

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: SB 518

INTRODUCER: Senators Gibson and Gaetz

SUBJECT: Voluntary Prekindergarten Education Program

DATE: March 10, 2015      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	<u>                    </u>	<u>                    </u>	<u>AED</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**I. Summary:**

SB 518 expands the formula for calculating the Voluntary Prekindergarten Education Program readiness rate to include students’ performance results on pre- and post-assessments in addition to student’s performance results on the statewide kindergarten screening.

The bill provides an effective date of July 1, 2015.

**II. Present Situation:**

**Voluntary Prekindergarten Education Program**

The Florida Constitution affords each 4-year-old child who resides in the state an opportunity to participate in an early childhood development and education program, which is referred to as the Voluntary Prekindergarten (VPK) Education Program.<sup>1</sup>

The Department of Education (department) administers the VPK program at the state level and adopts procedures for:

- Approving prekindergarten director credentials, emergent literacy training courses, and specialized instructional services providers;
- Implementing and determining costs associated with prekindergarten enrollment screening and standardized post-assessment;
- Administering the statewide kindergarten readiness screening;
- Calculating kindergarten readiness rates; and
- Granting requests for good cause exemptions from private providers and public schools on probation.<sup>2</sup>

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<sup>1</sup> Art. IX, s. 1(b) and (c), Fla. Const.; s. 1002.53(1) and (2), F.S.

<sup>2</sup> Section 1002.73, F.S.

The Office of Early Learning<sup>3</sup> (OEL) adopts procedures relating to standard statewide provider contracts and the administration of the VPK program by the early learning coalitions<sup>4</sup> (ELCs) and school districts.<sup>5</sup> Subject to approval by the department, the OEL must adopt procedures for approving improvement plans, probation, corrective actions, and removing<sup>6</sup> public schools or private providers that fail to meet the minimum performance standards from eligibility to offer the VPK program.<sup>7</sup>

### ***Child Eligibility and Enrollment***

A child is eligible if he or she is 4 years of age on or before September 1 of the school year during which he or she is enrolling and until the school year during which the child is eligible for admission or is admitted to kindergarten, whichever occurs first.<sup>8</sup>

A parent may enroll an eligible child in a school-year or summer prekindergarten program delivered by a public school or private provider; however, a child must not be enrolled in more than one of the programs.<sup>9</sup> In order to enroll a child, each parent must submit an application to an ELC, along with the child's birth certificate or an alternative form of proof authorized by the OEL.<sup>10</sup> Each ELC is required to provide parents with a profile of every school or provider delivering the VPK program within the county that the child is enrolling.<sup>11</sup>

### ***Public Schools and Private Providers—Performance Standards***

The OEL is responsible for developing and adopting performance standards that assess the learning growth of students enrolled in the VPK program.<sup>12</sup> The curriculum of public schools and private providers must be developmentally appropriate and designed to enhance student progress and prepare students for kindergarten as assessed by the statewide kindergarten screening.<sup>13</sup> Since the 2012-2013 school year, each school and provider is required to implement

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<sup>3</sup> The Office of Early Learning is included within the Office of Independent Education and Parental Choice, which is a division within the Department of Education. s. 20.15(3)(i)1., F.S.

<sup>4</sup> Early learning coalitions administer the VPK program at the county or regional level for students enrolled in a program delivered by a private provider. ss. 1002.55(1) and 1002.61(1)(b), F.S. School districts administer the VPK program at the district level for students enrolled in a program delivered by a public school. ss. 1002.61(1)(a) and 1002.63(1), F.S.

<sup>5</sup> Section 1002.75(1) and (2), F.S.

<sup>6</sup> If a school or provider remains on probation for 2 consecutive years and fails to meet the minimum kindergarten readiness rate adopted by the OEL, the OEL must require the school district or ELC, as applicable, to remove the school or provider from eligibility to deliver the VPK program. Section 1002.67(4)(c)3., F.S.

<sup>7</sup> *Id.* at (3).

<sup>8</sup> Section 1002.53(2), F.S.

<sup>9</sup> *Id.* at (3). A child who has a disability may enroll in a specialized instructional services program that is appropriate for the child's needs, if the child has an individual educational plan developed by the local district school board and is eligible to participate in the VPK program. s. 1002.66, F.S.

<sup>10</sup> Section 1002.53(4), F.S. Each ELC is required to coordinate with school districts located in the ELC's county or region for enrolling children in VPK programs delivered by public schools. *Id.*

<sup>11</sup> *Id.* at (5). A school's or provider's profile information may include its services, curriculum, instructor credentials, instructor-to-student ratio, and kindergarten readiness rate. *Id.*

<sup>12</sup> Section 1002.67(1)(a), F.S.

<sup>13</sup> *Id.* at (2)(a) and (b).

and administer the Florida VPK Assessment<sup>14</sup> as a pre- and post-assessment in accordance with rules adopted by the State Board of Education.<sup>15</sup>

### **Statewide Kindergarten Screening**

The statewide kindergarten screening assesses the readiness of students for kindergarten based on performance standards adopted under the Voluntary Prekindergarten (VPK) Education Program.<sup>16</sup> Each school district is required to administer the statewide kindergarten screening to students in kindergarten within the first 30 days of each school year.<sup>17</sup>

The Office of Early Learning (OEL) annually calculates each public school's or private provider's kindergarten readiness rate based on the percentage of students who have met all state readiness measures and student learning gains as determined by the results of the pre- and post-assessments during at least 2 years.<sup>18</sup>

In order to demonstrate satisfactory delivery of the VPK program, a public school or private provider must meet the minimum kindergarten readiness rate adopted by the OEL.<sup>19</sup> An updated minimum kindergarten readiness rate may be adopted by the OEL if the VPK student performance standards are revised to align with statewide standards.<sup>20</sup>

If a public school or private provider falls below the minimum kindergarten readiness rate, it must submit an improvement plan to the school district or early learning coalition (ELC), as applicable, for approval.<sup>21</sup> If the school or provider fails to implement an improvement plan, its contract to deliver the VPK program will be terminated.<sup>22</sup>

In addition to submitting an improvement plan, the public school or private provider is put on probation and required to take corrective action until it meets the minimum kindergarten readiness rate.<sup>23</sup> The school district or ELC must remove a school or provider from eligibility to deliver the VPK program and receive state funds for 5 years if the school or provider remains on probation for 2 years.<sup>24</sup> A school or provider that is placed on probation for 2 or more years and that fails to meet the minimum kindergarten readiness rate may submit a request for a good cause exemption to the OEL for a period of 1 year.<sup>25</sup>

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<sup>14</sup> Office of Early Learning, *Florida Voluntary Prekindergarten (VPK) Assessment: An Overview* (October 2014) available at [http://www.floridaearlylearning.com/sites/www/Uploads/files/Providers/VPK%20Assessment/OEL\\_VPK\\_Assessment\\_Overview\\_10-10-14\\_Final.pdf](http://www.floridaearlylearning.com/sites/www/Uploads/files/Providers/VPK%20Assessment/OEL_VPK_Assessment_Overview_10-10-14_Final.pdf).

<sup>15</sup> Section 1002.67(3), F.S. If a school district or ELC verifies that a school or provider is not administering the assessments and refuses to do so or engages in misconduct, the OEL must require the school district or ELC, as applicable, to remove the school or provider from eligibility to deliver the VPK program for 5 years. *Id.* at (4)(a) and (b).

<sup>16</sup> Section 1002.69(1), F.S.

<sup>17</sup> *Id.* Nonpublic schools may administer the screening to kindergarten students who were enrolled in the VPK program. *Id.*

<sup>18</sup> *Id.* at (4) and (5).

<sup>19</sup> *Id.* at (6).

<sup>20</sup> *Id.* and s. 1002.67(1)(b), F.S.

<sup>21</sup> Section 1002.67(4), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Section 1002.69(7), F.S.

### III. Effect of Proposed Changes:

SB 518 expands the formula for calculating the Voluntary Prekindergarten (VPK) Education Program readiness rate to include students' performance results on pre- and post-assessments in addition to student's performance results on the statewide kindergarten screening.

The bill requires that the pre- and post- assessments meet additional specific criteria for approval by the State Board of Education (board). Current law requires that the assessments "be valid, reliable, developmentally appropriate, and designed to measure student progress on [...] early literacy, numeracy, and language."<sup>26</sup> In addition to the requirements provided in current law, the bill requires that the assessments be observation-based, developed using norm samples, appropriate for English language learners and students with disabilities, available in multiple languages, and provide processes and supports for ensuring continued reliability and professional development.

Also, the bill clarifies that pre- and post-assessments must be administered by prekindergarten instructors, rather than "individuals" as stated in current law.<sup>27</sup> The term "prekindergarten instructor" is defined as a teacher or child care personnel who provides instruction to students in the VPK program.<sup>28</sup>

The bill requires that pre- and post-assessments be administered to children enrolled in the VPK program during the first and last 2 weeks of the school-year or summer prekindergarten program. Current law does not provide a specific timeframe for administering the assessments.<sup>29</sup>

The bill requires that the Office of Early Learning (OEL) annually report to the board the appropriate level of student learning growth based on data from the pre- and post-assessments for calculating the kindergarten readiness rate of each public school or private provider delivering the VPK program. Current law does not expressly require the OEL to report such data.<sup>30</sup>

The bill provides an effective date of July 1, 2015.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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

None.

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<sup>26</sup> Section 1002.67(3)(b), F.S.

<sup>27</sup> *Id.* at (3)(c).

<sup>28</sup> Section 1002.51(6), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at (5).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Office of Early Learning, the bill would result in approximately \$400,000 in technology-related costs to enhance, update, or replace databases and websites affected by the change to the Voluntary Prekindergarten Education Program readiness rate calculation.<sup>31</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.53, 1002.67, and 1002.69.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>31</sup> Office of Early Learning, Department of Education, *2015 Agency Legislative Bill Analysis*, received March 9, 2015 (on file with the Senate Committee on Education Pre-K – 12).