

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1175 Early Learning Coalitions
SPONSOR(S): PreK-12 Quality Subcommittee; Sullivan
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1532

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	13 Y, 0 N, As CS	Dehmer	DavisGreene
2) Education Committee			

SUMMARY ANALYSIS

The School Readiness Program provides subsidies for childcare services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities. The School Readiness Program is a state-federal partnership between Florida's Office of Early Learning (OEL) and the Office of Child Care of the United States Department of Health and Human Services. It is administered by early learning coalitions (ELC) at the county or regional level. Florida's OEL administers the program at the state level, including statewide coordination of the ELCs.

In order to be eligible to deliver the School Readiness program, a provider must be properly licensed, meet basic health and safety requirements for its premises and comply with the age-appropriate immunizations of children enrolled in the school readiness program.

Provider responsibilities include, but are not limited, to:

- employing childcare personnel who have satisfied background screening and training requirements;
- providing instruction to enhance progress of children to attain child development standards;
- providing activities to foster brain development in infants and toddlers;
- executing the standard statewide provider contract adopted by OEL;
- implementing a character development program;
- maintaining general liability, worker's compensation and unemployment insurance coverage; and
- administering approved assessments.

If a school readiness program provider fails or refuses to comply with any contractual obligation of the statewide provider contract, the ELC may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds for a period of 5 years.

The bill authorizes the ELC to refuse to contract with, or revoke the eligibility of, a school readiness program provider if the provider has been cited for a class I violation. Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.

The bill does not have a fiscal impact on state or local governments.

This bill takes effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Established in 1999,¹ the School Readiness Program provides subsidies for childcare services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.² The School Readiness Program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, and the Voluntary Prekindergarten Education (VPK) Program.³

The School Readiness Program is a state-federal partnership between Florida's Office of Early Learning (OEL)⁴ and the Office of Child Care of the United States Department of Health and Human Services.⁵ It is administered by early learning coalitions (ELCs) at the county or regional level.⁶

Florida's OEL administers the program at the state level, including statewide coordination of the ELCs.⁷ The OEL administers the federal Child Care and Development Fund, which funds are used to implement the School Readiness Program. Florida law requires OEL to focus on improving the educational quality of all program providers participating in the School Readiness Program while preserving parental choice by permitting parents to choose from a variety of child care categories.⁸ OEL must adopt, in rule, a statewide provider contract to be used by each School Readiness Program provider, review and approve each ELC's school readiness plan every 2 years, and monitor and evaluate the performance of each ELC in administering the School Readiness Program and the VPK.⁹

The Florida Department of Children and Families' Office of Child Care Regulation (DCF), as the agency responsible for the state's childcare provider licensing program, inspects licensed and license exempt childcare providers that provide the School Readiness Program for specified health and safety standards.¹⁰ The law authorizes a county to designate a local licensing agency to license providers if its licensing standards meet or exceed DCF's standards. Five counties have done this – Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota. Thus, in these five counties the local licensing

¹ Section 1, ch. 99-357, L.O.F.

² Section 1002.87, F.S.

³ Florida Office of Early Learning, *Parents*,

http://www.floridaeearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited January 10, 2018).

⁴ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness Program and the VPK Program. Section 1, ch. 2013-252, L.O.F., *codified as s.* 1002.213, F.S.

⁵ See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*,

<http://www.acf.hhs.gov/programs/occ/fact-sheet-occ> (last visited January 10, 2018).

⁶ Section 1002.83, F.S.

⁷ Section 1001.213(3), F.S.

⁸ Section 1002.82(1) and (2)(a)-(b), F.S. Care and curriculum by a faith-based provider must not be limited or excluded in any of these categories. Section 435.07(4)(c), F.S.

⁹ Section 1002.82(2)(e), (m), and (p), F.S.

¹⁰ See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

agency, not DCF, inspects childcare providers that provide the School Readiness Program¹¹ for health and safety standards.

In order to be eligible to deliver the School Readiness program, a provider must be:

- a licensed child care facility;
- a licensed or registered family day care home (FDCH);
- a licensed large family child care home (LFCCH);
- a public school or nonpublic school;
- a license-exempt faith-based child care provider;
- a before-school or after-school program; or
- an informal childcare provider authorized in the state's Child Care and Development Fund plan.¹²

All school readiness providers must be inspected¹³ to ensure compliance with basic health and safety for its premises and comply with the age-appropriate immunizations of children enrolled in the school readiness program. For licensed providers, compliance with the requirements for licensure meets these requirements. DCF or the local licensing agency verify compliance with the specified health and safety requirements. School Readiness registered family day care homes and providers not subject to licensure by the DCF must also meet these requirements as verified by inspection by DCF or the local licensing agency.¹⁴ In addition, each childcare facility, family day care home, and large family day care home must annually submit an affidavit of compliance with the requirement to report instances of child abuse, abandonment, or neglect.¹⁵

Provider responsibilities include, but are not limited, to:

- employing childcare personnel who have satisfied background screening and training requirements;
- providing instruction and activities to enhance the age-appropriate progress of each child to attain the child development standards adopted by OEL;
- providing activities to foster brain development in infants and toddlers in an environment rich in language and music and visual, tactile, auditory, and linguistic stimulation and including 30 minutes of reading to children each day;
- executing the standard statewide provider contract adopted by OEL;
- implementing a character development program;
- maintaining minimum general liability insurance coverage;
- maintaining any required worker's compensation insurance and any required unemployment compensation insurance;
- administering pre-assessments and post-assessments that have been approved by the OEL, but only if the provider chooses to administer such assessments;¹⁶

If a school readiness program provider fails or refuses to comply with any contractual obligation of the statewide provider contract, the ELC may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds for a period of 5 years.¹⁷

¹¹ Section 402.306(1), F.S.; Department of Children and Families, *Licensing Information*, <http://www.myflfamilies.com/service-programs/child-care/licensing-information> (last visited January 10, 2018).

¹² Section 1002.88(1)(a), F.S. Generally speaking, informal childcare is care provided by a relative. *See CCDF State Plan*, *supra* note 10.

¹³ Rule 6M-4.620, F.A.C. The Department of Children and Families or the local licensing agency (whichever is applicable) is authorized to inspect school readiness providers.

¹⁴ Section 1002.88(1)(c), F.S.

¹⁵ Section 402.319(3), F.S.

¹⁶ Section 1002.88(1), F.S.

¹⁷ Section 1002.88(2), F.S.

Currently, ELCs may terminate a provider's contract if the provider has one or more Class I violations, five or more Class II violations or six or more Class III violation, and the violation(s) pose an immediate and serious danger to the health, safety or welfare of the children in care.¹⁸

Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child. Class II violations are less serious than Class I violations, and could pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Class III violations are less serious than either Class I or Class II violations, and pose a low potential for harm to children.¹⁹ A list of Class I, II and III violations are provided in the Office of Early Learning, School Readiness Program, Health and Safety Checklist.²⁰

Effect of Proposed Changes

The bill authorizes ELCs to refuse to contract with, or revoke the eligibility of, a school readiness program provider if the provider has been cited for a Class I violation.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.88, F.S., relating to school readiness program provider standards and eligibility to deliver the school readiness program.

Section 2. Provides and effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹⁸ The Office of Early Learning, *School Readiness Program Health and Safety Standards Handbook*, February 2017, at 51-51, available at

http://www.floridaearlylearning.com/sites/www/Uploads/files/Statewide%20Initiatives/Health%20and%20Safety/HS%20Handbook%20Facilities_OEL-SR-6202_ADA.pdf (last visited January 10, 2018).

¹⁹ *Id.* at 50.

²⁰ Office of Early Learning, *School Readiness Program, Health and Safety Checklist, Licensed /Registered Family Child Care Homes and Informal Provides*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07457> (last visited January 10, 2018).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 17, 2018, the PreK-12 Quality Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment authorizes ELCs to revoke the eligibility of school readiness program providers who have been cited for a Class I violation.

The analysis is drafted to the committee substitute passed by the PreK-12 Quality Subcommittee.