

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 Pre-K - 12 Education

BILL: SB 1532

INTRODUCER: Senator Stargel and others

SUBJECT: Early Learning Coalitions

DATE: February 7, 2018 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|------------|--------------------|
| 1. | <u>Olenick</u> | <u>Graf</u> | <u>ED</u> | Favorable |
| 2. | <u>Sikes</u> | <u>Elwell</u> | <u>AED</u> | Pre-meeting |
| 3. | _____ | _____ | <u>AP</u> | _____ |

I. Summary:

SB 1532 authorizes an early learning coalition to refuse to contract with a school readiness program provider if the provider has been cited for a class I violation. A class I violation is the most serious in nature and poses an imminent threat to a child including abuse or neglect that could result in death or serious harm to the health, safety or well-being of a child.

The bill does not affect state revenues or expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

The school readiness program was established in 1999¹ and provides subsidies for childcare 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.²

School Readiness Program

The school readiness program (program) is a state-federal partnership between Florida's Office of Early Learning (OEL)³ and the Office of Child Care of the United States Department of

¹ Section 1, ch. 99-357, L.O.F.

² Sections 1002.87, F.S.

³ 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 VPK Program. Section 1, ch. 2013-252, L.O.F., *codified as* s. 1001.213, F.S.

Health and Human Services.⁴ The program is administered by early learning coalitions (ELCs) at the county or regional level.⁵

At the state level, the OEL administers the program, including statewide coordination of the ELCs.⁶ The OEL is the lead agency for administering the federal Child Care and Development Block Grant Trust Fund, which funds are used to implement the school readiness program.⁷ The OEL must adopt, in rule, a statewide provider contract to be used by each provider⁸ and must monitor and evaluate the performance of each ELC in administering the school readiness program.⁹

The Florida Department of Children and Families' (DCF) Office of Child Care Regulations, as the agency responsible for the state's child care provider licensing program, inspects licensed and license exempt childcare providers who provide a school readiness program for specified health and safety standards.¹⁰

School Readiness Program Eligibility

To be eligible to deliver the school readiness program in this state, a provider must be:¹¹

- 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 nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal childcare provider authorized in the state's Child Care and Development Fund plan.

All school readiness program providers must be inspected to ensure compliance with basic health and safety requirements and to ensure compliance with the age-appropriate immunizations of children enrolled in the school readiness program.¹² In addition, each childcare facility, family day care home, and large family day care home must annually submit to the DCF an affidavit of compliance with the requirements to report instances of child abuse, abandonment, or neglect.¹³

⁴ See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, <https://www.acf.hhs.gov/occ/fact-sheet-occ> (last visited Jan. 26, 2018).

⁵ Section 1002.83(1), F.S.

⁶ Section 1001.213(3), F.S.

⁷ Section 1002.82(1), F.S.

⁸ Section 1008.82(2)(m), F.S.

⁹ Section 1008.82(2)(p), F.S.

¹⁰ See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

¹¹ Section 1002.88(1)(a), F.S.

¹² Rule 6M-4.620, F.A.C. The Department of Children and Families or the local licensing agency (whichever is applicable) is authorized to inspect school readiness providers.

¹³ Section 402.319(3), F.S.

Early Learning Coalition Responsibilities

There are currently 30 early learning coalitions.¹⁴ Each ELC administers and implements a local comprehensive program of school readiness program services, which enhances the cognitive, social and physical development of children to achieve the performance standards.¹⁵

Florida law specifies the responsibilities for the ELCs.¹⁶ These responsibilities include a requirement that each ELC monitor school readiness program providers in accordance with the coalition's plan, or in response to a parental complaint, to verify that the standards specified in law¹⁷ are being met using a standard monitoring tool adopted by the OEL.¹⁸ Providers determined to be high-risk by the ELC, as determined by substantial findings of violations of federal law or the general or local laws of the state, must be monitored more frequently.¹⁹ Providers with three consecutive years of compliance may be monitored biennially.²⁰

Florida law specifies that if a school readiness program provider fails or refuses to comply with school readiness program provider standards²¹, or any contractual obligation of the statewide provider contract,²² the ELC may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds for a period of five years.²³

In addition, ELCs may terminate a provider's contract if the provider has one or more Class I violations, five or more Class II violations, or six or more Class III violations, and the violation(s) pose an immediate and serious danger to the health, safety and welfare of the children in care.²⁴

Class I violations are the most serious in nature and pose an imminent threat to a child including abuse or neglect that could result in death or serious harm to the health, safety or well-being of a child.²⁵ Class II violations are less serious than Class I violations and could pose a threat to the

¹⁴ Florida's Office of Early Learning, *Parents – Contact your County's Early Learning Coalition*, http://www.floridaearlylearning.com/parents/find_quality_child_care/locate_a_child_care_resource_referral_program/county_s_early_learning_coalition.aspx (last visited Jan. 26, 2018).

¹⁵ Section 1002.84(1), F.S.

¹⁶ Section 1002.84, F.S.

¹⁷ Section 1002.84 (15), F.S.

¹⁸ Section 1002.84(15), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 1002.88, F.S.

²² The Office of Early Learning must adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office must publish a copy of the standard statewide provider contract on its website. The standard statewide contract must include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract must also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable. Section 1002.82(2)(m), F.S.

²³ Section 1002.88(2), F.S.

²⁴ Section 1002.82(2)(m), F.S. *see also* The Office of Early Learning, *School Readiness Program Health and Safety Standards Handbook*, (Feb. 2017), available at

http://www.floridaearlylearning.com/sites/www/Uploads/files/Statewide%20Initiatives/Health%20and%20Safety/HS%20Handbook%20Facilities_OEL-SR-6202_ADA.pdf, at 51-52 of 53.

²⁵ *Id.* at 50.

health, safety or well-being of a child, although the threat is not imminent.²⁶ Class III violations are less serious than either Class I or Class II violations and pose a low potential for harm to a child.²⁷ A list of Class I, II and III violations are provided in the Office of Early Learning, School Readiness Program, Health and Safety Checklist.²⁸

III. Effect of Proposed Changes:

The bill authorizes an early learning coalition (ELC) to refuse to contract with a school readiness program provider if the provider has been cited for a Class I violation. This authority is consistent with the ELC's authority to terminate a provider's contract if the provider has one or more Class I violations.²⁹ Accordingly, the bill may assist with maintaining a safe environment for children enrolled in school readiness programs.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁶ *Id.*

²⁷ *Id.*

²⁸ The Office of Early Learning, *School Readiness Program, Health and Safety Checklist - Public and Nonpublic schools*, (Feb. 2017) available at [https://www.flrules.org/gateway/readRefFile.asp?refId=7846&filename=Form OEL-SR-6203 \(February 2017\) HS Checklist Public NonPublic Schools.pdf](https://www.flrules.org/gateway/readRefFile.asp?refId=7846&filename=Form OEL-SR-6203 (February 2017) HS Checklist Public NonPublic Schools.pdf).

²⁹ The Office of Early Learning, *School Readiness Program Health and Safety Standards Handbook*, (Feb. 2017), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Statewide%20Initiatives/Health%20and%20Safety/HS%20Handbook%20Facilities OEL-SR-6202 ADA.pdf>, at 51-52 of 53.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.88 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.