

1                   A bill to be entitled  
2           An act relating to early learning; amending s.  
3           1002.385, F.S.; revising the contents of the sworn  
4           compliance statement a parent must submit under the  
5           Gardiner Scholarship program; amending s. 1002.69,  
6           F.S.; requiring the use of observation-based  
7           assessments in determining the kindergarten readiness  
8           rate; amending s. 1002.82, F.S.; requiring the Office  
9           of Early Learning to adopt an observation-based child  
10          assessment system, subject to appropriation; providing  
11          requirements for such system; amending s. 1002.84,  
12          F.S.; requiring early learning coalitions to implement  
13          an observation-based assessment for certain children;  
14          amending s. 1002.85, F.S.; requiring early learning  
15          coalition plans to include the use of an observation-  
16          based child assessment; amending s. 1002.88, F.S.;  
17          requiring school readiness program providers to  
18          conduct an observation-based child assessment;  
19          amending s. 1002.89, F.S.; providing that no more than  
20          a specified percentage of school readiness program  
21          funds may be used to provide specified assistance for  
22          observation-based child assessments; providing an  
23          effective date.

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25   Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, is amended to read:

1002.385 The Gardiner Scholarship.—

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)–(d).
2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).
3. Affirm that the parent is responsible for the education

51 of his or her student by, as applicable:

52 a. Requiring the student to take an assessment in  
53 accordance with paragraph (8) (c);

54 b. Providing an annual evaluation in accordance with s.  
55 1002.41(1) (c); or

56 c. Requiring the child to take any observation-based  
57 assessments ~~preassessments and postassessments~~ selected by the  
58 provider if the child is 4 years of age and is enrolled in a  
59 program provided by an eligible Voluntary Prekindergarten  
60 Education Program provider. A student with disabilities for whom  
61 an observation-based assessment ~~a preassessment and~~  
62 ~~postassessment~~ is not appropriate is exempt from this  
63 requirement. A participating provider shall report a student's  
64 scores to the parent.

65 4. Affirm that the student remains in good standing with  
66 the provider or school if those options are selected by the  
67 parent.

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69 A parent who fails to comply with this subsection forfeits the  
70 Gardiner Scholarship.

71 Section 2. Subsection (5) of section 1002.69, Florida  
72 Statutes, is amended to read:

73 1002.69 Statewide kindergarten screening; kindergarten  
74 readiness rates; state-approved prekindergarten enrollment  
75 screening; good cause exemption.-

76 (5) The office shall adopt procedures to annually  
 77 calculate each private prekindergarten provider's and public  
 78 school's kindergarten readiness rate, which must be expressed as  
 79 the percentage of the provider's or school's students who are  
 80 assessed as ready for kindergarten. The methodology for  
 81 calculating each provider's kindergarten readiness rate must  
 82 include student learning gains when available and the percentage  
 83 of students who meet all state readiness measures. The rates  
 84 must not include students who are not administered the statewide  
 85 kindergarten screening. The office shall determine learning  
 86 gains using a value-added measure based on growth demonstrated  
 87 by the results of the observation-based assessments  
 88 ~~preassessment and postassessment~~ from at least 2 successive  
 89 years of administration of the observation-based assessments  
 90 ~~preassessment and postassessment~~.

91 Section 3. Paragraph (k) of subsection (2) of section  
 92 1002.82, Florida Statutes, is amended to read:

93 1002.82 Office of Early Learning; powers and duties.—

94 (2) The office shall:

95 (k) Subject to legislative appropriation, adopt an  
 96 observation-based child assessment system that shall:

97 1. Require the selection of an observation-based child  
 98 assessment that is ~~Select assessments that are~~ valid, reliable,  
 99 has interval level and criterion-referenced data that measures  
 100 equivalent levels of growth across domains, and can be used for

101 determining developmentally appropriate learning gains. Such  
102 system must also be ~~and~~ developmentally appropriate for use at a  
103 minimum three times a year ~~as preassessment and postassessment~~  
104 for children ages birth to 4 years ~~the age ranges specified in~~  
105 ~~the coalition plans.~~ The assessment ~~assessments~~ must be designed  
106 to measure progress in the domains of language, social and  
107 emotional skills, executive functioning, and the performance  
108 standards adopted pursuant to paragraph (j), provide appropriate  
109 accommodations for children with disabilities and English  
110 language learners, and be administered by qualified individuals,  
111 consistent with the developer's ~~publisher's~~ instructions.

112 2. Include the development of a statewide implementation  
113 plan for the observation-based child assessment that shall  
114 include a process for determining participation and granting  
115 exemptions. The statewide implementation plan must include an  
116 implementation timeline that requires the collection of  
117 observation-based child assessment data on children ages birth  
118 to 1 year beginning in 2019-2020, children ages 2 to 3 years  
119 beginning in 2020-2021, and children who are 4 years of age  
120 beginning in 2021-2022. The plan must include adequate  
121 opportunities for training for early learning coalitions or  
122 other statewide organizations to ensure adequate training of  
123 instructors and personnel in a timely manner until the  
124 assessment and its data are verified reliable pursuant to the  
125 developer's protocols. The plan must also include a mechanism

126 for continued training which must occur at least every 2 years  
127 to support maintaining the reliability of the system and data  
128 collected.

129 3. Provide for a differential payment of up to 5 percent  
130 for each care level and unit of child care for each child care  
131 provider that has implemented the observation-based child  
132 assessment. The 5 percent differential shall be paid in its  
133 entirety if the child care provider is able to demonstrate  
134 developmentally appropriate learning gains as defined by the  
135 assessment's developer. To receive a payment differential  
136 pursuant to this subparagraph, a child care provider may also  
137 submit data from an alternative observation-based child  
138 assessment if the alternative observation-based child assessment  
139 meets the requirements of the observation-based child assessment  
140 provided for under this paragraph and the child care provider  
141 can submit proof of its reliability.

142 4. Adopt a schedule and protocols for the collection of  
143 observation-based assessment data that allows for data  
144 collection that:

145 a. Safeguards student privacy.

146 b. Monitors the reliability of individuals administering  
147 the observation-based assessment.

148 c. Performs data analysis across age groups and early  
149 learning programs.

150 d. Analyzes trends over time.

151 e. Provides data sets to the Department of Education for  
152 use in longitudinal data studies.

153 Section 4. Subsection (6) of section 1002.84, Florida  
154 Statutes, is amended to read:

155 1002.84 Early learning coalitions; school readiness powers  
156 and duties.—Each early learning coalition shall:

157 (6) Implement an age-appropriate observation-based  
158 assessment ~~preassessment and postassessment~~ of children ages  
159 birth to 4 years pursuant to s. 1002.82(2)(k), if available ~~if~~  
160 ~~specified in the coalition's approved plan.~~

161 Section 5. Paragraph (c) of subsection (2) of section  
162 1002.85, Florida Statutes, is amended to read:

163 1002.85 Early learning coalition plans.—

164 (2) Each early learning coalition must biennially submit a  
165 school readiness program plan to the office before the  
166 expenditure of funds. A coalition may not implement its school  
167 readiness program plan until it receives approval from the  
168 office. A coalition may not implement any revision to its school  
169 readiness program plan until the coalition submits the revised  
170 plan to and receives approval from the office. If the office  
171 rejects a plan or revision, the coalition must continue to  
172 operate under its previously approved plan. The plan must  
173 include, but is not limited to:

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

- 176 | 1. Single point of entry.
- 177 | 2. Uniform waiting list.
- 178 | 3. Eligibility and enrollment processes.
- 179 | 4. Parent access and choice.
- 180 | 5. Sliding fee scale and policies on applying the waiver
- 181 | or reduction of fees in accordance with s. 1002.84(8).
- 182 | 6. Use of an observation-based child assessment
- 183 | ~~preassessments and postassessments~~, as applicable.
- 184 | 7. Payment rate.

185 | Section 6. Paragraphs (i) through (q) of subsection (1) of  
 186 | section 1002.88, Florida Statutes, are redesignated as  
 187 | paragraphs (j) through (r), respectively, paragraphs (m) and (o)  
 188 | of subsection (1) and subsection (3) are amended, and a new  
 189 | paragraph (i) is added to subsection (1) of that section, to  
 190 | read:

191 | 1002.88 School readiness program provider standards;  
 192 | eligibility to deliver the school readiness program.—

193 | (1) To be eligible to deliver the school readiness  
 194 | program, a school readiness program provider must:

195 | (i) Conduct an observation-based child assessment pursuant  
 196 | to s. 1002.82.

197 | (m) For a provider that is an informal provider, comply  
 198 | with the provisions of paragraph (m) ~~paragraph (l)~~ or maintain  
 199 | homeowner's liability insurance and, if applicable, a business  
 200 | rider. If an informal provider chooses to maintain a homeowner's



201 policy, the provider must obtain and retain a homeowner's  
202 insurance policy that provides a minimum of \$100,000 of coverage  
203 per occurrence and a minimum of \$300,000 general aggregate  
204 coverage. The office may authorize lower limits upon request, as  
205 appropriate. An informal provider must add the coalition as a  
206 named certificateholder and as an additional insured. An  
207 informal provider must provide the coalition with a minimum of  
208 10 calendar days' advance written notice of cancellation of or  
209 changes to coverage. The general liability insurance required by  
210 this paragraph must remain in full force and effect for the  
211 entire period of the provider's contract with the coalition.

212 (o) Notwithstanding paragraph (m) ~~paragraph (l)~~, for a  
213 provider that is a state agency or a subdivision thereof, as  
214 defined in s. 768.28(2), agree to notify the coalition of any  
215 additional liability coverage maintained by the provider in  
216 addition to that otherwise established under s. 768.28. The  
217 provider shall indemnify the coalition to the extent permitted  
218 by s. 768.28.

219 (3) The office and the coalitions may not:

220 (a) Impose any requirement on a child care provider or  
221 early childhood education provider that does not deliver  
222 services under the school readiness program or receive state or  
223 federal funds under this part; or

224 (b) Impose any requirement on a school readiness program  
225 provider that exceeds the authority provided under this part or

226 | part V of this chapter or rules adopted pursuant to this part or  
 227 | part V of this chapter. ; ~~or~~

228 | ~~(c) Require a provider to administer a preassessment or~~  
 229 | ~~postassessment.~~

230 | Section 7. Paragraph (b) of subsection (6) of section  
 231 | 1002.89, Florida Statutes, is amended to read:

232 | 1002.89 School readiness program; funding.—

233 | (6) Costs shall be kept to the minimum necessary for the  
 234 | efficient and effective administration of the school readiness  
 235 | program with the highest priority of expenditure being direct  
 236 | services for eligible children. However, no more than 5 percent  
 237 | of the funds described in subsection (5) may be used for  
 238 | administrative costs and no more than 22 percent of the funds  
 239 | described in subsection (5) may be used in any fiscal year for  
 240 | any combination of administrative costs, quality activities, and  
 241 | nondirect services as follows:

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

245 | 1. Developing, establishing, expanding, operating, and  
 246 | coordinating resource and referral programs specifically related  
 247 | to the provision of comprehensive consumer education to parents  
 248 | and the public to promote informed child care choices specified  
 249 | in 45 C.F.R. s. 98.33.

250 | 2. Awarding grants and providing financial support to

251 school readiness program providers and their staff to assist  
252 them in meeting applicable state requirements for child care  
253 performance standards, implementing developmentally appropriate  
254 curricula and related classroom resources that support  
255 curricula, providing literacy supports, and providing continued  
256 professional development and training. Any grants awarded  
257 pursuant to this subparagraph shall comply with ss. 215.971 and  
258 287.058.

259       3. Providing training, technical assistance, and financial  
260 support to school readiness program providers, staff, and  
261 parents on standards, child screenings, observation-based child  
262 assessments, child development research and best practices,  
263 developmentally appropriate curricula, character development,  
264 teacher-child interactions, age-appropriate discipline  
265 practices, health and safety, nutrition, first aid,  
266 cardiopulmonary resuscitation, the recognition of communicable  
267 diseases, and child abuse detection, prevention, and reporting.

268       4. Providing, from among the funds provided for the  
269 activities described in subparagraphs 1.-3., adequate funding  
270 for infants and toddlers as necessary to meet federal  
271 requirements related to expenditures for quality activities for  
272 infant and toddler care.

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

276 |           6. Responding to Warm-Line requests by providers and  
277 | parents, including providing developmental and health screenings  
278 | to school readiness program children.

279 |           Section 8. This act shall take effect July 1, 2018.