# APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Lisa Carlton, Chair

**Meeting Packet**
Tuesday, April 13, 2004
9:15 a.m. – 11:15 a.m.
412 Knott Building

***(Please bring this packet to the committee meeting. Duplicate materials will not be available.)***

# E X P A N D E D  A G E N D A

## COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Carlton, CHAIR

DATE: Tuesday, April 13, 2004
TIME: 9:15 a.m. -- 11:15 a.m.
PLACE: The *Pat Thomas Committee Room,* 412 Knott Building

(MEMBERS: Senators Alexander, Constantine, Cowin, Lynn, Miller and Wasserman Schultz)

| TAB | BILL NO. AND INTRODUCER | BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---|---|---|---|
| 1 | CS/SB 0354<br>Education /<br>Constantine et al<br>(Similar H 0901) | Middle Schools; creates "Middle Grades Reform Act"; prescribes program criteria & content; provides timeline for implementation; requires academic performance study; provides for individual student plans; requires additions to improvement plans for certain schools; provides for additions to academic improvement plans; adds performance criteria to assessment process for instructional personnel, etc. Creates 1003.415; amends 1001.42, 1008.25, 1012.34.<br>*(A proposed committee substitute is expected to be filed prior to the amendment deadline.)*<br><br>ED 01/21/04 CS<br>GO 03/04/04 FAVORABLE<br>AED 03/16/04 Temporarily postponed<br>AED 04/13/04<br>AP<br>RC | |
| 2 | SB 1440<br>Sebesta et al<br>(Similar H 0291) | Voter Education/High School Seniors; requires district school boards & county supervisors of elections jointly to provide program of voter education for high school seniors; provides guidelines for content of educational program; requires that program of voter education be conducted during school hours.<br><br>ED 02/18/04 FAVORABLE<br>EE 03/17/04 FAVORABLE<br>AED 04/13/04<br>AP | |
| 3 | SB 1670<br>Argenziano<br>(Identical H 0709) | Community College Students/Courses; provides that required credit hours in general education courses for students in community colleges must include civics instruction that focuses on North American national government. Amends 1001.02.<br><br>ED 03/10/04 Temporarily postponed<br>ED 03/17/04 FAVORABLE WITH AMEND 3<br>AED 04/13/04<br>AP | |

# E X P A N D E D  A G E N D A

## COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

DATE: Tuesday, April 13, 2004  TIME: 9:15 a.m. -- 11:15 a.m.

| TAB | BILL NO. AND INTRODUCER | BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---|---|---|---|
| 4 | CS/SB 2884<br>Education /<br>Carlton<br>(Compare H 1781,<br>CS/2ND ENG/S 1176) | State Universities; revises eligibility criteria for Florida Bright Futures Scholarship Program; awards incentive funds to state universities; requires Board of Governors to allocate incentive awards to university boards of trustees; requires university boards of trustees to provide students with billing statement that reflects true cost of student's education; amends Trust Fund for University Major Gifts, etc. Amends Ch. 1009, 1011,<br><br>ED 03/31/04 CS<br>AED 04/13/04<br>AP | |
| 5 | CS/SB 3036<br>Education /<br>Carlton et al | Early Childhood Education; creates Fla. Prekindergarten Education Program; implements s. 1(b) & (c), Art. XI of State Constitution; authorizes parents to enroll their children in program delivered by child development provider or summer program delivered by public school; requires DOE to submit recommendations to Legislature to establish credential for pre-k directors & emerging literacy training course for teachers & child care personnel of said program, etc. Amends FS.<br>*(A proposed committee substitute is expected to be filed prior to the amendment deadline.)*<br><br>ED 03/31/04 CS<br>AED 04/13/04<br>AP | |

1

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: PCS/CS/SB 354

SPONSOR: Education Committee, Senator Constantine, and others

SUBJECT: Middle Grades Reform Act

DATE: April 13, 2004 REVISED:

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Dormady | O'Farrell | ED | Fav/CS |
| 2. | Wilson | Wilson | GO | Favorable |
| 3. | Armstrong | Newman | AED | |
| 4. | | | AP | |
| 5. | | | RC | |
| 6. | | | | |

## I. Summary:


The proposed committee substitute for CS/SB 354 creates the "Middle Grades Reform Act," which contains a number of initiatives to improve middle school academic performance. Pursuant to the bill's requirements:

- The Commissioner of Education is required to recommend to the State Board of Education changes to the middle grades reading and language arts curricula, based on research-based programs that are proven effective.
  - The State Board of Education must adopt rules based on the Commissioner's recommendations by March 1, 2005.
  - Implementation of new or revised reading and language arts courses pursuant to these recommendations must be phased in beginning no later than the 2005-2006 school year; completion of implementation must occur no later than the 2008-2009 school year.
- Beginning in the 2004-2005 school year, each school with fewer than 75% of its students in grades 6, 7 or 8 scoring at Level 3 or above on the prior year's FCAT reading test must incorporate, by October 1, a Rigorous Reading Requirement for reading and language arts programs as the primary component of its school improvement plan.
  - By June 30 of each year, the Department of Education must provide each district school board a list of schools within the district that are required to implement a Rigorous Reading Requirement.
  - The results of each school's Rigorous Reading Requirement must be used as a part of the annual evaluation of the school's instructional personnel and administration.
- The Commissioner of Education must conduct a study and submit recommendations on ways to increase the academic performance of middle grade students and schools to

specified parties in the Legislature and to the State Board of Education by December 1, 2004.

- Beginning with the 2004-2005 school year, each school must develop and implement a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT.
    - The plan is to be developed in collaboration with the student and his or her parent and must be implemented until the student completes the eighth grade or scores at level 3 or above on the FCAT reading test, whichever comes first.
    - Students' middle school success plans must be incorporated into all individual student plans otherwise required by state or federal law.

This bill creates a new section of the Florida Statutes and amends sections 1001.42, 1008.25, and 1012.34 of the Florida Statutes.

The bill takes effect upon becoming law.

## II. Present Situation:

Middle school in Florida comprises grades 6, 7 and 8. Currently, Florida has 477 middle schools serving approximately 613,000 students: 205,095 grade 6 students, 206,774 grade 7 students, and 201,160 grade 8 students.[1]

Skill levels of students in middle school, as measured by performance on the Florida Comprehensive Assessment Test, have increased in recent years but have not matched the gains made in student achievement at Florida's elementary schools, where test scores have increased more dramatically; additionally, achievement levels for middle school students are generally lower than for elementary school students. For example, the number of 3rd grade students scoring at level 3 or above on the FCAT reading test increased from 57 percent in 2001 to 63 percent in 2003, while reading test scores for 6th, 7th, and 8th grade students increased between 2001 and 2003 from 52 percent to 53 percent, 47 percent to 52 percent, and 43 percent to 49 percent, respectively.[2] Although these figures show that 7th and 8th grade students enjoyed a 5 percent and 6 percent increase, respectively, in grade-level reading between 2001 and 2003, the numbers of students reading at grade level in middle school overall are still lower than those of elementary school students; meanwhile, the improvement in test scores for 6th grade students in those years was only 1 percent.

Similarly, in mathematics, while middle school students improved test scores between 2001 and 2003, 63 percent of 3rd grade students scored at level 3 or above on the FCAT in 2003, but only 47 percent of 6th and 7th grade students, and 56 percent of 8th grade students, scored at level 3 or higher.[3]

The Florida Department of Education (DOE) has concluded from this and other related data that middle school student achievement is lagging behind that of elementary school students in Florida. Middle school learning, however, is particularly important because it prepares students

[1] Data source: Florida Department of Education.
[2] Data source: Department of Education, available at http://fcat.fldoe.org/pdf/fcrp03str.pdf.
[3] Data source: Department of Education, available at http://fcat.fldoe.org/pdf/fcrp03stm.pdf.

for academic success in high school. Data from the National Assessment of Educational Progress (NAEP), also known as "the Nation's Report Card," also suggests that Florida's elementary school students may be achieving at higher levels than middle school students. In 2003, 31 percent of Florida's 4th grade students scored at the proficient level or higher in mathematics on the NAEP exam, while only 23 percent of Florida's 8th grade students scored at that level of proficiency. In that same year, 32 percent of Florida's 4th grade students scored proficient or higher in reading on the NAEP exam while 27 percent of 8th grade students scored proficient or higher.[4]

In fourth grade reading in 2003, Florida improved its score on the NAEP by four points (from 214 to 218), while the national score dipped slightly (from 217 to 216). This improvement brought Florida's gain since 1998 to four times the national gain (12 points, compared to 3).[5] The DOE attributes many of the recent gains enjoyed by Florida's elementary school students to the intensive improvement initiatives instituted for students at that level, including the Just Read, Florida! initiative.[6]

## III. Effect of Proposed Changes:

The bill proposes a new section of the Florida Statutes to be called the "Middle Grades Reform Act" (the Act). The Act is designed to add rigor to middle school academics generally while focusing on reading in particular. "Middle grades" are defined in the Act as grades 6, 7 and 8.

**Section 1. Revised Curriculum** -- The Act requires the DOE to review courses, teacher qualifications, instructional materials, and teaching practices in middle school reading and language arts programs. The DOE is required to consult with researchers and reading specialists, including district supervisors of curriculum, and the Commissioner of Education (Commissioner) is then required to make recommendations to the State Board of Education (SBE) regarding changes to middle school reading and language arts curricula, focusing on research-based proven effective programs. The SBE is required to adopt rules based on the Commissioner's recommendations by March 1, 2005. Implementation of the new reading and language arts courses must begin in all middle schools by the 2005-2006 school year and must be completed by the 2008-2009 school year.

**Rigorous Reading Requirement/School Improvement Plans** -- Beginning in 2004-2005, every public middle school with fewer than 75 percent of 6th, 7th or 8th grade students scoring at level 3 or above on the prior year's FCAT must incorporate a Rigorous Reading Requirement for reading and language arts programs into its school improvement plan by October 1 of each year. According to the DOE's calculations, this will currently impact approximately 400-450 schools in Florida that serve 6th, 7th and 8th grade students. The Rigorous Reading Requirement must be the primary component of the school's school improvement plan. The DOE will notify district

[4] Data available at http://nces.ed.gov/nationsreportcard/states/profile.asp.
[5] "Governor Jeb Bush and Education Commissioner Jim Horne Announce Results of 2003 National Assessment of Educational Progress (NAEP)," November 13, 2003, available at http://www.fldoe.org/news/2003/2003_11_13-2.asp.
[6] "Governor Bush Unveils Middle School Reform Proposal ~Increased funding for Just Read, Florida! and new legislation will enhance student achievement in all subject areas~," press release dated January 12, 2004, available at http://sun6.dms.state.fl.us/eog_new/eog/library/releases/2004/January/proposal-1-12-04.html.

school boards by June 30 of each year which schools are required to implement this requirement and will provide technical assistance to school districts and administrators in implementing the requirement.

The Rigorous Reading Requirement must identify specific areas in the school's students' reading skills, desired levels of student performance in those areas, and the services to be provided to students to meet the desired levels of performance. Schools participating in the Rigorous Reading Requirement must give quarterly reports to their superintendent on student progress, and the results of implementation of the school's Rigorous Reading Requirement will be used as part of the annual evaluation of the school's instructional personnel and school administrators.

**Reform Study Required – Academic Performance of Middle Schools and Middle School Students** -- The DOE is required to study how the performance of middle school students and schools can be improved, in consultation with delineated researchers, DOE staff, and other education stakeholders including school board members, superintendents, principals, parents, teachers, district supervisors of curriculum, and students. It is required to develop findings and recommendations and must review each of the following elements:

- Academic expectations, including:
  - Alignment of middle school academic expectations with elementary and high school graduation requirements;
  - Best practices to improve reading and language arts programs based on research-based programs aligned with the Sunshine State Standards;
  - Strategies for improving academic success for low-performing students;
  - Rigor of curricula and courses;
  - Instructional material;
  - Course enrollment;
  - Student support services; and
  - Measurement and reporting of student achievement.
- Attendance policies and student mobility.
- Teacher quality issues, including:
  - Preparedness of teachers to teach rigorous courses;
  - Teacher evaluations;
  - Substitute teachers;
  - Certification requirements;
  - Staff development;
  - Staff development training;
  - Teacher recruitment and vacancy issues; and
  - Federal requirements for highly qualified teachers under the No Child Left Behind Act of 2001.
- Identification and availability of diagnostic testing.
- Availability of personnel and scheduling issues.
- School leadership and performance.
- Parental and community involvement.

The Commissioner is required to submit recommendations on ways to increase the academic performance of middle school students and schools to the President of the Senate, the Speaker of the House of Representatives, the chairs of the education committees in the Senate and the House of Representatives, and the SBE by December 1, 2004.

**Personalized Middle School Success Plan** -- Beginning in 2004-2005, each principal of a school with a middle grade must designate certified staff members to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT administration. The plan would be developed with the student and the student's parents and would be in place until the student had completed 8th grade or until the student achieves a score of 3 or better on the FCAT reading test, whichever is sooner. The plans must be implemented in such a way as to minimize paperwork.

Requirements of each personalized middle school success plan include:

- Identification of goals and intermediate benchmarks for the student in core curriculum areas that will prepare the student for high school;
- A basis in academic performance data and an identification of the student's strengths and weaknesses;
- Academic intervention strategies with frequent monitoring of student progress; and
- Innovative methods to promote student advancement, including flexible scheduling, tutoring, a focus on core curricula, online instruction, alternative learning environments, and other demonstrated interventions.

The personalized middle school success plan must be incorporated into any individual student plan required by federal or state law, including academic improvement plans, individual education plans, federal 504 plans, and ESOL plans.

The bill provides that the DOE must give specified technical assistance to districts, school administrators, and instructional personnel regarding the development of the success plans.

**SBE Authority** -- The bill authorizes the SBE to adopt rules necessary for implementation of the section. The bill also references the SBE's existing enforcement authority with respect to bill requirements.

**Section 2. Amendment to s. 1001.42, F.S.; District school board requirements.**

The bill amends s. 1001.42, F.S., a section setting forth the powers and duties of district school boards, to require that any school required to implement a Rigorous Reading Requirement under the new s. 1003.415, F.S., must include the program in its school improvement plan.

**Section 3. Amendment to s. 1008.25, F.S.; Student progression and remedial instruction.**

The bill amends s. 1008.25, F.S., a section regarding student progression and remedial instruction, to require that a middle school success plan be incorporated into the academic improvement plan of any student who meets the requirements of the new s. 1003.415, F.S.

**Section 4. Amendment to s. 1012.34, F.S.; Assessment procedures for instructional personnel.**

The bill amends s. 1012.34, F.S., a section concerning assessment procedures, to amend the assessment criteria for instructional personnel. The bill requires that the assessment criteria for instructional personnel must now include an indicator that relates to the employee's ability to implement the Rigorous Reading Requirement, if applicable.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

## V. Economic Impact and Fiscal Note

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

This bill does not require an appropriation; however, it should be noted that the Governor's recommended budget provides $52.5 million from federal funds and $46.4 million from state funds for reading programs, including funding for 240 reading coaches for middle schools.

The bill requires significant effort for implementation on the part of the state, schools, and school districts. The bill requires the Department of Education and/or the State Board of Education to: (1) make recommendations and revise rules for the middle grades reading and language arts curricula and then phase in implementation of coursework in all middle schools; (2) conduct a study on middle schools' and students' performance based on a review of twenty-three different criteria and then make recommendations to increase the academic performance of students in middle grades; (3) provide a list of schools within the district that are required to implement a Rigorous Reading Requirement as the primary component of their school improvement plan and (4) provide technical assistance to districts and schools in implementing the Rigorous Reading

Requirement and middle school success plans. In addition, implicit in the bill is the need for the Department to coordinate programs established by the bill.

The bill requires schools or school districts to: (1) implement new or revised reading and language arts courses in all middle schools; (2) develop and implement a Rigorous Reading Requirement in schools with fewer than 75 percent of students in grades six, seven, or eight scoring at Level 3 or above on the prior year's FCAT reading test; and (3) designate certified staff members in each school having a middle grade to develop and administer a personalized middle school success plan for each entering sixth grader who scored below Level 3 in reading on the most recent FCAT. Also required is a quarterly report on student progress to be submitted to the Superintendent.

In addition, there are 477 middle schools serving approximately 613,000 students in grades 6, 7, and 8. The Department of Education estimates that of the 477 middle schools, 400 to 450 will be required to implement the Rigorous Reading requirement. Also, in 2003, 53% of the 205,000 sixth grade students scored at Level 3 or above on the FCAT. Therefore, beginning with the 2004-2005 school year, personalized success plans must be developed and implemented for more than 96,000 sixth graders and administered until the students either complete the eighth grade or score at level 3 or above on the reading FCAT, whichever comes first.

Based on the level of effort indicated above, it is likely that this bill will have a fiscal impact on the Department of Education and school districts. At a minimum, the bill will require reallocation of resources at the state and local levels. School districts may be able to mitigate the additional cost of implementing the Rigorous Reading Requirement and the middle school success plans to the extent that some actions required in connection with these programs are already functional in the district.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

In 2004-05, it may be difficult for many of the affected 400 to 450 middle schools to effectively implement the provisions of this bill because of the aggressive timelines established for the Rigorous Reading Requirement and the Personalized School Success Plan.

## VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

1 A bill to be entitled
2 An act relating to public school educational
3 instruction; creating s. 1003.415, F.S.;
4 providing the popular name the "Middle Grades
5 Reform Act"; providing purpose and intent;
6 defining the term "middle grades"; requiring a
7 review and recommendations relating to
8 curricula and courses; requiring implementation
9 of new or revised reading and language arts
10 courses; providing for implementation of a
11 rigorous reading requirement in certain
12 schools; requiring the Department of Education
13 to provide technical assistance; requiring a
14 study of the academic performance of middle
15 grade students and schools with recommendations
16 for an increase in performance; requiring a
17 personalized middle school success plan for
18 certain students; providing authority for State
19 Board of Education rulemaking and enforcement;
20 amending s. 1001.42, F.S.; requiring a school
21 improvement plan to include the rigorous
22 reading requirement if applicable; amending s.
23 1008.25, F.S.; requiring a personalized middle
24 school success plan to be incorporated in a
25 student's academic improvement plan if
26 applicable; amending s. 1012.34, F.S.; revising
27 assessment criteria for instructional
28 personnel; providing an effective date.
29
30 Be It Enacted by the Legislature of the State of Florida:
31



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 Section 1. Section 1003.415, Florida Statutes, is
2 created to read:
3 1003.415 The Middle Grades Reform Act.--
4 (1) POPULAR NAME.--This section shall be known by the
5 popular name the "Middle Grades Reform Act."
6 (2) PURPOSE AND INTENT.--The purpose of this section
7 is to provide added focus and rigor to academics in the middle
8 grades. Using reading as the foundation, all middle grade
9 students should receive rigorous academic instruction through
10 challenging curricula delivered by highly qualified teachers
11 in schools with outstanding leadership, which schools are
12 supported by engaged and informed parents. It is the intent of
13 the Legislature that students promoted from the eighth grade
14 will be ready for success in high school.
15 (3) DEFINITION.--As used in this section, the term
16 "middle grades" means grades 6, 7, and 8.
17 (4) CURRICULA AND COURSES.--The Department of
18 Education shall review course offerings, teacher
19 qualifications, instructional materials, and teaching
20 practices used in reading and language arts programs in the
21 middle grades. The department must consult with the Florida
22 Center for Reading Research at Florida State University, the
23 Just Read, Florida! Office, reading researchers, reading
24 specialists, and district supervisors of curriculum in the
25 development of findings and recommendations. The Commissioner
26 of Education shall make recommendations to the State Board of
27 Education regarding changes to reading and language arts
28 curricula in the middle grades based on research-based proven
29 effective programs. The State Board of Education shall adopt
30 rules based upon the commissioner's recommendations no later
31 than March 1, 2005. Implementation of new or revised reading



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 and language arts courses in all middle grades shall be phased
2 in beginning no later than the 2005-2006 school year with
3 completion no later than the 2008-2009 school year.
4 (5) RIGOROUS READING REQUIREMENT.--
5 (a) Beginning with the 2004-2005 school year, each
6 public school serving middle grade students, including charter
7 schools, with fewer than 75 percent of its students reading at
8 or above grade level in grade 6, grade 7, or grade 8 as
9 measured by a student scoring at Level 3 or above on the FCAT
10 during the prior school year, must incorporate by October 1 a
11 rigorous reading requirement for reading and language arts
12 programs as the primary component of its school improvement
13 plan. The department shall annually provide to each district
14 school board by June 30 a list of its schools that are
15 required to incorporate a rigorous reading requirement as the
16 primary component of the school's improvement plan. The
17 department shall provide technical assistance to school
18 districts and school administrators required to implement the
19 rigorous reading requirement.
20 (b) The purpose of the rigorous reading requirement is
21 to assist each student who is not reading at or above grade
22 level to do so before entering high school. The rigorous
23 reading requirement must include for a middle school's
24 low-performing student population specific areas that address
25 phonemic awareness, phonics, fluency, comprehension, and
26 vocabulary; the desired levels of performance in those areas;
27 and the instructional and support services to be provided to
28 meet the desired levels of performance. The school shall use
29 research-based reading activities that have been shown to be
30 successful in teaching reading to low-performing students.
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (c) Schools required to implement the rigorous reading
2 requirement must provide quarterly reports to the district
3 school superintendent on the progress of students toward
4 increased reading achievement.
5 (d) The results of implementation of a school's
6 rigorous reading requirement shall be used as part of the
7 annual evaluation of the school's instructional personnel and
8 school administrators as required in s. 1012.34.
9 (6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC
10 PERFORMANCE OF STUDENTS AND SCHOOLS.--
11 (a) The department shall conduct a study on how the
12 overall academic performance of middle grade students and
13 schools can be improved. The department must consult with the
14 Florida Center for Reading Research at Florida State
15 University, the Just Read, Florida! Office, and key education
16 stakeholders, including district school board members,
17 district school superintendents, principals, parents,
18 teachers, district supervisors of curriculum, and students
19 across the state, in the development of its findings and
20 recommendations. The department shall review, at a minimum,
21 each of the following elements:
22 1. Academic expectations, which include, but are not
23 limited to:
24 a. Alignment of middle school expectations with
25 elementary and high school graduation requirements.
26 b. Best practices to improve reading and language arts
27 courses based on research-based programs for middle school
28 students in alignment with the Sunshine State Standards.
29 c. Strategies that focus on improving academic success
30 for low-performing students.
31 d. Rigor of curricula and courses.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 e. Instructional materials.
2 f. Course enrollment by middle school students. fp>
3 g. Student support services.
4 h. Measurement and reporting of student achievement.
5 2. Attendance policies and student mobility issues.
6 3. Teacher quality, which includes, but is not limited
7 to:
8 a. Preparedness of teachers to teach rigorous courses
9 to middle school students.
10 b. Teacher evaluations.
11 c. Substitute teachers.
12 d. Certification and recertification requirements.
13 e. Staff development requirements.
14 f. Availability of effective staff development
15 training.
16 g. Teacher recruitment and vacancy issues.
17 h. Federal requirements for highly qualified teachers
18 pursuant to the No Child Left Behind Act of 2001.
19 4. Identification and availability of diagnostic
20 testing.
21 5. Availability of personnel and scheduling issues.
22 6. Middle school leadership and performance.
23 7. Parental and community involvement.
24 (b) By December 1, 2004, the Commissioner of Education
25 shall submit to the President of the Senate, the Speaker of
26 the House of Representatives, the chairs of the education
27 committees in the Senate and the House of Representatives, and
28 the State Board of Education recommendations to increase the
29 academic performance of middle grade students and schools.
30 (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--
31

1 (a) Beginning with the 2004-2005 school year, each
2 principal of a school with a middle grade shall designate
3 certified staff members at the school to develop and
4 administer a personalized middle school success plan for each
5 entering sixth grade student who scored below Level 3 in
6 reading on the most recently administered FCAT. The purpose of
7 the success plan is to assist the student in meeting state and
8 school district expectations in academic proficiency and to
9 prepare the student for a rigorous high school curriculum. The
10 success plan shall be developed in collaboration with the
11 student and his or her parent and must be implemented until
12 the student completes the eighth grade or achieves a score at
13 Level 3 or above in reading on the FCAT, whichever occurs
14 first. The success plan must minimize paperwork and may be
15 incorporated into a parent/teacher conference, included as
16 part of a progress report or report card, included as part of
17 a general orientation at the beginning of the school year, or
18 provided by electronic mail or other written correspondence.
19 (b) The personalized middle school success plan must:
20 1. Identify educational goals and intermediate
21 benchmarks for the student in the core curriculum areas which
22 will prepare the student for high school.
23 2. Be based upon academic performance data and an
24 identification of the student's strengths and weaknesses.
25 3. Include academic intervention strategies with
26 frequent progress monitoring.
27 4. Provide innovative methods to promote the student's
28 advancement which may include, but not be limited to, flexible
29 scheduling, tutoring, focus on core curricula, online
30 instruction, an alternative learning environment, or other
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 interventions that have been shown to accelerate the learning
2 process.
3 (c) The personalized middle school success plan must
4 be incorporated into any individual student plan required by
5 federal or state law, including the academic improvement plan
6 required in s. 1008.25, an individual education plan (IEP) for
7 a student with disabilities, a federal 504 plan, or an ESOL
8 plan.
9 (d) The Department of Education shall provide
10 technical assistance for districts, school administrators, and
11 instructional personnel regarding the development of
12 personalized middle school success plans. The assistance shall
13 include strategies and techniques designed to maximize
14 interaction between students, parents, teachers, and other
15 instructional and administrative staff while minimizing
16 paperwork.
17 (8) STATE BOARD OF EDUCATION AUTHORITY.--
18 (a) The State Board of Education shall have authority
19 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
20 implement the provisions of this section.
21 (b) The State Board of Education shall have authority
22 pursuant to s. 1008.32 to enforce the provisions of this
23 section.
24 Section 2. Paragraph (a) of subsection (16) of section
25 1001.42, Florida Statutes, is amended to read:
26 1001.42 Powers and duties of district school
27 board.--The district school board, acting as a board, shall
28 exercise all powers and perform all duties listed below:
29 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
30 ACCOUNTABILITY.--Maintain a system of school improvement and
31 education accountability as provided by statute and State

1 Board of Education rule. This system of school improvement and
2 education accountability shall be consistent with, and
3 implemented through, the district's continuing system of
4 planning and budgeting required by this section and ss.
5 1008.385, 1010.01, and 1011.01. This system of school
6 improvement and education accountability shall include, but is
7 not limited to, the following:
8 (a) School improvement plans.--Annually approve and
9 require implementation of a new, amended, or continuation
10 school improvement plan for each school in the district,
11 except that a district school board may establish a district
12 school improvement plan that includes all schools in the
13 district operating for the purpose of providing educational
14 services to youth in Department of Juvenile Justice programs.
15 Such plan shall be designed to achieve the state education
16 priorities pursuant to s. 1000.03(5) and student performance
17 standards. <u>In addition, any school required to implement a</u>
18 <u>rigorous reading requirement pursuant to s. 1003.415 must</u>
19 <u>include such component in its school improvement plan.</u> Each
20 plan shall also address issues relative to budget, training,
21 instructional materials, technology, staffing, student support
22 services, specific school safety and discipline strategies,
23 and other matters of resource allocation, as determined by
24 district school board policy, and shall be based on an
25 analysis of student achievement and other school performance
26 data.
27 Section 3. Paragraph (b) of subsection (4) of section
28 1008.25, Florida Statutes, is amended to read:
29 1008.25 Public school student progression; remedial
30 instruction; reporting requirements.--
31 (4) ASSESSMENT AND REMEDIATION.--

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. For a student for whom a personalized middle school success plan is required pursuant to s. 1003.415, the middle school success plan must be incorporated in the student's academic improvement plan. Beginning with the 2002-2003 school year, if the student has been identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance. Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. District school boards shall assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

Section 4. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.--

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.

2. Ability to maintain appropriate discipline.

3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

4. Ability to plan and deliver instruction, including <u>implementation of the rigorous reading requirement pursuant to s. 1003.415, when applicable, and</u> the use of technology in the classroom.

5. Ability to evaluate instructional needs.

6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.

7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

Section 5. This act shall take effect upon becoming a law.



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 354

SPONSOR: Education Committee, Senator Constantine, and others

SUBJECT: Middle Grades Reform Act

DATE: March 16, 2004 REVISED: _____ _____ _____ _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Dormady | O'Farrell | ED | Fav/CS |
| 2. | Wilson | Wilson | GO | Favorable |
| 3. | Armstrong | Newman | AED | |
| 4. | | | AP | |
| 5. | | | RC | |
| 6. | | | | |

## I. Summary:


Committee Substitute for SB 354 creates the "Middle Grades Reform Act." This act requires:

- The Commissioner of Education to recommend to the State Board of Education "any changes" to middle grades reading and language arts curriculum based on research-based programs that are proven effective. The State Board of Education, by March 1, 2005, shall adopt rules based on the Commissioner's recommendations.
- Beginning no later than the 2005-2006 school year, the State Board to phase in implementation of new or revised reading and language arts courses in all middle schools. Completion of implementation shall occur no later than the 2008-2009 school year.
- Beginning with the 2004-2005 school year, each school serving middle grade students with fewer than 75% of students scoring at Level 3 or above on the prior year FCAT reading to develop and implement by October 1, 2004 a Rigorous Reading Requirement for reading and language arts programs.
- The Department of Education to provide each district school board by June 30 of each year a list of schools within that district that are required to implement a Rigorous Reading Requirement.
- The results of each school's Rigorous Reading Requirement to be used as a part of the annual evaluation of the school's instructional personnel and school administration.
- The Commissioner of Education, by October 1, 2004, to submit to the Legislature recommendations to increase the academic performance of students in middle grades.
- Beginning with the 2004-2005 school year, each school shall develop and implement a Personalized Middle School Success Plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT. The plan is to be developed

in collaboration with the student and his or her parent and be implemented until the student completes the eighth grade.
- Schools to incorporate the Rigorous Reading Requirement in their school improvement plans.
- Students' middle school success plans to be incorporated into the students' academic improvement plans.

This bill creates a new section of the Florida Statutes and amends sections 1001.42, 1008.25, and 1012.34 of the Florida Statutes.

The bill takes effect upon becoming law.

## II. Present Situation:

Middle school in Florida comprises grades 6, 7 and 8. Currently, Florida has 477 middle schools serving approximately 613,000 students: 205,095 grade 6 students, 206,774 grade 7 students, and 201,160 grade 8 students.[1]

Skill levels of students in middle school, as measured by performance on the Florida Comprehensive Assessment Test, have increased in recent years but have not matched the gains made in student achievement at Florida's elementary schools, where test scores have increased more dramatically; additionally, achievement levels for middle school students are generally lower than for elementary school students. For example, the number of 3rd grade students scoring at level 3 or above on the FCAT reading test increased from 57 percent in 2001 to 63 percent in 2003, while reading test scores for 6th, 7th, and 8th grade students increased between 2001 and 2003 from 52 percent to 53 percent, 47 percent to 52 percent, and 43 percent to 49 percent, respectively.[2] Although these figures show that 7th and 8th grade students enjoyed a 5 percent and 6 percent increase, respectively, in grade-level reading between 2001 and 2003, the numbers of students reading at grade level in middle school overall are still lower than those of elementary school students; meanwhile, the improvement in test scores for 6th grade students in those years was only 1 percent.

Similarly, in mathematics, while middle school students enjoyed gains in test scores between 2001 and 2003, 63 percent of 3rd grade students scored at level 3 or above on the FCAT in 2003, but only 47 percent of 6th and 7th grade students, and 56 percent of 8th grade students, scored at level 3 or higher.[3]

The Florida Department of Education (DOE) has concluded from this and other related data that middle school student achievement is lagging behind that of elementary school students in Florida. Middle school learning, however, is particularly important because it prepares students for academic success in high school. Data from the National Assessment of Educational Progress (NAEP), also known as "the Nation's Report Card," also suggests that Florida's elementary school students may be achieving at higher levels than middle school students. In 2003, 31 percent of Florida's 4th grade students scored at the proficient level or higher in

[1] Source: Florida Department of Education.
[2] Data source: Department of Education, available at http://fcat.fldoe.org/pdf/fcrp03str.pdf.
[3] Data source: Department of Education, available at http://fcat.fldoe.org/pdf/fcrp03stm.pdf.

mathematics on the NAEP exam, while only 23 percent of Florida's 8th grade students scored at that level of proficiency. In that same year, 32 percent of Florida's 4th grade students scored proficient or higher in reading on the NAEP exam while 27 percent of 8th grade students scored proficient or higher.[4]

In fourth grade reading in 2003, Florida improved its score on the NAEP by four points (from 214 to 218), while the national score dipped slightly (from 217 to 216). This improvement brought Florida's gain since 1998 to four times the national gain (12 points, compared to 3).[5] The DOE attributes many of the recent gains enjoyed by Florida's elementary school students to the intensive improvement initiatives instituted for students at that level, including the Just Read, Florida! initiative.[6]

## III. Effect of Proposed Changes:

The bill proposes a new section of the Florida Statutes to be called the Middle Grades Reform Act (the Act). The Act is designed to add rigor to middle school academics generally while focusing on reading in particular. "Middle grades" are defined in the Act as grades 6, 7 and 8.

**Section 1. Revised Curriculum** -- The Act requires the DOE to review courses, teacher qualifications, instructional materials, and teaching practices in middle school reading and language arts programs. The DOE is required to consult with researchers and reading specialists, and the Commissioner of Education (Commissioner) is then required to make recommendations to the State Board of Education (SBE) regarding changes to middle school reading and language arts curricula, focusing on research-based proven effective programs. The SBE is required to adopt rules based on the Commissioner's recommendations by March 1, 2005 and, by the 2005-2006 school year, to begin to implement new reading and language arts courses in all middle schools. Implementation must be completed by the 2008-2009 school year.

**Rigorous Reading Requirement/School Improvement Plans** -- Beginning in 2004-2005, every public middle school with fewer than 75 percent of 6th, 7th and 8th grade students scoring at level 3 or above on the prior year's FCAT must implement a Rigorous Reading Requirement for reading and language arts programs by October 1 of each year. According to the DOE's calculations, this will currently impact approximately 400-450 schools in Florida that serve 6th, 7th and 8th grade students. This Rigorous Reading Requirement must be the primary component of the school's school improvement plan. The DOE will notify district school boards by June 30 of each year which schools are required to implement this requirement.

The Rigorous Reading Requirement must be modeled after the requirements of academic improvement plans for students under s. 1008.25(4), F.S.[7] The Rigorous Reading Requirement

[4] Data available at http://nces.ed.gov/nationsreportcard/states/profile.asp.
[5] "Governor Jeb Bush and Education Commissioner Jim Horne Announce Results of 2003 National Assessment of Educational Progress (NAEP)," November 13, 2003, available at http://www.fldoe.org/news/2003/2003_11_13-2.asp.
[6] "Governor Bush Unveils Middle School Reform Proposal ~Increased funding for Just Read, Florida! and new legislation will enhance student achievement in all subject areas~," press release dated January 12, 2004, available at http://sun6.dms.state.fl.us/eog_new/eog/library/releases/2004/January/proposal-1-12-04.html.

[7] Section 1008.25(4), F.S., provides that each student who does not perform at grade level on the FCAT must be provided with additional diagnostic assessments to determine the nature of the student's academic need. It provides that the student's

must identify specific areas of deficiency in the school's students' reading skills, the desired levels of student performance, and the services to be provided to students to meet desired levels of performance. School districts' assistance and intervention plans are also required to provide methods for frequent monitoring of the progress of each D or F school in meeting desired levels of performance. Schools participating in the Rigorous Reading Requirement must give quarterly reports to their superintendent on student progress, and the results of the school's Rigorous Reading Requirement will be used as part of the annual evaluation of the school's instructional personnel and school administrators.

**Reform Study Required – Academic Performance of Middle Schools and Middle School Students** -- The DOE is required to study how the performance of middle school students and schools can be improved, in consultation with delineated researchers, DOE staff, and other education stakeholders including Florida school board members, superintendents, principals, parents, teachers and students. It is required to develop findings and recommendations and must review each of the following elements:

- Academic expectations, including:
  - Alignment of middle school academic expectations with elementary and high school graduation requirements;
  - Best practices to improve reading and language arts programs;
  - Strategies for improving academic success for low-performing students;
  - Rigor of curricula and courses;
  - Instructional material;
  - Course enrollment;
  - Student support services; and
  - Measurement and reporting of student achievement.
- Attendance policies and student mobility.
- Teacher quality issues, including:
  - Teacher evaluations;
  - Substitute teachers;
  - Certification requirements;
  - Staff development;
  - Staff development training;
  - Removal of ineffective teachers;
  - Teacher recruitment issues; and
  - Federal requirements for highly qualified teachers under the No Child Left Behind Act of 2001.
- School leadership.
- Parental and community involvement.

---

school must develop, in consultation with the student's parent, an academic improvement plan (AIP) designed to make the student academically proficient. The AIP must identify the student's specific deficiencies in reading skills, the desired levels of performance in those areas, and the services to be provided to the student to achieve the desired levels of performance. Schools are required to frequently monitor the student's progress. School boards are required to help implement research-based reading activities to help students. Remedial instruction provided cannot be in lieu of course credits generally required for graduation. Students may be retained if, upon subsequent evaluation, deficiencies have not been remediated. Schools are required to provide remediation to students until they meet performance objectives, graduate from high school, or are no longer subject to compulsory school attendance.

The Commissioner is required to submit recommendations to increase the academic performance of middle school students to the Legislature and the SBE by October 1, 2004.

**Personalized Middle School Success Plan --** Beginning in 2004-2005, each principal of a school with a middle grade must designate a certified staff member to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT administration. The plan would be developed with the student and the student's parents and would be in place until the student had completed 8th grade.

Requirements of each personalized middle school success plan include:

- Identification of goals and intermediate benchmarks for the student in core curriculum areas that will prepare the student for high school;
- Having as a basis academic performance data and an assessment of the student's strengths and weaknesses;
- Academic intervention strategies with frequent monitoring of student progress; and
- Innovative methods to promote student advancement, including flexible scheduling, tutoring, a focus on core curricula, online instruction, alternative learning environments and other demonstrated interventions.

For students who have already been provided – or must be provided – an academic improvement plan (AIP) under existing law, the personalized middle school success plan will be incorporated into the student's AIP. The individual education plan for a student with disabilities may also include the student's personalized middle school success plan.

**SBE Authority and Responsibility --** The bill authorizes the SBE to adopt rules necessary for implementation of the section. The bill also references the SBE's existing enforcement authority with respect to bill requirements.

**Section 2. Amendment to s. 1001.42, F.S.; District school board requirements.**

The bill amends s. 1001.42, F.S., a section setting forth the powers and duties of district school boards, to require that any school required to implement a Rigorous Reading program under the new s. 1003.415, F.S., must include the program in its school improvement plan.

**Section 3. Amendment to s. 1008.25, F.S.; Student progression and remedial instruction.**

The bill amends s. 1008.25, F.S., a section regarding student progression and remedial instruction, to require that a middle school success plan be incorporated into the academic improvement plan of any student who meets the requirements of the new s. 1003.415, F.S.

**Section 4. Amendment to s. 1012.34, F.S.; Assessment procedures for instructional personnel.**

The bill amends s. 1012.34, F.S., a section concerning assessment procedures, to amend the assessment criteria for instructional personnel. The bill requires that the assessment criteria for instructional personnel must now include an indicator that relates to the employee's ability to plan and deliver instruction including the implementation of the Rigorous Reading Requirement, if applicable.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

## V. Economic Impact and Fiscal Note

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

This bill does not require an appropriation; however, it should be noted that the Governor's recommended budget provides $52.5 million from federal funds and $46.4 million from state funds for Reading programs, including funding for 240 reading coaches for middle schools.

The bill requires significant effort for implementation on the part of the state, schools, and school districts. The bill requires the Department of Education and/or the State Board of Education to: (1) make recommendations and revise rules for middle grades reading and language arts curriculum and then phase in implementation of coursework in all middle schools; (2) conduct a study on middle schools' and students' performance based on a review of twenty-one different criteria and then make recommendations to increase the academic performance of students in middle grades; and (3) provide a list of schools within the district that are required to implement a Rigorous Reading Requirement as the primary component of their school improvement plan. In addition, implicit in the bill is the need for the Department to coordinate and provide technical assistance.

The bill requires schools or school districts to: (1) implement new or revised reading and language arts courses in all middle schools; (2) develop and implement a Rigorous Reading Requirement for reading and language arts programs, for schools serving middle grade students with fewer than 75 percent of students in grades six, seven, or eight reading that score at Level 3 or above on the prior year's FCAT; and (3) designate a certified staff member in each school having a middle grade to develop and administer a personalized middle school success plan for each entering sixth grader who scored below Level 3 in reading on the most recent FCAT. Also required is a quarterly report on student progress to be submitted to the Superintendent.

In addition, there are 477 middle schools serving approximately 613,000 students in grades 6, 7, and 8. The Department of Education estimates that of the 477 middle schools, 400 to 450 will be required to implement the Rigorous Reading requirement. Also, in 2003, 53% of the 205,000 sixth grade students scored Level 3 or above on the FCAT. Therefore, beginning with the 2004-2005 school year, personalized success plans must be developed and implemented for more than 96,000 sixth graders and administered until the students complete the eighth grade.

Based on the level of effort indicated above, it is likely that this bill will have a fiscal impact on the Department of Education and school districts. At a minimum, the bill will require reallocation of resources at the state and local levels. School districts may be able to mitigate the additional cost to implement "Rigorous Reading" to the extent that some of these efforts are already functional in the district.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

In 2004-05, it may be difficult for many of the affected 400 to 450 middle schools to effectively implement the provisions of this bill because of the aggressive timelines established for the Rigorous Reading Requirement and the Personalized School Success Plan.

## VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

2

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1440

SPONSOR: Senator Sebesta

SUBJECT: Voter Education/High School Seniors

DATE: April 13, 2004 REVISED:

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | deMarsh-Mathues | O'Farrell | ED | Favorable |
| 2. | Fox | Rubinas | EE | Favorable |
| 3. | Armstrong | Newman | AED | |
| 4. | | | AP | |
| 5. | | | | |
| 6. | | | | |

## I. Summary:

The bill requires district school boards and county supervisors of elections to cooperate in conducting voter education for high school students in grade 12. The education is mandatory for public high schools and voluntary for private high schools. The supervisors of elections must conduct the program. The bill specifies the contents and requirements for the program.

The bill codifies a part of current administrative rule for voter education for public high school students.

This bill creates two undesignated sections of the Florida Statutes.

The effective date of the bill is July 1, 2004.

## II. Present Situation:

**Voting**

Over 9.33 million people were registered to vote in Florida on February 9, 2004, the last date to register for the 2004 Presidential Preference Primary election.

The most recent age-specific voting data available is from the 2000 general election cycle. That data indicates that nationally, people aged 18-24 had the lowest rate of registering and voting than any other group. Only 45.4 percent of those eligible were registered, and, of those, only 32.3 percent voted:

| Age group | Registered | Voted in 2000 |
|---|---|---|
| 18-24 | 45.4 percent | 32.3 percent |
| 25-44 | 59.6 percent | 49.8 percent |
| 45-64 | 71.2 percent | 64.1 percent |
| 65+ | 76.1 percent | 67.6 percent |

Source: U.S. Census Bureau, *Voting and Registration in the Election of November 2000*, February 2002.

Since the passage of the Florida Voter's Registration Act in 1994, registration numbers have increased substantially. The legislation implemented the National Voter Registration Act of 1993, called the *"Motor Voter"* law, because it allows people to register to vote at the same time they apply for a driver's license. The Motor Voter law was targeted at increasing voter turnout by increasing voter registration, premised upon the belief that simplifying and expanding opportunities for voter registration would *in fact* translate into greater turnout at the polls. To date, *Motor Voter* has succeeded in dramatically increasing the number of registered voters, but has failed to increase voter turnout.

A person must be 18 to register to vote in Florida, but pre-registration is allowed at age 17.[1] A person who is otherwise qualified may pre-register on or after that person's 17th birthday and may vote in any election occurring on or after his or her 18th birthday.

**Voter Education Efforts**

The Secretary of State is responsible for providing technical assistance to the supervisors of elections on voter education and providing voter education assistance to the public. As a part of its election reform package, the 2001 Legislature made revisions to the voter education provisions.[2] Current law now requires the adoption of administrative rules by the Department of State that prescribe minimum standards for nonpartisan voter education. The standards must include the following subjects:

- voter registration;
- balloting procedures, absentee and polling place;
- voter rights and responsibilities;
- distribution of sample ballots; and
- public service announcements.

County supervisors are charged with the responsibility for implementing the minimum voter education standards and conducting additional nonpartisan education efforts to ensure that voters have a working knowledge of the voting process. Existing administrative rules require the supervisors to conduct a high school voter registration/education program at least once a year in each public high school in the county.[3] The program must be developed in cooperation with the

[1] Section 97.041(1)(b), F.S.
[2] Ch. 01-40, s. 59, at 163, Laws of Fla. (codified at s. 98.255, F.S.)
[3] Rule 1S-2.033(3), F.A.C.

local school board. County efforts to implement this requirement are detailed in the recent report by the Department of State.[4]

Current law[5] sets forth the required courses of study for high school graduation and appropriate instruction designed to ensure that students meet State Board of Education standards in specific subject areas. While these provisions contain requirements for social studies, American government, and Florida government, they do not specifically require voter education.

## III. Effect of Proposed Changes:

**Section 1.** The bill requires district school boards and county supervisors of elections to cooperate in conducting voter education for high-school students who are in grade 12. The voter education must be in the form of a mandatory presentation to public high school students and a voluntary presentation to private high school students.

Supervisors of elections must conduct the presentation at public high schools and, upon request, at private high schools. The content must include the following:

- How to register to vote and pre-register;
- The operation of voting machines;
- How, when, and where to vote; and,
- The importance of voting;

The voter education program must:

- Provide students with the opportunity and sufficient time and information to submit voter registration applications to the supervisor of elections;
- Be conducted during school hours each term of the school year; and
- Be provided to students enrolled in a magnet program.

The bill prohibits the exclusion of a student from the program due to his or her irregular class schedule.

**Section 2.** The effective date of the bill is July 1, 2004.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

---

[4] Florida Department of State, Division of Elections, *Report on Voter Education Programs During the 2002 Election Cycle, Pursuant to s. 98.255(3), F.S.*, January 31, 2003.
[5] Sections 1003.42 and 1003.43, F.S.

### C. Trust Funds Restrictions:

None.

## V. Economic Impact and Fiscal Note:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

The program is voluntary for private school students.

### C. Government Sector Impact:

This effort is already in place; the bill codifies a part of current administrative rule for voter education for public high school students. Any additional cost would be nominal and could be absorbed within existing budgets.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

3

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1670

SPONSOR: Senator Argenziano

SUBJECT: Community College Students/Courses

DATE: April 13, 2004 REVISED:

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Woodruff | O'Farrell | ED | Fav/3 Amendments |
| 2. | Bryant | Newman | AED | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

## I. Summary:

The bill provides that at least one of the courses a community college associate in arts degree seeking student must take to satisfy the social sciences requirement of the general education curriculum must include civics instruction that focuses on North American national government. This requirement would be in effect for all students enrolling for the first time in the fall semester of 2004 and thereafter.

This bill substantially amends section 1001.02 of the Florida Statutes.

## II. Present Situation:

Present language requires no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. No specific curriculum or course is required within any of the five content areas. All courses in the associate degree program must be in the Florida common course numbering system.

All twenty eight community colleges offer a course in American Government which is in common course numbering. Three community colleges require that students take at least one course in American government/political science to fulfill their social science requirement. When such a course is not required by the college, students often choose one of these courses to fulfill their social science requirement on their own. The Department of Education reports that during the 2002-03 academic year, 31,881 community college students enrolled in at least one political science course. In addition, 39,920 community college students enrolled in at least one American History course.

In addition to the variety of American Government/Political Science/U.S. History courses being offered at all community colleges, American government is a requirement for high school graduation in Florida (s. 1003.43(1)(g), Florida Statutes). Every student who obtains a standard (24 credit) high school diploma must complete at least one semester (.5 credits) in American Government. Students can also take more courses in this area as high school electives.

Section 1003.42, Florida Statutes – Required Instruction – addresses civics requirements that must be included in the K-12 curriculum. These include:

> The content of the Declaration of Independence and how it forms the philosophical foundation of our government;
>
> The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;
>
> The essentials of the United States Constitution and how it provides the structure of our government;
>
> The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

Due to the specificity of K-12 requirements relating to civics education, many students who have studied American Government/political science extensively in K-12 may choose to explore other social science areas in college.

## III. Effect of Proposed Changes:

At least one of the courses a community college student must take to satisfy the social sciences requirement for an associate in arts degree will have to include civics instruction that focuses on North American national government. A corresponding change is not made to university course requirements.

The effect of the proposed change will only impact the social science courses offered by community colleges. Either a new required course will have to be created or the content of existing American Government courses will have to be evaluated or revised to ensure civics instruction that focuses on North American national government is included. To the extent that individual colleges choose to place this required content within an existing course or courses, that course will need to be evaluated to determine if the course must be reclassified for the common course numbering system.

College catalogs will need to be revised to include the new requirement. This could be a logistical problem because the bill is effective for students beginning in the fall semester of 2004; however, catalogs for fall 2004 may have already been finalized and printed. For those colleges which print a new catalog each year, catalogs are usually finalized in late fall/early spring for the following academic year.

The bill will restrict the choices that students can make with regard to which social science courses they take to meet their general education requirement.

The effective date of the bill is July 1, 2004.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

## V. Economic Impact and Fiscal Note:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

There would be a small yet indeterminable fiscal impact for each college. To the extent that a new or revised course curriculum is required to be developed, there will be an expense. This may include the need to hire additional faculty with expertise in North American government instead of other social sciences. There will also be expenses related to revising the college catalog, website information, counseling material and evaluations of common course number content. Because the content is required to be offered within the existing requirement for social science courses, other costs, although unknown, should not be significant.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Amendments:

#1 by Education Committee deletes the word "North" from the description of the required course students must take to fulfill their social science requirements.

#2 by Education Committee changes the date after which students enrolling at a public community college must take a course which includes civics instruction in order to fulfill their social sciences requirements. Students entering a public community college in the winter semester of the 2004-2005 academic year will have to complete this requirement.

#3 by Education Committee deletes the word "national" from the description of the required course students must take to fulfill their social science requirements.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. SB 1670

Amendment No. 1 411858

CHAMBER ACTION

Senate House

The Committee on Education recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 2, line 6, delete the word, "North"

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

On page 1, line 7, delete the word "North"

Bill No. SB 1670

Amendment No. 2 415528

CHAMBER ACTION

Senate | House

The Committee on Education recommended the following amendment:

**Senate Amendment**

On page 2, line 9, delete the words "fall semester of 2004"

and insert: winter semester of the 2004-2005 academic year

4

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2884

SPONSOR: Education Committee and Senator Carlton

SUBJECT: State Universities/Incentive Funds

DATE: March 31, 2004 REVISED:

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Dormady | O'Farrell | ED | Favorable/CS |
| 2. | Newman | Newman | AED | |
| 3. | | | AP | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

## I. Summary:


CS/SB 2884 creates a program to provide incentive funding for state universities that develop degree programs at their universities in targeted critical areas. It also requires university boards of trustees to provide each student with a billing statement every semester that details the cost to the state and university of the student's education.

The bill requires each university board of trustees to develop a proposal for a block tuition and fee policy. The proposals are required to be submitted to the Board of Governors, the Governor, the President of the Senate and the Speaker of the House of Representatives by December 15, 2004.

The bill also requires each university board of trustees to establish a policy, beginning in 2004-2005, that students who (1) have earned more than 115 percent of the number of credit hours they need to graduate or (2) are not seeking a degree would have to pay the full cost of their education per credit hour, with some exceptions.

CS/SB 2884 amends the Florida Bright Futures Scholarship Program to eliminate the eligibility of students who are enrolled full time in the early admission program of an eligible postsecondary education institution. The bill also amends the Trust for University Major Gifts, giving authority to the Board of Governors and revising provisions regarding donations, including match amounts.

The bill designates the Student Union Building at the University of North Florida as the "James E. "Jim" and Linda King, Jr., Student Union Building" and the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at Florida State University as the "John M. McKay Visitors' Pavilion."

This bill creates a new section 1011.901 of the Florida Statutes, amends sections 1009.24, 1009.531, and 1011.94 of the Florida Statutes, and creates two undesignated sections of Florida law. The Division of Statutory Revision will determine whether these undesignated sections are included in the Florida Statutes or remain as laws.

The bill will take effect July 1, 2004.

## II. Present Situation:

*Board of Governors*

Article IX, Section 7 of the Florida Constitution provides that the state will have a single state university system comprised of all public universities. It establishes a board of governors to govern the state university system as a whole. Under the constitution, the Board of Governors (BOG) must "operate, regulate, control and be fully responsible for the management of the whole university system." The BOG's management is subject to the power of the legislature to appropriate for the expenditure of funds, and the board must account for expenditures as provided by law.

*University Boards of Trustees*

As noted above, Article IX, Section 7 of the Florida Constitution provides that the state will have a single state university system comprised of all public universities. It provides that a board of trustees must administer each public university and that the powers and duties of the boards of trustees are established by the BOG.

*Current tuition structure*

*Percentage of actual costs paid by state residents; current payment per credit hour*

Currently, the state substantially underwrites the cost of tuition for students who are residents of Florida. Based on the university tuition established in the 2003-2004 General Appropriations Act, a non-resident undergraduate student pays tuition of $328.74 per credit hour, while a Florida resident undergraduate student pays tuition of $63.41 per credit hour. The amount of tuition that a Florida resident undergraduate pays typically amounts to approximately 20-25 percent of the total cost of their education. Nonresident students are, by law, required to pay 100 percent of the cost of their education.

*Credit hours payable currently*

Data provided by OPPAGA[1] indicate that the 2001-2002 graduating class accumulated 347,482 credit hours over 115 percent of their degree requirements, costing the state approximately $30 million. Overall, 20 percent of the students accounted for 82 percent of all credit hours earned over the 115 percent standard. Data for the 2002-2003 graduating class were similar – the 2002-

[1] OPPAGA Report No. 03-31, Voluntary Bright Futures Scholarship Testing Program Would Reduce Costs.

2003 graduating class accumulated 337,837 credit hours over 115 percent of their degree requirements, costing the state approximately $30 million if the 2001-2002 cost per credit hour figures are used.[2]

*Bright Futures Scholarship Program; Full-Time Early Admission Students*

Full-time early admission students skip their senior year of high school to attend a postsecondary education institution. Pursuant to s. 1009.25(2)(a), F.S., they are not required to pay any tuition or fees for their attendance at the postsecondary institution during the early admission year. Accordingly, providing Bright Futures Scholarship funding to these students results in a double funding of their education for the early admission year. It is estimated that approximately 300 early admission students qualified for Bright Futures Scholarships during the 2002-2003 academic year, with an attendant cost of approximately $500,000 for the state.

*Trust Fund for University Major Gifts*

The Trust Fund for University Major Gifts, created in s. 1011.94, F.S., is designed to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to applicable law. The funds must be invested, with the proceeds of the investment used to support libraries and instruction and research programs as defined by the State Board of Education under current law. The matches are subject to appropriation. Currently, not all gifts to institutions are being matched, and a waiting list for match funds exists.

*Agency for Workforce Innovation*

The Agency for Workforce Innovation is a state agency that is responsible for implementing policy dealing with workforce development programs, welfare transition, unemployment compensation, workforce information services and labor market information.

*Workforce Florida, Inc.*

Workforce Florida, Inc. was created with the passage of the Workforce Innovation Act of 2000. A board appointed by the Governor oversees and monitors the administration of the state's workforce policy, programs and services carried out by the 24 business-led regional workforce boards and the Agency for Workforce Innovation. Direct workforce services are provided at nearly 100 centers with locations in every county in the state.

*Enterprise Florida, Inc.*

Enterprise Florida, Inc. (EFI) is the public-private partnership responsible for leading Florida's statewide economic development efforts. EFI's mission is to diversify Florida's economy and create better-paying jobs for its citizens by supporting, attracting and helping to create businesses in innovative, high-growth industries. EFI was formed in July 1996 and replaced the state's Commerce Department.

[2] Source: OPPAGA, 3/30/04.

*Designation of university buildings; living namesakes*

Section 267.062, F.S., requires approval in law before naming a state building or other facility for a living person. Accordingly, if a university wishes to name a building or facility after a living person, the designation must be approved by the Legislature.

## III. Effect of Proposed Changes:

Section 1

CS/SB 2884 amends s. 1009.531, F.S., regarding the Bright Futures Scholarship Program. The bill eliminates the payment of Bright Futures Scholarship funds to students who are exempt from tuition and fees as secondary students enrolled in postsecondary courses.

Section 2

CS/SB 2884 creates a program for incentive funding, payable to university boards of trustees, for developing degree programs at their universities in targeted critical areas.

*Incentive funding for degrees in critical areas*

Subject to appropriation, the BOG is directed to annually allocate an amount specified in the General Appropriations Act as incentive awards to individual university boards of trustees for establishing programs, policies and procedures that lead to increased degree production in academic areas deemed critical to the state's future job growth.

*Targeted critical areas in fiscal year 2004-2005*

The bill provides that academic areas deemed critical for the 2004-2005 fiscal year are teaching, nursing, engineering and information technology.

*Allocation of incentive awards in fiscal year 2004-2005*

The bill requires the BOG to identify the specific academic disciplines and the appropriate courses that articulate to targeted career areas by July 15, 2004. It also provides that, before allocating any appropriated incentive funds, the BOG must establish a base from the number of full-time equivalent (FTE) students enrolled during 2003-2004 in the upper-division and graduate-level courses taken by students seeking degrees in targeted academic areas. By August 15, 2004, the BOG must develop a methodology for allocating any appropriated awards for the 2004-2005 fiscal year based on a prorated share of the increase in the number of full-time equivalent students enrolled in these courses. Funds appropriated but not awarded by the end of the fiscal year will revert to the General Revenue Fund unallocated.

*Targeted critical areas during 2005-2006 and thereafter*

BOG is required to consult with the Agency for Workforce Innovation, Workforce Florida, Inc., and Enterprise Florida, Inc., to develop, by October 1, 2004, a multiyear forecasting mechanism for identifying occupations in areas that may require an increase in the number of undergraduate and graduate degrees awarded.

By October 1 of each year, the forecasting must identify occupations with the largest unmet growth rates and highest wage potential for subsequent years.

By November 1, 2004, the BOG must develop a methodology for allocating awards beginning in the 2005-2006 fiscal year, based on increasing undergraduate and graduate degree production in academic disciplines linked to targeted critical areas. Any appropriated funds that are not allocated by the end of the fiscal year will revert to the General Revenue Fund unallocated.

By December 1 of each year, the BOG must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives about the details of the implementation of the section, including any university successes or barriers to such implementation.

Section 3

*Requirement to provide students information about the cost of education*

The bill requires each university board of trustees to provide every student who is charged tuition and fees a billing statement at the beginning of each semester that identifies the amount of funds the state and the university are paying on behalf of the student. State funding to the university and state-supported financial assistance must be itemized in the statement.

The billing statement may be transmitted to the student by email, web page, or other electronic means. A sample of the billing statement format must be submitted to the BOG for review and approval before August 15 of each year.

*Block tuition and fee policy*

The bill requires each university board of trustees to develop a proposal to establish a block tuition and fee policy in order to decrease the time required for students to earn their degrees. The proposals cannot increase costs to students or the state for students participating in the Bright Futures Scholarship Program or the Florida Prepaid College Program. The proposals must be submitted to the Board of Governors, the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2004.

*Costs for students not seeking degrees*

The bill requires each university board of trustees to establish a policy, beginning in the 2004-2005 academic year, that would require students who are not seeking degrees to pay the full cost of instruction per credit hour. The bill defines "students who are not seeking degrees" as

students who have not been formally admitted to the university as undergraduate, graduate, or professional students.

The bill provides a number of exemptions to the required policy. Students in the following categories will not be required to pay the full cost of instruction:

- Students who provide documentation that the courses they seek to enroll in are required for professional licensure, certification, or recertification,
- Active duty military personnel,
- Retired military personnel within 2 years after retirement, and
- Full-time employees of state agencies or political subdivisions of the state when the employee's tuition and fees are paid by the state agency or political subdivision for the purpose of taking job-related courses.

Credit hours generated by students covered under this provision, excluding those students who are subject to an exemption, must be identified separately by the universities in reporting FTE student enrollments.

Each policy must be provided to the BOG for review and submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

*Costs for students who have taken more than 115 percent of required courses*

The bill requires each university board of trustees to establish a policy, beginning in the 2004-2005 academic year, that will require students who are in excess of the number of credit hours needed to graduate by more than 15 percent to pay the full cost of instruction per credit hour.

The bill provides a number of exemptions for the following types of credit hours earned by those students:

- Credit hours earned through an acceleration mechanism identified in s. 1007.27
- Credit hours earned in remedial courses
- Credit hours earned in military science courses
- Credit hours required to achieve a dual major
- Credit hours required to achieve teacher certification that are not credited toward the student's first baccalaureate degree
- Credit hours taken by active duty military personnel
- Credit hours in courses from which a student must withdraw due to medical or personal hardship reasons.

The policies must specifically *include*, however:

- credit hours for courses taken at the university from which the student is seeking a degree, including:
    - repeated courses and failed courses, except as provided in s. 1009.285, F.S., and
    - courses that are dropped after the university's advertised last day of drop and add.

- All credit hours earned at another institution and accepted for transfer.

Credit hours generated by students covered under this provision, excluding those credit hours that are subject to an exemption, must be identified separately by the universities in reporting FTE student enrollments.

Each policy must be provided to the BOG for review and submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 4

The bill amends s. 1011.94, F.S., to make changes to conform the Trust Fund for University Major Gifts provisions with s. 1000.21(6), F.S., which defines New College as a state university for purposes of the education code. It also revises the section to make conforming changes to reflect the creation of the BOG as the entity responsible for management of the state university system. In particular, the bill provides that the BOG will administer the allocation of funds to universities to match gifts.

The bill revises the purposes for which a donation must be made to require that the donation must be used to support university priorities as established by the university boards of trustees. It revises the donation levels available for matches in the section as well as corresponding state matching grant amounts.

The bill restricts bundled gifts to a maximum of $1 million and a maximum match of fifty percent. This provision avoids the practice of bundling gifts to attain a higher state matching grant.

CS/SB 2884 also provides a maximum amount of matching funds for any single gift in a given year at $3 million and caps the overall matching funds for any single gift at $15 million, payable over 5 years in equal amounts, subject to availability of funds.

The bill provides that implementation of the matching program is contingent upon legislative appropriation. The section's changes apply to new gifts and pledges made after July 1, 2005.

The bill eliminates the authority of the State Board of Education to authorize any university to encumber the state match from unexpended funds in a university operating budget. It also eliminates pro rata distribution for state matching funds, effectively requiring complete gifts to be funded. The state matching funds are provided on a first-come, first-served basis.

Section 5

The bill designates the student union building at the University of North Florida as the "James E. "Jim" and Linda King, Jr., Student Union Building." The university is also authorized to erect suitable markers for the building.

James E. "Jim" King was first elected to the Florida House of Representatives in 1986 and served in that body until 1999, at which time he was elected to the Florida Senate. During his

distinguished career in the Florida House of Representatives, he served as the Majority Leader as well as in numerous other leadership positions. He also served as the Majority Leader of the Florida Senate, from 2000-2002, and was elected President of the Senate in 2002. He has been the recipient of numerous public service and business related awards from a variety of organizations in Florida. President King received an A.A. from St. Petersburg Junior College in 1959, a B.S.B.A. from Florida State University in 1961, and an M.B.A. from Florida State University in 1962. He served in the U.S. Coast Guard from 1962 to 1968.

Section 6

The bill designates the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts in Sarasota as the "John M. McKay Visitors' Pavilion." The university is also authorized to erect suitable markers for the building.

A native Floridian, John M. McKay has dedicated his life to serving the people of the state of Florida. Mr. McKay is a 1971 graduate of Florida State University who was elected to the Florida Senate in 1990 and served consecutive terms until 2002. He served as President of Senate in 2001-2002. During his successful tenure in the Senate, Senator McKay received numerous awards for his leadership and dedication to improving life in Florida. In addition, Senator McKay was instrumental in passing legislation that created the affiliation between the John and Mable Ringling Museum of Art and Florida State University.

The bill will take effect July 1, 2004.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

## V. Economic Impact and Fiscal Note:

### A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Resident students[3] who are not degree-seeking or who have earned more than 15 percent over the number of credits they need for graduation will bear a substantial cost burden, as they will be required to pay, instead of the approximately 20-25 percent of the total cost of education required to pay instate tuition, the full 100 percent cost of the education. The total cost will vary by student, depending on the number of credit hours taken. Based on the university tuition established in the 2003-2004 General Appropriations Act, an out-of-state undergraduate student pays tuition of $328.74 per credit hour, while a Florida resident undergraduate student pays tuition of $63.41 per credit hour.

## C. Government Sector Impact:

*Bright Futures program/early admission students*

The bill's changes could have saved the state approximately $500,000 in the 2002-2003 fiscal year; however, the actual future savings to the state from these changes are not determinable, due to the variable number of early admission students participating in Bright Futures.

*Requirement to provide billing statement to students*

The cost of this requirement is not currently determinable, but because universities generally provide students with billing statements every semester, the incremental additional cost of adding the newly-required information should be small. Initial administrative costs will likely be incurred as schools tie in additional data files to add required information to billing statements.

*Incentive funding for developing targeted degree programs*

It is not possible to determine the fiscal impact of this program, because (1) it is specifically subject to annual appropriation by the Legislature, (2) it is not known how many universities would develop programs to meet the incentive funding criteria, and (3) the size of the incentive awards to be made by the BOG are not known or stipulated in the bill. All of these variables will vary the section's fiscal impact.

*Impact of requirement that students who earn more than the number of credit hours needed for graduation and non-degree-seeking students bear full cost of education*

As noted above, an OPPAGA analysis of the 2002-2003 graduating class found that they accumulated 337,837 credit hours over 115 percent of their degree requirements, costing the state approximately $30 million (using the 2001-02 cost per credit hour). OPPAGA further found that 20 percent of the students earned 83 percent of all those credit hours above the 115 percent standard. Under the bill, students taking in excess of 115 percent of their required course credits will be denied the benefits of reduced tuition, which –

[3] Current law requires non-resident students to pay 100% of the cost of instruction. S. 1009.22(10), F.S.

based on 2001-02 costs per credit hour – could result in a cost savings to the state of $30 million annually.

*Building designations*

The universities will incur costs of erecting suitable markers for the building, which typically cost approximately $250 each.

## VI. Technical Deficiencies:

Section 4 of the bill, which contains the new subsection (7) of s. 1011.94, F.S., provides that any gift already approved by the BOG and on the pending list before July 1, 2004, is eligible for state matching funds at the rate applicable when the gift was approved. The next sentence provides that the section's changes would be effective for new gifts and pledges made after July 1, 2005. It may be helpful to conform these dates to ensure that no confusion will arise regarding the match amounts for gifts made between July 1, 2004 and July 1, 2005.

Also in Section 4 of the bill, language changes to paragraph (5)(c) of s. 1011.94, F.S., provide that private donations of at least $700,000 may be used to designate certain endowed chairs; the revised language also refers to a match amount of 50 percent. Because the paragraph only establishes a minimum amount of $700,000 for these donations, however, gifts in amounts higher than $700,000 (e.g., of $1 million or more) may be made in this regard, which would be eligible for match amounts at a higher percentage. Accordingly, it may be helpful to omit the reference to the specific match amount included in the revised language of the paragraph.

## VII. Related Issues:

None.

## VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. CS for SB 2884

Amendment No. ___ 111160

CHAMBER ACTION

Senate | House

Senator Carlton moved the following amendment:

**Senate Amendment (with title amendment)**

On page 6, lines 2 and 30, after the period,

insert: The policy may not be implemented without legislative authorization.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

On page 1, line 20, after the semicolon,

insert:

requiring legislative authorization to implement policies;

Bill No. CS for SB 2884

Amendment No. ___ 224660

CHAMBER ACTION

Senate | House

Senator Carlton moved the following amendment:

**Senate Amendment**

On page 11, line 22, delete "50 percent of"

Bill No. CS for SB 2884

Amendment No. ___ 715076

CHAMBER ACTION

Senate | House

Senator Carlton moved the following amendment:

**Senate Amendment**

On page 11, line 31, through page 12, line 1, delete those lines

and insert: and on the pending list before July 1, 2005, shall be eligible for the state match at the matching rate in effect immediately prior to July 1, 2004. The revised matching rates are

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: Proposed CS/CS/SB 3036

SPONSOR: Appropriations Subcommittee on Education, Education Committee, and Senators Carlton and Constantine

SUBJECT: Early Childhood Education

DATE: April 12, 2004 REVISED: _____ _____ _____ _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Matthews | O'Farrell | ED | Favorable/CS |
| 2. | Gillespie | Newman | AED | |
| 3. | | | AP | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

## I. Summary:

Proposed Committee Substitute for Committee Substitute for Senate Bill 3036 creates the Florida Prekindergarten (Pre-K) Education Program within the Department of Education. The program allows parents to enroll their children in a free Pre-K program offered during the year before the child is eligible for admission to kindergarten. The Pre-K provides parents of eligible children with a choice of three program options:

- A 540-hour Pre-K program delivered by a child development provider that meets or exceeds Gold Seal Quality Care program standards, that has a director with a prekindergarten director credential, and that has a teacher for each class who has at least a Child Development Associate (CDA) or equivalent credential and completes a 5-clock-hour course in emergent literacy training;
- A 300-hour summer Pre-K program delivered by a public school that has at least one Florida certified teacher for every 10 Pre-K students; or
- A 540-hour school-year Pre-K program delivered by a public school.

The proposed committee substitute directs the Department of Education to adopt performance standards for the Pre-K program. Each child development provider or public school may select or design its own curriculum for the Pre-K program if the curriculum addresses the Pre-K performance standards, including emergent literacy. However, if any child development provider or public school fails to maintain an 85-percent kindergarten readiness rate based on the results of the statewide kindergarten screening, the provider or public school would be subject to corrective action, including use of a curriculum approved by the department. The proposed committee substitute establishes a phase-in schedule for replacing the current school readiness uniform screening instrument (ESI-K) with new statewide kindergarten screening instruments.

The proposed committee substitute creates a summer Pre-K demonstration program in selected school districts during summer 2004. The Office of Program Policy Analysis and Government Accountability must conduct a study of the pilot program before the 2005 Regular Session.

The proposed committee substitute transfers the existing school readiness system from the Florida Partnership for School Readiness to the Agency for Workforce Innovation (AWI). AWI would be directly responsible for oversight of the school readiness program and the school readiness coalitions, which the proposed committee substitute renames as regional child development boards. The proposed committee substitute reduces the number of regional boards to 30 or fewer boards and requires each board to serve at least 1,500 birth-to-kindergarten children in the school readiness program.

The proposed committee substitute also creates the Florida Child Development Advisory Council within the Department of Education to advise the department and AWI on child development policy, including the Pre-K and school readiness programs.

This proposed committee substitute creates Part V of chapter 1002, Florida Statutes, which is titled "Florida Prekindergarten Education Program" and consists of the following sections of the Florida Statutes: 1002.51, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71, 1002.73, and 1002.75. The proposed committee substitute substantially amends sections 11.45, 20.15, 20.50, 125.901, 216.133, 216.136, 402.3016, 411.01, 411.011, 411.226, 411.227, 624.91, 1001.23, and 1002.22, Florida Statutes. The proposed committee substitute repeals sections 411.012 and 1008.21, Florida Statutes.

## II. Present Situation:

**Voluntary Universal Prekindergarten Education**

In 2002, the electors of Florida approved Amendment No. 8 to the State Constitution, which requires the Legislature to establish by the 2005 school year, a new early childhood education program (i.e., the voluntary universal prekindergarten education program) for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards:

> ARTICLE IX
> EDUCATION
>
> SECTION 1. Public education.—
>
> (b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities

through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development.

Section 1(b) and (c), Art. IX of the State Constitution.

In response, the 2003 Legislature directed the State Board of Education to conduct a study and submit a report on the curriculum, design, and standards for this new prekindergarten program (s. 1, ch. 2003-93, L.O.F.; s. 411.012, F.S.). The state board established a Universal Prekindergarten Education Advisory Council, which issued a report of its recommendations to the state board in October 2003.[1] The State Board of Education subsequently accepted the advisory council's report and issued a final report,[2] which was submitted to the Legislature in December 2003.[3] In addition, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA)[4] and the Auditor General[5] to conduct audits of the school readiness system and submit reports by January 15, 2004 (s. 2, ch. 2003-93, L.O.F.).[6]

**State-Funded Early Childhood Education and Child Care Programs**

Before 1999, Florida's state-funded early childhood education and child care programs were delivered through various independent programs, with administration of the programs divided principally between the Department of Education (DOE) and the Department of Children and Family Services (DCF):

- DOE formerly administered early childhood education programs, including the prekindergarten early intervention program; the Florida First Start Program; the migrant education program; and the federal Even Start Family Literacy Programs.

- DCF formerly administered the subsidized child care program, which funded child care services for at-risk and economically disadvantaged children younger than 13 years of age.

---

[1] Florida State Board of Education, Universal Prekindergarten Education Advisory Council, *Report and Recommendations to the Florida State Board of Education* (Oct. 21, 2003).
[2] Florida State Board of Education, *A Study of the Curriculum, Design, and Standards for Florida's Voluntary Universal Prekindergarten Education Program* (Nov. 18, 2003).
[3] Letter from F. Philip Handy, Chairman, State Board of Education, to The Honorable Jim King, President, Florida Senate (Dec. 8, 2003).
[4] See OPPAGA, *School Readiness Coalitions' Progress Varies in Implementing the Program Over Two Years,* Information Brief, Report No. 03-75 (Dec. 2003); OPPAGA, *School Readiness Program's Potential is Beginning to be Realized, but is Hindered by Partnership Guidance Issues,* Program Review, Report No. 04-06 (Jan. 2004).
[5] See Auditor General, *School Readiness Program Administered by the Florida Partnership for School Readiness, the Florida School Readiness Coalitions, and the Florida Agency for Workforce Innovation, Operational Audit, July 1, 2000, through June 30, 2003, and Selected Actions taken through October 2003,* Report No. 2004-085 (Jan. 2004).
[6] OPPAGA and Auditor General, *School Readiness Program Makes Progress, but Stronger Partnership Guidance and Internal Controls are Needed,* Overview Report on Audits of the School Readiness Program (Jan. 2004).

The Legislature prescribed separate requirements for each of these state-funded programs, including eligibility criteria (e.g., family income); minimum hours and days of service; appropriate types of settings (i.e., child care providers or school-based sites); staff-to-children ratios; qualifications for instructional staff (e.g., training, education, and professional credentials); and sliding fee scales.

**School Readiness Programs**

In 1999, the Legislature enacted the School Readiness Act (s. 411.01, F.S.), which consolidated each of these early childhood education and child care programs into one integrated program of school readiness services (ch. 99-357, L.O.F.). The act directed that school readiness programs would be administered by local school readiness coalitions at the county or multicounty level and would be coordinated by the Florida Partnership for School Readiness at the statewide level.

School readiness programs must contain, at a minimum, the following elements: developmentally appropriate curriculum, a character development program, an age-appropriate assessment of each child's development, a pretest and posttest administered as children enter and leave programs, an appropriate staff-to-children ratio, a healthful and safe environment, and a resource and referral network that assists parents in making an informed choice of child care providers (s. 411.01(5)(c)2., F.S.).

Before implementing its school readiness program, each school readiness coalition must develop and submit a school readiness plan to the Florida Partnership for School Readiness. The plan must include, among other things, a sliding fee scale, parental choice of settings and locations where services will be provided, eligibility priorities, qualifications for instructional staff, reimbursement rates, systems support and direct enhancement services, a business plan, strategies to meet the needs of unique populations, and performance standards and outcome measures (s. 411.01(5)(d)3. and 5., F.S.). The partnership may approve a coalition's plan, reject the plan, or approve the plan with conditions (s. 411.01(5)(d)2., F.S.). Fifty school readiness coalitions, encompassing all 67 counties of the state, currently operate under approved plans.[7]

School readiness programs are funded through a mixture of state and federal funds. The combined budget of the system is approximately $687.2 million, comprised of $386.6 million from the federal Child Care and Development Fund (CCDF) block grant; $112.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant; $170.9 million from the state's General Revenue Fund; and $17.2 million from other funds, including $500,000 from the federal Social Services Block Grant.[8]

**Amendments to the School Readiness System**

In 2001, the Legislature made several changes to the school readiness system, including the:

[7] Florida Partnership for School Readiness, *2002 Annual Report: Ready to Reach for the Stars* 6, 15, & 17-18 (Mar. 2003).
[8] Specific Appropriations 2010-2022, *General Appropriations Act for Fiscal Year 2003-2004,* ch. 2003-397, L.O.F.

- Transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation (AWI) (s. 16, ch. 2001-170, L.O.F.);
- Transfer of the subsidized child care program, the prekindergarten early intervention program, the migrant education program, and the Florida First Start Program to AWI (ss. 17 and 18, ch. 2001-170, L.O.F.);
- Transfer of the Child Care Executive Partnership and the statewide resource and referral network to AWI (s. 17, ch. 2001-170, L.O.F.); and
- Designation of AWI as the lead agency for the federal Even Start Family Literacy Programs (s. 19, ch. 2001-170, L.O.F.; s. 411.0105, F.S.).

Effective January 1, 2002, the Legislature repealed the sections prescribing program requirements for the Florida First Start Program (former s. 230.2303, F.S. (2000)), the prekindergarten early intervention program (former s. 230.2305, F.S. (2000)), and the subsidized child care program (former s. 402.3015, F.S. (2000)). In 2002, the program requirements for the migrant education program were repealed.[9] These repeals marked the end of these former early childhood education and child care programs as separate from the school readiness programs.

**Regulation of Child Care Providers**

The delivery system for school readiness programs is comprised of child care providers and of school-based sites operated by public and nonpublic schools (s. 411.01(5)(d)3.b., F.S.). Child care providers are distinguished by six types of settings: child care facilities, specialized child care facilities for the care of mildly ill children, large family child care homes, family day care homes, religious-exempt providers (see s. 402.316, F.S.), and informal providers.[10] Child care providers are generally subject to two parallel systems of regulatory requirements. Unless exempted, all child care providers other than informal providers are subject to state regulation (s. 402.312, F.S.), regardless of whether they receive state funds for school readiness programs. These state regulations generally govern the health, safety, sanitation, nutrition, physical surroundings, and child development needs of children receiving child care services; child care personnel requirements (e.g., training, professional credentials, and background screening); and staff-to-children ratios (see, e.g., ss. 402.305, 402.313, and 402.3131, F.S.). Child care providers receiving school readiness funds are also subject to the provider requirements established by the school readiness coalitions.

Except for certain facilities that are exempt from licensure (e.g., religious-exempt providers), all child care facilities in the state must be licensed (ss. 402.305 and 402.312, F.S.). Specialized child care facilities for the care of mildly ill children and large family child care homes also must be licensed (ss. 402.305(17), 402.312, and 402.3131, F.S.). Depending on local requirements, family day care homes must either be licensed or registered (ss. 402.312 and 402.313, F.S.). The licensure or registration of child care providers is administered by the Child Care Services Program Office of the Department of Children and Family Services or, in seven counties

[9] Section 1058, ch. 2002-387, L.O.F., repealed former ch. 228, F.S., which included the section prescribing program requirements for migrant education program, former s. 228.062, F.S. (2001).
[10] Although the term "informal child care arrangement" is used in s. 411.01(5)(e)2. and (7)(a), F.S., the term is not defined. The term "informal provider" is commonly used in the child care industry to refer to a relative or other caregiver who provides unregulated child care services.

(Alachua, Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota), by local licensing agencies that have licensing standards meeting or exceeding the state's minimum standards (ss. 402.306 and 402.307, F.S.).

The Child Care Services Program Office also develops, approves, and coordinates training programs for child care personnel; develops and verifies professional credentials, including the state equivalent of the child development associate and the credential for directors of child care facilities; and develops standards for the Gold Seal Quality Care program (s. 402.281, F.S.), which creates the basis for increased reimbursement rates in school readiness programs.[11]

## III. Effect of Proposed Changes:

**Florida Prekindergarten Education Program**

The proposed committee substitute creates the Florida Prekindergarten Education Program in the Department of Education and specifies that the program will take effect in each county at the beginning of the 2005-2006 school year. The proposed committee substitute specifies that the program must be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.

***Student Eligibility***

The proposed committee substitute provides that each child who will have attained 4 years of age on or before September 1 of the school year is eligible for the Florida Prekindergarten (Pre-K) Education Program during that school year. The proposed committee substitute specifies that a child remains eligible until the child is admitted to kindergarten or attains the age of 5 years on or before September 1 of the school year, whichever occurs first. The proposed committee substitute limits the eligibility of children to state residents.

***Parental Choice of Program Options***

The proposed committee substitute allows the parent of each child eligible for the Pre-K program to choose among three distinct programs:

- A Pre-K program delivered by a child development provider;
- A summer Pre-K program delivered by a public school; or
- A school-year Pre-K program delivered by a public school.

However, the proposed committee substitute prohibits a parent from enrolling the child in more than one of these programs. In order to enroll a child, the proposed committee substitute requires the child's parent to submit an application and a certified copy of the child's birth certificate or alternative proof of the child's age, as specified by the Department of Education. The proposed committee substitute requires the form to include a certification of the parent's choice of a child

[11] See, e.g., Specific Appropriation 2014A, *General Appropriations Act for Fiscal Year 2003-2004,* ch. 2003-397, L.O.F. (funds "may be used to enhance the quality of child care … by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.").

development provider or public school and direction that payments for the Pre-K program be made to the provider or school.

The proposed committee substitute requires parents enrolling their children in the Pre-K program to submit the application to the regional child development board.[12] The proposed committee substitute directs that applications for the Pre-K program shall be received by the regional boards through each board's "single point of entry" established under the school readiness system. The proposed committee substitute also directs the regional boards to coordinate with the school districts in developing procedures for enrolling children in the school-based Pre-K programs.

***Informed Choice***

The proposed committee substitute requires each regional child development board to provide a parent enrolling a child in the Pre-K program with a profile of each child development provider and public school in a format prescribed by the Department of Education. The profile must include the provider's or school's:

- Services, curriculum, teacher credentials, and teacher-to-student ratio; and
- Kindergarten readiness rate[13] based upon the most recent available results of the statewide kindergarten screening.

**Prekindergarten Program Delivered by Child Development Providers**

For parents choosing a Pre-K program delivered by a child development provider, the proposed committee substitute establishes a program based upon funding for 540 hours per year. The proposed committee substitute does not provide any temporal limits on a child development provider's Pre-K program; thus, a provider's program may encompass:

- Any number of hours per day or number of days per year;
- Weekdays, weekends, or any combination of days; and
- Days throughout any month of the year.

The proposed committee substitute directs the program to be administered at the county or regional level by the regional child development boards.

***Eligibility of Child Development Providers***

The proposed committee substitute defines the eligible child development providers for purposes of delivering the Pre-K program. To participate in the program, a provider must register with the regional child development board and must be a:

- Nonpublic school exempt from licensure which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and

[12] The proposed committee substitute renames the current school readiness coalitions as "regional child development boards."
[13] See the discussion of kindergarten readiness rates, *infra,* on page 14 of this staff analyis.

Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation;[14]

- Licensed child care facility, licensed family day care home, or licensed large family child care home, which facility or home holds a current Gold Seal Quality Care designation or meets or exceeds the Gold Seal Quality Care program standards, as verified by the regional child development board, but does not hold the designation; or
- Faith-based child care provider exempt from licensure which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation.

The proposed committee substitute omits from eligibility to deliver the Pre-K program unlicensed family day care homes[15] and informal child care providers.[16]

The proposed committee substitute allows a parent to enroll his or her child with any eligible child development provider; however, the provider may determine whether to admit the child. The proposed committee substitute also prohibits a regional child development board or the Department of Education from limiting the number of students that a child development provider may admit for enrollment in the Pre-K program.

The proposed committee substitute prohibits a child development provider from discriminating against a parent or child, including the refusal to admit a child for enrollment in the Pre-K program, because of the parent's or child's race, color, or national origin.

***Teacher Credentials***

The proposed committee substitute requires a child development provider, as a condition of participating in the Pre-K program and receiving state funds, to employ at least one teacher or child care personnel with the following credentials for each Pre-K class:

---

[14] Under current law, the "Gold Seal Quality Care" designation is awarded to child care providers that are accredited by a nationally recognized accrediting association that has standards substantially meeting or exceeding the standards of the National Association for the Education of Young Children, the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission (s. 402.281(1), F.S.). The Department of Children and Family Services is authorized to develop Gold Seal Quality Care program standards for the purpose of approving the accrediting associations (s. 402.281(2), F.S.). These standards encompass items such as minimum teacher-to-student ratios, maximum group sizes, and teacher qualifications. In addition to the three organizations cited in law, the department has approved the following accrediting associations: Accredited Professional Preschool Learning Environment, Association of Christian Schools International, Association of Christian Teachers and Schools, Montessori School Accreditation Commission, National Accreditation Commission, National School-Age Care Alliance, Southern Association of Colleges and Schools, and National Accreditation Council for Early Childhood Professional Personnel and Programs. See Department of Children and Family Services, *Gold Seal Quality Care Program,* at http://www.dcf.state.fl.us/child care/goldseal.shtml (last visited Apr. 12, 2004).

[15] Under current law, family day care homes that are not licensed must register with the Department of Children and Family Services (s. 402.313(1)(a), F.S.).

[16] The term "informal child care provider" is commonly used in the child care industry to refer to a relative or other caregiver who provides unregulated child care services. A similar term, "informal child care arrangement," is used in s. 411.01(5)(e)2. and (7)(a), F.S., but is not defined in current law.

- A Child Development Associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Regulation;
- A credential approved by the Department of Children and Family Services[17] as being equivalent to or greater than the national CDA; or
- One of the following educational credentials:
  - Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
  - Bachelor's or higher degree in elementary education, if the teacher has been certified to teach children any age from birth through 6th grade, regardless of whether the certificate is current;
  - An associate's or higher degree in child development;
  - An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours experience in teaching or providing child care services for children any age from birth through 8 years of age; or
  - An educational credential approved by the Department of Education as being equivalent to or greater than any of these educational credentials.

***Emergent Literacy Training Course***

In addition, the proposed committee substitute requires each teacher or child care personnel to successfully complete an emergent literacy training course approved by the Department of Education. Teachers and child care personnel who possess educational credentials in lieu of a CDA or state-approved equivalent are exempt from this requirement.

The proposed committee substitute directs the Department of Education to adopt, with advice from the Florida Child Development Advisory Council,[18] by January 1, 2005, minimum standards for the emergent literacy training course. The course must consist of 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of Pre-K students in the development of emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehensive development.

The proposed committee substitute requires the training course to meet or exceed the Department of Children and Family Services' requirements for approved training in early literacy and language development, which is a continuing education requirement under current law for child care personnel of child care facilities (s. 402.305(2)(d)4., F.S.), family day care homes (s. 402.313(6), F.S.), and large family child care homes (s. 402.3131(5), F.S.). Successful completion of the training course satisfies these requirements for approved training.

The proposed committee substitute exempts a teacher or child care personnel from having to complete the emergent literacy course, if the teacher or child care personnel successfully completes approved training in early literacy and language development under

[17] The proposed committee substitute provides that the Department of Children and Family Services may adopt rules to provide criteria and procedures for the approval of CDA equivalent credentials.
[18] The proposed committee substitute creates the Florida Child Development Advisory Council. See the discussion about the advisory council, *infra,* on pages 19 and 20 of this staff analysis.

s. 402.305(2)(d)4., s. 402.313(6), or s. 402.3131(5), F.S., before the training course is established by the Department of Education or January 1, 2005, whichever occurs later.

***Prekindergarten Director Credential***

The proposed committee substitute requires the prekindergarten director[19] of each child development provider delivering the Pre-K program to obtain a prekindergarten director credential approved by the Department of Education. The department is directed to adopt by July 1, 2005, with the advice of the Florida Child Development Advisory Council, minimum standards for the prekindergarten director credential. The credential must include requirements for:

- Education and onsite experience;
- Training in professionally accepted standards for Pre-K programs, child development, and strategies and techniques to address the age-appropriate progress of Pre-K students in attaining Pre-K performance standards adopted by the Department of Education; and
- Training in program administration and operations, including management, organizational leadership, and financial and legal issues.

The proposed committee substitute provides that the Department of Education's standards for the prekindergarten director credential must meet or exceed the Department of Children and Family Services' requirements for the child care facility director credential.[20] The proposed committee substitute specifies that successful completion of the prekindergarten director credential satisfies requirements for the child care facility director credential.

The proposed committee substitute provides that successful completion of the child care facility director credential before the Department of Education establishes the prekindergarten director credential, or July 1, 2005, whichever occurs later, satisfies requirements for the prekindergarten director credential. The proposed committee substitute also directs the Department of Education to award credit to persons successfully completing the child care facility director credential, to the maximum extent practicable, for those requirements of the credentials which are duplicative.

**Summer Prekindergarten Program Delivered by Public Schools**

For parents choosing a summer Pre-K program delivered by a public school, the proposed committee substitute establishes a program based upon funding for 300 hours per year. The proposed committee substitute specifies that each school district must use educational facilities available in the public schools during the summer term for the summer Pre-K program. Except for limiting the program to the summer, the proposed committee substitute does not provide any other temporal limits on a public school's summer Pre-K program; thus, a school's program may encompass:

[19] The proposed committee substitute defines a "prekindergarten director" as an onsite person ultimately responsible for the overall operation of a child development provider or, alternatively, of the provider's prekindergarten program, regardless of whether the person is the owner of the provider.

[20] Under current law, the director of each licensed child care facility is required to possess a child care facility director credential, which, since January 1, 2004, is a required minimum standard for licensing (s. 402.305(2)(f), F.S.).

- Any number of hours per day or number of days during the summer; and
- Weekdays, weekends, or any combination of days.

The proposed committee substitute directs the summer Pre-K program to be administered at the district level by the school districts. The proposed committee substitute authorizes each school district to determine which public schools are eligible to deliver the summer Pre-K program, except that each participating public school must maintain a teacher-to-student ratio of at least one certified teacher for every 10 students in the summer Pre-K program. The proposed committee substitute specifies that each certified teacher must hold a valid Florida teaching certificate and have other qualifications required by the district school board. Because the proposed committee substitute authorizes school districts to determine which teachers shall instruct the summer Pre-K program, a district may use a certified teacher who does not have a specialization in early childhood education. To participate in the program, each public school provider must register with the regional child development board.

The proposed committee substitute allows a parent to enroll his or her child with any eligible public school, subject to available space. The proposed committee substitute authorizes school districts to limit the number of students admitted to the program in a particular public school but requires school districts to provide for the admission of every eligible student enrolling in the summer Pre-K program. The proposed committee substitute accordingly requires a school district to ensure that space is available in a public school for every eligible child enrolling for the summer Pre-K program.

The proposed committee substitute prohibits a public school from discriminating against a parent or child, including the refusal to admit a child for enrollment in the Pre-K program, because of the parent's or child's race, color, or national origin.

**School-Year Prekindergarten Program Delivered by Public Schools**

For parents choosing a school-year Pre-K program delivered by a public school, the proposed committee substitute establishes a program based upon funding for 540 hours per year. The proposed committee substitute does not provide any temporal limits on a public school's school-year Pre-K program, nor does the proposed committee substitute prohibit a public school from delivering both a summer Pre-K program and a school-year Pre-K program. Thus, a public school's school-year Pre-K program may encompass:

- Any number of hours per day or number of days per year;
- Weekdays, weekends, or any combination of days; and
- Days throughout any month of the school year.

The proposed committee substitute specifies that a public school may only offer the school-year Pre-K program if the school's district school board certifies that the school district:

- Is in compliance with the schedules for class-size reduction;[21]

[21] See s. 1003.03, F.S., and s. 1(a), Art. IX of the State Constitution.

- Has sufficient satisfactory educational facilities and capital outlay funds to achieve full compliance with the class-size reduction requirements in s. 1(a), Art. IX of the State Constitution; and
- Does not require additional capital outlay funds from the Legislature to achieve full compliance with these class-size reduction requirements.

For eligible school districts, the proposed committee substitute directs the school-year Pre-K program to be administered at the district level by the school districts. The proposed committee substitute authorizes each eligible school district to determine which public schools are eligible to deliver the school-year Pre-K program. The proposed committee substitute does not specify minimum teaching credentials or establish teacher-to-student ratios for the school-year Pre-K program; thus, each school district would be permitted to establish these requirements when determining which public schools are eligible to deliver the program.[22] To participate in the program, each public school provider must register with the regional child development board.

The proposed committee substitute allows a parent to enroll his or her child with any eligible public school, subject to available space. The proposed committee substitute authorizes school districts to limit the number of students admitted to the school-year Pre-K program in a particular public school, but, unlike the summer Pre-K program, the proposed committee substitute does not require school districts to provide for the admission of every eligible student enrolling in the school-year Pre-K program.

The proposed committee substitute prohibits a public school from discriminating against a parent or child, including the refusal to admit a child for enrollment in the Pre-K program, because of the parent's or child's race, color, or national origin.

**Curriculum and Accountability**

***Performance Standards***

The proposed committee substitute requires the Department of Education, by January 1, 2005, with advice from Florida Child Development Advisory Council, to adopt performance standards for the Pre-K program. The standards must address the age-appropriate progress of students in the skills required in the State Constitution[23] and emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The proposed committee substitute specifies that each child development provider's and public school's curriculum and the statewide kindergarten screening must be designed to satisfy these Pre-K performance standards.

---

[22] The proposed committee substitute does exempt any school district from compliance with the class-size requirements in s. 1(a)(1), Art. IX of the State Constitution; thus, the minimum teacher-to-student ratio for a school-year Pre-K program would remain one teacher for every 18 students.

[23] See, e.g., s. 1(b), Art. IX of the State Constitution ("an organized program designed to address and enhance each child's ability to make age appropriate progress ... in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate").

***Curriculum***

The proposed committee substitute authorizes each child development provider and public school to select or design its own curriculum for use in implementing the Pre-K program. The proposed committee substitute requires each provider's and school's curriculum to be developmentally appropriate and:

- To be based upon reading research;
- To enhance the age-appropriate progress of students in attaining the Department of Education's adopted Pre-K performance standards; and
- To prepare students to be assessed as ready on the statewide kindergarten screening.

However, if a child development provider or public school is placed on probation because less than 85 percent of the provider's or school's Pre-K students are assessed as ready for kindergarten for 2 consecutive years, the provider or school must use a curriculum approved by the Department of Education. The proposed committee substitute requires the department to maintain a list of approved curricula for these providers and schools on probation.

***Statewide Kindergarten Screening***

The proposed committee substitute requires the Department of Education, with advice from the Florida Child Development Advisory Council, to adopt a statewide kindergarten screening instrument that assesses the readiness of each student for kindergarten based upon the Pre-K program performance standards adopted by the department. The proposed committee substitute establishes a timeline for the department to phase in instruments to replace the current school readiness uniform screening:[24]

- For the 2004-2005 through 2006-2007 school years, the Department of Education shall use the Early Screening Inventory-Kindergarten (ESI-K)[25] developmental screening instrument as the statewide screening instrument. The department may administer additional instruments but only if the instruments are administered statewide. During these years, the department must use the ESI-K to calculate the kindergarten readiness rates assigned to child development providers and public schools.
- By January 15, 2006, the department, with the advice of Florida Child Development Advisory Council, is required to recommend to the Legislature valid and reliable screening instruments for the statewide screening instrument. The Legislature shall review the recommendations of the department at the 2006 Regular Session and adopt screening instruments for statewide kindergarten screening.
- Beginning with the 2006-2007 school year, the Department of Education must administer the statewide screening instrument adopted by the Legislature in the 2006 Regular Session, but, for baseline data comparisons, the department must continue to administer ESI-K for the 2006-2007 school year.

---

[24] See s. 411.01(10), F.S.

[25] See Pearson Early Learning, *Early Screening Inventory-Revised, A Developmental Screening Instrument for Children,* at http://www.pearsonearlylearning.com/catalog/index.cfm?action=viewprogram&sub_id=S6&prog_id=88362020 (last visited Apr. 12, 2004).

- The Legislature shall review the baseline data and the 85-percent kindergarten readiness rate in the 2007 Regular Session.
- For the 2007-2008 school year and beyond, the department shall use the screening instruments adopted by the Legislature in the 2006 Regular Session to calculate kindergarten readiness rates.

The proposed committee substitute requires each school district to administer the statewide screening to each kindergarten student in the public schools within the first 30 school days after each student's entry into kindergarten. The proposed committee substitute also requires parents of children in the Pre-K program to submit their children for the statewide screening, regardless of whether the child is admitted to kindergarten in a public or private school. The proposed committee substitute directs the school districts to designate public school sites that would administer the statewide screening for students admitted to kindergarten in private schools.

The proposed committee substitute requires the screening instruments to provide objective data on each student's progress in attaining the Pre-K performance standards adopted by the Department of Education. The screening instruments must also incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for children with disabilities.

***Kindergarten Readiness Rates***

The proposed committee substitute requires a child development provider or public school to meet certain kindergarten readiness rates to avoid sanctions by the regional child development board or the school district, respectively. The statewide screening instrument shall be used to measure the outcomes of the Pre-K programs delivered by child development providers or public schools. The proposed committee substitute directs the Department of Education to adopt procedures for the calculation of each provider's and school's kindergarten readiness rate. These rates must be based exclusively on results of the statewide kindergarten screening and must not consider students who are not administered the screening.

Beginning with the kindergarten readiness rates for students completing the Pre-K program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year, the following sanctions are imposed for failure to meet the kindergarten readiness rates:

- Of the students who are administered the screening, if less than 85 percent of a provider's or school's Pre-K program students are assessed as ready for kindergarten, the regional child development board or school district shall require the respective child development provider or public school to submit an improvement plan for approval by the regional child development board or the school district, as applicable.
- If less than 85 percent of a provider's or school's Pre-K students are assessed as ready for kindergarten for 2 consecutive years, the provider or school shall be placed on probation and required to take certain corrective actions, including the use of a curriculum approved by the Department of Education. A child development provider or public school that is placed on probation must continue the corrective actions, including the use of a department-approved curriculum until the provider or school meets the 85-percent kindergarten readiness rate based upon results of the statewide kindergarten screening.

***Compliance***

The proposed committee substitute requires each regional child development board and school district to verify compliance by the child development providers or public schools, respectively, with the Pre-K program's requirements. The proposed committee substitute authorizes a regional child development board or the Department of Education to remove a child development provider from participation in the Pre-K program for failure or refusal to comply with the program requirements. The proposed committee substitute likewise authorizes a school district or the department to remove a public school from participation in the Pre-K program if the school fails or refuses to comply with the program requirements.

***Funding***

The proposed committee substitute establishes a funding mechanism for the Pre-K program. The Pre-K program would be funded through a categorical fund in the budget for the Department of Education. The proposed committee substitute specifies that funds appropriated for the Pre-K program would be in addition to funds appropriated for the Florida Education Finance Program (FEFP).[26] The categorical funding for the Pre-K program would be based upon each full-time equivalent (FTE) student in the program. The proposed committee substitute specifies that each FTE student would be calculated as follows:

- Pre-K program delivered by a child development provider: 540 hours.
- Summer Pre-K program delivered by a public school: 300 hours.
- School-year Pre-K program delivered by a public school: 540 hours.

The proposed committee substitute prohibits a student from being reported as more than one FTE. Thus, the proposed committee substitute in effect prohibits Pre-K program funding from supporting services for a student for more hours than these specified levels.

The proposed committee substitute provides that the base student allocation[27] per FTE student would be specified in the General Appropriations Act and would be equal, regardless of whether the student is enrolled in a prekindergarten program delivered by a child development provider, a summer prekindergarten program delivered by a public school, or a school-year prekindergarten program delivered by a public school.

The proposed committee substitute specifies that child development providers and public schools in each county would not receive the same funding per student as providers and schools in other counties. Instead each county's allocation per FTE student would be calculated annually by multiplying the base student allocation in the General Appropriations Act by the county's district

[26] The Florida Education Finance Program (FEFP) encompasses the formula used annually to allocate funds among school districts for the operation of public schools. See s. 1011.62, F.S.
[27] The term "base student allocation" refers to the amount of funding per FTE student that would annually be specified in the General Appropriations Act.

cost differential.[28] The proposed committee substitute requires that child development providers and public schools be paid in accordance with the county's allocation per FTE student.

***Advance Payments Based Upon Enrollment***

The proposed committee substitute requires each regional child development board to maintain through the single point of entry a current database of the students enrolled in the Pre-K program for each county in the board's region.

The proposed committee substitute directs the Department of Education to adopt procedures for the payment of child development providers and public schools for the Pre-K program. These procedures must provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments based upon the certified student attendance. The procedures must also provide for the monthly distribution of funds by the department to the regional child development boards for payment by the boards to child development providers and public schools.

***Attendance Polices and Reporting***

The proposed committee substitute requires a parent enrolling his or her child in the Pre-K program to agree to comply with the attendance policy of the respective child development provider or district school board. Upon enrollment, the provider or school must provide the child's parent with a copy of the applicable provider's or school district's attendance policy. The proposed committee substitute specifies that each provider's and district school board's attendance policy must require the parent to verify, each month, the student's attendance on the prior month's certified student attendance.

The parent must submit the verification of the student's attendance to the provider or school. In addition, the verification must include a certification, in substantially the following form, that the parent continues to choose the provider or school and directs that payments for the program be made to the provider or school:

[28] The term "district cost differential" refers to an allocation methodology used to adjust statewide education funding based upon each county's relative price levels. See s. 1011.62(2), F.S.:

> The Commissioner of Education shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, __(Name of Parent)__, swear (or affirm) that my child, __(Name of Student)__, attended the Florida Prekindergarten Education Program on the days listed above and certify that I continue to choose __(Name of Provider or School)__ to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

__(Signature of Parent)__
__(Date)__

The proposed committee substitute requires each provider or school to submit the parental verifications to the regional child development board, which must keep the verifications in accordance with the Public Records Law.[29] The proposed committee substitute requires the regional child development boards to review the parental verifications, in accordance with procedures adopted by the Department of Education, using selective inspection techniques, including, but not limited to, random sampling.

***Enforcing Attendance Policies***

The proposed committee substitute authorizes a provider or school to dismiss a student who does not comply with the provider's or school district's attendance policy. A student dismissed for attendance violations is not removed from the Pre-K program and may continue in the program through reenrollment with another provider or school. However, a school district is not required to provide for the admission of a student dismissed for attendance violations.

***Administrative Funding***

The proposed committee substitute prohibits a regional child development board from withholding any portion of the funds paid by the board to providers and schools for administrative costs. The proposed committee substitute directs the Department of Education to annually allocate administrative funds to each regional child development board from administrative funds provided in the General Appropriations Act. These administrative funds are limited to use for administration of the Pre-K program. The proposed committee substitute limits each board's administrative funds to 3 percent of the funds paid by the board to providers and schools.

***Prohibited Fees and Charges***

The proposed committee substitute prohibits a child development provider or public school, except as otherwise expressly authorized by law, from:

- Imposing or collecting a fee or charge for services provided for a child in the Pre-K program during a period reported for funding purposes; or

[29] Chapter 119, F.S.

- Requiring a child to enroll in, or requiring the payment of any fee or charge for, supplemental services as a condition of admitting a child in the Pre-K program.

***Funding of Transportation Services Prohibited***

The proposed committee substitute prohibits state Pre-K program funds from being used for the transportation of students to and from the program. The proposed committee substitute declares that a parent is responsible for the transportation of his or her child to and from the Pre-K program, regardless of whether the program is delivered by a child development provider or a public school.

**Division of Early Childhood Education**

The proposed committee substitute provides that the Pre-K program is created within the Department of Education. The proposed committee substitute creates the Division of Early Childhood Education in the department, under the direction of a Chancellor for Early Childhood Education. The division, with the advice of the Florida Child Development Advisory Council, would administer the Pre-K program at the statewide level. The division would be responsible for administering the powers and duties assigned to the department for the Pre-K program.

The proposed committee substitute requires the department to adopt procedures for:

- Enrolling children in and determining the eligibility of children for the Pre-K program.
- Providing parents with profiles of child development providers and public schools.
- Registering and determining the eligibility of child development providers participating in the program.
- Verifying Gold Seal Quality Program standards.
- Approving prekindergarten director credentials.
- Approving emergent literacy training courses.
- Certifying the eligibility of school districts for the school-year Pre-K program.
- Verifying the compliance of child development providers and public schools, and removing providers or schools from eligibility to participate in the program for noncompliance.
- Approving improvement plans of child development providers and public schools.
- Placing child development providers and public schools on probation and requiring corrective actions.
- Administering the statewide kindergarten screening and calculating kindergarten readiness rates.
- Distributing funds to regional child development boards.
- Paying child development providers and public schools.
- Documenting and certifying student enrollment and attendance.
- Reconciling advance payments.
- Reenrolling students dismissed by a child development provider or public school for noncompliance with the provider or school district's attendance policy.
- Allocating administrative funds among regional child development boards.

The proposed committee substitute directs the State Board of Education to adopt rules for administration of the Pre-K program. The proposed committee substitute requires the state board to adopt initial rules for the program by January 1, 2005.

The proposed committee substitute prohibits the Department of Education, except as otherwise provided by law, from:

- Imposing requirements on a child development provider that does not participate in the Pre-K program or receive state funds for the Pre-K program;
- Imposing requirements on a regional child development board which are not necessary for the administration of the Pre-K program; or
- Administering powers and duties assigned to the Agency for Workforce Innovation or a regional child development board under the school readiness program (see s. 411.01, F.S.).

**Florida Child Development Advisory Council**

The proposed committee substitute creates the Florida Child Development Advisory Council within the Department of Education to provide advice to the department and the Agency for Workforce Innovation on child development policy, including advice related to the Pre-K program and the school readiness program. The department is required to provide staff and administrative support for the advisory council.

The advisory council is required to meet at least quarterly but may meet as often as necessary. Advisory council members are required to serve without compensation but would be reimbursed for per diem and travel expenses for attendance at council meetings. Each advisory council member would also be subject to the Code of Ethics for public officers and employees in part III of ch. 112, F.S., and would also be governed by the sovereign immunity requirements in s. 768.28, F.S.

The proposed committee substitute specifies that the advisory council would be composed of the following 25 members:

- Eleven members appointed by the Governor, as follows:
  - Chair of the advisory council and one other member, who must both be private-sector business members with the same qualifications as private-sector business members appointed to a regional child development board.
  - A representative of nonpublic schools accredited by accrediting associations in either the National Council for Private School Accreditation or the Commission on International and Trans-Regional Accreditation.
  - A representative of nonpublic schools accredited by accrediting associations in the Florida Association of Academic Nonpublic Schools.
  - A representative of licensed child care facilities.
  - A representative of licensed or registered family day care homes.
  - A representative of licensed large family child care homes.
  - A representative of faith-based child care providers.
  - A representative of programs for prekindergarten children with disabilities under the federal Individuals with Disabilities Education Act.

  - A public school classroom teacher.
  - A district superintendent of schools.
- The director of the Florida Head Start-State Collaboration Office.
- A chair of a regional child development board who shall be selected by the chairs of the regional child development boards.
- An executive director of a regional child development board who shall be selected by the executive directors of the regional child development boards.
- The chair of the Childcare Executive Partnership.
- The chair or executive director of Workforce Florida, Inc., or his or her designee.
- The director of the Division of Community Colleges of the Department of Education.
- The Secretary of Health or his or her designee.
- The director of the Child Care Services Program Office of the Department of Children and Family Services.
- The Deputy Director for Child Development of the Agency for Workforce Innovation.
- The Chancellor for Early Childhood Education.
- Two members appointed by and who serve at the pleasure of the President of the Senate and two members appointed by and who serve at the pleasure of the Speaker of the House of Representatives, who must each be private-sector business members with the same qualifications as private-sector business members appointed to a regional child development board.

The members appointed by the Governor must be geographically and demographically representative of the state. These members shall be appointed to terms of 3 years each, except that, to establish staggered terms, one-half of the these members shall be appointed to initial terms of 2 years each. These appointed members may serve a maximum of two consecutive terms.

**Summer Prekindergarten Demonstration Program**

The proposed committee substitute creates a summer Pre-K demonstration program to be implemented during the summer 2004 in the Baker, Duval, Hillsborough, Martin, Miami-Dade, Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla school districts. The demonstration program shall implement the summer Pre-K program delivered by public schools within the demonstration districts.

The proposed committee substitute directs the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) to develop a research design for the demonstration program which ensures that students in the demonstration program are demographically representative of students statewide and that the sample size is sufficient to generate statistically valid data.

The proposed committee substitute provides a $7,000,000 appropriation from nonrecurring funds in the General Revenue Fund for the Department of Education to implement the summer Pre-K demonstration program for the 2003-2004 fiscal year. The proposed committee substitute authorizes the department to certify forward any unexpended balance of these funds at the end of

the 2003-2004 fiscal year for continued implementation of the demonstration program during summer 2004.

The proposed committee substitute directs that these funds would be allocated based upon each demonstration district's student enrollment in the demonstration program. The proposed committee substitute specifies that each demonstration district's student enrollment in the demonstration program, and the demographic composition of the student enrollment, must be consistent with the research design developed by OPPAGA.

The proposed committee substitute specifies that a full-time equivalent (FTE) student in the summer Pre-K program is 300 hours, and the base student allocation is $2,500 per FTE student. The proposed committee substitute specifies that demonstration schools in each district would not receive the same funding per student as schools in other demonstration districts. Instead each demonstration district's allocation per FTE student would be calculated by multiplying the $2,500 base student allocation by the respective district cost differential.[30]

The proposed committee substitute requires each demonstration district and demonstration school to implement the demonstration program in accordance with the research design developed by OPPAGA, and to the maximum extent practicable, in accordance with the permanent Pre-K program requirements. The proposed committee substitute specifies that each demonstration school must maintain a teacher-to-student ratio of at least one Florida certified teacher for every 10 students in the demonstration program.

Each demonstration district is required to submit to OPPAGA the results of the statewide kindergarten screening instrument administered to students who completed the summer Pre-K demonstration program. Each district is also required to submit all information requested by the Department of Education for reporting and funding purposes.

By January 15, 2005, OPPAGA is directed to conduct an evaluation of the demonstration program in consultation with the Legislature. Each demonstration district shall submit data about the demonstration program as requested by OPPAGA.

The proposed committee substitute provides for the expiration of the provisions governing the summer Pre-K program on July 1, 2005.

**Professional Development for Prekindergarten Programs**

The proposed committee substitute requires the Department of Education, by January 15, 2005, with the advice of Florida Child Development Advisory Council, to submit recommendations to the Legislature on professional development programs for the Pre-K program. The recommendations must:

- Comprise options for the professional development of prekindergarten directors, teachers, and child care personnel;

[30] See *District Cost Differential, supra* note 28.

- Address curricula and appropriate delivery systems for the programs and shall consider the use of Internet-based applications for instruction or assessment; and
- Include the estimated costs of the professional development programs, including nonrecurring startup costs and recurring operational costs.

**Cost Projections**

The proposed committee substitute requires the Governor to submit to the Legislature, as part of the Governor's recommended budget for the 2005-2006 fiscal year, the Governor's annual cost projections for the prekindergarten education program for the 5-year period ending with the 2009-2010 fiscal year. The cost projections must be based on the Governor's estimated number of children to be served annually in the Pre-K program, including annual estimates for the potential shift of children to the Pre-K program from school readiness programs.

**School Readiness System**

The proposed committee substitute revises the governance structure of the school readiness system by abolishing the Florida Partnership for School Readiness and directing the Agency for Workforce Innovation (AWI) to oversee policy and implementation of school readiness programs at the state level, with regional child development boards administering the school readiness programs at the local level.

The proposed committee substitute creates the Office of Child Development within AWI to administer the school readiness system. The director of AWI shall appoint a Deputy Director for Child Development, who shall direct the office and who serves at the pleasure of the director of AWI.

Effective July 1, 2004, the partnership's powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred by a type two transfer to AWI.

In conformance with AWI assuming the functions of the partnership, the proposed committee substitute makes the following changes:

- The Governor may designate AWI as the lead agency for purposes of the Child Care and Development Fund (CCDF).
- AWI, with the advice of Florida Child Development Advisory Council and the Department of Education, must adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of certain school readiness skills. AWI is directed to integrate the performance standards for school readiness programs into the performance standards adopted by the Department of Education for the Pre-K program.
- AWI may adopt rules to administer the school readiness program.
- AWI is prohibited from imposing requirements on a child care or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under the School Readiness Act (s. 411.01, F.S.), and from administering

powers and duties assigned to the Department of Education or the regional child development boards under the Pre-K program.

- AWI, with the advice of Florida Child Development Advisory Council, is directed to coordinate the efforts toward school readiness and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.
- AWI, with the advice of Florida Child Development Advisory Council, shall adopt and administer a quality-assurance system. AWI must use the quality-assurance system to monitor and evaluate the performance of each regional child development board in administering the school readiness program and implementing the board's school readiness plan. The quality-assurance plan must include onsite monitoring of each board's finances, management, operations, and programs.
- AWI, with the advice of Florida Child Development Advisory Council, must identify best practices of regional child development boards to improve the outcomes of school readiness programs.

**Regional Child Development Boards**

The proposed committee substitute revises the structure and composition of local school readiness coalitions. Effective July 1, 2004, school readiness coalitions are renamed as regional child development boards. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of each school readiness coalition are not transferred but are retained by each coalition upon its renaming as a regional child development board.

Effective January 1, 2005, the number of regional child development boards must be reduced. AWI is directed, with the advice of the Florida Child Development Advisory Council, to establish the minimum number of children younger than kindergarten eligibility to be served by each regional child development board through the board's school readiness program. AWI may only approve school readiness plans in accordance with this number. The minimum number must be uniform and must permit 30 or fewer boards to be established, and require each board to serve at least 1,500 children younger than kindergarten eligibility. If the board cannot meet the minimum threshold established by AWI, it must join with another county to form a multicounty board.

Each regional child development board shall be organized in accordance with these provisions by January 1, 2005. By June 30, 2005, each board must complete the transfer to the successor board, if applicable.

***Membership***

The proposed committee substitute revises the membership of the regional child development boards by providing that they be composed of at least 18 members but not more than 35, whereas previously the maximum number of members was 25. AWI, with the advice of the Florida Child Development Advisory Council, shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. These standards shall include variations for multicounty boards.

The Governor shall appoint the chair and two other members of each regional child development board, who must each meet the same qualifications as private-sector business members appointed by the board under s. 411.01(5)(a)6., F.S. In addition, the proposed committee substitute authorizes the regional workforce board executive director to have his or her designee serve on the board. The proposed committee substitute adds a president of a community college or his or designee to the regional boards and revises the child care licensing agency head to mean an agency head of a local licensing agency as defined in s. 402.302, F.S. The proposed committee substitute revises the representation of private child care providers to include family day care homes. The proposed committee substitute eliminates duplicative membership by eliminating the district administrator appointed by the Department of Children and Family Services and the member appointed by a district school board. Finally, the proposed committee substitute adds a representative of a program serving children with disabilities under the federal Individuals with Disabilities Education Act.

Including the members appointed by the Governor, more than one third of the members of each regional child development board must be private-sector business members who do not have, and who does not have a relative that has, a substantial financial interest in the design or delivery of the prekindergarten education program or the board's school readiness program. AWI shall adopt criteria for the appointment of private-sector business members, which must include standards for determining whether a member or relative has a substantial financial interest.

Each member of a regional child development board is subject to s. 112.313, s. 112.3135, and s. 112.3143, F.S. For purposes of s. 112.3143(3)(a), F.S., each member is a local public officer who must abstain from voting when a voting conflict exists.

Each regional child development board shall establish the terms for all appointed members of the board. Terms may not exceed 4 years and members may serve a maximum of two consecutive terms.

***Payments and Reimbursements***

The proposed committee substitute requires each regional child development board to comply with s. 287.057, F.S., for the procurement of commodities or contractual services from the funds described in s. 411.01(9)(d), F.S. A contract for the purchase of commodities or contractual services, including any renewal of the original contract, may not exceed 3 years.

A regional child development board must adopt a payment schedule for the school readiness program. The payment schedule must be submitted for approval by AWI. Formerly, a coalition only submitted the payment schedule to the partnership for information.

**School Readiness Programs**

The proposed committee substitute makes corresponding changes to the school readiness programs.

***Single Point of Entry***

AWI is directed to establish a single statewide information system that integrates each regional child development board's single point of entry, and each board must use the statewide system. The proposed committee substitute defines a "single point of entry" to mean an integrated information system that:

- Allows a parent to enroll his or her child in the school readiness program at various locations throughout the county or multicounty region served by a regional child development board;
- May allow a parent to enroll his or her child by telephone or through an Internet website; or
- Uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program.

The school readiness program must, at a minimum, enhance the age-appropriate progress of each child in the development of the certain school readiness skills, as measured by the performance standards and outcome measures adopted by AWI.

The proposed committee substitute eliminates the requirement that a school readiness program must serve at least as many children as were served prior to implementation of the program. In lieu of this requirement, AWI is required to consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by a regional child development board.

***School Readiness Plans***

The proposed committee substitute makes corresponding changes to the school readiness plans. The proposed committee substitute:

- Requires AWI authorization prior to a regional child development board implementing a school readiness plan.
- Requires AWI, with advice from the Florida Child Development Advisory Council, to adopt criteria for the approval of school readiness plans, which must be consistent with the performance standards and outcome measures adopted by AWI.
- Requires the plan to demonstrate how the program would enhance the age-appropriate progress of the children in attaining the performance standards adopted by AWI.
- Requires the plan to include the business organization of the regional child development board, including the articles of incorporation and bylaws if the board is organized as a corporation. If the board is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent.
- Authorizes AWI to reject a regional child development board's plan and contract with a qualified entity to continue school readiness services until the board is reestablished through adoption by AWI of a plan. AWI may only exercise this authority if AWI determines, during its annual review of plans, that a regional child development board has not substantially implemented its plan or has not substantially met the performance standards and outcome measures adopted by AWI.
- Prohibits the implementation of revised plans until AWI approves.

- Prohibits a regional child development board from being a child development provider.

***School Readiness Priority***

The proposed committee substitute revises and clarifies the school readiness program priority for eligible children. The proposed committee substitute adds to the priority of eligible children, children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services not otherwise given priority. In addition, the proposed committee substitute makes permanent the first placement of children in school readiness programs who are from families receiving temporary cash assistance and subject to federal work requirements.

***Funding***

The proposed committee substitute provides that all state, federal, and required local maintenance-of-effort or matching funds provided to a regional child development board shall be used in implementing the board's school readiness plan. The proposed committee substitute requires AWI to annually distribute, to the maximum extent practicable, all eligible funds provided under s. 411.01, F.S., as block grants to the regional child development boards.

***Unauthorized Transfers***

The proposed committee substitute prohibits AWI from transferring to the Department of Education, through an interagency agreement or through any other means, any of the agency's powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds which are provided for purposes of the School Readiness Act (s. 411.01, F.S.), without specific legislative authority.

**Auditor General**

The proposed committee substitute authorizes the Auditor General to conduct audits of the school readiness system and the regional child development boards.

**Child Development Programs Estimating Conference**

The proposed committee substitute renames the School Readiness Estimating Conference as the Child Development Programs Estimating Conference and provides additional estimating duties with respect to the number of children eligible for the Pre-K program. The proposed committee substitute directs the Department of Education to provide, in a timely manner, information on the needs for the Pre-K program as requested by the estimating conference or individual conference principals.

**Conforming Changes**

The proposed committee substitute makes conforming changes throughout the Florida Statutes to reflect the new organizational structure of the prekindergarten education program and the school readiness system, and to eliminate obsolete provisions.

**Repeals**

The proposed committee substitute repeals s. 411.012, F.S., relating to the voluntary universal prekindergarten education program, and s. 1008.21, F.S., relating to the school readiness uniform screening, as these provisions are obsolete.

**Effective Date**

The proposed committee substitute specifies that it is takes effect upon becoming a law, except as otherwise expressly provided.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

### D. Other Constitutional Issues:

**Eligible Students**

Section 1(b), Art. IX of the State Constitution requires every four-year-old to be provided a high quality learning opportunity in the form of early childhood education program. The proposed committee substitute allows a child who will have attained 4 years of age on or before September 1 of the school year is eligible during that school year. The child remains eligible until the child has attained the age of 5 years on or before September 1 of the school year or the child is admitted to kindergarten, whichever occurs first. A student who is not 4 years old on September 1 of the school year may not actually receive a prekindergarten education until the student is 5 years old. Accordingly, based on a strict, literal interpretation of the State Constitution, this provision could be challenged.

## V. Economic Impact and Fiscal Note:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

The proposed committee substitute establishes the governance structure and basic program standards for the Florida Prekindergarten Education Program to be implemented beginning with the 2005-2006 school year. Parents who choose to enroll their children in the program would receive the benefits of this free program. Child development providers who choose to deliver the program services would be eligible to receive state funds under the program and would be responsible for complying with the program requirements. The proposed committee substitute does not alter requirements for the licensure of child care providers under ss. 402.301-402.319, F.S., nor does the proposed committee substitute impose requirements upon providers who chose not to participate in the program.

### C. Government Sector Impact:

The proposed committee substitute does not provide for implementation of the Florida Prekindergarten (Pre-K) Education Program until the 2005-2006 school year. The proposed committee substitute include a $7,000,000 appropriation for the summer Pre-K program to be implemented during summer 2004,[31] which would likely extend from the 2003-2004 fiscal year into the 2004-2005 fiscal year. The proposed committee substitute authorizes funds to be certified forward for this purpose.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

[31] See the discussion of the summer prekindergarten demonstration program on pages 20 and 21 of this staff analysis.

1 A bill to be entitled
2 An act relating to early childhood education;
3 creating part V of ch. 1002, F.S.; creating the
4 Florida Prekindergarten Education Program;
5 implementing s. 1(b) and (c), Art. IX of the
6 State Constitution; providing definitions for
7 purposes of the program; providing eligibility
8 and enrollment requirements; authorizing
9 parents to enroll their children in a program
10 delivered by a child development provider, a
11 summer program delivered by a public school, or
12 a school-year program delivered by a public
13 school; requiring school districts to admit all
14 eligible children in the summer program;
15 prohibiting specified acts of discrimination
16 and certain limits on enrollment; specifying
17 eligibility requirements for child development
18 providers and public schools that deliver the
19 program; providing for the adoption of rules;
20 requiring the Department of Education establish
21 a credential for prekindergarten directors and
22 an emergent literacy training course for
23 teachers and child care personnel of the
24 Florida Prekindergarten Education Program;
25 providing that the credential and course
26 satisfy certain credentialing and training
27 requirements; specifying eligibility
28 requirements for school districts that deliver
29 the school-year prekindergarten program;
30 creating a demonstration program in specified
31 school districts; directing the Office of



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 Program Policy Analysis and Government
2 Accountability to evaluate the demonstration
3 program; requiring the demonstration districts
4 to submit data; providing for the future
5 expiration of the demonstration program;
6 authorizing providers and schools to select or
7 design curricula used for the program under
8 specified conditions; directing the Department
9 of Education to adopt performance standards and
10 approve curricula; requiring providers and
11 schools to be placed on probation and use the
12 approved curricula under certain circumstances;
13 requiring improvement plans and corrective
14 actions from providers and schools under
15 certain circumstances; requiring regional child
16 development boards and school districts to
17 verify the compliance of child development
18 providers and public schools; authorizing the
19 removal of providers and schools from
20 eligibility to deliver the program for
21 noncompliance; requiring the Department of
22 Education to adopt a statewide kindergarten
23 screening; requiring certain students to take
24 the statewide screening; specifying
25 requirements for screening instruments and
26 kindergarten readiness rates; providing funding
27 and reporting requirements; specifying the
28 calculation of per-student allocations;
29 providing for advance payments to child
30 development providers and public schools based
31 upon student enrollment; providing for the

1 documentation and certification of student
2 attendance; requiring parents to verify student
3 attendance and certify the choice of provider
4 or school; providing for the reconciliation of
5 advance payments based upon certified student
6 attendance; requiring students to comply with
7 attendance policies and authorizing the
8 dismissal of students for noncompliance;
9 prohibiting regional child development boards
10 from withholding funds for administrative
11 costs; providing for the allocation of
12 administrative funds among regional child
13 development boards; prohibiting certain fees or
14 charges; limiting the use of state funds;
15 providing powers and duties of the Department
16 of Education, the Division of Early Childhood
17 Education, and the Chancellor for Early
18 Childhood Education; requiring the Department
19 of Education to adopt procedures for the
20 Florida Prekindergarten Education Program;
21 limiting the department's authority; creating
22 the Florida Child Development Advisory Council;
23 providing for the appointment and membership of
24 the advisory council; providing membership and
25 meeting requirements; authorizing council
26 members to receive per diem and travel
27 expenses; requiring the Department of Education
28 to provide staff for the advisory council;
29 providing for the adoption of rules; amending
30 s. 411.01, F.S.; conforming provisions to the
31 transfer of the Florida Partnership for School



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 Readiness to the Agency for Workforce
2 Innovation; deleting provisions for the
3 appointment and membership of the partnership;
4 redesignating school readiness coalitions as
5 regional child development boards; deleting
6 obsolete references to repealed programs;
7 deleting obsolete provisions governing the
8 phase in of school readiness programs; deleting
9 provisions governing the measurement of school
10 readiness, the school readiness uniform
11 screening, and performance-based budgeting in
12 school readiness programs; specifying
13 requirements for school readiness performance
14 standards; clarifying rulemaking requirements;
15 limiting the Agency for Workforce Innovation's
16 authority; revising requirements for school
17 readiness programs; specifying that school
18 readiness programs must enhance the progress of
19 children in certain skills; requiring the
20 Agency for Workforce Innovation to administer a
21 quality-assurance system and identify best
22 practices for regional child development
23 boards; requiring a reduction in the number of
24 boards in accordance with specified standards;
25 revising appointment and membership
26 requirements for the boards; directing the
27 Agency for Workforce Innovation to adopt
28 criteria for the appointment of certain
29 members; requiring each board to specify terms
30 of board members; prohibiting board members
31 from voting under certain circumstances;

1 providing a definition for purposes of the
2 single point of entry; requiring regional child
3 development boards to use a statewide
4 information system; requiring the Agency for
5 Workforce Innovation to approve payment rates
6 and consider the access of eligible children
7 before approving proposals to increase rates;
8 deleting requirements for the minimum number of
9 children served; providing requirements for
10 developmentally appropriate curriculum used for
11 school readiness programs; authorizing
12 contracts for the continuation of school
13 readiness services under certain circumstances;
14 requiring the Agency for Workforce Innovation
15 to adopt criteria for the approval of school
16 readiness plans; revising requirements for
17 school readiness plans; providing requirements
18 for the approval and implementation of plan
19 revisions; revising competitive procurement
20 requirements for regional child development
21 boards; clarifying age and income eligibility
22 requirements for school readiness programs;
23 revising eligibility requirements for certain
24 at-risk children; revising funding
25 requirements; revising requirements for the
26 adoption of a formula for the allocation of
27 certain funds among the regional child
28 development boards; prohibiting certain
29 transfers without specific legislative
30 authority; deleting an obsolete provision
31 requiring a report; deleting the expiration of



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 eligibility requirements for certain children
2 from families receiving temporary cash
3 assistance; amending s. 11.45, F.S.;
4 authorizing the Auditor General to conduct
5 audits of the school readiness system;
6 conforming provisions; amending s. 20.15, F.S.;
7 creating the Division of Early Childhood
8 Education within the Department of Education;
9 specifying that the Commissioner of Education
10 does not appoint members of the Florida Child
11 Development Advisory Council; amending s.
12 20.50, F.S.; creating the Office of Child
13 Development within the Agency for Workforce
14 Innovation; providing that the office
15 administers the school readiness system;
16 amending s. 125.901, F.S.; conforming
17 provisions; amending ss. 216.133 and 216.136,
18 F.S.; redesignating the School Readiness
19 Program Estimating Conference as the Child
20 Development Programs Estimating Conference;
21 requiring the estimating conference to develop
22 certain estimates and forecasts for the Florida
23 Prekindergarten Education Program; directing
24 the Department of Education to provide certain
25 information to the estimating conference;
26 conforming provisions; amending ss. 402.3016,
27 411.011, 411.226, 411.227, 624.91, 1001.23, and
28 1002.22, F.S.; conforming provisions to the
29 transfer of the Florida Partnership for School
30 Readiness to the Agency for Workforce
31 Innovation and to the redesignation of the



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 school readiness coalitions as regional child
2 development boards; requiring the Department of
3 Education to submit a report; requiring the
4 Governor to submit certain recommendations as
5 part of the Governor's recommended budget;
6 abolishing the Florida Partnership for School
7 Readiness and providing for the transfer of the
8 partnership to the Agency for Workforce
9 Innovation; repealing ss. 411.012 and 1008.21,
10 F.S., relating to the voluntary universal
11 prekindergarten education program and the
12 school readiness uniform screening; providing
13 appropriations; providing for the allocation of
14 appropriations among certain school districts;
15 providing effective dates.
16
17 Be It Enacted by the Legislature of the State of Florida:
18
19 Section 1. Part V of chapter 1002, Florida Statutes,
20 consisting of sections 1002.51, 1002.53, 1002.55, 1002.57,
21 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71,
22 1002.73, and 1002.75, Florida Statutes, is created to read:
23 PART V
24 FLORIDA PREKINDERGARTEN EDUCATION PROGRAM
25 1002.51 Definitions.--As used in this part, the term:
26 (1) "Advisory council" means the Florida Child
27 Development Advisory Council created under s. 1002.73.
28 (2) "Chancellor for Early Childhood Education" or
29 "chancellor" means the director of the Division of Early
30 Childhood Education of the Department of Education.
31

1 (3) "Child development provider" means a provider
2 eligible to deliver the prekindergarten program under s.
3 1002.55.
4 (4) "Department" means the Department of Education.
5 (5) "Kindergarten eligibility" means the eligibility
6 of a child for admission to kindergarten in a public school
7 under s. 1003.21(1)(a)2.
8 (6) "Prekindergarten director" means an onsite person
9 ultimately responsible for the overall operation of a child
10 development provider or, alternatively, of the provider's
11 prekindergarten program, regardless of whether the person is
12 the owner of the provider.
13 (7) "Regional child development board" or "board"
14 means a regional child development board created under s.
15 411.01.
16 1002.53 Florida Prekindergarten Education Program;
17 eligibility and enrollment.--
18 (1) There is created the Florida Prekindergarten
19 Education Program within the Department of Education. The
20 program shall take effect in each county at the beginning of
21 the 2005-2006 school year and shall be organized, designed,
22 and delivered in accordance with s. 1(b) and (c), Art. IX of
23 the State Constitution.
24 (2) Each child who is a resident of the state who will
25 have attained the age of 4 years on or before September 1 of
26 the school year is eligible for the Florida Prekindergarten
27 Education Program during that school year. The child remains
28 eligible until the child attains kindergarten eligibility or
29 is admitted to kindergarten, whichever occurs first.
30 (3) The parent of each child eligible under subsection
31 (2) may enroll the child in one of the following programs:



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (a) A prekindergarten program delivered by a child
2 development provider under s. 1002.55;
3 (b) A summer prekindergarten program delivered by a
4 public school under s. 1002.61; or
5 (c) A school-year prekindergarten program delivered by
6 a public school under s. 1002.63.
7
8 However, a child may not be enrolled in more than one of these
9 programs.
10 (4)(a) Each parent enrolling a child in the Florida
11 Prekindergarten Education Program must complete and submit an
12 application to the regional child development board through
13 the single point of entry established under s. 411.01.
14 (b) The application must be submitted on forms
15 prescribed by the department and must be accompanied by a
16 certified copy of the child's birth certificate. The forms
17 must include a certification, in substantially the form
18 provided in s. 1002.69(5)(b)2., that the parent chooses the
19 child development provider or public school in accordance with
20 this section and directs that payments for the program be made
21 to the provider or school. The department may authorize
22 alternative methods for submitting proof of the child's age in
23 lieu of a certified copy of the child's birth certificate.
24 (c) Each regional child development board shall
25 coordinate with each of the school districts within the
26 board's county or multicounty region in the development of
27 procedures for the enrollment of children in prekindergarten
28 programs delivered by public schools.
29 (5) The regional child development board shall provide
30 each parent enrolling a child in the Florida Prekindergarten
31 Education Program with a profile of every child development



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 provider and public school delivering the program within the
2 board's county or multicounty region. The profiles shall be
3 provided to parents in a format prescribed by the department.
4 The profiles must include, at a minimum, the following
5 information about each provider and school:
6 (a) The provider's or school's services, curriculum,
7 teacher credentials, and teacher-to-student ratio; and
8 (b) The provider's or school's kindergarten readiness
9 rate calculated in accordance with s. 1002.65(3)(c) and s.
10 1002.67, based upon the most recent available results of the
11 statewide kindergarten screening.
12 (6)(a) A parent may enroll his or her child with any
13 child development provider that is eligible to deliver the
14 Florida Prekindergarten Education Program under this part;
15 however, the child development provider may determine whether
16 to admit any child. A regional child development board or the
17 department may not limit the number of students admitted by
18 any child development provider for enrollment in the program.
19 (b) A parent may enroll his or her child with any
20 public school within the school district which is eligible to
21 deliver the Florida Prekindergarten Education Program under
22 this part, subject to available space. Each school district
23 may limit the number of students admitted by any public school
24 for enrollment in the program; however, the school district
25 must provide for the admission of every eligible child within
26 the district whose parent enrolls the child in the summer
27 prekindergarten program under s. 1002.61.
28 (c) A child development provider or public school may
29 not discriminate against a parent or child, including the
30 refusal to admit a child for enrollment in the Florida
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 Prekindergarten Education Program, because of the parent's or
2 child's race, color, or national origin.
3 1002.55 Prekindergarten program delivered by child
4 development providers.--
5 (1) Each regional child development board shall
6 administer the Florida Prekindergarten Education Program at
7 the county or regional level for students enrolled under s.
8 1002.53(3)(a) in a prekindergarten program delivered by a
9 child development provider.
10 (2) To be eligible to deliver the prekindergarten
11 program, a child development provider must meet each of the
12 following requirements:
13 (a) The child development provider must be one of the
14 following types of providers:
15 1. A nonpublic school exempt from licensure under s.
16 402.3025(2) which is accredited by an accrediting association
17 in the National Council for Private School Accreditation, the
18 Commission on International and Trans-Regional Accreditation,
19 or the Florida Association of Academic Nonpublic Schools or
20 which holds a current Gold Seal Quality Care designation under
21 s. 402.281;
22 2. A child care facility licensed under s. 402.305,
23 family day care home licensed under s. 402.313, or large
24 family child care home licensed under s. 402.3131, which
25 facility or home holds a current Gold Seal Quality Care
26 designation under s. 402.281 or meets or exceeds the Gold Seal
27 Quality Care program standards, as verified by the regional
28 child development board, but does not hold the designation; or
29 3. A faith-based child care provider exempt from
30 licensure under s. 402.316 which is accredited by an
31 accrediting association in the National Council for Private

1 School Accreditation, the Commission on International and
2 Trans-Regional Accreditation, or the Florida Association of
3 Academic Nonpublic Schools or which holds a current Gold Seal
4 Quality Care designation under s. 402.281.
5 (b) The child development provider must have, for each
6 prekindergarten class, at least one teacher or child care
7 personnel who meets each of the following requirements:
8 1. The teacher or child care personnel must hold, at a
9 minimum, one of the following credentials:
10 a. A Child Development Associate credential issued by
11 the National Credentialing Program of the Council for
12 Professional Regulation; or
13 b. A credential approved by the Department of Children
14 and Family Services as being equivalent to or greater than the
15 credential described in sub-subparagraph a.
16
17 The Department of Children and Family Services may adopt rules
18 under s. 120.536(1) and s. 120.54 which provide criteria and
19 procedures for the approval of equivalent credentials under
20 sub-subparagraph b.
21 2. The teacher or child care personnel must
22 successfully complete an emergent literacy training course
23 approved by the department as meeting or exceeding the minimum
24 standards adopted under s. 1002.59. This subparagraph does not
25 apply to a teacher or child care personnel who successfully
26 completes approved training in early literacy and language
27 development under s. 402.305(2)(d)4., s. 402.313(6), or s.
28 402.3131(5) before the establishment of the emergent literacy
29 training course under s. 1002.59 or January 1, 2005, whichever
30 occurs later.
31

1 (c) The child development provider must have a
2 prekindergarten director who has a prekindergarten director
3 credential that is approved by the department as meeting or
4 exceeding the minimum standards adopted under s. 1002.57.
5 Successful completion of a child care facility director
6 credential under s. 402.305(2)(f) before the establishment of
7 the prekindergarten director credential under s. 1002.57 or
8 July 1, 2005, whichever occurs later, satisfies the
9 requirement for a prekindergarten director credential under
10 this paragraph.
11 (d) The child development provider must register with
12 the regional child development board on forms prescribed by
13 the department.
14 (e) The child development provider must deliver the
15 Florida Prekindergarten Education Program in accordance with
16 this part.
17 (3) A teacher or child care personnel, in lieu of the
18 minimum credentials and courses required under paragraph
19 (2)(b), may hold one of the following educational credentials:
20 (a) A bachelor's or higher degree in early childhood
21 education, prekindergarten or primary education, preschool
22 education, or family and consumer science;
23 (b) A bachelor's or higher degree in elementary
24 education, if the teacher or child care personnel has been
25 certified to teach children any age from birth through 6th
26 grade, regardless of whether the teaching certificate is
27 current;
28 (c) An associate's or higher degree in child
29 development;
30 (d) An associate's or higher degree in an unrelated
31 field, at least 6 credit hours in early childhood education or



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 child development, and at least 480 hours experience in
2 teaching or providing child care services for children any age
3 from birth through 8 years of age; or
4 (e) An educational credential approved by the
5 department as being equivalent to or greater than an
6 educational credential described in this subsection. The
7 department may adopt criteria and procedures for the approval
8 of equivalent educational credentials under this paragraph.
9 1002.57 Prekindergarten director credential.--
10 (1) By July 1, 2005, the department, with the advice
11 of the advisory council, shall adopt minimum standards for a
12 credential for prekindergarten directors of child development
13 providers delivering the Florida Prekindergarten Education
14 Program. The credential must encompass requirements for
15 education and onsite experience.
16 (2) The educational requirements must include training
17 in professionally accepted standards for prekindergarten
18 programs, child development, and strategies and techniques to
19 address the age-appropriate progress of prekindergarten
20 students in attaining the performance standards adopted by the
21 department under s. 1002.65. The educational requirements must
22 also comprise training in program administration and
23 operations, including management, organizational leadership,
24 and financial and legal issues.
25 (3) The prekindergarten director credential must meet
26 or exceed the requirements of the Department of Children and
27 Family Services for the child care facility director
28 credential under s. 402.305(2)(f), and successful completion
29 of the prekindergarten director credential satisfies these
30 requirements for the child care facility director credential.
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (4) The department shall, to the maximum extent
2 practicable, award credit to a person who successfully
3 completes the child care facility director credential under s.
4 402.305(2)(f) for those requirements of the prekindergarten
5 director credential which are duplicative of requirements for
6 the child care facility director credential.
7 1002.59 Emergent literacy training course.--By January
8 1, 2005, the department, with the advice of the advisory
9 council, shall adopt minimum standards for a training course
10 in emergent literacy for teachers and child care personnel of
11 the Florida Prekindergarten Education Program. The course
12 shall comprise 5 clock hours and shall provide instruction in
13 strategies and techniques to address the age-appropriate
14 progress of prekindergarten students in the development of
15 emergent literacy skills, including oral communication,
16 knowledge of print and letters, phonemic and phonological
17 awareness, and vocabulary and comprehension development. The
18 course must meet or exceed the requirements of the Department
19 of Children and Family Services for approved training in early
20 literacy and language development under ss. 402.305(2)(d)4.,
21 402.313(6), and 402.3131(5), and successful completion of the
22 training course satisfies these requirements for approved
23 training.
24 1002.61 Summer prekindergarten program delivered by
25 public schools; demonstration program.--
26 (1) Each school district shall administer the Florida
27 Prekindergarten Education Program at the district level for
28 students enrolled under s. 1002.53(3)(b) in a summer
29 prekindergarten program delivered by a public school.
30 (2) Each district school board shall determine which
31 public schools in the school district are eligible to deliver



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 the summer prekindergarten program. The school district shall
2 use educational facilities available in the public schools
3 during the summer term for the summer prekindergarten program.
4 (3) Each public school delivering the summer
5 prekindergarten program must have at least one certified
6 teacher for every 10 students in the Florida Prekindergarten
7 Education Program. As used in this subsection, the term
8 "certified teacher" means a teacher holding a valid Florida
9 teaching certificate under s. 1012.56 who has the
10 qualifications required by the district school board to
11 instruct students in the summer prekindergarten program.
12 (4) Each public school delivering the summer
13 prekindergarten program must also:
14 (a) Register with the regional child development board
15 on forms prescribed by the department; and
16 (b) Deliver the Florida Prekindergarten Education
17 Program in accordance with this part.
18 (5)(a) There is created a summer prekindergarten
19 demonstration program that shall be implemented during summer
20 2004 in the Baker, Duval, Hillsborough, Martin, Miami-Dade,
21 Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla school
22 districts. The demonstration program shall implement the
23 summer prekindergarten program delivered by public schools
24 within the demonstration districts.
25 (b) The Office of Program Policy Analysis and
26 Government Accountability shall develop a research design for
27 the demonstration program which ensures that students in the
28 demonstration program are demographically representative of
29 students statewide and that the sample size is sufficient to
30 generate statistically valid conclusions. The sample must be
31 selected to ensure that the results obtained from the

1 demonstration program are applicable statewide with
2 statistical confidence.
3 (c) Each demonstration district and demonstration
4 school shall implement the demonstration program in accordance
5 with the research design developed under paragraph (b) and, to
6 the maximum extent practicable, in accordance with this part.
7 (d) Each demonstration district shall submit to the
8 Office of Program Policy Analysis and Government
9 Accountability the results of the statewide kindergarten
10 screening administered under s. 1002.67 for students who
11 completed the summer prekindergarten demonstration program.
12 (e) By January 15, 2005, the Office of Program Policy
13 Analysis and Government Accountability shall conduct an
14 evaluation of the demonstration program in consultation with
15 the Legislature. Each demonstration district shall submit data
16 about the demonstration program as requested by the Office of
17 Program Policy Analysis and Government Accountability for
18 purposes of the evaluation.
19 (f) This subsection expires July 1, 2005.
20 1002.63 School-year prekindergarten program delivered
21 by public schools.--
22 (1) Each school district eligible under subsection (3)
23 may administer the Florida Prekindergarten Education Program
24 at the district level for students enrolled under s.
25 1002.53(3)(c) in a school-year prekindergarten program
26 delivered by a public school.
27 (2) The district school board of each school district
28 eligible under subsection (3) shall determine which public
29 schools in the district are eligible to deliver the
30 prekindergarten program during the school year.
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (3) To be eligible to deliver the prekindergarten
2 program during the school year, each school district must meet
3 both of the following requirements:
4 (a) The district school board must certify to the
5 State Board of Education:
6 1. That the school district has reduced the average
7 class size in each classroom in accordance with s. 1003.03 and
8 the schedule in s. 1(a), Art. IX of the State Constitution;
9 2. That the school district has sufficient
10 satisfactory educational facilities and capital outlay funds
11 to continue reducing the average class size in each classroom
12 for each year in accordance with the class-size reduction
13 schedule and to achieve full compliance with the maximum class
14 sizes in s. 1(a), Art. IX of the State Constitution by the
15 beginning of the 2010-2011 school year; and
16 3. That the school district does not require
17 additional capital outlay funds from the Legislature to
18 achieve full compliance with the maximum class sizes in s.
19 1(a), Art. IX of the State Constitution by the beginning of
20 the 2010-2011 school year.
21 (b) The Commissioner of Education must certify to the
22 State Board of Education that the department has reviewed the
23 school district's educational facilities, capital outlay
24 funds, and projected student enrollment and concurs with the
25 district school board's certification under paragraph (a).
26 (4) Each public school delivering the school-year
27 prekindergarten program must:
28 (a) Register with the regional child development board
29 on forms prescribed by the department; and
30 (b) Deliver the Florida Prekindergarten Education
31 Program in accordance with this part.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 1002.65 Performance standards; curriculum and
2 accountability.--
3 (1) By January 1, 2005, the department, with the
4 advice of the advisory council, shall develop and adopt
5 performance standards for students in the Florida
6 Prekindergarten Education Program. The performance standards
7 must address the age-appropriate progress of students in the
8 development of:
9 (a) The capabilities, capacities, and skills required
10 under s. 1(b), Art. IX of the State Constitution; and
11 (b) Emergent literacy skills, including oral
12 communication, knowledge of print and letters, phonemic and
13 phonological awareness, and vocabulary and comprehension
14 development.
15 (2)(a) Each child development provider and public
16 school may select or design the curriculum that the provider
17 or school uses to implement the Florida Prekindergarten
18 Education Program, except as otherwise required for a provider
19 or school that is placed on probation under paragraph (3)(c).
20 (b) Each child development provider's and public
21 school's curriculum must be developmentally appropriate and
22 must:
23 1. Be based upon reading research;
24 2. Enhance the age-appropriate progress of students in
25 attaining the performance standards adopted by the department
26 under subsection (1); and
27 3. Prepare students to be assessed as ready for
28 kindergarten based upon the statewide kindergarten screening
29 administered under s. 1002.67.
30 (c) The department shall review and approve curricula
31 for use by child development providers and public schools that



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 are placed on probation under paragraph (3)(c). The department
2 shall maintain a list of the curricula approved under this
3 paragraph. Each approved curriculum must meet the requirements
4 of paragraph (b).
5 (3)(a) Each regional child development board and
6 school district shall verify compliance with this part of the
7 child development providers or public schools, as applicable,
8 delivering the Florida Prekindergarten Education Program
9 within the district.
10 (b) A regional child development board or the
11 department may remove a child development provider, and a
12 school district or the department may remove a public school,
13 from eligibility to deliver the Florida Prekindergarten
14 Education Program and receive state funds for the program, if
15 the provider or school fails or refuses to comply with this
16 part.
17 (c) Beginning with the kindergarten readiness rates
18 for students completing the Florida Prekindergarten Education
19 Program during the 2005-2006 school year who are administered
20 the statewide kindergarten screening during the 2006-2007
21 school year:
22 1. Of the students who are administered the statewide
23 kindergarten screening under s. 1002.67, if less than 85
24 percent of the students from a child development provider's or
25 public school's prekindergarten program are assessed as ready
26 for kindergarten based upon the results of the statewide
27 kindergarten screening, the regional child development board
28 or school district, as applicable, shall require the provider
29 or school to submit an improvement plan for approval by the
30 regional child development board or school district, as
31 applicable, and to implement the plan.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

2. If a child development provider or public school fails to meet the 85-percent kindergarten readiness rate for 2 consecutive years, the regional child development board or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A child development provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the 85-percent kindergarten readiness rate, based upon the results of the statewide kindergarten screening.

1002.67 Statewide kindergarten screening.--

(1) The department, with the advice of the advisory council, shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.65(1) for the Florida Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to every kindergarten student in the school district within 30 school days after the student's entry into kindergarten.

(2) The statewide kindergarten screening shall provide objective data on each student's progress in attaining the performance standards adopted by the department under s. 1002.65(1).

(3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (4) Each parent who enrolls his or her child in the
2 Florida Prekindergarten Education Program must submit the
3 child for the statewide kindergarten screening, regardless of
4 whether the child is admitted to kindergarten in a public
5 school or nonpublic school. Each school district shall
6 designate public schools to administer the statewide
7 kindergarten screening for children admitted to kindergarten
8 in a nonpublic school.
9 (5) The department shall adopt procedures for the
10 calculation of each child development provider's and public
11 school's kindergarten readiness rate. The kindergarten
12 readiness rates must be based exclusively upon the results of
13 the statewide kindergarten screening and must not consider
14 students who are not administered the statewide kindergarten
15 screening.
16 (6)(a) During the 2004-2005 through 2006-2007 school
17 years, the department shall continue the statewide
18 administration of the Early Screening Inventory-Kindergarten
19 developmental screening instrument as the statewide
20 kindergarten screening. The department may administer
21 additional instruments but only if the instruments are
22 administered statewide. For purposes of s. 1002.65(3)(c), the
23 Early Screening Inventory-Kindergarten developmental screening
24 instrument shall be used to calculate kindergarten readiness
25 rates.
26 (b) By January 15, 2006, the department, with the
27 advice of the advisory council, shall recommend to the
28 Legislature valid and reliable screening instruments for the
29 statewide kindergarten screening. The Legislature shall review
30 the recommendations of the department at the 2006 Regular
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 Session and shall adopt screening instruments for the
2 statewide kindergarten screening.
3 (c) Beginning with the 2006-2007 school year, the
4 department shall administer the screening instruments adopted
5 by the Legislature under paragraph (b). During the 2006-2007
6 school year, the department shall continue administration of
7 the Early Screening Inventory-Kindergarten developmental
8 screening instrument for purposes of obtaining baseline data
9 that compares the kindergarten readiness rates of the
10 instruments.
11 (d) The Legislature shall review, at the 2007 Regular
12 Session, the baseline data obtained under paragraph (c) and
13 the 85-percent kindergarten readiness rate in s.
14 1002.65(3)(c). The screening instruments adopted by the
15 Legislature under paragraph (b) shall be used to calculate the
16 kindergarten readiness rates for students completing the
17 Florida Prekindergarten Education Program during the 2006-2007
18 school year who are administered the statewide kindergarten
19 screening during the 2007-2008 school year and for subsequent
20 school years.
21 1002.69 Funding; financial and attendance reporting.--
22 (1) There is created a categorical fund for the
23 Florida Prekindergarten Education Program. Categorical funds
24 appropriated for the program shall be in addition to funds
25 appropriated based upon full-time equivalent student
26 membership in the Florida Education Finance Program.
27 (2) A full-time equivalent student in the Florida
28 Prekindergarten Education Program shall be calculated as
29 follows:
30 (a) For a student in a prekindergarten program
31 delivered by a child development provider: 540 hours.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (b) For a student in a summer prekindergarten program
2 delivered by a public school: 300 hours.
3 (c) For a student in a school-year prekindergarten
4 program delivered by a public school: 540 hours.
5
6 A student may not be reported for funding purposes as more
7 than one full-time equivalent student.
8 (3)(a) The base student allocation per full-time
9 equivalent student in the Florida Prekindergarten Education
10 Program shall be provided in the General Appropriations Act
11 and shall be equal, regardless of whether the student is
12 enrolled in a prekindergarten program delivered by a child
13 development provider, a summer prekindergarten program
14 delivered by a public school, or a school-year prekindergarten
15 program delivered by a public school.
16 (b) Each county's allocation per full-time equivalent
17 student in the Florida Prekindergarten Education Program shall
18 be calculated annually by multiplying the base student
19 allocation provided in the General Appropriations Act by the
20 county's district cost differential provided in s. 1011.62(2).
21 Each child development provider and public school shall be
22 paid in accordance with the county's allocation per full-time
23 equivalent student.
24 (4)(a) Each regional child development board shall
25 maintain through the single point of entry established under
26 s. 411.01 a current database of the students enrolled in the
27 Florida Prekindergarten Education Program for each county
28 within the board's region.
29 (b) The department shall adopt procedures for the
30 payment of child development providers and public schools
31 delivering the Florida Prekindergarten Education Program. The

1 procedures shall provide for the advance payment of providers
2 and schools based upon student enrollment in the program, the
3 certification of student attendance, and the reconciliation of
4 advance payments based upon the certified student attendance.
5 The procedures shall provide for the monthly distribution of
6 funds by the department to the regional child development
7 boards for payment by the boards to child development
8 providers and public schools.
9 (5)(a) Each parent enrolling his or her child in the
10 Florida Prekindergarten Education Program must agree to comply
11 with the attendance policy of the child development provider
12 or district school board, as applicable. Upon enrollment of
13 the child, the child development provider or public school, as
14 applicable, must provide the child's parent with a copy of the
15 provider's or school district's attendance policy, as
16 applicable.
17 (b)1. Each child development provider's and district
18 school board's attendance policy must require the parent of
19 each student in the Florida Prekindergarten Education Program
20 to verify, each month, the student's attendance on the prior
21 month's certified student attendance.
22 2. The parent must submit the verification of the
23 student's attendance to the child development provider or
24 public school on forms prescribed by the department. The forms
25 must include, in addition to the verification of the student's
26 attendance, a certification, in substantially the following
27 form, that the parent continues to choose the child
28 development provider or public school in accordance with s.
29 1002.53 and directs that payments for the program be made to
30 the provider or school:
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 VERIFICATION OF STUDENT'S ATTENDANCE
2 AND CERTIFICATION OF PARENTAL CHOICE
3
4 I, ...(Name of Parent)..., swear (or affirm) that my child,
5 ...(Name of Student)..., attended the Florida Prekindergarten
6 Education Program on the days listed above and certify that I
7 continue to choose ...(Name of Provider or School)... to
8 deliver the program for my child and direct that program funds
9 be paid to the provider or school for my child.
10
11 ...(Signature of Parent)...
12 ...(Date)...
13
14 3. The child development provider or public school
15 must submit each original signed form to the regional child
16 development board. The regional child development board shall
17 keep the original signed forms in accordance with chapter 119.
18 The department shall adopt procedures for the review of the
19 original signed forms against the certified student
20 attendance. The review procedures shall provide for the use of
21 selective inspection techniques, including, but not limited
22 to, random sampling. Each regional child development board
23 must comply with the review procedures.
24 (c) A child development provider or school district,
25 as applicable, may dismiss a student who does not comply with
26 the provider's or district's attendance policy. A student
27 dismissed under this paragraph is not removed from the Florida
28 Prekindergarten Education Program and may continue in the
29 program through reenrollment with another child development
30 provider or public school. Notwithstanding s. 1002.53(6)(b), a
31

1 school district is not required to provide for the admission
2 of a student dismissed under this paragraph.
3 (6) A regional child development board may not
4 withhold for administrative costs any portion of the funds
5 distributed to the board for payment to child development
6 providers and public schools. The department shall annually
7 allocate administrative funds to each regional child
8 development board from funds provided in the General
9 Appropriations Act for that purpose. The administrative funds
10 must only be used for administration of the Florida
11 Prekindergarten Education Program. The department shall
12 allocate the administrative funds based upon each regional
13 child development board's student enrollment in the program.
14 The amount of each regional child development board's
15 administrative funds may not exceed 3 percent of the funds
16 paid by the board to child development providers and public
17 schools.
18 (7) Except as otherwise expressly authorized by law, a
19 child development provider or public school may not:
20 (a) Impose or collect a fee or charge for services
21 provided for a child enrolled in the Florida Prekindergarten
22 Education Program during a period reported for funding
23 purposes; or
24 (b) Require a child to enroll for, or require the
25 payment of any fee or charge for, supplemental services as a
26 condition of admitting a child for enrollment in the Florida
27 Prekindergarten Education Program.
28 (8) State funds provided for the Florida
29 Prekindergarten Education Program may not be used for the
30 transportation of students to and from the program. A parent
31 is responsible for the transportation of his or her child to



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 and from the Florida Prekindergarten Education Program,
2 regardless of whether the program is delivered by a child
3 development provider or a public school.
4 1002.71 Department of Education; Division of Early
5 Childhood Education; powers and duties.--
6 (1) The Division of Early Childhood Education of the
7 Department of Education, under the direction of the chancellor
8 and with the advice of the advisory council, shall administer
9 the Florida Prekindergarten Education Program at the statewide
10 level. The division shall administer the powers and duties
11 assigned to the department under this part.
12 (2) The department shall adopt procedures for:
13 (a) Enrolling children in and determining the
14 eligibility of children for the Florida Prekindergarten
15 Education Program under s. 1002.53.
16 (b) Providing parents with profiles of child
17 development providers and public schools under s. 1002.53.
18 (c) Registering and determining the eligibility of
19 child development providers to deliver the program under s.
20 1002.55.
21 (d) Verifying Gold Seal Quality Care program standards
22 under s. 1002.55.
23 (e) Approving prekindergarten director credentials
24 under s. 1002.55 and s. 1002.57.
25 (f) Approving emergent literacy training courses under
26 s. 1002.55 and s. 1002.59.
27 (g) Certifying the eligibility of school districts to
28 deliver the school-year prekindergarten program under s.
29 1002.63.
30 (h) Verifying the compliance of child development
31 providers and public schools, and removing providers or



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 schools from eligibility to deliver the program for
2 noncompliance, under s. 1002.65.
3 (i) Approving improvement plans of child development
4 providers and public schools under s. 1002.65.
5 (j) Placing child development providers and public
6 schools on probation and requiring corrective actions under s.
7 1002.65.
8 (k) Administering the statewide kindergarten screening
9 and calculating kindergarten readiness rates under s. 1002.67.
10 (l) Distributing funds to regional child development
11 boards under s. 1002.69.
12 (m) Paying child development providers and public
13 schools under s. 1002.69.
14 (n) Documenting and certifying student enrollment and
15 student attendance under s. 1002.69.
16 (o) Reconciling advance payments in accordance under
17 s. 1002.69.
18 (p) Reenrolling students dismissed by a child
19 development provider or public school for noncompliance with
20 the provider's or school district's attendance policy under s.
21 1002.69.
22 (q) Allocating administrative funds among regional
23 child development boards under s. 1002.69.
24 (4) Except as otherwise provided by law, the
25 department does not have authority to:
26 (a) Impose requirements on a child development
27 provider that does not deliver the Florida Prekindergarten
28 Education Program or receive state funds under this part.
29 (b) Impose requirements on a regional child
30 development board which are not necessary for the
31

1 administration of the Florida Prekindergarten Education
2 Program under this part.
3 (c) Administer powers and duties assigned to the
4 Agency for Workforce Innovation or a regional child
5 development board under s. 411.01.
6 1002.73 Florida Child Development Advisory Council.--
7 (1) There is created the Florida Child Development
8 Advisory Council within the Department of Education. The
9 purpose of the advisory council is to advise the Department of
10 Education and the Agency for Workforce Innovation on the child
11 development policy of this state, including advice relating to
12 administration of the Florida Prekindergarten Education
13 Program under this part and the school readiness programs
14 under s. 411.01.
15 (2) The advisory council shall be composed of the
16 following members:
17 (a) Eleven members appointed by the Governor, as
18 follows:
19 1. The chair of the advisory council and one other
20 member, who must both meet the same qualifications as
21 private-sector business members appointed to a regional child
22 development board under s. 411.01(5)(a)6.
23 2. A representative of nonpublic schools accredited by
24 accrediting associations in either the National Council for
25 Private School Accreditation or the Commission on
26 International and Trans-Regional Accreditation.
27 3. A representative of nonpublic schools accredited by
28 accrediting associations in the Florida Association of
29 Academic Nonpublic Schools.
30 4. A representative of licensed child care facilities.
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 5. A representative of licensed or registered family
2 day care homes.
3 6. A representative of licensed large family child
4 care homes.
5 7. A representative of faith-based child care
6 providers.
7 8. A representative of programs for prekindergarten
8 children with disabilities under the federal Individuals with
9 Disabilities Education Act.
10 9. A public school classroom teacher.
11 10. A district superintendent of schools.
12
13 The members appointed under this paragraph must be
14 geographically and demographically representative of the
15 state. The members shall be appointed to terms of 3 years
16 each, except that, to establish staggered terms, one-half of
17 the members shall be appointed to initial terms of 2 years
18 each. Appointed members may serve a maximum of two consecutive
19 terms.
20 (b) The director of the Florida Head Start-State
21 Collaboration Office.
22 (c) A chair of a regional child development board who
23 shall be selected by the chairs of the regional child
24 development boards.
25 (d) An executive director of a regional child
26 development board who shall be selected by the executive
27 directors of the regional child development boards.
28 (e) The chair of the Child Care Executive Partnership.
29 (f) The chair or executive director of Workforce
30 Florida, Inc., or his or her designee.
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (g) The director of the Division of Community Colleges
2 of the Department of Education.
3 (h) The Secretary of Health or his or her designee.
4 (i) The director of the Child Care Services Program
5 Office of the Department of Children and Family Services.
6 (j) The Deputy Director for Child Development of the
7 Agency for Workforce Innovation.
8 (k) The Chancellor for Early Childhood Education.
9 (l) Two members appointed by and who serve at the
10 pleasure of the President of the Senate and two members
11 appointed by and who serve at the pleasure of the Speaker of
12 the House of Representatives, who must each meet the same
13 qualifications as private-sector business members appointed to
14 a regional child development board under s. 411.01(5)(a)6.
15 (3) The advisory council shall meet at least quarterly
16 but may meet as often as necessary to carry out its duties and
17 responsibilities.
18 (4)(a) Each member of the advisory council shall serve
19 without compensation but is entitled to per diem and travel
20 expenses for attendance of council meetings as provided in s.
21 112.061.
22 (b) Each member of the advisory council is subject to
23 the ethics provisions in part III of chapter 112.
24 (c) For purposes of tort liability, each member of the
25 advisory council shall be governed by s. 768.28.
26 (5) The department shall provide staff and
27 administrative support for the advisory council.
28 1002.75 Rulemaking authority.--The State Board of
29 Education shall adopt rules under s. 120.536(1) and s. 120.54
30 to administer the provisions of this part conferring duties
31 upon the department. The state board shall adopt initial rules

1 for the Florida Prekindergarten Education Program by January
2 1, 2005.
3 Section 2. Effective July 1, 2004, section 411.01,
4 Florida Statutes, is amended to read:
5 411.01 ~~Florida Partnership for~~ School readiness
6 programs; regional child development boards ~~school readiness~~
7 ~~coalitions~~.--
8 (1) SHORT TITLE.--This section may be cited as the
9 "School Readiness Act."
10 (2) LEGISLATIVE INTENT.--
11 (a) The Legislature recognizes that school readiness
12 programs increase children's chances of achieving future
13 educational success and becoming productive members of
14 society. It is the intent of the Legislature that the ~~such~~
15 programs be developmentally appropriate, research-based,
16 involve parents as their child's first teacher, serve as
17 preventive measures for children at risk of future school
18 failure, enhance the educational readiness of eligible
19 children, and support family education. Each school readiness
20 program shall provide the elements necessary to prepare
21 at-risk children for school, including health screening and
22 referral and an appropriate educational program.
23 (b) It is the intent of the Legislature that school
24 readiness programs be operated on a full-day, year-round basis
25 to the maximum extent possible to enable parents to work and
26 become financially self-sufficient.
27 (c) It is the intent of the Legislature that school
28 readiness programs not exist as isolated programs, but build
29 upon existing services and work in cooperation with other
30 programs for young children, and that school readiness
31



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

programs be coordinated ~~and funding integrated~~ to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to administer ~~carry out~~ the duties of the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~, as the school readiness programs are to be regionally ~~locally~~ designed, operated, and managed, with the Agency for Workforce Innovation ~~Florida Partnership for School Readiness adopting a system for measuring school readiness,~~ developing school readiness program performance standards and~~,~~ outcome measures ~~measurements, and data design and review,~~ and approving and reviewing regional child development boards and ~~local~~ school readiness ~~coalitions and~~ plans.

(e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.

(f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (g) It is the intent of the Legislature that the
2 federal child care income tax credit be preserved for school
3 readiness programs.
4 (h) It is the intent of the Legislature that school
5 readiness services shall be an integrated and seamless system
6 of services with a developmentally appropriate education
7 component for the state's eligible birth-to-kindergarten
8 population described in subsection (6) and shall not be
9 construed as part of the seamless K-20 education system ~~except~~
10 ~~for-the-administration-of-the-uniform-screening-system-upon~~
11 ~~entry-into-kindergarten~~.
12 (3) PARENTAL PARTICIPATION IN SCHOOL READINESS
13 PROGRAMS ~~PROGRAM~~.--
14 ~~(a)--The-school-readiness-program-shall-be-phased-in-on~~
15 ~~a-coalition-by-coalition-basis.-Each-coalition's-school~~
16 ~~readiness-program-shall-have-available-to-it-funding-from-all~~
17 ~~the-coalition's-early-education-and-child-care-programs-that~~
18 ~~are-funded-with-state,-federal,-lottery,-or-local-funds,~~
19 ~~including-but-not-limited-to-Florida-First-Start-programs,~~
20 ~~Even-Start-literacy-programs,-prekindergarten-early~~
21 ~~intervention-programs,-Head-Start-programs,-programs-offered~~
22 ~~by-public-and-private-providers-of-child-care,-migrant~~
23 ~~prekindergarten-programs,-Title-I-programs,-subsidized-child~~
24 ~~care-programs,-and-teen-parent-programs,-together-with-any~~
25 ~~additional-funds-appropriated-or-obtained-for-purposes-of-this~~
26 ~~section.--These-programs-and-their-funding-streams-shall-be~~
27 ~~components-of-the-coalition's-integrated-school-readiness~~
28 ~~program,-with-the-goal-of-preparing-children-for-success-in~~
29 ~~school.~~
30 ~~(b)--Nothing-contained-in~~ This section does not ~~act-is~~
31 ~~intended-to~~:

1 (a)~~1.~~ Relieve parents and guardians of their own
2 obligations to prepare ~~ready~~ their children for school; or
3 (b)~~2.~~ Create any obligation to provide publicly funded
4 school readiness programs or services beyond those authorized
5 by the Legislature.
6 (4) AGENCY FOR WORKFORCE INNOVATION ~~FLORIDA~~
7 ~~PARTNERSHIP-FOR-SCHOOL-READINESS.--~~
8 (a) The Agency for Workforce Innovation shall ~~Florida~~
9 ~~Partnership-for-School-Readiness-was-created-to-fulfill-three~~
10 ~~major-purposes:--to~~ administer school readiness programs at the
11 statewide level and shall ~~program-services-that-help-parents~~
12 ~~prepare-eligible-children-for-school;--to~~ coordinate the
13 regional child development boards in providing ~~provision-of~~
14 school readiness services on a full-day, full-year,
15 full-choice basis to the extent possible in order to enable
16 parents to work and be financially self-sufficient~~;--and-to~~
17 ~~establish-a-uniform-screening-instrument-to-be-implemented-by~~
18 ~~the-Department-of-Education-and-administered-by-the-school~~
19 ~~districts-upon-entry-into-kindergarten-to-assess-the-readiness~~
20 ~~for-school-of-all-children. Readiness-for-kindergarten-is-the~~
21 ~~outcome-measure-of-the-success-of-each-school-readiness~~
22 ~~program-that-receives-state-or-federal-funds.--The-partnership~~
23 ~~is-assigned-to-the-Agency-for-Workforce-Innovation-for~~
24 ~~administrative-purposes.~~
25 (b) The Agency for Workforce Innovation ~~Florida~~
26 ~~Partnership-for-School-Readiness~~ shall:
27 1. Coordinate the birth-to-kindergarten services for
28 children who are eligible under ~~pursuant-to~~ subsection (6) and
29 the programmatic, administrative, and fiscal standards under
30 ~~pursuant-to~~ this section for all public providers of school
31 readiness programs.

2. Continue to provide unified leadership for school readiness through <u>regional child development boards</u> ~~local school-readiness-coalitions~~.

3. Focus on improving the educational quality of all publicly funded school readiness programs.

~~(c)1.--The-Florida-Partnership-for-School-Readiness shall-include-the-Lieutenant-Governor,-the-Commissioner-of Education,-the-Secretary-of-Children-and-Family-Services,-and the-Secretary-of-Health,-or-their-designees,-and-the-chair-of the-Child-Care-Executive-Partnership-Board,-and-the chairperson-of-the-Board-of-Directors-of-Workforce-Florida, Inc.-When-the-Lieutenant-Governor-or-an-agency-head-appoints-a designee,-the-designee-must-be-an-individual-who-attends consistently,-and,-in-the-event-that-the-Lieutenant-Governor or-agency-head-and-his-or-her-designee-both-attend-a-meeting, only-one-of-them-may-vote.~~

~~2.--The-partnership-shall-also-include-14-members-of the-public-who-shall-be-business,-community,-and-civic-leaders in-the-state-who-are-not-elected-to-public-office.-These members-and-their-families-must-not-have-a-direct-contract with-any-local-coalition-to-provide-school-readiness-services. The-members-must-be-geographically-and-demographically representative-of-the-state.-Each-member-shall-be-appointed-by the-Governor-from-a-list-of-nominees-submitted-by-the President-of-the-Senate-and-the-Speaker-of-the-House-of Representatives.-By-July-1,-2001,-four-members-shall-be appointed-as-follows:-two-members-shall-be-from-the-child-care industry,-one-representing-the-private-for-profit-sector appointed-by-the-Governor-from-a-list-of-two-nominees submitted-by-the-President-of-the-Senate-and-one-representing faith-based-providers-appointed-by-the-Governor-from-a-list-of~~

~~two-nominees-submitted-by-the-Speaker-of-the-House-of Representatives,-and-two-members-shall-be-from-the-business community,-one-appointed-by-the-Governor-from-a-list-of-two nominees-submitted-by-the-President-of-the-Senate-and-one appointed-by-the-Governor-from-a-list-of-two-nominees submitted-by-the-Speaker-of-the-House-of-Representatives. Members-shall-be-appointed-to-4-year-terms-of-office.--The members-of-the-partnership-shall-elect-a-chairperson-annually from-the-nongovernmental-members-of-the-partnership.--Any vacancy-on-the-partnership-shall-be-filled-in-the-same-manner as-the-original-appointment.~~

~~(d)--The-partnership-shall-meet-at-least-quarterly-but may-meet-as-often-as-it-deems-necessary-to-carry-out-its duties-and-responsibilities.--Members-of-the-partnership-shall participate-without-proxy-at-the-quarterly-meetings.--The partnership-may-take-official-action-by-a-majority-vote-of-the members-present-at-any-meeting-at-which-a-quorum-is-present.~~

~~(e)--Members-of-the-partnership-are-subject-to-the ethics-provisions-in-part-III-of-chapter-112,-and-no-member may-derive-any-financial-benefit-from-the-funds-administered by-the-Florida-Partnership-for-School-Readiness.~~

~~(f)--Members-of-the-partnership-shall-serve-without compensation-but-are-entitled-to-reimbursement-for-per-diem and-travel-expenses-incurred-in-the-performance-of-their duties-as-provided-in-s.-112.061,-and-reimbursement-for-other reasonable,-necessary,-and-actual-expenses.~~

~~(g)--For-the-purposes-of-tort-liability,-the-members-of the-partnership-and-its-employees-shall-be-governed-by-s. 768.28.~~

~~(h)--The-partnership-shall-appoint-an-executive director-who-shall-serve-at-the-pleasure-of-the-Governor.-The~~

~~executive director shall perform the duties assigned to him or her by the partnership. The executive director shall be responsible for hiring, subject to the approval of the partnership, all employees and staff members, who shall serve under his or her direction and control.~~

(c) ~~(i)~~ For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the Agency for Workforce Innovation ~~partnership~~ may be designated by the Governor as the lead agency, and if so designated shall comply with the lead agency responsibilities under ~~pursuant to~~ federal law.

(d) ~~(j)~~ The Agency for Workforce Innovation ~~Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness for the state's children, and~~ shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and periodic review of regional child development boards ~~coalitions~~ and school readiness plans.

3. Provide leadership for the enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Agency for Workforce Innovation ~~partnership~~ may develop and implement specific strategies that address the state's school readiness programs.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the ~~state's~~ children in this state.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 5. Provide technical assistance to regional child
2 development boards ~~coalitions~~.
3 6. Assess gaps in service.
4 7. Provide technical assistance to counties that form
5 a regional child development board serving a multicounty
6 region ~~coalition~~.
7 ~~8.a.--Adopt-a-system-for-measuring-school-readiness~~
8 ~~that-provides-objective-data-regarding-the-expectations-for~~
9 ~~school-readiness,-and-establish-a-method-for-collecting-the~~
10 ~~data-and-guidelines-for-using-the-data.--The-measurement,-the~~
11 ~~data-collection,-and-the-use-of-the-data-must-serve-the~~
12 ~~statewide-school-readiness-goal.--The-criteria-for-determining~~
13 ~~which-data-to-collect-should-be-the-usefulness-of-the-data-to~~
14 ~~state-policymakers-and-local-program-administrators-in~~
15 ~~administering-programs-and-allocating-state-funds,-and-must~~
16 ~~include-the-tracking-of-school-readiness-system-information~~
17 ~~back-to-individual-school-readiness-programs-to-assist-in~~
18 ~~determining-program-effectiveness.~~
19 ~~b.--Adopt-a-system-for-evaluating-the-performance-of~~
20 ~~students-through-the-third-grade-to-compare-the-performance-of~~
21 ~~those-who-participated-in-school-readiness-programs-with-the~~
22 ~~performance-of-students-who-did-not-participate-in-school~~
23 ~~readiness-programs-in-order-to-identify-strategies-for~~
24 ~~continued-successful-student-performance.~~
25 8. ~~9.~~ Develop and adopt, with the advice of the Florida
26 Child Development Advisory Council created under s. 1002.73
27 and the Department of Education, performance standards and
28 outcome measures for school readiness programs. The
29 performance standards must address the age-appropriate
30 progress of children in the development of the school
31 readiness skills required under paragraph (j). The Agency for

1 Workforce Innovation shall integrate the performance standards
2 for school readiness programs into the performance standards
3 adopted by the Department of Education for the Florida
4 Prekindergarten Education Program under s. 1002.65.
5 (e) ~~(k)~~ The Agency for Workforce Innovation ~~partnership~~
6 may adopt rules under s. 120.536(1) and s. 120.54 ~~necessary~~ to
7 administer the provisions of law conferring duties upon the
8 agency, including, but not limited ~~this section which relate~~
9 to, rules governing the preparation ~~preparing~~ and
10 implementation of ~~implementing~~ the ~~system for~~ school readiness
11 system, the collection of ~~collecting~~ data, the approval of
12 regional child development boards and ~~approving local~~ school
13 readiness ~~coalitions and~~ plans, the provision of ~~providing~~ a
14 method whereby a regional child development board may
15 ~~coalition can~~ serve two or more counties, the award of
16 ~~awarding~~ incentives to regional child development boards
17 ~~coalitions~~, and the issuance of ~~issuing~~ waivers.
18 (f) ~~(l)~~ The Agency for Workforce Innovation ~~Florida~~
19 ~~Partnership for School Readiness~~ shall have all powers
20 necessary to administer ~~carry out the purposes of~~ this
21 section, including, but not limited to, the power to receive
22 and accept grants, loans, or advances of funds from any public
23 or private agency and to receive and accept from any source
24 contributions of money, property, labor, or any other thing of
25 value, to be held, used, and applied for ~~the~~ purposes of this
26 section.
27 (g) Except as otherwise provided by law, the Agency
28 for Workforce Innovation does not have authority:
29 1. To impose requirements on a child care or early
30 childhood education provider that does not deliver services
31

under a school readiness program or receive state or federal funds under this section.

2. To administer powers and duties assigned to the Department of Education or a regional child development board under part V of chapter 1002.

(h) ~~(m)~~ The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall have a budget for the school readiness system, which ~~and~~ shall be financed through an annual appropriation made for purposes of this section ~~purpose~~ in the General Appropriations Act.

(i) ~~(n)~~ The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, ~~partnership~~ shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) ~~(o)~~ Each regional child development board's ~~The partnership shall prepare and submit to the State Board of Education a system for measuring~~ school readiness program~~.~~ ~~The system~~ must, at a minimum, enhance the age-appropriate progress of each child in the development of ~~include a uniform screening, which shall provide objective data regarding~~ the following ~~expectations for~~ school readiness skills ~~which shall include, at a minimum~~:

1. ~~The child's~~ Immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.

2. ~~The child's~~ Physical development.

3. ~~The child's~~ Compliance with rules, limitations, and routines.

4. ~~The child's~~ Ability to perform tasks.

5. ~~The child's~~ Interactions with adults.

6. ~~The child's~~ Interactions with peers.

7. ~~The child's~~ Ability to cope with challenges.

8. ~~The child's~~ Self-help skills.

9. ~~The child's~~ Ability to express the child's ~~his or her~~ needs.

10. ~~The child's~~ Verbal communication skills.

11. ~~The child's~~ Problem-solving skills.

12. ~~The child's~~ Following of verbal directions.

13. ~~The child's~~ Demonstration of curiosity, persistence, and exploratory behavior.

14. ~~The child's~~ Interest in books and other printed materials.

15. ~~The child's~~ Paying attention to stories.

16. ~~The child's~~ Participation in art and music activities.

17. ~~The child's~~ Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

~~(p)--The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state will undergo the uniform screening established by the partnership when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the partnership for use in first grade. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and~~

1 ~~shall provide for communities to serve children with~~
2 ~~disabilities.~~
3 (k) ~~(q)~~ The Agency for Workforce Innovation ~~partnership~~
4 shall conduct studies and planning activities related to the
5 overall improvement and effectiveness of the outcome ~~school~~
6 ~~readiness~~ measures adopted by the agency for school readiness
7 programs.
8 (l) The Agency for Workforce Innovation, with the
9 advice of the Florida Child Development Advisory Council,
10 shall adopt and administer a quality-assurance system. The
11 Agency for Workforce Innovation shall use the
12 quality-assurance system to monitor and evaluate the
13 performance of each regional child development board in
14 administering the school readiness program and implementing
15 the board's school readiness plan. The quality-assurance
16 system must include, at a minimum, onsite monitoring of each
17 board's finances, management, operations, and programs.
18 (m) The Agency for Workforce Innovation, with the
19 advice of the Florida Child Development Advisory Council,
20 shall identify best practices of regional child development
21 boards in order to improve the outcomes of school readiness
22 programs.
23 ~~(r) The partnership shall establish procedures for~~
24 ~~performance-based budgeting in school readiness programs.~~
25 (n) ~~(s)~~ The Agency for Workforce Innovation ~~partnership~~
26 shall submit an annual report of its activities conducted
27 under this section to the Governor, the executive director of
28 the Florida Healthy Kids Corporation, the President of the
29 Senate, the Speaker of the House of Representatives, and the
30 minority leaders of both houses of the Legislature. In
31 addition, the Agency for Workforce Innovation's ~~partnership's~~



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 reports and recommendations shall be made available to the
2 State Board of Education, the Florida Child Development
3 Advisory Council, other appropriate state agencies and
4 entities, district school boards, central agencies ~~for child~~
5 ~~care~~, and county health departments. The annual report must
6 provide an analysis of school readiness activities across the
7 state, including the number of children who were served in the
8 programs ~~and the number of children who were ready for school~~.
9 (o) ~~(t)~~ The Agency for Workforce Innovation ~~partnership~~
10 shall work with regional child development boards ~~school~~
11 ~~readiness coalitions~~ to increase parents' training for and
12 involvement in their children's preschool education and to
13 provide family literacy activities and programs.
14
15 ~~To ensure that the system for measuring school readiness is~~
16 ~~comprehensive and appropriate statewide, as the system is~~
17 ~~developed and implemented, the partnership must consult with~~
18 ~~representatives of district school systems, providers of~~
19 ~~public and private child care, health care providers, large~~
20 ~~and small employers, experts in education for children with~~
21 ~~disabilities, and experts in child development.~~
22 (5) CREATION OF REGIONAL CHILD DEVELOPMENT BOARDS
23 ~~SCHOOL READINESS COALITIONS~~.--
24 (a) Regional child development boards ~~School readiness~~
25 ~~coalitions~~.--
26 1. The Agency for Workforce Innovation, with the
27 advice of the Florida Child Development Advisory Council
28 created under s. 1002.73, shall establish the minimum number
29 of children younger than kindergarten eligibility to be served
30 by each regional child development board through the board's
31 school readiness program. The Agency for Workforce Innovation

may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every regional child development board and must:

a. Permit 30 or fewer boards to be established; and

b. Require each board to serve at least 1,500 children younger than kindergarten eligibility as defined in s. 1002.51.

Each regional child development board shall be organized in accordance with this subparagraph by January 1, 2005. By June 30, 2005, each board must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor board, if applicable.

2.~~1.~~ If a regional child development board ~~coalition's plan~~ would serve fewer ~~less than 400 birth to kindergarten age~~ children than the minimum number established under subparagraph 1., the board ~~coalition~~ must ~~either~~ join with another county to form a multicounty board ~~coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to effectively and efficiently implement its plan as a single county coalition and meet all required performance standards and outcome measures~~.

3. Each regional child development board shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. These standards shall include

variations for a board serving a multicounty region. Each regional child development board must comply with these standards.

4. The Governor shall appoint the chair and two other members of each regional child development board, who must each meet the same qualifications as private-sector business members appointed by the board under subparagraph 6.

5.~~2.~~ Each regional child development board ~~coalition shall have at least 18 but not more than 25 members and such members~~ must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce ~~development~~ board executive ~~chair or~~ director or his or her designee~~, where applicable~~.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. An agency head of a local ~~child care~~ licensing agency as defined in s. 402.302, where applicable ~~head~~.

g. A president of a community college or his or her designee.

~~g. One member appointed by a Department of Children and Family Services district administrator.~~

h. One member appointed by a board of county commissioners.

~~i. One member appointed by a district school board.~~



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 i.~~j.~~ A central ~~child-care~~ agency administrator, where
2 applicable.
3 j.~~k.~~ A Head Start director.
4 k.~~l.~~ A representative of private child care providers,
5 including family day care homes.
6 l.~~m.~~ A representative of faith-based child care
7 providers.
8 m. A representative of programs for children with
9 disabilities under the federal Individuals with Disabilities
10 Education Act.
11 6. Including the members appointed by the Governor
12 under subparagraph 4., more than one-third of the ~~coalition~~
13 members of each regional child development board must be
14 private-sector business members who do not have, and none of
15 whose relatives as defined in s. 112.3143 has, a substantial
16 financial interest in the design or delivery of the Florida
17 Prekindergarten Education Program created under part V of
18 chapter 1002 or the board's school readiness program ~~from the~~
19 ~~private sector, and neither they nor their families may earn~~
20 ~~an income from the early education and child care industry~~. To
21 meet this requirement a regional child development board
22 ~~coalition~~ must appoint additional members from a list of
23 nominees submitted ~~presented~~ to the board ~~coalition~~ by a
24 chamber of commerce or economic development council within the
25 geographic region served by ~~area of~~ the board ~~coalition~~. The
26 Agency for Workforce Innovation shall adopt criteria for the
27 appointment of private-sector business members. These criteria
28 must include standards for determining whether a member or
29 relative has a substantial financial interest in the design or
30 delivery of the Florida Prekindergarten Education Program or
31 the board's school readiness program.

7.~~3.~~ A ~~No~~ member of a regional child development board ~~coalition~~ may not appoint a designee to act in his or her place. A member may send a representative to board ~~coalition~~ meetings, but that representative does not ~~will~~ have ~~no~~ voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and Family Services appoints a designee to a regional child development board ~~school-readiness-coalition~~, the designee is ~~will be~~ the voting member of the board ~~coalition~~, and any individual attending in the designee's ~~his or her~~ place, including the district administrator or superintendent, does not ~~will~~ have ~~no~~ voting privileges.

8.~~4.~~ Each member ~~Members~~ of a regional child development board is ~~the coalition are~~ subject to s. 112.313, s. 112.3135, and s. 112.3143 ~~the ethics provisions in part III of chapter 112~~. For purposes of s. 112.3143(3)(a), each member is a local public officer who must abstain from voting when a voting conflict exists.

9.~~5.~~ For ~~the~~ purposes of tort liability, each member or employee of a regional child development board ~~the members of the school readiness coalition and its employees~~ shall be governed by s. 768.28.

10.~~6.~~ A regional child development board serving a multicounty region ~~coalitions~~ shall include representation from each county.

11.~~7.~~ Each regional child development board shall establish ~~The~~ terms for ~~of~~ all appointed members of the board. The terms ~~coalition~~ must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a

vacancy occurs in an appointed position, the board ~~coalition~~ must advertise the vacancy.

(b) Program participation.--The school readiness program shall be established for children younger than ~~from birth to 5 years of age or until the child enters~~ kindergarten eligibility as defined in s. 1002.51. The program shall be administered by the regional child development board ~~school readiness coalition~~. Within funding limitations, the regional child development board ~~school readiness coalition~~, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Program expectations.--

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills required under paragraph (4)(j) ~~prepare preschool children to enter kindergarten ready to learn~~, as measured by the performance standards and outcome measures adopted ~~criteria established~~ by the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~.

b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 e. There must be a single point of entry and unified
2 waiting list. As used in this sub-subparagraph, the term
3 "single point of entry" means an integrated information system
4 that allows a parent to enroll his or her child in the school
5 readiness program at various locations throughout the county
6 or multicounty region served by a regional child development
7 board, that may allow a parent to enroll his or her child by
8 telephone or through an Internet website, and that uses a
9 unified waiting list to track eligible children waiting for
10 enrollment in the school readiness program. The Agency for
11 Workforce Innovation shall establish a single statewide
12 information system that integrates each regional child
13 development board's single point of entry, and each board must
14 use the statewide system.
15 f. The Agency for Workforce Innovation must consider
16 the access of eligible children to the school readiness
17 program, as demonstrated in part by waiting lists, before
18 approving a proposed increase in payment rates submitted by a
19 regional child development board.
20 ~~f.--As long as funding or eligible populations do not~~
21 ~~decrease, the program must serve at least as many children as~~
22 ~~were served prior to implementation of the program.~~
23 g. There must be a community plan to address the needs
24 of all eligible children.
25 h. The program must meet all state licensing
26 guidelines, where applicable.
27 2. The regional child development board ~~school~~
28 ~~readiness coalition~~ must implement a comprehensive program of
29 school readiness services that enhance the cognitive, social,
30 and physical development of children to achieve the
31 performance standards and outcome measures adopted ~~specified~~

1 by the Agency for Workforce Innovation ~~partnership~~. At a
2 minimum, these programs must contain the following elements:
3 a. Developmentally appropriate curriculum designed to
4 enhance the age-appropriate progress of children in attaining
5 the performance standards adopted by the Agency for Workforce
6 Innovation under subparagraph (4)(d)8.
7 b. A character development program to develop basic
8 values.
9 c. An age-appropriate assessment of each child's
10 development.
11 d. A pretest administered to children when they enter
12 a program and a posttest administered to children when they
13 leave the program.
14 e. An appropriate staff-to-children ~~staff-to-child~~
15 ratio.
16 f. A healthy ~~healthful~~ and safe environment.
17 g. A resource and referral network to assist parents
18 in making an informed choice.
19 (d) Implementation.--
20 1. A regional child development board may not
21 implement the school readiness program ~~is-to-be-phased-in.~~
22 until the board is authorized ~~coalition-implements-its-plan,~~
23 ~~the-county-shall-continue-to-receive-the-services-identified~~
24 ~~in-subsection-(3)~~ through ~~the-various-agencies-that-would-be~~
25 ~~responsible-for-delivering-those-services-under-current-law.~~
26 ~~Plan-implementation-is-subject-to~~ approval of the board's
27 school readiness ~~coalition-and-the~~ plan by the Agency for
28 Workforce Innovation ~~Florida-Partnership-for-School-Readiness~~.
29 2. Each regional child development board ~~school~~
30 ~~readiness-coalition~~ shall develop a plan for implementing the
31 school readiness program to meet the requirements of this



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 section and the performance standards and outcome measures
2 adopted ~~established~~ by the Agency for Workforce Innovation
3 ~~partnership. The plan must include a written description of~~
4 ~~the role of the program in the coalition's effort to meet the~~
5 ~~first state education goal, readiness to start school,~~
6 ~~including a description of the plan to involve the~~
7 ~~prekindergarten early intervention programs, Head Start~~
8 ~~Programs, programs offered by public or private providers of~~
9 ~~child care, preschool programs for children with disabilities,~~
10 ~~programs for migrant children, Title I programs, subsidized~~
11 ~~child care programs, and teen parent programs.~~ The plan must
12 also demonstrate how the program will ensure that each
13 3-year-old and 4-year-old child in a publicly funded school
14 readiness program receives scheduled activities and
15 instruction designed to enhance the age-appropriate progress
16 of the ~~prepare~~ children in attaining the performance standards
17 adopted by the Agency for Workforce Innovation under
18 subparagraph (4)(d)8 ~~to enter kindergarten ready to learn~~.
19 Before ~~Prior to~~ implementation of the school readiness
20 program, the regional child development board ~~school readiness~~
21 ~~coalition~~ must submit the plan to the Agency for Workforce
22 Innovation ~~partnership~~ for approval. The Agency for Workforce
23 Innovation ~~partnership~~ may approve the plan, reject the plan,
24 or approve the plan with conditions. The Agency for Workforce
25 Innovation ~~Florida Partnership for School Readiness~~ shall
26 review school readiness ~~coalition~~ plans at least annually.
27 3. If the Agency for Workforce Innovation determines
28 during the annual review of school readiness plans, or through
29 monitoring and performance evaluations conducted under the
30 quality-assurance system, that a regional child development
31 board has not substantially implemented its plan or has not

1 substantially met the performance standards and outcome
2 measures adopted by the agency, the Agency for Workforce
3 Innovation may reject the board's plan and contract with a
4 qualified entity to continue school readiness services in the
5 board's county or multicounty region until the board is
6 reestablished through resubmission of a school readiness plan
7 and approval by the agency.
8 4.~~3.~~ The Agency for Workforce Innovation, with the
9 advice of the Florida Child Development Advisory Council,
10 shall adopt criteria for the approval of school readiness
11 plans. The criteria must be consistent with the performance
12 standards and outcome measures adopted by the agency and must
13 require each approved plan to ~~for the school readiness program~~
14 ~~must~~ include the following minimum standards and provisions:
15 a. A sliding fee scale establishing a copayment for
16 parents based upon their ability to pay, which is the same for
17 all program providers, to be implemented and reflected in each
18 program's budget.
19 b. A choice of settings and locations in licensed,
20 registered, religious-exempt, or school-based programs to be
21 provided to parents.
22 c. Instructional staff who have completed the training
23 course as required in s. 402.305(2)(d)1., as well as staff who
24 have additional training or credentials as required by the
25 Agency for Workforce Innovation ~~partnership~~. The plan must
26 provide a method for assuring the qualifications of all
27 personnel in all program settings.
28 d. Specific eligibility priorities for children within
29 the regional child development board's ~~coalition's~~ county or
30 multicounty region in accordance with ~~pursuant to~~ subsection
31 (6).

1 e. Performance standards and outcome measures adopted
2 ~~established~~ by the Agency for Workforce Innovation ~~partnership~~
3 ~~or alternatively, standards and outcome measures to be used~~
4 ~~until such time as the partnership adopts such standards and~~
5 ~~outcome measures~~.
6 f. Payment ~~Reimbursement~~ rates adopted ~~that have been~~
7 ~~developed~~ by the regional child development board and approved
8 by the Agency for Workforce Innovation ~~coalition~~. Payment
9 ~~Reimbursement~~ rates shall not have the effect of limiting
10 parental choice or creating standards or levels of services
11 that have not been authorized by the Legislature.
12 g. Systems support services, including a central
13 agency, child care resource and referral, eligibility
14 determinations, training of providers, and parent support and
15 involvement.
16 h. Direct enhancement services to families and
17 children. System support and direct enhancement services shall
18 be in addition to payments for the placement of children in
19 school readiness programs.
20 i. The ~~A~~ business organization of the regional child
21 development board ~~plan~~, which must include the board's
22 articles of incorporation and bylaws if the board is organized
23 as a corporation. If the board is not organized as a
24 corporation or other business entity, the plan must include
25 the contract with a fiscal ~~school readiness~~ agent ~~if the~~
26 ~~coalition is not a legally established corporate entity~~. A
27 regional child development board ~~Coalitions~~ may contract with
28 other regional child development boards ~~coalitions~~ to achieve
29 efficiency in multicounty ~~multiple county~~ services, and these
30 ~~such~~ contracts may be part of the board's school readiness
31 ~~coalition's business~~ plan.

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the school readiness plan, the regional child development board ~~coalition~~ may request the Governor to apply for a waiver to allow the board ~~coalition~~ to administer the Head Start Program to accomplish the purposes of the school readiness program. If a ~~any~~ school readiness plan demonstrates ~~can demonstrate~~ that specific statutory goals may ~~can~~ be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the Agency for Workforce Innovation ~~partnership~~ may be submitted ~~made~~ as part of the plan. Upon review, the Agency for Workforce Innovation ~~partnership~~ may grant the proposed modification.

5.~~4.~~ Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6.~~5.~~ A regional child development board ~~The coalition~~ may not implement its school readiness plan until the board ~~it~~ submits the plan to and receives approval from the Agency for Workforce Innovation ~~partnership~~. Once the plan is ~~has been~~ approved, the plan and the services provided under the plan shall be controlled by the regional child development board ~~coalition rather than by the state agencies or departments~~. The plan shall be reviewed and revised as necessary, but at least biennially. A regional child development board may not implement the revisions until the board submits the revised plan to and receives approval from the Agency for Workforce Innovation. If the Agency for Workforce Innovation rejects a

revised plan, the board must continue to operate under its prior approved plan.

7.~~6.~~ Sections ~~The following statutes will not apply to local coalitions with approved plans: ss.~~ 125.901(2)(a)3., 411.221, and 411.232 do not apply to a regional child development board with an approved school readiness plan. To facilitate innovative practices and to allow the regional ~~local~~ establishment of school readiness programs, a regional child development board ~~school readiness coalition~~ may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223, 411.232, and 1003.54, if the waiver is necessary for implementation of the board's ~~coalition's~~ school readiness plan.

8.~~7.~~ Two or more counties may join for purposes ~~the purpose~~ of planning and implementing a school readiness program.

9.~~8.~~ A regional child development board ~~coalition~~ may, subject to approval by ~~of~~ the Agency for Workforce Innovation ~~partnership~~ as part of the board's school readiness ~~coalition's~~ plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program ~~and be the provider of the program services~~.

10.~~9.~~ A regional child development board may ~~Coalitions are authorized to~~ enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

(e) Requests for proposals; payment schedule.--

1. ~~At least once every 3 years, beginning July 1, 2001,~~ Each regional child development board ~~coalition~~ must comply with ~~follow the competitive procurement requirements of~~



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 s. 287.057 for the procurement of commodities or contractual
2 services from the funds described in paragraph (9)(d) ~~school~~
3 ~~readiness programs~~. The period of a contract for purchase of
4 these commodities or contractual services, together with any
5 renewal of the original contract, may not exceed 3 years.
6 2. Each regional child development board ~~coalition~~
7 shall adopt ~~develop~~ a payment schedule that encompasses all
8 programs funded by the board under this section ~~that~~
9 ~~coalition~~. The payment schedule must take into consideration
10 the relevant market rate, must include the projected number of
11 children to be served, and must be submitted for approval by
12 ~~to~~ the Agency for Workforce Innovation ~~partnership for~~
13 ~~information~~. Informal child care arrangements shall be
14 reimbursed at not more than 50 percent of the rate developed
15 for a family day care home ~~childcare~~.
16 (f) Requirements relating to fiscal agents.--If a
17 regional child development board ~~the local coalition~~ is not ~~a~~
18 legally organized as a corporation or other business
19 ~~established corporate~~ entity, the board ~~coalition~~ must
20 designate a fiscal agent, which may be a public entity or a
21 private nonprofit organization. The fiscal agent must ~~shall be~~
22 ~~required to~~ provide financial and administrative services
23 under ~~pursuant to~~ a contract ~~or agreement~~ with the regional
24 child development board ~~school readiness coalition~~. The fiscal
25 agent may not provide direct early childhood education or
26 child care services; however, a fiscal agent may provide those
27 ~~such~~ services upon written request of the regional child
28 development board ~~coalition~~ to the Agency for Workforce
29 Innovation ~~partnership~~ and upon the approval of the ~~such~~
30 request by the agency ~~partnership~~. The cost of the financial
31 and administrative services shall be negotiated between the

fiscal agent and the regional child development board ~~school readiness coalition~~. If the fiscal agent is a provider of early childhood education and child care programs, the contract must specify that the fiscal agent shall ~~will~~ act on policy direction from the regional child development board ~~coalition~~ and must ~~will~~ not receive policy direction from its own corporate board regarding disbursal of the regional child development board's ~~coalition~~ funds. The fiscal agent shall disburse funds in accordance with the regional child development board's approved ~~coalition~~ school readiness plan and based on billing and disbursement procedures approved by the Agency for Workforce Innovation ~~partnership~~. The fiscal agent must conform to all data-reporting requirements established by the Agency for Workforce Innovation ~~partnership~~.

(g) Evaluation and annual report.--Each regional child development board ~~school-readiness-coalition~~ shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Agency for Workforce Innovation ~~Florida-Partnership-for-School Readiness~~. This report must conform to the content and format specifications set by the Agency for Workforce Innovation ~~Florida-Partnership-for-School-Readiness~~. The Agency for Workforce Innovation ~~partnership~~ must include an analysis of the regional child development board's ~~coalition~~ reports in the agency's ~~its~~ annual report.

(6) PROGRAM ELIGIBILITY.--Each regional child development board's ~~The~~ school readiness program shall be established for children younger than ~~under-the-age-of~~ kindergarten eligibility as defined in s. 1002.51. Priority



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 for participation in the school readiness program shall be
2 given to children age 3 years to school entry who are served
3 by the Family Safety Program Office of the Department of
4 Children and Family Services or a community-based lead agency
5 under ~~pursuant to~~ chapter 39 and for whom child care is needed
6 to minimize risk of further abuse, neglect, or abandonment.
7 Other eligible populations include children who meet one or
8 more of the following criteria:
9 (a) Children under the age of kindergarten eligibility
10 who are:
11 1. Children determined to be at risk of abuse,
12 neglect, or exploitation who are currently clients of the
13 Family Safety Program Office of the Department of Children and
14 Family Services, but who are not otherwise given priority
15 under this subsection.
16 2.~~1.~~ Children at risk of welfare dependency, including
17 economically disadvantaged children, children of participants
18 in the welfare transition program, children of migrant
19 farmworkers, and children of teen parents.
20 3.~~2.~~ Children of working families whose family income
21 does not exceed 150 percent of the federal poverty level.
22 4.~~3.~~ Children for whom the state is paying a relative
23 caregiver payment under s. 39.5085.
24 (b) Three-year-old children and 4-year-old children
25 who may not be economically disadvantaged but who have
26 disabilities, have been served in a specific part-time or
27 combination of part-time exceptional education programs with
28 required special services, aids, or equipment, and were
29 previously reported for funding part time with the Florida
30 Education Finance Program as exceptional students.
31

1 (c) Economically disadvantaged children, children with
2 disabilities, and children at risk of future school failure,
3 from birth to 4 years of age, who are served at home through
4 home visitor programs and intensive parent education programs
5 ~~such as the Florida First Start Program~~.
6 (d) Children who meet federal and state eligibility
7 requirements ~~for eligibility~~ for the migrant preschool program
8 but who do not meet the criteria of economically
9 disadvantaged.
10
11 As used in this subsection, the term ~~An~~ "economically
12 disadvantaged" child means a child whose family income does
13 not exceed ~~is below~~ 150 percent of the federal poverty level.
14 Notwithstanding any change in a family's economic status, but
15 subject to additional family contributions in accordance with
16 the sliding fee scale, a child who meets the eligibility
17 requirements upon initial registration for the program remains
18 ~~shall be considered~~ eligible until the child reaches
19 kindergarten eligibility as defined in s. 1002.51 ~~age~~.
20 (7) PARENTAL CHOICE.--
21 (a) The school readiness program shall provide
22 parental choice through ~~pursuant to~~ a purchase service order
23 that ensures, to the maximum extent possible, flexibility in
24 school readiness programs and payment arrangements. According
25 to federal regulations requiring parental choice, a parent may
26 choose an informal child care arrangement. The purchase order
27 must bear the name of the beneficiary and the program provider
28 and, when redeemed, must bear the signature of both the
29 beneficiary and an authorized representative of the provider.
30 (b) If it is determined that a provider has provided
31 any cash to the beneficiary in return for receiving the

1 purchase order, the regional child development board ~~coalition~~
2 or its fiscal agent shall refer the matter to the Division of
3 Public Assistance Fraud for investigation.
4 (c) The office of the Chief Financial Officer shall
5 establish an electronic transfer system for the disbursement
6 of funds in accordance with this subsection. Each regional
7 child development board ~~School-readiness-coalitions~~ shall
8 fully implement the electronic funds transfer system within 2
9 years after ~~plan~~ approval of the board's school readiness
10 plan, unless a waiver is obtained from the Agency for
11 Workforce Innovation ~~partnership~~.
12 (8) STANDARDS; OUTCOME MEASURES.--All publicly funded
13 school readiness programs must ~~shall-be-required-to~~ meet the
14 performance standards and outcome measures adopted ~~developed~~
15 ~~and-approved~~ by the Agency for Workforce Innovation
16 ~~partnership~~. The Agency for Workforce Innovation shall consult
17 with the Office of Program Policy Analysis and Government
18 Accountability ~~shall-provide-consultation-to-the-partnership~~
19 in the development of the measures and standards. These
20 performance standards and outcome measures shall apply ~~be~~
21 ~~applicable~~ on a statewide basis.
22 (9) FUNDING; SCHOOL READINESS PROGRAM.--
23 (a) It is the intent of this section to establish an
24 integrated and quality seamless service delivery system for
25 all publicly funded early childhood education and child care
26 programs operating in this state.
27 (b) ~~Notwithstanding-s.--20.50:~~
28 1. The Agency for Workforce Innovation shall
29 administer school readiness funds, plans, and policies
30 ~~pursuant-to-the-contract-with-the-Florida-Partnership-for~~
31 ~~School-Readiness~~ and shall prepare and submit a unified budget



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 request for the school readiness system program in accordance
2 with chapter 216.
3 2. All instructions to regional child development
4 boards for the administration of this section local school
5 readiness coalitions shall emanate from the Agency for
6 Workforce Innovation in accordance with the pursuant to
7 policies of the Legislature, plans of the Florida Partnership
8 for School Readiness, and the contract between the Florida
9 Partnership for School Readiness and the agency.
10 (c) The Agency for Workforce Innovation shall adopt
11 prepare a formula plan that provides for the allocation among
12 the regional child development boards distribution and
13 expenditure of all state and federal school readiness funds
14 for children participating in public or private school
15 readiness programs based upon an equity and performance
16 funding formula. The allocation formula must plan shall be
17 submitted to the Governor and the Legislative Budget
18 Commission. Upon approval, the Legislative Budget Commission
19 shall authorize the allocation transfer of funds by to the
20 Agency for Workforce Innovation for distribution in accordance
21 with the provisions of the allocation formula.
22 (d) All state funds budgeted for a county for the
23 programs specified in subsection (3), along with the pro rata
24 share of the state administrative costs of those programs in
25 the amount as determined by the partnership, all federal,
26 funds and required local maintenance-of-effort or matching
27 funds provided to a regional child development board for a
28 county for programs specified in subsection (3), and any
29 additional funds appropriated or obtained for purposes of this
30 section, shall be used by transferred for the benefit of the
31 board coalition for implementation of its school readiness



**CODING:** Words stricken are deletions; words underlined are additions.

plan, including the hiring of staff to effectively operate the board's ~~coalition's~~ school readiness program. As part of plan approval and periodic plan review, the Agency for Workforce Innovation ~~partnership~~ shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must ~~shall~~ not exceed 5 percent unless specifically waived by the Agency for Workforce Innovation ~~partnership~~. The Agency for Workforce Innovation ~~partnership~~ shall annually report to the Legislature any problems relating to administrative costs.

(e) The Agency for Workforce Innovation ~~partnership~~ shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the regional child development boards. ~~assist coalitions in integrating services and funding to develop a quality service delivery system. Subject to appropriation, the partnership may also provide financial awards to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs.~~

(f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. The Agency for Workforce Innovation ~~partnership~~ shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

(g) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund each regional child development board's ~~the local~~ school readiness program.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 (10) UNAUTHORIZED TRANSFERS.--Notwithstanding any
2 other law to the contrary, the Agency for Workforce Innovation
3 may not transfer to the Department of Education, through an
4 interagency agreement or through any other means, any of the
5 agency's powers, duties, functions, rules, records, personnel,
6 property, or unexpended balances of appropriations,
7 allocations, or other funds which are provided for purposes of
8 this section, without specific legislative authority by
9 express reference to this subsection.
10 ~~(10)--SCHOOL-READINESS-UNIFORM-SCREENING.--The~~
11 ~~Department-of-Education-shall-implement-a-school-readiness~~
12 ~~uniform-screening,-including-a-pilot-program-during-the~~
13 ~~2001-2002-school-year,-to-validate-the-system-recommended-by~~
14 ~~the-Florida-Partnership-for-School-Readiness-as-part-of-a~~
15 ~~comprehensive-evaluation-design.-Beginning-with-the-2002-2003~~
16 ~~school-year,-the-department-shall-require-that-all-school~~
17 ~~districts-administer-the-school-readiness-uniform-screening-to~~
18 ~~each-kindergarten-student-in-the-district-school-system-upon~~
19 ~~the-student's-entry-into-kindergarten.-Children-who-enter~~
20 ~~public-school-for-the-first-time-in-first-grade-must-undergo-a~~
21 ~~uniform-screening-adopted-for-use-in-first-grade.-The~~
22 ~~department-shall-incorporate-school-readiness-data-into-the~~
23 ~~K-20-data-warehouse-for-longitudinal-tracking.-Notwithstanding~~
24 ~~s.-1002.22,-the-department-shall-provide-the-partnership-and~~
25 ~~the-Agency-for-Workforce-Innovation-with-complete-and-full~~
26 ~~access-to-kindergarten-uniform-screening-data-at-the-student,~~
27 ~~school,-district,-and-state-levels-in-a-format-that-will~~
28 ~~enable-the-partnership-and-the-agency-to-prepare-reports~~
29 ~~needed-by-state-policymakers-and-local-school-readiness~~
30 ~~coalitions-to-access-progress-toward-school-readiness-goals~~
31

~~and-provide-input-for-continuous-improvement-of-local-school readiness-services-and-programs.~~

~~(11)--REPORTS.--The-Office-of-Program-Policy-Analysis and-Government-Accountability-shall-assess-the-implementation, efficiency,-and-outcomes-of-the-school-readiness-program-and report-its-findings-to-the-President-of-the-Senate-and-the Speaker-of-the-House-of-Representatives-by-January-1,-2002. Subsequent-reviews-shall-be-conducted-at-the-direction-of-the Joint-Legislative-Auditing-Committee.~~

(11) ~~(12)~~ CONFLICTING PROVISIONS.--In the event of a conflict between ~~the-provisions-of~~ this section and federal requirements, the federal requirements shall control.

(12) ~~(13)~~ PLACEMENTS.--Notwithstanding any other provision of this section to the contrary, ~~and-for-fiscal-year 2003-2004-only,~~ the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be made in accordance with subsection (6) ~~pursuant-to-the-provisions-of this-section.--This-subsection-expires-July-1,-2004~~.

Section 3. Effective July 1, 2004, paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.--

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

(a) The Auditor General may, by ~~pursuant-to~~ his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

1. The accounts and records of any governmental entity created or established by law.

2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

3. The accounts and records of any charter school created or established by law.

4. The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General may ~~is authorized to~~ require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person for ~~with respect to~~ the receipt and expenditure of the ~~such an~~ appropriation are ~~shall be~~ public records and shall be treated in the same manner as other public records ~~are~~ under general law.

6. State financial assistance provided to any nonstate entity.

7. The Tobacco Settlement Financing Corporation created under ~~pursuant to~~ s. 215.56005.

8. The Florida Virtual School created under ~~pursuant to~~ s. 1002.37.

9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by

Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., under ~~pursuant to~~ this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying the ~~such~~ donor or prospective donor are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The ~~Such~~ anonymity shall be maintained in the auditor's report.

11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board under ~~pursuant to~~ this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying the ~~such~~ donor or prospective donor are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The ~~Such~~ anonymity shall be maintained in the auditor's report.

12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized under ~~pursuant to~~ ss. 320.023 and 322.081.

13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the

1 planning and design of the ~~such~~ systems under ~~pursuant to~~ ss.
2 339.401-339.421.
3 15. The acquisitions and divestitures related to the
4 Florida Communities Trust Program created under ~~pursuant to~~
5 chapter 380.
6 16. The Florida Water Pollution Control Financing
7 Corporation created under ~~pursuant to~~ s. 403.1837.
8 17. The school readiness system, including the
9 regional child development boards, ~~Florida Partnership for~~
10 ~~School Readiness~~ created under ~~pursuant to~~ s. 411.01.
11 18. The Florida Special Disability Trust Fund
12 Financing Corporation created under ~~pursuant to~~ s. 440.49.
13 19. Workforce Florida, Inc., or the programs or
14 entities created by Workforce Florida, Inc., created under
15 ~~pursuant to~~ s. 445.004.
16 20. The corporation defined in s. 455.32 which ~~that~~ is
17 under contract with the Department of Business and
18 Professional Regulation to provide administrative,
19 investigative, examination, licensing, and prosecutorial
20 support services in accordance with ~~the provisions of~~ s.
21 455.32 and the practice act of the relevant profession.
22 21. The Florida Engineers Management Corporation
23 created under ~~pursuant to~~ chapter 471.
24 22. The Investment Fraud Restoration Financing
25 Corporation created under ~~pursuant to~~ chapter 517.
26 23. The books and records of any permitholder that
27 conducts race meetings or jai alai exhibitions under chapter
28 550.
29 24. The corporation defined in part II of chapter 946,
30 cited ~~known~~ as the Prison Rehabilitative Industries and
31 Diversified Enterprises, Inc., or PRIDE Enterprises.

1 Section 4. Subsections (3) and (6) of section 20.15,
2 Florida Statutes, are amended to read:
3 20.15 Department of Education.--There is created a
4 Department of Education.
5 (3) DIVISIONS.--The following divisions of the
6 Department of Education are established:
7 (a) Division of Community Colleges.
8 (b) Division of Public Schools.
9 (c) Division of Colleges and Universities.
10 (d) Division of Vocational Rehabilitation.
11 (e) Division of Blind Services.
12 (f) Division of Early Childhood Education.
13 (6) COUNCILS AND COMMITTEES.--Notwithstanding any
14 ~~anything contained in~~ law to the contrary, the commissioner
15 shall appoint all members of all councils and committees of
16 the Department of Education, except for the Commission for
17 Independent Education, ~~and~~ the Education Practices Commission,
18 and the Florida Child Development Advisory Council.
19 Section 5. Effective July 1, 2004, subsection (2) of
20 section 20.50, Florida Statutes, is amended to read:
21 20.50 Agency for Workforce Innovation.--There is
22 created the Agency for Workforce Innovation within the
23 Department of Management Services. The agency shall be a
24 separate budget entity, and the director of the agency shall
25 be the agency head for all purposes. The agency shall not be
26 subject to control, supervision, or direction by the
27 Department of Management Services in any manner, including,
28 but not limited to, personnel, purchasing, transactions
29 involving real or personal property, and budgetary matters.
30 (2) The Agency for Workforce Innovation is ~~shall be~~
31 the ~~designated~~ administrative agency designated for receipt of

federal workforce development grants and other federal funds. The agency~~,~~ ~~and~~ shall administer ~~carry-out~~ the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the director of Workforce Innovation, who shall be appointed by the Governor. The accountability and reporting functions of the agency shall be administered by the director or his or her designee. ~~Included in~~ These functions shall include ~~are~~ budget management, financial management, audit, performance management standards and controls, assessing outcomes of service delivery, and financial administration of workforce programs under ~~pursuant to~~ s. 445.004(5) and (9). ~~Within the agency's overall organizational structure,~~ The agency shall include the following offices within its organizational structure, which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer the unemployment compensation program, the Rapid Response program, the Work Opportunity Tax Credit program, the Alien Labor Certification program, and any other programs that are delivered directly by agency staff rather than through the one-stop delivery system. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

(b) The Office of Program Support and Accountability shall administer state merit system program staff within the workforce service delivery system, under the ~~pursuant to~~ policies of Workforce Florida, Inc. The office is ~~shall be~~ responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including ~~subsidized~~ child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office is ~~shall~~ also ~~be~~ responsible for program quality assurance, grants and contract management, contracting, financial management, and reporting. The office shall be directed by the Deputy Director for Program Support and Accountability, who shall be appointed by and serve at the pleasure of the director. The office is ~~shall be~~ responsible for:

1. Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

2. Annual review of each regional workforce board and administrative entity to ensure that adequate systems of reporting and control are in place; that~~,~~ ~~and~~ monitoring, quality assurance, and quality improvement activities are conducted routinely;~~,~~ and that corrective action is taken to eliminate deficiencies.

(c) The Office of Child Development shall administer the school readiness system in accordance with s. 411.01. The office shall be directed by the Deputy Director for Child Development, who shall be appointed by and serve at the pleasure of the director.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

(d) ~~(e)~~ The Office of Agency Support Services is ~~shall be~~ responsible for procurement, human resource services, and information services including delivering information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system and the school readiness ~~services~~ system, including, but not limited to, those systems described in s. 445.009. The office shall ~~will~~ be directed by ~~under the direction of~~ the Deputy Director for Agency Support Services, who shall be appointed by and serve at the pleasure of the director. The office is ~~shall be~~ responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs under ~~pursuant to~~ s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

3. Information systems that support the school readiness system ~~services~~.

(e) ~~(d)~~ The Unemployment Appeals Commission, authorized by s. 443.012, is ~~shall~~ not ~~be~~ subject to ~~the~~ control, supervision, or direction by the Agency for Workforce Innovation in the performance of its powers and duties but shall receive any and all support and assistance from the agency that is ~~may be~~ required for the performance of its duties.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 6. Effective July 1, 2004, paragraph (b) of
2 subsection (1) of section 125.901, Florida Statutes, is
3 amended to read:
4 125.901 Children's services; independent special
5 district; council; powers, duties, and functions.--
6 (1) Each county may by ordinance create an independent
7 special district, as defined in ss. 189.403(3) and
8 200.001(8)(e), to provide funding for children's services
9 throughout the county in accordance with this section. The
10 boundaries of such district shall be coterminous with the
11 boundaries of the county. The county governing body shall
12 obtain approval, by a majority vote of those electors voting
13 on the question, to annually levy ad valorem taxes which shall
14 not exceed the maximum millage rate authorized by this
15 section. Any district created pursuant to the provisions of
16 this subsection shall be required to levy and fix millage
17 subject to the provisions of s. 200.065. Once such millage is
18 approved by the electorate, the district shall not be required
19 to seek approval of the electorate in future years to levy the
20 previously approved millage.
21 (b) However, any county as defined in s. 125.011(1)
22 may instead have a governing board consisting of 33 members,
23 including: the superintendent of schools; two representatives
24 of public postsecondary education institutions located in the
25 county; the county manager or the equivalent county officer;
26 the district administrator from the appropriate district of
27 the Department of Children and Family Services, or the
28 administrator's designee who is a member of the Senior
29 Management Service or the Selected Exempt Service; the
30 director of the county health department or the director's
31 designee; the state attorney for the county or the state



**CODING:** Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 attorney's designee; the chief judge assigned to juvenile
2 cases, or another juvenile judge who is the chief judge's
3 designee and who shall sit as a voting member of the board,
4 except that the judge may not vote or participate in setting
5 ad valorem taxes under this section; an individual who is
6 selected by the board of the local United Way or its
7 equivalent; a member of a locally recognized faith-based
8 coalition, selected by that coalition; a member of the local
9 chamber of commerce, selected by that chamber or, if more than
10 one chamber exists within the county, a person selected by a
11 coalition of the local chambers; a member of the regional
12 child development board ~~local school readiness coalition,~~
13 selected by that board ~~coalition~~; a representative of a labor
14 organization or union active in the county; a member of a
15 local alliance or coalition engaged in cross-system planning
16 for health and social service delivery in the county, selected
17 by that alliance or coalition; a member of the local
18 Parent-Teachers Association/Parent-Teacher-Student
19 Association, selected by that association; a youth
20 representative selected by the local school system's student
21 government; a local school board member appointed by the chair
22 of the school board; the mayor of the county or the mayor's
23 designee; one member of the county governing body, appointed
24 by the chair of that body; a member of the state Legislature
25 who represents residents of the county, selected by the chair
26 of the local legislative delegation; an elected official
27 representing the residents of a municipality in the county,
28 selected by the county municipal league; and 4
29 members-at-large, appointed to the council by the majority of
30 sitting council members. The remaining 7 members shall be
31 appointed by the Governor in accordance with procedures set

1 forth in paragraph (a), except that the Governor may remove a
2 member for cause or upon the written petition of the council.
3 Appointments by the Governor must, to the extent reasonably
4 possible, represent the geographic and demographic diversity
5 of the population of the county. Members who are appointed to
6 the council by reason of their position are not subject to the
7 length of terms and limits on consecutive terms as provided in
8 this section. The remaining appointed members of the governing
9 board shall be appointed to serve 2-year terms, except that
10 those members appointed by the Governor shall be appointed to
11 serve 4-year terms, and the youth representative and the
12 legislative delegate shall be appointed to serve 1-year terms.
13 A member may be reappointed; however, a member may not serve
14 for more than three consecutive terms. A member is eligible to
15 be appointed again after a 2-year hiatus from the council.
16 Section 7. Effective July 1, 2004, subsection (1) of
17 section 216.133, Florida Statutes, is amended to read:
18 216.133 Definitions; ss. 216.133-216.137.--As used in
19 ss. 216.133-216.137:
20 (1) "Consensus estimating conference" includes the
21 Economic Estimating Conference, the Demographic Estimating
22 Conference, the Revenue Estimating Conference, the Education
23 Estimating Conference, the Criminal Justice Estimating
24 Conference, the Juvenile Justice Estimating Conference, the
25 Child Welfare System Estimating Conference, the Occupational
26 Forecasting Conference, the Child Development Programs ~~School~~
27 ~~Readiness Program~~ Estimating Conference, the Self-Insurance
28 Estimating Conference, the Florida Retirement System Actuarial
29 Assumption Conference, and the Social Services Estimating
30 Conference.
31

1 Section 8. Effective July 1, 2004, subsection (10) of
2 section 216.136, Florida Statutes, is amended to read:
3 216.136 Consensus estimating conferences; duties and
4 principals.--
5 (10) CHILD DEVELOPMENT PROGRAMS ~~SCHOOL-READINESS~~
6 ~~PROGRAM~~ ESTIMATING CONFERENCE.--
7 (a) Duties.--
8 1. The Child Development Programs ~~School-Readiness~~
9 ~~Program~~ Estimating Conference shall develop estimates and
10 forecasts of the unduplicated count of children eligible for
11 school readiness programs in accordance with the standards of
12 eligibility established in s. 411.01(6), and of children
13 eligible for the Florida Prekindergarten Education Program in
14 accordance with s. 1002.53(2), as the conference determines
15 are needed to support the state planning, budgeting, and
16 appropriations processes.
17 2. The Agency for Workforce Innovation ~~Florida~~
18 ~~Partnership for School-Readiness~~ shall provide information on
19 needs and waiting lists for school readiness programs as
20 ~~program services~~ requested by the Child Development Programs
21 ~~School-Readiness Program~~ Estimating Conference or individual
22 conference principals in a timely manner.
23 3. The Department of Education shall provide
24 information on needs for the Florida Prekindergarten Education
25 Program as requested by the Child Development Programs
26 Estimating Conference or individual conference principals in a
27 timely manner.
28 (b) Principals.--The Executive Office of the Governor,
29 the Director of Economic and Demographic Research, and
30 professional staff who have forecasting expertise from ~~the~~
31 ~~Florida Partnership for School-Readiness,~~ the Agency for

1 Workforce Innovation, the Department of Children and Family
2 Services, the Department of Education, the Senate, and the
3 House of Representatives, or their designees, are the
4 principals of the Child Development Programs ~~School-Readiness~~
5 ~~Program~~ Estimating Conference. The principal representing the
6 Executive Office of the Governor shall preside over sessions
7 of the conference.
8 Section 9. Effective July 1, 2004, section 402.3016,
9 Florida Statutes, is amended to read:
10 402.3016 Early Head Start collaboration grants.--
11 (1) Contingent upon specific appropriations, the
12 Agency for Workforce Innovation ~~Florida Partnership for School~~
13 ~~Readiness~~ shall establish a program to award collaboration
14 grants to assist local agencies in securing Early Head Start
15 programs through Early Head Start program federal grants. The
16 collaboration grants shall provide the required matching funds
17 for public and private nonprofit agencies that have been
18 approved for Early Head Start program federal grants.
19 (2) Public and private nonprofit agencies providing
20 Early Head Start programs applying for collaborative grants
21 must:
22 (a) Ensure quality performance by meeting the
23 requirements in the Head Start program performance standards
24 and other applicable rules and regulations;
25 (b) Ensure collaboration with other service providers
26 at the local level; and
27 (c) Ensure that a comprehensive array of health,
28 nutritional, and other services are provided to the program's
29 pregnant women and very young children, and their families.
30 (3) The Agency for Workforce Innovation ~~partnership~~
31 shall report to the Legislature on an annual basis the number

of agencies receiving Early Head Start collaboration grants and the number of children served.

(4) The Agency for Workforce Innovation ~~partnership~~ may adopt rules under s. 120.536(1) and s. 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 10. Effective, July 1, 2004, section 411.011, Florida Statutes, is amended to read:

411.011 Records of children in school readiness programs.--The individual records of children enrolled in school readiness programs provided under s. 411.01, when held in the possession of the regional child development board ~~school-readiness-coalition~~ or the Agency for Workforce Innovation ~~Florida-Partnership-for-School-Readiness~~, are confidential and exempt from ~~the-provisions-of~~ s. 119.07 and s. 24(a), Art. I of the State Constitution. For ~~the~~ purposes of this section, records include assessment data, health data, records of teacher observations, and identifying data, including the child's social security number. A parent, guardian, or individual acting as a parent in the absence of a parent or guardian has the right to inspect and review the individual school readiness program record of his or her child and to obtain a copy of the record. School readiness records may be released to the United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits; to individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction; to accrediting organizations in order to carry out their accrediting

1 functions; to appropriate parties in connection with an
2 emergency if the information is necessary to protect the
3 health or safety of the student or other individuals; to the
4 Auditor General in connection with his or her official
5 functions; to a court of competent jurisdiction in compliance
6 with an order of that court in accordance with ~~pursuant to~~ a
7 lawfully issued subpoena; and to parties to an interagency
8 agreement among regional child development boards ~~school~~
9 ~~readiness coalitions~~, local governmental agencies, providers
10 of school readiness programs, state agencies, and the Agency
11 for Workforce Innovation ~~Florida Partnership for School~~
12 ~~Readiness~~ for the purpose of implementing the school readiness
13 program. Agencies, organizations, or individuals that receive
14 school readiness records in order to carry out their official
15 functions must protect the data in a manner that does ~~will~~ not
16 permit the personal identification of students and their
17 parents by persons other than those authorized to receive the
18 records. This section is subject to the Open Government Sunset
19 Review Act of 1995 in accordance with s. 119.15 and shall
20 stand repealed on October 2, 2005, unless reviewed and saved
21 from repeal through reenactment by the Legislature.
22 Section 11. Effective July 1, 2004, paragraph (e) of
23 subsection (2) of section 411.226, Florida Statutes, is
24 amended to read:
25 411.226 Learning Gateway.--
26 (2) LEARNING GATEWAY STEERING COMMITTEE.--
27 (e) To support and facilitate system improvements, the
28 steering committee must consult with representatives from the
29 Department of Education, the Department of Health, the Agency
30 for Workforce Innovation ~~Florida Partnership for School~~
31 ~~Readiness~~, the Department of Children and Family Services, the



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 Agency for Health Care Administration, the Department of
2 Juvenile Justice, and the Department of Corrections and with
3 the director of the Learning Development and Evaluation Center
4 of Florida Agricultural and Mechanical University.
5 Section 12. Effective July 1, 2004, paragraph (d) of
6 subsection (1), paragraph (a) of subsection (2), and paragraph
7 (c) of subsection (3) of section 411.227, Florida Statutes,
8 are amended to read:
9 411.227 Components of the Learning Gateway.--The
10 Learning Gateway system consists of the following components:
11 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
12 ACCESS.--
13 (d) In collaboration with other local resources, the
14 demonstration projects shall develop public awareness
15 strategies to disseminate information about developmental
16 milestones, precursors of learning problems and other
17 developmental delays, and the service system that is
18 available. The information should target parents of children
19 from birth through age 9 and should be distributed to parents,
20 health care providers, and caregivers of children from birth
21 through age 9. A variety of media should be used as
22 appropriate, such as print, television, radio, and a
23 community-based Internet website, as well as opportunities
24 such as those presented by parent visits to physicians for
25 well-child checkups. The Learning Gateway Steering Committee
26 shall provide technical assistance to the local demonstration
27 projects in developing and distributing educational materials
28 and information.
29 1. Public awareness strategies targeting parents of
30 children from birth through age 5 shall be designed to provide
31 information to public and private preschool programs, child

1 care ~~childcare~~ providers, pediatricians, parents, and local
2 businesses and organizations. These strategies should include
3 information on the school readiness performance standards ~~for~~
4 ~~kindergarten~~ adopted by the Agency for Workforce Innovation
5 ~~School Readiness Partnership Board~~.
6 2. Public awareness strategies targeting parents of
7 children from ages 6 through 9 must be designed to disseminate
8 training materials and brochures to parents and public and
9 private school personnel, and must be coordinated with the
10 local school board and the appropriate school advisory
11 committees in the demonstration projects. The materials should
12 contain information on state and district proficiency levels
13 for grades K-3.
14 (2) SCREENING AND DEVELOPMENTAL MONITORING.--
15 (a) In coordination with the Agency for Workforce
16 Innovation ~~Partnership for School Readiness~~, the Department of
17 Education, and the Florida Pediatric Society, and using
18 information learned from the local demonstration projects, the
19 Learning Gateway Steering Committee shall establish guidelines
20 for screening children from birth through age 9. The
21 guidelines should incorporate recent research on the
22 indicators most likely to predict early learning problems,
23 mild developmental delays, child-specific precursors of school
24 failure, and other related developmental indicators in the
25 domains of cognition; communication; attention; perception;
26 behavior; and social, emotional, sensory, and motor
27 functioning.
28 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.--
29 (c) The steering committee, in cooperation with the
30 Department of Children and Family Services, the Department of
31 Education, and the Agency for Workforce Innovation ~~Florida~~



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 ~~Partnership for School Readiness~~, shall identify the elements
2 of an effective research-based curriculum for early care and
3 education programs.
4 Section 13. Effective July 1, 2004, paragraph (a) of
5 subsection (2) of section 624.91, Florida Statutes, is amended
6 to read:
7 624.91 The Florida Healthy Kids Corporation Act.--
8 (2) LEGISLATIVE INTENT.--
9 (a) The Legislature finds that increased access to
10 health care services could improve children's health and
11 reduce the incidence and costs of childhood illness and
12 disabilities among children in this state. Many children do
13 not have comprehensive, affordable health care services
14 available. It is the intent of the Legislature that the
15 Florida Healthy Kids Corporation provide comprehensive health
16 insurance coverage to these ~~such~~ children. The corporation is
17 encouraged to cooperate with any existing health service
18 programs funded by the public or the private sector and to
19 work cooperatively with the Agency for Workforce Innovation
20 ~~Florida Partnership for School Readiness~~.
21 Section 14. Subsection (1) of section 1001.23, Florida
22 Statutes, is amended to read:
23 1001.23 Specific powers and duties of the Department
24 of Education.--In addition to all other duties assigned to it
25 by law or by rule of the State Board of Education, the
26 department shall:
27 (1) Adopt the statewide kindergarten ~~school-readiness~~
28 ~~uniform~~ screening ~~developed by the Florida Partnership for~~
29 ~~School Readiness,~~ in accordance with s. 1002.67 ~~the criteria~~
30 ~~itemized in chapter 1008~~.
31

1 Section 15. Effective July 1, 2004, paragraph (d) of
2 subsection (3) of section 1002.22, Florida Statutes, is
3 amended to read:
4 1002.22 Student records and reports; rights of parents
5 and students; notification; penalty.--
6 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
7 student who attends or has attended any public school, area
8 technical center, or public postsecondary educational
9 institution shall have the following rights with respect to
10 any records or reports created, maintained, and used by any
11 public educational institution in the state. However,
12 whenever a student has attained 18 years of age, or is
13 attending a postsecondary educational institution, the
14 permission or consent required of, and the rights accorded to,
15 the parents of the student shall thereafter be required of and
16 accorded to the student only, unless the student is a
17 dependent student of such parents as defined in 26 U.S.C. s.
18 152 (s. 152 of the Internal Revenue Code of 1954). The State
19 Board of Education shall adopt rules whereby parents or
20 students may exercise these rights:
21 (d) Right of privacy.--Every student has ~~shall have~~ a
22 right of privacy with respect to the educational records kept
23 on him or her. Personally identifiable records or reports of a
24 student, and any personal information contained therein, are
25 confidential and exempt from ~~the provisions of~~ s. 119.07(1).
26 No state or local educational agency, board, public school,
27 technical center, or public postsecondary educational
28 institution shall permit the release of the ~~such~~ records,
29 reports, or information without the written consent of the
30 student's parent, or of the student himself or herself if he
31 or she is qualified as provided in this subsection, to any

individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

1. Officials of schools, school systems, technical centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of the ~~such~~ records or reports shall be furnished to the parent or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a student's application for or receipt of financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the ~~such~~ studies are conducted in ~~such~~ a manner that does ~~as will~~ not permit the personal identification of students and their parents by persons other

than representatives of the ~~such~~ organizations and if the ~~such~~ information will be destroyed when no longer needed for the purpose of conducting the ~~such~~ studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. Regional child development boards ~~School-readiness coalitions~~ and the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ in order to carry out their assigned duties.

8. For use as evidence in student expulsion hearings conducted by a district school board under ~~pursuant to the provisions of~~ chapter 120.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.

10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from ~~the provisions of~~ s. 119.07(1) and shall be protected in ~~such~~ a way that does ~~as will~~ not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the ~~such~~ personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.

11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with ~~pursuant to~~ a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with ~~pursuant to~~ a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the ~~provided that such~~ information is ~~may be~~ disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under ~~pursuant to~~ this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and

1 out-of-school suspensions and expulsions that provide
2 structured and well-supervised educational programs
3 supplemented by a coordinated overlay of other appropriate
4 services designed to correct behaviors that lead to truancy,
5 suspensions, and expulsions, and that support students in
6 successfully completing their education. Information provided
7 in furtherance of the ~~such~~ interagency agreements is intended
8 solely for use in determining the appropriate programs and
9 services for each juvenile or the juvenile's family, or for
10 coordinating the delivery of the ~~such~~ programs and services,
11 and as such is inadmissible in any court proceedings before
12 ~~prior to~~ a dispositional hearing unless written consent is
13 provided by a parent or other responsible adult on behalf of
14 the juvenile.
15
16 This paragraph does not prohibit any educational institution
17 from publishing and releasing to the general public directory
18 information relating to a student if the institution elects to
19 do so. However, no educational institution shall release, to
20 any individual, agency, or organization that is not listed in
21 subparagraphs 1.-13., directory information relating to the
22 student body in general or a portion thereof unless it is
23 normally published for the purpose of release to the public in
24 general. Any educational institution making directory
25 information public shall give public notice of the categories
26 of information that it has designated as directory information
27 for ~~with respect to~~ all students attending the institution and
28 shall allow a reasonable period of time after the ~~such~~ notice
29 has been given for a parent or student to inform the
30 institution in writing that any or all of the information
31 designated should not be released.

1 Section 16. By January 15, 2005, the Department of
2 Education, with the advice of the Florida Child Development
3 Advisory Council created under section 1002.73, Florida
4 Statutes, shall submit recommendations to the Legislature on
5 professional development programs for the Florida
6 Prekindergarten Education Program. The recommendations must
7 comprise options for the professional development of
8 prekindergarten directors, teachers, and child care personnel.
9 The recommendations shall address curricula and appropriate
10 delivery systems for the programs and shall consider the use
11 of Internet-based applications for instruction or assessment.
12 The recommendations must also include the estimated costs of
13 the professional development programs, including nonrecurring
14 startup costs and recurring operational costs.
15 Section 17. Notwithstanding sections 216.162-216.168,
16 Florida Statutes, and under section 216.351, Florida Statutes,
17 the Governor shall submit to the Legislature, as part of the
18 Governor's recommended budget for the 2005-2006 fiscal year,
19 the Governor's annual cost projections for the Florida
20 Prekindergarten Education Program for the 5-year period ending
21 with the 2009-2010 fiscal year. The cost projections must be
22 based upon the Governor's estimate of the number of children
23 to be served annually in the Florida Prekindergarten Education
24 Program, including annual estimates for the potential shift of
25 children to the Florida Prekindergarten Education Program from
26 school readiness programs provided under section 411.01,
27 Florida Statutes.
28 Section 18. (1) Effective July 1, 2004, the Florida
29 Partnership for School Readiness is abolished. All powers,
30 duties, functions, rules, records, personnel, property, and
31 unexpended balances of appropriations, allocations, and other



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 funds of the Florida Partnership for School Readiness are
2 transferred, effective July 1, 2004, by a type two transfer,
3 as defined in section 20.06(2), Florida Statutes, to the
4 Agency for Workforce Innovation.
5 (2) This act does not abolish the school readiness
6 coalitions but, effective July 1, 2004, redesignates the
7 coalitions as regional child development boards and, effective
8 January 1, 2005, requires a reduction in the number of boards.
9 All powers, duties, functions, rules, records, personnel,
10 property, and unexpended balances of appropriations,
11 allocations, and other funds of each school readiness
12 coalition are not transferred but shall be retained by the
13 coalition upon its redesignation as a regional child
14 development board.
15 Section 19. Sections 411.012 and 1008.21, Florida
16 Statutes, are repealed.
17 Section 20. (1) The sum of $7,000,000 in nonrecurring
18 funds is appropriated from the General Revenue Fund to the
19 Department of Education to implement the summer
20 prekindergarten demonstration program under section
21 1002.61(5), Florida Statutes, during the 2003-2004 fiscal
22 year.
23 (2) Notwithstanding section 1002.69, Florida Statutes,
24 each demonstration district's allocation of funds appropriated
25 under subsection (1) shall be based upon the district's
26 student enrollment in the demonstration program. Each
27 demonstration district's student enrollment in the
28 demonstration program, and the demographic composition of the
29 student enrollment, must be consistent with the research
30 design developed under section 1002.61(5)(b), Florida
31 Statutes. A full-time equivalent student in the summer

prekindergarten demonstration program shall be 300 hours, and the base student allocation for the demonstration program shall be $2,500 per full-time equivalent student. Each district's allocation per full-time equivalent student shall be calculated by multiplying the base student allocation by the district cost differential provided in section 1011.62(2), Florida Statutes.

(3) Each demonstration school have at least one certified teacher for every 10 students in the demonstration program. As used in this subsection, the term "certified teacher" has the same meaning ascribed in section 1002.61(3), Florida Statutes.

(4) Each demonstration district must submit all information requested by the Department of Education for reporting and funding purposes.

(5) Any unexpended balance at the end of the 2003-2004 fiscal year from the funds appropriated under subsection (1) shall be certified forward to the 2004-2005 fiscal year and shall be used to continue implementation of the demonstration program during summer 2004.

Section 21. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.



**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 3036

SPONSOR: Education Committee and Senator Carlton

SUBJECT: Early Childhood Education

DATE: March 31, 2004 REVISED: _____ _____ _____ _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Matthews | O'Farrell | ED | Favorable/CS |
| 2. | Newman | Newman | AED | |
| 3. | | | AP | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

## I. Summary:


This committee substitute (CS) implements s. 1(b) and (c), Art. IX of the State Constitution by creating the Florida Prekindergarten Education Program within the Department of Education (DOE). The prekindergarten Education Program affords parental choice by providing parents with two prekindergarten education options for their eligible children: a prekindergarten education program offered by child development providers operating under regional child development boards, or a prekindergarten summer education program offered by school districts. The CS:

- Requires child development providers participating in the prekindergarten education program to be licensed or exempt from licensure; have credentialed teachers or childcare personnel, including successful completion of an emerging literacy course; and meet the teacher-student ratio and program length adopted by the 2005 Legislature.
- Requires school districts to select the public schools participating in the prekindergarten summer education program. A participating public school must maintain a teacher-to-student ratio of at least one certified teacher for every six students and use educational facilities available in the public schools during the summer term for the summer prekindergarten education program.
- Mandates accountability by requiring DOE to adopt performance standards. A child development provider or public school may select the curriculum of their choice as long as the curriculum addresses prekindergarten standards including emerging literacy. However, if any child development provider or public school fails to maintain an 85 percent kindergarten readiness rate based on the results of the statewide screening instrument, the provider or public school would be subject to corrective action such as use of a DOE approved curriculum.

- Provides a timeframe for revising the current statewide screening instrument to measure readiness for kindergarten.
- Provides a funding mechanism for the prekindergarten education program based on full-time equivalent (FTE) student membership and certified attendance. An FTE shall be 300 hours in the prekindergarten summer education program offered by public schools. The 2005 Legislature shall set the program length for the child development providers. A student may not be reported for funding purposes as more than one FTE.
- Requires membership surveys of the participating child development providers and public schools to be administered by the regional child development boards and school districts, respectively. Initial funding allocations shall be based on estimates provided by the Child Development Programs Estimating Conference. Funding shall flow from the Department of Education through the school districts to the regional child development boards, and ultimately to the child development providers. The school districts and regional child development boards may not withhold funds from the child development providers for administrative costs. The CS provides that DOE shall annually allocate administrative funds to the regional child development boards from funds provided in the General Appropriations Act based on each board's FTE student membership.
- Prohibits a child development provider or public school from imposing or collecting a fee from parents for services provided under the prekindergarten education program. The CS prohibits state funds from being used under the prekindergarten education program for religious worship or instruction in accordance with the State Constitution. In addition, the CS requires the parent to be responsible for transportation of his or her child to the prekindergarten education program.
- Creates the Florida Child Development Advisory Council (FCDAC) within DOE, to provide advice to DOE and the Agency for Workforce Innovation (AWI) on child development policy.
- Abolishes the Partnership for School Readiness and transfers the current school readiness programs to AWI. AWI shall be directly responsible for oversight of the school readiness program and regional child development boards. The CS renames the school readiness coalitions as regional child development boards, who are responsible for local level implementation.
- Reduces the number of coalitions to at least 30 or fewer boards and requires each board to serve at least 1,500 students.
- Creates a summer prekindergarten education program in selected school districts for the 2003-2004 fiscal year. The Office of Program Policy Analysis and Government Accountability must conduct a study of the pilot program before the 2005 Legislative Session.

The CS creates Part V of chapter 1002, F.S., entitled the Florida Prekindergarten Education Program and consisting of ss. 1002.51, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71, and 1002.73, F.S.

The CS substantially amends ss. 411.01, 11.45, 20.15, 20.50, 125.901, 216.133, 216.136, 402.3016, 411.011, 411.226, 411.227, 624.91, 1001.23, 1002.22, F.S.

The CS repeals ss. 411.012 and 1008.21, F.S.

## II. Present Situation:

**Voluntary Universal Prekindergarten Education Program**

In 2002, the electors of Florida amended the State Constitution to require the Legislature to establish by the 2005 school year a new early childhood education program (i.e., the voluntary universal prekindergarten education program) for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards.[1] In response, the 2003 Legislature directed the State Board of Education to conduct a study and submit a report on the curriculum, design, and standards for this new prekindergarten program.[2] The State Board of Education established a Universal Prekindergarten Education Advisory Council, which issued a report of its recommendations to the state board in October 2003.[3] The State Board of Education subsequently accepted the advisory council's report and issued a final report,[4] which was submitted to the Legislature in December 2003. In addition, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Auditor General to conduct audits of the school readiness system and submit reports by January 15, 2004.[5] In particular, the Legislature directed OPPAGA to assess the implementation, efficiency, and outcomes of the school readiness programs and to examine the progress achieved by the Florida Partnership for School Readiness and school readiness coalitions. In particular, OPPAGA was directed to evaluate the ability of the school readiness system to effectively implement the voluntary universal prekindergarten education program.

**Program Review of the School Readiness System**

In January 2004, OPPAGA released its report and found that, although the school readiness system's potential is beginning to be realized at the local level, there is inadequate statewide guidance by the Florida Partnership for School Readiness, which is hindering progress of the school readiness system.[6] OPPAGA opined that most school readiness coalitions could effectively implement the universal prekindergarten education program if given appropriate statewide guidance.[7]

In 2002, OPPAGA reviewed the existing school readiness system.[8] The report found the Florida Partnership for School Readiness and the local school readiness coalitions had not implemented key elements of the school readiness program as required by law, including the establishment of an assessment system using a uniform screening instrument that measures the readiness of children entering kindergarten and the development of performance standards and outcome measures. The report also found that certain issues could jeopardize the future of the school readiness system, including the following:

---

[1] Section 1(b) and (c), Art. IX of the State Constitution.
[2] Section 411.012, F.S.
[3] Florida State Board of Education, Universal Prekindergarten Education Advisory Council, *Report and Recommendations to the Florida State Board of Education* (Oct. 21, 2003).
[4] Florida State Board of Education, *A Study of the Curriculum, Design, and Standards for Florida's Voluntary Universal Prekindergarten Education Program* (Nov. 18, 2003).
[5] Section 2, ch. 2003-93, L.O.F.
[6] OPPAGA, *School Readiness Program's Potential Is Beginning to Be Realized, But Is Hindered by Partnership Guidance Issues*, Report No. 04-06 (Jan. 2004).
[7] Id.
[8] OPPAGA, Florida Legislature, *Program Review: School Readiness Program's Potential Not Realized With Critical Issues Unresolved*, Report No. 02-07 (Jan. 2002), *available at* http://www.oppaga.state.fl.us/reports/pdf/0207rpt.pdf.

- Several school districts had chosen to terminate their school-based prekindergarten services;
- Disagreements between the partnership and the local coalitions over the partnership's authority to administer the school readiness system had caused disruption in implementation of the school readiness program;
- Local coalitions had difficulty retaining the participation of private-sector members who do not, and whose families do not, earn an income from the early education and childcare industry; and
- Smaller school readiness coalitions had difficulty affording a full-time staff within the requirement that total administrative expenditures are limited to 5 percent unless specifically waived by the partnership.[9]

**Senate Select Committee on Constitutional Amendment Implementation**

On February 17, 2003, a Senate Select Committee on Constitutional Amendment Implementation adopted recommendations concerning the implementation of Amendment No. 8 (Voluntary Universal Pre-Kindergarten Education).[10] The select committee's recommendations, which established a strategy to begin the planning and implementation of a new voluntary universal prekindergarten education program to effectuate the constitutional amendment, included the following:

- ***Governance.***—The existing school readiness system (i.e., Florida Partnership for School Readiness, local school readiness coalitions, and the Agency for Workforce Innovation) should be used as the base from which to implement the new voluntary universal prekindergarten education program, but improvements to the existing system should be determined, especially at the local level. The Office of Program Policy Analysis and Government Accountability should conduct a follow-up study on the existing system, which should include models for improvement of the existing school readiness system.
- ***Time factor.***—During the 2003 Regular Session, the Legislature should designate the existing school readiness system as the basic governance structure for implementation of the constitutional amendment and should require a study of the existing system to identify modifications needed for improvement. During the 2004 Regular Session, the Legislature should review the completed study recommendations, finalize the curriculum for the new voluntary universal prekindergarten education program, enact modifications needed to improve the existing school readiness system, and, if funding is available, begin to phase in implementation of the new program by expanding the eligibility criteria (e.g., family income) of the existing system. No later than the beginning of the 2005-2006 school year, the Legislature must begin full implementation of the new voluntary universal prekindergarten education program for every 4-year-old child in the state. The Legislature should monitor implementation of the new program and schedule a mandatory review of the program for the 2006 Regular Session.
- ***Program design and standards.***—The Department of Education should recommend options for the curriculum of the new voluntary universal prekindergarten education program and

[9] Section 411.01(9)(d), F.S.

[10] Florida Senate, Select Committee on Constitutional Amendment Implementation, *Amendment No. 8–Voluntary Universal Pre-Kindergarten Education* (Feb. 19, 2003), *available at* http://www.flsenate.gov/data/committees/senate/sci/recommendations/amendments8and6.pdf (last modified Feb. 20, 2003).

should maintain a continuing role in the development of the program's curriculum. In addition, the program's design must contain minimum standards for certification of providers based on health and safety and on outcome measurement.

- ***Delivery systems.***—The new voluntary universal prekindergarten education program should use both school-based providers and private providers to deliver services.
- ***Funding.***—Funds for the new voluntary universal prekindergarten education program should be allocated by the Florida Partnership for School Readiness to the local school readiness coalitions for distribution to providers in the most efficient manner, although current methods of allocation should be reexamined to ensure equity.

**School Readiness Programs**

In 1999, the Legislature enacted the School Readiness Act, which consolidated the state's early childhood education and childcare programs into one integrated program of school readiness services.[11] School readiness coalitions design, operate, and manage the school readiness program at the local level. The Florida Partnership for School Readiness provides state oversight for the local coalitions by adopting a system for measuring school readiness; developing performance standards and outcome measurements, data design and review; and approving and reviewing local school readiness coalitions and plans.

Fifty school readiness coalitions, encompassing all 67 counties of the state, currently operate under approved plans.[12] The partnership may approve a coalition's plan, reject the plan, or approve the plan with conditions.[13] If a coalition's school readiness plan serves fewer than 400 children less than 5 years of age, the coalition must:

- Join with another coalition to form a multi-county coalition;
- Enter into an agreement with a fiscal agent to serve more than one coalition; or
- Demonstrate to the partnership its ability to implement its plan and meet all performance standards and outcome measures.[14]

Forty-three counties are organized as single-county school readiness coalitions. The remaining 24 counties are grouped into seven multi-county coalitions:

- Baker, Bradford, Clay, and Nassau counties.
- Bay, Calhoun, Franklin, and Gulf counties.
- Columbia, Hamilton, Lafayette, Suwannee, and Union counties.
- Dixie, Gilchrist, and Levy counties.
- Glades and Hendry counties.
- Holmes and Washington counties.
- Jefferson, Liberty, Madison, and Wakulla counties.

School readiness programs must contain, at a minimum, the following elements:

[11] Chapter 99-357, L.O.F.
[12] Florida Partnership for School Readiness, *2002 Annual Report: Ready to Reach for the Stars* 6, 15, & 17-18 (Mar. 2003).
[13] Section 411.01(5)(d)2., F.S.
[14] Section 411.01(5)(a)1., F.S.

- Developmentally appropriate curriculum;
- A character development program;
- An age-appropriate assessment of each child's development;
- A pretest and posttest administered as children enter and leave programs;
- An appropriate staff-to-children ratio;
- A healthful and safe environment; and
- A resource and referral network that assists parents in making an informed choice of childcare providers.[15]

Before implementing its school readiness program, each school readiness coalition must develop and submit a school readiness plan to the Florida Partnership for School Readiness. The plan must include:

- A sliding fee scale;
- Parental choice of settings and locations where services will be provided;
- Eligibility priorities;
- Qualifications for instructional staff
- Reimbursement rates
- Systems support and direct enhancement services;
- A business plan
- Strategies to meet the needs of unique populations; and
- Performance standards and outcome measures.[16]

In 2001, the Legislature made several changes to the school readiness system, including the:

- Transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation;[17]
- Transfer of the subsidized childcare program, the prekindergarten early intervention program, the migrant education program, and the Florida First Start Program to the Agency for Workforce Innovation;[18]
- Transfer of the Childcare Executive Partnership and the statewide resource and referral network to the Agency for Workforce Innovation;[19] and
- Designation of the Agency for Workforce Innovation as the lead agency for the federal Even Start Family Literacy Programs.[20]

**Regulation of Childcare Providers**

The delivery system for school readiness programs is comprised of childcare providers and of school-based sites operated by public and nonpublic schools.[21] Childcare providers are distinguished by six types of settings: childcare facilities, specialized childcare facilities for the

[15] Section 411.01(5)(c)2., F.S.
[16] Section 411.01(5)(d)3. and 5., F.S.
[17] Section 16, ch. 2001-170, L.O.F.
[18] Sections 17 and 18, ch. 2001-170, L.O.F.
[19] Section 17, ch. 2001-170, L.O.F.
[20] Section 19, ch. 2001-170, L.O.F.; s. 411.0105, F.S.
[21] Section 411.01(5)(d)3.b., F.S.

care of mildly ill children, large family childcare homes, family day care homes, religious-exempt providers,[22] and informal providers.[23] Childcare providers are generally subject to two parallel systems of regulatory requirements. Unless exempted, all childcare providers other than informal providers are subject to state regulation,[24] regardless of whether they receive state funds for school readiness programs. These state regulations generally govern the health, safety, sanitation, nutrition, physical surroundings, and child development needs of children receiving childcare services; childcare personnel requirements (e.g., training, professional credentials, and background screening); and staff-to-children ratios.[25] Childcare providers receiving school readiness funds are also subject to the provider requirements established by the school readiness coalitions.

Except for certain facilities that are exempt from licensure (e.g., religious-exempt providers), all childcare facilities in the state must be licensed.[26] Specialized childcare facilities for the care of mildly ill children and large family childcare homes also must be licensed.[27] Depending on local requirements, family day care homes either must be licensed or registered.[28] The licensure or registration of childcare providers is administered by the Childcare Services Program Office of the Department of Children and Family Services or, in seven counties (Alachua, Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota), by local licensing agencies that have licensing standards meeting or exceeding the state's minimum standards.[29]

The Childcare Services Program Office also develops, approves, and coordinates training programs for childcare personnel; develops and verifies professional credentials, including the state equivalent of the child development associate and the credential for directors of childcare facilities; and develops standards for the Gold Seal Quality Care program,[30] which creates the basis for increased reimbursement rates in school readiness programs.[31]

**Funding of School Readiness Programs**

School readiness programs are funded through a mixture of state and federal funds. The combined budget of the system is approximately $687.2 million, comprised of $386.6 million from the federal Childcare and Development Fund (CCDF) block grant; $112.5 million from the federal Temporary Assistance for Needy Families (TANF) block grant; $170.9 million from the state's General Revenue Fund; and $17.2 million from other funds, including $500,000 from the federal Social Services Block Grant.[32]

---

[22] See s. 402.316, F.S.
[23] Although the term "informal childcare arrangement" is used in s. 411.01(5)(e)2. and (7)(a), F.S., the term is not defined. The term "informal provider" is commonly used in the childcare industry to refer to a relative or other caregiver who provides unregulated childcare services.
[24] Section 402.312, F.S.
[25] See ss. 402.305, 402.313, and 402.3131, F.S.).
[26] Sections 402.305 and 402.312, F.S.
[27] Sections 402.305(17), 402.312, and 402.3131, F.S.
[28] Sections 402.312 and 402.313, F.S.
[29] Sections 402.306 and 402.307, F.S.
[30] Section 402.281, F.S.
[31] See, e.g., Specific Appropriation 2014A, *General Appropriations Act for Fiscal Year 2003-2004,* ch. 2003-397, L.O.F. (funds "may be used to enhance the quality of childcare … by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.").
[32] Specific Appropriations 2010-2022, *General Appropriations Act for Fiscal Year 2003-2004,* ch. 2003-397, L.O.F.

## III. Effect of Proposed Changes:

**THE FLORIDA PREKINDERGARTEN EDUCATION PROGRAM**

This committee substitute (CS) implements s. 1(b) and (c), Art. IX of the State Constitution by creating the Florida Prekindergarten Education Program.

**Parental Choice**

***Options***

The CS affords parental choice by providing parents with two education options for their eligible children: a prekindergarten education program offered by child development providers operating under regional child development boards, or a prekindergarten summer education program offered by school districts. However, a child may not be enrolled in both programs.

A parent may enroll his or her child with any child development provider that is eligible to deliver the prekindergarten education program. However, a child development provider is not required to admit any child. A regional child development board or DOE may not limit the number of students admitted by any child development provider for enrollment in the program.

A parent may enroll his or her child with any public school within the school district, which is eligible to deliver the prekindergarten summer education program, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in the summer prekindergarten program.

***Informed Choice***

The CS requires each regional child development board to provide a parent enrolling a child in the prekindergarten education program a profile of each child development provider and public school in a format prescribed by DOE. The profile must include:

- The provider or public school's services, curriculum, teacher credentials, and teacher-to-student ratio;
- The average of kindergarten readiness rates for the provider or public school.

***Application***

The CS establishes a single point of entry for parents to apply for both prekindergarten education options by requiring a parent to submit his or her application to the regional development board. The regional child development board must coordinate with the school districts regarding enrollment procedures for students enrolling in the prekindergarten summer education program. The CS requires a parent to submit an application to enroll his or her child in the prekindergarten education program on a form prescribed by DOE. In addition, the parent must submit a certified copy of the child's birth certificate or alternative proof of a child's age as determined by DOE with the application.

The CS does not provide a deadline for submission. Accordingly, the CS does not indicate whether a student who fails to complete an application shall be prohibited from participating in the prekindergarten education program.

***Eligible Students***

Each child who will have attained 4 years of age on or before September 1 of the school year is eligible during that school year. The child remains eligible until the child has attained the age of 5 years on or before September 1 of the school year or the child is admitted to kindergarten, whichever occurs first. The CS limits the eligibility of children to state residents.

**Prekindergarten Education Program Delivered by Child Development Providers**

***Eligibility of Child Development Providers***

The CS defines eligible child development providers for purposes of the prekindergarten education program. To participate in the program a provider must be a:

- Nonpublic school exempt from licensure under s. 402.3025(2), F.S., which is accredited by an accrediting agency that is recognized and approved by the United States Department of Education;
- Childcare facility licensed under s. 402.305, F.S.;
- Family day care home licensed under s. 402.313, F.S.;
- Large family childcare home licensed under s. 402.3131, F.S.; or
- Religious-affiliated childcare facility exempt from licensure under s. 402.316, F.S., which is a member, participant, or accredited by a state, regional, or national accrediting agency for religious exemption, recognized by the Department of Children and Family Services as enforcing minimum accrediting standards that meet or exceed the minimum licensing standards in s. 402.305(1)-(11), (13), (15), and (16), F.S.

The Department of Children and Family Services may adopt rules to provide procedures for the recognition of accrediting agencies for religious-affiliated childcare facilities exempt from licensure under s. 402.316, F.S.

The CS omits informal childcare providers, which although not statutorily defined, are unlicensed family or relative caregivers, from participation in the program.

***Teacher Credentials***

The CS requires a child development provider, as a condition of participating in the prekindergarten education program and receiving state funds, to employ teachers or childcare personnel with the following credentials:

- A Child Development Associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Regulation;
- A CDA equivalent approved by the Department of Children and Families[33] as being equivalent to or greater than the CDA issued by National Credentialing Program of the Council for Professional Regulation;
- Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

[33] The CS provides that the Department of Children and Family Services may adopt rules to provide criteria and procedures for the approval of CDA equivalent credentials.

- Bachelor's or higher degree in elementary education, if the teacher has been certified to teach children any age from birth through 6th grade, regardless of whether the certificate is current;
- An associate's or higher degree in child development;
- An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours experience in teaching or providing childcare services for children any age from birth through 8 years of age; or
- An educational credential approved by DOE as being equivalent to or greater than any of the above educational credentials.

***Emerging Literacy Training***

In addition, the CS requires a teacher or childcare personnel to successfully complete an emerging literacy training course approved by DOE. DOE shall adopt, with advice from FCDAC, by January 1, 2005, minimum standards for a training course in emerging literacy for teachers and childcare personnel of the prekindergarten education program. The course shall consist of five clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in the development of emerging literacy skills, including oral communication, knowledge of print and letters, and phonological or phonemic awareness.

The emerging literacy training course must meet or exceed the Department of Children and Families' requirements for approved training in early literacy and language development under s. 402.305(2)(d)4., F.S., s. 402.313(6), F.S., and s. 402.3131(5), F.S. Successful completion of the training course satisfies these requirements for approved training.

However, a teacher or childcare personnel is not required to complete the emerging literacy course if the teacher or childcare personnel successfully completes an approved training in early literacy and language development under s. 402.305(2)(d)4., s. 402.313(6), or s. 402.3131(5), F.S., before the establishment of the emerging literacy training course or January 1, 2005, whichever occurs later.

***Director Credentials***

The CS requires a director of a child development provider to obtain a prekindergarten director credential approved by DOE. DOE shall adopt by July 1, 2005, with the advice of FCDAC, minimum standards for a credential for prekindergarten directors of child development providers delivering the prekindergarten education program. The credential must include requirements for:

- Education and onsite experience;
- Training in professionally accepted standards for prekindergarten programs, child development, and strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining DOE performance standards for the prekindergarten education program.
- Training in program administration and operations, including management, organizational leadership, and financial and legal issues; and
- The credential must meet or exceed the requirements of the Department of Children and Families for a childcare facility director credential under s. 402.305(2)(f), F.S., and

successful completion of the prekindergarten director credential satisfies the requirements for a childcare facility director credential.

A director satisfies this requirement if the director successfully completes a childcare facility director credential under s. 402.305(2)(f), F.S., before the establishment of the prekindergarten director credential under s. 1002.57, F.S., or July 1, 2005, whichever occurs later.

***Program Length and Teacher-Student Ratios***

The CS requires DOE, by February 15, 2005, with the advice of FCDAC, to recommend to the Governor and the Legislature an appropriate teacher-to-student ratio and program length for prekindergarten programs delivered by child development providers. The recommendations must consider the outcomes of the summer prekindergarten demonstration program and the evaluation of the demonstration program by OPPAGA. The Legislature shall, at the 2005 Regular Session:

- Review the evaluation of the demonstration program by OPPAGA;
- Review the recommendations of DOE;
- Adopt a teacher-to-student ratio and program length for prekindergarten programs delivered by child development providers.

***Licensure Requirements***

The CS requires that the Department of Children and Families or a local licensing agency, if required under ss. 402.301-402.319, F.S., must license a child development provider.

***Registration***

The CS requires a child development provider to register with the regional child development board on forms prescribed by DOE.

***Discrimination***

The CS prohibits a child development provider from refusing to admit a child for enrollment in the prekindergarten education program, or otherwise discriminating against a parent or child, because of the parent's or child's race, color, or national origin.

**The Summer Prekindergarten Program**

The CS creates the prekindergarten summer education program within the school districts beginning in the 2005-2006 school year. Each school district shall administer the program and determine which public schools are eligible to deliver the summer prekindergarten program. The school district must use educational facilities available in the public schools during the summer term for the prekindergarten summer education program. Each participating public school:

- Must maintain a teacher-to-student ratio of at least one certified teacher for every six students in the prekindergarten summer education program;
- Must use a certified teacher as provided under s. 1012.56, F.S., who the district determines to be qualified to instruct students in the summer program; and
- May not refuse to admit a child for enrollment in the prekindergarten education program, or otherwise discriminate against a parent or child, because of the parent's or child's race, color, or national origin.

The CS authorizes the school district to determine which teacher may be used to instruct prekindergarten education program students in the summer program. Accordingly, a district may use a certified teacher who does not have a specialization in early childhood education to instruct prekindergarten students.

**The Prekindergarten Summer Education Demonstration Program**

The CS creates a prekindergarten summer education demonstration program to be implemented during the 2004 summer in the following school districts: Baker, Duval, Hillsborough, Martin, Miami-Dade, Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla. The demonstration program shall implement the prekindergarten summer education program delivered by public schools within the demonstration districts.

OPPAGA shall develop a research design for the demonstration program that ensures that students in the demonstration program are demographically representative of students statewide and that the sample size is sufficient to generate statistically valid data.

Each demonstration district and demonstration school shall implement the demonstration program in accordance with the research design developed by OPPAGA, and to the maximum extent practicable, in accordance with the CS.

By December 1, 2004, DOE shall submit to the Legislature the results of the statewide kindergarten screening instrument administered to students who completed the summer prekindergarten demonstration program.

By January 15, 2005, OPPAGA shall conduct an evaluation of the demonstration program in consultation with the Legislature. Each demonstration district shall submit data about the demonstration program as requested by OPPAGA.

The bill provides for an unspecified sum of funds to be appropriated from the General Revenue Fund to DOE to implement the summer prekindergarten demonstration program during the 2003-2004 fiscal year.

Each demonstration district's allocation of funds appropriated for the summer prekindergarten demonstration program shall be based upon each demonstration district's FTE student membership in the demonstration program. The amount allocated per FTE student shall be calculated by DOE and approved by the Florida Education Finance Program Appropriation Allocation Conference in accordance with s. 1011.65, F.S. The calculations must be determined using school district expenditures from the most recent annual program cost report for kindergarten through third grade, based upon the following costs directly related to implementing the demonstration project for 300 hours with one certified teacher for every six students:

- Salary supplement or contract extension for each certified teacher;
- Benefits directly associated with each teacher's additional salary;
- Materials and supplies for each prekindergarten classroom;
- Cost of substitute teachers; and

- Additional costs for school plant operations and maintenance for utilities and custodial services.

Each demonstration district must submit all information requested by DOE for calculating FTE student membership in the demonstration program or for reporting and funding purposes.

Any unexpended balance at the end of the 2003-2004 fiscal year from the funds appropriated for the demonstration program shall be certified forward to the 2004-2005 fiscal year and shall be used to continue implementation of the demonstration program during summer 2004.

The prekindergarten summer education demonstration program expires July 1, 2005.

**Accountability**

***Performance Standards***

The CS requires DOE, by January 1, 2005, with advice from FCDAC, to adopt performance standards. The standards must address the age-appropriate progress of students as required by the constitution and emerging literacy skills, including oral communication, knowledge of print and letters, and phonological or phonemic awareness.

***Curriculum***

The CS authorizes each child development provider or public school to select its own curriculum, consistent with the adopted prekindergarten standards and emerging literacy requirements, for use in implementing the prekindergarten education program. However, if a child development provider or public school is placed on probation, it must use a curriculum approved by DOE. DOE shall maintain a list of approved curricula, which must be designed to enhance the age-appropriate progress of students in attaining the performance standards adopted by DOE and prepare students to be assessed as ready by the statewide kindergarten screening.

***Compliance***

The CS requires each regional child development board and school district to verify compliance by the child development providers or public schools, respectively, with the prekindergarten education program requirements.

The CS authorizes a regional child development board or DOE to remove a child development provider from participation in the prekindergarten education program for failure or refusal to comply with the program requirements. The CS authorizes a school district or DOE to remove a public school from participation in the prekindergarten summer education program if the school fails or refuses to comply with the program requirements.

***Readiness for Kindergarten***

The CS requires a child development provider or public school to meet certain kindergarten readiness completion rates to avoid sanctions by the regional child development board or the school district, respectively. The statewide screening instrument shall be used to measure the outcomes of the prekindergarten education programs delivered by child development providers or public schools. Beginning with the kindergarten readiness rates for students completing the prekindergarten education program during the 2005-2006 school year who are administered the

statewide kindergarten screening during the 2006-2007 school year, the following sanctions are imposed for failure to meet the kindergarten readiness completion rates:

- If less than 85 percent of a provider's or public school's prekindergarten education program students are assessed as ready for kindergarten, the regional child development board or school district shall require the respective child development provider or public school to submit an improvement plan for approval by the regional child development board or the school district, as applicable.
- If less than 85 percent of a provider or public school's prekindergarten education students are assessed as ready for kindergarten for 2 consecutive years, the provider or public school shall be placed on probation and required to take certain corrective actions including the use of a DOE approved curriculum. A child development provider or public school that is placed on probation must continue the corrective actions, including the use of DOE approved curriculum until the provider or public school meets the 85-percent kindergarten readiness rate based upon results of the statewide kindergarten screening.

Although the CS provides a regional child development board, public school, or DOE to prohibit a provider or public school from participating in the program that fails or refuses to comply with the program requirements, the CS does not specifically authorize the removal of a provider or public school that fails to meet the 85-percent threshold. Accordingly, a provider or public school could indefinitely participate in the program and never meet the screening standards.

***Statewide kindergarten screening***

The CS requires DOE, with advice from FCDAC, to adopt a statewide kindergarten screening instrument that assesses the readiness of each student for kindergarten based upon the performance standards adopted by DOE for the prekindergarten education program. Each kindergarten student in a public school or private school who participated in the prekindergarten education program must take the screening instrument within 30 days after the student's entry into kindergarten. Each school district shall designate the public schools that administer the statewide kindergarten screening for children admitted to kindergarten in a private school.

The screening instrument must provide objective data on each student's progress in attaining the performance standards adopted by DOE. The screening instrument shall incorporate mechanisms recognizing potential variations in kindergarten readiness rates for children with disabilities.

From the 2004-2005 school year through the 2006-2007 school year, DOE shall use the Early Screening Inventory-Kindergarten (ESI-K) developmental screening instrument as the statewide screening instrument. DOE may administer additional instruments but only if the instruments are administered statewide. During these years, DOE must use the ESI-K to calculate kindergarten readiness rates.

By January 15, 2006, DOE, with the advice of FCDAC, shall recommend to the Legislature valid and reliable screening instruments for the statewide screening instrument. The Legislature shall review the recommendations of DOE at the 2006 Regular Session and adopt screening instruments for statewide kindergarten screening.

DOE shall continue to administer ESI-K during the 2006-2007 school year for baseline data comparisons but beginning with the 2006-2007 school year, DOE shall administer the statewide screening instrument adopted by the Legislature in the 2006 Regular Session.

The Legislature shall review the baseline data and the 85 percent kindergarten readiness rate in the 2007 Regular Session.

For the 2007-2008 school year and beyond, DOE shall use the screening instruments authorized by the Legislature in the 2006 Regular Session to calculate kindergarten readiness rates.

**Funding**

The CS establishes a funding mechanism for the prekindergarten education program. A categorical fund is created for the program. Categorical funds appropriated for the program shall be in addition to funds appropriated based upon full-time equivalent (FTE) student membership in the program.

Each school district's allocation of funds appropriated for the prekindergarten education program shall be based on the district's FTE student membership as delivered by child development providers within the district and in the summer prekindergarten program delivered by public schools within the district.

DOE shall annually allocate initial funding for the prekindergarten education program to the school districts according to each district's estimated FTE student membership based on the estimates and forecasts of the Child Development Programs Estimating Conference. DOE shall revise and reallocate the initial funding allocations according to each district's FTE membership surveys.

FTE student membership in the prekindergarten education program shall be calculated as follows:

- For a student in a prekindergarten program delivered by a child development provider, in accordance with the program length adopted by the 2005 Legislature.
- For a student in a summer prekindergarten program delivered by a public school, 300 hours.

However, a student may not be reported for funding purposes as more than one FTE.

Each regional child development board and school district shall administer membership surveys in the prekindergarten education program for each child development provider and public school.

A regional child development board shall administer the membership survey to child development providers in October for the fall term, February for the spring term, and June for the end-of-year or summer term. The regional child development board shall report its membership surveys to each school district within the county or multicounty region served by the board.

Each public school shall administer the membership survey during the midweek of the summer prekindergarten program. The school district shall administer the survey in the same manner as

under s. 1011.62(1), F.S. Each school district shall report to DOE the district's membership survey and the regional child development board's membership survey.

The CS does not have a mechanism for distributing allocations on a pro-rata basis if the student membership estimates are inaccurate. Accordingly, in the 2005-2006 school year, if the school district's actual membership in the prekindergarten education program is higher than the initial estimates of the estimating conference, it may result in a situation where there are unfunded FTE(s) in the school district. If the Legislature implements a pro-rata distribution in this or the 2005 Regular Session, and if a school district's actual student membership in the prekindergarten summer education program in the 2005-2006 school year is higher than the initial estimates of the estimating conference, it may result in a situation where a reduction in value per FTE would not be proportionately shared between the school districts and the child development providers.

***Payment Tied to Certified Attendance***

Each regional child development board shall pay child development providers on a monthly basis. To receive payment, a child development provider must certify student attendance to the regional child development board. The regional child development board shall submit the certified student attendance to each school district within the county or multicounty regional served by the board. The school districts shall pay the regional child development board from the funds allocated to the district for each student in accordance with certified student attendance. The regional child development provider within the school district shall pay the funds to each child development provider in accordance with certified student attendance.

The CS does not establish a timeframe for payments to be made. Providers often cite delay in reimbursements in the school readiness program as a problem.

Each parent enrolling his or her child in the prekindergarten education program must agree to comply with the attendance policy of the child development provider or school district, as applicable. Upon enrollment of the child, the provider or school district must provide the parent a copy of the attendance policy.

The child development provider or school district may dismiss a student who does not comply with the provider or district's attendance policy. A student who is dismissed may continue the program through enrollment with another child development provider or public school. A school district is not required to provide for the admission of a student dismissed for failure to comply with the district's attendance policy.

DOE shall adopt procedures for documenting attendance of students in the prekindergarten education program. The procedures must provide requirements for the adjustment of a child development provider or public school's funding when a student has more than five consecutive unexcused absences during a month.

***Administrative Costs***

A school district may not withhold any funds to a regional child development board for administrative costs. A regional child development board may not withhold any funds to a child development provider for administrative costs. DOE shall annually allocate administrative funds to each regional child development board from funds provided in the General Appropriations Act

for administration of the prekindergarten education program based on each regional child development board's FTE student membership in the prekindergarten education program. The amount of each regional child development board's administrative funds may not exceed three percent of the funds paid by the board to child development providers for the prekindergarten education program.

The CS does not provide for administrative costs for school districts in performing their administrative function in acting as a conduit for funds and certified attendance reports from the regional child development boards.

***Prohibitions***

Except as otherwise expressly authorized by law, a child development provider or public school may not:

- Impose or collect a fee or charge for services provided for a child enrolled in the prekindergarten education program during a period reported for funding purposes under s. 1002.67(4), F.S., or
- Require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the prekindergarten education program.

State funds provided for the prekindergarten education program may not be used for:

- A sectarian purpose or activity, including religious worship or instruction, to the extent prohibited under s. 3, Art. I of the State Constitution; or
- The transportation of students to and from the program. A parent is responsible for transportation of his or her child.

**Governance**

The prekindergarten education program shall be housed in DOE. The CS creates the Division of Early Childhood Education in DOE, under the direction of a chancellor. The division, with the advice of the Florida Child Development Advisory Council, shall administer the prekindergarten education program at the statewide level. The division shall administer the powers and duties assigned to DOE under the prekindergarten education program. DOE shall adopt procedures for:

- Enrolling children in and determining the eligibility of children for the prekindergarten education program.
- Providing parents with profiles of child development providers and public schools.
- Registering and determining the eligibility of child development providers to deliver the program.
- Approving prekindergarten director credentials.
- Approving emerging literacy training courses.
- Verifying the compliance of child development providers and public schools, and removing providers or schools from eligibility to deliver the program for noncompliance.
- Approving improvement plans of child development providers and public schools.

- Placing child development providers and public schools on probation and requiring corrective actions.
- Administering the statewide kindergarten screening and calculating kindergarten readiness rates.
- Allocating categorical funds among school districts.
- Documenting and certifying student attendance and administering membership surveys.
- Reenrolling students dismissed by a child development provider or public school for noncompliance with the provider or school district's attendance policy.
- Paying child development providers, public schools, and regional child development boards.
- Allocating administrative funds among regional child development boards.

Section 120.52(15), F.S., defines a rule for purposes of the Administrative Procedure Act to include an agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency. The State Board of Education should address several of DOE's procedural obligations through rulemaking.

The CS prohibits DOE, except as otherwise provided by law, from:

- Imposing requirements on a child development provider that does not deliver the prekindergarten education program or receive state funds under this part;
- Imposing requirements on a regional child development board, which are not necessary for the administration of the prekindergarten education program; or
- Administering powers and duties assigned to the Agency for Workforce Innovation or a regional child development board under s. 411.01, F.S.

The State Board of Education shall adopt rules under s. 120.536(1), F.S., and s. 120.54, F.S., to administer the prekindergarten education program. The State Board of Education shall adopt initial rules for the prekindergarten education program by January 1, 2005.

**The Florida Child Development Advisory Council:**
The CS creates the Florida Child Development Advisory Council (FCDAC) within DOE to provide advice to DOE and AWI on child development policy, including advice related to the prekindergarten education program and to school readiness under s. 411.01, F.S. DOE shall provide staff and administrative support.

FCDAC shall meet at least quarterly but may meet as often as necessary. Members of FCDAC shall serve without compensation but shall be reimbursed for per diem and travel expenses for attendance of council meetings as provided in s. 112.061, F.S. Each member is subject to the ethics provisions of part III, chapter 112, F.S. Each member is governed by sovereign immunity as provided in s. 768.28, F.S.

FCDAC shall be composed of the following members:

- The Chancellor for Early Childhood Education.
- The Deputy Director for Child Development of AWI.

- The director of the Childcare Services Program Office of DFS.
- The director of the Division of Community Colleges of DOE.
- The Secretary of Health or his or her designee.
- The chair of the Childcare Executive Partnership.
- The chair or executive director of Workforce, Florida, Inc., or his or her designee.
- The director of the Florida Head Start-State Collaboration Office.
- A chair of a regional child development board who shall be selected by the chairs of the regional child development boards.
- An executive director of a regional child development board who shall be selected by the executive directors of the regional child development boards.
- Two members appointed by and who serve at the pleasure of the President of the Senate and two members appointed by and who serve at the pleasure of the Speaker of the House of Representatives, who must each meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6., F.S.
- Six members appointed by the Governor, as follows:
    - The chair of the advisory council and one other member, who must both meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6., F.S.
    - A district superintendent of schools.
    - A representative of private childcare providers, including family day care homes.
    - A representative of faith-based childcare providers.
    - A representative of programs for prekindergarten children with disabilities under the federal Individuals with Disabilities Education Act.

The members appointed must be geographically and demographically representative of the state. The members shall be appointed to terms of 3 years each, except that, to establish staggered terms, one-half of the members shall be appointed to initial terms of 2 years each. Appointed members may serve a maximum of two consecutive terms.

**Professional Development Programs for the Prekindergarten Education Program**
The CS requires DOE, by January 15, 2005, with the advice of FCDAC, to submit recommendations to the Legislature on professional development programs for the prekindergarten education program. The recommendations must:

- Comprise options for the professional development of prekindergarten directors, teachers, and childcare personnel;
- Address curricula and appropriate delivery systems for the programs and shall consider the use of Internet-based applications for instruction or assessment; and
- Include the estimated costs of the professional development programs, including nonrecurring startup costs and recurring operational costs.

**Cost Projections**
The CS requires the Governor to submit to the Legislature, as part of the Governor's recommended budget for the 2005-2006 fiscal year, the Governor's annual cost projections for the prekindergarten education program for the 5-year period ending with the 2009-2010 fiscal

year. The cost projections must be based on the Governor's recommendations for the prekindergarten education program, including the Governor's recommendations for an appropriate program length, teacher-to-student ratio or other minimum staffing requirements or credentials, and curricular requirements for the program. The cost projections must be based on the Governor's estimated number of children to be served annually in the prekindergarten education program, including annual estimates for the potential shift of children to the prekindergarten education program from school readiness programs provided under section 411.01, F.S.

**THE SCHOOL READINESS SYSTEM**

The CS revises the governance structure of school readiness system by abolishing the Partnership for School Readiness and directing the Agency for Workforce Innovation (AWI) to oversee policy and implementation of school readiness programs at the state level, with regional child development boards administering the school readiness programs at the local level.

The CS creates the Office of Child Development within AWI to administer the school readiness system. The director of AWI shall appoint a Deputy Director for Child Development, who shall direct the office and who serves at the pleasure of the director of AWI.

Effective July 1, 2004, the partnership's powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred by a type two transfer to AWI.

In conformance with AWI assuming the functions of the partnership, the CS makes the following changes:

- The Governor may designate AWI as the lead agency for purposes of the Childcare and Development Fund (CCDF), 45 C.F.R. parts 98 and 99.
- AWI, with the advice of FCDAC and DOE, must adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of the school readiness skills required under s. 411.01(4)(j), F.S. AWI shall integrate the performance standards for school readiness programs into the performance standards adopted by DOE for the prekindergarten education program.
- AWI may adopt rules to administer the school readiness program.
- AWI is prohibited from imposing requirements on a childcare or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under s. 411.01, F.S., or administering powers and duties assigned to DOE and the regional child development boards under the prekindergarten education program.
- AWI, with the advice of FCDAC, shall coordinate the efforts toward school readiness and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.
- AWI, with the advice of FCDAC, shall adopt and administer a quality-assurance system. AWI shall use the quality-assurance system to monitor and evaluate the performance of each regional child development board in administering the school readiness program and

implementing the board's school readiness plan. The quality-assurance plan must include onsite monitoring of each board's finances, management, operations, and programs.

- AWI, with the advice of FCDAC, must identify best practices of regional child development boards to improve the outcomes of school readiness programs.

**Regional Child Development Boards:**
The CS revises the structure and composition of local school readiness coalitions. Effective July 1, 2004, school readiness coalitions are redesignated as regional child development boards. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of each school readiness coalition are not transferred but shall be retained by the coalition upon its redesignation as a regional child development board.

Effective January 1, 2005, the number of regional child development boards must be reduced. AWI shall, with the advice of FCDAC, establish the minimum number of children younger than kindergarten eligibility to be served by each regional child development board through the board's school readiness program. AWI may only approve school readiness plans in accordance with this number. The minimum number must be uniform and must permit 30 or fewer boards to be established, and require each board to serve at least 1,500 children younger than kindergarten eligibility. If the board cannot meet the minimum threshold established by AWI, it must join with another county to form a multicounty board.

Each regional child development board shall be organized in accordance with this act by January 1, 2005. By June 30, 2005, each board must complete the transfer to the successor board, if applicable.

***Membership***
The CS revises the membership of the regional child development boards by providing that they be composed of at least 18 members but not more than 35 whereas previously the maximum number of members was 25. AWI, with the advice of FCDAC, shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. These standards shall include variations for multicounty boards.

The Governor shall appoint the chair and two other members of each regional child development board, who must each meet the same qualifications as private-sector business members appointed by the board under s. 411.01(5)(a)6., F.S. In addition, the bill authorizes the regional workforce board executive director to have his or her designee serve on the board. The bill adds a president of a community college or his or designee to the regional boards and revises the childcare licensing agency head to mean an agency head of a local licensing agency as defined in s. 402.302, F.S. The bill revises the representation of private childcare providers to include family day care homes. The bill eliminates duplicative membership by eliminating the district administrator appointed by the Department of Children and Families and the member appointed by a district school board. Finally, the bill adds a representative of a program, serving children with disabilities under the federal Individuals with Disabilities Education Act.

Including the members appointed by the Governor, more than one third of the members of each regional child development board must be private-sector business members who do not have a relative as defined in s. 112.3143, F.S., who has a substantial financial interest in the design or delivery of the prekindergarten education program or the board's school readiness program. AWI shall adopt criteria for the appointment of private-sector business members, which must include standards for determining whether a member or relative has a substantial financial interest.

Each member of a regional child development board is subject to s. 112.313, s. 112.3135, and s. 112.3143, F.S. For purposes of s. 112.3143(3)(a), F.S., each member is a local public officer who must abstain from voting when a voting conflict exists.

Each regional child development board shall establish the terms for all appointed members of the board. Terms may not exceed 4 years and members may serve a maximum of two consecutive terms.

***Payments and Reimbursements***

The CS requires each regional child development board to comply with s. 287.057, F.S., for the procurement of commodities or contractual services from the funds described in s. 411.01(9)(d), F.S. A contract for the purchase of commodities or contractual services, including any renewal of the original contract, may not exceed 3 years.

A regional child development board must adopt a payment schedule for the school readiness program. The payment schedule must be submitted for approval by AWI. Formerly, a coalition only submitted the payment schedule to the partnership for information.

**School Readiness Programs**

The CS makes corresponding changes to the school readiness programs.

***Single Point of Entry***

AWI shall establish a single statewide information system that integrates each regional child development board's single point of entry, each board must use the statewide system. The CS defines a "single point of entry" to mean an integrated information system that:

- Allows a parent to enroll his or her child in the school readiness program at various locations throughout the county or multicounty region served by a regional child development board;
- May allow a parent to enroll his or her child by telephone or through an Internet website; or
- Uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program.

The school readiness program must, at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills required under s. 411.01(4)(j), F.S., as measured by the performance standards and outcome measures adopted by AWI.

AWI must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by a regional child development board.

The bill eliminates the requirement that a school readiness program must serve at least as many children as were served prior to implementation of the program.

**School Readiness Plans**

The CS makes corresponding changes to the school readiness plans. The CS:

- Requires AWI authorization prior to a regional child development board implementing a school readiness plan.
- Requires AWI, with advice from FCDAC, to adopt criteria for the approval of school readiness plans, which must be consistent with the performance standards and outcome measures adopted by AWI.
- Requires the plan to demonstrate how the program would enhance the age-appropriate progress of the children in attaining the performance standards adopted by AWI.
- Requires the plan to include the business organization of the regional child development board, including the articles of incorporation and bylaws if the board is organized as a corporation. If the board is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent.
- Authorizes AWI to reject a regional child development board's plan and contract with a qualified entity to continue school readiness services until the board is reestablished through adoption by AWI of a plan if AWI determines, during its annual review of plans, that a regional child development board has not substantially implemented its plan or has not substantially met the performance standards and outcome measures adopted by AWI.
- Prohibits the implementation of revised plans until AWI approves.
- Prohibits a regional child development board from being a child development provider.

***School Readiness Priority***

The CS revises and clarifies the school readiness program priority for eligible children. The CS adds to the priority of eligible children, children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services not otherwise given priority. In addition, the CS makes permanent the first placement of children, who are from families receiving temporary cash assistance and subject to federal work requirements, in school readiness programs.

***Funding***

The CS provides that all state, federal, and required local maintenance-of-effort or matching funds provided to a regional child development board shall be used in implementing the board's school readiness plan.

The CS requires AWI to annually distribute, to the maximum extent practicable, all eligible funds provided under s. 411.01, F.S., as block grants to the regional child development boards.

**Auditor General**
The CS authorizes the Auditor General to conduct audits of the school readiness system and the regional child development boards.

**Child Development Programs Estimating Conference**
The CS renames the School Readiness Estimating Conference the Child Development Programs Estimating Conference and provides additional estimating duties with respect to the number of children eligible for the prekindergarten education program. DOE must provide information on the needs for the prekindergarten education program as requested by the estimating conference or individual conference principals in a timely manner.

**Conforming changes**
The CS makes conforming changes throughout the Florida Statutes to reflect the new organizational structure of the prekindergarten education program and the school readiness system, and to eliminate obsolete provisions.

**Repeals**
The CS repeals s. 411.012, F.S., relating to the voluntary universal prekindergarten education program, and s. 1008.21, F.S., relating to the school readiness uniform screening, as these provisions are obsolete.

**Effective Date**
This bill, unless otherwise expressly provided, has an effective date of upon becoming a law.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

### D. Other Constitutional Issues:

**Eligible Students**
Section 1(b), Art. IX of the State Constitution requires every four-year-old to be provided a high quality learning opportunity in the form of early childhood education program.

The CS provides that each child who will have attained 4 years of age on or before September 1 of the school year is eligible during that school year. The child remains eligible until the child has attained the age of 5 years on or before September 1 of the school year or the child is admitted to kindergarten, whichever occurs first. A student

who is not four years old on September 1 of the school year may not actually receive a prekindergarten education until the student is five years old. Accordingly, based on a strict literal interpretation of the constitution, the provision could be challenged.

## V. Economic Impact and Fiscal Note:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

Indeterminate.

### C. Government Sector Impact:

Indeterminate.

## VI. Technical Deficiencies:

None.

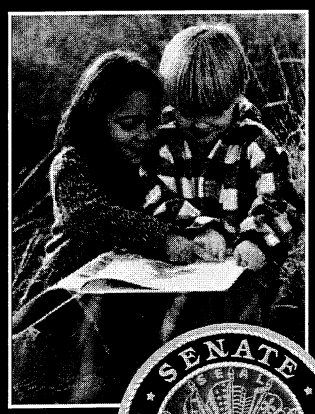
## VII. Related Issues:

None.

## VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.



# Proposed CS/CS/SB 3036

(Early Childhood Education)

## Creating the Florida Prekindergarten Education Program

**Appropriations Subcommittee on Education**
**April 13, 2004**

**THE FLORIDA SENATE**

# Constitutional Amendment

ARTICLE IX
EDUCATION

SECTION 1. Public education.—

(b) Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(c) The early childhood education and development programs provided by reason of subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002 that provided for child or adult education, health care, or development.

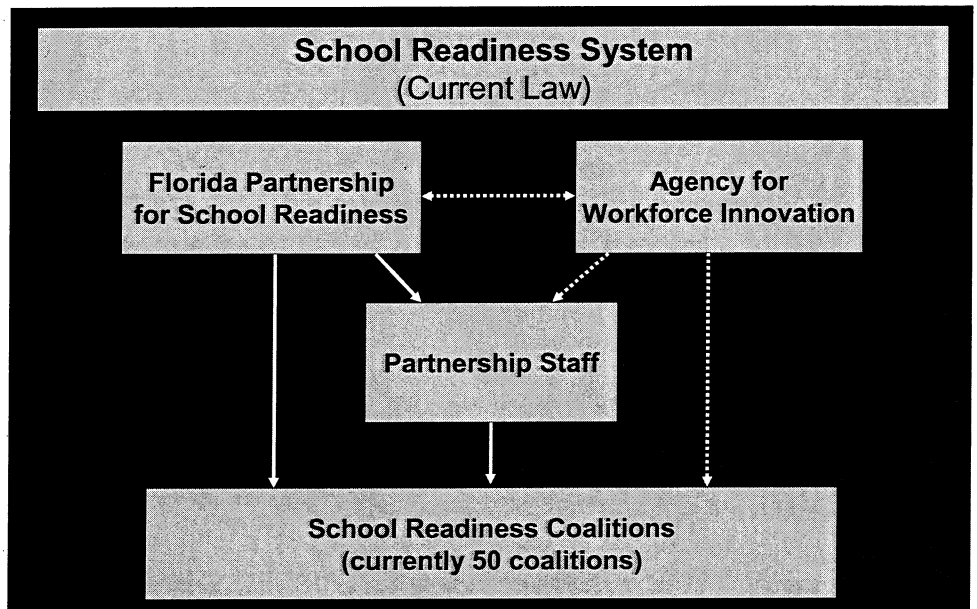
**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

# Governance

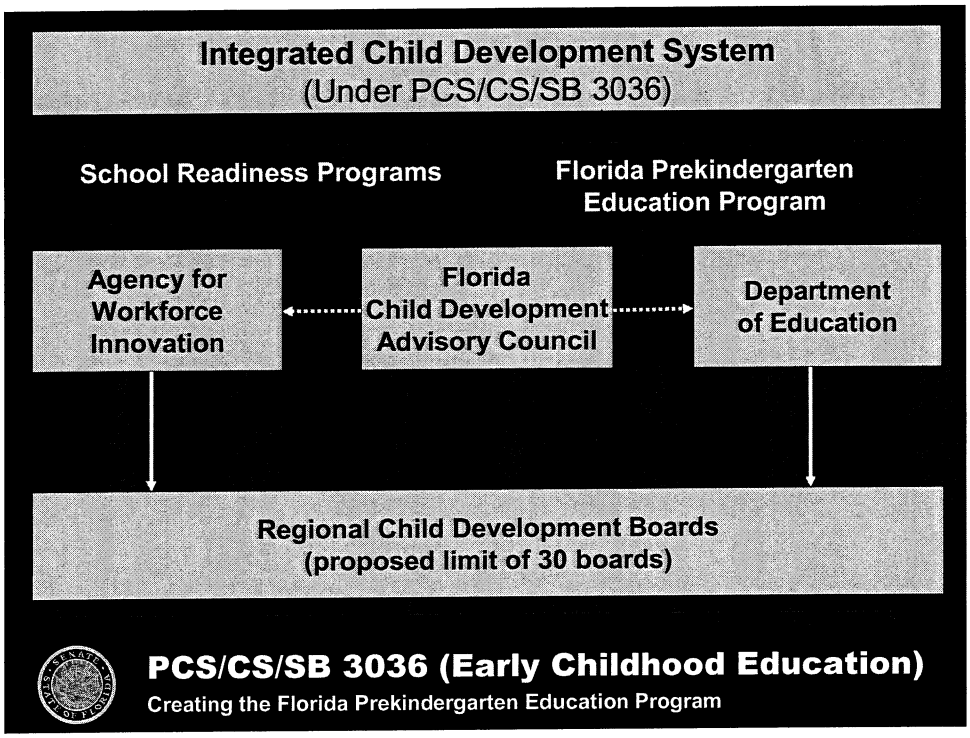
*"An organized program"*

- Creates the Pre-K program in the Department of Education under a Chancellor
- Abolishes the Partnership for School Readiness
- Transfers the current School Readiness Programs to the Agency for Workforce Innovation
- Uses School Readiness Coalitions (renamed as Regional Child Development Boards) to deliver both Pre-K and School Readiness
- Establishes a statewide Child Development Advisory Council to advise both DOE and AWI on Pre-K and School Readiness

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program




**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program




# Education Standards

*"Education in basic skills"*

- DOE to adopt performance standards for the Pre-K program—defining *what* children will learn
- Pre-K standards must address skills listed in the constitution *(e.g., language and cognitive capabilities ...)*
- Standards must also address *Emergent Literacy*:
  - Oral communication;
  - Knowledge of print and letters;
  - Phonemic and phonological awareness; and
  - Vocabulary and comprehension development
- DOE to approve list of curricula that enhances student performance on the Pre-K standards, and the list would be available for all providers and schools

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

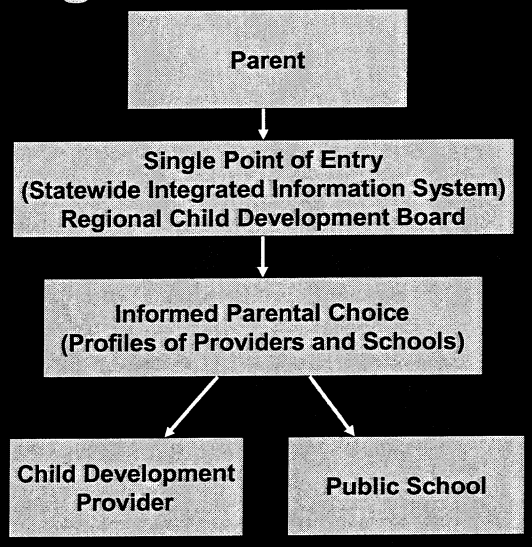
# Pre-K Parental Choice

*"Voluntary ... in an appropriate range of settings"*

- Parent chooses between three Pre-K program options:
  - Program by a child development provider during the year;
  - Summer program by a public school; or
  - School-year program by a public school
- Parent selects the provider or school
- Applications for all programs received through the regional child development board's "single point of entry"
- Parent is given performance profiles of providers and schools to help make an informed choice



# Single Point of Entry




**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

## Provider Program & Personnel

*"High quality ... delivered according to professionally accepted standards"*

- Administered by regional child development board
- Taught by personnel with CDA, state equivalent to CDA, or greater educational credential
- 540-hour program taught during the year before student is admitted to kindergarten
- Teachers must complete an emergent literacy training course approved by DOE
- Pre-K program directors must complete a director credential approved by DOE



## Eligible Providers

*"An appropriate range of settings"*

- Private schools, which must be accredited by an accrediting agency in NCPSA, CITA, or FAANS or hold the Gold Seal designation
- Licensed child care facilities, licensed family day care homes, and licensed large family child care homes, which must hold the Gold Seal designation or meet the Gold Seal program standards
- Faith-based child care providers, which must also be accredited by an accrediting agency in NCPSA, CITA, or FAANS or hold the Gold Seal designation

## Summer Public School Program

*"High quality ... delivered according to professionally accepted standards"*

- Administered by public school district
- Taught by Florida-certified teacher
- 1:10 teacher-to-student ratio
- 300-hour program taught in summer before student is admitted to kindergarten
- Demonstration program will pilot summer program during summer 2004
- OPPAGA to conduct evaluation of demonstration program before 2005 legislative session

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

## Public School-Year Program

*"High quality ... delivered according to professionally accepted standards"*

- Administered by public school district
- 540-hour program taught during school year before student is admitted to kindergarten
- To participate, a school district must:
  - Be current in meeting the class-size reduction schedule
  - Have sufficient facilities and capital outlay funds to meet constitutional class-size requirements by 2010-2011 school year; and
  - Not require additional capital outlay funds for class-size reduction

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

## Standards and Screening

*"Enhance each child's ability to make age appropriate progress"*

- DOE adopts performance standards for Pre-K programs
- DOE to approve emergent literacy training courses and Pre-K director credentials
- DOE to recommend professional development programs for teachers and personnel, including consideration of Internet-based instruction or assessment

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

## Standards and Screening

*"Enhance each child's ability to make age appropriate progress"*

- Responsibility for Statewide Kindergarten Screening transferred to DOE. The screening must measure student performance on the Pre-K standards
- DOE must use ESI-K screening through 2006-07
- New screening instruments to be recommended by DOE in 2006
- ESI-K and new instruments used in 2006-07 for comparative baseline data
- New instruments measure performance in 2007-08

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

## Curriculum and Accountability

- Each provider or school selects its own curriculum, which must be developmentally appropriate, address Pre-K standards (including emergent literacy), and be based on reading research
- If less than 85% of a provider's or school's students are ready for kindergarten in any year, the provider or school must implement an improvement plan
- A provider or public school is placed on probation if less than 85% of students are ready for kindergarten for 2 consecutive years
- Providers and schools on probation must use DOE-approved curricula

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

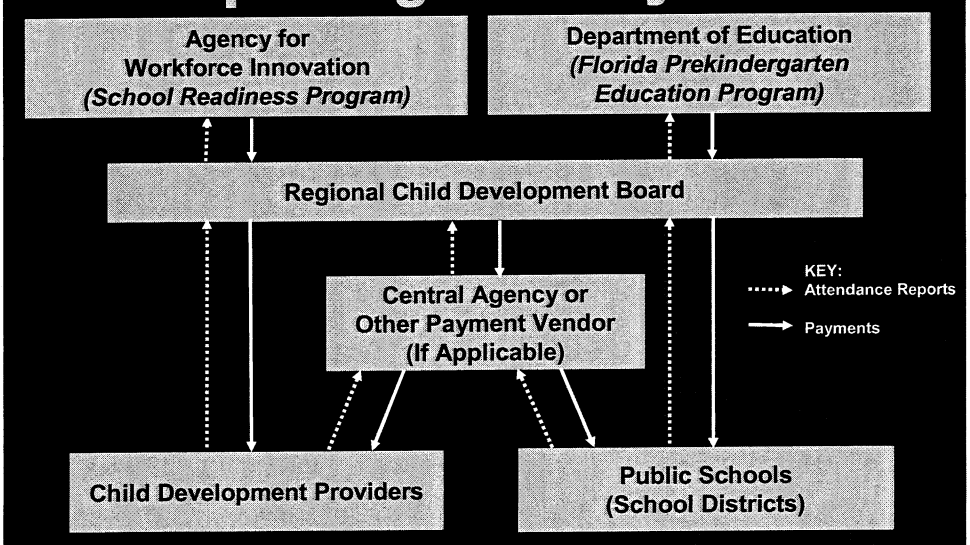
## Funding for Free Program

*"Free ... through funds generated in addition to those used for existing education, health, and development programs"*

- Pre-K to be funded separately from School Readiness Programs
- Providers and schools may not charge any fees for the Pre-K program
- Transportation not provided for Pre-K
- Administrative funding for regional child development boards to be provided separately from Pre-K program funds
- Regional boards may not withhold part of a child development provider's or public school's Pre-K program funds for administrative costs

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

# Reporting and Payment




**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

# School Readiness Reforms

- Renames School Readiness Coalitions as Regional Child Development Boards
- Reduces the number of boards from 50 to 30
- AWI director and staff to be directly responsible for oversight of School Readiness Programs and regional boards
- AWI to adopt performance standards for School Readiness which integrate into Pre-K standards adopted by DOE
- AWI to administer quality-assurance system to monitor performance of regional boards
- Require statewide system for single point of entry

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

## Regional Board Reforms

- Add president of community college
- Add representative of children with disabilities
- Ensure that family day care homes are represented
- Clarify appointment of private-sector business members
- Governor to appoint chair and 2 private-sector business members
- Specify that members with voting conflicts must abstain from voting

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

**PCS/CS/SB 3036 (Early Childhood Education)**
Creating the Florida Prekindergarten Education Program

# APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Lisa Carlton, Chair

## Additional Amendment Packet

Tuesday, April 13, 2004
9:15 a.m. – 11:15 a.m.
412 Knott Building

***(Please bring this packet to the committee meeting. Duplicate materials will not be available.)***

Bill No. *Proposed CS/CS/SB 3036*

Amendment No. ___

CHAMBER ACTION

| Senate | | House |
|---|---|---|
| | . . . . . | |

Senator Wasserman Schultz moved the following amendment:

**Senate Amendment**

On page 18, lines 8-20, delete those lines

and insert: the schedule in s. 1(a), Art. IX of the State Constitution; and

2. That the school district has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in each classroom for each year in accordance with the class-size reduction schedule and to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the beginning of the 2010-2011 school year.

Bill No. *Proposed CS/CS/SB 3036*

Amendment No. ___

CHAMBER ACTION

| Senate | | House |
|---|---|---|
| | . . . . . | |

Senator Wasserman Schultz moved the following amendment:

**Senate Amendment**

On page 27, line 28, through page 28, line 3, delete those lines

and insert:

(8) State funds provided for the Florida Prekindergarten Education Program may not be used for either:

(a) A sectarian purpose or activity, including religious worship or instruction, to the extent prohibited under s. 3, Art. I of the State Constitution; or

(b) The transportation of students to and from the program.

A parent is responsible for the transportation of his or her child to and from the Florida Prekindergarten Education Program, regardless of whether the program is delivered by a child development provider or a public school.

Bill No. SB 1670

Amendment No. 3 921474

CHAMBER ACTION

| Senate | | House |
|---|---|---|
| | | |

The Committee on Education recommended the following amendment:

**Senate Amendment**

On page 2, line 6, delete the word "national"

Bill No. *Proposed CS/CS/SB 3036*

Amendment No. ___

CHAMBER ACTION

Senate | House

Consideration of this amendment requires a 2/3 vote of members present

Senator Lynn moved the following amendment:

**Senate Amendment**

On page 16, line 11, after the period

insert: In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.