

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1203 Early Learning
SPONSOR(S): PreK-12 Policy Committee and Nelson
TIED BILLS: IDEN./SIM. BILLS: CS/SB 2014

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: PreK-12 Policy Committee, 12 Y, 0 N, As CS, Beagle, Ahearn. Row 2: Full Appropriations Council on Education & Economic Development, Lolley, Kramer. Rows 3-5 are empty.

SUMMARY ANALYSIS

The School Readiness Program provides early childhood education and child care services to low-income children, children in protective services, and children with disabilities. The program is implemented locally by 31 early learning coalitions (ELC), with state level oversight by the Agency for Workforce Innovation (AWI).

The bill revises the duties of ELCs and AWI to provide more uniform and streamlined administration of the School Readiness Program. The bill requires AWI to adopt specific support service strategies for implementing program requirements. ELCs must amend their school readiness plans to conform to adopted strategies. The bill expands AWI's rulemaking authority to administer the program and directs the Governor to designate AWI as the lead agency for administering the federal Child Care and Development Fund (CCDF) – the primary funding source for the School Readiness Program.

The bill requires AWI, the Department of Education, and ELCs to coordinate with the Department of Children and Families (DCF) to avoid duplication of interagency activities. AWI must adopt, and ELCs must use, a standard contract for contracting with school readiness providers. The bill requires AWI to administer the statewide electronic data system. Authority to administer the statewide toll-free Warm-line and the child care reimbursement rate schedule is transferred from DCF to AWI.

The bill eliminates provisions requiring AWI to submit recommendations to the Legislature for providing transportation to children served by school readiness programs. The bill requires AWI to establish an allocation formula for state and federal school readiness funds. The allocation formula is subject to legislative review and AWI must comply with any legislative changes to the formula.

The bill revises the membership of ELC boards; subjects ELCs to AWI-adopted procurement procedures, rather than those for state agencies; and eliminates provisions requiring certain ELCs to hire a fiscal agent. The bill requires AWI to review ELC school readiness plans every two years, rather than annually. AWI must adopt rules establishing criteria for approving school readiness plans.

The bill requires ELCs to implement school readiness programs in accordance with AWI rules; prohibits ELCs from imposing unauthorized requirements on providers that do not participate in school readiness programs; establishes clearly defined priorities for child eligibility; and eliminates ELC discretion to establish priorities based on local factors.

The bill requires private VPK and school readiness program providers to comply with the same standards for child discipline as licensed child care providers; authorizes the State Board of Education to grant a "good cause" exemption to VPK providers determined ineligible to deliver the program; deletes several references to repealed programs; and expands DCF's authority to impose licensing/registration fees on child care providers.

See Fiscal Analysis & Economic Impact Statement.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **The School Readiness Program**

Established in 1999,<sup>1</sup> the School Readiness Program provides early childhood education and child care services for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.<sup>2</sup> The School Readiness Program is a state-federal partnership between Florida's Agency for Workforce Innovation (AWI) and the Child Care Bureau of the United States Department of Health and Human Services.<sup>3</sup>

The School Readiness Program receives funding from a mixture of state and federal sources, including the federal Child Care and Development Fund (CCDF) block grant, the federal Temporary Assistance for Needy Families (TANF) block grant, and general revenue and other state funds.<sup>4</sup>

The program is administered by early learning coalitions (ELC) at the county or regional level.<sup>5</sup> AWI administers the program at the state level, including statewide coordination of the ELCs.<sup>6</sup> Governance of the School Readiness Program is structured in a manner that provides for local design, delivery, and management of school readiness services, with AWI developing program performance standards and outcome measures and approving ELC school readiness plans. Administrative staff at the state level must be maintained at the minimum necessary to administer AWI's duties.<sup>7</sup>

Florida law requires each ELC to include a "choice of settings and locations in licensed, registered, religious-exempt, or school-based programs."<sup>8</sup> A wide range of public and private providers of early childhood education and child care services participate in the School Readiness Program, including:

- Public and private schools;
- Licensed child care facilities and large family child care homes;

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<sup>1</sup> See § 1, ch. 99-357, L.O.F.

<sup>2</sup> Section 411.01(6) & (11), F.S.

<sup>3</sup> See Child Care Bureau, Administration for Children & Families, U.S. Department of Health & Human Services, *Child Care and Development Fund Fact Sheet* (Nov. 2009), <http://www.acf.hhs.gov/programs/ccb/ccdf/factsheet.pdf>.

<sup>4</sup> Specific Appropriations 2152-2162, § 6, ch. 2009-81, L.O.F. In 2009, the Legislature also allocated federal American Recovery and Reinvestment Act funds to support school readiness services. *Id.*

<sup>5</sup> Section 411.01(5), F.S.; Agency for Workforce Innovation, *Early Learning Coalition Directory*, <http://www.floridajobs.org/earlylearning/CoalitionDirectory2.htm> (last visited Mar. 2, 2010).

<sup>6</sup> Section 411.01(4)(a), F.S.

<sup>7</sup> Section 411.01(2)(d), F.S.; Agency for Workforce Innovation, *Legislative Bill Analysis for HB 1203* (2010).

<sup>8</sup> Section 411.01(5)(d)4.b., F.S.

- Licensed and registered family day care homes;
- Faith-based child care facilities and after-school programs, which are both exempt from licensure; and
- Informal providers (e.g., friends, relatives, and in-home care providers).<sup>9</sup>

Child care providers who provide school readiness services are regulated by the Department of Children and Families (DCF).<sup>10</sup>

### **The Agency for Workforce Innovation**

AWI is Florida's lead agency for administering the federal CCDF from which funds are used to implement the School Readiness Program.<sup>11</sup> Florida law directs AWI to provide unified leadership, through the ELCs, in enhancing the state's school readiness programs. AWI is authorized to adopt "specific strategies" to accomplish this purpose.<sup>12</sup>

AWI must develop and adopt performance standards and outcome measures for school readiness programs. Child performance standards must describe age-appropriate expectations for what a child in the School Readiness Program should know and be able to do.<sup>13</sup> The standards for children from birth to age three must be integrated with the performance standards adopted by the Department of Education (DOE) for the Voluntary Prekindergarten Education (VPK) Program.<sup>14</sup> ELC administered programs must be aligned to these performance standards.<sup>15</sup>

AWI must coordinate with the ELCs to provide school readiness services. Among other things, AWI must:

- Identify best practices for use by ELCs in improving program outcomes;<sup>16</sup>
- Work with ELCs to increase parental training and involvement in their child's preschool education;<sup>17</sup>
- Assess gaps in service;<sup>18</sup>
- Provide technical assistance to ELCs and counties that form a multi-county region served by a single ELC;<sup>19</sup>
- Conduct studies and planning activities related to program outcomes;<sup>20</sup>

<sup>9</sup> Federal regulations governing the CCDF block grant, in effect, require the School Readiness Program to serve children in center-based child care, group home child care, family child care, and in-home child care. 45 C.F.R. § 98.30(e)(1). The specific types of programs used to provide school readiness services are listed in the state plan Florida submits to the federal government. Agency for Workforce Innovation, *Florida Child Care and Development Fund Plan for FFY 2010-2011*, (2009), available at [http://www.floridajobs.org/earlylearning/CCDF\\_08\\_09.html](http://www.floridajobs.org/earlylearning/CCDF_08_09.html). [hereinafter *State Plan*].

<sup>10</sup> Chapter 402, F.S.

<sup>11</sup> Section 411.01(4)(c), F.S. Statute provides that AWI may be designated by the Governor as the lead agency for administering the CCDF.

<sup>12</sup> Section 411.01(4)(d)3., F.S.

<sup>13</sup> Section 411.01(4)(d)8., F.S.; see Florida Institute of Education, University of North Florida, *Florida Birth to Three Learning and Developmental Standards* (2004), available at <http://www.unf.edu/dept/fie/PDF%20Folder/Birthto3.pdf>; Florida Institute of Education, University of North Florida, *Florida School Readiness Performance Standards for Three-, Four-, and Five-Year-Old Children* (2002), available at [http://www.unf.edu/dept/fie/PDF%20Folder/complete\\_book.pdf](http://www.unf.edu/dept/fie/PDF%20Folder/complete_book.pdf); see also Agency for Workforce Innovation, *Performance Standards*, [http://www.floridajobs.org/earlylearning/oel\\_performance.html](http://www.floridajobs.org/earlylearning/oel_performance.html) (last visited Aug. 1, 2008).

<sup>14</sup> Section 411.01(4)(d)8., F.S. The performance standards must address the following school readiness skills: compliance with rules, limitations, and routines; ability to perform tasks; interactions with adults; interactions with peers; ability to cope with challenges; self-help skills; ability to express the child's needs; verbal communication skills; problem-solving skills; following of verbal directions; demonstration of curiosity, persistence, and exploratory behavior; interest in books and other printed materials; paying attention to stories; participation in art and music activities; and ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships. Section 411.01(4)(j), F.S.

<sup>15</sup> Section 411.01(5)(c)1.a., F.S.

<sup>16</sup> Section 411.01(4)(m), F.S.

<sup>17</sup> Section 411.01(4)(o), F.S.

<sup>18</sup> Section 411.01(4)(d)6., F.S.

<sup>19</sup> Section 411.01(4)(d)5. & 7., F.S.

<sup>20</sup> Section 411.01(4)(k), F.S.

- Provide policy analysis and make recommendations to the Governor, Legislature, and State Board of Education (SBE),<sup>21</sup> and
- Require ELCs or providers to collect student health and immunization information prior to program enrollment.<sup>22</sup>

AWI must establish an integrated statewide information system or “single point of entry” that enables parents to enroll their children by phone or internet. Each ELC must use the information system and each ELC’s single point of entry must be integrated into the system.<sup>23</sup>

AWI is specifically authorized to adopt rules governing school readiness program preparation and implementation, data collection, approval of ELCs and ELC school readiness plans, ELCs that serve a multicounty region, incentives to ELCs, and the issuance of waivers from regulatory requirements.<sup>24</sup>

AWI must recommend to the Legislature a formula for allocating state and federal funds to ELCs; annually distribute funds as block grants, to the extent practicable, to the ELCs; and make recommendations to the Legislature for providing transportation services for School Readiness Programs.<sup>25</sup> In addition, AWI must submit an annual report on the School Readiness Program to the Governor and the Legislature and make this report available to, among other entities, the SBE, district school boards, central agencies, and county health departments.<sup>26</sup>

### **Effect of Proposed Changes**

The bill eliminates provisions stating that the School Readiness Program is to be locally designed, delivered, and managed, with AWI developing program performance standards and outcome measures and approving ELC school readiness plans. Current law provides that administrative staff at the state level must be maintained at the minimum necessary to administer AWI’s duties. The bill revises this provision, stating that administrative staff must be maintained at the minimum necessary to administer the duties of both AWI and the ELCs. The bill adds provisions stating that AWI must implement system support services at the state level to build a comprehensive early learning system.

The bill requires the Governor, rather than authorizing him, to designate AWI as the lead agency for administering the federal CCDF. The bill eliminates provisions requiring AWI to provide unified leadership for school readiness programs through the ELCs. Instead, AWI is directed to establish a unified approach to the state’s school readiness efforts. To achieve this end, the bill requires AWI to adopt specific support service strategies and conduct studies and planning for improving the effectiveness of such strategies. Support system strategies include: child care resource and referral and Warm-line services; eligibility determinations; child performance standards, screening and assessment, and developmentally appropriate curricula; health and safety requirements; statewide data system requirements; and rating and improvement systems. ELCs must amend their school readiness plans to conform to adopted strategies.

AWI must adopt performance standards for children age birth to 5, rather than birth to 3. The bill also adds specificity to AWI’s technical support role by requiring it to use information obtained from public input, government and interest group reports, agency monitoring visits, and ELC requests for service. AWI must work with ELCs to ensure the availability of training and support for parental involvement. The bill eliminates the requirement that AWI assess gaps in service and identify best practices of ELCs.

AWI duties related to the collection of child health and immunization information are transferred to the ELCs. ELCs must ensure that program providers collect this information within 30 days after a child enrolls in the School Readiness Program. The bill allows DCF-licensed child care providers to satisfy this requirement through existing processes for verifying provider compliance with licensing standards.

<sup>21</sup> Section 411.01(4)(i), F.S.

<sup>22</sup> Section 411.01(4)(j), F.S.

<sup>23</sup> Section 411.01(5)(c)1.e., F.S.

<sup>24</sup> Section 411.01(4)(e), F.S.

<sup>25</sup> Section 411.01(9), F.S.

<sup>26</sup> Section 411.01(4)(n), F.S.

The bill requires AWI, DOE, and ELCs to coordinate with DCF to avoid duplication of interagency activities. The bill grants AWI specific authority to administer the statewide electronic data system and expands the uses of the system to include tracking attendance and child progress, coordinating services, determining eligibility, and streamlining administrative processes. AWI must adopt, and ELCs must use, a standard contract for contracting with school readiness providers.

The bill requires that studies and planning activities conducted to measure program outcomes also measure the effectiveness of specific system support strategies. The bill adds that AWI must conduct data analyses in addition to current duties related to policy analysis and recommending policies to the Governor and the Legislature. The bill deletes the SBE, district school boards, central agencies, and county health departments as entities to which AWI must make its annual school readiness report available.

The bill requires AWI to establish an allocation formula for state and federal school readiness funds, rather than recommending a formula to the Legislature. The allocation formula is subject to legislative review and AWI must comply with any legislative changes to the formula. To the extent practicable, AWI must distribute funds according to agency-established terms and conditions. The bill eliminates provisions requiring AWI to present recommendations to the Legislature regarding transportation services for school readiness programs.

In an effort to provide more uniform statewide implementation of the School Readiness Program, the bill authorizes AWI to adopt rules regarding:

- Administration of system support service strategies;
- Implementation of child performance standards and outcome measures; and
- Implementation of the CCDF state plan.

The bill requires AWI to adopt rules to establish criteria for approving ELC school readiness plans and for funding activities to improve child care quality in accordance with federal law.

### **Early Learning Coalitions**

Each ELC administers the School Readiness Program,<sup>27</sup> the VPK Program,<sup>28</sup> and the state's child care resource and referral network in its county or multi-county region.<sup>29</sup> An ELC may serve one county or a multi-county region.<sup>30</sup>

Florida law permits the establishment of up to 30 ELCs.<sup>31</sup> The ELCs in Sarasota, Osceola, and Santa Rosa Counties do not count against this cap.<sup>32</sup> There are currently 31 early learning coalitions.<sup>33</sup> Each ELC must serve at least 2,000 children based upon the monthly average number of children served by the coalition's school readiness program during the previous 12 months. If the children served by an ELC falls below this level, it must merge with another ELC to form a multicounty coalition. Current law requires AWI to adopt procedures for merging ELCs. However, these provisions refer to mergers that were to be completed by June 30, 2005.<sup>34</sup>

Each ELC is governed by a board of directors. Depending on the size and number of counties served, an ELC is composed of 18 to 35 members.<sup>35</sup> An ELC is comprised of both voting and nonvoting members.

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<sup>27</sup> Section 411.01(5)(b), F.S.

<sup>28</sup> Section 1002.55(1) & 1002.61(1)(b), F.S.

<sup>29</sup> Section 411.0101, F.S.

<sup>30</sup> See § 411.01(5)(a)2., F.S.

<sup>31</sup> Section 411.01(5)(a)1.a., F.S.

<sup>32</sup> Section 411.01(5)(a)3., F.S.

<sup>33</sup> Agency for Workforce Innovation, *Early Learning Coalition Directory*, <http://www.floridajobs.org/earlylearning/CoalitionDirectory2.htm> (last visited Mar. 1, 2010).

<sup>34</sup> Section 411.01(5)(a)1.b., F.S. (flush-left provisions at end of sub-sub-paragraph).

Voting members:

- A chair appointed by the Governor;
- Two “private-sector business members” appointed by the Governor;
- A DCF district administrator or designee;
- A regional workforce board member or designee;
- A county health department director or designee;
- A local licensing agency head;
- A community college president or designee; and
- A board of county commissioners appointee.

Nonvoting members:

- A district school superintendent or designee;
- A children’s services council or juvenile welfare board chair or executive director;
- A central agency administrator, where applicable;
- A Head Start director;
- A representative of private child care providers, including family daycare homes;
- A representative of faith-based child care providers; and
- A representative of programs for children with disabilities.<sup>36</sup>

In addition, one-third of the membership must be comprised of “private-sector business members” appointed by the coalition after receiving nominations from a local chamber of commerce or economic development council.<sup>37</sup> Member terms must be staggered and may not exceed four years.<sup>38</sup>

An ELC that is not organized as a corporation or other business entity must designate a fiscal agent to provide fiscal and administrative services.<sup>39</sup> ELCs are subject to statutory requirements governing procurement of commodities and services by state agencies. Commodities or services contracts entered into by an ELC may not exceed three years.<sup>40</sup>

In order to participate in the School Readiness Program, each ELC must submit a school readiness plan to AWI for approval.<sup>41</sup> AWI must review ELC plans annually.<sup>42</sup> The plan must demonstrate how ELC-offered programs will be aligned to statutory requirements, performance standards, and outcome measures. The plan must address how instruction will enable three and four year old children to meet the performance standards.<sup>43</sup>

AWI must adopt school readiness plan approval criteria, which among other things, must include:

- Requirements for instructional staff training and credentials;
- Locally developed student eligibility priorities;
- System support services, including a central agency, child care resource and referral, eligibility determinations, provider training, and parental support and involvement;
- Direct enhancement services;
- Strategies to meet the needs of unique populations, such as migrant workers;

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<sup>35</sup> Section 411.01(5)(a)4., F.S.

<sup>36</sup> Section 411.01(5)(a)5.-6., F.S.

<sup>37</sup> Section 411.01(5)(a)7., F.S.

<sup>38</sup> Section 411.01(5)(a)13., F.S.

<sup>39</sup> Section 411.01(5)(f), F.S.

<sup>40</sup> Section 411.01(5)(e)1., F.S.; *See* 287.057, F.S. (state agency procurement of commodities and contractual services).

<sup>41</sup> Section 411.01(5)(d)1., F.S.

<sup>42</sup> Section 411.01(5)(d)2., F.S.

<sup>43</sup> Section 411.01(5)(d)2., F.S.

- Payment rates adopted by the ELC and approved by AWI. Payment rates may not have the effect of limiting parental choice or creating levels of service not authorized by the Legislature.<sup>44</sup>

An ELC may include in its school readiness plan a request that the Governor apply for a waiver from the federal government to allow the ELC to administer the Head Start Program. An ELC may also request that AWI grant a variance from existing rules, policies, and procedures. The ELC must demonstrate in its school readiness plan that the variance will enable it to meet the goals of the School Readiness Program more effectively. An ELC may also request that the Governor and cabinet waive statutory provisions related to standards for state funded preventive healthcare for preschool aged children,<sup>45</sup> the children's early investment program,<sup>46</sup> and teenage parent programs<sup>47</sup> if such waiver will facilitate innovative practices and regional establishment of school readiness programs.<sup>48</sup> An ELC with an approved school readiness plan is not subject to statutory provisions authorizing a children's services council to provide funds to other county agencies that provide services to children,<sup>49</sup> establishing the state plan for prevention and early intervention services,<sup>50</sup> and establishing standards for state funded preventive healthcare for preschool aged children.<sup>51,52</sup>

An ELC with an approved school readiness plan must implement a comprehensive system of school readiness services which enhance children's attainment of the performance standards and outcome measures adopted by AWI.<sup>53</sup> School readiness programs must include the following elements: a developmentally appropriate curriculum, character development, age appropriate developmental assessment, a pretest and post-test administered to children as they enter and leave the program, appropriate staff to child ratios, a healthy and safe environment, and a parental resource and referral network.<sup>54</sup> In addition, school readiness programs must provide coordinated staff development and teaching opportunities and include a community plan for meeting the needs of all eligible children.<sup>55</sup> ELCs are authorized to enter into multi-party agreements with providers from other counties in order to provide services to migrant workers.<sup>56</sup>

### **Effect of Proposed Changes**

The bill increases the statutory limit on the number of ELC governing boards from 30 to 31 and eliminates provisions stating that ELCs for Sarasota, Osceola, and Santa Rosa counties are not to be counted within the limit. The bill eliminates provisions requiring mergers of ELCs to be completed by 2005. Instead, the bill requires AWI to adopt procedures for merging an ELC when its service level falls below 2000 children per month.

The bill revises the membership and term requirements for ELCs. The bill revises the minimum and maximum membership of ELC boards by providing that each board may be comprised of 15 to 30 members, rather than 18 to 35 members. The bill removes the central agency representative as a board member and specifies that the member representing private child care providers is to represent "for-profit" providers. Rather than specify which board members have voting privileges, the bill requires AWI to adopt procedures that ELCs must use to determine a member's voting status. The bill adds provisions authorizing ELCs that serve a multicounty region to fill member positions with additional nonvoting members, so long as only one representative for each stakeholder classification is a voting member. The bill eliminates the requirement that members representing private sector business be

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<sup>44</sup> Section 411.01(5)(d)4., F.S.

<sup>45</sup> Section 411.223, F.S.

<sup>46</sup> Section 411.232, F.S.

<sup>47</sup> Section 1003.54, F.S.

<sup>48</sup> Section 411.01(5)(d)4., F.S. (flush left provisions at end of sub-paragraph).

<sup>49</sup> Section 125.901(2)(a)3., F.S.

<sup>50</sup> Section 411.221, F.S.

<sup>51</sup> Section 411.223, F.S.

<sup>52</sup> Section 411.01(5)(d)7., F.S.

<sup>53</sup> Section 411.01(5)(c)1.a. & (d)2., F.S.

<sup>54</sup> Section 411.01(5)(c)2., F.S.

<sup>55</sup> Section 411.01(5)(c)1.c. & g., F.S.

<sup>56</sup> Section 411.01(5)(d)9.-10., F.S.

chosen from a list submitted by the local chamber of commerce or economic development council. The term of an ELC board chair must coincide with his or her membership on the Early Learning Advisory Council.

The bill subjects ELCs to procurement procedures developed by AWI, rather than those generally applicable to state agencies. The bill deletes provisions limiting the term of an ELC commodities and services contract to three years and requiring an ELC that is not organized as a corporation or other business entity to designate a fiscal agent.

The bill requires AWI to review ELC school readiness plans every two years, rather than annually. The bill specifically directs AWI to adopt rules establishing criteria for approving ELC school readiness plans that are consistent with system support service strategies.

The bill adds several school readiness plan requirements. School readiness plans must address how instruction will enable children birth through age five, rather three and four year old children, to meet performance standards.

The bill adds requirements that school readiness plans:

- Include a community plan for addressing child and provider needs;
- Demonstrate how the ELC will implement federally funded local quality improvement programs; and
- Demonstrate that the ELC solicited public input in developing the plan.

The bill eliminates existing school readiness plan criteria that duplicate the efforts of other agencies. The requirement that ELCs develop system support services is eliminated, as AWI is tasked with developing system support service strategies under the bill. The bill eliminates the requirement that school readiness plans address child care staff training and qualifications. DCF already regulates this in its role as child care provider licensor. In addition, the bill eliminates the requirement that the school readiness plan include strategies for serving unique populations such as migrant workers.

The bill clarifies several existing school readiness plan criteria. The bill requires ELCs to implement direct enhancement services in each county served and specifies that direct enhancement services for parents include parent training and involvement activities and strategies for serving unique populations. Direct enhancement services for children include provider supports and professional development approved in the school readiness plan by AWI. Payment rates established by an ELC may not create levels of service not expressly authorized by the Legislature unless the creation of such standards is a precondition to state eligibility for federal early learning funds.

The bill specifies that ELCs must implement school readiness programs in accordance with AWI rules governing performance standards, outcome measures, and specific support system strategies. Current law requires ELCs to implement a comprehensive system of school readiness services which enhance children's attainment of the performance standards and outcome measures *adopted by AWI*. ELC programs must include coordinated professional development, staff-to child ratios and environmental conditions that are consistent with child care licensing standards, age-appropriate screening, entry and exit assessments, and Warm-line services for assisting parents and providers.

School readiness programs must ensure minimum standards for age-appropriate child discipline and the use of severe, humiliating, or physical punishment is prohibited. These are the same requirements imposed on child care providers that are licensed by the DCF.<sup>57</sup>

The bill prohibits ELCs from imposing unauthorized requirements on providers that do not participate in school readiness programs or receive state and federal funding. Current law authorizes an ELC to request that the Governor apply for a waiver from the federal government so the ELC may administer the Head Start Program. The bill authorizes AWI, rather than an ELC, to request that the Governor

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<sup>57</sup> See *supra* text accompanying note 96.



apply for this waiver. The bill eliminates provisions authorizing an ELC to request that AWI grant a variance from existing rules, policies, and procedures. The bill provides that statutory provisions authorizing a children's services council to provide funds to other county agencies that provide services to children, establishing the state plan for prevention and early intervention services, and establishing standards for state funded preventive healthcare for preschool aged children are not applicable to school readiness programs. Current law states that these statutory provisions are not applicable to ELCs.

### **Child Eligibility and Enrollment**

Florida law specifies that the School Readiness Program is established for children from birth to school entry.<sup>58</sup> ELCs must admit children into the School Readiness Program according to two priorities. First priority is granted to children from families in which a parent is receiving temporary cash assistance and subject to federal work requirements.<sup>59</sup> Second priority is granted to children age 3 years to school entry who are served in child protective services and for whom child care is needed to minimize the risk of further abuse, neglect, or abandonment.<sup>60</sup>

Beyond these two priorities, state law authorizes each ELC to establish priorities based on local factors.<sup>61</sup> This may include children chosen from the following eligibility categories:

- A child under the age of kindergarten eligibility who is:
  - Determined to be at risk of abuse, neglect, or exploitation who is currently in child protective services;
  - At risk of welfare dependency, including a child who is economically disadvantaged, a child of a participant in the welfare transition program, a child of a migrant farmworker, or a child of a teen parent;
  - A child of a working family who is economically disadvantaged; or
  - A child for whom the state is paying a relative caregiver payment.<sup>62</sup>
  
- A three or four year-old child:
  - Whose family is not economically disadvantaged, but who has a disability;
  - Who has been served in a "specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment;" and
  - Who was previously "reported for funding part time with the Florida Education Finance Program as [an] exceptional student[ ]."<sup>63</sup>
  
- A child from birth to 4 years of age who is served at home through a home visitor program or intensive parent education program; if:
  - The child's family is economically disadvantaged;
  - The child has a disability; or

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<sup>58</sup> Section 411.01(5)(b) & (6), F.S. Federal regulations governing the CCDF block grant, authorize the state to use the funds for child care services, if: the child is under 13 years of age or, at the state's option, under age 19 and physically or mentally incapable of caring for himself or herself or under court supervision; the child's family income does not exceed 85 percent of the state's median income for a family of the same size; and the child: resides with a parent or parents who work or attend job training or educational programs; or receives, or needs to receive, protective services. 45 C.F.R. § 98.20.

<sup>59</sup> Section 411.01(11), F.S. Federal law provides mandatory work requirements for recipients of assistance under a state's TANF block grant. 42 U.S.C. § 607. These work requirements establish that a state must meet or exceed minimum rates of recipients participating in "work activities" (e.g., employment, education, and vocational training). 42 U.S.C. § 607(d). The Agency for Workforce Innovation has established eligibility requirements for the School Readiness Program which align to the federal definition of these work activities. Rules 60BB-4.100(5) & (22) & 60BB-4.203(1)(b), F.A.C.

<sup>60</sup> Section 411.01(6), F.S.

<sup>61</sup> Section 411.01(5)(d)4.d., F.S.

<sup>62</sup> Section 411.01(6)(a), F.S.

<sup>63</sup> Section 411.01(6)(b), F.S.

- The child is at risk of future school failure.<sup>64</sup>
- A child who meets federal and state eligibility requirements for the migrant preschool program and whose family is not economically disadvantaged.<sup>65</sup>

For purposes of child eligibility for the School Readiness Program, “economically disadvantaged” means that the child’s family income does not exceed 150 percent of the federal poverty level.<sup>66</sup>

Florida law requires school readiness programs to provide parental choice of providers via the issuance of a purchase service order. Upon selecting an eligible provider, a parent may use the purchase service order to enroll the child in the School Readiness Program. Federal regulations implementing the CCDF block grant refer to this payment method as a “child care certificate.”<sup>67</sup>

### **Effect of Proposed Changes**

The bill revises the child eligibility requirements for school readiness programs to establish a more clearly defined eligibility sequence. The bill states that any child who is eligible for any federally subsidized child care program is eligible for the school readiness program. The bill establishes first priority for children from families in which an adult receives temporary cash assistance and is subject to federal work requirements. This provision is transferred from elsewhere in the School Readiness Program statute and placed with the main body of requirements regarding child eligibility. Second priority is established for children who are eligible for a school readiness program but have not entered school, who are served in child protective services, and for whom child care is needed to minimize the risk of further abuse, neglect, or abandonment.

The bill eliminates an ELC’s discretion to establish local eligibility priorities. Priority eligibility for children who are determined to be at risk of abuse, neglect, or exploitation who are currently in child protective services is eliminated. The bill makes clarifying revisions to the remaining eligibility priorities without substantively changing current law.

The bill renames the “purchase service order” as a “child care certificate” to conform with federal terminology.

### **Child Care Reimbursement Rates**

Under the former subsidized child care program, DCF was responsible for determining statewide reimbursement rates for child care services. The legislature transferred authority to set reimbursement rates to the ELCs in 1999.<sup>68</sup> Statute was never amended to reflect this transfer of authority.<sup>69</sup>

Federal regulations implementing the CCDF require states to determine child care reimbursement rates via a local market survey.<sup>70</sup> AWI contracts to provide this survey. The survey is partially based on the statutory criteria for collecting market-rate data and calculation of the prevailing market rate.<sup>71</sup>

The market rate for child care is the daily, weekly, or monthly rate a provider charges for child care services.<sup>72</sup> The market rate must be established for each type of eligible child care provider. Market

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<sup>64</sup> Section 411.01(6)(c), F.S.

<sup>65</sup> Section 411.01(6)(d), F.S.

<sup>66</sup> Section 411.01(6), F.S. (flush-left provisions at end of subsection). The U.S. Department of Health and Human Services established that the 2009 poverty guideline is, for example, a family income of \$22,050 for a family of four persons. 74 Fed. Reg. 14 (Jan. 23, 2009), available at <http://edocket.access.gpo.gov/2009/pdf/E9-1510.pdf>. One-hundred-fifty percent of this federal poverty guideline is a family income of \$33,075 for a family of four persons. The 2009 poverty guidelines were extended indefinitely on January 22, 2010. 75 Fed. Reg. 14 (Jan. 22, 2010), available at <http://edocket.access.gpo.gov/2010/pdf/2010-1234.pdf>.

<sup>67</sup> 45 C.F.R. §§ 98.30 & 98.2.

<sup>68</sup> Section 1, ch. 99-357, L.O.F. (creating s. 411.01(5)(e)2., F.S. (1999)).

<sup>69</sup> Section 402.3051, F.S.

<sup>70</sup> 45 C.F.R. § 98.43(b)(2).

<sup>71</sup> Staff of the Florida Senate, *Legislative Bill Analysis for CS/SB 2570* (2009).

rates must also differentiate between full and part-time services and services provided for children with disabilities, infants, toddlers, and preschool and school-age children. Rates must also consider reductions in cost for additional children in the same family.<sup>73</sup>

Licensed, exempt, or registered child care providers who hold a Gold Seal Quality Care designation<sup>74</sup> are reimbursed at the market rate. Those that do not hold a Gold Seal designation are reimbursed at the prevailing market rate. Unregulated providers are reimbursed at 50 percent of the market rate.<sup>75</sup>

### **Effect of Proposed Changes**

The bill requires AWI, rather than DCF, to establish a prevailing market-rate schedule with county-by-county child care reimbursement rates. Rates will continue to be differentiated by provider type, types of service, and whether full and part-time care is provided and the rate schedule must consider discounts for multiple child families. Rates must differentiate between: child care providers with a Gold Seal Quality Care designation; licensed child care facilities; license-exempt public or nonpublic schools; license-exempt faith-based child care facilities that do not hold a Gold Seal designation; licensed large family child care homes; licensed or registered family day care homes; and after school programs that are not considered “child care.”

The rate schedule must be based exclusively on the prices charged for child care services. If the rate schedule conflicts with federal requirements, the federal requirements control. The rate paid to Gold Seal providers is the prevailing market rate plus a Gold Seal Quality Care maximum rate. Other providers are paid at the prevailing market rate.

The bill authorizes AWI rulemaking to administer its duties related to child care reimbursement rates. AWI may contract with qualified entities to administer child care rate provisions and provide technical support to providers.

### **Child Care Provider Licensing Fees**

In most counties, child care providers are licensed by the DCF.<sup>76</sup> The licensing fee for child care facilities licensed by DCF is \$1 per child, with the minimum fee set at \$25 and the maximum fee set at \$100 per facility. The DCF is not authorized to collect a fee from the other types of child care providers it regulates, e.g., licensed or registered family day care homes and large family child care homes.<sup>77</sup>

Subject to certain requirements, a county may designate a local licensing agency for child care providers.<sup>78</sup> Six counties have designated a local licensing agency: Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota.<sup>79</sup> These counties may collect a fee for any license issued, not just licenses issued to child care facilities.<sup>80</sup>

### **Effect of Proposed Changes**

The bill authorizes DCF to collect licensing and registration fees for registered family day care homes, licensed family day care homes, and licensed large family child care homes. The fee for a family day

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<sup>72</sup> Section 402.3051(1)(b), F.S. Eligible providers include licensed facilities, licensed or registered family day care homes, licensed before or after school child care programs, unregulated care provided by relatives or others, and providers not subject to licensing. *Id.*

<sup>73</sup> Section 402.3051(1)(b), F.S.

<sup>74</sup> Section 402.281, F.S. Child care facilities, large family child care homes, or family day care homes that are accredited by specified national accrediting bodies may receive a “Gold Seal Quality Care” designation to operate as a gold seal child care facility, large family child care home, or family day care home. *Id.*

<sup>75</sup> Section 402.3051(2), F.S.

<sup>76</sup> Section 402.305, F.S.

<sup>77</sup> Section 402.315(3), F.S.; *See* §§ 402.313, F.S. (family day care homes) and 402.3131, F.S. (large family child care homes).

<sup>78</sup> Section 402.306, F.S.

<sup>79</sup> Florida Department of Children and Families, *Child Care Licensing Overview* (Oct. 2007), available at <http://ccrain.fl-dcf.org/documents/7/36.pdf#page=1>.

<sup>80</sup> Section 402.315(4), F.S.

care home registered with DCF is \$25. The fee for a family day care home licensed by DCF is \$50. The fee for a large family child care home licensed by DCF is \$60.

### **The Child Care and Early Childhood Resource and Referral**

Florida law requires AWI to establish a statewide child care resource and referral network to assist consumers in identifying available public and private child care providers. Each ELC administers the network in its service area. The ELC must compile profiles of available public and private child care providers within the ELC's service area for use by parents in choosing providers.

Various types of child care programs and services must be included in the network.<sup>81</sup> Referrals must be made to licensed child care providers. Referrals may be made to providers which are not required to be licensed.<sup>82</sup> The network must assist families and employers in applying for available subsidies, including subsidized child care and prekindergarten early intervention programs.<sup>83</sup> The network must also assist state agencies in determining the market rate for child care.<sup>84</sup>

Current law requires DCF to contract with the "statewide resource information and referral agency" to establish a statewide toll-free Warm-line for the purpose of assisting child care providers in serving children with disabilities and special needs.<sup>85</sup> Duties related to child care resource and referral were transferred from DCF to AWI in 2001.<sup>86</sup> Statutory provisions governing the Warm-line do not reflect this change.

### **Effect of Proposed Change**

The bill clarifies that the child care resource and referral network is part of the School Readiness Program. The bill requires referrals via the child care resource and referral network to be made only to "legally operating" child care facilities. The bill specifies that the School Readiness Program and the Voluntary Prekindergarten Education Program must be included in the network. AWI is directed to adopt rules regarding the accessibility of the network, which include required hours of operation, methods for parents to request services, and network staff requirements. The bill deletes reference to the subsidized child care program and network duties related to assisting state agencies in setting market rates.

Authority to administer the Warm-line is transferred from DCF to AWI.

### **Private Voluntary Prekindergarten Education Program Providers**

To offer a VPK program, a private prekindergarten provider must register with the ELC and must be a:

- Licensed child care facility;
- Licensed family day care home;
- Licensed large family child care home;
- Nonpublic school exempt from licensure; or
- Faith-based child care provider exempt from licensure.<sup>87</sup>

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<sup>81</sup> Section 411.0101(1), F.S. The network must include the following providers and services: family day care, public and private child care programs, Head Start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before and after-school programs, vacation care programs, parent education, the WAGES Program, and related family support services.

<sup>82</sup> Section 411.0101(2), F.S.

<sup>83</sup> Section 411.0101(5), F.S.

<sup>84</sup> Section 411.0101(6), F.S.

<sup>85</sup> Section 402.3018, F.S.

<sup>86</sup> Section 17, ch. 2001-170, L.O.F.

<sup>87</sup> Sections 1002.55(3)(a) & (h), F.S.; *See also* Rule 60BB-8.300(3), F.A.C.; §§ 402.3025(2), 402.305, 402.313, 402.3131 & 402.316, F.S.

In addition, a private prekindergarten provider must:

- Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation (CITRA), or the Florida Association of Academic Nonpublic Schools and that has written accrediting standards *that meet the state's licensing requirements*<sup>88</sup> and require at least one onsite visit before accreditation is granted;<sup>89</sup>
- Hold a current Gold Seal Quality Care designation;<sup>90</sup> or
- Be licensed and demonstrate to the early learning coalition that the provider meets the VPK program's statutory requirements.<sup>91</sup>

Registered family day care homes<sup>92</sup> and informal child care providers<sup>93</sup> are not eligible to offer the VPK program.<sup>94</sup>

Each ELC must provide a VPK provider profile to parents. The profile must describe available services and include all providers in the ELC's county or multicounty region.<sup>95</sup>

State child care licensing standards require licensed child care providers to maintain discipline policies that are "age-appropriate, not involve tactics that are severe, humiliating, or frightening or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited."<sup>96</sup>

### **Effect of Proposed Changes**

The bill states that private prekindergarten providers that participate in the VPK program must have discipline policies that prohibit use of severe, humiliating, or frightening tactics or tactics that involve food, rest, toileting, spanking or other forms of physical punishment. These are the same requirements imposed on child care providers that are licensed by DCF. The bill deletes CITRA as an authorized accrediting body for private VPK providers.

The VPK program provider profile need only include those providers in the county where the child is being enrolled. This will allow ELCs that serve multicounty areas to target the county where the child is most likely to be served.

### **Voluntary Prekindergarten Education Program Provider Accountability**

A kindergarten readiness rate is the percentage of a private provider's or public school's students who complete the VPK program<sup>97</sup> and who are assessed by the statewide kindergarten screening as ready for kindergarten.<sup>98</sup> The SBE adopts a minimum satisfactory kindergarten readiness rate,<sup>99</sup> and a private provider or public school is designated a low-performing provider or school if its kindergarten readiness

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<sup>88</sup> Section 1002.55(3)(b)1., F.S.; *See also* §§ 402.305, 402.313 & 402.3131, F.S. (state licensing requirements).

<sup>89</sup> Section 1002.55(3)(b)1., F.S.

<sup>90</sup> *See* § 402.281, F.S.; Rule 65C-22.009, F.A.C.

<sup>91</sup> Section 1002.55(3)(b), F.S.

<sup>92</sup> If a family day care home is not required to be licensed under § 402.313(1), F.S., the home must register with the DCF in accordance with § 402.313(1)(a), F.S. To deliver the VPK program, a family day care home must be licensed. Section 1002.55(3)(a), F.S.

<sup>93</sup> Florida's state plan for the federal Child Care and Development Fund block grant defines "informal child care" as "[a]ny legal but non-regulated child care, subject to health and safety requirements, that is provided by a relative or non-relative in the child's home or other location." *State Plan*.

<sup>94</sup> *See* § 1002.55(3)(a), F.S.

<sup>95</sup> Section 1002.53(5), F.S.

<sup>96</sup> Section 402.305(12), F.S.

<sup>97</sup> A student is considered to have completed the VPK program if he or she is enrolled in the VPK program for 70 percent or more of the total number of instructional hours (*i.e.*, 378 hours of a 540-hour school-year program or 210 hours of a 300-hour summer program). Rule 6A-1.099821(3)(a)1., F.A.C.

<sup>98</sup> Section 1002.69(5), F.S. Kindergarten readiness rates are measured by the Florida Kindergarten Readiness Screener. *See* rule 6A-1.099821(5)(b), F.A.C.

<sup>99</sup> Section 1002.69(7)(a), F.S.

rate falls below the state board's minimum rate.<sup>100</sup> The SBE may not set the minimum rate any higher than the rate at which 15 percent of the private providers and public schools in the VPK program are designated as low-performing.<sup>101</sup>

The accountability requirements for the VPK program require a low-performing private provider or public school to take progressively increasing action to improve the kindergarten readiness of its students each consecutive year that the provider or school is designated as low-performing:

- **First Year:** Submit and implement an improvement plan.
- **Second and Third Consecutive Year:** Probation, corrective actions including mandatory use of a curriculum approved by DOE.
- **Fourth Consecutive Year:** Removal from eligibility to offer the VPK program.<sup>102</sup>

No exemptions exist under Florida law that allow a private provider or public school that is designated as low-performing for four consecutive years to continue offering the VPK program.

### **Effect of Proposed Changes**

The bill authorizes the SBE to grant a good cause exemption to a private provider or public school that remains on probation for two or more consecutive years. A private provider or public school that is granted a good cause exemption may continue to offer, and receive state funding for, the VPK program. The exemption is good for one year. A private provider or public school must annually submit a request to the SBE that includes:

- Standardized testing data documenting the achievement and progress of children served;
- Submission and review of data available from ELCs, district school boards, the DCF and the local licensing authorities, or an accrediting association, as applicable, that indicates compliance with state and local health and safety standards; and
- Submission and review of data available to the DOE regarding the performance of the children served and the calculation of the provider or school's kindergarten Readiness Rate.

The SBE must adopt criteria for approving a good cause exemption that includes:

- Learning gains of children served in the program;
- Verification that the private provider or public school served at least twice the statewide percentage of children with disabilities; and
- Verification that local and state health and safety requirements have been met.

A private provider that has had one or more Class 1 violations or two or more Class 2 violations<sup>103</sup> within two years of completion of the 2008-2009 VPK program is ineligible for a good cause exemption. A private provider or public school that is granted a good cause exemption must continue to implement its improvement plan and use a DOE-approved curriculum. The DOE must adopt procedures for granting good cause exemptions.

### **The Child Care Executive Partnership**

The Child Care Executive Partnership (CCEP) Program allows funding from the School Readiness Program to be used for payment of matching child care funding for low-income working parents who

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<sup>100</sup> Rule 6A-1.099821(7), F.A.C.

<sup>101</sup> Section 1002.69(6)(b), F.S.

<sup>102</sup> Section 1002.67(3)(c), F.S.

<sup>103</sup> Class I and Class II violations are specified on DCF Forms CF-FSP Forms 5316, 5317, and 5318. These forms set forth the health and safety standards for child care facilities, family day care homes, and large family child care homes. Rules 65C-20.012 & 65C-22.010, F.A.C.; See Department of Children and Families, *CF-FSP Form 5318 :Family Day Care Home Standards Classification Summary* (March 2009), available at [http://ccrain.fl-dcf.org/\(X\(1\)\)/documents/2/441.pdf](http://ccrain.fl-dcf.org/(X(1))/documents/2/441.pdf).

are eligible for subsidized child care.<sup>104</sup> Matching funds are provided as a dollar-for-dollar match from employers, local governments, and other contributors.<sup>105</sup> Each ELC must establish a community child care task force comprised of parents, employers, providers, and other stakeholders to develop a plan for the use of these funds.<sup>106</sup>

### **Effect of Proposed Changes**

The bill eliminates the requirement that ELCs establish a community child care task force to develop a plan for using child care funds; instead, each ELC must develop such a plan. With regard to the CCEP Program, the bill deletes a reference to parents who are eligible for subsidized child care and provides eligibility for funds to low income parents whose family does not exceed the income requirements for any federally subsidized child care program. The bill authorizes the CCEP to conduct meetings via telecommunications, subject to reasonable notice to, and access by, the public.

### **Infant and Toddler Programs**

Each state-funded education and care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. Infant and toddler programs may be offered via existing programs, including the subsidized child care program, prekindergarten early intervention and Florida First Start programs. Current law does not require that these activities be aligned with school readiness program performance standards developed by AWI.<sup>107</sup>

### **Effect of Proposed Changes**

The bill adds a requirement that infant and toddler programs must help children attain the school readiness program performance standards developed by AWI. The bill deletes the repealed subsidized child care, prekindergarten early intervention, and Florida First Start programs as authorized providers of infant and toddler programs and adds the School Readiness Program as an authorized program provider.

### **The Subsidized Child Care Transportation System**

Florida law requires the DCF to establish a subsidized child care transportation program for children at risk of abuse or neglect participating in the subsidized child care program. The state community child care coordination agencies must contract for the provision of transportation services. Each child participating in subsidized child care must be provided transportation when transportation is necessary to provide child care opportunities which otherwise would not be available to a child whose home is more than a reasonable walking distance from the nearest child care facility or family day care home.<sup>108</sup>

### **Effect of Proposed Changes**

The bill revises Florida law governing the subsidized child care transportation system to require AWI, not DCF, to establish transportation services for children at risk of abuse or neglect participating in school readiness programs. The bill authorizes ELCs, rather than state community child care coordination agencies, to contract for transportation services. Transportation services may only be provided to the extent necessary to provide child care opportunities to a child whose home is more than a reasonable walking distance from the nearest child care facility or family day care home.

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<sup>104</sup> Section 411.0102, F.S. The CCEP program is available for a child whose family income does not exceed 200 percent of the federal poverty level. Specific Appropriation 2157, § 6, ch. 2009-81, L.O.F.

<sup>105</sup> Section 411.0102(3), F.S.

<sup>106</sup> Section 411.0102(5)(d), F.S.

<sup>107</sup> Section 402.25, F.S.

<sup>108</sup> Section 402.3145, F.S.

## **The Subsidized Child Care Program**

The subsidized child care program is one of several programs that was consolidated into the current School Readiness Program.<sup>109</sup> This program was repealed by the Legislature in 2001. Despite its repeal, several obsolete references to subsidized child care and the subsidized child care program remain in statute.<sup>110</sup>

### **Effect of Proposed Changes**

The bill deletes references to the subsidized child care program in statutes related to:

- DCF rulemaking authority for administering the subsidized child care program.<sup>111</sup>
- Family daycare home licensing.<sup>112</sup>
- Exemptions from licensure in psychological services for employees of the subsidized child care program and subsidized child care case management program.<sup>113</sup>
- Exemptions from provisional licensure, registration, and certification in clinical, counseling, and psychotherapy services for employees of the subsidized child care program and the subsidized child care case management program.<sup>114</sup>
- The Certified Education Paraprofessional Welfare Transition Program.<sup>115</sup>

The bill revises several statutes that reference subsidized child care, as follows:

- Current law allows access to child abuse/neglect reports and records for specified agency employees/contractors who license child care providers which receive subsidized child care funding.<sup>116</sup> The term “subsidized child care” is replaced with “school readiness funding.”
- Current law requires the Relative Caregiver Program to provide subsidized child care to relative care givers.<sup>117</sup> The term “subsidized child care” is replaced with “school readiness” services.
- Current law expresses the Legislature’s intent to develop a subsidized child care program to provide care opportunities for needy children.<sup>118</sup> The bill replaces the term “subsidized child care program” with “school readiness programs.”
- Current law authorizes subsidized and licensed nonsubsidized child care as a support service for expectant parents and high-risk children.<sup>119</sup> “Subsidized child care” is replaced with “licensed child care facilities” as an allowable support service.
- When funding is insufficient to serve all eligible individuals, current law specifies that priority for participation in workforce programs be given to individuals who have access to subsidized or unsubsidized child care.<sup>120</sup> The bill deletes reference to “subsidized or unsubsidized child care” and allows priority for individuals who have access to “child care services.”
- Current law authorizes regional workforce boards to authorize additional services for program participants, which may include subsidized child care services.<sup>121</sup> The bill deletes the term “subsidized,” thereby authorizing “child care services” as an allowable additional service.

The bill deletes provisions authorizing foster care homes to receive subsidized child care and provides that such homes may receive “school readiness funding.”<sup>122</sup> The bill clarifies current law authorizing a

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<sup>109</sup> Section 402.3015, F.S., (2000).

<sup>110</sup> Section 26, ch. 2001-170, L.O.F. (repeal effective January 1, 2002).

<sup>111</sup> Section 39.0121(7), F.S.

<sup>112</sup> Section 402.313, F.S.

<sup>113</sup> Section 490.014, F.S.

<sup>114</sup> Section 491.014, F.S.

<sup>115</sup> Section 1009.64, F.S.

<sup>116</sup> Section 39.202(2)(a)5., F.S.

<sup>117</sup> Section 39.5085(2)(f), F.S.

<sup>118</sup> Section 402.26(5), F.S.

<sup>119</sup> Section 402.203, F.S.

<sup>120</sup> Section 445.024, F.S.

<sup>121</sup> Section 445.030, F.S.

<sup>122</sup> Section 409.1671(5)(c), F.S.



foster care home to be dually licensed as a family day care home or large family child care home. The bill updates the term “out-of-home care payment” with the current federal term “foster care maintenance payment.” The bill also corrects provisions inaccurately referring to foster homes “licensed under this section” to add a correct reference to s. 409.175, F.S., which is the foster home licensing statute.

In addition, the bill repeals s. 402.3135, F.S., which is the subsidized child care case management program.

### **The State Coordinating Council for School Readiness Programs**

The State Coordinating Council for School Readiness Programs (council) was established by the Legislature in 1989 to coordinate Florida’s various early learning programs.<sup>123</sup> Legislation enacted in 1999 repealed the council, effective July 1, 2002.<sup>124</sup> Despite its repeal, several references to the council remain in statute. AWI currently performs the duties formerly assigned to the council.<sup>125</sup>

### **Effect of Proposed Changes**

The bill deletes references to the council as follows:

- Current law requires the Department of Health (DOH) to consult various stakeholders, including the council, regarding postnatal screening for hereditary and congenital disorders. After consulting the council, the DOH must adopt rules requiring every newborn to be screened.<sup>126</sup> The bill deletes both references to the council and adds AWI as the agency that must be consulted.
- Current law requires DCF to consult various stakeholders, including the council and the National Association for Child Development Education (NACDE), in developing the Gold Seal Quality Care program.<sup>127</sup> The bill replaces the council with the AWI. The bill replaces the NACDE with the Child Development Alliance.
- Current law requires the DOH to consult the council regarding training for providers of community resource mother or father programs.<sup>128</sup> The bill deletes the council and adds AWI as the agency that must be consulted.
- Current law requires the prevention and early assistance strategic plan to include input from, among other stakeholders, the council.<sup>129</sup> The bill deletes reference to the council and adds AWI as an entity that must provide input regarding the plan.

### **B. SECTION DIRECTORY:**

**Section 1:** Amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program.

**Section 2:** Amending s. 39.202, F.S.; replaces obsolete reference to subsidized child care funding with updated reference to school readiness funding.

**Section 3:** Amending s. 39.5085, F.S.; deleting an obsolete reference to the repealed subsidized child care program.

**Section 4:** Amending s. 383.14, F.S.; replacing obsolete references to the State Coordinating Council for School Readiness Programs with updated references to AWI.

**Section 5:** Transferring, renumbering, and amending s. 402.25, F.S.; deleting obsolete references to subsidized child care, prekindergarten early intervention program, and Florida First Start Program.

<sup>123</sup> Section 2, ch. 89-379, L.O.F.; § 411.222, F.S. (2000).

<sup>124</sup> Section 7, ch. 99-357, L.O.F.

<sup>125</sup> Agency for Workforce Innovation, *Legislative Bill Analysis for HB 1203* (2010).

<sup>126</sup> Section 383.14(1)(b) & (2), F.S.

<sup>127</sup> Section 402.281(2), F. S.

<sup>128</sup> Section 402.45(6), F.S.

<sup>129</sup> Section 411.221(2), F.S.

- Section 6:** Amending s. 402.26, F.S.; replacing an obsolete reference to the subsidized child care program with updated reference to early learning programs.
- Section 7:** Amending s. 402.281, F.S.; replacing obsolete reference to the State Coordinating Council for School Readiness Programs with updated references to AWI.
- Section 8:** Transfers and renumbers s. 402.3016, F.S., as s. 411.0104, F.S., relating to Early Head Start collaboration grants.
- Section 9:** Amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-line from DCF to AWI.
- Section 10:** Transferring, renumbering, and amending s. 402.3051, F.S.; transferring authority for child care market rates from DCF to AWI; directing AWI to establish a prevailing market rate schedule; establishing criteria for determining the prevailing market rate; authorizing AWI to enter into contracts; authorizing rulemaking.
- Section 11:** Amending s. 402.313, F.S.; deleting obsolete reference to the subsidized child care program.
- Section 12:** Repealing s. 402.3135, F.S.; relating to the subsidized child care case management program.
- Section 13:** Transferring, renumbering, and amending s. 402.3145, F.S.; as s. 411.01014, F.S.; authorizing AWI to establish school readiness transportation services.
- Section 14:** Amending s. 402.315, F.S.; revising child care licensing fees.
- Section 15:** Amending s. 402.45, F.S.; replacing obsolete reference to the State Coordinating Council for School Readiness Programs with updated reference to AWI.
- Section 16:** Amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a child care facility; deletes obsolete reference to subsidized child care payment.
- Section 17:** Amending s. 411.01, F.S.; revising AWI and ELC duties regarding the School Readiness Program; deleting obsolete provisions related to merging ELCs; revising membership requirements for ELCs; revising school readiness plan requirements; revising procurement and contracting requirements for ELCs; revising child eligibility requirements; authorizing rulemaking.
- Section 18:** Amending s. 411.0101, F.S.; relating to child care and early childhood resource and referral network; authorizing legally operating providers to receive referrals; adding the VPK program and school readiness programs to the network; revising the services provided by the network.
- Section 19:** Amending s. 411.0102, F.S.; authorizing the Child Care Executive Partnership to conduct meetings via telecommunications; requiring ELCs to develop a plan for expending child care funds; deleting obsolete reference to the subsidized child care program.
- Section 20:** Amending s. 411.203, F.S.; deleting obsolete reference to the subsidized child care program.
- Section 21:** Amending s. 411.221, F.S.; replacing obsolete reference to the State Coordinating Council for School Readiness Programs with updated reference to AWI.
- Section 22:** Amending s. 445.024, F.S.; deleting obsolete reference to the subsidized child care program.
- Section 23:** Amending s. 445.030, F.S.; deleting obsolete reference to the subsidized child care program.
- Section 24:** Amending s. 490.014, F.S.; deleting obsolete reference to the subsidized child care program and subsidized child care case management program.
- Section 25:** Amending s. 491.014, F.S.; deleting obsolete reference to the subsidized child care program and subsidized child care case management program.
- Section 26:** Amending s. 1002.53, F.S.; revising VPK provider profile requirements.
- Section 27:** Amending s. 1002.55, F.S.; revising approved accrediting bodies for private VPK program providers; requiring private VPK providers to comply with discipline policy requirements.
- Section 28:** Amending s. 1002.67, F.S.; making technical changes.
- Section 29:** Amending s. 1002.69, F.S.; authorizing the SBE to grant good cause exemptions to certain VPK providers; specifying requirements for exemptions.
- Section 30:** Amending s. 1002.71, F.S.; making technical changes.
- Section 31:** Amending s. 1002.73, F.S.; authorizing the DOE to adopt procedures for granting of good cause exemptions.
- Section 32:** Amending s. 1009.64, F.S.; deleting obsolete reference to the subsidized child care program.
- Section 33:** Providing an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Currently, DCF may only collect licensing fees from child care facilities. The bill authorizes DCF to collect fees from family day care homes and large family child care homes, thereby expanding its authority to collect fees. Family day care homes registered with DCF must pay a fee of \$25. Licensed family day care homes must pay a fee of \$50. Licensed large family child care homes must pay a fee of \$60.

#### 2. Expenditures:

The bill does not appear to have a fiscal impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

#### 2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

- The bill authorizes the DCF to impose licensing or registration fees on licensed family day care homes and large family child care homes and registered family day care homes. Currently, the DCF is not authorized to impose fees on these child care providers.
- The bill authorizes any “legally operating” child care provider to receive referrals via the child care resource and referral network, thereby increasing the types of providers that may receive referrals from the network.
- According to the DOE, private child care providers and ELCs may experience cost savings resulting from bill provisions eliminating duplicative regulatory processes and streamlining program administration.<sup>130</sup>

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

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

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

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<sup>130</sup> Florida Department of Education, *Legislative Bill Analysis for HB 1203* (2010).

## B. RULE-MAKING AUTHORITY:

The bill authorizes AWI to adopt rules regarding:

- Administration of system support service strategies;
- Implementation of child performance standards and outcome measures; and
- Implementation of the CCDF state plan.

The bill requires AWI to adopt rules to establish criteria for approving ELC school readiness plans and for funding activities to improve child care quality in accordance with federal law.

## C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the PreK-12 Policy Committee adopted a strike-all amendment to HB 1203 and reported the bill favorably as a committee substitute. The CS differs from the original bill as follows:

- The CS adds provisions authorizing relative care givers to be provided with school readiness services.
- The CS amends bill provisions stating that the Legislature shall develop an *early learning program* to provide child care opportunities for needy children. The CS provides that the Legislature shall develop a school readiness program to provide such opportunities.
- The CS deletes the NACDE as an entity that DCF must consult in developing the Gold Seal Quality Care program and adds the Child Development Alliance as an entity to be consulted.
- The CS adds Gold Seal-designated child care providers and license-exempt faith-based child care facilities that are not Gold Seal-designated to the list of child care provider types whose rates must be differentiated by the child care reimbursement rate schedule.
- The CS deletes bill provisions stating that the reimbursement rate schedule may not interfere with parental choice of providers.
- The bill requires the reimbursement rate schedule to be based exclusively on the prices charged for child care services. The CS adds provisions stating that if this causes a conflict with federal requirements, the federal requirements control.
- The bill repeals s. 402.3145, F.S., relating to the subsidized child care transportation program. Instead of repealing this section, the CS transfers authority to provide *school readiness transportation services* from DCF to AWI and revises other program requirements.
- The CS clarifies provisions authorizing licensed foster care homes to be dually licensed and updates the term “out-of-home care payment” with the current federal term “foster care maintenance payment.” The CS also corrects current law inaccurately referring to foster homes “licensed under this section.” The CS adds the correct reference to s. 409.175, F.S., which is the foster home licensing statute.
- The bill revised legislative intent regarding School Readiness Programs to state that administrative staff must be maintained at the minimum necessary to administer the duties of AWI and the ELCs. The CS adds provisions stating that AWI must implement system support services at the state level to build a comprehensive early learning system.
- The bill requires ELCs to ensure that health information is collected by program providers within 30 days after a child enrolls in the School Readiness Program. The bill adds that a child care provider licensed by DCF may satisfy this requirement through existing processes for verifying provider compliance with licensing standards.
- The CS adds provisions requiring each ELC to maintain direct enhancement services in each county it serves.

- The CS adds provisions requiring AWI to adopt procedures for use by ELCs in determining which board members will be granted voting privileges.
- The CS restores current law providing that one member of an ELC board must represent a county health department. The bill removed this provision.

In addition, the CS adds provisions authorizing the SBE to grant a “good cause” exemption to private providers and public schools that have been determined ineligible to provide the VPK program. The private provider or public school must apply for the exemption annually. The private provider or public school must submit data related to student performance and compliance with state and local health and safety standards to the SBE. The SBE must adopt criteria for approving “good cause” exemptions.