

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 Appropriations Subcommittee on Education

BILL: SB 1594

INTRODUCER: Senator Harrell

SUBJECT: Voluntary Prekindergarten Education Program

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1594 shifts the method for assessing Voluntary Prekindergarten Education Program (VPK) providers from a kindergarten readiness rate based on the results of a screening taken in kindergarten to a program score based on assessments and a screening taken during the VPK school year. The bill eliminates the connection between the kindergarten readiness screening and a student's VPK provider. The bill also:

- Revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students.
- Removes the Office of Early Learning's (OEL's) authority to adopt procedures to calculate the kindergarten readiness rate.
- Authorizes the Department of Education (DOE) to adopt procedures to calculate each public school's kindergarten readiness rate.

The bill requires the OEL to adopt a methodology for calculating each VPK provider's program score, which must include:

- Program assessment scores;
- Developmentally appropriate learning gain data from a pre-and post-VPK assessment; and
- The results of the statewide end-of-prekindergarten screening.

The bill maintains the responsibility of Early Learning Coalitions (ELCs) and school districts for regulating private and public VPK provider compliance at the county and regional levels. The bill enhances the education standards for VPK by:

- Adding mathematical thinking, early math skills, and executive functioning skills to the list of student skills required to be addressed in performance standards adopted by the OEL.
- Adding early math skills to the required curricula of a VPK provider.
- Requiring the OEL to adopt standards for training courses for VPK instructors on the performance standards of students.

- Providing for a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages three to five years, in each VPK classroom.
- Requiring each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains.
- Requiring the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL.
- Outlining consequences for a VPK provider who fails to attain the required minimum program score, including probation, corrective measures, suspension, and good cause exemptions.

The bill will have a state fiscal impact. The revised assessment and screening requirements specified in the bill will result in additional state costs of between \$3.1 million and \$9 million, depending how it is implemented. See Section V.

The bill takes effect July 1, 2019.

II. Present Situation:

The Voluntary Prekindergarten Education Program

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to professionally accepted standards.¹ In 2004, the State established a free Voluntary Prekindergarten Education Program (VPK) offered to eligible four-year-old children.² Parents may choose either a school-year or summer program offered by either a public or private school.³ 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.⁴

Early Learning Coalitions (ELCs) and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.⁵ A local ELC must coordinate with the local school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.⁶

¹ Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

² Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const.

³ Section 1002.53(3), F.S.

⁴ Email, Florida Office of Early Learning (Mar. 29, 2019).

⁵ Section 1002.53(4), 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 Mar. 29, 2019).

⁶ Section 1002.53(4), F.S.

The Office of Early Learning (OEL) adopts procedures governing the administration of the VPK program for ELCs and school districts, including procedures for:⁷

- Child enrollment.
- Attendance reporting.
- Eligibility of VPK program providers.
- Regulating the compliance of VPK program providers.
- Reimbursing VPK program providers for the costs of the VPK program.

OEL consults with the Department of Education (DOE) regarding procedures implemented by ELCs and school districts for administering corrective action to VPK program providers and administering the VPK program for specialized instructional services for children with disabilities.⁸

Statewide Kindergarten Readiness Screening

The DOE develops a statewide kindergarten readiness screening⁹ and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.¹⁰ The screening must measure a child's readiness for kindergarten 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.¹¹

Kindergarten Readiness Rate

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.¹² The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.¹³ The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK pre-assessment and post-assessment, known as the "Florida VPK Assessment."¹⁴ The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least two successive years of administration.¹⁵

⁷ Section 1002.75(2), F.S.

⁸ Section 1002.67(3), F.S.; *see also* s. 1002.66, F.S.

⁹ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS) in 2017. Florida Department of Education Contract No. 17-651 (2017). *See* rule 6M-8.602(3)(b)1., F.A.C. ⁴⁰ Rule 6M-8.601(3)(b)1., F.A.C.

¹⁰ Sections 1002.69(1)-(3) and 1002.73, F.S.

¹¹ *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.

¹² Rule 6M-8.601(3)(b), F.A.C.

¹³ Sections 1002.69(5)-(6), F.S.; To be considered "ready for kindergarten," a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

¹⁴ Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C.

¹⁵ Section 1002.69(5), F.S. The current readiness rate determined by the OEL is calculated by the results of the kindergarten screening only. Rule 6M-8.601(3)(b), F.A.C.

VPK Provider Probation and Corrective Action

At least 60 percent of a VPK provider's students must meet the "ready for kindergarten" score on the screening in order for the provider to avoid probationary status.¹⁶ Providers that do not meet the minimum readiness rate are placed on probation.¹⁷ An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:¹⁸

- Submit for approval and implement an improvement plan;
- Place the provide or school on probation; and
- 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.

Nearly 54 percent of kindergarten students were designated as "ready for kindergarten" based on the Fall 2017 administration of the kindergarten screening.¹⁹ Of 6,026 rated VPK providers, 2,615 failed to meet the minimum rate.²⁰ Of these 2,615 providers, 547 remained on probation.²¹ However, ELCs and school districts may not place any provider on a new probation until the 2018-2019 program year's rates are issued.²²

Good Cause Exemption

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for five years; unless the provider receives a good cause exemption.²³ A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include the following:²⁴

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

A VPK provider who receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten

¹⁶ *Id.*

¹⁷ Section 1002.67(4), F.S.

¹⁸ Section 1002.67(4)(c)1., F.S.

¹⁹ Florida Department of Education, *Fall 2017 FLKRS Results by District* (2018), available at <http://www.fldoe.org/core/fileparse.php/18494/urlt/Fall17FLKRSbyDistrict.xlsx>.

²⁰ *Id.*

²¹ Email, Office of Early Learning (Mar. 29, 2019).

²² Rule 6M-8.601(5)(b), F.A.C.

²³ Section 1002.67(4)(c)3., F.S.

²⁴ Section 1002.69(7)(b)-(c), F.S.

readiness rate.²⁵ OEL must notify the applicable ELC of the good cause exemption, which remains valid for one year and may be renewed upon request by the VPK provider.²⁶

A good cause exemption may not be granted to any VPK provider that has any class I violations or two or more class II violations within the two years preceding the provider's request for an exemption.²⁷ In addition, if a provider refuses to comply with program requirements or engages in misconduct, OEL must require the ELC or district school board to remove the provider from eligibility to deliver the VPK program for a period of five years.²⁸

VPK Instructor Requirements

Instructor Qualifications

A VPK provider offering a school-year VPK program must have, for each class, at least one instructor with the following credentials:²⁹

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition; or
- A credential approved by the Department of Children and Families as being equivalent to or greater than the CDA; and
- Five clock hours of training in emergent literacy and successful completion of a student performance standards training course.

In lieu of the minimum credentials listed above, a private VPK program instructor may hold:³⁰

- 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 eight years of age;
- A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
- A bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade six, regardless of whether the educator certificate is current; or
- An educational credential approved by the OEL as being equivalent to or greater than any of these educational credentials.

²⁵ Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

²⁶ Section 1002.69(7), F.S.

²⁷ Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. Class I violations consist of conduct posing an imminent threat to a child. Class II violations 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.

²⁸ Section 1002.67(4)(b), F.S.

²⁹ Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), 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.

³⁰ Section 1002.55(4), F.S.

An instructor in a school-year VPK program implemented by a public school district must meet the same qualifications that are required of a private VPK program instructor, in addition to standard employment requirements for all instructional personnel in public schools.³¹ A school-year VPK program provider 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.³²

Instructor Training

The OEL sets minimum standards for emergent literacy training courses for VPK instructors.³³ Each course must be at least five clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including:³⁴

- 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.³⁵ In addition, the OEL must adopt minimum standards for training courses on the VPK performance standards for students.³⁶

OEL outlines a 5-Tier career pathway with certifications that require different levels of foundational training up to a bachelor's degree or higher.³⁷

Early Learning Florida, developed in partnership between the OEL and the Lastinger Center at the University of Florida, is a statewide professional learning system designed to support the development of early childhood professionals' knowledge and skills in effectively educating and caring for young children.³⁸ Since 2015, Early Learning Florida has delivered over 400,000 hours of online and blended training to more than 30,000 early childhood practitioners in Florida, at no cost to educators.³⁹ All Early Learning Florida courses and trainings provide teachers with Continuing Education Units that articulate to national and state credentials.⁴⁰

³¹ Sections 1002.63(5)-(6), F.S.; *see also* Florida Department of Education, *Technical Assistance Paper: VPK Instructor Qualifications #07-01*, at 2 (Jan. 2007), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

³² Sections 1002.55(3)(f) and 1002.63(7), F.S.

³³ Section 1002.59(1), F.S.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 1002.59(2), F.S.

³⁷ Office of Early Learning, *Florida Early Care and Education Career Pathway*, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Career%20Pathway%20Revised_ADA.pdf.

³⁸ Early Learning Florida, *Who We Are*, <https://www.earlylearningflorida.com/about> (last visited Mar. 29, 2019).

³⁹ The Lastinger Center at the University of Florida, *Early Learning Florida*, <https://lastinger.center.ufl.edu/early-learning/early-learning-florida/> (last visited Mar. 29, 2019).

⁴⁰ *Id.*

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core curricula content to be taught in Florida and specify the core content knowledge and skills that K-12 public school students are expected to acquire.⁴¹ The standards must be rigorous and relevant to incrementally increase a student's core content knowledge and skills over time.⁴² The curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.⁴³ The standards applicable to students in grades 9 through 12 may be organized by grade clusters that include more than one grade level, except as otherwise provided for visual performing arts, physical education, health, and foreign language standards.⁴⁴

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to such standards in rule.⁴⁵

III. Effect of Proposed Changes:

VPK Instructor Training

The bill requires the OEL to develop and adopt standards for training courses on student performance standards relating to early literacy, numeracy, language, mathematical thinking, early math skills, and executive functioning skills, in addition to the skills required to be addressed in performance standards pursuant to existing law. The bill also requires the OEL to make professional development courses available that train prekindergarten instructors and increase the competency of teacher-child interactions. Each course must be comprised of at least 8 clock hours, provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining performance standards, and be available online.

VPK Assessments

The bill requires the State Board of Education to establish requirements for an individual to administer the assessments that make up the VPK provider program score, which include:

- The program assessment.
- The pre- and post-kindergarten assessment.
- The statewide end-of-prekindergarten screening.

Program Assessment

The bill requires each VPK provider to participate in a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged

⁴¹ Section 1003.41(1), F.S.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Section 1003.41(3)-(4), F.S.

support for learning, classroom organization, and instructional support for children ages three to five years.

Classroom Pre- and Post-VPK Assessments

The bill requires each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains. The pre- and post-prekindergarten assessment must be approved by the State Board of Education. In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains that include, but are not limited to, early literacy, numeracy, and language.

End-of-Prekindergarten Screening

The bill requires the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL. The bill requires the OEL to require that each ELC or school district, as applicable, administer the statewide end-of-prekindergarten screening to each VPK student within the last thirty school days of a school-year VPK program, or within the last ten days of a summer VPK program.

The bill requires that the statewide end-of-prekindergarten screening provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the OEL. Data from the screening, along with other available data, must be used to identify students in need of intervention for reading deficiencies and support pursuant to s. 1008.25(5), F.S. In addition, the bill requires the statewide end-of-prekindergarten screening to incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

The bill requires the DOE and the OEL to jointly:

- Review performance standards for the statewide end-of-prekindergarten screening and revise if necessary.
- Ensure a coordinated assessment system tracks the progress of VPK students through grade two in order to provide timely interventions and supports to students not meeting grade level expectations.

Program Score

The bill requires the OEL to establish a program score to measure the effectiveness of a VPK provider. Specifically, the bill requires the OEL to:

- Select an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems to develop the methodology with a weighted formula for calculating each provider's score.
- Adopt a minimum program score for a provider to maintain eligibility to provide VPK.
- Adopt procedures and a methodology for annually calculating each provider's program score, which must include:
 - Program assessment scores;
 - Developmentally appropriate learning gain data from the pre- and post-assessment; and

- The results of the statewide end-of-prekindergarten screening.

Probation

If a VPK provider falls below the minimum program score, the bill requires the applicable ELC or school district to place the VPK provider on probation and require the VPK provider to:

- Submit an improvement plan for approval by the ELC or school district, as applicable, implement the plan; and
- Implement a curriculum approved by the OEL; or
- Implement a staff development plan to strengthen instruction in language development, phonological awareness, and mathematical thinking approved by the OEL.

The probation lasts until the VPK provider attains the minimum required program score. The failure to comply with the probation or attain the minimum program score after two years of probation must result in the VPK provider's suspension from the program for a period of two to five years, as determined by the applicable ELC or school district.

Good Cause Exemption

The bill authorizes the OEL to grant a VPK provider a good cause exemption from being determined ineligible to deliver the VPK program and receive state funds for the program. The exemption is valid for one year and renewable. A request for a good cause exemption must include:

- Data from the VPK provider which documents the achievement and progress of the children served, as measured by any required screenings or assessments.
- Data from program assessments which demonstrates effective teaching practices as recognized by the program assessment tool developer.
- Data from the ELC or district school board, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the VPK provider's compliance with state and local health and safety standards.

The bill requires the OEL to adopt criteria to consider when determining whether to grant a request for an exemption. The criteria must include:

- Learning gains of children served in VPK by the provider.
- Program assessment data which demonstrates effective teaching practices as recognized by the program assessment tool developer.
- Verification that local and state health and safety requirements are met.

The bill prohibits the OEL from granting a good cause exemption to any VPK provider that has any class I violations involving an imminent threat to the health, safety, or welfare of a student or two or more class II⁴⁶ violations involving an unreasonable risk to the health, safety, or welfare of a student within the two years preceding the provider's request for an exemption. The OEL is required to inform the applicable ELC or school district if an exemption is granted.

⁴⁶ Class I and Class II violations are defined in s. 402.281(4), F.S.

The OEL must require each applicable ELC or school district to suspend a provider who refuses to comply with VPK requirements or commits misconduct. The ELC or school district must suspend the provider's eligibility to provide VPK for a period of two to five years.

Statewide Kindergarten Screening

The bill revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students and authorizes the DOE to approve alternative kindergarten screening. The bill also:

- Maintains the requirement that each school district administer the kindergarten screening within the first thirty days of each school year.
- Adds the requirement to administer the kindergarten screening upon a student's enrollment into public school for the first time.
- Requires a school district to provide scores to teachers within one week and to parents within thirty days.
- Eliminates the authority for nonpublic schools to administer state kindergarten screening.
- Eliminates the requirement that a parent of a VPK student submit the student to the kindergarten readiness screening regardless of whether the child is enrolled in a public or private school.
- Requires a school to re-administer the kindergarten screening between 30-45 days before the end of the school year to students who did not meet the readiness level.

The bill requires the DOE to adopt procedures for identification of alternative kindergarten screenings that equate to the statewide kindergarten screening. The bill also requires the DOE to adopt procedures to calculate:

- A student's kindergarten readiness rate.
- The percentage of students at each school who scored below the kindergarten readiness level during the first 30 days of school who met the kindergarten readiness level by the end of the school year.
- 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.

Data Collection and Storage

The bill requires data collected regarding the statewide end-of-prekindergarten screening and the kindergarten screening to be maintained in the DOE's PK-20 Education Data Warehouse.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private providers may be required to purchase new curricula if their current curricula do not align with the newly implemented end-of-prekindergarten screening.

C. Government Sector Impact:

The bill will have a state fiscal impact. The revised assessment and screening requirements specified in the bill will result in additional state costs between \$3.1 million and \$9 million, depending how it is implemented.

The bill has other associated costs as well. Specifically, the additional training and professional development requirements will result in costs to the Office of Early Learning (OEL). The OEL, Early Learning Coalitions, schools, and districts will incur costs associated with administering the various assessments. Districts may be required to purchase new curricula if their current curricula do not align with the newly implemented end-of-prekindergarten screening. The DOE will also incur costs to incorporate data collected from the statewide end-of-prekindergarten screening and the kindergarten screening into the PK-20 Education Data Warehouse. The fiscal impact of these additional requirements is currently indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.53, 1002.55, 1002.59, 1002.61, 1002.63, 1002.67, 1002.69, 1002.73, and 1002.75.

This bill creates the following sections of the Florida Statutes: 1002.68.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
