

By the Committee on Education Pre-K -12; and Senators Grall and Osgood

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1 A bill to be entitled
2 An act relating to early learning; amending s.
3 1002.61, F.S.; revising requirements for
4 prekindergarten instructors; amending s. 1002.67,
5 F.S.; prohibiting private prekindergarten provider and
6 public school curricula from using a coordinated
7 screening and progress monitoring program or other
8 specified methods for direct student instruction;
9 defining the term "electronic device"; amending s.
10 1002.68, F.S.; authorizing alternative methods for
11 calculating program assessment composite scores;
12 requiring prekindergarten providers and public schools
13 to notify parents under certain circumstances;
14 revising exceptions for a good cause exemption; making
15 technical changes; amending s. 1002.71, F.S.; revising
16 the percentage of funds an early learning coalition
17 may retain and expend; amending s. 1002.82, F.S.;
18 revising the performance standards adopted by the
19 Department of Education relating to the Voluntary
20 Prekindergarten Education Program; amending s.
21 1002.83, F.S.; authorizing an early learning coalition
22 to appoint a certain additional board member; amending
23 s. 1002.89, F.S.; revising school readiness program
24 expenditures that are subject to certain cost
25 requirements; amending s. 1008.25, F.S.; providing
26 that, subject to legislative appropriation, certain
27 Voluntary Prekindergarten Education Program students
28 are eligible to receive instructional support in early
29 literacy skills through a specified program; providing

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30 specifications for the program; providing for funding
31 for the program; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Subsection (4) of section 1002.61, Florida
36 Statutes, is amended to read:

37 1002.61 Summer prekindergarten program delivered by public
38 schools and private prekindergarten providers.—

39 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
40 each public school and private prekindergarten provider must
41 have, for each prekindergarten class, at least one
42 prekindergarten instructor who is a certified teacher or holds
43 one of the educational credentials specified in s. 1002.55(4)(a)
44 or (b), or an educational credential specified in s.

45 1002.55(3)(c)1. as long as the instructor has completed the
46 early literacy micro-credential program under s. 1003.485 or has

47 an instructional support score of 3 or higher on a program

48 assessment conducted under s. 1002.68(2) or s. 1002.82(2)(n). As

49 used in this subsection, the term "certified teacher" means a
50 teacher holding a valid Florida educator certificate under s.

51 1012.56 who has the qualifications required by the district
52 school board to instruct students in the summer prekindergarten

53 program. In selecting instructional staff for the summer

54 prekindergarten program, each school district shall give

55 priority to teachers who have experience or coursework in early

56 childhood education and have completed emergent literacy and

57 performance standards courses, as provided for in s.

58 1002.55(3)(c)2.

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59 Section 2. Paragraph (b) of subsection (2) of section
60 1002.67, Florida Statutes, is amended to read:

61 1002.67 Performance standards and curricula.—

62 (2)

63 (b) Each private prekindergarten provider's and public
64 school's curriculum must be developmentally appropriate and
65 must:

66 1. Be designed to prepare a student for early literacy and
67 provide for instruction in early math skills;

68 2. Develop students' background knowledge through a
69 content-rich and sequential knowledge building early literacy
70 curriculum;

71 3. Enhance the age-appropriate progress of students in
72 attaining the performance standards adopted by the department
73 under subsection (1); and

74 4. Support student learning gains through differentiated
75 instruction that must ~~shall~~ be measured by the coordinated
76 screening and progress monitoring program under s. 1008.25(9). A
77 private prekindergarten provider's or public school's curriculum
78 may not use the coordinated screening and progress monitoring
79 program, any other progress monitoring program, or an
80 instructional program that requires student use of a one-to-one
81 electronic device for direct student instruction. As used in
82 this subparagraph, the term "electronic device" means a device
83 that is used for audio, video, or text communication or any
84 other type of computer or computer-like instrument, including,
85 but not limited to, a smartphone, a smart or electronic watch, a
86 tablet, or a virtual reality device.

87 Section 3. Paragraphs (a) and (c) of subsection (4) and

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88 paragraph (d) of subsection (6) of section 1002.68, Florida
89 Statutes, are amended, and upon the expiration and reversion of
90 the amendment made to paragraph (a) of subsection (5) of that
91 section pursuant to section 6 of chapter 2023-240, Laws of
92 Florida, paragraph (a) of subsection (5) is republished, to
93 read:

94 1002.68 Voluntary Prekindergarten Education Program
95 accountability.—

96 (4) (a) Beginning with the 2024-2025 ~~2023-2024~~ program year,
97 the department shall adopt a methodology for calculating each
98 private prekindergarten provider's and public school provider's
99 performance metric, which must be based on a combination of the
100 following:

101 1. Program assessment composite scores under subsection
102 (2), which may be calculated differently, based on the
103 methodology adopted by the department, than the program
104 assessment composite score required for contracting in paragraph
105 (5) (a), and which must be weighted at no less than 50 percent.

106 2. Learning gains operationalized as change-in-ability
107 scores from the initial and final progress monitoring results
108 described in subsection (1).

109 3. Norm-referenced developmental learning outcomes
110 described in subsection (1).

111 (c) The program assessment composite score in subsection
112 (5) and performance metric must be calculated for each private
113 prekindergarten or public school site.

114 (5)

115 (a) If a public school's or private prekindergarten
116 provider's program assessment composite score for its

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117 prekindergarten classrooms fails to meet the minimum program
118 assessment composite score for contracting adopted in rule by
119 the department, the private prekindergarten provider or public
120 school may not participate in the Voluntary Prekindergarten
121 Education Program beginning in the consecutive program year and
122 thereafter until the public school or private prekindergarten
123 provider meets the minimum composite score for contracting. A
124 public school or private prekindergarten provider may request
125 one program assessment per program year in order to requalify
126 for participation in the Voluntary Prekindergarten Education
127 Program, provided that the public school or private
128 prekindergarten provider is not excluded from participation
129 under ss. 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), or
130 paragraph (5)(b) of this section. If a public school or private
131 prekindergarten provider would like an additional program
132 assessment completed within the same program year, the public
133 school or private prekindergarten provider shall be responsible
134 for the cost of the program assessment.

135 (6)

136 (d) A good cause exemption may not be granted to any
137 private prekindergarten provider or public school that has any
138 class I violations or three ~~two~~ or more of the same class II
139 violations, as defined by rule of the Department of Children and
140 Families, within the 2 years preceding the provider's or
141 school's request for the exemption.

142 Section 4. Subsection (7) of section 1002.71, Florida
143 Statutes, is amended to read:

144 1002.71 Funding; financial and attendance reporting.-

145 (7) The department shall require that administrative

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146 expenditures be kept to the minimum necessary for efficient and
147 effective administration of the Voluntary Prekindergarten
148 Education Program. Administrative policies and procedures shall
149 be revised, to the maximum extent practicable, to incorporate
150 the use of automation and electronic submission of forms,
151 including those required for child eligibility and enrollment,
152 provider and class registration, and monthly certification of
153 attendance for payment. A school district may use its automated
154 daily attendance reporting system for the purpose of
155 transmitting attendance records to the early learning coalition
156 in a mutually agreed-upon format. In addition, actions shall be
157 taken to reduce paperwork, eliminate the duplication of reports,
158 and eliminate other duplicative activities. Each early learning
159 coalition may retain and expend no more than 5 ~~4.0~~ percent of
160 the funds paid by the coalition to private prekindergarten
161 providers and public schools under paragraph (5) (b). Funds
162 retained by an early learning coalition under this subsection
163 may be used only for administering the Voluntary Prekindergarten
164 Education Program and may not be used for the school readiness
165 program or other programs.

166 Section 5. Paragraph (j) of subsection (2) of section
167 1002.82, Florida Statutes, is amended to read:

168 1002.82 Department of Education; powers and duties.—

169 (2) The department shall:

170 (j) Monitor the alignment and consistency of the standards
171 and benchmarks developed and adopted by the department that
172 address the age-appropriate progress of children in the
173 development of school readiness skills. The standards for
174 children from birth to kindergarten entry in the school

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175 readiness program must be aligned with the performance standards
176 adopted for children in the Voluntary Prekindergarten Education
177 Program and must address the following domains:

- 178 1. Approaches to learning.
- 179 2. Cognitive development and general knowledge.
- 180 3. Numeracy, language, and communication.
- 181 4. Physical development.
- 182 5. Executive functioning ~~Self-regulation~~.

183 Section 6. Present subsections (5) through (16) of section
184 1002.83, Florida Statutes, are redesignated as subsections (6)
185 through (17), respectively, a new subsection (5) is added to
186 that section, and subsection (3) of that section is amended, to
187 read:

188 1002.83 Early learning coalitions.—

189 (3) The Governor shall appoint the chair and two other
190 members of each early learning coalition, who must each meet the
191 qualifications of a private sector business member under
192 subsection (7) ~~(6)~~. In the absence of a governor-appointed
193 chair, the Commissioner of Education may appoint an interim
194 chair from the current early learning coalition board
195 membership.

196 (5) Each early learning coalition may choose to appoint an
197 additional public sector board member in order to include a
198 representative of local law enforcement.

199 Section 7. Subsection (4) of section 1002.89, Florida
200 Statutes, is amended to read:

201 1002.89 School readiness program; funding.—

202 (4) COST REQUIREMENTS.—Costs shall be kept to the minimum
203 necessary for the efficient and effective administration of the

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204 school readiness program with the highest priority of
205 expenditure being direct services for eligible children.
206 However, no more than 5 percent of the funds allocated in
207 paragraph (1)(a) may be used for administrative costs and no
208 more than 22 percent of the funds allocated in paragraph (1)(a)
209 may be used in any fiscal year for any combination of
210 administrative costs, quality activities, and nondirect services
211 as follows:

212 (a) Administrative costs as described in 45 C.F.R. s.
213 98.54, which shall include monitoring providers using the
214 standard methodology adopted under s. 1002.82 to improve
215 compliance with state and federal regulations and law pursuant
216 to the requirements of the statewide provider contract adopted
217 under s. 1002.82(2)(m).

218 (b) Activities to improve the quality of child care as
219 described in 45 C.F.R. s. 98.53, which shall be limited to the
220 following:

221 1. Developing, establishing, expanding, operating, and
222 coordinating resource and referral programs specifically related
223 to the provision of comprehensive consumer education to parents
224 and the public to promote informed child care choices specified
225 in 45 C.F.R. s. 98.33.

226 2. Awarding grants and providing financial support to
227 school readiness program providers and their staff to assist
228 them in meeting applicable state requirements for the program
229 assessment required under s. 1002.82(2)(n), child care
230 performance standards, implementing developmentally appropriate
231 curricula and related classroom resources that support parent
232 engagement ~~curricula, providing~~ literacy supports, ~~and~~ providing

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233 continued professional development through the Teacher Education
234 and Compensation Helps (TEACH) Scholarship Program under s.
235 1002.95 and training aligned to the early learning professional
236 development standards and career pathways under s. 1002.995, and
237 reimbursement for background screenings and training. Any grants
238 awarded pursuant to this subparagraph must ~~shall~~ comply with ss.
239 215.971 and 287.058.

240 3. Providing training aligned with the early learning
241 professional development standards and career pathways under s.
242 1002.995, technical assistance, and financial support to school
243 readiness program providers, staff, and parents on standards,
244 child screenings, child assessments, the ~~child development~~
245 ~~research and best practices,~~ developmentally appropriate
246 curriculum under s. 1002.82(2)(1), executive functioning
247 curricula, ~~character development,~~ teacher-child interactions,
248 age-appropriate discipline practices, health and safety,
249 nutrition, first aid, cardiopulmonary resuscitation, the
250 recognition of communicable diseases, and child abuse detection,
251 prevention, and reporting.

252 4. Providing, from among the funds provided for the
253 activities described in subparagraphs 1.-3., adequate funding
254 for infants and toddlers as necessary to meet federal
255 requirements related to expenditures for quality activities for
256 infant and toddler care.

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

260 6. Responding to Warm-Line requests by providers and
261 parents, including providing developmental and health screenings

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262 to school readiness program children.

263 (c) Nondirect services as described in applicable Office of
264 Management and Budget instructions are those services not
265 defined as administrative, direct, or quality services that are
266 required to administer the school readiness program. Such
267 services include, but are not limited to:

- 268 1. Assisting families to complete the required application
269 and eligibility documentation.
- 270 2. Determining child and family eligibility.
- 271 3. Recruiting eligible child care providers.
- 272 4. Processing and tracking attendance records.
- 273 5. Developing and maintaining a statewide child care
274 information system.

275
276 As used in this paragraph, the term "nondirect services" does
277 not include payments to school readiness program providers for
278 direct services provided to children who are eligible under s.
279 1002.87, administrative costs as described in paragraph (a), or
280 quality activities as described in paragraph (b).

281 Section 8. Paragraph (b) of subsection (5) of section
282 1008.25, Florida Statutes, is amended to read:

283 1008.25 Public school student progression; student support;
284 coordinated screening and progress monitoring; reporting
285 requirements.—

286 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

287 (b) Subject to legislative appropriation, a Voluntary
288 Prekindergarten Education Program student who has attended at
289 least 80 percent of the school year program and who exhibits a
290 substantial deficiency in early literacy skills as identified by

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291 the performance standards adopted under s. 1002.67(1)(a) and
292 scores below the 20th percentile on ~~based upon the results of~~
293 ~~the administration of the final~~ administration of the
294 coordinated screening and progress monitoring under subsection
295 (9) ~~is shall be referred to the local school district and may be~~
296 eligible to receive early literacy instructional support through
297 a summer bridge program the summer ~~instruction in early literacy~~
298 ~~skills~~ before participating in kindergarten. The summer bridge
299 program must meet the requirements adopted by the department and
300 consist of 4 hours of instruction per day for a minimum of 100
301 total hours ~~A student with an individual education plan who has~~
302 ~~been retained pursuant to paragraph (2)(g) and has demonstrated~~
303 ~~a substantial deficiency in early literacy skills must receive~~
304 ~~instruction in early literacy skills.~~

305 Section 9. This act shall take effect July 1, 2024.