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HB 879, Engrossed 2

2008 Legislature

1 A bill to be entitled

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

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. This act may be cited as the "Success in Early

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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

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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.

82
83 If an early learning coalition fails or refuses to merge as
84 required by this subparagraph, the Agency for Workforce

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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.

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- 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 for any purpose other than
- 125 rent.
- 126 f. An agency head of a local licensing agency as defined
- 127 in s. 402.302, where applicable.
- 128 g. A president of a community college or his or her
- 129 designee.
- 130 h. One member appointed by a board of county
- 131 commissioners.
- 132 i. A central agency administrator, where applicable, who
- 133 shall be a nonvoting member.
- 134 j. A Head Start director, who shall be a nonvoting member.
- 135 k. A representative of private child care providers,
- 136 including family day care homes, who shall be a nonvoting
- 137 member.
- 138 l. A representative of faith-based child care providers,
- 139 who shall be a nonvoting member.
- 140 m. A representative of programs for children with

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141 disabilities under the federal Individuals with Disabilities
 142 Education Act, who shall be a nonvoting member.

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

161 8. A majority of the voting membership of an early
 162 learning coalition constitutes a quorum required to conduct the
 163 business of the coalition. An early learning coalition board may
 164 use any method of telecommunications to conduct meetings,
 165 including establishing a quorum through telecommunications,
 166 provided that the public is given proper notice of a
 167 telecommunications meeting and reasonable access to observe and,
 168 when appropriate, participate.

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

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

183 11. For purposes of tort liability, each member or
 184 employee of an early learning coalition shall be governed by s.
 185 768.28.

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

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

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

196 411.0101 ~~402.27~~ Child care and early childhood resource

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

- 213 (1) Identification of existing public and private child
 214 care and early childhood education services, including child
 215 care services by public and private employers, and the
 216 development of a resource file of those services. These services
 217 may include family day care, public and private child care
 218 programs, head start, prekindergarten early intervention
 219 programs, special education programs for prekindergarten
 220 handicapped children, services for children with developmental
 221 disabilities, full-time and part-time programs, before-school
 222 and after-school programs, vacation care programs, parent
 223 education, the WAGES Program, and related family support
 224 services. The resource file shall include, but not be limited

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225 | to:

226 | (a) Type of program.

227 | (b) Hours of service.

228 | (c) Ages of children served.

229 | (d) Number of children served.

230 | (e) Significant program information.

231 | (f) Fees and eligibility for services.

232 | (g) Availability of transportation.

233 | (2) The establishment of a referral process which responds

234 | to parental need for information and which is provided with full

235 | recognition of the confidentiality rights of parents. Resource

236 | and referral programs shall make referrals to licensed child

237 | care facilities. Referrals shall be made to an unlicensed child

238 | care facility or arrangement only if there is no requirement

239 | that the facility or arrangement be licensed.

240 | (3) Maintenance of ongoing documentation of requests for

241 | service tabulated through the internal referral process. The

242 | following documentation of requests for service shall be

243 | maintained by all child care resource and referral agencies:

244 | (a) Number of calls and contacts to the child care

245 | information and referral agency component by type of service

246 | requested.

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

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

249 | (d) Special time category, such as nights, weekends, and

250 | swing shift.

251 | (e) Reason that the child care is needed.

252 | (f) Name of the employer and primary focus of the

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253 | business.

254 | (4) Provision of technical assistance to existing and

255 | potential providers of child care services. This assistance may

256 | include:

257 | (a) Information on initiating new child care services,

258 | zoning, and program and budget development and assistance in

259 | finding such information from other sources.

260 | (b) Information and resources which help existing child

261 | care services providers to maximize their ability to serve

262 | children and parents in their community.

263 | (c) Information and incentives which could help existing

264 | or planned child care services offered by public or private

265 | employers seeking to maximize their ability to serve the

266 | children of their working parent employees in their community,

267 | through contractual or other funding arrangements with

268 | businesses.

269 | (5) Assistance to families and employers in applying for

270 | various sources of subsidy including, but not limited to,

271 | subsidized child care, head start, prekindergarten early

272 | intervention programs, Project Independence, private

273 | scholarships, and the federal dependent care tax credit.

274 | (6) Assistance to state agencies in determining the market

275 | rate for child care.

276 | (7) Assistance in negotiating discounts or other special

277 | arrangements with child care providers.

278 | (8) Information and assistance to local interagency

279 | councils coordinating services for prekindergarten handicapped

280 | children.

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

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

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

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

302 Section 4. Section 409.178, Florida Statutes, is
 303 renumbered as section 411.0102, Florida Statutes, and subsection
 304 (4), paragraphs (b), (c), and (d) of subsection (5), and
 305 subsection (6) of that section are amended to read:

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

308 (4) The Child Care Executive Partnership, staffed by the

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309 Agency for Workforce Innovation ~~department~~, shall consist of a
 310 representative of the Executive Office of the Governor and nine
 311 members of the corporate or child care community, appointed by
 312 the Governor.

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

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

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

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

- 328 1. Assisting in the formulation and coordination of the
 329 state's child care policy.
- 330 2. Adopting an official seal.
- 331 3. Soliciting, accepting, receiving, investing, and
 332 expending funds from public or private sources.
- 333 4. Contracting with public or private entities as
 334 necessary.
- 335 5. Approving an annual budget.
- 336 6. Carrying forward any unexpended state appropriations

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337 into succeeding fiscal years.

338 7. Providing a report to the Governor, the Speaker of the
 339 House of Representatives, and the President of the Senate, on or
 340 before December 1 of each year.

341 (5)

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

347 (c) The Agency for Workforce Innovation ~~department~~, in
 348 conjunction with the Child Care Executive Partnership, shall
 349 develop procedures for disbursement of funds through the child
 350 care purchasing pools. In order to be considered for funding, an
 351 early learning coalition ~~the community coordinated child care~~
 352 ~~agency~~ or the ~~statewide resource and referral~~ Agency for
 353 Workforce Innovation must commit to:

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

356 2. Expending only those public funds which are matched by
 357 employers, local government, and other matching contributors who
 358 contribute to the purchasing pool. Parents shall also pay a fee,
 359 which shall be not less than the amount identified in the early
 360 learning coalition's ~~department's~~ subsidized child care sliding
 361 fee scale.

362 (d) Each early learning coalition ~~community coordinated~~
 363 ~~child care agency~~ shall be required to establish a community
 364 child care task force for each child care purchasing pool. The

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

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

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

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

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

389 (a) The private prekindergarten provider must be a child
 390 care facility licensed under s. 402.305, family day care home
 391 licensed under s. 402.313, large family child care home licensed
 392 under s. 402.3131, nonpublic school exempt from licensure under

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393 s. 402.3025(2), or faith-based child care provider exempt from
 394 licensure under s. 402.316.

395 (b) The private prekindergarten provider must:

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

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

406 3. Be licensed under s. 402.305, s. 402.313, or s.
 407 402.3131 and demonstrate, before delivering the Voluntary
 408 Prekindergarten Education Program, as verified by the early
 409 learning coalition, that the provider meets each of the
 410 requirements of the program under this part, including, but not
 411 limited to, the requirements for credentials and background
 412 screenings of prekindergarten instructors under paragraphs (c)
 413 and (d), minimum and maximum class sizes under paragraph (f)~~(e)~~,
 414 prekindergarten director credentials under paragraph (g)~~(f)~~, and
 415 a developmentally appropriate curriculum under s. 1002.67(2)(b).

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

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

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

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

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

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

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

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

460 (f)~~(e)~~ Each of the private prekindergarten provider's
 461 prekindergarten classes must be composed of at least 4 students
 462 but may not exceed 18 students. In order to protect the health
 463 and safety of students, each private prekindergarten provider
 464 must also provide appropriate adult supervision for students at
 465 all times and, for each prekindergarten class composed of 11 or
 466 more students, must have, in addition to a prekindergarten
 467 instructor who meets the requirements of paragraph (c), at least
 468 one adult prekindergarten instructor who is not required to meet
 469 those requirements but who must meet each requirement of
 470 paragraph (d). This paragraph does not supersede any requirement
 471 imposed on a provider under ss. 402.301-402.319.

472 (g)~~(f)~~ Before the beginning of the 2006-2007 school year,
 473 the private prekindergarten provider must have a prekindergarten
 474 director who has a prekindergarten director credential that is
 475 approved by the department as meeting or exceeding the minimum
 476 standards adopted under s. 1002.57. Successful completion of a

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477 child care facility director credential under s. 402.305(2)(f)
 478 before the establishment of the prekindergarten director
 479 credential under s. 1002.57 or July 1, 2006, whichever occurs
 480 later, satisfies the requirement for a prekindergarten director
 481 credential under this paragraph.

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

485 (i)~~(h)~~ The private prekindergarten provider must deliver
 486 the Voluntary Prekindergarten Education Program in accordance
 487 with this part.

488 Section 6. Section 1002.61, Florida Statutes, is amended
 489 to read:

490 1002.61 Summer prekindergarten program delivered by public
 491 schools and private prekindergarten providers.--

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

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

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

- 503 (a) Comprise at least 300 instructional hours;
- 504 (b) Not begin earlier than May 1 of the school year; and

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

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

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

518 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(5),
 519 each public school and private prekindergarten provider must
 520 have, for each prekindergarten class, at least one
 521 prekindergarten instructor who:

522 (a) Is a certified teacher; or

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

525
 526 As used in this subsection, the term "certified teacher" means a
 527 teacher holding a valid Florida educator certificate under s.
 528 1012.56 who has the qualifications required by the district
 529 school board to instruct students in the summer prekindergarten
 530 program. In selecting instructional staff for the summer
 531 prekindergarten program, each school district shall give
 532 priority to teachers who have experience or coursework in early

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533 childhood education.

534 (5) Each prekindergarten instructor employed by a public
 535 school or private prekindergarten provider delivering the summer
 536 prekindergarten program must be of good moral character, must be
 537 screened using the level 2 screening standards in s. 435.04
 538 before employment and rescreened at least once every 5 years,
 539 must be denied employment or terminated if required under s.
 540 435.06, and must not be ineligible to teach in a public school
 541 because his or her educator certificate is suspended or revoked.
 542 This subsection does not supersede employment requirements for
 543 instructional personnel in public schools which are more
 544 stringent than the requirements of this subsection.

545 (6) A public school or private prekindergarten provider
 546 may assign a substitute instructor to temporarily replace a
 547 credentialed instructor if the credentialed instructor assigned
 548 to a prekindergarten class is absent, as long as the substitute
 549 instructor is of good moral character and has been screened
 550 before employment in accordance with level 2 background
 551 screening requirements in chapter 435. This subsection does not
 552 supersede employment requirements for instructional personnel in
 553 public schools which are more stringent than the requirements of
 554 this subsection. The Agency for Workforce Innovation shall adopt
 555 rules to implement this subsection which shall include required
 556 qualifications of substitute instructors and the circumstances
 557 and time limits for which a public school or private
 558 prekindergarten provider may assign a substitute instructor.

559 (7)~~(6)~~ Notwithstanding ss. 1002.55(3)~~(f)~~~~(e)~~ and
 560 1002.63~~(8)~~~~(7)~~, each prekindergarten class in the summer

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561 prekindergarten program, regardless of whether the class is a
 562 public school's or private prekindergarten provider's class,
 563 must be composed of at least 4 students but may not exceed 10
 564 students. In order to protect the health and safety of students,
 565 each public school or private prekindergarten provider must also
 566 provide appropriate adult supervision for students at all times.
 567 This subsection does not supersede any requirement imposed on a
 568 provider under ss. 402.301-402.319.

569 (8)~~(7)~~ Each public school delivering the summer
 570 prekindergarten program must also:

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

573 (b) Deliver the Voluntary Prekindergarten Education
 574 Program in accordance with this part.

575 Section 7. Section 1002.63, Florida Statutes, is amended
 576 to read:

577 1002.63 School-year prekindergarten program delivered by
 578 public schools.--

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

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

586 (3) The district school board of each school district
 587 eligible under subsection (4) shall determine which public
 588 schools in the district are eligible to deliver the

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589 prekindergarten program during the school year.

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

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

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

598 2. Has sufficient satisfactory educational facilities and
 599 capital outlay funds to continue reducing the average class size
 600 in each classroom in the district's elementary schools for each
 601 year in accordance with the schedule for class size reduction
 602 and to achieve full compliance with the maximum class sizes in
 603 s. 1(a), Art. IX of the State Constitution by the beginning of
 604 the 2010-2011 school year.

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

610 (5) Each public school must have, for each prekindergarten
 611 class, at least one prekindergarten instructor who meets each
 612 requirement in s. 1002.55(3)(c) for a prekindergarten instructor
 613 of a private prekindergarten provider.

614 (6) Each prekindergarten instructor employed by a public
 615 school delivering the school-year prekindergarten program must
 616 be of good moral character, must be screened using the level 2

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617 screening standards in s. 435.04 before employment and
618 rescreened at least once every 5 years, must be denied
619 employment or terminated if required under s. 435.06, and must
620 not be ineligible to teach in a public school because his or her
621 educator certificate is suspended or revoked. This subsection
622 does not supersede employment requirements for instructional
623 personnel in public schools which are more stringent than the
624 requirements of this subsection.

625 (7) A public school prekindergarten provider may assign a
626 substitute instructor to temporarily replace a credentialed
627 instructor if the credentialed instructor assigned to a
628 prekindergarten class is absent, as long as the substitute
629 instructor is of good moral character and has been screened
630 before employment in accordance with level 2 background
631 screening requirements in chapter 435. This subsection does not
632 supersede employment requirements for instructional personnel in
633 public schools which are more stringent than the requirements of
634 this subsection. The Agency for Workforce Innovation shall adopt
635 rules to implement this subsection which shall include required
636 qualifications of substitute instructors and the circumstances
637 and time limits for which a public school prekindergarten
638 provider may assign a substitute instructor.

639 (8)-(7)- Each prekindergarten class in a public school
640 delivering the school-year prekindergarten program must be
641 composed of at least 4 students but may not exceed 18 students.
642 In order to protect the health and safety of students, each
643 school must also provide appropriate adult supervision for
644 students at all times and, for each prekindergarten class

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645 | composed of 11 or more students, must have, in addition to a
646 | prekindergarten instructor who meets the requirements of s.
647 | 1002.55(3)(c), at least one adult prekindergarten instructor who
648 | is not required to meet those requirements but who must meet
649 | each requirement of subsection (6).

650 | (9)~~(8)~~ Each public school delivering the school-year
651 | prekindergarten program must:

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

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

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