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2012

1 A bill to be entitled
2 An act relating to the Voluntary Prekindergarten
3 Education Program; amending ss. 1002.55, 1002.61, and
4 1002.63, F.S.; requiring private prekindergarten
5 providers and public schools that deliver the
6 Voluntary Prekindergarten Education Program to execute
7 the statewide provider agreement prescribed by the
8 Office of Early Learning; authorizing the execution of
9 a single agreement on behalf of multiple private
10 prekindergarten providers or public schools under
11 certain circumstances; creating s. 1002.64, F.S.;
12 requiring the Office of Early Learning to adopt rules
13 prescribing the statewide provider agreement;
14 requiring early learning coalitions to use the
15 agreement; providing for the format and content of the
16 agreement; prohibiting an early learning coalition
17 from executing agreements with private prekindergarten
18 providers until the coalition determines that the
19 providers are eligible to deliver the program;
20 providing for publication of the statewide provider
21 agreement and the submission of executed agreements to
22 the Office of Early Learning; requiring the submission
23 of certain proposed rules to the presiding officers of
24 the Legislature within a specified period; amending s.
25 1002.71, F.S.; revising requirements for the
26 calculation of student enrollment for purposes of
27 initial allocations of funds for the Voluntary
28 Prekindergarten Education Program; providing for the

29 | monthly reporting of student enrollment; requiring the
 30 | Auditor General to conduct audits of early learning
 31 | coalitions; amending s. 1002.75, F.S.; requiring the
 32 | Office of Early Learning to monitor and evaluate the
 33 | performance, finances, and operations of early
 34 | learning coalitions; amending s. 411.01, F.S.;
 35 | conforming provisions; repealing ss. 1002.65 and
 36 | 1002.77, F.S., relating to legislative intent
 37 | concerning the professional credentials of
 38 | prekindergarten instructors and the creation,
 39 | membership, and duties of the Florida Early Learning
 40 | Advisory Council; providing an effective date.

41 |

42 | Be It Enacted by the Legislature of the State of Florida:

43 |

44 | Section 1. Paragraph (i) of subsection (3) of section
 45 | 1002.55, Florida Statutes, is redesignated as paragraph (j), and
 46 | a new paragraph (i) is added to that subsection, to read:

47 | 1002.55 School-year prekindergarten program delivered by
 48 | private prekindergarten providers.—

49 | (3) To be eligible to deliver the prekindergarten program,
 50 | a private prekindergarten provider must meet each of the
 51 | following requirements:

52 | (i) The private prekindergarten provider must execute the
 53 | statewide provider agreement prescribed under s. 1002.64, except
 54 | that an individual who owns or operates multiple private
 55 | prekindergarten providers within a coalition's service area may
 56 | execute a single agreement with the coalition on behalf of each

57 provider.

58 Section 2. Subsection (3) of section 1002.61, Florida
59 Statutes, is amended to read:

60 1002.61 Summer prekindergarten program delivered by public
61 schools and private prekindergarten providers.—

62 (3) (a) Each district school board shall determine which
63 public schools in the school district are eligible to deliver
64 the summer prekindergarten program. The school district shall
65 use educational facilities available in the public schools
66 during the summer term for the summer prekindergarten program.

67 (b) Each public school delivering the summer
68 prekindergarten program must execute the statewide provider
69 agreement prescribed under s. 1002.64, except that the school
70 district may execute a single agreement with the early learning
71 coalition on behalf of all district schools.

72 (c) ~~(b)~~ Except as provided in this section, to be eligible
73 to deliver the summer prekindergarten program, a private
74 prekindergarten provider must meet each requirement in s.
75 1002.55.

76 Section 3. Subsection (3) of section 1002.63, Florida
77 Statutes, is amended to read:

78 1002.63 School-year prekindergarten program delivered by
79 public schools.—

80 (3) (a) The district school board of each school district
81 shall determine which public schools in the district may deliver
82 the prekindergarten program during the school year.

83 (b) Each public school delivering the school-year
84 prekindergarten program must execute the statewide provider

85 agreement prescribed under s. 1002.64, except that the school
 86 district may execute a single agreement with the early learning
 87 coalition on behalf of all district schools.

88 Section 4. Section 1002.64, Florida Statutes, is created
 89 to read:

90 1002.64 Statewide provider agreement.—

91 (1) (a) The Office of Early Learning shall adopt rules
 92 prescribing the statewide provider agreement for the Voluntary
 93 Prekindergarten Education Program.

94 (b) An early learning coalition must use the statewide
 95 provider agreement to annually contract with each private
 96 prekindergarten provider and public school that delivers the
 97 Voluntary Prekindergarten Education Program within the
 98 coalition's service area.

99 (c) The rules must prescribe a standardized uniform format
 100 for the statewide provider agreement. An early learning
 101 coalition may not omit, supplement, or amend any provision of
 102 the statewide provider agreement. In addition, an early learning
 103 coalition may not insert or append attachments, addenda, or
 104 exhibits to the statewide provider agreement.

105 (2) The statewide provider agreement must include:

106 (a) Child eligibility and enrollment procedures and
 107 requirements under s. 1002.53.

108 (b) Student reenrollment requirements under s. 1002.71.

109 (c) Eligibility requirements for private prekindergarten
 110 providers and public schools delivering the program under ss.
 111 1002.55, 1002.61, 1002.63, and 1002.66.

112 (d) Program performance and accountability requirements

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113 under ss. 1002.67 and 1002.69.

114 (e) Requirements for the maintenance of records and data
115 and the confidentiality of such information.

116 (f) Provisions requiring compliance with the
117 antidiscrimination requirements of s. 1002.53(6)(c).

118 (g) Provisions prohibiting a private prekindergarten
119 provider or public school from requiring payment of any fee or
120 charge that is inconsistent with s. 1002.71(8)(a).

121 (h) Provisions prohibiting a private prekindergarten
122 provider or public school from requiring a child's enrollment in
123 or payment of any fee or charge for supplemental services in a
124 manner that is inconsistent with s. 1002.71(8)(b).

125 (i) Requirements for notifications between the early
126 learning coalition, the private prekindergarten provider or
127 public school, and the parent, which may include, but are not
128 limited to:

129 1. Changes to information submitted in the private
130 prekindergarten provider's or public school's registration form
131 or the prekindergarten class registration.

132 2. A parent's withdrawal of his or her child from the
133 program or a private prekindergarten provider's or public
134 school's dismissal of a child under s. 1002.71.

135 3. Temporary closure of a private prekindergarten
136 provider's facility and subsequent reopening of the facility.

137 (j) Procedures for the reporting and certification of
138 student attendance under s. 1002.71.

139 (k) Specific grounds for termination of the agreement.

140 (l) Dispute resolution procedures.

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141 (m) Provisions under which the private prekindergarten
142 provider, public school, or school district indemnifies the
143 early learning coalition from liability arising under the
144 agreement.

145 (3) (a) An early learning coalition may not execute the
146 statewide provider agreement with a private prekindergarten
147 provider before the coalition determines that the provider is
148 eligible to deliver the Voluntary Prekindergarten Education
149 Program under s. 1002.55 or s. 1002.61.

150 (b) An early learning coalition shall submit to the Office
151 of Early Learning each original, fully executed, and dated
152 agreement. The coalition shall provide a copy of the executed
153 agreement to the private prekindergarten provider, public
154 school, or school district that executed the agreement. The
155 coalition shall also maintain a copy of the executed agreement
156 in the coalition's records.

157 (c) A private prekindergarten provider or public school
158 may not deliver the Voluntary Prekindergarten Education Program
159 until the statewide provider agreement is fully executed.

160 (4) In addition to the requirements of s. 120.54, at least
161 30 days before publication in the Florida Administrative Weekly
162 of notice of the proposed adoption, amendment, or repeal of any
163 rule prescribing the statewide provider agreement, the Office of
164 Early Learning must provide copies of the notice and the
165 proposed rule to the President of the Senate and the Speaker of
166 the House of Representatives. The Office of Early Learning shall
167 also publish a copy of the statewide provider agreement on its

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168 Internet website and provide a copy of the agreement to each
169 early learning coalition.

170 Section 5. Paragraph (c) of subsection (3) of section
171 1002.71, Florida Statutes, is amended, and subsection (10) is
172 added to that section, to read:

173 1002.71 Funding; financial and attendance reporting.—

174 (3)

175 (c) The initial allocation shall be based on estimated
176 student enrollment in the Voluntary Prekindergarten Education
177 Program in each coalition service area. The Office of Early
178 Learning shall reallocate funds among the coalitions based on
179 actual full-time equivalent student enrollment in the Voluntary
180 Prekindergarten Education Program in each coalition service
181 area. Each early learning coalition shall submit monthly reports
182 of student enrollment to the Office of Early Learning in
183 accordance with subsection (2). A student enrollment report may
184 not be amended after December 31 of any year.

185 (10) The Auditor General shall conduct audits of early
186 learning coalitions as provided in s. 11.45.

187 Section 6. Subsections (1) and (4) of section 1002.75,
188 Florida Statutes, are amended to read:

189 1002.75 Office of Early Learning; powers and duties;
190 operational requirements.—

191 (1) The Office of Early Learning shall:

192 (a) Administer the operational requirements of the
193 Voluntary Prekindergarten Education Program at the state level.

194 (b) Monitor and evaluate the performance of each early
195 learning coalition and of the coalition's finances and

196 operations related to administration of the Voluntary
 197 Prekindergarten Education Program.

198 (4) The Office of Early Learning shall also adopt
 199 procedures for the office's ~~agency's~~ distribution of funds to
 200 early learning coalitions under s. 1002.71.

201 Section 7. Paragraph (m) of subsection (4) and paragraph
 202 (a) of subsection (5) of section 411.01, Florida Statutes, are
 203 amended to read:

204 411.01 School readiness programs; early learning
 205 coalitions.—

206 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF
 207 EDUCATION.—

208 (m) The Office of Early Learning shall submit an annual
 209 report of its activities conducted under this section to the
 210 Governor, the President of the Senate, the Speaker of the House
 211 of Representatives, and the minority leaders of both houses of
 212 the Legislature. In addition, the Office of Early Learning's
 213 reports and recommendations shall be made available to ~~the~~
 214 ~~Florida Early Learning Advisory Council and other~~ appropriate
 215 state agencies and entities. The annual report must provide an
 216 analysis of school readiness activities across the state,
 217 including the number of children who were served in the
 218 programs.

219 (5) CREATION OF EARLY LEARNING COALITIONS.—

220 (a) Early learning coalitions.—

221 1. Each early learning coalition shall maintain direct
 222 enhancement services at the local level and ensure access to
 223 such services in all 67 counties.

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224 2. The Office of Early Learning shall establish the
225 minimum number of children to be served by each early learning
226 coalition through the coalition's school readiness program. The
227 Office of Early Learning may only approve school readiness plans
228 in accordance with this minimum number. The minimum number must
229 be uniform for every early learning coalition and must:

- 230 a. Permit 31 or fewer coalitions to be established; and
231 b. Require each coalition to serve at least 2,000 children
232 based upon the average number of all children served per month
233 through the coalition's school readiness program during the
234 previous 12 months.

235 3. If an early learning coalition would serve fewer
236 children than the minimum number established under subparagraph
237 2., the coalition must merge with another county to form a
238 multicounty coalition. The Office of Early Learning shall adopt
239 procedures for merging early learning coalitions, including
240 procedures for the consolidation of merging coalitions, and for
241 the early termination of the terms of coalition members which
242 are necessary to accomplish the mergers. However, the Office of
243 Early Learning shall grant a waiver to an early learning
244 coalition to serve fewer children than the minimum number
245 established under subparagraph 2., if:

- 246 a. The Office of Early Learning has determined during the
247 most recent review of the coalition's school readiness plan, or
248 through monitoring and performance evaluations conducted under
249 paragraph (4)(l), that the coalition has substantially
250 implemented its plan;
251 b. The coalition demonstrates to the Office of Early

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253 implement the Voluntary Prekindergarten Education Program; and
254 c. The coalition demonstrates to the Office of Early
255 Learning that the coalition can perform its duties in accordance
256 with law.

257
258 If an early learning coalition fails or refuses to merge as
259 required by this subparagraph, the Office of Early Learning may
260 dissolve the coalition and temporarily contract with a qualified
261 entity to continue school readiness and prekindergarten services
262 in the coalition's county or multicounty region until the office
263 reestablishes the coalition and a new school readiness plan is
264 approved by the office.

265 4. Each early learning coalition shall be composed of at
266 least 15 members but not more than 30 members. The Office of
267 Early Learning shall adopt standards establishing within this
268 range the minimum and maximum number of members that may be
269 appointed to an early learning coalition and procedures for
270 identifying which members have voting privileges under
271 subparagraph 6. These standards must include variations for a
272 coalition serving a multicounty region. Each early learning
273 coalition must comply with these standards.

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

278 6. Each early learning coalition must include the
279 following member positions; however, in a multicounty coalition,

280 each ex officio member position may be filled by multiple
 281 nonvoting members but no more than one voting member shall be
 282 seated per member position. If an early learning coalition has
 283 more than one member representing the same entity, only one of
 284 such members may serve as a voting member:

285 a. A Department of Children and Family Services circuit
 286 administrator or his or her designee who is authorized to make
 287 decisions on behalf of the department.

288 b. A district superintendent of schools or his or her
 289 designee who is authorized to make decisions on behalf of the
 290 district.

291 c. A regional workforce board executive director or his or
 292 her designee.

293 d. A county health department director or his or her
 294 designee.

295 e. A children's services council or juvenile welfare board
 296 chair or executive director, if applicable.

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

299 g. A president of a community college or his or her
 300 designee.

301 h. One member appointed by a board of county commissioners
 302 or the governing board of a municipality.

303 i. A central agency administrator, where applicable.

304 j. A Head Start director.

305 k. A representative of private for-profit child care
 306 providers, including private for-profit family day care homes.

307 l. A representative of faith-based child care providers.

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308 m. A representative of programs for children with
309 disabilities under the federal Individuals with Disabilities
310 Education Act.

311 7. Including the members appointed by the Governor under
312 subparagraph 5., more than one-third of the members of each
313 early learning coalition must be private sector business members
314 who do not have, and none of whose relatives as defined in s.
315 112.3143 has, a substantial financial interest in the design or
316 delivery of the Voluntary Prekindergarten Education Program
317 created under part V of chapter 1002 or the coalition's school
318 readiness program. To meet this requirement an early learning
319 coalition must appoint additional members. The Office of Early
320 Learning shall establish criteria for appointing private sector
321 business members. These criteria must include standards for
322 determining whether a member or relative has a substantial
323 financial interest in the design or delivery of the Voluntary
324 Prekindergarten Education Program or the coalition's school
325 readiness program.

326 8. A majority of the voting membership of an early
327 learning coalition constitutes a quorum required to conduct the
328 business of the coalition. An early learning coalition board may
329 use any method of telecommunications to conduct meetings,
330 including establishing a quorum through telecommunications,
331 provided that the public is given proper notice of a
332 telecommunications meeting and reasonable access to observe and,
333 when appropriate, participate.

334 9. A voting member of an early learning coalition may not
335 appoint a designee to act in his or her place, except as

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336 otherwise provided in this paragraph. A voting member may send a
337 representative to coalition meetings, but that representative
338 does not have voting privileges. When a district administrator
339 for the Department of Children and Family Services appoints a
340 designee to an early learning coalition, the designee is the
341 voting member of the coalition, and any individual attending in
342 the designee's place, including the district administrator, does
343 not have voting privileges.

344 10. Each member of an early learning coalition is subject
345 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
346 112.3143(3)(a), each voting member is a local public officer who
347 must abstain from voting when a voting conflict exists.

348 11. For purposes of tort liability, each member or
349 employee of an early learning coalition shall be governed by s.
350 768.28.

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

353 13. Each early learning coalition shall establish terms
354 for all appointed members of the coalition. The terms must be
355 staggered and must be a uniform length that does not exceed 4
356 years per term. Coalition chairs shall be appointed for 4 years
357 ~~in conjunction with their membership on the Early Learning~~
358 ~~Advisory Council under s. 20.052.~~ Appointed members may serve a
359 maximum of two consecutive terms. When a vacancy occurs in an
360 appointed position, the coalition must advertise the vacancy.

361 Section 8. Sections 1002.65 and 1002.77, Florida Statutes,
362 are repealed.

363 Section 9. This act shall take effect July 1, 2012.