

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1738

INTRODUCER: Senator Stewart

SUBJECT: Early Childhood Education

DATE: February 5, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Alperstein, Olenick</u>	<u>Graf</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1738 modifies the criteria for private prekindergarten providers and school readiness program providers to deliver services under certain circumstances. Specifically, the bill:

- Prohibits a private provider of the Voluntary Prekindergarten Education Program (VPK program) from participating in the VPK program for a period of 5 years from the date of the last violation if the provider has been cited for four or more violations relating to the supervision of children within a 2-year period.
- Authorizes an early learning coalition to revoke a school readiness program provider's eligibility to deliver the school readiness program for a period of 5 years from the date of the last violation if the provider has been cited for four or more violations relating to the supervision of children within a 2-year period.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida law provides for two early learning programs, namely, the Voluntary Prekindergarten Education Program and the school readiness program.

Voluntary Prekindergarten Education Program

The Legislature established the Voluntary Prekindergarten Education Program (VPK program) in 2004 as a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.¹ A child must be a Florida resident and attain four

¹ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education

years of age on or before September 1 of the program year, and not enrolled in the Gardiner Scholarship program to be eligible for the VPK program.² The child is eligible for the VPK program during that program year or the subsequent program year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1 of any school year.³ Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.⁴

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. The ELCs provide administration over programs delivered by private prekindergarten providers and school districts administer public school VPK programs.⁵ Florida's Office of Early Learning (OEL),⁶ and the Department of Children and Family Services (DCF) each play a role in the state-level oversight of the VPK program. As lead agency for Florida's school readiness system, Florida's OEL governs the day-to-day operations of the VPK program.⁷ The OEL oversees ELCs regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.⁸

Florida law specifies eligibility criteria for private prekindergarten providers to deliver the VPK program.

VPK Program Provider Eligibility Requirements

To be eligible to deliver the VPK program, a private prekindergarten provider must:⁹

- Be a child care facility, family day care home, or large family day care home licensed in accordance with the law or a nonpublic school or faith-based child care provider exempt from licensure in accordance with the law;
- Be accredited by an accrediting association in accordance with the law;

program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment by a total of 59 percent for to 41 percent against. Art. IX, s. 1(b)-(c), Fla. Const.; *see also* Florida Department of State, Division of Elections, Voluntary Universal Prekindergarten Education, <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited Feb. 5, 2018).

² Sections 1002.385(4)(a) and 1002.53(2), F.S.

³ Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten during that school year under rules adopted by the district school board. Section 1003.21(1)(a)2., F.S.

⁴ Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, codified at s. 1002.53(3)(d), F.S.

⁵ Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

⁶ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within 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 Voluntary Prekindergarten Education Program. s. 1, ch. 2013-252, codified at 1001.213, F.S.

⁷ Sections 1001.213 and 1002.75(1)-(2), F.S.

⁸ Section 1002.75(2), F.S.

⁹ Section 1002.55(3), F.S.

- Hold a current Gold Seal Quality Care designation; or
- Be licensed under Florida law and demonstrate, before delivering the VPK program, that the provider meets each of the requirements specified in law for the program.

Additionally, private prekindergarten providers must meet specified requirements related to prekindergarten instructors, prekindergarten directors, and program operations and delivery.¹⁰

A private prekindergarten provider may not participate in the VPK program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking or any other form of physical punishment as provided in law.¹¹

School Readiness Program

Established in 1999,¹² the school readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk.¹³ 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.¹⁴

The school readiness program is a state-federal partnership between the OEL and the Office of Child Care of the United States Department of Health and Human Services.¹⁵ The school readiness program is administered by ELCs at the county or regional level.¹⁶ The OEL administers the program at the state level, including statewide coordination of the ELCs.¹⁷

While the OEL governs day-to-day operations of statewide early learning programs and administers federal and state child care funds, across the state 30 regional ELCs and the Redlands Christian Migrant Association are responsible for delivering local services.¹⁸

School Readiness Program Provider Eligibility Requirements

To be eligible to deliver the school readiness program, a provider must be:¹⁹

- A licensed child care facility;
- A licensed or registered family day care home;

¹⁰ Section 1002.55(3)(c)-(m), F.S.

¹¹ *Id.* at (5).

¹² Section 1, ch. 99-357, L.O.F.

¹³ Section 1002.87, F.S.

¹⁴ The Office of Early Learning, *School Readiness Program*,

http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited Feb. 5, 2018).

¹⁵ 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 Feb. 5, 2018).

¹⁶ Section 1002.83, F.S.

¹⁷ Section 1001.213(3), F.S.

¹⁸ The Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Feb. 5, 2018). See also 1002.83(1), F.S.

¹⁹ Section 1002.88(1), F.S.

- A licensed large family child care home;
- A public school or nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An authorized informal child care provider.

School readiness program provider responsibilities include, but are not limited to, a requirement to:²⁰

- Provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children enrolled in the school readiness program.
- Employ child care personnel who have satisfied background screening and training requirements.
- Execute the standard statewide provider contract adopted by the OEL.

If a school readiness program provider fails or refuses to comply with this part or any contractual obligation of the statewide provider contract, the coalition may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds for a period of 5 years.²¹

Presently, an ELC may terminate a provider's contract if a school readiness program provider has one or more Class I violations,²² five or more Class II²³ violations, or six or more Class III²⁴ violations, and the violations pose an immediate and serious danger to the health, safety and welfare of the children in care.²⁵

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.²⁶ 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.²⁷ Class III violations are less serious than either Class I or Class II violations, and pose a low potential

²⁰ Section 1002.88(1), F.S.

²¹ *Id.* at (2).

²² 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 Office of Early Learning, *School Readiness Program Health and Safety Standards Handbook (Feb. 2017)* available at http://www.floridaearlylearning.com/sites/www/Uploads/OEL-SR-6204_Standards%20Handbook_Public%20and%20Nonpublic%20Schools%203%20ADA.pdf, (last visited Feb. 5, 2018) at 49.

²³ Class II violations are less serious in nature than Class I violations, and could be anticipated to pose a threat to the health, safety or well-being of a child, although the threat is not imminent. *Id.*

²⁴ Class III violations are less serious in nature than either Class I or Class II violations, and pose a low potential for harm to children. *Id.*

²⁵ *Id.*

²⁶ *Id.* at 50.

²⁷ *Id.*

for harm to children.²⁸ A list of Class I, II and III violations are provided in the Office of Early Learning, school readiness program, Health and Safety Checklist.²⁹

III. Effect of Proposed Changes:

SB 1738 modifies the criteria for private prekindergarten providers and school readiness program providers to deliver services under certain circumstances. Specifically, the bill:

- Prohibits a private provider of the Voluntary Prekindergarten Education Program (VPK program) from participating in the VPK program for a period of 5 years from the date of the last violation if the provider has been cited for four or more violations relating to the supervision of children within a 2-year period.
- Authorizes an early learning coalition to revoke a school readiness program provider's eligibility to deliver the school readiness program for a period of 5 year from the date of the last violation if the provider has been cited for four or more violations relating to the supervision of children within a 2-year period.

Although the bill does not specify the type of violations relating to the supervision of children which may affect the eligibility of a private VPK provider or a school readiness program provider to deliver program services, the bill may assist with fostering a safe environment for children enrolled in VPK or school readiness programs.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁸ *Id.*

²⁹ The Office of Early Learning, *School Readiness Program, Health and Safety Checklist - Public and Nonpublic schools*, (Feb. 2017) available at [https://www.flrules.org/gateway/readRefFile.asp?refId=7846&filename=FormOEL-SR-6203 \(February 2017\) HS Checklist Public NonPublic Schools.pdf](https://www.flrules.org/gateway/readRefFile.asp?refId=7846&filename=FormOEL-SR-6203%20(FEBRUARY%202017)%20HS%20Checklist%20Public%20NonPublic%20Schools.pdf). (last visited Feb.5, 2018)

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.55 and 1002.88.

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.