

By Senator Passidomo

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1 A bill to be entitled
2 An act relating to early learning; amending s.
3 1002.81, F.S.; requiring a parent with custody of a
4 child to be verified as a victim of domestic violence
5 by a certified domestic violence center before his or
6 her child is considered an "at-risk child"; amending
7 s. 1002.82, F.S.; revising the duties of the Office of
8 Early Learning; revising the requirements for the
9 office's annual analysis of the state's early learning
10 activities; amending s. 1002.85, F.S.; requiring each
11 early learning coalition's school readiness program
12 plan to include a specified assessment; amending s.
13 1002.87, F.S.; revising the priorities for children's
14 participation in a school readiness program; amending
15 s. 1002.88, F.S.; requiring a school readiness program
16 provider to participate in specified assessments and
17 strategies under certain circumstances; amending s.
18 1002.89, F.S.; requiring school readiness program
19 funding to include program assessments; amending ss.
20 1002.84 and 1002.92, F.S.; conforming cross-
21 references; providing an appropriation; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (e) of subsection (1) of section
27 1002.81, Florida Statutes, is amended to read:

28 1002.81 Definitions.—Consistent with the requirements of 45
29 C.F.R. parts 98 and 99 and as used in this part, the term:

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30 (1) "At-risk child" means:

31 (e) A child in the custody of a parent who is a victim of
32 domestic violence as verified by ~~residing in~~ a certified
33 domestic violence center.

34 Section 2. Present paragraphs (j) through (l) and (m)
35 through (x) of subsection (2) of section 1002.82, Florida
36 Statutes, are redesignated as paragraphs (k) through (m) and (o)
37 through (z), respectively, new paragraphs (j) and (n) are added
38 to that subsection, and present paragraphs (k) and (m) of that
39 subsection and subsection (5) of that section are amended, to
40 read:

41 1002.82 Office of Early Learning; powers and duties.—

42 (2) The office shall:

43 (j) Coordinate with the Child Care Services Program Office
44 of the Department of Children and Families or its contracted
45 provider for a triennial evaluation of accrediting agencies
46 approved under s. 402.281(3) to identify accrediting agencies
47 that have requirements and processes that positively impact
48 child outcomes. Based on the findings of the evaluation, the
49 office shall set a payment differential for each child care
50 provider that is accredited by such an accrediting agency at a
51 differential rate 20 percent higher than the coalition's base
52 approved reimbursement rate for each care level and unit of care
53 and that has an active Gold Seal Quality Care designation.

54 (l) ~~(k)~~ Select assessments that are valid, reliable, and
55 developmentally appropriate for use as preassessment and
56 postassessment for the age ranges specified in the coalition
57 plans. The assessments must be designed to measure progress in
58 the domains of the performance standards adopted pursuant to

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59 paragraph (k) ~~(j)~~, provide appropriate accommodations for
60 children with disabilities and English language learners, and be
61 administered by qualified individuals, consistent with the
62 publisher's instructions.

63 (n) Adopt program assessment requirements for school
64 readiness program providers which measure the quality of
65 teacher-child interactions using a research-based observation
66 tool. Requirements must include, at a minimum, the adoption of
67 quality measures, including a minimum threshold for contracting
68 purposes, processes for participation, the granting of
69 exemptions, and the achievement of improvement through the
70 completion of an improvement plan.

71 (o) ~~(m)~~ Adopt by rule a standard statewide provider contract
72 to be used with each school readiness program provider, with
73 standardized attachments by provider type. The office shall
74 publish a copy of the standard statewide provider contract on
75 its website. The standard statewide contract must ~~shall~~ include,
76 at a minimum, health and safety provisions; contracted slots, if
77 applicable in accordance with s. 658E(c)(2)(A) of the Child Care
78 and Development Block Grant Act of 2014, Pub. L. No. 113-186;
79 quality improvement strategies, if applicable; and program
80 assessment requirements, including provisions for provider
81 probation, termination for cause, and emergency termination for
82 those actions or inactions of a provider which ~~that~~ pose an
83 immediate and serious danger to the health, safety, or welfare
84 of ~~the~~ children. The standard statewide provider contract must
85 ~~shall~~ also include appropriate due process procedures. During
86 the pendency of an appeal of a termination, the provider may not
87 continue to offer its services. Any provision imposed upon a

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88 provider that is inconsistent with, or prohibited by, law is
89 void and unenforceable. Provisions for termination for cause
90 must include failure to meet the minimum requirements under
91 paragraph (f) for a period of up to 5 years.

92 (5) By January 1 of each year, the office shall ~~annually~~
93 publish on its website an annual ~~a~~ report of its activities
94 conducted under this section. The report must include a summary
95 of the coalitions' annual reports, a statewide summary, and the
96 following:

97 (a) An analysis of early learning activities throughout the
98 state, including the school readiness program and the Voluntary
99 Prekindergarten Education Program.

100 1. The total and average number of children served in the
101 school readiness program, enumerated by age, eligibility
102 priority category, and coalition, and the total number of
103 children served in the Voluntary Prekindergarten Education
104 Program.

105 2. A summary of expenditures by coalition, by fund source,
106 including a breakdown by coalition of the percentage of
107 expenditures for administrative activities, quality activities,
108 nondirect services, and direct services for children.

109 3. A description of the office's and each coalition's
110 expenditures, by fund source, for the quality and enhancement
111 activities described in s. 1002.89(6)(b).

112 4. A summary of annual findings and collections related to
113 provider fraud and parent fraud.

114 5. Data regarding the ~~coalitions'~~ delivery of early
115 learning programs by the coalitions.

116 6. The total number of children disenrolled statewide and

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117 the reason for disenrollment.

118 7. The total number of providers by provider type.

119 8. The number of school readiness program providers who
120 have completed the program assessment required under paragraph
121 (2) (n) and the number of providers that, at a minimum, have not
122 met the minimum threshold for contracting, have been granted an
123 exemption, or have an active improvement plan based on the
124 results of a program assessment pursuant to paragraph (2) (n).

125 ~~9.8.~~ The total number of provider contracts revoked and the
126 reasons for revocation.

127 (b) A summary of the activities and detailed expenditures
128 related to the Child Care Executive Partnership Program.

129 Section 3. Present paragraphs (b) through (i) of subsection
130 (2) of section 1002.85, Florida Statutes, are redesignated as
131 paragraphs (c) through (j), respectively, a new paragraph (b) is
132 added to that subsection, and present paragraphs (c) and (d) of
133 that subsection are amended, to read:

134 1002.85 Early learning coalition plans.—

135 (2) Each early learning coalition must biennially submit a
136 school readiness program plan to the office before the
137 expenditure of funds. A coalition may not implement its school
138 readiness program plan until it receives approval from the
139 office. A coalition may not implement any revision to its school
140 readiness program plan until the coalition submits the revised
141 plan to and receives approval from the office. If the office
142 rejects a plan or revision, the coalition must continue to
143 operate under its previously approved plan. The plan must
144 include, but is not limited to:

145 (b) An assessment based on available community data which

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146 identifies the needs of children and families and assesses
 147 provider capacity in order to inform local priorities within the
 148 coalition's county or multicounty region which most directly
 149 impact children's readiness for school.

150 (d)~~(e)~~ The coalition's procedures for implementing the
 151 requirements of this part, including:

152 1. Single point of entry.

153 2. Uniform waiting list.

154 3. Eligibility and enrollment processes and local
 155 eligibility priorities for children in accordance with s.
 156 1002.87.

157 4. Parent access and choice.

158 5. Sliding fee scale and policies on applying the waiver or
 159 reduction of fees in accordance with s. 1002.84(8).

160 6. Use of preassessments and postassessments, as
 161 applicable.

162 7. Payment rate schedule.

163 8. Use of contracted slots, as applicable, based on the
 164 results of the assessment required in paragraph (b).

165 (e)~~(d)~~ A detailed description of the coalition's quality
 166 activities and services, including, but not limited to:

167 1. Quality improvement strategies that strengthen teaching
 168 practices and improve child outcomes.

169 ~~2.1.~~ Resource and referral and school-age child care.

170 ~~3.2.~~ Infant and toddler early learning.

171 ~~4.3.~~ Inclusive early learning programs.

172 Section 4. Subsections (1), (2), (3), and (7) of section
 173 1002.87, Florida Statutes, are amended to read:

174 1002.87 School readiness program; eligibility and

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175 enrollment.—

176 (1) Each early learning coalition shall give priority for
177 participation in the school readiness program as follows:

178 (a) Priority shall be given first to a child younger than
179 13 years of age from a family that includes a parent who is
180 receiving temporary cash assistance under chapter 414 and
181 subject to the federal work requirements.

182 (b) Priority shall be given next to an at-risk child
183 younger than 9 years of age.

184 (c) Subsequent priority shall be given, based on the early
185 learning coalition's local priorities identified under s.
186 1002.85(2)(b), to children who meet any of the following
187 criteria:

188 1. next to A child from birth to the beginning of the
189 school year for which the child is eligible for admission to
190 kindergarten in a public school under s. 1003.21(1)(a)2. who is
191 from a working family that is economically disadvantaged, and
192 may include such child's eligible siblings, beginning with the
193 school year in which the sibling is eligible for admission to
194 kindergarten in a public school under s. 1003.21(1)(a)2. until
195 the beginning of the school year in which the sibling is
196 eligible to begin 6th grade, provided that the first priority
197 for funding an eligible sibling is local revenues available to
198 the coalition for funding direct services.

199 ~~2.(d) Priority shall be given next to~~ A child of a parent
200 who transitions from the work program into employment as
201 described in s. 445.032 from birth to the beginning of the
202 school year for which the child is eligible for admission to
203 kindergarten in a public school under s. 1003.21(1)(a)2.

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204 ~~3.(e) Priority shall be given next to~~ An at-risk child who
205 is eligible for admission to kindergarten ~~at least 9 years of~~
206 ~~age but is~~ younger than 13 years of age. An at-risk child whose
207 sibling is enrolled in the school readiness program within an
208 eligibility priority category listed in paragraph (a) or
209 paragraph (b) ~~paragraphs (a)–(e)~~ shall be given priority over
210 other children who are eligible under this paragraph.

211 ~~4.(f) Priority shall be given next to~~ A child who is
212 younger than 13 years of age from a working family that is
213 economically disadvantaged. ~~A child who is eligible under this~~
214 ~~paragraph whose sibling is enrolled in the school readiness~~
215 ~~program under paragraph (c) shall be given priority over other~~
216 ~~children who are eligible under this paragraph.~~

217 ~~5.(g) Priority shall be given next to~~ A child of a parent
218 who transitions from the work program into employment as
219 described in s. 445.032 who is younger than 13 years of age.

220 ~~6.(h) Priority shall be given next to~~ A child who has
221 special needs, has been determined eligible as a student with a
222 disability, has a current individual education plan with a
223 Florida school district, and is not younger than 3 years of age.
224 A special needs child eligible under this paragraph remains
225 eligible until the child is eligible for admission to
226 kindergarten in a public school under s. 1003.21(1)(a)2.

227 ~~7.(i) Notwithstanding paragraphs (a)–(d), priority shall be~~
228 ~~given last to~~ A child who otherwise meets one of the eligibility
229 criteria in paragraphs (a) and (b) ~~(a)–(d)~~ but who is also
230 enrolled concurrently in the federal Head Start Program and the
231 Voluntary Prekindergarten Education Program.

232 (2) A school readiness program provider may be paid only

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233 for authorized hours of care provided for a child in the school
234 readiness program. A child enrolled in the Voluntary
235 Prekindergarten Education Program may receive care from the
236 school readiness program if the child is eligible according to
237 the eligibility priorities and criteria established under
238 subsection (1) in this section.

239 (3) Contingent upon the availability of funds, a coalition
240 shall enroll eligible children, including those from its waiting
241 list, according to the eligibility priorities and criteria
242 established under subsection (1) in this section.

243 (7) If a coalition disenrolls children from the school
244 readiness program, the coalition must disenroll the children in
245 reverse order of the eligibility priorities and criteria
246 established under ~~listed in~~ subsection (1) beginning with
247 children from families with the highest family incomes. A notice
248 of disenrollment must be sent to the parent and school readiness
249 program provider at least 2 weeks before disenrollment to
250 provide adequate time for the parent to arrange alternative care
251 for the child. However, an at-risk child may not be disenrolled
252 from the program without the written approval of the Child
253 Welfare Program Office of the Department of Children and
254 Families or the community-based lead agency.

255 Section 5. Present paragraphs (h) through (q) of subsection
256 (1) of section 1002.88, Florida Statutes, are redesignated as
257 paragraphs (j) through (s), respectively, new paragraphs (h) and
258 (i) are added to that subsection, and paragraph (b) and present
259 paragraphs (m) and (o) of that subsection and subsection (2) of
260 that section are amended, to read:

261 1002.88 School readiness program provider standards;

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262 eligibility to deliver the school readiness program.—

263 (1) To be eligible to deliver the school readiness program,
264 a school readiness program provider must:

265 (b) Provide instruction and activities to enhance the age-
266 appropriate progress of each child in attaining the child
267 development standards adopted by the office pursuant to s.
268 1002.82(2)(k) ~~s. 1002.82(2)(j)~~. A provider should include
269 activities to foster brain development in infants and toddlers;
270 provide an environment that is rich in language and music and
271 filled with objects of various colors, shapes, textures, and
272 sizes to stimulate visual, tactile, auditory, and linguistic
273 senses; and include 30 minutes of reading to children each day.

274 (h) Subject to legislative appropriation, participate in a
275 program assessment in accordance with s. 1002.82(2)(n).

276 (i) Subject to legislative appropriation, participate in
277 quality improvement strategies, as required.

278 (o) ~~(m)~~ For a provider that is an informal provider, comply
279 with the provisions of paragraph (n) ~~(l)~~ or maintain homeowner's
280 liability insurance and, if applicable, a business rider. If an
281 informal provider chooses to maintain a homeowner's policy, the
282 provider must obtain and retain a homeowner's insurance policy
283 that provides a minimum of \$100,000 of coverage per occurrence
284 and a minimum of \$300,000 general aggregate coverage. The office
285 may authorize lower limits upon request, as appropriate. An
286 informal provider must add the coalition as a named
287 certificateholder and as an additional insured. An informal
288 provider must provide the coalition with a minimum of 10
289 calendar days' advance written notice of cancellation of or
290 changes to coverage. The general liability insurance required by

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291 this paragraph must remain in full force and effect for the
 292 entire period of the provider's contract with the coalition.

293 (q)~~(e)~~ Notwithstanding paragraph (n) ~~(l)~~, for a provider
 294 that is a state agency or a subdivision thereof, as defined in
 295 s. 768.28(2), agree to notify the coalition of any additional
 296 liability coverage maintained by the provider in addition to
 297 that otherwise established under s. 768.28. The provider shall
 298 indemnify the coalition to the extent permitted by s. 768.28.

299 (2) If a school readiness program provider fails or refuses
 300 to comply with this part or any contractual obligation of the
 301 statewide provider contract under s. 1002.82(2)(o) ~~s.~~
 302 ~~1002.82(2)(m)~~, the coalition may revoke the provider's
 303 eligibility to deliver the school readiness program or receive
 304 state or federal funds under this chapter for a period of 5
 305 years.

306 Section 6. Paragraphs (a) and (b) of subsection (6) of
 307 section 1002.89, Florida Statutes, are amended to read:

308 1002.89 School readiness program; funding.—

309 (6) Costs shall be kept to the minimum necessary for the
 310 efficient and effective administration of the school readiness
 311 program with the highest priority of expenditure being direct
 312 services for eligible children. However, no more than 5 percent
 313 of the funds described in subsection (5) may be used for
 314 administrative costs and no more than 22 percent of the funds
 315 described in subsection (5) may be used in any fiscal year for
 316 any combination of administrative costs, quality activities, and
 317 nondirect services as follows:

318 (a) Administrative costs as described in 45 C.F.R. s.
 319 98.52, which shall include monitoring providers using the

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320 standard methodology adopted under s. 1002.82 to improve
321 compliance with state and federal regulations and law pursuant
322 to the requirements of the statewide provider contract adopted
323 under s. 1002.82(2)(o) ~~s. 1002.82(2)(m)~~.

324 (b) Activities to improve the quality of child care as
325 described in 45 C.F.R. s. 98.51, which shall be limited to the
326 following:

327 1. Developing, establishing, expanding, operating, and
328 coordinating resource and referral programs specifically related
329 to the provision of comprehensive consumer education to parents
330 and the public to promote informed child care choices specified
331 in 45 C.F.R. s. 98.33.

332 2. Awarding grants and providing financial support to
333 school readiness program providers and their staff to assist
334 them in meeting applicable state requirements for program
335 assessments, child care performance standards, implementing
336 developmentally appropriate curricula and related classroom
337 resources that support curricula, providing literacy supports,
338 and providing continued professional development and training.
339 Any grants awarded pursuant to this subparagraph shall comply
340 with ss. 215.971 and 287.058.

341 3. Providing training, technical assistance, and financial
342 support to school readiness program providers, staff, and
343 parents on standards, child screenings, child assessments, child
344 development research and best practices, developmentally
345 appropriate curricula, character development, teacher-child
346 interactions, age-appropriate discipline practices, health and
347 safety, nutrition, first aid, cardiopulmonary resuscitation, the
348 recognition of communicable diseases, and child abuse detection,

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349 prevention, and reporting.

350 4. Providing, from among the funds provided for the
351 activities described in subparagraphs 1.-3., adequate funding
352 for infants and toddlers as necessary to meet federal
353 requirements related to expenditures for quality activities for
354 infant and toddler care.

355 5. Improving the monitoring of compliance with, and
356 enforcement of, applicable state and local requirements as
357 described in and limited by 45 C.F.R. s. 98.40.

358 6. Responding to Warm-Line requests by providers and
359 parents, including providing developmental and health screenings
360 to school readiness program children.

361 Section 7. Subsection (4) of section 1002.84, Florida
362 Statutes, is amended to read:

363 1002.84 Early learning coalitions; school readiness powers
364 and duties.—Each early learning coalition shall:

365 (4) Establish a regional Warm-Line as directed by the
366 office pursuant to s. 1002.82(2)(t) ~~s. 1002.82(2)(r)~~. Regional
367 Warm-Line staff shall provide onsite technical assistance, when
368 requested, to assist child care facilities and family day care
369 homes with inquiries relating to the strategies, curriculum, and
370 environmental adaptations the child care facilities and family
371 day care homes may need as they serve children with disabilities
372 and other special needs.

373 Section 8. Paragraph (a) of subsection (3) of section
374 1002.92, Florida Statutes, is amended to read:

375 1002.92 Child care and early childhood resource and
376 referral.—

377 (3) Child care resource and referral agencies shall provide

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378 the following services:

379 (a) Identification of existing public and private child
380 care and early childhood education services, including child
381 care services by public and private employers, and the
382 development of a resource file of those services through the
383 single statewide information system developed by the office
384 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may
385 include family day care, public and private child care programs,
386 the Voluntary Prekindergarten Education Program, Head Start, the
387 school readiness program, special education programs for
388 prekindergarten children with disabilities, services for
389 children with developmental disabilities, full-time and part-
390 time programs, before-school and after-school programs, vacation
391 care programs, parent education, the temporary cash assistance
392 program, and related family support services. The resource file
393 shall include, but not be limited to:

- 394 1. Type of program.
- 395 2. Hours of service.
- 396 3. Ages of children served.
- 397 4. Number of children served.
- 398 5. Program information.
- 399 6. Fees and eligibility for services.
- 400 7. Availability of transportation.

401 Section 9. For the 2018-2019 fiscal year, the nonrecurring
402 sum of \$6 million is appropriated from the Child Care and
403 Development Block Grant Trust Fund to the Office of Early
404 Learning to implement the amendments made by this act to s.
405 1002.82(2), Florida Statutes.

406 Section 10. This act shall take effect July 1, 2018.