

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 951 Voluntary Prekindergarten Education
SPONSOR(S): PreK-12 Quality Subcommittee; Fischer and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1192

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------------|---------|--|
| 1) PreK-12 Quality Subcommittee | 14 Y, 0 N, As CS | Dehmer | DavisGreene |
| 2) PreK-12 Appropriations Subcommittee | | | |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

The Voluntary Prekindergarten Education Program (VPK program) is a voluntary program offered to eligible four-year-old children in the year before admission to kindergarten. A child must be a Florida resident and attain four years of age to be eligible. The child is eligible for the VPK program during that program year or the subsequent year and remains eligible until enrollment in kindergarten or attaining six years of age.

Local oversight of the VPK program is provided by early learning coalitions (ELCs) and school districts. Each ELC is the single point of entry for program registration and enrollment in the coalition's county or multi-county service area. Florida's Office of Early Learning (OEL), and the Department of Children and Family Services each play a role in the state-level oversight of the program.

Each VPK provider may select or design its own curriculum, which must adhere to certain educational standards. Providers are required to implement evidence-based pre- and post-assessments that are valid, reliable, developmentally appropriate and designed to measure student progress.

The bill requires each provider to give parents the results of the pre- and post-assessments, including any resources that might be helpful to their students within 10 days after the assessments are administered. The results must be reported at the aggregate level, distributed to the respective ELC and district and displayed on the OEL's webpage 30 days after the assessments are administered.

The bill also authorizes a child who has completed a VPK program, but is determined to be at risk of not attaining the adopted performance standards, to reenroll in a school-year VPK program offered by a provider that has met the minimum readiness standards.

The bill also establishes OEL requirements to ensure the implementation of student reenrollment.

The effect of the proposed change of authorizing a child who has completed a VPK program, but is determined to be at risk of not attaining the adopted performance standards, to reenroll in a school-year VPK program will likely have an indeterminate negative fiscal impact to the state.

The bill takes effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2004, the Legislature established the Voluntary Prekindergarten Education Program (VPK program), 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 years of age on or before September 1 of the program year to be eligible for the VPK program.² The child is eligible for the VPK program during that program year or the subsequent 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 or private prekindergarten provider.⁴

Local oversight of the VPK program is provided by early learning coalitions (ELCs) and school districts. Each ELC is the single point of entry for VPK program registration and enrollment in the ELC's county or multi-county service area.⁵ Each ELC must coordinate with each school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.⁶ Local oversight of individual VPK program providers is split, with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.⁷

Florida's Office of Early Learning (OEL),⁸ and the Department of Children and Family Services 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.⁹ 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.¹⁰ Florida's OEL administers the accountability requirements of the VPK program at the state level.

¹Section 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 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. Art. IX, s. 1(b)-(c), Fla. Const.; see also Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited January 18, 2018).

² Section 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. Section 1003.21(1)(a)2., F.S.

⁴ Section 1002.53(3), (7) and (8), 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. A child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy and physical therapy. The Department of Education (DOE) is responsible for approving SIS providers. Section 1002.66, F.S. Children who participate in the program are eligible to receive a McKay Scholarship to enroll in and attend a private school. See s. 1002.39(2)(a)1., F.S.

⁵ Section 1002.53(4)(a)-(b), F.S. There are currently 30 ELCs. Florida's Office of Early Learning, *Early Learning Coalitions*, available at

http://www.floridaearlylearning.com/parents/find_quality_child_care/locate_a_child_care_resource_referral_program/countys_early_learning_coalition.aspx (last visited January 18, 2018).

⁶ Section 1002.53(4)(c), F.S.

⁷ Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

⁸ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the 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 Education Program. s. 1, ch. 2013-252, *codified at* 1001.213, F.S.

⁹ Sections 1001.213 and 1002.75(1)-(2), F.S.

¹⁰ Section 1002.75(2), F.S.

Each VPK program provider may select or design its own curriculum,¹¹ which must:

- be developmentally appropriate;
- be designed to prepare students for early literacy;
- enhance the age-appropriate progress of students in attaining VPK program performance standards adopted by the OEL; and
- prepare students to be ready for kindergarten based on the statewide kindergarten screening.¹²

However, a public school or private prekindergarten provider that is placed on probation for failing to meet the minimum kindergarten readiness rate adopted by the OEL must take certain corrective actions, including the use of an OEL-approved curriculum or a staff development plan to strengthen instruction in language development and phonological awareness.¹³

Contingent upon legislative appropriation, public and private schools in the VPK program must implement evidence-based pre- and post-assessments that are valid, reliable, developmentally appropriate and designed to measure student progress.¹⁴

Effect of Proposed Changes

The bill requires private and public school VPK program providers to provide parents with the results of the pre- and post-assessments, including any resources that might be helpful to their students, within 10 days after administration of the assessment. The results must be reported at the aggregate level, distributed to the respective ELCs and districts and displayed on the OEL's webpage 30 days after administering the assessment.

Beginning in the 2019-20 school year, the bill authorizes a child who has completed a VPK program, but is determined to be at risk of not attaining the adopted performance standards,¹⁵ to reenroll in a school-year VPK program. The VPK program must be offered by a provider that has met the minimum readiness rate, for the subsequent year and the request to reenroll must be made by the child's parent.

To implement the option of reenrollment for eligible students, by December 1, 2018, the OEL must:

- establish eligibility criteria for determining if a student is at risk of not attaining the adopted performance standards;
- estimate the potential number of students participating in the program in the 2018-19 school year by county and by the ELC whom may be eligible to reenroll in the program;
- establish reenrollment procedures; and
- inform parents of the reenrollment option.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.67, F.S., relating to performance standards, curricula and accountability.

Section 2. Amends s. 1002.71, F.S., relating to funding, financial and attendance reporting.

Section 3. Provides an effective date of July 1, 2018.

¹¹ Section 1002.67(2)(a), F.S.

¹² Section 1002.67(2)(b), F.S.

¹³ Section 1002.67(4), F.S.

¹⁴ Section 1002.67(3)(a) and (b), F.S.

¹⁵ Section 1002.67(1), F.S.

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.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The effect of the proposed change of authorizing a child who has completed a VPK program, but is determined to be at risk of not attaining the adopted performance standards, to reenroll in a school-year VPK program will likely have an indeterminate negative fiscal impact to the state.

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 23, 2018, the PreK-12 Quality Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment specifies that public school prekindergarten providers, rather than public schools, are required to notify parents of the VPK program pre- and post-assessment results.

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