1 A bill to be entitled An act relating to early learning; creating s. 14.2017, 2 3 F.S.; creating the Office of Early Learning in the Executive Office of the Governor; providing 4 responsibilities; providing for type two transfer of the 5 Office of Early Learning in the Agency for Workforce 6 7 Innovation, the Office of Early Learning in the Department 8 of Education, and child care facility licensing 9 responsibilities of the Department of Children and Family Services to the Office of Early Learning in the Executive 10 Office of the Governor; amending ss. 20.50, 216.136, 11 411.0105, 1002.22, and 1002.63, F.S.; conforming 12 provisions; amending s. 1002.65, F.S.; providing 13 requirements for credentials of prekindergarten 14 instructors; amending s. 1002.67, F.S.; providing 15 16 curriculum requirements for prekindergarten programs; 17 amending s. 1002.69, F.S.; revising provisions relating to 18 the minimum kindergarten readiness rate; amending s. 19 1002.71, 1002.73, 1002.75, 1002.77, 1002.79, and 1003.575, F.S.; conforming provisions; providing for the continued 20 validity of child care facility licenses and 21 registrations; requiring the Division of Statutory 22 Revision to make conforming changes to the Florida 23 24 Statutes and to provide certain assistance to legislative committees and councils; providing an effective date. 25 26 Be It Enacted by the Legislature of the State of Florida: 27

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

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Section 1. Section 14.2017, Florida Statutes, is created to read:

- 14.2017 Office of Early Learning. -- The Office of Early
 Learning is created in the Executive Office of the Governor. The
 director of the Office of Early Learning shall be appointed by
 the Governor and serve at the pleasure of the Governor. The
 Office of Early Learning shall administer the state's school
 readiness system, the Voluntary Prekindergarten Education
 Program, and child care facility licensing.
- Section 2. (1) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Office of Early Learning in the Agency for Workforce Innovation are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Office of Early Learning in the Executive Office of the Governor.
- (2) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Office of Early Learning in the Department of Education are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Office of Early Learning in the Executive Office of the Governor.
- (3) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority;

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administrative rules; pending issues; and existing contracts of the Department of Children and Family Services relating to child care facility licensing are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Office of Early Learning in the Executive Office of the Governor.

Section 3. Paragraph (c) of subsection (2) of section 20.50, Florida Statutes, is amended to read:

20.50 Agency for Workforce Innovation.--There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, as provided in the General Appropriations Act, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2)

- (c) The agency shall include the following offices within its organizational structure:
 - 1. The Office of Unemployment Compensation Services;
 - 2. The Office of Workforce Program Support; and
- 3. The Office of Early Learning, which shall administer the school readiness system in accordance with s. 411.01 and the operational requirements of the Voluntary Prekindergarten Education Program in accordance with part V of chapter 1002. The office shall be directed by the Deputy Director for Early

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Learning, who shall be appointed by and serve at the pleasure of the director; and

The Office of Agency Support Services.

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The director of the agency may establish the positions of assistant director and deputy director to administer the requirements and functions of the agency. In addition, the director may organize and structure the offices of the agency to best meet the goals and objectives of the agency as provided in s. 20.04.

- Section 4. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:
- 216.136 Consensus estimating conferences; duties and principals. --
 - EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE. --
- The Office of Early Learning Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.
- Section 5. Section 411.0105, Florida Statutes, is amended 106 to read:
 - 411.0105 Early Learning Opportunities Act and Even Start Family Literacy Programs; lead agency. --
 - For purposes of administration of the Early Learning Opportunities Act, pursuant to Pub. L. No. 106-554, the Office of Early Learning is designated as the lead agency and must

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comply with lead agency responsibilities pursuant to federal
law. and

- (2) For purposes of administration of the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.
- Section 6. Paragraph (d) of subsection (3) of section 1002.22, Florida Statutes, is amended to read:
- 1002.22 Student records and reports; rights of parents and students; notification; penalty.--
- student who attends or has attended any public school, career center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:
- (d) Right of privacy.--Every student has a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student,

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and any personal information contained therein, are confidential and exempt from s. 119.07(1). A state or local educational agency, board, public school, career center, or public postsecondary educational institution may not permit the release of such records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he 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, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of 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.

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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 studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.
- 6. Accrediting organizations, in order to carry out their accrediting functions.
- 7. Early learning coalitions and the <u>Office of Early</u>
 <u>Learning Agency for Workforce Innovation</u> in order to carry out their assigned duties.
- 8. For use as evidence in student expulsion hearings conducted by a district school board under 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

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confidential and exempt from s. 119.07(1) and shall be protected in a way that does 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 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 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 in accordance with a court of competent jurisdiction in compliance with an order of that court or the attorney of record 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 information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus

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shall not release any information obtained under this paragraph to any person.

- Parties to an interagency agreement among the 13. 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 outof-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of the interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceedings before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.
- 14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.

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This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subparagraphs 1.-14., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information for all students attending the institution and shall allow a reasonable period of time after the notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

Section 7. Paragraph (b) of subsection (4) of section 1002.63, Florida Statutes, is amended to read:

1002.63 School-year prekindergarten program delivered by public schools.--

- (4) To be eligible to deliver the prekindergarten program during the school year, each school district must meet both of the following requirements:
- (b) The Commissioner of Education must certify to the State Board of Education that the Department of Education has reviewed the school district's educational facilities, capital outlay funds, and projected student enrollment and concurs with the district school board's certification under paragraph (a).

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Section 8. Section 1002.65, Florida Statutes, is amended to read:

1002.65 Professional credentials of prekindergarten instructors; aspirational goals; legislative intent.--

- (1) The Legislature recognizes that there is a strong relationship between the skills and preparation of prekindergarten instructors and the educational outcomes of students in the Voluntary Prekindergarten Education Program.
- (2) To improve these educational outcomes, <u>prekindergarten</u> <u>classes shall have instructors with the following credentials</u> the Legislature intends that all prekindergarten instructors will continue to improve their skills and preparation through education and training, so that the following aspirational goals will be achieved:
 - (a) By the 2010-2011 school year:
- 1. Each prekindergarten class <u>must</u> will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- 2. For each prekindergarten class composed of 11 or more students, in addition to a prekindergarten instructor who meets the requirements of subparagraph 1., each the class must will have at least one prekindergarten instructor who meets the requirements of s. 1002.55(3)(c).
- (b) By the 2013-2014 school year, each prekindergarten class $\underline{\text{must}}$ will have at least one prekindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child development.

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Section 9. Paragraph (a) of subsection (2) and paragraph (d) of subsection (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.--

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (3)(c). The curriculum selected or designed must include a curriculum-based preassessment and postassessment for the purpose of determining a student's progress during the program year.

(3)

- (d) Each early learning coalition, the Agency for
 Workforce Innovation, and the Office of Early Learning shall
 department shall coordinate with the Child Care Services Program
 Office of the Department of Children and Family Services to
 minimize interagency duplication of activities for monitoring
 private prekindergarten providers for compliance with
 requirements of the Voluntary Prekindergarten Education Program
 under this part, the school readiness programs under s. 411.01,
 and the licensing of providers under ss. 402.301-402.319.
 Section 10. Subsections (1), (5), and (6) of section
- Section 10. Subsections (1), (5), and (6) of section 1002.69, Florida Statutes, are amended to read:
- 1002.69 Statewide kindergarten screening; kindergarten readiness rates.--

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(1) The Department of Education shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the office department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The Department of Education shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year.

- (5) The State Board of Education shall adopt procedures for the annual calculation of department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year. The rates must not include students who are not administered the statewide kindergarten screening.
- (6) (a) The State Board of Education shall periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.

(b) The minimum rate must not exceed the rate at which more than 15 percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program in the state would fall below the minimum rate.

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Section 11. Paragraph (b) of subsection (5) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.-- (5)

The Office of Early Learning Agency for Workforce (b) Innovation shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall 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 in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the office Agency for Workforce Innovation to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the Agency for Workforce Innovation at least once each quarter the funds available for payment to private prekindergarten providers and public schools in accordance with this paragraph from the funds appropriated for that purpose.

Section 12. Section 1002.73, Florida Statutes, is amended to read:

1002.73 Office of Early Learning and Department of Education; powers and duties; accountability requirements.--

- (1) The <u>office</u> department shall administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.
- (2) The <u>office</u> department shall adopt procedures for the office's department's:
- (a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.
- (b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.
- (c) Certification of school districts that are eligible to deliver the school-year prekindergarten program under s. 1002.63.
- (3) (d) The Department of Education shall adopt procedures for administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.
- (4)(3) Except as provided by law, the office department may not impose requirements on a private prekindergarten provider that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.
- Section 13. Subsection (3) of section 1002.75, Florida Statutes, is amended to read:
- 1002.75 Office of Early Learning Agency for Workforce Innovation; powers and duties; operational requirements.--
- (3) The $\underline{\text{office}}$ Agency for Workforce Innovation shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the

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Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

- (a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.
- (b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.
- (c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.
- Section 14. Subsection (1) of section 1002.77, Florida Statutes, is amended to read:
 - 1002.77 Florida Early Learning Advisory Council. --
- (1) There is created the Florida Early Learning Advisory Council within the Office of Early Learning Agency for Workforce Innovation. The purpose of the advisory council is to submit recommendations to the office department and the Agency for Workforce Innovation on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.
- Section 15. Subsection (1) of section 1002.79, Florida Statutes, is amended to read:
 - 1002.79 Rulemaking authority.--
- (1) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the Department of Education.

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

Section 16. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.--Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Office of Early Learning Department of Education and the Agency for Workforce Innovation.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

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Section 17. Notwithstanding the transfer of regulatory authority over child care facility licensing in chapter 402, Florida Statutes, provided in this act, persons and entities holding in good standing any child care facility license or registration under chapter 402, Florida Statutes, as of 11:59 p.m. on the day prior to the effective date of this act, shall be deemed to hold in good standing a license or registration in the same capacity under the authority of the Office of Early Learning in the Executive Office of the Governor as of the effective date of this act.

Section 18. The Division of Statutory Revision of the
Office of Legislative Services shall change "Agency for
Workforce Innovation" and "Department of Education" to "Office
of Early Learning" and shall change "agency" and "department,"
with respect to that agency and department, to "office" wherever
those terms appear in ss. 411.01 and 411.011, Florida Statutes,
relating to school readiness programs.

Section 19. The Division of Statutory Revision of the Office of Legislative Services shall change "Department of Education," "Department of Children and Family Services," and "Agency for Workforce Innovation" to "Office of Early Learning" and shall change "department" and "agency," with respect to those departments and that agency, to "office" wherever those terms appear in part V of chapter 1002, Florida Statutes, relating to the Voluntary Prekindergarten Education Program, except as otherwise amended in this act.

Section 20. <u>The Division of Statutory Revision of the</u>
Office of Legislative Services shall change "Department of

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Children and Family Services" and "Agency for Workforce
Innovation" to "Office of Early Learning" and shall change
"department" and "agency," with respect to that department and
agency, to "office" wherever those terms appear in ss. 402.27,
402.281, and 402.301-402.319, Florida Statutes, relating to
child care facility licensing.

Section 21. The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services is directed to provide the relevant substantive committees and councils of the Senate and the House of Representatives with assistance, upon request, to enable such committees or councils to prepare draft legislation to conform the Florida Statutes to the provisions of this act.

Section 22. This act shall take effect July 1, 2007.