

By the Committees on Appropriations; and Education; and Senators Passidomo and Book

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1 A bill to be entitled
2 An act relating to early learning; amending s.
3 1002.81, F.S.; revising the definition of "at-risk
4 child"; amending s. 1002.82, F.S.; revising the duties
5 of the Office of Early Learning; revising the
6 requirements for certain assessments; revising the
7 standard statewide contract for providers; providing
8 that failing to meet certain measures for a specified
9 period is cause for termination of a provider;
10 providing for the development of a program assessment
11 for school readiness providers; providing program
12 assessment requirements; requiring the office to set a
13 payment differential for certain providers; providing
14 requirements for such payment differential; revising
15 requirements for a certain single statewide
16 information system; revising the requirement for an
17 analysis of early learning activities throughout the
18 state; amending s. 1002.84, F.S.; conforming a cross-
19 reference; amending s. 1002.85, F.S.; revising the
20 required contents of the school readiness program plan
21 each early learning coalition must submit; amending s.
22 1002.87, F.S.; revising the priority criteria for
23 participation in the school readiness program;
24 amending s. 1002.88, F.S.; revising school readiness
25 provider requirements for program participation;
26 conforming cross-references; amending s. 1002.89,
27 F.S.; providing for the use of specified funds for a
28 required assessment; amending s. 1002.92, F.S.;
29 conforming a cross-reference; providing an

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30 appropriation; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Paragraph (e) of subsection (1) of section
35 1002.81, Florida Statutes, is amended to read:

36 1002.81 Definitions.—Consistent with the requirements of 45
37 C.F.R. parts 98 and 99 and as used in this part, the term:

38 (1) "At-risk child" means:

39 (e) A child in the custody of a parent who is considered a
40 victim of domestic violence and is receiving services through
41 ~~residing in~~ a certified domestic violence center.

42 Section 2. Present paragraphs (n) through (x) of subsection
43 (2) of section 1002.82, Florida Statutes, are redesignated as
44 paragraphs (p) through (z), respectively, paragraphs (k) and (m)
45 and present paragraph (n) of subsection (2) and paragraph (a) of
46 subsection (5) of that section are amended, and new paragraphs
47 (n) and (o) are added to subsection (2) of that section, to
48 read:

49 1002.82 Office of Early Learning; powers and duties.—

50 (2) The office shall:

51 (k) Identify observation-based child ~~Select~~ assessments
52 that are valid, reliable, and developmentally appropriate for
53 use at least three times a year ~~for use as preassessment and~~
54 ~~postassessment for the age ranges specified in the coalition~~
55 ~~plans~~. The assessments must:

56 1. Provide interval level and criterion-referenced data
57 that measures equivalent levels of growth across the core
58 domains of early childhood development and that can be used for

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59 determining developmentally appropriate learning gains.

60 2. Measure progress in the performance standards adopted
61 pursuant to paragraph (j).

62 3. Provide for appropriate accommodations for children with
63 disabilities and English language learners and be administered
64 by qualified individuals, consistent with the developer's
65 instructions.

66 4. Coordinate with the performance standards adopted by the
67 department under s. 1002.67(1) for the Voluntary Prekindergarten
68 Education Program.

69 5. Provide data in a format for use in the single statewide
70 information system to meet the requirements of paragraph (q) ~~be~~
71 ~~designed to measure progress in the domains of the performance~~
72 ~~standards adopted pursuant to paragraph (j), provide appropriate~~
73 ~~accommodations for children with disabilities and English~~
74 ~~language learners, and be administered by qualified individuals,~~
75 ~~consistent with the publisher's instructions.~~

76 (m) Adopt by rule a standard statewide provider contract to
77 be used with each school readiness program provider, with
78 standardized attachments by provider type. The office shall
79 publish a copy of the standard statewide provider contract on
80 its website. The standard statewide contract shall include, at a
81 minimum, contracted slots, if applicable, in accordance with the
82 Child Care and Development Block Grant Act of 2014, 45 C.F.R.
83 parts 98 and 99; quality improvement strategies, if applicable;
84 program assessment requirements; and provisions for provider
85 probation, termination for cause, and emergency termination for
86 those actions or inactions of a provider that pose an immediate
87 and serious danger to the health, safety, or welfare of the

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88 children. The standard statewide provider contract shall also
89 include appropriate due process procedures. During the pendency
90 of an appeal of a termination, the provider may not continue to
91 offer its services. Any provision imposed upon a provider that
92 is inconsistent with, or prohibited by, law is void and
93 unenforceable. Provisions for termination for cause must also
94 include failure to meet the minimum quality measures established
95 under paragraph (n) for a period of up to 5 years, unless the
96 coalition determines that the provider is essential to meeting
97 capacity needs based on the assessment under s. 1002.85(2)(j)
98 and the provider has an active improvement plan pursuant to
99 paragraph (n).

100 (n) Adopt a program assessment for school readiness program
101 providers that measures the quality of teacher-child
102 interactions, including emotional and behavioral support,
103 engaged support for learning, classroom organization, and
104 instructional support for children ages birth to 5 years. The
105 program assessment must also include:

106 1. Quality measures, including a minimum threshold for
107 contracting purposes and program improvement through an
108 improvement plan.

109 2. Requirements for program participation, frequency of
110 program assessment, and exemptions.

111 (o) No later than July 1, 2019, develop a differential
112 payment program based on the quality measures adopted by the
113 office under paragraph (n). The differential payment may not
114 exceed a total of 15 percent for each care level and unit of
115 child care for a child care provider. No more than 5 percent of
116 the 15 percent total differential may be provided to providers

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117 who submit valid and reliable data to the statewide information
118 system in the domains of language and executive functioning
119 using a child assessment identified pursuant to paragraph (k).
120 Providers below the minimum threshold for contracting purposes
121 are ineligible for such payment.

122 (q) ~~(n)~~ Establish a single statewide information system that
123 each coalition must use for the purposes of managing the single
124 point of entry, tracking children's progress, coordinating
125 services among stakeholders, determining eligibility of
126 children, tracking child attendance, and streamlining
127 administrative processes for providers and early learning
128 coalitions. By July 1, 2019, the system, subject to ss. 1002.72
129 and 1002.97, shall:

130 1. Allow a parent to monitor the development of his or her
131 child as the child moves among programs within the state.

132 2. Enable analysis at the state, regional, and local level
133 to measure child growth over time, program impact, and quality
134 improvement and investment decisions.

135 (5) By January 1 of each year, the office shall annually
136 publish on its website a report of its activities conducted
137 under this section. The report must include a summary of the
138 coalitions' annual reports, a statewide summary, and the
139 following:

140 (a) An analysis of early learning activities throughout the
141 state, including the school readiness program and the Voluntary
142 Prekindergarten Education Program.

143 1. The total and average number of children served in the
144 school readiness program, enumerated by age, eligibility
145 priority category, and coalition, and the total number of

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146 children served in the Voluntary Prekindergarten Education
147 Program.

148 2. A summary of expenditures by coalition, by fund source,
149 including a breakdown by coalition of the percentage of
150 expenditures for administrative activities, quality activities,
151 nondirect services, and direct services for children.

152 3. A description of the office's and each coalition's
153 expenditures by fund source for the quality and enhancement
154 activities described in s. 1002.89(6)(b).

155 4. A summary of annual findings and collections related to
156 provider fraud and parent fraud.

157 5. Data regarding the coalitions' delivery of early
158 learning programs.

159 6. The total number of children disenrolled statewide and
160 the reason for disenrollment.

161 7. The total number of providers by provider type.

162 8. The number of school readiness program providers who
163 have completed the program assessment required under paragraph
164 (2)(n); the number of providers who have not met the minimum
165 threshold for contracting established under that paragraph; and
166 the number of providers that have an active improvement plan
167 based on the results of the program assessment under that
168 paragraph.

169 ~~9.8.~~ The total number of provider contracts revoked and the
170 reasons for revocation.

171 Section 3. Subsection (4) of section 1002.84, Florida
172 Statutes, is amended to read:

173 1002.84 Early learning coalitions; school readiness powers
174 and duties.—Each early learning coalition shall:

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175 (4) Establish a regional Warm-Line as directed by the
176 office pursuant to s. 1002.82(2)(t) ~~s. 1002.82(2)(r)~~. Regional
177 Warm-Line staff shall provide onsite technical assistance, when
178 requested, to assist child care facilities and family day care
179 homes with inquiries relating to the strategies, curriculum, and
180 environmental adaptations the child care facilities and family
181 day care homes may need as they serve children with disabilities
182 and other special needs.

183 Section 4. Paragraphs (c) and (d) of subsection (2) of
184 section 1002.85, Florida Statutes, are amended, and paragraph
185 (j) is added to that subsection, to read:

186 1002.85 Early learning coalition plans.—

187 (2) Each early learning coalition must biennially submit a
188 school readiness program plan to the office before the
189 expenditure of funds. A coalition may not implement its school
190 readiness program plan until it receives approval from the
191 office. A coalition may not implement any revision to its school
192 readiness program plan until the coalition submits the revised
193 plan to and receives approval from the office. If the office
194 rejects a plan or revision, the coalition must continue to
195 operate under its previously approved plan. The plan must
196 include, but is not limited to:

197 (c) The coalition's procedures for implementing the
198 requirements of this part, including:

- 199 1. Single point of entry.
- 200 2. Uniform waiting list.
- 201 3. Eligibility and enrollment processes and local
202 eligibility priorities for children pursuant to s. 1002.87.
- 203 4. Parent access and choice.

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204 5. Sliding fee scale and policies on applying the waiver or
205 reduction of fees in accordance with s. 1002.84(8).

206 6. Use of preassessments and postassessments, as
207 applicable.

208 7. Payment rate schedule.

209 8. Use of contracted slots, as applicable, based on the
210 results of the assessment required under paragraph (j).

211 (d) A detailed description of the coalition's quality
212 activities and services, including, but not limited to:

213 1. Resource and referral and school-age child care.

214 2. Infant and toddler early learning.

215 3. Inclusive early learning programs.

216 4. Quality improvement strategies that strengthen teaching
217 practices and increase child outcomes.

218 (j) An assessment of local priorities within the county or
219 multi-county region based on the needs of families and provider
220 capacity using available community data.

221 Section 5. Subsections (1), (2), (3), and (7) of section
222 1002.87, Florida Statutes, are amended to read:

223 1002.87 School readiness program; eligibility and
224 enrollment.—

225 (1) Each early learning coalition shall give priority for
226 participation in the school readiness program as follows:

227 (a) Priority shall be given first to a child younger than
228 13 years of age from a family that includes a parent who is
229 receiving temporary cash assistance under chapter 414 and
230 subject to the federal work requirements.

231 (b) Priority shall be given next to an at-risk child
232 younger than 9 years of age.

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233 (c) Subsequent priority shall be given, based on the early
234 learning coalition's local priorities identified under s.
235 1002.85(2)(j), to children who meet the following criteria: next
236 ~~to~~

237 1. A child from birth to the beginning of the school year
238 for which the child is eligible for admission to kindergarten in
239 a public school under s. 1003.21(1)(a)2. who is from a working
240 family that is economically disadvantaged, and may include such
241 child's eligible siblings, beginning with the school year in
242 which the sibling is eligible for admission to kindergarten in a
243 public school under s. 1003.21(1)(a)2. until the beginning of
244 the school year in which the sibling is eligible to begin 6th
245 grade, provided that the first priority for funding an eligible
246 sibling is local revenues available to the coalition for funding
247 direct services.

248 ~~2.(d) Priority shall be given next to~~ A child of a parent
249 who transitions from the work program into employment as
250 described in s. 445.032 from birth to the beginning of the
251 school year for which the child is eligible for admission to
252 kindergarten in a public school under s. 1003.21(1)(a)2.

253 ~~3.(e) Priority shall be given next to~~ An at-risk child who
254 is at least 9 years of age but younger than 13 years of age. An
255 at-risk child whose sibling is enrolled in the school readiness
256 program within an eligibility priority category listed in
257 paragraphs (a) and (b) and subparagraph (c)1. ~~(e)~~ shall be given
258 priority over other children who are eligible under this
259 paragraph.

260 ~~4.(f) Priority shall be given next to~~ A child who is
261 younger than 13 years of age from a working family that is

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262 economically disadvantaged. ~~A child who is eligible under this~~
263 ~~paragraph whose sibling is enrolled in the school readiness~~
264 ~~program under paragraph (c) shall be given priority over other~~
265 ~~children who are eligible under this paragraph.~~

266 ~~5.(g) Priority shall be given next to~~ A child of a parent
267 who transitions from the work program into employment as
268 described in s. 445.032 who is younger than 13 years of age.

269 ~~6.(h) Priority shall be given next to~~ A child who has
270 special needs, has been determined eligible as a student with a
271 disability, has a current individual education plan with a
272 Florida school district, and is not younger than 3 years of age.
273 A special needs child eligible under this paragraph remains
274 eligible until the child is eligible for admission to
275 kindergarten in a public school under s. 1003.21(1)(a)2.

276 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall be~~
277 ~~given last to~~ A child who otherwise meets one of the eligibility
278 criteria in paragraphs (a) and (b) and subparagraphs (c)1. and
279 2.,-(d) but who is also enrolled concurrently in the federal
280 Head Start Program and the Voluntary Prekindergarten Education
281 Program.

282 (2) A school readiness program provider may be paid only
283 for authorized hours of care provided for a child in the school
284 readiness program. A child enrolled in the Voluntary
285 Prekindergarten Education Program may receive care from the
286 school readiness program if the child is eligible according to
287 the eligibility priorities and criteria established in
288 subsection (1) this section.

289 (3) Contingent upon the availability of funds, a coalition
290 shall enroll eligible children, including those from its waiting

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291 list, according to the eligibility priorities and criteria
292 established in subsection (1) ~~this section~~.

293 (7) If a coalition disenrolls children from the school
294 readiness program, the coalition must disenroll the children in
295 reverse order of the eligibility priorities and criteria listed
296 in subsection (1) beginning with children from families with the
297 highest family incomes. A notice of disenrollment must be sent
298 to the parent and school readiness program provider at least 2
299 weeks before disenrollment to provide adequate time for the
300 parent to arrange alternative care for the child. However, an
301 at-risk child may not be disenrolled from the program without
302 the written approval of the Child Welfare Program Office of the
303 Department of Children and Families or the community-based lead
304 agency.

305 Section 6. Paragraphs (h) through (q) of subsection (1) of
306 section 1002.88, Florida Statutes, are redesignated as
307 paragraphs (i) through (r), respectively, present paragraphs (m)
308 and (o) of that subsection are amended, and a new paragraph (h)
309 is added to that subsection, to read:

310 1002.88 School readiness program provider standards;
311 eligibility to deliver the school readiness program.-

312 (1) To be eligible to deliver the school readiness program,
313 a school readiness program provider must:

314 (h) Participate in the program assessment under s.
315 1002.82(2)(n).

316 (n) ~~(m)~~ For a provider that is an informal provider, comply
317 with the provisions of paragraph (m) ~~paragraph (l)~~ or maintain
318 homeowner's liability insurance and, if applicable, a business
319 rider. If an informal provider chooses to maintain a homeowner's

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320 policy, the provider must obtain and retain a homeowner's
321 insurance policy that provides a minimum of \$100,000 of coverage
322 per occurrence and a minimum of \$300,000 general aggregate
323 coverage. The office may authorize lower limits upon request, as
324 appropriate. An informal provider must add the coalition as a
325 named certificateholder and as an additional insured. An
326 informal provider must provide the coalition with a minimum of
327 10 calendar days' advance written notice of cancellation of or
328 changes to coverage. The general liability insurance required by
329 this paragraph must remain in full force and effect for the
330 entire period of the provider's contract with the coalition.

331 (p)~~(e)~~ Notwithstanding paragraph (m) ~~paragraph (l)~~, for a
332 provider that is a state agency or a subdivision thereof, as
333 defined in s. 768.28(2), agree to notify the coalition of any
334 additional liability coverage maintained by the provider in
335 addition to that otherwise established under s. 768.28. The
336 provider shall indemnify the coalition to the extent permitted
337 by s. 768.28.

338 Section 7. Paragraph (b) of subsection (6) of section
339 1002.89, Florida Statutes, is amended to read:

340 1002.89 School readiness program; funding.-

341 (6) Costs shall be kept to the minimum necessary for the
342 efficient and effective administration of the school readiness
343 program with the highest priority of expenditure being direct
344 services for eligible children. However, no more than 5 percent
345 of the funds described in subsection (5) may be used for
346 administrative costs and no more than 22 percent of the funds
347 described in subsection (5) may be used in any fiscal year for
348 any combination of administrative costs, quality activities, and

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349 nondirect services as follows:

350 (b) Activities to improve the quality of child care as
351 described in 45 C.F.R. s. 98.51, which shall be limited to the
352 following:

353 1. Developing, establishing, expanding, operating, and
354 coordinating resource and referral programs specifically related
355 to the provision of comprehensive consumer education to parents
356 and the public to promote informed child care choices specified
357 in 45 C.F.R. s. 98.33.

358 2. Awarding grants and providing financial support to
359 school readiness program providers and their staff to assist
360 them in meeting applicable state requirements for the program
361 assessment required under s. 1002.82(2)(n), child care
362 performance standards, implementing developmentally appropriate
363 curricula and related classroom resources that support
364 curricula, providing literacy supports, and providing continued
365 professional development and training. Any grants awarded
366 pursuant to this subparagraph shall comply with ss. 215.971 and
367 287.058.

368 3. Providing training, technical assistance, and financial
369 support to school readiness program providers, staff, and
370 parents on standards, child screenings, child assessments, child
371 development research and best practices, developmentally
372 appropriate curricula, character development, teacher-child
373 interactions, age-appropriate discipline practices, health and
374 safety, nutrition, first aid, cardiopulmonary resuscitation, the
375 recognition of communicable diseases, and child abuse detection,
376 prevention, and reporting.

377 4. Providing, from among the funds provided for the

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378 activities described in subparagraphs 1.-3., adequate funding
379 for infants and toddlers as necessary to meet federal
380 requirements related to expenditures for quality activities for
381 infant and toddler care.

382 5. Improving the monitoring of compliance with, and
383 enforcement of, applicable state and local requirements as
384 described in and limited by 45 C.F.R. s. 98.40.

385 6. Responding to Warm-Line requests by providers and
386 parents, including providing developmental and health screenings
387 to school readiness program children.

388 Section 8. Paragraph (a) of subsection (3) of section
389 1002.92, Florida Statutes, is amended to read:

390 1002.92 Child care and early childhood resource and
391 referral.—

392 (3) Child care resource and referral agencies shall provide
393 the following services:

394 (a) Identification of existing public and private child
395 care and early childhood education services, including child
396 care services by public and private employers, and the
397 development of a resource file of those services through the
398 single statewide information system developed by the office
399 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may
400 include family day care, public and private child care programs,
401 the Voluntary Prekindergarten Education Program, Head Start, the
402 school readiness program, special education programs for
403 prekindergarten children with disabilities, services for
404 children with developmental disabilities, full-time and part-
405 time programs, before-school and after-school programs, vacation
406 care programs, parent education, the temporary cash assistance

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407 program, and related family support services. The resource file
408 shall include, but not be limited to:

- 409 1. Type of program.
- 410 2. Hours of service.
- 411 3. Ages of children served.
- 412 4. Number of children served.
- 413 5. Program information.
- 414 6. Fees and eligibility for services.
- 415 7. Availability of transportation.

416 Section 9. For the 2018-2019 fiscal year, the sum of \$6
417 million in nonrecurring funds from the Child Care and
418 Development Block Grant Trust Fund is appropriated to the Office
419 of Early Learning to implement the program assessment required
420 by s. 1002.82(2)(n), Florida Statutes.

421 Section 10. This act shall take effect July 1, 2018.