

By Senator Flores

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1                                   A bill to be entitled  
2           An act relating to early learning; amending s. 411.01,  
3           F.S.; revising the duties of the Office of Early  
4           Learning within the Department of Education; requiring  
5           that the Office of Early Learning develop and adopt by  
6           rule unified performance standards and outcome  
7           measures for school readiness programs; requiring that  
8           the Office of Early Learning adopt a statewide,  
9           standardized contract that is limited to state and  
10          federal requirements to be used by the early learning  
11          coalitions; requiring that the Office of Early  
12          Learning prohibit such coalitions from adopting  
13          addenda to the contract; revising provisions to  
14          conform to changes made by the act; amending s.  
15          411.01013, F.S.; defining the term "affordable parent  
16          contribution"; revising provisions relating to the  
17          prevailing market rate schedule adopted by the Office  
18          of Early Learning; requiring that the prevailing  
19          market rate schedule differentiate rates by the type  
20          of child care services provided for preschool-age  
21          children participating in the Voluntary  
22          Prekindergarten Education Program; requiring that the  
23          Office of Early Learning calculate a payment schedule  
24          equal to the prevailing market rate for each  
25          differentiated rate, minus the affordable parent  
26          contribution; amending s. 1002.71, F.S.; requiring  
27          that a school district offering the Voluntary  
28          Prekindergarten Education Program adopt procedures  
29          that separately account for the funds received and the

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30 expenses incurred for the program; providing an  
31 effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Paragraph (e) of subsection (2), paragraph (d)  
36 of subsection (4), paragraph (d) of subsection (5), paragraph  
37 (c) of subsection (6), and paragraph (g) of subsection (9) of  
38 section 411.01, Florida Statutes, are amended to read:

39 411.01 School readiness programs; early learning  
40 coalitions.—

41 (2) LEGISLATIVE INTENT.—

42 (e) It is the intent of the Legislature that the school  
43 readiness program coordinate and operate in conjunction with the  
44 district school systems. However, it is also the intent of the  
45 Legislature that the school readiness program not be construed  
46 as part of the system of free public schools but rather as a  
47 separate program for children under the age of kindergarten  
48 eligibility, funded separately from the system of free public  
49 schools, using the affordable parent contribution as defined in  
50 s. 411.01013(1)(a) utilizing a mandatory sliding fee scale, and  
51 providing an integrated and seamless system of school readiness  
52 services for the state's birth-to-kindergarten population.

53 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF  
54 EDUCATION.—

55 (d) The Office of Early Learning shall:

56 1. Be responsible for the prudent use of all public and  
57 private funds in accordance with all legal and contractual  
58 requirements.

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59           2. Provide final approval and every 2 years review early  
60 learning coalitions and school readiness plans.

61           3. Establish a unified approach to the state's efforts  
62 toward enhancement of school readiness. In support of this  
63 effort, the Office of Early Learning shall adopt specific system  
64 support services that address the state's school readiness  
65 programs. An early learning coalition shall amend its school  
66 readiness plan to conform to the specific system support  
67 services adopted by rule of the Office of Early Learning. System  
68 support services ~~shall include, but are not limited to~~ the  
69 following:

- 70           a. Child care resource and referral services;
- 71           b. Warm-Line services;
- 72           c. Eligibility determinations;
- 73           d. Child performance standards;
- 74           e. Child screening and assessment;
- 75           f. Developmentally appropriate curricula;
- 76           g. Health and safety requirements;
- 77           h. Statewide data system requirements; and
- 78           i. Rating and improvement systems.

79           4. Safeguard the effective use of federal, state, local,  
80 and private resources to achieve the highest possible level of  
81 school readiness for the children in this state.

82           5. Adopt a rule establishing criteria for the expenditure  
83 of funds designated for the purpose of funding activities to  
84 improve the quality of child care within the state in accordance  
85 with s. 658G of the federal Child Care and Development Block  
86 Grant Act.

87           6. Provide technical assistance to early learning

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88 coalitions in a manner determined by the Office of Early  
89 Learning based upon information obtained by the office from  
90 various sources, including, but not limited to, public input,  
91 government reports, private interest group reports, office  
92 monitoring visits, and coalition requests for service.

93 7. In cooperation with the early learning coalitions,  
94 coordinate with the Child Care Services Program Office of the  
95 Department of Children and Family Services to minimize  
96 duplicating interagency activities, health and safety  
97 monitoring, and acquiring and composing data pertaining to child  
98 care training and credentialing.

99 8. Develop and adopt by rule unified performance standards  
100 and outcome measures for school readiness programs. The  
101 performance standards must address the age-appropriate progress  
102 of children in the development of school readiness skills. The  
103 performance standards for children from birth to 5 years of age  
104 in school readiness programs must be integrated with the  
105 performance standards adopted by the Department of Education for  
106 children in the Voluntary Prekindergarten Education Program  
107 under s. 1002.67.

108 9. Adopt a statewide, standardized ~~standard~~ contract that  
109 is limited to state and federal requirements and that must be  
110 used by the coalitions when contracting with school readiness  
111 providers. In order to fulfill the legislative intent in  
112 paragraph (2) (c), the Office of Early Learning shall prohibit  
113 the coalitions from adopting addenda to the contract.

114 (5) CREATION OF EARLY LEARNING COALITIONS.—

115 (d) *Implementation.*—

116 1. An early learning coalition may not implement the school

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117 readiness program until the coalition's school readiness plan is  
118 approved by the Office of Early Learning.

119 2. Each early learning coalition shall coordinate with one  
120 another to implement a comprehensive program of school readiness  
121 services which enhances the cognitive, social, physical, and  
122 moral character of the children to achieve the performance  
123 standards and outcome measures and which helps families achieve  
124 economic self-sufficiency. Such program must contain, at a  
125 minimum, the following elements:

126 a. Implement the school readiness program to meet the  
127 requirements of this section and the system support services,  
128 performance standards, and outcome measures adopted by the  
129 Office of Early Learning.

130 b. Demonstrate how the program will ensure that each child  
131 from birth through 5 years of age in a publicly funded school  
132 readiness program receives scheduled activities and instruction  
133 designed to enhance the age-appropriate progress of the children  
134 in attaining the performance standards adopted by the department  
135 under subparagraph (4) (d) 8.

136 c. Ensure that the coalition has solicited and considered  
137 comments regarding the proposed school readiness plan from the  
138 local community.

139

140 Before implementing the school readiness program, the early  
141 learning coalition must submit the plan to the office for  
142 approval. The office may approve the plan, reject the plan, or  
143 approve the plan with conditions. The office shall review school  
144 readiness plans at least every 2 years.

145 3. If the Office of Early Learning determines during the

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146 review of school readiness plans, or through monitoring and  
147 performance evaluations conducted under paragraph (4)(1), that  
148 an early learning coalition has not substantially implemented  
149 its plan, has not substantially met the performance standards  
150 and outcome measures adopted by the office, or has not  
151 effectively administered the school readiness program or  
152 Voluntary Prekindergarten Education Program, the office may  
153 dissolve the coalition and temporarily contract with a qualified  
154 entity to continue school readiness and prekindergarten services  
155 in the coalition's county or multicounty region until the office  
156 reestablishes the coalition and a new school readiness plan is  
157 approved in accordance with the rules adopted by the office.

158 4. The Office of Early Learning shall adopt rules  
159 establishing criteria for the approval of school readiness  
160 plans. The criteria must be consistent with the system support  
161 services, performance standards, and outcome measures adopted by  
162 the office and must require each approved plan to include the  
163 following minimum standards for the school readiness program:

164 a. A community plan that addresses the needs of all  
165 children and providers within the coalition's county or  
166 multicounty region.

167 ~~b. A sliding fee scale establishing a copayment for parents~~  
168 ~~based upon their ability to pay, which is the same for all~~  
169 ~~program providers.~~

170 b.e. A choice of settings and locations in licensed,  
171 registered, religious-exempt, or school-based programs to be  
172 provided to parents.

173 ~~c.d.~~ Specific eligibility priorities for children in  
174 accordance with subsection (6).

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175 d.e. Performance standards and outcome measures adopted by  
176 the office.

177 e.f. Payment rates adopted by the early learning coalitions  
178 and approved by the office. Payment rates may not have the  
179 effect of limiting parental choice or creating standards or  
180 levels of services that have not been expressly established by  
181 the Legislature, unless the creation of such standards or levels  
182 of service, which must be uniform throughout the state, has been  
183 approved by the Federal Government and result in the state being  
184 eligible to receive additional federal funds available for early  
185 learning on a statewide basis.

186 f.g. Direct enhancement services for families and children.  
187 System support and direct enhancement services shall be in  
188 addition to payments for the placement of children in school  
189 readiness programs. Direct enhancement services for families may  
190 include parent training and involvement activities and  
191 strategies to meet the needs of unique populations and local  
192 eligibility priorities. Enhancement services for children may  
193 include provider supports and professional development approved  
194 in the plan by the Office of Early Learning.

195 g.h. The business organization of the early learning  
196 coalition, which must include the coalition's articles of  
197 incorporation and bylaws if the coalition is organized as a  
198 corporation. If the coalition is not organized as a corporation  
199 or other business entity, the plan must include the contract  
200 with a fiscal agent. An early learning coalition may contract  
201 with other coalitions to achieve efficiency in multicounty  
202 services, and these contracts may be part of the coalition's  
203 school readiness plan.

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204       ~~h.i.~~ The implementation of locally developed quality  
205 programs in accordance with the requirements adopted by the  
206 office under subparagraph (4) (d)5.

207  
208 The Office of Early Learning may request the Governor to apply  
209 for a waiver to allow the coalition to administer the Head Start  
210 Program to accomplish the purposes of the school readiness  
211 program.

212       5. Persons with an early childhood teaching certificate may  
213 provide support and supervision to other staff in the school  
214 readiness program.

215       6. An early learning coalition may not implement its school  
216 readiness plan until it submits the plan to and receives  
217 approval from the Office of Early Learning. Once the plan is  
218 approved, the plan and the services provided under the plan  
219 shall be controlled by the early learning coalition. The plan  
220 shall be reviewed and revised as necessary, but at least  
221 biennially. An early learning coalition may not implement the  
222 revisions until the coalition submits the revised plan to and  
223 receives approval from the office. If the office rejects a  
224 revised plan, the coalition must continue to operate under its  
225 prior approved plan.

226       7. Section 125.901(2)(a)3. does not apply to school  
227 readiness programs. The Office of Early Learning may apply to  
228 the Governor and Cabinet for a waiver of, and the Governor and  
229 Cabinet may waive, any of the provisions of ss. 411.223 and  
230 1003.54, if the waiver is necessary for implementation of school  
231 readiness programs.

232       8. Two or more early learning coalitions may join for



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233 purposes of planning and implementing a school readiness  
234 program.

235 (6) PROGRAM ELIGIBILITY.—The school readiness program is  
236 established for children from birth to the beginning of the  
237 school year for which a child is eligible for admission to  
238 kindergarten in a public school under s. 1003.21(1)(a)2. or who  
239 are eligible for any federal subsidized child care program. Each  
240 early learning coalition shall give priority for participation  
241 in the school readiness program as follows:

242 (c) Subsequent priority shall be given to a child who meets  
243 one or more of the following criteria:

244 1. A child who is younger than the age of kindergarten  
245 eligibility and:

246 a. Is at risk of welfare dependency, including an  
247 economically disadvantaged child, a child of a participant in  
248 the welfare transition program, a child of a migratory  
249 agricultural worker, or a child of a teen parent.

250 b. Is a member of a working family that is economically  
251 disadvantaged.

252 c. For whom financial assistance is provided through the  
253 Relative Caregiver Program under s. 39.5085.

254 2. A 3-year-old child or 4-year-old child who may not be  
255 economically disadvantaged but who has a disability; has been  
256 served in a specific part-time exceptional education program or  
257 a combination of part-time exceptional education programs with  
258 required special services, aids, or equipment; and was  
259 previously reported for funding part time under the Florida  
260 Education Finance Program as an exceptional student.

261 3. An economically disadvantaged child, a child with a

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262 disability, or a child at risk of future school failure, from  
263 birth to 4 years of age, who is served at home through a home  
264 visitor program and an intensive parent education program.

265 4. A child who meets federal and state eligibility  
266 requirements for the migrant preschool program but who is not  
267 economically disadvantaged.

268

269 As used in this paragraph, the term "economically disadvantaged"  
270 means having a family income that does not exceed 150 percent of  
271 the federal poverty level. Notwithstanding any change in a  
272 family's economic status, but subject to the affordable parent  
273 contribution ~~additional family contributions in accordance with~~  
274 ~~the sliding fee scale~~, a child who meets the eligibility  
275 requirements upon initial registration for the program remains  
276 eligible until the beginning of the school year for which the  
277 child is eligible for admission to kindergarten in a public  
278 school under s. 1003.21(1)(a)2.

279 (9) FUNDING; SCHOOL READINESS PROGRAM.—

280 (g) All cost savings and all revenues received through the  
281 affordable parent contribution ~~a mandatory sliding fee scale~~  
282 shall be used to help fund each early learning coalition's  
283 school readiness program.

284 Section 2. Subsection (1), paragraph (b) of subsection (3),  
285 and subsection (5) of section 411.01013, Florida Statutes, are  
286 amended to read:

287 411.01013 Prevailing market rate schedule.—

288 (1) As used in this section, the term:

289 (a) "Affordable parent contribution" means 10 percent of  
290 the annual family income.

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291 (b)~~(a)~~ "Market rate" means the price that a child care  
292 provider charges for daily, weekly, or monthly child care  
293 services.

294 (c)~~(b)~~ "Prevailing market rate" means the annually  
295 determined 75th percentile of a reasonable frequency  
296 distribution of the market rate in a predetermined geographic  
297 market at which child care providers charge a person for child  
298 care services.

299 (3) The prevailing market rate schedule, at a minimum,  
300 must:

301 (b) Differentiate rates by the type of child care services  
302 provided for children with special needs or risk categories,  
303 infants, toddlers, preschool-age children, preschool-age  
304 children participating in the Voluntary Prekindergarten  
305 Education Program, and school-age children.

306 (5) In order to enable parents to work and be financially  
307 self-sufficient as provided in s. 411.01(4) (a), the Office of  
308 Early Learning shall calculate a payment schedule equal to the  
309 prevailing market rate for each differentiated rate, minus the  
310 affordable parent contribution. ~~The prevailing market rate shall~~  
311 be considered by an early learning coalition in the adoption of  
312 a payment schedule in accordance with s. 411.01(5) (e)2.

313 Section 3. Subsection (10) is added to section 1002.71,  
314 Florida Statutes, to read:

315 1002.71 Funding; financial and attendance reporting.-

316 (10) A school district that offers the Voluntary  
317 Prekindergarten Education Program pursuant to s. 1002.61 or s.  
318 1002.63 shall adopt procedures that separately account for the  
319 funds received and the expenses incurred for the program.

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Section 4. This act shall take effect July 1, 2012.