

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 Committee on Education

BILL: CS/SB 1026

INTRODUCER: Education Pre-K -12 Committee and Senator Grall and others

SUBJECT: Early Learning

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1026 provides programmatic and administrative changes to support the Voluntary Prekindergarten (VPK) and the School Readiness (SR) programs, as well as, additional support to struggling students entering kindergarten. Specifically, the bill:

- Allows additional VPK instructors to qualify to be a lead instructor in the summer VPK program.
- Sets guardrails for use of progress monitoring and use of electronic devices in VPK classrooms and defines an “electronic device.”
- Modifies specific areas related to VPK performance standards and accountability including the calculation and timing of the performance metric.
- Revises early learning standards domains to replace “self-regulation” with “executive functioning.”
- Allows early learning coalitions (ELCs) to add law enforcement representation to coalition boards.
- Modifies allowable uses of School Readiness funding by ELCs.
- Creates a summer bridge program for VPK students with early literacy deficiencies prior to entering kindergarten.

This bill has a significant, negative fiscal impact to state government. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2024.

II. Present Situation:

Florida's Voluntary Prekindergarten (VPK) Program

The VPK program prepares children for success in school and in life. Implemented in 2005, the program is a free, high-quality education program available to all four-year-old children residing in the state.¹ Parents of four-year-olds with birthdays from February 2 through September 1 may wait to enroll their child the following year when they are five.²

The Division of Early Learning (DEL) at the Department of Education (DOE) administers the VPK program at the state level. Data collected by the DOE show that children who participate in VPK are better prepared to enter kindergarten ready to learn. Parents can select from one of several VPK program options available from private and public providers. Providers have flexibility to structure daily hours per week to meet the required number of instructional hours: the School-Year Program is 540 instructional hours; the Summer Program is 300 instructional hours.

VPK Specialized Instructional Services is a program option available for VPK-age children with current individual educational plans (IEPs). This option allows parents of a VPK-age child to choose additional therapy services consistent with the child's IEP in lieu of attending VPK in a traditional classroom setting.

In FY 2022-2023, there were 158,408 children enrolled with 6,237 providers in Florida's VPK Program, with 97 percent of children enrolled in a school year program and three percent enrolled in a summer program.³

Summer Voluntary Prekindergarten (VPK) Instructor Requirements

Since the inception of the VPK program, parents have had the option of choosing to have his or her child attend a school year or a summer VPK program. Since the 2016-2017 VPK program year, the summer program has seen declining enrollment. The program served over 5,000 children in 2016-2017 and showed a decline that was accelerated by the effects of the national health crisis (COVID-19) that began in 2020 but has yet to recover and served less than 2,500 children in the 2022-2023 summer program.⁴

For the summer VPK program, each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds a specified bachelor's or higher degree in an early education-related field.⁵ For the VPK program, the term "certified teacher" means a teacher holding a valid Florida educator

¹ FLA. CONST., Art. IX, s. 1.

² FDOE, *Division of Early Learning, Annual Report 2022-2023*, available at: <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf> (last visited Jan. 30, 2024).

³ *Id.*

⁴ EDR, *Voluntary Prekindergarten Estimating Conference, Jan. 9, 2024*, available at: <http://edr.state.fl.us/Content/conferences/vpk/index.cfm> (last visited Jan. 30, 2024)

⁵ See s. 1002.55(4)(a) or (b).

certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer VPK program.⁶

VPK Performance Standards

The DOE is required to develop and adopt performance standards for students in the VPK Program. The performance standards must address the age-appropriate progress of students in the development of required capabilities, capacities, and skills; emergent literacy skills grounded in the science of reading, including oral communication, knowledge of print and letters, phonemic and phonological awareness, vocabulary and comprehension development, and foundational background knowledge designed to correlate with the content that students will encounter in grades K-12; and mathematical thinking and early math skills. The DOE is required to review standards at least every three years.⁷

Each private prekindergarten provider and public school is allowed to select or design the curriculum that the provider or school uses to implement the program, except for a provider or school that fails to meet the minimum performance metric included in the state's accountability measures. Each private prekindergarten provider's and public school's curriculum must be:

- Developmentally appropriate.
- Designed to prepare a student for early literacy and provide for instruction in early math skills.
- Develop students' background knowledge through a content-rich and sequential knowledge building early literacy curriculum.
- Enhance the age-appropriate progress of students in attaining the performance standards adopted by the DOE.
- Support student learning gains through differentiated instruction that is measured by the coordinated screening and progress monitoring (CSPM) program.⁸

The DOE is required to adopt procedures for the review and approval of curricula for use by private prekindergarten providers and public schools that fail to meet performance standards.⁹

VPK Program Accountability

VPK program accountability is in a transition period from historical VPK provider kindergarten readiness rates of which the last rates were released for the 2020-2021 program year. Future accountability measures will be based on a yet to be calculated VPK performance metric.

Each private prekindergarten provider and public school participating in the VPK Program is required to participate in the coordinated screening and progress monitoring (CSPM) program.¹⁰ The CSPM program results shall be used by the DOE to identify student learning gains, index development learning outcomes upon program completion, and inform a private prekindergarten

⁶ Section 1002.61(4), F.S.

⁷ Section 1002.67, F.S.

⁸ Section 1002.67(2), F.S.

⁹ *Id.*

¹⁰ Section 1002.68(1), F.S.

provider's and public school's performance metric. The DOE is required to adopt minimum requirements for those administering the initial and final progress monitoring or screening.

Private prekindergarten providers and public schools are required to provide a student's performance results to the student's parents within seven days after the administration of the CSPM.¹¹

Each private prekindergarten provider and public school is required to participate in a program assessment of each voluntary prekindergarten education classroom. The program assessment measures the quality of teacher-child interactions, including emotional support, classroom organization, and instructional support for children ages three to five years. The DOE is required to report the results of the program assessment for each classroom within 14 days after the observation. Early learning coalitions (ELCs) are responsible for the administration of the program assessments.¹²

Beginning with the 2023-2024 program year,¹³ the DOE is required to adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which must be based on a combination of the following:

- Program assessment composite scores which must be weighted at no less than 50 percent.
- Learning gains from the initial and final administration of the CSPM.
- Norm-referenced developmental learning outcomes from the CSPM.¹⁴

The program assessment composite score and performance metric are required to be calculated for each private prekindergarten or public school site. The scores of the performance metric are required to produce profiles which include the following designations: "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology. They may not include letter grades.¹⁵

The DOE is required to annually calculate each private prekindergarten provider's and public school's performance metric. Beginning with the 2024-2025 program year, each private prekindergarten provider or public school will be assigned a designation within 45 days after the conclusion of the school-year program or the summer program. A private prekindergarten provider or public school designated "proficient," "highly proficient," or "excellent" demonstrates the provider's or school's satisfactory delivery of the VPK program. The designations are required to be displayed in the early learning provider performance profiles.¹⁶

If a private prekindergarten provider's or public school's performance metric or designation falls below the minimum performance metric or designation, the ELC is required to place the provider or school on probation. Each provider or school placed on probation is required to submit to the ELC for approval an improvement plan that includes implementation of and approved

¹¹ *Id.*

¹² Section 1002.68(2), F.S.

¹³ The program year was changed by ch. 2023-240, s. 5, Laws of Fla., and will revert to the 2022-2023 program year on June 30, 2023, unless acted upon by the Legislature.

¹⁴ Section 1002.68(4), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

curriculum and an approved staff development plan. A provider placed on probation remains in that status until the provider has earned a satisfactory performance metric or designation.¹⁷

A private prekindergarten provider or public school that remains on probation for two consecutive years and subsequently fails to meet the minimum performance metric or designation is subject to removal from eligibility to deliver the VPK program and receive state funds for the program for a period of at least two years but no more than five years.¹⁸ A private prekindergarten provider or public school may request and receive a good cause exemption in order to remain eligible for the VPK program based on certain criteria including health and safety standards. Exemptions are valid for one year but may be renewed.¹⁹

Administrative Funding for the VPK Program

Administrative expenditures for the VPK program must be kept to the minimum necessary for efficient and effective administration of the program. Policies and procedures, to the maximum extent practicable, are required to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. Florida's 30 ELCs are allowed to retain and expend no more than 4.0 percent of the funds paid by the coalition to private prekindergarten providers and public schools for the VPK program. The funds retained by an early learning coalition can only be used only for administering the VPK program and cannot be used for the school readiness program or other programs.²⁰

In 2022-2023, Florida's 30 ELCs administered the VPK program to 158,408 children enrolled in 6,237 private and public providers. For the same year, direct expenditures totaled \$396,563,661 and ELCs collectively withheld \$13,907,380 in total administrative expenditures or 3.51 percent of expenditures. The ELC of Northwest Florida withheld the lowest percentage at 2.3 percent while the ELC of Marion County withheld the highest percentage at 4.51 percent.²¹ All but seven ELCs withheld less than the 4.0 percent allowed in statute.

At the inception of the VPK program, ELCs were allowed to retain 5.0 percent in administrative expenses for the 2005-2006 program year.²² In 2009 the percentage was dropped to 4.85 percent effective for the 2008-2009 program year.²³ For the 2020-2011 program year the percentage was reduced again to 4.5 percent.²⁴ Finally, in 2011 the percentage was further reduced to 4.0 percent for the 2011-2012 program year, where it has remained until present.²⁵

¹⁷ Section 1002.68(5), F.S.

¹⁸ Section 1002.68(5)(c), F.S.

¹⁹ Section 1002.68(6), F.S.

²⁰ Section 1002.71(7), F.S.

²¹ FDOE, *Division of Early Learning, Annual Report 2023-2023*, available at: <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>. (Last visited Jan. 30, 2024)

²² Chapter 2004-484, s. 1, Laws of Florida

²³ Chapter 2009-3, s. 7, Laws of Fla.

²⁴ Chapter 2010-154, s. 10, Laws of Fla.

²⁵ Chapter 2011-55, s. 13, Laws of Fla.

Florida Early Learning Standards

The DOE is required to monitor the alignment and consistency of the standards and benchmarks developed and adopted that address the age-appropriate progress of children in the development of the skills needed to be successful in school. The standards for children from birth to kindergarten entry in the school readiness program are required to be aligned with the performance standards adopted for children in the VPK program. Statute requires the standards to address the following domains:

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.²⁶

Early Learning Coalition Governance

Florida statutes authorize 30 or fewer early learning coalitions (ELC) which are established to maintain direct services for VPK and school readiness (SR) programs at the local level and provide services in all 67 counties. Each ELC must have at least 15 members but not more than 30 members. The Governor appoints the chair and two other members of each ELC, who must each meet certain qualifications.

Each ELC must include the following member positions:

- A Department of Children and Families regional administrator.
- A district superintendent of schools.
- A local workforce development board executive director.
- A children's services council or juvenile welfare board chair or executive director from each county, if applicable.
- A Department of Children and Families child care regulation representative or an agency head of a local licensing agency.
- A president of a Florida College System institution.
- One member appointed by a board of county commissioners or the governing board of a municipality.
- A Head Start director.
- A representative of private for-profit child care providers, including private for-profit family day care homes.
- A representative of faith-based child care providers.
- A representative of programs for children with disabilities.

An ELC may appoint additional members who must be private sector business members, either for-profit or nonprofit with certain criteria.²⁷

²⁶ Section 1002.82(2), F.S.

²⁷ Section 1002.83, F.S.

School Readiness Program Funding

Florida's school readiness (SR) program offers low-income families financial assistance to facilitate access to high-quality child care and early education for their children while parents work or participate in job training. The Division of Early Learning (DEL) administers the program at the state level while ELCs administer the SR program at the county and regional levels. In fiscal year 2022-2023, there were 209,986 children enrolled with 6,790 early learning providers in Florida's SR program.

Funding comes from four sources; the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida. The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills.²⁸

Costs for the School Readiness (SR) program must be kept to the minimum necessary for the efficient and effective administration of the SR program with the highest priority of expenditure being direct services for eligible children. No more than five percent of the funds allocated in the General Appropriations Act may be used for administrative costs and no more than 22 percent of the funds allocated may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services.

Non-direct services include:

- Administrative costs as described in 45 C.F.R. s. 98.54.
- Activities to improve the quality of child care as described in 45 C.F.R. s. 98.53, limited to the following:
 - Developing, establishing, expanding, operating, and coordinating resource and referral programs.
 - Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for the program assessment, child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training.
 - Providing training, technical assistance, and financial support to school readiness program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.
 - Providing adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.
 - Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.

²⁸ FDOE, *Division of Early Learning, Annual Report 2023-2023*, available at: <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf> (Last visited Jan. 31, 2024)

- Responding to Warm-Line requests by providers and parents, including providing developmental and health screenings to school readiness program children.²⁹

Instructional Support for Early Literacy

A VPK program student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the final CSPM must be referred to the local school district and may be eligible to receive instruction in early literacy skills before participating in kindergarten. A prekindergarten student with an individual education plan who has been retained and has demonstrated a substantial deficiency in early literacy skills is required to receive instruction in early literacy skills.³⁰

III. Effect of Proposed Changes:

Summer Voluntary Prekindergarten (VPK) Instructor Requirements

Section 1 modifies s. 1002.61, F.S., to allow an instructor who has completed a child development associate or a credential approved by the Department of Children and Families as being equivalent to a child development associate to be the lead voluntary prekindergarten (VPK) instructor in a summer program, provided the individual has completed the early literacy micro-credential program or has an instructional support score of three or higher on the required program assessment under the VPK or school readiness (SR) program. This modification may increase the number of available candidates that can be the lead instructor in summer VPK classrooms.

VPK Performance Standards

Section 2 modifies s. 1002.67, F.S., to prohibit a VPK provider from using the Coordinated Screening and Progress Monitoring (CSPM) program, another progress monitoring program, or an instructional program that requires use of a one-to-one electronic device for the purposes of direct student instruction. The bill defines “electronic device” as a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument, including, but not limited to, a smartphone, a smart or electronic watch, a tablet, or a virtual reality device. The prohibition is intended to avoid inappropriate use of the CSPM or other progress monitoring programs and limit the use of devices in VPK classrooms.

VPK Program Accountability

Section 3 modifies s. 1002.68, F.S., to change the program year that the Department of Education (DOE) is required to adopt a methodology for calculation of the performance metric from the 2023-2024 program year to the 2024-2025 program year. The change would move the calculation to the same year the DOE is required to issue the performance metric.³¹

²⁹ Section 1002.89(4), F.S.

³⁰ Section 1008.25(5), F.S.

³¹ *Supra*, see note 19.

The bill allows for an alternate calculation of the program assessment composite score, which is one factor required in the calculation of the performance metric, from the program assessment composite score that is issued in accordance with s. 1002.68(2), F.S., to measure the quality of teacher-child interactions in VPK classrooms.

The bill restores a provision of law removed in 2023³² regarding the accountability measures for the VPK program.

The bill modifies the health and safety standards under which a provider cannot be granted a good cause exemption based on failing to meet the minimum performance metric score or designation for three consecutive years. The bill changes the standard from two or more Class II violations within the past two years to three or more of the same Class II violations.

Administrative Funding for the VPK Program

Section 4 modifies s. 1002.71, F.S., to increase from four percent to five percent the amount of funds paid to private prekindergarten providers and public schools for the VPK program each ELC may retain and expend.

Florida Early Learning Standards

Section 5 modifies s. 1002.82, F.S., to change the “self-regulation” domain in the early learning standards (birth to kindergarten) to “executive functioning.”³³

Early Learning Coalition Governance

Section 6 modifies s. 1002.83, F.S., to allow each ELC to appoint an additional public sector board member in order to include a representative of local law enforcement.

School Readiness Program Funding

Section 7 modifies s. 1002.89, F.S., to add activities to improve the quality of child care that each ELC can use SR program funds. For grants and providing financial support, the bill adds:

- Resources that support parent engagement, rather than curricula.
- Professional development through the Teacher Education and Compensation Helps (TEACH) scholarship program.
- Training aligned to the early learning professional development standards and career pathways.
- Reimbursement for background screening.

³² Chapter 2023-240, s. 5, Laws of Fla.

³³ Executive function skills are the attention-regulation skills that make it possible to sustain attention, keep goals and information in mind, refrain from responding immediately, resist distraction, tolerate frustration, consider the consequences of different behaviors, reflect on past experiences, and plan for the future. Zelazo, P.D., Blair, C.B., and Willoughby, M.T. (2016). *Executive Function: Implications for Education* (NCER 2017-2000) Washington, DC: National Center for Education Research, Institute of Education Sciences, U.S. Department of Education, available at <https://ies.ed.gov/ncer/pubs/20172000/pdf/20172000.pdf>, at 1 (Last visited Jan. 31, 2024).

The bill allows each ELC to use SR program funds to provide training aligned with the early learning professional development standards and career pathways but removes activities associated with child research and best practices, curricula and character development. The bill also allows supports for developmentally appropriate curriculum and executive functioning.

Instructional Support for Early Literacy

Section 8 modifies s. 1008.25, F.S., to create, subject to legislative appropriation, a summer bridge program for VPK students who have attended at least 80 percent of the school year VPK program and have a substantial deficiency in early literacy under specified performance standards and have scored below the 20th percentile on the final administration of the CSPM. Students identified are eligible to receive early instructional support services that meet the requirements established by DOE and consisting of four hours of instruction per day for a minimum of 100 total hours.

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has a significant, negative fiscal impact to general revenue, for the increase from four to five percent for administrative costs for Early Learning Coalitions. The cost is estimated at \$4.2 million.

The Summer Bridge program is subject to appropriation, therefore, does not have a fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.61, 1002.67, 1002.68, 1002.71, 1002.82, 1002.83, 1002.89, and 1008.25.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Pre-K - 12 on January 17, 2024:**

The committee substitute:

- Restores a provision of law removed in 2023 related to Voluntary Prekindergarten (VPK) provider accountability.
- Removes a reference to the evidence-based reading instruction allocation that was eliminated in 2023.
- Makes the funding for the summer bridge program created in the bill subject to legislative appropriation.
- Clarifies prohibitions on use of electronic devices for direct student instruction in the VPK program and provides a definition for “electronic devices.”

B. Amendments:

None.