

By Senator Hukill

14-01388B-18

20181822__

1 A bill to be entitled
2 An act relating to early childhood learning; amending
3 s. 1002.82, F.S.; requiring the Office of Early
4 Learning to adopt an observation-based child
5 assessment system that contains specified elements,
6 under certain circumstances; amending s. 1002.84,
7 F.S.; requiring each early learning coalition to
8 implement a specified age-appropriate observation-
9 based assessment for certain children, rather than a
10 preassessment and postassessment; amending ss.
11 1002.85, 1002.88, and 1002.89, F.S.; conforming
12 provisions to changes made by the act; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (k) of subsection (2) of section
18 1002.82, Florida Statutes, is amended to read:

19 1002.82 Office of Early Learning; powers and duties.—

20 (2) The office shall:

21 (k) Subject to legislative appropriation, adopt an
22 observation-based child assessment system that includes all of
23 the following elements:

24 1. An observation-based child assessment that is ~~Select~~
25 ~~assessments that are valid and,~~ reliable, that has interval-
26 level and criterion-referenced data that measures equivalent
27 levels of growth across domains, and that may be used for
28 determining developmentally appropriate learning gains. The
29 assessment must be ~~and~~ developmentally appropriate for use a

14-01388B-18

20181822__

30 minimum of three times a year ~~as preassessment and~~
31 ~~postassessment~~ for children from birth through 4 years of the
32 age ranges specified in the coalition plans. The assessments
33 must be designed to measure progress in the domains of language,
34 social and emotional skills, and executive functioning, and must
35 measure progress in the performance standards adopted pursuant
36 to paragraph (j); ~~7~~ provide appropriate accommodations for
37 children with disabilities and English language learners; ~~7~~ and
38 be administered by qualified individuals, consistent with the
39 developer's ~~publisher's~~ instructions.

40 2. A statewide implementation plan for the observation-
41 based child assessment. The plan must include:

42 a. A process for participation in the observation-based
43 child assessment system and for granting exemptions from the
44 assessment;

45 b. An implementation timeline that requires the collection
46 of assessment data on infants and children up to 2 years of age
47 beginning in the 2019-2020 school year, on children 2 and 3
48 years of age beginning in the 2020-2021 school year, and on
49 children 4 years of age beginning in the 2021-2022 school year;

50 c. Adequate opportunities and training for early learning
51 coalitions or other statewide organizations to ensure that
52 school readiness child care instructors have the opportunity to
53 receive training in a timely manner until they are verified as
54 reliable, in accordance with the developer's protocols; and

55 d. A mechanism for ensuring the training required under
56 sub-subparagraph c. occurs every 2 years, at a minimum, in order
57 to maintain reliability.

58 3. Adoption of a schedule and protocols for the collection

14-01388B-18

20181822__

59 of assessment data which allow for data collection, in
60 accordance with s. 1002.222, and analysis that:

61 a. Safeguard student privacy;

62 b. Check the reliability of the administration of the
63 observation-based assessment;

64 c. Perform longitudinal data analysis across age groups and
65 early learning programs; and

66 d. Analyze trends over time.

67 Section 2. Subsection (6) of section 1002.84, Florida
68 Statutes, is amended to read:

69 1002.84 Early learning coalitions; school readiness powers
70 and duties.—Each early learning coalition shall:

71 (6) Implement an age-appropriate observation-based
72 assessment ~~preassessment and postassessment~~ of children from
73 birth through 4 years of age in accordance with s.
74 1002.82(2)(k), if applicable ~~specified in the coalition's~~
75 ~~approved plan.~~

76 Section 3. Paragraph (c) of subsection (2) of section
77 1002.85, Florida Statutes, is amended to read:

78 1002.85 Early learning coalition plans.—

79 (2) Each early learning coalition must biennially submit a
80 school readiness program plan to the office before the
81 expenditure of funds. A coalition may not implement its school
82 readiness program plan until it receives approval from the
83 office. A coalition may not implement any revision to its school
84 readiness program plan until the coalition submits the revised
85 plan to and receives approval from the office. If the office
86 rejects a plan or revision, the coalition must continue to
87 operate under its previously approved plan. The plan must

14-01388B-18

20181822__

88 include, but is not limited to:

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

91 1. Single point of entry.

92 2. Uniform waiting list.

93 3. Eligibility and enrollment processes.

94 4. Parent access and choice.

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

97 6. Use of observation-based child assessments
98 ~~preassessments and postassessments~~, as applicable.

99 7. Payment rate.

100 Section 4. Present paragraphs (i) through (q) of subsection
101 (1) of section 1002.88, Florida Statutes, are redesignated as
102 paragraphs (j) through (r), respectively, a new paragraph (i) is
103 added to that subsection, and present paragraphs (m) and (o) of
104 that subsection and paragraph (c) of subsection (3) of that
105 section are amended, to read:

106 1002.88 School readiness program provider standards;
107 eligibility to deliver the school readiness program.—

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

110 (i) Conduct observation-based child assessment in
111 accordance with s. 1002.82.

112 (n) ~~(m)~~ For a provider that is an informal provider, comply
113 with the provisions of paragraph (m) ~~(l)~~ or maintain homeowner's
114 liability insurance and, if applicable, a business rider. If an
115 informal provider chooses to maintain a homeowner's policy, the
116 provider must obtain and retain a homeowner's insurance policy

14-01388B-18

20181822__

117 that provides a minimum of \$100,000 of coverage per occurrence
118 and a minimum of \$300,000 general aggregate coverage. The office
119 may authorize lower limits upon request, as appropriate. An
120 informal provider must add the coalition as a named
121 certificateholder and as an additional insured. An informal
122 provider must provide the coalition with a minimum of 10
123 calendar days' advance written notice of cancellation of or
124 changes to coverage. The general liability insurance required by
125 this paragraph must remain in full force and effect for the
126 entire period of the provider's contract with the coalition.

127 (p) ~~(e)~~ Notwithstanding paragraph (m) ~~(l)~~, for a provider
128 that is a state agency or a subdivision thereof, as defined in
129 s. 768.28(2), agree to notify the coalition of any additional
130 liability coverage maintained by the provider in addition to
131 that otherwise established under s. 768.28. The provider shall
132 indemnify the coalition to the extent permitted by s. 768.28.

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

134 ~~(c) Require a provider to administer a preassessment or~~
135 ~~postassessment.~~

136 Section 5. Paragraph (b) of subsection (6) of section
137 1002.89, Florida Statutes, is amended to read:

138 1002.89 School readiness program; funding.—

139 (6) Costs shall be kept to the minimum necessary for the
140 efficient and effective administration of the school readiness
141 program with the highest priority of expenditure being direct
142 services for eligible children. However, no more than 5 percent
143 of the funds described in subsection (5) may be used for
144 administrative costs and no more than 22 percent of the funds
145 described in subsection (5) may be used in any fiscal year for

14-01388B-18

20181822__

146 any combination of administrative costs, quality activities, and
147 nondirect services as follows:

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

151 1. Developing, establishing, expanding, operating, and
152 coordinating resource and referral programs specifically related
153 to the provision of comprehensive consumer education to parents
154 and the public to promote informed child care choices specified
155 in 45 C.F.R. s. 98.33.

156 2. Awarding grants and providing financial support to
157 school readiness program providers and their staff to assist
158 them in meeting applicable state requirements for child care
159 performance standards, implementing developmentally appropriate
160 curricula and related classroom resources that support
161 curricula, providing literacy supports, and providing continued
162 professional development and training. Any grants awarded
163 pursuant to this subparagraph shall comply with ss. 215.971 and
164 287.058.

165 3. Providing training, technical assistance, and financial
166 support to school readiness program providers, staff, and
167 parents on standards, child screenings, observation-based child
168 assessments, child development research and best practices,
169 developmentally appropriate curricula, character development,
170 teacher-child interactions, age-appropriate discipline
171 practices, health and safety, nutrition, first aid,
172 cardiopulmonary resuscitation, the recognition of communicable
173 diseases, and child abuse detection, prevention, and reporting.

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

14-01388B-18

20181822__

175 activities described in subparagraphs 1.-3., adequate funding
176 for infants and toddlers as necessary to meet federal
177 requirements related to expenditures for quality activities for
178 infant and toddler care.

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

182 6. Responding to Warm-Line requests by providers and
183 parents, including providing developmental and health screenings
184 to school readiness program children.

185 Section 6. This act shall take effect July 1, 2018.