

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1193 Voluntary Prekindergarten Education Program

**SPONSOR(S):** Grall

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1594

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N	Brink	Brink
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

The Voluntary Prekindergarten Education (VPK) Program is a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten. Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Accountability for VPK programs is based on meeting health and safety requirements as well as the kindergarten readiness rate, which is calculated using a kindergarten screening administered within the first 30 days of school for kindergarten students. Some concerns have been raised over the use of a screening administered to kindergarten students in the subsequent school year to determine the readiness rate for VPK providers. The readiness rate also must incorporate learning gains data from an evidence-based VPK pre- and post-assessment when available; however, learning gains have not been calculated since the assessment was adopted in 2015. The bill revises accountability requirements for the VPK program by:

- requiring the State Board of Education (SBE) and the Office of Early Learning (OEL) to adopt an end-of-kindergarten screening to be administered at the end of the VPK program year and requiring the parents of children enrolled in a VPK program to submit their child to the screening;
- requiring the SBE to adopt a kindergarten screening and alternate, equivalent screenings to be used at the beginning and end of kindergarten to determine a kindergarten readiness rate for public schools;
- requiring each VPK provider to undergo a program assessment that measures, among other things, child-teacher interactions;
- establishing a program score for each VPK provider that incorporates the end-of-prekindergarten screening, the evidence-based pre- and post-assessment, and the program assessment scores; and
- specifying that a VPK provider's contract can be terminated for a period of 2 to 5 years, rather than 5 years, for failure to comply with certain laws or meet a satisfactory program score over a certain period of time.

The bill also:

- requires the OEL and DOE to provide for a coordinated assessment system to track the progress of students in the VPK program through grade 2 in order to provide timely interventions and supports;
- revises VPK student performance standards to include math skills and executive functioning skills;
- requires the OEL to make available online professional development and training courses, that are at least 8 clock hours long, that support prekindergarten instructors in increasing the competency of teacher-child interactions.

The bill has an estimated fiscal impact of \$11.5 million. See Fiscal Comments, *infra*.

The bill takes effect on July 1, 2019.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **The Voluntary Prekindergarten Education Program**

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.<sup>4</sup>

<b>Voluntary Prekindergarten Education Programs</b>			
<b>Program Characteristics</b>	<b>School Year-Programs</b>		<b>Summer Program (s. 1002.61, F.S.)</b>
	<b>Public School (s. 1002.63, F.S.)</b>	<b>Private Prekindergarten Provider (s. 1002.55, F.S.)</b>	
<b>Provider Type</b>	Public school	Private prekindergarten provider	Public school or private prekindergarten provider
<b>Minimum Program Length</b>	540 instructional hours	540 instructional hours	300 instructional hours
<b>Class Size</b>	4 to 20 students	4 to 20 students	4 to 12 students
<b>Prekindergarten Director Credential<sup>5</sup></b>	Not required	Required	Private prekindergarten provider only
<b>Minimum Required Instructor Credential</b>	Child Development Associate (CDA) plus 2 trainings or equivalent	CDA plus 2 trainings or equivalent	Florida-certified teacher or bachelor's or higher degree in specified major
<b>Second Instructor for Large Classes (credential not required)</b>	For classes of 12 to 20 students	For classes of 12 to 20 students	Not allowed

Student enrollment in the VPK program has increased from 106,479 in the 2005-2006 school year to 169,819 in the 2018-2019 school year.<sup>6</sup>

<sup>1</sup>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 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*, <https://results.elections.myflorida.com/?ElectionDate=11/5/2002&DATAMODE=> (last visited July 23, 2018).

<sup>2</sup> Section 1002.53(2), F.S. Funds appropriated for the VPK program may not be used to enroll eligible students participating in the Gardiner Scholarship Program. See s. 1002.385(4)(a), F.S.

<sup>3</sup> 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.

<sup>4</sup> 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. Beginning with the 2012-13 academic year, 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. 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.

<sup>5</sup> The Florida Department of Education establishes the minimum standards for a credential for directors of private prekindergarten providers delivering the VPK program. Section 1002.57(1), F.S.; see also rule 6M-8.610, F.A.C.

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.<sup>7</sup> Each ELC must coordinate with each school district in the coalition's service area to develop procedures for enrolling children in public school VPK programs.<sup>8</sup> 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.<sup>9</sup>

Florida's Office of Early Learning (OEL),<sup>10</sup> 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.<sup>11</sup> OEL oversees ELCs regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.<sup>12</sup> OEL administers the accountability requirements of the VPK program at the state level. The Department of Education is responsible for adopting and requiring each school district to administer a statewide kindergarten readiness screening within the first 30 days of each school year.<sup>13</sup>

DCF administers the state's child care provider licensing program, oversees the state-mandated child care personnel training, and posts VPK program provider profiles on its Internet website.<sup>14</sup>

The VPK program may be offered by either a private prekindergarten provider or a public school. To offer the VPK program, a private prekindergarten provider must apply with the ELC using forms prescribed by the OEL and must be a:

- licensed child care facility;
- licensed family day care home (FDCH);
- licensed large family child care home (LFCCH);
- nonpublic school exempt from licensure; or
- faith-based child care provider exempt from licensure.<sup>15</sup>

In addition, a private prekindergarten provider must:

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<sup>6</sup> Email from Elizabeth Moya, Legislative Affairs Director, Office of Early Learning Fwd: Request for Information-VPK Program Enrollment Numbers (March 17, 2019).

<sup>7</sup> Section 1002.53(4)(a)-(b), F.S. There are currently 30 ELCs. Florida's Office of Early Learning, *Early Learning Coalitions*, <http://www.floridaearlylearning.com/family-resources/find-quality-child-care/locate-your-early-learning-coalition> (last visited July 24, 2018).

<sup>8</sup> Section 1002.53(4)(c), F.S.

<sup>9</sup> Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

<sup>10</sup> 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.

<sup>11</sup> Sections 1001.213 and 1002.75(1)-(2), F.S.

<sup>12</sup> Section 1002.75(2), F.S.

<sup>13</sup> Sections 1002.69(1)-(3) and 1002.73, F.S.

<sup>14</sup> Sections 402.301-402.319, F.S.; *see also* Florida Department of Children and Family Services, *Provider Search*, <https://cares.myflfamilies.com/PublicSearch> (last visited July 24, 2018).

<sup>14</sup> Section 1002.66, F.S.; *see also* rule 6A-6.03033, F.A.C.; Florida's Office of Early Learning, *Specialized Instructional Service Providers*, <http://www.floridaearlylearning.com/vpk/vpk-providers/specialized-instructional-services-providers> (last visited July 24, 2018).

<sup>15</sup> Section 1002.66, F.S.; *see also* rule 6M-8.500, F.A.C.

<sup>16</sup> Section 1002.66, F.S.; *see also* rule 6M-8.500, F.A.C.

<sup>15</sup> Section 1002.55(3)(a) and (h), F.S.; *see also* rule 6M-8.300(3), F.A.C.; s. 402.305, F.S. (child care facilities licensing); s. 402.313, F.S. (family day care homes licensing); s. 402.3131, F.S. (large family child care homes licensing); s. 402.316, F.S. (faith-based provider exempt from licensure).

- be accredited by an accrediting association that is a member of either the National Council for Private School Accreditation or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools and has written accreditation standards that meet the state’s licensing requirements and requires at least one onsite visit before accreditation is granted;<sup>16</sup>
- hold a current Gold Seal Quality Care designation;<sup>17</sup> or
- be licensed and demonstrate to the ELC that the provider meets the VPK program’s statutory requirements.<sup>18</sup>

<b>VPK Providers by Classification 2017-2018<sup>19</sup></b>	
<b>Provider Classification</b>	<b>Participating Providers</b>
Licensed Child Care Facility	4,780
Licensed FDCH	33
Licensed LFCCH	39
Public School	1,239
Nonpublic School	76
Faith-Based Exempt	217
Total Providers	6,384
Unduplicated Provider Total	6,378

Private prekindergarten providers must also sign and agree to the terms outlined in the approved statewide VPK provider contract, follow all applicable statutes and administrative rules, maintain general liability insurance and maintain any required workers’ compensation insurance and reemployment assistance or unemployment compensation coverage.<sup>20</sup>

Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must apply with the ELC.<sup>21</sup> School districts must offer a summer VPK program and may limit enrollment at individual public schools so long as admission is provided to every eligible student who seeks enrollment in the district’s summer program.<sup>22</sup>

## **VPK Program Training Requirements**

<sup>16</sup> Section 1002.55(3)(b)1., F.S.; *see also* National Council for Private School Accreditation, <http://www.ncpsa.org> (last visited July 30, 2018); Florida Association of Academic Nonpublic Schools, <http://www.faans.org> (last visited July 30, 2018); Southern Association of Colleges and Schools, <http://www.sacs.org/> (last visited July 30, 2018); Western Association of Colleges and Schools, <http://www.acswasc.org/> (last visited July 30, 2018); North Central Association of Colleges and Schools, <https://www.advanced.org/services/accreditation> (last visited June 12, 2014); Middle States Association of Colleges and Schools, <https://www.msacess.org/> (last visited July 30, 2018); New England Association of Colleges and Schools, <http://www.neasc.org/> (last visited July 30, 2018).

<sup>17</sup> Section 402.281, F.S.; rule 65C-22.009, F.A.C.; *see also* Florida Department of Children and Family Services, *Gold Seal Quality Care*, <http://www.myflfamilies.com/service-programs/child-care/goldseal> (last visited June 30, 2018). DCF issues the Gold Seal Quality Care designation to child care facilities, LFCCHs, and FDCHs that are accredited by a nationally recognized accrediting association with standards that meet or exceed DCF-adopted standards. DCF’s standards are based upon those of the National Association for the Education of Young Children, National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. Section 402.281(1)-(3), F.S.

<sup>18</sup> Section 1002.55(3)(b), F.S.

<sup>19</sup> Florida Office of Early Learning, *Early Learning Services – Fact Book: Number of VPK Providers by Provider Type*, <http://www.floridaearlylearning.com/early-learning-resources>, last visited Aug. 28, 2018.

<sup>20</sup> Section 1002.55(3)(i) – (l), F.S.

<sup>21</sup> Sections 1002.61(3)(a) and (8) and 1002.63(3) and (8), F.S.

<sup>22</sup> Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

## Present Situation

A public school or private prekindergarten provider offering a school-year VPK program must have, for each class, at least one instructor with the following credentials:

- a CDA issued by the National Credentialing Program of the Council for Professional Recognition, plus five clock hours of training in emergent literacy and successful completion of a student performance standards training course;<sup>23</sup> or
- a credential approved by DCF as being equivalent to or greater than the CDA, plus five clock hours of training in emergent literacy and successful completion of a student performance standards training course.<sup>24</sup>

However, in lieu of the minimum credentials listed above, a prekindergarten instructor for a private prekindergarten provider may hold:

- an educational credential approved by OEL as being equivalent to or greater than any of these educational credentials;
- an associate's or higher degree in child development;
- an associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through 8 years of age;
- a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- a bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current.<sup>25</sup>

A public school or private prekindergarten provider offering a school-year VPK program must have a second adult instructor for each class of 12 or more students; however, the second instructor is not required to meet the same qualifications as the lead instructor.<sup>26</sup>

A VPK provider may assign a substitute instructor to temporarily teach a school-year VPK program class when the credentialed instructor is absent. If the substitute instructor does not meet the qualifications of a credentialed instructor, the substitute instructor must hold an associate's or higher degree in any field of study or hold a CDA or a CDA-equivalent credential and complete specified DCF child care training courses. A substitute instructor may be assigned to a VPK classroom if he or she meets the local school district's requirements for employment as a substitute teacher. A substitute instructor may not be assigned to substitute for an absent credentialed instructor for more than 30 percent of the VPK program hours. All VPK substitute instructors must be of good moral character and

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<sup>23</sup> Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. Emergent literacy includes oral communication, knowledge of print and letters, phonemic and phonological awareness (recognition that words are made up of sounds), and vocabulary and comprehension development. Sections 1002.59 and 1002.67(1)(b), F.S. The emergent literacy training requirement does not apply to individuals who completed required training for staff of child care facilities, family day care homes, and large family child care homes licensed by DCF before the establishment of emergent literacy training courses or April 1, 2005, whichever occurred later. Section 1002.55(3)(c)2., F.S.; see ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5), F.S.

<sup>24</sup> Sections 1002.55(3)(c)1.b. and 2. and 1002.59, F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2017), incorporated by reference in rule 65C-22.001(7), F.A.C.

<sup>25</sup> Section 1002.55(4), F.S. Although these credentialing requirements appear in the section of law regarding private prekindergarten providers offering the school year program, OEL interprets them to also apply to public school instructors of the school year program. Florida Department of Education, *Technical Assistance Paper: #07-01*, at 2 (Jan. 2007), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

<sup>26</sup> Sections 1002.55(3)(f) and 1002.63(7), F.S.

be screened using the level 2 background screening requirements before employment as a VPK substitute instructor.<sup>27</sup>

A public school or private prekindergarten provider offering a summer VPK program must have for each class a Florida-certified teacher or at least one instructor with the following credentials:

- Bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- Bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current.<sup>28</sup>

Like the school-year VPK program, substitute instructors may be assigned to temporarily teach a summer VPK program class when the credentialed instructor is absent.<sup>29</sup> If the substitute instructor does not hold any of the credentials authorized for lead instructors, he or she must hold an associate's or higher degree in any field of study or a CDA or equivalent credential.<sup>30</sup> A substitute instructor may not be assigned for more than 30 percent of the program hours.<sup>31</sup>

The OEL must adopt minimum standards for one or more emergent literacy training courses for prekindergarten teachers to meet training requirements.<sup>32</sup> Each course must be at least 5 clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including:

- oral communication;
- knowledge of print and letters;
- phonemic and phonological awareness; and
- vocabulary and comprehension.

Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.<sup>33</sup> In addition, the OEL must adopt minimum standards for one or more training courses on the VPK performance standards it adopts.<sup>34</sup>

Professional development and teacher resources are available online, including the VPK Teacher Toolkit, activity plans aligned to the VPK standards, Bright Beginnings resources, and courses developed by the OEL in collaboration with the Lastinger Center at the University of Florida.<sup>35</sup>

### Effect of Proposed Changes

The bill revises provisions relating to VPK Program training by:

- requiring VPK training course standards to include domains for early literacy, numeracy, and language assessed by the VPK pre- and post-assessment; and
- requiring the OEL to make available online professional development and training courses that support prekindergarten instructors in increasing the competency of teacher-child interactions.

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<sup>27</sup> See s. 1002.55(3)(e), F.S.; see also rule 6M-8.410, F.A.C.

<sup>28</sup> Sections 1002.61(4) and 1002.55(4)(a)-(b), F.S.

<sup>29</sup> Section 1002.61(6), F.S.

<sup>30</sup> Rule 6M-8.410(2)(b)1., F.A.C.

<sup>31</sup> Rule 6M-8.410(4), F.A.C.

<sup>32</sup> Section 1002.59(1), F.S.

<sup>33</sup> See *id.*

<sup>34</sup> Section 1002.59(2), F.S.

<sup>35</sup> See Florida Office of Early Learning, *Professional Development*, <http://www.floridaearlylearning.com/vpk/vpk-providers/professional-development-training/vpk-professional-development-teacher-resources> (last visited Mar. 15, 2019). See also Early Learning Florida, *Courses*, <https://www.earlylearningflorida.com/catalog> (last visited Mar. 15, 2019).

The courses must be at least 8 clock hours long and provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining the standards.

The bill does not specify that prekindergarten instructors must complete professional development or training to increase the competency of teacher-child interactions.

## **VPK Provider Accountability**

### Present Situation

#### *Kindergarten Readiness Rate*

The Department of Education (DOE) must adopt a kindergarten readiness screening based on Florida's VPK performance standards. These standards describe what children should know and be able to do at the end of VPK in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.<sup>36</sup> Florida's Constitution expressly requires VPK standards to help students make age-appropriate progress in the development of language and cognitive capabilities and emotional, social, regulatory, and moral capacities.<sup>37</sup>

By law, students must be tested within the first 30 school days of kindergarten and the statewide screening must provide objective data concerning each student's readiness for kindergarten.<sup>38</sup>

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the Florida Kindergarten Readiness Screener (FLKRS).<sup>39</sup> The readiness rates are expressed as the percentage of children who are ready for kindergarten as demonstrated by achieving the score identified in rule.<sup>40</sup> A provider must have at least 60 percent of children meet the "ready for kindergarten" score on the FLKRS in order to avoid probationary status.<sup>41</sup> Children who attended less than 70 percent of a VPK program are not included in a provider's readiness rates, and readiness rates are not calculated for providers with fewer than four children assessed. Providers that do not meet the minimum readiness rate are placed on probation and required to take certain corrective actions.

The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK preassessment and postassessment, known as the "Florida VPK Assessment."<sup>42</sup> The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment from at least 2 successive years of administration. The Florida VPK Assessment must be administered by individuals who are employed by a VPK provider and who:

- complete training on proper administration of the assessment that is offered by the OEL or OEL-trained individuals, through online training, or via DVD, if available; and
- meet the VPK instructor qualifications in law.<sup>43</sup>

The Florida VPK assessment was adopted in 2015;<sup>44</sup> however, the OEL has not established a methodology for calculating learning gains using the Florida VPK Assessment.

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<sup>36</sup> See s. 1002.67(1), F.S. See also Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, incorporated by reference in rule 6M-8.602, F.A.C.

<sup>37</sup> Fla. Const. Art. IX, s. (1)(b).

<sup>38</sup> See s. 1002.69(1), F.S.

<sup>39</sup> The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the FLKRS in 2017. Florida Department of Education Contract No. 17-651 (2017). See rule 6M-8.602(3)(b)1., F.A.C.

<sup>40</sup> Rule 6M-8.601(3)(b)1., F.A.C.

<sup>41</sup> *Id.*

<sup>42</sup> Section 1002.69(5), F.S.; rule 6A-1.09433(1)(b), F.A.C.

<sup>43</sup> See rule 6A-1.09433(2), F.A.C.

For the 2013-14 through 2015-2016 VPK program year, readiness rates were not calculated for any provider because administration of the previous FLKRS assessment was halted in September 2014; therefore no student met the criteria for inclusion in readiness rates. Those providers that did not previously meet the minimum readiness rate remained on probation. Readiness rates were calculated for the 2016-2017 VPK program year based on student performance on the FLKRS (Star Early Literacy Assessment);<sup>45</sup> however no new providers will be placed on probation until the 2018-2019 program year's rates are issued.<sup>46</sup> Nearly 54 percent of kindergarten students were designated as "ready for kindergarten" based on the Fall 2017 administration of the FLKRS.<sup>47</sup> Of the 6,026 VPK providers with a 2016-2017 readiness rate, 2,615 did not meet the minimum rate. Of these 2,615 providers, 547 were already on probation.<sup>48</sup>

### *Program Assessment*

In 2018, the Legislature revised School Readiness program accountability requirements to include a program assessment measuring the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to 5 years.<sup>49</sup> The OEL has selected the Teachstone Classroom Assessment Scoring System (CLASS) Assessment Tool as the program assessment, and requirements for observations and observers are provided in the Program Assessment Requirements Handbook.<sup>50</sup> CLASS observations must be provided by each ELC annually and observers who administer the CLASS must be certified for the age group of the classroom being observed. Certification is achieved by completing and passing all trainings and assessments required by Teachstone to conduct a CLASS observation; only ELC staff, OEL vendors, or ELC designees may conduct an observation.<sup>51</sup>

Unlike School Readiness providers, VPK providers are not required to undergo program assessments.

### *Eligibility to Provide the VPK Program*

Each ELC and district school board is responsible for verifying that private and public VPK providers, respectively, comply with VPK Program laws.<sup>52</sup> If a provider refuses to comply with law or engages in misconduct, the OEL must require the ELC or district school board to remove the provider or public school from eligibility to deliver the VPK Program and receive VPK funds for a period of 5 years.<sup>53</sup> An ELC or school district must require a provider or public school that falls below the minimum kindergarten readiness rate to:

- submit for approval and implement an improvement plan;
- place the provide or school on probation; and

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<sup>44</sup> See rule 6A-1.09433, F.A.C.

<sup>45</sup> To be considered "ready for kindergarten," a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.(3)(b)1., F.A.C.

<sup>46</sup> Email from Elizabeth Moya, Legislative Affairs Director, Florida's Office of Early Learning (July 27, 2018); rule 6M-8.601(5)(b), F.A.C.

<sup>47</sup> Florida Department of Education, *Fall 2017 FLKRS Results by District* (2018), available at <http://www.fldoe.org/core/fileparse.php/18494/urlt/Fall17FLKRSbyDistrict.xlsx>.

<sup>48</sup> Email from Elizabeth Moya, Legislative Affairs Director, Florida's Office of Early Learning (July 27, 2018).

<sup>49</sup> Section 1002.82(2)(n), F.S.

<sup>50</sup> See Form OEL-SR 740, incorporated by reference in rule 6M-4.740, F.A.C.; Florida's Office of Early Learning, *Classroom Assessment Scoring System* (2018), available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/CLASS%20FAQ\\_ADA.pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/CLASS%20FAQ_ADA.pdf).

<sup>51</sup> See Form OEL-SR 740 at 1, incorporated by reference in rule 6M-4.740, F.A.C.

<sup>52</sup> Section 1002.67(4)(a), F.S.

<sup>53</sup> Section 1002.67(4)(b), F.S.

- take certain corrective actions, including the use of an OEL-approved curriculum or an OEL-approved staff development plan to strengthen instruction in language development and phonological awareness.<sup>54</sup>

If the provider or public school remains on probation for 2 consecutive years and does not meet the readiness rate and is not granted a good cause exemption, it must be removed from eligibility to provide the program for 5 years.<sup>55</sup>

A good cause exemption releases a public school or private prekindergarten provider from being determined ineligible to deliver the VPK program and receive state funds for the VPK program. Upon request by a public school or private prekindergarten provider, OEL may grant such provider or school a good cause exemption. Such exemption is valid for one year, and may be renewed upon request by the public school or private prekindergarten provider.<sup>56</sup> A public school or private prekindergarten provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until such school or provider meets the minimum kindergarten readiness rate.<sup>57</sup>

Request by a public school or private prekindergarten provider to OEL for good cause exemption or renewal of such exemption must include the following:

- Submission of data by the public school or private prekindergarten provider which documents student achievement and learning gains, as measured by a state-approved pre- and post-assessment.<sup>58</sup>
- Submission and review of data available from the respective ELC or district school board, DCF, local licensing authority, or an accrediting association, as applicable, relating to the public school's or private prekindergarten provider's compliance with state and local health and safety standards.
- Submission and review of data available to OEL on the performance of the children served and the calculation of the public school's or private prekindergarten provider's kindergarten readiness rate.<sup>59</sup>

A good cause exemption may not be granted to any private prekindergarten provider that has any class I violations or two or more class II violations within the 2 years preceding the provider's or school's request for the exemption.<sup>60</sup>

OEL must notify the applicable ELC of the good cause exemption granted to a private prekindergarten provider within the coalition's service area, and direct that coalition to not remove the provider from eligibility to deliver the VPK program.<sup>61</sup>

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<sup>54</sup> Section 1002.67(4)(c)1., F.S.

<sup>55</sup> Section 1002.67(4)(c)3., F.S.

<sup>56</sup> Section 1002.69(7)(a), F.S.

<sup>57</sup> Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

<sup>58</sup> Contingent upon legislative appropriation, each public school or private prekindergarten provider in the VPK program must implement an evidence-based pre- and post-assessment approved by the State Board of Education. Approval of such assessment must be based on validity, reliability, developmental appropriateness, and design of the assessment that measures student progress on domains including, but not limited to, early literacy, numeracy, and language.

<sup>59</sup> Section 1002.69(7)(b)-(c), F.S.

<sup>60</sup> Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. 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 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. Rule 65C-22.010(1)(d), F.A.C.

<sup>61</sup> Section 1002.69(7)(f), F.S.

## Effect of Proposed Changes

The bill revises the VPK program performance standards to include mathematical thinking and early math skills and executive functioning skills. It also requires that a VPK provider's curriculum include instruction in early math skills and prepare students for kindergarten based on a kindergarten screening assessment to be administered at the end of the VPK year that is in addition to the pre- and post-assessment. The bill requires the OEL and the DOE to jointly review and, if necessary, revise the standards for the end-of-prekindergarten screening at least every 3 years.

The bill requires the DOE and the OEL to adopt a statewide, end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the new standards.

The OEL must require each ELC or school district to administer the screening to each prekindergarten student within the last 30 days of a school-year prekindergarten program and within the last 10 days of a summer prekindergarten program. The screening must provide objective data concerning each student's kindergarten readiness and progress in attaining the VPK performance standards. The screening data and other available data must be used to identify students in need of intervention and support once the student enters kindergarten.

The bill requires the DOE to adopt a kindergarten screening that is aligned to the Next Generation Sunshine State Standards, which include standards for social studies, science, visual and performing arts, physical education, health, and foreign language in addition to English language arts and math. The DOE must also approve alternative kindergarten screening that may be used by schools. A kindergarten student must be screened using either the state-adopted screening or alternative screening upon enrollment into public school for the first time if he or she is enrolled after the first 30 days of the school year. The DOE must adopt procedures to identify alternate kindergarten screenings that equate to the kindergarten screening.

In addition to the beginning of the year administration of the screening, each school district must re-administer the screening no sooner than the last 45 days of school and no later than the last 30 days of school to all students who do not score above the readiness level. However, the bill does not specify whether the readiness level relates to the end-of-prekindergarten screening or the kindergarten screening administered within the first 30 days of school. School districts must provide the results to the student's teachers within 1 week and to the student's parents no later than 30 days after the administration of both screenings.

The bill requires each VPK provider to implement an evidence-based pre- and post-assessment that can be used for determining developmentally appropriate learning gains as approved by the SBE.

The bill requires the OEL and DOE to ensure that the assessment system is coordinated to allow for tracking the progress of students in the VPK program through grade 2 in order to provide timely interventions and supports.

The bill establishes a kindergarten readiness rate for public schools based on:

- the percentage of students at each school who scored below the kindergarten readiness level during the first 30 days of school who met the readiness level by the end of the school year; and
- the percentage of students at each school who did not meet the kindergarten readiness level by the end of the school year and who were promoted to first grade.

The bill specifies that data collected by the school district related to the kindergarten screener must be maintained in the DOE's PK-20 Data Warehouse. The bill also repeals the requirement that the DOE adopt procedures for the implementation of and costs associated with the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the DOE.

Consistent with requirements for School Readiness providers, the bill requires each VPK provider to participate in a program assessment for each classroom. The assessment must measure the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3-5 years. The assessment must be administered by individuals meeting requirements established in state board rule.

The bill revises VPK Program accountability by requiring the OEL to adopt a methodology, developed by a third party expert, to calculate a program score for each VPK provider. The score must include:

- program assessment scores;
- developmentally appropriate learning gains data from the pre- and post-assessment; and
- results from the statewide end-of-prekindergarten screening.

The OEL must adopt procedures to annually calculate each VPK provider's score based on the adopted methodology and adopt a minimum score indicating a program's satisfactory delivery of the VPK Program. If a VPK provider's score falls below the minimum score, the ELC or school district must:

- require the provider to submit an improvement plan for approval and implement the plan;
- place the provider on probation; and
- require corrective actions, including use of OEL-approved curriculum or a staff development plan that also focuses on mathematical thinking.

The provider must continue the corrective actions until it meets the minimum program score.

The bill requires a private or school district provider's VPK contract to be terminated for a period of 2 to 5 years, rather than 5 years, if the provider:

- does not meet the satisfactory program score and fails to submit an improvement plan and implement required corrective actions;
- remains on probation for 2 consecutive years and fails to meet the minimum program score or is not granted a good cause exemption (current law specifies the program must remain on probation for 2 years and not be granted a good cause exemption); or
- fails to comply with VPK Program laws or engages in misconduct.

The bill revises the criteria the OEL may consider in granting a good cause exemption to include data from the program assessment which demonstrates effective teaching practices as recognized by the program assessment tool developer.

## B. SECTION DIRECTORY:

Section 1. Amends s. 1002.53, F.S., requiring a parent of a student enrolled in the Voluntary Prekindergarten Education Program to submit his or her student for a specified screening; conforming provisions to changes made by the act.

Section 2. Amends s. 1002.55, F.S., conforming provisions to changes made by the act.

Section 3. Amends s. 1002.59, F.S., requiring the Office of Early Learning to make available professional development and training courses that meet certain criteria.

Section 4. Amends s. 1002.61, F.S., conforming provisions to changes made by the act.

Section 5. Amends s. 1002.63, F.S., conforming provisions to changes made by the act.

Section 6. Amends s. 1002.67, F.S., requiring the office to develop performance standards for certain mathematical and executive functioning skills; requiring the Department of Education and the office to provide for a coordinated assessment system for specified purposes; conforming provisions to changes made by the act.

Section 7. Creates s. 1002.68, F.S., requiring each private prekindergarten provider and public school participating in the program to participate in a program assessment; providing requirements for such assessment; requiring the office and department to develop a statewide end-of-prekindergarten screening for specified purposes; providing requirements for such screening; requiring certain data to be stored in a specified department data warehouse; requiring the office to calculate a program score for each private prekindergarten providers and public schools participating in the program; requiring the office to establish a minimum program score that such providers and schools must meet; providing requirements for such providers and schools that do not meet such score; authorizing the office to grant good cause exemptions to private prekindergarten providers and public schools that meet certain criteria; providing requirements for such good cause exemptions.

Section 8. Amends s. 1002.69, F.S., revising the standards used to establish the statewide kindergarten screening; requiring certain screenings to be administered to students who enroll in a public school for the first time; providing reporting requirements from such screening; providing for screenings to be re-administered to certain students; providing requirements for screenings that are re-administered; requiring the department, rather than the office, to calculate each public school's kindergarten readiness rate; revising the requirements for such calculation; requiring certain data to be stored in a specified department data warehouse; conforming provisions to changes made by the act.

Section 9. Amends s. 1002.73, F.S., requiring the department to adopt procedures for the identification of an alternate kindergarten screening; conforming provisions to changes made by the act.

Section 10. Amends s. 1001.75, F.S., conforming provisions to changes made by the act.

Section 11. Provides an effective date of July 1, 2019.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

**D. FISCAL COMMENTS:**

The bill has an estimated fiscal impact of \$11.5 million. The state currently funds the VPK evidence-based pre- and post-assessments and the statewide kindergarten screener. If a new screener must be procured, there may be an additional cost of \$1.3 million as noted below. The bill requires the Office of Early Learning to make available professional development and training courses that support prekindergarten instruction to increase the competency of teacher-child interactions, but does not require VPK instructors to participate in the training.

The breakdown of the \$11.5 million is shown below:

Indeterminate	Professional Development and Training Courses
Currently Funded	VPK evidence based pre- and post- assessment
\$2.7M	Program Assessment of each VPK education classroom
\$4.7M	Statewide end-of-prekindergarten screening administered by third party
\$1.4M	Statewide end-of-prekindergarten screening
\$1.4M	Independent expert for calculating each provider's score
Currently Funded	Statewide kindergarten screener
\$1.3M	End-of-year statewide kindergarten screener
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\$11.5M	TOTAL

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Currently, the OEL may promulgate rules subject to the approval of the SBE. The bill requires the OEL and the DOE to adopt a statewide end-of-prekindergarten screening in rule. It is unclear which agency would promulgate the rule. The bill also requires the program assessment to be adopted in state board rule.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill establishes new VPK assessment and accountability requirements. While the bill takes effect on July 1, 2019, it is unlikely that any of the assessment requirements, including any new screening, pre- and post-assessment, and program assessment requirements could be procured and implemented beginning with the 2019-2020 school year. The bill does not provide for current accountability requirements to remain in place until the new assessments and program score are in place and ready for implementation.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.