

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1543

Child Care Services

SPONSOR(S): Cusack

TIED BILLS:

IDEN./SIM. BILLS: SB 2400

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Economic Development</u>	<u>6 Y, 0 N</u>	<u>Downes</u>	<u>Croom</u>
2) <u>Economic Expansion & Infrastructure Council</u>	<u></u>	<u>Downes</u>	<u>Tinker</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 1543 ensures that children under the jurisdiction of the circuit courts receive priority consideration for placement in quality child care centers.

If an approved child care center cannot accommodate the child due to limited capacity, the program is responsible for immediately notifying the child's legal guardians to inform them of the current situation and the estimated enrollment date for the child.

Each local agency who is responsible for the licensing of child care centers must submit a quarterly report to the community-based care lead agency for the district. The report will describe the current licensed capacity for each quality child care center in the district.

The bill may effect enrollment in school readiness programs and how related funds are spent.

The bill provides that the act will take effect July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

None.

B. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION:

Studies have shown that children's social, emotional, regulatory, and moral capacities are influenced by the quality of care they receive. The amount of time children participate in high-quality learning environments directly influences a child's outcome.¹ Both class size and adult-child ratios are correlated with greater program effects.² Child care centers have trained staff who are equipped to address the unique needs of children pulled from their homes due to neglect, abuse, or abandonment.³

Currently under s. 411.01(6), F.S., first priority for participation in the school readiness program is given to children ages 3 years to school entry who are served by the Family Safety Program Office (FSPO) of the Department of Children and Family Services or a community-based lead agency under chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Furthermore, s. 411.01(6)(a)1, F.S., expands services to include all children under the age of kindergarten eligibility who are determined to be at risk of abuse, neglect, or exploitation who are currently clients of the FSPO, but who are not otherwise given priority under this subsection.

Gold Seal Quality Care Programs

In 1996, the Legislature created the Gold Seal Quality Care Program designation to acknowledge child care facilities and family day care homes that are accredited by nationally recognized agencies whose standards reflect a high quality of care for children. In 1999, the Legislature provided tax incentives for educational materials purchased by programs under this designation through s. 212.08, F.S., and in 2004, they approved accreditation for Gold Seal Quality Care programs to participate in VPK.

Under s. 402.281, F.S., the Gold Seal Quality Care Programs must be accredited by a national recognized accrediting association whose standards meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission. The Department of Children and Families have since increased the list of approved accrediting agencies to 14. These additions include the following:

- Association of Christian Schools International;
- Association of Christian Teachers and Schools;
- Accredited Professional Preschool Learning Environment;
- Council On Accreditation (multi-site, multi-program organizations only);
- Montessori School Accreditation Commission;
- National After-School Association;
- National Accreditation Commission;
- National Association for the Education of Young Children;
- National Association for Family Child Care;
- National Council for Private School Accreditation;
- National Early Childhood Program Accreditation;
- Southern Association of Colleges and Schools;

¹ National Research Council and Institute of Medicine, "From Neurons to Neighborhoods: The Science of Early Child Development," 2000.

² National Research Council, "Eager to Learn: Educating Our Preschoolers," 2000.

³ Id.

- United Methodist Association of Preschools; and
- National Accreditation Council for Early Childhood Professional Personnel and Programs.

According to summary data provided by the Department of Children and Family's website, there are currently 2,380 Gold Seal Programs in the state of Florida. Public schools, religious facilities, nonpublic schools, Large Family Day Care Home (LFDCH), Large Family Child Care Homes (LFCCH), and Facilities are the six program types that have received this designation.⁴

These programs must meet the following criteria as set forth in s. 402.281(3),F.S.

- a.) The child care program must not have received any class I violations within the 2 years preceding its application for designation as a Gold Seal Quality Care Program provider. If current Gold Seal Quality Care Program providers receive any class 1 violations, their designation will be immediately terminated and may not be reconsidered until the provider has no class I violations for a period of 2 years.
- b.) The child care program must not have 3 or more class II violations within the 2 years preceding its application for designation as a Gold Seal Quality Care Program provider. If current Gold Seal Quality Care Program providers receive 3 or more class II violations, their designation will be immediately terminated and may not be reconsidered until the provider has no class II violations for a period of 1 year.
- c.) The child care provider must not have been cited for the same class III violation three or more times within the two years preceding its application for designation as a Gold Seal Quality Care Program provider. If current Gold Seal Quality Care Program providers receive 3 or more class III violations, their designation will be immediately terminated and may not be reconsidered until the provider has no class III violations for a period of 1 year.

Quality Rating Systems (QRS)

The purpose of administering a quality rating to licensed child care providers is to promote high-quality care for our children. It holds each child care provider accountable for their services and gives parents and guardians an easier way to determine the quality and legitimacy of each provider. Currently, the rating systems are independently administered. Early learning coalitions are implementing various quality rating systems (QRS) in eight counties: Broward, Duval, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, and Pinellas.⁵ Participating counties are responsible for the criteria and grading scale of their own professional rating system, which allows for inconsistencies when they are compared.

Children under the jurisdiction of the circuit courts

The following is the general process that must be taken by the Department of Children and Families (DCF) before a child is considered under the jurisdiction of the circuit courts.⁶

- 1) Someone must phone the abuse hotline and report a possible case of abuse or neglect. The hotline will go through a list of criteria with the caller to determine the legitimacy of their claim.
- 2) The Department of Children and Families then sends an agent to investigate the situation and can immediately take the child into custody if they find substantial evidence of abuse or neglect.
- 3) It is then required that a court hearing take place within 24 hours to determine whether the child will be released back to their home, placed with other family members, or remain under the custody of the state.
- 4) If they remain with the state, it is then considered that the child is under the jurisdiction of the circuit courts, and therefore, under this new section, the child receives priority consideration for placement in the qualified child care centers.

⁴ Information available online at <http://www.dcf.state.fl.us/childcare/goldseal.shtml>.

⁵ Information was found in the July 2006 QRS Matrix Report generated by the Office of Early Learning.

⁶ Information available online at <http://www.dcf.state.fl.us/childabuseprevention>.

EFFECT OF PROPOSED CHANGES

This bill ensures that children under the jurisdiction of the circuit courts receive priority consideration for placement in quality child care centers. The term "Quality Child Care Center" is a program that meets the following criteria:

- a) Holds a current Gold Seal Quality Care designation from the Department of Children and Families (DCF) if they substantially meet or exceed the standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Learning Childhood Program Accreditation Commission, OR
- b) Has been designated as a high quality program with at least a rating of 3 by professional quality rating system if the county in which the child is located has such a system.

If an approved child care center cannot accommodate the child due to limited capacity, the program is responsible for immediately notifying the child's legal guardians to inform them of the current situation and the estimated enrollment date for the child.

Currently under s. 411.01(6), F.S., priority for participation in the school readiness program is given to children ages 3 years to school entry who are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment.

This bill does not state where the new language will be inserted into current statute, which raises the question of how these priorities will be administered. Also, the bill does not define which ages of the children within the jurisdiction of the circuit courts this priority applies to. By giving priority for placement into quality child care centers to any child under the jurisdiction of the circuit courts, regardless of age, the bill would contradict the current state priority of providing program eligibility to children under the age of kindergarten eligibility.

In fiscal year 2005-2006, 164,848 children were enrolled in school readiness programs. During that year, 48,078 were on the waiting list to receive services.⁷ Funding provided by the Florida Legislature for this program during this year was \$659.1 million in which \$172.5 million was appropriated from General Revenue. Expanding priority to older children will likely place more children on the waiting list.

Additionally, the current bill does not define "legal guardian" of a child under the jurisdiction of a circuit court. Without a clear definition, the quality child care center could not ensure that notification was given to the proper person or entity.

C. SECTION DIRECTORY:

Section 1. – Provides legislative intent that children under the jurisdiction of the circuit courts receive priority consideration for placement into quality child care centers. This section also requires quality child care centers to notify legal guardians if they are unable to accept the child into the program due to limited capacity. Last, it requires district child care agencies to provide a quarterly report regarding the capacity of quality child care centers.

Section 2 – Providing an effective date of July 1, 2007

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

⁷ Information available online at www.floridajobs.org/earlylearning/SRS.html.

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may change how current state expenditures on early learning programs are spent.

There may also be small expenses incurred by the agency in each district responsible for licensing child care centers due to the increase in time and effort to generate a quarterly report on each child care center in the district.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not state where the new language will be inserted into current statute, which raises the question of how these priorities will be administered. Also, the bill does not define which ages of the children within the jurisdiction of the circuit courts that this priority applies to. By giving priority for placement into quality child care centers to any child under the jurisdiction of the circuit courts, regardless of age, the bill would contradict the current state priority of providing program eligibility to children under the age of kindergarten eligibility.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On Tuesday March 20, 2007, the Committee on Economic Development reported the bill favorably with a strike-all amendment.

The strike-all amendment creates subsection (8) under s. 402.301, F.S. It creates intent that public child care facilities, designated as a "Gold Seal Quality Care" facility, provide children receiving services under the school readiness programs who have experienced abuse or neglect (411.01(6)(a)1., F.S.), first priority for placement upon request.

The strike-all addresses all drafting issues.