

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: PCS/SB 1166 (126962)

INTRODUCER: Senator Gaetz

SUBJECT: Education Funding

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sikes	Elwell	AED	Recommend: FAV/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1166 updates and establishes numerous early learning, public K-12, and postsecondary education statutes relating to the School Readiness program, public school funding and policy issues, the Adults with Disabilities Workforce Education Pilot Program, and the Distinguished Florida College System Program. Specifically, the bill:

- Revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant;
- Authorizes and codifies changes to the Florida Education Finance Program (FEFP) funding formula;
- Makes the Adults with Disabilities Workforce Education Pilot Program, established in s. 1004.935, F.S., a permanent program by removing its pilot status and sunset date; and
- Establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges.

The proposed Senate General Appropriations Bill, SPB 2500, contains funding for the provisions of this bill which require an appropriation. SPB 2500 appropriates \$614,755 to the Department of Children and Families for the additional licensing and inspection requirements related to the School Readiness program. Also, \$2 million is appropriated for the Distinguished Florida College System Program in SPB 2500.

SPB 2500 also appropriates \$12,208,418 in the FEFP for the federally connected student supplement. The other changes to the FEFP have no impact on state funds. However, individual

school districts may experience an increase or decrease in their ESE Guaranteed Allocation based on the results of the October full-time equivalent (FTE) student survey.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Child Care and Development Block Grant (CCDBG)

The Office of Child Care (OCC) of the United States Department of Health and Human Services supports low-income working families by providing access to affordable, high-quality early care and afterschool programs.¹ The OCC administers the Child Care and Development Fund (CCDF) and works with state, territory and tribal governments to provide support for children and their families to promote family economic self-sufficiency and to help children succeed in school and life through affordable, high-quality early care and afterschool programs.² The CCDF provides funding for state efforts to provide child care services for low-income family members who work, train for work, attend school, or whose children receive or need to receive protective services.³ Block grant funding can be used for public or private, religious or non-religious, and center or home-based care.⁴ Child care programs that accept funding must comply with state health and safety requirements.⁵

School Readiness Program

Florida's Office of Early Learning (OEL)⁶ is the designated lead agency for purposes of administering the CCDF Block Grant Trust Fund and provides state-level administration for the School Readiness program.⁷ The School Readiness program is a state-federal partnership between OEL and the OCC.⁸ The School Readiness program receives funding from a mixture of state and federal sources, including the federal CCDF, the federal Temporary Assistance for Needy Families (TANF) block grant, general revenue and other state funds.⁹ The School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.

¹ Office of Child Care, *What We Do*, <http://www.acf.hhs.gov/programs/occ/about/what-we-do> (last visited January 27, 2016).

² *Id.*

³ U.S. Department of Education, Office of Non-Public Education, <http://www2.ed.gov/about/offices/list/oji/nonpublic/childcare.html> (last visited January 27, 2016).

⁴ *Id.*

⁵ *Id.*

⁶ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the Voluntary Prekindergarten Education Program. Section 1, 2013-252, L.O.F., *codified as* s. 1001.213, F.S.

⁷ Section 1002.82(1), F.S.

⁸ Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q.

⁹ Specific Appropriation 82, s. 2, ch. 2015-232, L.O.F.

The School Readiness program utilizes a variety of providers to deliver program services, such as licensed and unlicensed child care providers and public and nonpublic schools.¹⁰ The Florida Department of Children and Families' Office of Child Care Regulation (OCCR), as the agency responsible for the state's child care provider licensing program, regulates some, but not all, of the child care providers that provide early learning programs.¹¹ The program is administered at the county or regional level by early learning coalitions (ELC).¹²

In order to be eligible to deliver the School Readiness program, a provider must be:¹³

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or non-public school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal child care provider authorized in the state's CCDF plan.¹⁴

On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law reauthorizing the CCDF for the first time since 1996.¹⁵ The new law prescribes health and safety requirements for School Readiness program providers and requires transparent information to parents and the general public about available child care choices.¹⁶

While Florida's School Readiness program currently meets many of the new federal requirements, there are specific federal requirements that necessitate changes to Florida law including:¹⁷

- Screening for child care staff to include searches of the National Sex Offender Registry, as well as searches of state criminal records, the sex offender registry and child abuse and neglect registry of any state in which the child care personnel resided during the preceding 5 years.¹⁸
- Posting of monitoring and inspection reports through electronic means.¹⁹

¹⁰ Section 1002.88(1)(a), F.S.

¹¹ See ss. 402.301-319, F.S., and part VI, ch. 1002, F.S.

¹² Sections 1002.83-1002.85, F.S. There are currently 30 ELCs, but 31 is the maximum permitted by law. Section 1002.83(1), F.S. See Florida's Office of Early Learning, *Early Learning Coalition Directory* (Jan. 11, 2016), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Coalition/Coalition%20Directory/CoalitionDirectory%201.11.16.pdf>.

¹³ Section 1002.88(1)(a), F.S.

¹⁴ See Florida Office of Early Learning, *Florida's Child Care and Development Fund State Plan FFY 2014-15*, available at http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/2014-2015_CCDF_Plan_%20Optimized.pdf. The CCDF State Plan for 2016-2018 is due March 1, 2016 to the Administration for Children and Families and will become effective, once approved, on June 1, 2016. Florida Office of Early Learning, CCDF Plan, http://www.floridaearlylearning.com/oel_resources/ccdf_plan.aspx (last visited January 27, 2016).

¹⁵ Office of Child Care, *CCDF Reauthorization*, <http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization> (last visited January 27, 2016).

¹⁶ *Id.*

¹⁷ Pub. L. No. 113-186, 128 Stat. 1971, Child Care and Development Block Grant Act Reauthorization (2014), available at <https://www.gpo.gov/fdsys/pkg/PLAW-113publ186/pdf/PLAW-113publ186.pdf>.

¹⁸ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658H(b)

¹⁹ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(C)

- Providing parents and the general public, information, via a website, regarding:
 - The availability of child care services to promote informed child care choices;
 - The process for licensing child care providers;
 - The conducting of background screening;
 - The monitoring and inspection of child care providers; and
 - The offenses that would prevent individuals and entities from serving as child care providers in the state.²⁰
- Inspecting license-exempt providers receiving CCDBG funds for compliance with health, safety, and fire standards.²¹
- Requiring disaster preparedness plan to include procedures for staff and volunteer emergency preparedness training and practice drills.²²
- Certifying in the state plan, compliance with the child abuse reporting requirements of the Child Abuse Prevention and Treatment Act.²³

Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts.²⁴ The FEFP is comprised of multiple categorical funds and factors which, when multiplied by the full-time equivalent (FTE) students, generates the annual operational allocation for each school district.

Exceptional Student Education Guaranteed Allocation

In order to provide exceptional education and related services, an Exceptional Student Education (ESE) Guaranteed Allocation was established by the Legislature to provide funding through the FEFP in addition to the basic program funding.²⁵ This allocation is a lump sum that is derived from the number of FTE students and the cost factors associated with the matrix of services (matrix) to document the services that each student with an exceptionality will receive.²⁶

The Florida Department of Education (DOE) developed the Matrix of Services Handbook to provide districts, schools and teachers with information about the matrix required for selected students with exceptionalities.²⁷ The matrix is designed with five levels in each of the following five domain areas:²⁸

- Curriculum and Learning Environment: This domain addresses services provided to the student in the areas of curriculum, instructional strategies and learning environment.

²⁰ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(C)

²¹ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(K).

²² Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(U).

²³ Pub. L. No. 113-186, 128 Stat. 1971, Sec. 658E(c)(2)(L).

²⁴ Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

²⁵ Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

²⁶ Section 1011.62 (1)(e)1.a., F.S.

²⁷ Florida Department of Education, *Matrix of Services Handbook* available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/2015MatrixServices.pdf>

²⁸ *Id.*

- **Social or Emotional Behavior:** This domain includes services provided to meet identified social and emotional needs of students with exceptionalities, such as positive behavioral supports, behavioral interventions, social skills development, socialization and counseling as a related service.
- **Independent Functioning:** This domain includes services that are necessary for the independent functioning of students with exceptionalities, such as instruction in organizational strategies, assistance for activities of daily living and self-care, physical therapy, occupational therapy, orientation and mobility training and supervision of students to ensure physical safety
- **Health Care:** This domain addresses services provided to students with exceptionalities who have health care needs. Included in this domain are services related to monitoring and assessment of health conditions, provision of related health care services and interagency collaboration.
- **Communication:** This domain includes services provided to support the communication needs of students with exceptionalities. Services included in this domain are personal assistance, instructional interventions, speech or language therapy and the use of alternative and augmentative communication systems.

A student is evaluated within each of these five domains to determine the appropriate level of service the student requires. Level 1 represents the lowest level of service and Level 5 represents the highest level of service.²⁹ The frequency and intensity of the service and the qualifications of personnel required to provide the service are critical factors that impact the determination of the appropriate level of service for the student.³⁰

The ESE Guaranteed Allocation was established in 2000 in conjunction with the elimination of the mandatory requirement for the determination of a matrix of services for Levels 1 through 3 ESE students. ESE services for students whose level of service is Levels 1 through 3 are funded through the ESE Guaranteed Allocation.³¹ These students generate FTE funding using the appropriate basic program cost factor for their grade level.³² The ESE Guaranteed Allocation provides for the additional services needed for these exceptional students.³³ For the 2015-2016 fiscal year, the average ESE Guaranteed Allocation funding per FTE is \$2,007.³⁴ Students whose level of service is Level 4 or 5 do not receive funds from the ESE Guaranteed Allocation, but instead generate weighted funding using a higher program cost factor which provides for both their education program and their exceptional services.³⁵

²⁹ *Id.*

³⁰ *Id.*

³¹ Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

³² The basic program cost factors are as follows:

- For grades K-3, the cost factor is 1.115
- For grades 4-8, the cost factor is 1.000
- For grades 9-12, the cost factor is 1.005

³³ Florida Department of Education, *2015-16 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>

³⁴ Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf

³⁵ The 2015-2016 Level 4 cost factor is 3.613 and the Level 5 cost factor is 5.258.

For the 2015-2016 fiscal year, \$959,182,058 was appropriated within the FEFP for the ESE Guaranteed Allocation.³⁶ The allocation for each district is calculated once based on projected ESE and total FTE enrollment and is not recalculated during the school year.³⁷ Since the allocation is not recalculated, a school district that overestimates its ESE FTE keeps the additional funds. A school district that underestimates their ESE FTE does not receive additional funds to support its ESE student population.

Federally Connected Student Supplement

The federally connected student supplement was established in the 2015-2016 Implementing Bill, ch. 2015-222, L.O.F, to provide funding to school districts to support the education of students connected with federally-owned military installations, National Aeronautics and Space Administration (NASA) property, and Indian lands. To be eligible for this supplement, the district must also be eligible for federal impact aid funds, pursuant to Title VIII of the Elementary and Secondary Education Act of 1965.

The supplement is based on two components: a student allocation and an exempt-property allocation. The student allocation is based on the number of students in the district reported for federal impact aid, including students with disabilities, who

- Reside with a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer;
- Reside on eligible federally-owned Indian lands; or
- Reside with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

The exempt-property allocation is based on the district's real property value of exempt federal property of federal impact aid lands reserved as military installations, NASA properties, or federally-owned Indian lands, multiplied by the millage authorized and levied under s. 1011.71 (2), F.S. The student allocation and the exempt-property allocation are added together for each eligible district to produce the federally connected student supplement.

The federal impact aid funding for Florida school districts has decreased by 50 percent from \$13.9 million in the 1993-1994 fiscal year to \$6.9 million in the 2013-2014 fiscal year. Currently, 14 school districts in Florida qualify for federal impact aid. These districts received \$12,404,401 through the federally connected student supplement as appropriated in the 2015-2016 General Appropriations Act (GAA).

Career and Professional Education (CAPE) Dual Enrollment Industry Certification Funding

Performance funding for a CAPE industry certification earned through dual enrollment is provided to the Florida College System institution or district career center providing the

³⁶ Florida Legislature, Conference Report on SB 2500-A, *Public School Funding: The Florida Education Finance Program (FEFP)* available at

http://flsenate.gov/PublishedContent/Session/2015A/Appropriations/Documents/FEFP_Conference_Report.pdf

³⁷ Section 1011.62 (1)(e)2, F.S.

instruction only if the industry certification is eligible for funding on the Postsecondary Industry Certification Funding List approved by the State Board of Education.³⁸

CAPE Bonus Funding

Bonus funding is authorized for school districts and for teachers if a student earns a CAPE industry certification.³⁹ Depending on the certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE. Teacher bonus funding is awarded for CAPE industry certifications as follows:

- A bonus in the amount of \$25 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.⁴⁰
- A bonus in the amount of \$50 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5, and 1.0.⁴¹
- CAPE industry certification bonuses may not exceed \$2,000 to a teacher in any given school year.⁴²

Adults with Disabilities Workforce Education Pilot Program

The Adults with Disabilities Workforce Education Pilot Program was created in 2012 to operate for two years in Hardee, DeSoto, Manatee, and Sarasota Counties and provide the option of receiving a scholarship for instruction at private schools for up to 30 students who meet the following requirements:⁴³

- Have a disability;⁴⁴
- Are 22 years of age;
- Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428 or s. 1003.4282, F.S.;
- Do not have a standard high school diploma or a special high school diploma; and
- Receive supported employment services.⁴⁵

In 2014, the Legislature extended the program for an additional two years through June 30, 2016.

³⁸ s. 1011.80, F.S.

³⁹ Sections 1011.62 (1)(o), F.S.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Chapter 2012-134, Laws of Fla., s. 12, codified in s. 1004.935, F.S.

⁴⁴ A student with a disability includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

⁴⁵ Supported employment services means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

III. Effect of Proposed Changes:

PCS/SB 1166 updates and establishes numerous early learning, public K-12, and postsecondary education statutes.

School Readiness Health and Safety Standards

The bill revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant (CCDBG).

Specifically, the bill:

- Increases health and safety standards.
- Expands requirements for employment history checks and child care personnel background screenings.
- Expands availability of child care information, including inspection and monitoring reports.
- Expands School Readiness provider standards to include preservice and inservice training requirements and appropriate group size and staff-to-child ratios.
- Aligns child eligibility criteria to the federal requirements.

Current law requires a child care provider to provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children. A licensed provider may satisfy this requirement through compliance with current licensing standards for child care facilities, large family child care homes, or family day care homes. Faith-based child care providers, informal child care providers, and nonpublic schools exempt from licensure satisfy this requirement by posting a health and safety checklist adopted by the Office of Early Learning (OEL).

Pursuant to the CCDBG Reauthorization, all School Readiness program providers must meet a minimum level of health and safety requirements and receive at least one annual inspection. The bill requires registered or license-exempt School Readiness providers to comply with the health and safety checklist and training requirements adopted by OEL, as well as the child care personnel background screening requirements.

Screening of Child Care Personnel

The bill redefines the definition of “screening” to include employment history checks consisting of documented attempts to contact each employer that employed the child care applicant within the preceding 5 years and documented findings from such contact. The bill requires that a screening include a search of the criminal history records, sexual predator and sexual offender registry, and child abuse and neglect registry of any state in which the applicant resided during the preceding 5 years. In effect, the bill revises the definition of screening to align it with the new federal requirements, and requires that any School Readiness provider screen individuals seeking employment in a manner consistent with those requirements.

The bill authorizes the use of information in the Department of Children and Families’ (DCF) Central Abuse Hotline for purposes of conducting background screenings of child care

personnel. Generally, the use of information in the Central Abuse Hotline is prohibited from being used for employment screenings, except in specified instances (*e.g.*, child or adult protective investigations or licensure or approval of child care facilities). Furthermore, the bill authorizes employees, authorized agents, and contract providers of the OEL to have access to DCF child abuse and neglect reports and records to ensure compliance with the federal requirements.

Disqualification from Employment

The bill disqualifies a person from employment with a School Readiness provider if the person has been convicted of a felony offense relating to:

- Domestic violence.⁴⁶
- Murder.⁴⁷
- Manslaughter; aggravated manslaughter of an elderly person or a disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.⁴⁸
- Aggravated assault.⁴⁹
- Aggravated battery.⁵⁰
- Kidnapping.⁵¹
- Luring or enticing a child.⁵²
- Leading, taking, enticing, or removing a minor, with criminal intent, pending custody proceedings, dependency proceedings, or proceedings concerning alleged abuse or neglect of a minor.⁵³
- Sexual battery.⁵⁴
- Sexual activity with or solicitation of a child by a person in familial or custodial authority.⁵⁵
- Unlawful sexual activity with certain minors.⁵⁶
- Female genital mutilation.⁵⁷
- Arson.⁵⁸
- Incest.⁵⁹
- Child abuse, aggravated child abuse, neglect of a child.⁶⁰
- Contributing to the delinquency or dependency of a child.⁶¹

⁴⁶ Chapter 741, F.S.

⁴⁷ Section 782.04, F.S.

⁴⁸ Section 782.07, F.S.

⁴⁹ Section 784.021, F.S.

⁵⁰ Section 784.045, F.S.

⁵¹ Section 787.01, F.S.

⁵² Section 787.025, F.S.

⁵³ Section 787.04(2) and (3), F.S.

⁵⁴ Section 794.011, F.S.

⁵⁵ Former s. 794.041, F.S.

⁵⁶ Section 794.05, F.S.

⁵⁷ Section 794.08, F.S.

⁵⁸ Section 806.01, F.S.

⁵⁹ Section 826.04, F.S.

⁶⁰ Section 827.03, F.S.

⁶¹ Section 827.04, F.S.

- Sexual performance by a child.⁶²
- Sexual misconduct in juvenile justice programs.⁶³

Also, the bill disqualifies any person who has been convicted of a misdemeanor offense relating to battery of a minor⁶⁴ or luring or enticing a child.⁶⁵

Furthermore, if the person committed a criminal act in another state or under federal law which, if committed in this state, would constitute any of the above-listed offenses, he or she is disqualified from employment with a School Readiness provider.

Affidavit of Compliance with Mandatory Child Abuse Reporting

The bill requires each child care facility, family day care home, and large family day care home to annually submit an affidavit of compliance with the mandatory reporting requirements in Florida law.⁶⁶ The change in law is consistent with the new federal requirement that child care personnel of School Readiness providers be familiar and comply with the mandatory child abuse, abandonment, or neglect reporting requirements.

DCF Inspection & Monitoring of School Readiness Providers

The bill requires School Readiness providers to permit access to DCF to inspect facilities, personnel, and records for the purpose of verifying compliance with the standards established and adopted by OEL. Under the bill, inspection and monitoring of School Readiness providers by DCF or local licensing agencies must be governed by a memorandum of understanding between OEL and DCF or local licensing agencies for verifying compliance solely with the standards contained in the statewide provider contract and the health and safety checklist. Furthermore, the bill requires that a School Readiness provider's contract be terminated if the provider refuses permission for entry or inspection.

Child Care Information

The bill requires DCF and local licensing agencies to make electronically available to the public all licensing standards and procedures, health and safety standards for School Readiness providers, monitoring and inspection reports, and the names and addresses of licensed child care facilities, School Readiness providers, and licensed or registered family day care homes.

Additionally, the bill requires the DCF to make publicly available the following information:

- Number of deaths, serious injuries, and instances of substantiated child abuse which have occurred in child care settings each year;
- Research and best practices in child development; and
- Resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

Requiring that such information be made publicly available is consistent with the federal requirements in the CCDBG Reauthorization.

⁶² Section 827.071, F.S.

⁶³ Section 985.701, F.S.

⁶⁴ Section 784.03, F.S.

⁶⁵ Section 787.025, F.S.

⁶⁶ Section 39.201, F.S.

OEL's Duty to Align Standards to the Federal Requirements

Consistent with federal law, the bill requires OEL to:

- Develop and implement strategies to increase the supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.
- Establish preservice and inservice training requirements addressing, at a minimum:
 - School Readiness child development standards.
 - Health and safety requirements.
 - Social-emotional behavior intervention models.
- Establish standards for emergency preparedness plans.
- Establish group size and staff-to-child ratios.
- Establish eligibility criteria, including income-based limitations and family assets.

Child Eligibility

The bill revises provisions relating to child eligibility to align with the federal requirement that once a child is deemed eligible for School Readiness program services, he or she remains eligible for a minimum of 12 months. Under current law, a child's eligibility may be redetermined at any time based on a change in family income or upon notification of a parent's change in employment status. Consequently, the bill repeals a requirement that each early learning coalition (ELC) redetermine eligibility twice per year for an additional 50 percent of the ELC's enrollment through a statistically valid random sampling.

Pursuant to the CCDBG Reauthorization, the bill provides that if a child's eligibility priority category requires the child to be from a working family, he or she will become ineligible to receive School Readiness program services if the parent does not reestablish employment or resume attendance at a job training or educational program within 90 days after becoming unemployed or ceasing to attend the job training or educational program. Current law affords a parent 60 days to reestablish employment or resume attendance at a job training or educational program. The change will provide additional time for parents to reestablish employment or resume attendance at a job training or educational program, so that their children may continue to receive School Readiness program services.

Also, the bill authorizes an ELC to temporarily waive the parent's copayment for a child whose family's income is at or below the federal poverty level and whose family experiences a natural disaster or an event that limits the parent's ability to pay. Authorizing waiver of the copayment is consistent with federal law, which contemplates that a copayment not be a barrier to families receiving School Readiness program services.

Exceptional Student Education Guaranteed Allocation

The bill authorizes the Florida Department of Education (DOE) to recalculate the Exceptional Student Education (ESE) Guaranteed Allocation for each school district. The ESE Guaranteed Allocation will be calculated initially in the General Appropriations Act (GAA), and recalculated

based on each school district's actual ESE and total full-time equivalent (FTE) enrollment as determined by the October FTE survey. This recalculation will ensure school districts receive their appropriate share of the ESE Guaranteed Allocation based on actual enrollment rather than projected enrollment.

Federally Connected Student Supplement

The bill codifies the federally connected student supplement categorical within the Florida Education Finance Program (FEFP). The school districts which receive federal impact aid under Title VIII of the Elementary and Secondary Education Act of 1965, will continue to be eligible for additional FEFP funding under this categorical.

Career and Professional Education (CAPE) Dual Enrollment Industry Certification Funding

The bill authorizes performance funding for a CAPE industry certification earned through a dual enrollment course, which is not a fundable certification on the Postsecondary Industry Certification Funding List or is earned as a result of an agreement with a nonpublic postsecondary institution, to be funded in the same manner as a non-dual enrollment course industry certification. The school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

CAPE Teacher Bonus Funding

The bill establishes two new tiers of bonuses available to CAPE industry certification teachers under s. 1011.62 (1)(o), F.S. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 will earn a \$75 bonus, which is \$25 more than currently authorized. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0 will earn a \$100 bonus, which is \$50 more than currently authorized. The bill also eliminates the \$2,000 maximum annual bonus for teachers providing instruction in courses leading to these CAPE industry certifications.

Adults with Disabilities Workforce Education Pilot Program

The bill removes the pilot status and sunset provision for the Adults with Disabilities Workforce Education Pilot Program, thereby making the program permanent and no longer subject to expiration.

Distinguished Florida College System Program

The bill establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges. A Florida college earns the designation as a distinguished college by the State Board of Education by meeting at least five of the seven excellence standards. The excellence standards established for the program are as follows:

- A 150 percent-of-normal-time completion rate⁶⁷ of 50 percent or higher;
- A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher;
- A retention rate of 70 percent or higher;
- A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree;
- A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers;
- A job placement or continuing education rate of 88 percent or higher for workforce programs;
- A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits;

A Florida College System institution designated as a distinguished college is eligible for funding as specified in the GAA.

Powers and Duties of a District School Board

The bill provides a district school board with the authority to visit schools, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶⁷ The National Center for Education Statistics, in the Integrated Postsecondary Education Data System (IPEDS) glossary (available at <http://nces.ed.gov/ipeds/glossary/?charindex=N>), defines normal time to completion as the amount of time necessary for a student to complete all requirements for a degree or certificate according to the institution's catalog. For example, an associate's degree in a standard term-based institution has a normal time of completion of 2 years (4 semesters). The 150 percent of normal time to completion for an associate's degree would be 3 years (6 semesters). The 150 percent normal time of completion rate reflects the percentage of full-time students who complete all requirements for a degree or certificate within 150 percent of the amount of time necessary for a student to complete a degree or certificate according to the institution's catalog.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under PCS/SB 1166, teachers providing instruction in courses leading to CAPE industry certifications may be eligible for additional bonus funds for each student attaining specific CAPE industry certifications. The bill also removes the \$2,000 annual limit for these CAPE teacher bonuses.

C. Government Sector Impact:

The proposed Senate General Appropriations Bill, SPB 2500, contains funding for the provisions of this bill which require an appropriation. SPB 2500 appropriates \$614,755 to the Department of Children and Families for the additional licensing and inspection requirements related to the School Readiness program. Also, \$2 million is appropriated for the Distinguished Florida College System Program in SPB 2500.

SPB 2500 also appropriates \$12,208,418 in the FEFP for the federally connected student supplement. The other changes to the FEFP have no impact on state funds. However, individual school districts may experience an increase or decrease in their ESE Guaranteed Allocation based on the results of the October FTE survey.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.201, 39.202, 402.302, 402.3057, 402.306, 402.311, 402.319, 409.1757, 435.07, 1001.42, 1002.82, 1002.84, 1002.87, 1002.88, 1002.89, 1004.935, 1011.62, and 1011.71.

The bill creates section 1011.67 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Education on January 28, 2016:

The committee substitute:

- Revises provisions relating to health and safety standards and eligibility for the School Readiness program to align to federal requirements in the 2014 reauthorization of the Child Care and Development Block Grant;
- Authorizes and codifies changes to the Florida Education Finance Program (FEFP) funding formula, including:
 - Codifying the federally connected student supplement,
 - Amending CAPE teacher bonus awards and removing the bonus limit,
 - Authorizes performance funding for a CAPE industry certification earned through a dual enrollment course, which is not a fundable certification on the Postsecondary Industry Certification Funding List or is earned as a result of an agreement with a nonpublic postsecondary institution.
- Makes the Adults with Disabilities Workforce Education Pilot Program, established in s. 1004.935, F.S., a permanent program by removing its pilot status and sunset date; and
- Establishes the Distinguished Florida College System Program to recognize Florida's highest-performing colleges.
- Adds to the powers of a district school board, the authority to visit schools, give suggestions for improvement, and advise citizens to promote interest in education.

- B. **Amendments:**

None.