network. Preference shall be given to  
199 using the already established early learning coalitions ~~central~~  
200 ~~agencies for subsidized child care~~ as the child care resource  
201 and referral agency. If an early learning coalition ~~the agency~~  
202 cannot comply with the requirements to offer the resource  
203 information component or does not want to offer that service,  
204 the early learning coalition ~~Department of Children and Family~~  
205 ~~Services~~ shall select the resource information agency based upon  
206 a request for proposal pursuant to s. 411.01(5)(e)1. At least  
207 one child care resource and referral agency must be established  
208 in each early learning coalition's county or multicounty region  
209 ~~district of the department, but no more than one may be~~  
210 ~~established in any county.~~ Child care resource and referral  
211 agencies shall provide the following services:

212 (1) Identification of existing public and private child  
213 care and early childhood education services, including child  
214 care services by public and private employers, and the  
215 development of a resource file of those services. These services  
216 may include family day care, public and private child care  
217 programs, head start, prekindergarten early intervention  
218 programs, special education programs for prekindergarten  
219 handicapped children, services for children with developmental  
220 disabilities, full-time and part-time programs, before-school



221 and after-school programs, vacation care programs, parent  
 222 education, the WAGES Program, and related family support  
 223 services. The resource file shall include, but not be limited  
 224 to:

- 225 (a) Type of program.
- 226 (b) Hours of service.
- 227 (c) Ages of children served.
- 228 (d) Number of children served.
- 229 (e) Significant program information.
- 230 (f) Fees and eligibility for services.
- 231 (g) Availability of transportation.

232 (2) The establishment of a referral process which responds  
 233 to parental need for information and which is provided with full  
 234 recognition of the confidentiality rights of parents. Resource  
 235 and referral programs shall make referrals to licensed child  
 236 care facilities. Referrals shall be made to an unlicensed child  
 237 care facility or arrangement only if there is no requirement  
 238 that the facility or arrangement be licensed.

239 (3) Maintenance of ongoing documentation of requests for  
 240 service tabulated through the internal referral process. The  
 241 following documentation of requests for service shall be  
 242 maintained by all child care resource and referral agencies:

- 243 (a) Number of calls and contacts to the child care  
 244 information and referral agency component by type of service  
 245 requested.
- 246 (b) Ages of children for whom service was requested.
- 247 (c) Time category of child care requests for each child.

248 (d) Special time category, such as nights, weekends, and  
 249 swing shift.

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

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

253 (4) Provision of technical assistance to existing and  
 254 potential providers of child care services. This assistance may  
 255 include:

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

259 (b) Information and resources which help existing child  
 260 care services providers to maximize their ability to serve  
 261 children and parents in their community.

262 (c) Information and incentives which could help existing  
 263 or planned child care services offered by public or private  
 264 employers seeking to maximize their ability to serve the  
 265 children of their working parent employees in their community,  
 266 through contractual or other funding arrangements with  
 267 businesses.

268 (5) Assistance to families and employers in applying for  
 269 various sources of subsidy including, but not limited to,  
 270 subsidized child care, head start, prekindergarten early  
 271 intervention programs, Project Independence, private  
 272 scholarships, and the federal dependent care tax credit.

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

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

277 (8) Information and assistance to local interagency  
 278 councils coordinating services for prekindergarten handicapped  
 279 children.

280 (9) Assistance to families in identifying summer  
 281 recreation camp and summer day camp programs and in evaluating  
 282 the health and safety qualities of summer recreation camp and  
 283 summer day camp programs and in evaluating the health and safety  
 284 qualities of summer camp programs. Contingent upon specific  
 285 appropriation, a checklist of important health and safety  
 286 qualities that parents can use to choose their summer camp  
 287 programs shall be developed and distributed in a manner that  
 288 will reach parents interested in such programs for their  
 289 children.

290 (10) A child care facility licensed under s. 402.305 and  
 291 licensed and registered family day care homes must provide the  
 292 statewide child care and resource and referral agencies with the  
 293 following information annually:

- 294 (a) Type of program.
- 295 (b) Hours of service.
- 296 (c) Ages of children served.
- 297 (d) Fees and eligibility for services.

298 (11) The Agency for Workforce Innovation shall adopt any  
 299 rules necessary for the implementation and administration of  
 300 this section.

301 Section 4. Section 409.178, Florida Statutes, is  
 302 renumbered as section 411.0102, Florida Statutes, and subsection

303 (4), paragraphs (b), (c), and (d) of subsection (5), and  
 304 subsection (6) of that section are amended to read:

305 411.0102 ~~409.178~~ Child Care Executive Partnership Act;  
 306 findings and intent; grant; limitation; rules.--

307 (4) The Child Care Executive Partnership, staffed by the  
 308 Agency for Workforce Innovation ~~department~~, shall consist of a  
 309 representative of the Executive Office of the Governor and nine  
 310 members of the corporate or child care community, appointed by  
 311 the Governor.

312 (a) Members shall serve for a period of 4 years, except  
 313 that the representative of the Executive Office of the Governor  
 314 shall serve at the pleasure of the Governor.

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

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

321 (d) The Child Care Executive Partnership shall have all  
 322 the powers and authority, not explicitly prohibited by statute,  
 323 necessary to carry out and effectuate the purposes of this  
 324 section, as well as the functions, duties, and responsibilities  
 325 of the partnership, including, but not limited to, the  
 326 following:

327 1. Assisting in the formulation and coordination of the  
 328 state's child care policy.

329 2. Adopting an official seal.

- 330           3. Soliciting, accepting, receiving, investing, and
- 331           expending funds from public or private sources.
- 332           4. Contracting with public or private entities as
- 333           necessary.
- 334           5. Approving an annual budget.
- 335           6. Carrying forward any unexpended state appropriations
- 336           into succeeding fiscal years.
- 337           7. Providing a report to the Governor, the Speaker of the
- 338           House of Representatives, and the President of the Senate, on or
- 339           before December 1 of each year.

340           (5)

341           (b) To ensure a seamless service delivery and ease of

342           access for families, an early learning coalition ~~the community~~

343           ~~coordinated child care agencies~~ or the ~~state resource and~~

344           ~~referral~~ Agency for Workforce Innovation shall administer the

345           child care purchasing pool funds.

346           (c) The Agency for Workforce Innovation ~~department~~, in

347           conjunction with the Child Care Executive Partnership, shall

348           develop procedures for disbursement of funds through the child

349           care purchasing pools. In order to be considered for funding, an

350           early learning coalition ~~the community coordinated child care~~

351           ~~agency~~ or the ~~statewide resource and referral~~ Agency for

352           Workforce Innovation must commit to:

353           1. Matching the state purchasing pool funds on a dollar-

354           for-dollar basis; and

355           2. Expending only those public funds which are matched by

356           employers, local government, and other matching contributors who

357           contribute to the purchasing pool. Parents shall also pay a fee,

358 | which shall be not less than the amount identified in the early  
 359 | learning coalition's ~~department's~~ subsidized child care sliding  
 360 | fee scale.

361 |       (d) Each early learning coalition ~~community coordinated~~  
 362 | ~~child care agency~~ shall be required to establish a community  
 363 | child care task force for each child care purchasing pool. The  
 364 | task force must be composed of employers, parents, private child  
 365 | care providers, and one representative from the local children's  
 366 | services council, if one exists in the area of the purchasing  
 367 | pool. The early learning coalition ~~community coordinated child~~  
 368 | ~~care agency~~ is expected to recruit the task force members from  
 369 | existing child care councils, commissions, or task forces  
 370 | already operating in the area of a purchasing pool. A majority  
 371 | of the task force shall consist of employers. Each task force  
 372 | shall develop a plan for the use of child care purchasing pool  
 373 | funds. The plan must show how many children will be served by  
 374 | the purchasing pool, how many will be new to receiving child  
 375 | care services, and how the early learning coalition ~~community~~  
 376 | ~~coordinated child care agency~~ intends to attract new employers  
 377 | and their employees to the program.

378 |       (6) The Agency for Workforce Innovation ~~Department of~~  
 379 | ~~Children and Family Services~~ shall adopt any rules necessary for  
 380 | the implementation and administration of this section.

381 |       Section 5. Subsection (3) of section 1002.55, Florida  
 382 | Statutes, is amended to read:

383 |       1002.55 School-year prekindergarten program delivered by  
 384 | private prekindergarten providers.--

385 (3) To be eligible to deliver the prekindergarten program,  
 386 a private prekindergarten provider must meet each of the  
 387 following requirements:

388 (a) The private prekindergarten provider must be a child  
 389 care facility licensed under s. 402.305, family day care home  
 390 licensed under s. 402.313, large family child care home licensed  
 391 under s. 402.3131, nonpublic school exempt from licensure under  
 392 s. 402.3025(2), or faith-based child care provider exempt from  
 393 licensure under s. 402.316.

394 (b) The private prekindergarten provider must:

395 1. Be accredited by an accrediting association that is a  
 396 member of the National Council for Private School Accreditation,  
 397 the Commission on International and Trans-Regional  
 398 Accreditation, or the Florida Association of Academic Nonpublic  
 399 Schools and have written accreditation standards that meet or  
 400 exceed the state's licensing requirements under s. 402.305, s.  
 401 402.313, or s. 402.3131 and require at least one on-site visit  
 402 to the provider or school before accreditation is granted;

403 2. Hold a current Gold Seal Quality Care designation under  
 404 s. 402.281; or

405 3. Be licensed under s. 402.305, s. 402.313, or s.  
 406 402.3131 and demonstrate, before delivering the Voluntary  
 407 Prekindergarten Education Program, as verified by the early  
 408 learning coalition, that the provider meets each of the  
 409 requirements of the program under this part, including, but not  
 410 limited to, the requirements for credentials and background  
 411 screenings of prekindergarten instructors under paragraphs (c)  
 412 and (d), minimum and maximum class sizes under paragraph (f)~~(e)~~,

413 prekindergarten director credentials under paragraph (g)~~(f)~~, and  
414 a developmentally appropriate curriculum under s. 1002.67(2)(b).

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

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

420 a. A child development associate credential issued by the  
421 National Credentialing Program of the Council for Professional  
422 Recognition; or

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

426  
427 The Department of Children and Family Services may adopt rules  
428 under ss. 120.536(1) and 120.54 which provide criteria and  
429 procedures for approving equivalent credentials under sub-  
430 subparagraph b.

431 2. The prekindergarten instructor must successfully  
432 complete an emergent literacy training course approved by the  
433 department as meeting or exceeding the minimum standards adopted  
434 under s. 1002.59. This subparagraph does not apply to a  
435 prekindergarten instructor who successfully completes approved  
436 training in early literacy and language development under s.  
437 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the  
438 establishment of one or more emergent literacy training courses  
439 under s. 1002.59 or April 1, 2005, whichever occurs later.



440 (d) Each prekindergarten instructor employed by the  
441 private prekindergarten provider must be of good moral  
442 character, shall be subject to ~~must be screened using the level~~  
443 2 background screening requirements in chapter 435, and must be  
444 ~~standards in s. 435.04 before employment and rescreened at least~~  
445 ~~once every 5 years.~~ The 5-year rescreening shall not require  
446 refingerprinting unless the instructor has experienced a break  
447 in covered employment of more than 90 days. A prekindergarten  
448 instructor, must be denied employment or terminated if required  
449 under s. 435.06, and must not be ineligible to teach in a public  
450 school because his or her educator certificate is suspended or  
451 revoked.

452 (e) A private prekindergarten provider may assign a  
453 substitute instructor to temporarily replace a credentialed  
454 instructor if the credentialed instructor assigned to a  
455 prekindergarten class is absent, as long as the substitute  
456 instructor is of good moral character and has been screened in  
457 accordance with level 2 background screening requirements in  
458 chapter 435. The Agency for Workforce Innovation shall adopt  
459 rules to implement this paragraph which shall include required  
460 qualifications of substitute instructors and the circumstances  
461 and time limits for which a private prekindergarten provider may  
462 assign a substitute instructor.

463 (f) ~~(e)~~ Each of the private prekindergarten provider's  
464 prekindergarten classes must be composed of at least 4 students  
465 but may not exceed 18 students. In order to protect the health  
466 and safety of students, each private prekindergarten provider  
467 must also provide appropriate adult supervision for students at

468 all times and, for each prekindergarten class composed of 11 or  
 469 more students, must have, in addition to a prekindergarten  
 470 instructor who meets the requirements of paragraph (c), at least  
 471 one adult prekindergarten instructor who is not required to meet  
 472 those requirements but who must meet each requirement of  
 473 paragraph (d). This paragraph does not supersede any requirement  
 474 imposed on a provider under ss. 402.301-402.319.

475 (g)~~(f)~~ Before the beginning of the 2006-2007 school year,  
 476 the private prekindergarten provider must have a prekindergarten  
 477 director who has a prekindergarten director credential that is  
 478 approved by the department as meeting or exceeding the minimum  
 479 standards adopted under s. 1002.57. Successful completion of a  
 480 child care facility director credential under s. 402.305(2)(f)  
 481 before the establishment of the prekindergarten director  
 482 credential under s. 1002.57 or July 1, 2006, whichever occurs  
 483 later, satisfies the requirement for a prekindergarten director  
 484 credential under this paragraph.

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

488 (i)~~(h)~~ The private prekindergarten provider must deliver  
 489 the Voluntary Prekindergarten Education Program in accordance  
 490 with this part.

491 Section 6. Section 1002.61, Florida Statutes, is amended  
 492 to read:

493 1002.61 Summer prekindergarten program delivered by public  
 494 schools and private prekindergarten providers.--

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

499 (b) Each early learning coalition shall administer the  
 500 Voluntary Prekindergarten Education Program at the county or  
 501 regional level for students enrolled under s. 1002.53(3)(b) in a  
 502 summer prekindergarten program delivered by a private  
 503 prekindergarten provider.

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

506 (a) Comprise at least 300 instructional hours;

507 (b) Not begin earlier than May 1 of the school year; and

508 (c) Not deliver the program for a child earlier than the  
 509 summer immediately before the school year for which the child is  
 510 eligible for admission to kindergarten in a public school under  
 511 s. 1003.21(1)(a)2.

512 (3) (a) Each district school board shall determine which  
 513 public schools in the school district are eligible to deliver  
 514 the summer prekindergarten program. The school district shall  
 515 use educational facilities available in the public schools  
 516 during the summer term for the summer prekindergarten program.

517 (b) Except as provided in this section, to be eligible to  
 518 deliver the summer prekindergarten program, a private  
 519 prekindergarten provider must meet each requirement in s.  
 520 1002.55.

521 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(5),  
 522 each public school and private prekindergarten provider must

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523 have, for each prekindergarten class, at least one  
524 prekindergarten instructor who:

- 525 (a) Is a certified teacher; or  
526 (b) Holds one of the educational credentials specified in  
527 s. 1002.55(4) (a) or (b).

528  
529 As used in this subsection, the term "certified teacher" means a  
530 teacher holding a valid Florida educator certificate under s.  
531 1012.56 who has the qualifications required by the district  
532 school board to instruct students in the summer prekindergarten  
533 program. In selecting instructional staff for the summer  
534 prekindergarten program, each school district shall give  
535 priority to teachers who have experience or coursework in early  
536 childhood education.

537 (5) Each prekindergarten instructor employed by a public  
538 school or private prekindergarten provider delivering the summer  
539 prekindergarten program must be of good moral character, shall  
540 be subject to ~~must be screened using the level 2 background~~  
541 screening requirements in chapter 435, and must be standards in  
542 s. 435.04 before employment and rescreened at least once every 5  
543 years. The 5-year rescreening shall not require refingerprinting  
544 unless the instructor has experienced a break in covered  
545 employment of more than 90 days. A prekindergarten instructor,  
546 ~~must be denied employment or terminated if required under s.~~  
547 ~~435.06,~~ and must not be ineligible to teach in a public school  
548 because his or her educator certificate is suspended or revoked.  
549 This subsection does not supersede employment requirements for

550 instructional personnel in public schools which are more  
551 stringent than the requirements of this subsection.

552 (6) A public school or private prekindergarten provider  
553 may assign a substitute instructor to temporarily replace a  
554 credentialed instructor if the credentialed instructor assigned  
555 to a prekindergarten class is absent, as long as the substitute  
556 instructor is of good moral character and has been screened in  
557 accordance with level 2 background screening requirements in  
558 chapter 435. The Agency for Workforce Innovation shall adopt  
559 rules to implement this subsection which shall include required  
560 qualifications of substitute instructors and the circumstances  
561 and time limits for which a public school or private  
562 prekindergarten provider may assign a substitute instructor.

563 (7)~~(6)~~ Notwithstanding ss. 1002.55(3)~~(f)~~~~(e)~~ and  
564 1002.63~~(8)~~~~(7)~~, each prekindergarten class in the summer  
565 prekindergarten program, regardless of whether the class is a  
566 public school's or private prekindergarten provider's class,  
567 must be composed of at least 4 students but may not exceed 10  
568 students. In order to protect the health and safety of students,  
569 each public school or private prekindergarten provider must also  
570 provide appropriate adult supervision for students at all times.  
571 This subsection does not supersede any requirement imposed on a  
572 provider under ss. 402.301-402.319.

573 (8)~~(7)~~ Each public school delivering the summer  
574 prekindergarten program must also:

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

577 (b) Deliver the Voluntary Prekindergarten Education  
 578 Program in accordance with this part.

579 Section 7. Section 1002.63, Florida Statutes, is amended  
 580 to read:

581 1002.63 School-year prekindergarten program delivered by  
 582 public schools.--

583 (1) Each school district eligible under subsection (4) may  
 584 administer the Voluntary Prekindergarten Education Program at  
 585 the district level for students enrolled under s. 1002.53(3)(c)  
 586 in a school-year prekindergarten program delivered by a public  
 587 school.

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

590 (3) The district school board of each school district  
 591 eligible under subsection (4) shall determine which public  
 592 schools in the district are eligible to deliver the  
 593 prekindergarten program during the school year.

594 (4) To be eligible to deliver the prekindergarten program  
 595 during the school year, each school district must meet both of  
 596 the following requirements:

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

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

602 2. Has sufficient satisfactory educational facilities and  
 603 capital outlay funds to continue reducing the average class size  
 604 in each classroom in the district's elementary schools for each

605 year in accordance with the schedule for class size reduction  
606 and to achieve full compliance with the maximum class sizes in  
607 s. 1(a), Art. IX of the State Constitution by the beginning of  
608 the 2010-2011 school year.

609 (b) The Commissioner of Education must certify to the  
610 State Board of Education that the department has reviewed the  
611 school district's educational facilities, capital outlay funds,  
612 and projected student enrollment and concurs with the district  
613 school board's certification under paragraph (a).

614 (5) Each public school must have, for each prekindergarten  
615 class, at least one prekindergarten instructor who meets each  
616 requirement in s. 1002.55(3)(c) for a prekindergarten instructor  
617 of a private prekindergarten provider.

618 (6) Each prekindergarten instructor employed by a public  
619 school delivering the school-year prekindergarten program must  
620 be of good moral character, shall be subject to ~~must be screened~~  
621 ~~using the level 2 background screening requirements in chapter~~  
622 ~~435, and must be standards in s. 435.04 before employment and~~  
623 ~~rescreened at least once every 5 years.~~ The 5-year rescreening  
624 shall not require refingerprinting unless the instructor has  
625 experienced a break in covered employment of more than 90 days.  
626 ~~A prekindergarten instructor, must be denied employment or~~  
627 ~~terminated if required under s. 435.06, and must not be~~  
628 ineligible to teach in a public school because his or her  
629 educator certificate is suspended or revoked. This subsection  
630 does not supersede employment requirements for instructional  
631 personnel in public schools which are more stringent than the  
632 requirements of this subsection.

633        (7) A public school prekindergarten provider may assign a  
634 substitute instructor to temporarily replace a credentialed  
635 instructor if the credentialed instructor assigned to a  
636 prekindergarten class is absent, as long as the substitute  
637 instructor is of good moral character and has been screened in  
638 accordance with level 2 background screening requirements in  
639 chapter 435. The Agency for Workforce Innovation shall adopt  
640 rules to implement this subsection which shall include required  
641 qualifications of substitute instructors and the circumstances  
642 and time limits for which a public school prekindergarten  
643 provider may assign a substitute instructor.

644        ~~(8)-(7)~~ Each prekindergarten class in a public school  
645 delivering the school-year prekindergarten program must be  
646 composed of at least 4 students but may not exceed 18 students.  
647 In order to protect the health and safety of students, each  
648 school must also provide appropriate adult supervision for  
649 students at all times and, for each prekindergarten class  
650 composed of 11 or more students, must have, in addition to a  
651 prekindergarten instructor who meets the requirements of s.  
652 1002.55(3)(c), at least one adult prekindergarten instructor who  
653 is not required to meet those requirements but who must meet  
654 each requirement of subsection (6).

655        ~~(9)-(8)~~ Each public school delivering the school-year  
656 prekindergarten program must:

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

659            (b) Deliver the Voluntary Prekindergarten Education  
660 Program in accordance with this part.



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2008

661

Section 8. This act shall take effect July 1, 2008.