A bill to be entitled

An act relating to the Voluntary Prekindergarten Education Program; amending 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; amending s. 1002.55, F.S.; conforming provisions to changes made by the act; amending s. 1002.59, F.S.; requiring the Office of Early Learning to make available professional development and training courses that meet certain criteria; amending ss. 1002.61 and 1002.63, F.S.; conforming provisions to changes made by the act; amending 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; creating 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 provider and public school 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; amending 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 for 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; amending 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; amending s. 1002.75, F.S.; conforming provisions to changes made by the act; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (5) of section 1002.53, Florida Statutes, is amended, and paragraph (d) is added to subsection (6) of that section, to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the Office of Early Learning. The profiles must include, at a minimum, the following information about each provider and school:

(b) The provider’s or school’s program score kindergarten readiness rate calculated in accordance with s. 1002.68 — 1002.69, based upon the most recent available results of the statewide kindergarten screening.

(6)

(d) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit his or her child for the statewide end-of-prekindergarten screening administered pursuant to s. 1002.68.

Section 2. Subsection (6) is added to section 1002.55, Florida Statutes, to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—
(6) Each early learning coalition must verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition’s county or multicounty region complies with this part. If a private prekindergarten provider fails or refuses to comply with this part, or if a provider engages in misconduct, the office shall require the early learning coalition to remove the provider from eligibility to deliver the program and receive state funds under this part for a period of at least 2 years and up to 5 years.

Section 3. Section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses and professional development.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address 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 development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).
(2) The office shall adopt minimum standards for one or more training courses on the performance standards adopted under s. 1002.67(1) and the domains listed in s. 1002.68(1)(b), which must include, but not be limited to, training relating to mathematical thinking and executive functioning. Each course must be comprised of at least 3 clock hours, provide instruction in strategies and techniques to address age-appropriate progress of each child in attaining the standards, and be available online.

(3) The office shall make available professional development and training courses that support prekindergarten instructors in increasing 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 the standards, and be available online.

Section 4. Subsection (9) is added to section 1002.61, Florida Statutes, to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(9)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition’s county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early
learning coalition to remove the provider or require the school
district to remove the school from eligibility to deliver the
Voluntary Prekindergarten Education Program and receive state
funds under this part for a period of at least 2 years and up to
5 years.

Section 5. Subsection (9) is added to section 1002.63, Florida Statutes, to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(9)(a) Each district school board shall verify that each public school delivering the Voluntary Prekindergarten Education Program within the school district complies with this part.

(b) If a public school fails or refuses to comply with this part, or if a school engages in misconduct, the office shall require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years and up to 5 years.

Section 6. Section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards and curricula and accountability.—

(1)(a) The office shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

1. The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

2. Emergent literacy skills, including oral communication,
knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development;

3. Mathematical thinking and early math skills; and

4. Executive functioning skills.

By October 1, 2013, the office shall examine the existing performance standards in the area of mathematical thinking and develop a plan to make appropriate professional development and training courses available to prekindergarten instructors.

(b) At least every 3 years, the office and the department shall jointly periodically review and, if necessary, revise the performance standards for the statewide end-of-prekindergarten kindergarten screening administered under s. 1002.68(3)(a) or 1002.69 and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant to s. 1008.22. The office and the department shall ensure that there is a coordinated assessment system that allows for tracking the progress of students in the Voluntary Prekindergarten Education Program through grade 2 in order to provide timely interventions and supports to students not meeting grade level expectations.

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (4)(c).

(b) Each private prekindergarten provider’s and public school’s curriculum must be developmentally appropriate and must:
1. Be designed to prepare a student for early literacy and provide for instruction in early math skills;

2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

3. Prepare students to be ready for kindergarten based upon the statewide end-of-prekindergarten screening statewide kindergarten screening administered under s. 1002.68, s. 1002.69.

(c) The office shall review and approve curricula for use by private prekindergarten providers and public schools that are placed on probation under paragraph (4)(c). The office shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

(3) (a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-assessment that has been approved by rule of the State Board of Education.

(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains which must include, but are not limited to, early literacy, numeracy, and language.

(c) The pre- and post-assessment must be administered by individuals meeting requirements established by rule of the State Board of Education.

(4) (a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition’s county
or multicounty region complies with this part. Each district
school board shall verify that each public school delivering the
program within the school district complies with this part.

(b) If a private prekindergarten provider or public school
fails or refuses to comply with this part, or if a provider or
school engages in misconduct, the office shall require the early
learning coalition to remove the provider and require the school
district to remove the school from eligibility to deliver the
Voluntary Prekindergarten Education Program and receive state
funds under this part for a period of 5 years.

(c) 1. If the kindergarten readiness rate of a private
prekindergarten provider or public school falls below the
minimum rate adopted by the office as satisfactory under s.
1002.69(6), the early learning coalition or school district, as
applicable, shall require the provider or school to submit an
improvement plan for approval by the coalition or school
district, as applicable, and to implement the plan; shall place
the provider or school on probation; and shall require the
provider or school to take certain corrective actions, including
the use of a curriculum approved by the office under paragraph
(2)(c) or a staff development plan to strengthen instruction in
language development and phonological awareness approved by the
office.

2. A private prekindergarten provider or public school that
is placed on probation must continue the corrective actions
required under subparagraph 1., including the use of a
curriculum or a staff development plan to strengthen instruction
in language development and phonological awareness approved by
the office, until the provider or school meets the minimum rate
adopted by the office as satisfactory under s. 1002.69(6).

Failure to implement an approved improvement plan or staff development plan shall result in the termination of the provider’s contract to deliver the Voluntary Prekindergarten Education Program for a period of 5 years.

3. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the office as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the office pursuant to s. 1002.69(7), the office shall require the early learning coalition or the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of 5 years.

(d) Each early learning coalition and the office shall coordinate with the Child Care Services Program Office of the Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness program under part VI of this chapter, and the licensing of providers under ss. 402.301-402.319.

Section 7. Section 1002.68, Florida Statutes, is created to read:

1002.68 Voluntary Prekindergarten Education Program Accountability.—

(1)(a) Each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-
assessment that can be used for determining developmentally
appropriate learning gains and that has been approved by rule of
the State Board of Education.

(b) 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.

(c) The pre- and post-assessment must be administered by
individuals meeting requirements established by rule of the
state board.

(2)(a) Each private prekindergarten provider and public
school in the Voluntary Prekindergarten Education Program must
participate in a program assessment of each voluntary
prekindergarten education classroom. The program assessment
shall 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 to 5 years.

(b) The program assessment must be administered by
individuals meeting requirements established by rule of the
state board.

(3)(a) The office and the department shall adopt a
statewide end-of-prekindergarten screening that assesses the
readiness of each student for kindergarten based upon the
performance standards adopted under s. 1002.67(1) for the
Voluntary Prekindergarten Education Program. The office shall
require that each early learning coalition or school district
administer the statewide end-of-prekindergarten screening to
each prekindergarten student in the Voluntary Prekindergarten
Education Program within the last 30 school days of a school-year prekindergarten program and within the last 10 days of a summer prekindergarten program.

(b) The statewide end-of-prekindergarten screening shall provide objective data concerning each student’s readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

(c) The statewide end-of-prekindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

(d) The statewide end-of-prekindergarten screening must be administered by individuals meeting requirements established by rule of the state board.

(4) Data collected pursuant to this section must be maintained in the department’s PK-20 Education Data Warehouse.

(5)(a) The office shall adopt a methodology for calculating each provider’s program score, which must include program assessment scores, developmentally appropriate learning gain data from the pre- and post-assessment under subsection (1), and the results of the statewide end-of-prekindergarten screening. The office shall select an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems to develop the methodology, which must include a weighted formula, for calculating each provider’s score.

(b) The office shall adopt procedures to annually calculate
each private prekindergarten provider's and public school's program score based on the methodology adopted in paragraph (a).

(c) The office shall periodically adopt a minimum program score that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.

(6)(a) If a private prekindergarten provider's or public school's program score falls below the minimum program score, the early learning coalition or school district, as applicable, shall:

1. Require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan;

2. Place the provider or school on probation; and

3. Require the provider or school to take certain corrective actions, including the use of a curriculum approved by the office under s. 1002.67(2)(c) or a staff development plan to strengthen instruction in language development, phonological awareness, and mathematical thinking approved by the office.

(b) A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under paragraph (a) until the provider or school meets the minimum program score adopted by the office. Failure to meet the requirements of subparagraphs (a)1. and 3. shall result in the termination of the provider's or school's contract to deliver the Voluntary Prekindergarten Education Program for a period of at least 2 years and up to 5 years.

(c) If a private prekindergarten provider or public school
remains on probation for 2 consecutive years and fails to meet the minimum program score or is not granted a good cause exemption by the office, the office shall require the early learning coalition or the school district to revoke the provider’s or school’s eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of at least 2 years and up to 5 years.

(7)(a) The office, upon the request of a private prekindergarten provider or public school that remains on probation for at least 2 consecutive years and subsequently fails to meet the minimum program score adopted pursuant to paragraph (5)(c), and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider’s or public school’s request for a good cause exemption, or renewal of such an exemption, must be submitted to the office in the manner and within the timeframes prescribed by the office and must include the following:

1. Data from the private prekindergarten provider or public school which documents the achievement and progress of the children served, as measured by any required screenings or assessments.

2. Data from the program assessment data required under paragraph (2)(a) which demonstrates effective teaching practices.
as recognized by the program assessment tool developer.

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider’s or public school’s compliance with state and local health and safety standards.

(c) The office shall adopt criteria for granting good cause exemptions. Such criteria must include, but is not limited to, all of the following:

1. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school.

2. Program assessment data under paragraph (2)(a) which demonstrates effective teaching practices as recognized by the program assessment tool developer.

3. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider or public school 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. For purposes of this paragraph, class I and class II violations have the same meaning as provided in s. 402.281(4).

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under subsection (6) until the provider or school meets the minimum program score.
(f) If a good cause exemption is granted to a private prekindergarten provider or public school that remains on probation for 2 consecutive years, the office shall notify the early learning coalition or school district of the good cause exemption and direct that the coalition or school district not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 8. Section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening and kindergarten readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1003.41 s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening or an alternative kindergarten screening approved by the department to each kindergarten student in the school district within the first 30 school days of each school year or upon enrollment into public school for the first time. Each school district must provide a student’s performance results to the student’s teachers within 1 week and to the student’s parents no later than 30 days after the administration. Nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who...
was enrolled in the Voluntary Prekindergarten Education Program.

(2) The statewide kindergarten screening shall provide objective data concerning each student’s readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1). Data from the screening, along with other available data, must be used to identify students in need of intervention and support pursuant to s. 1008.25(5).

(3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

(4) School districts must re-administer the statewide screening or an alternative kindergarten screening approved by the department no sooner than the last 45 days of school and no later than the last 30 days of school to all students who did not score above the readiness level. School districts must provide a student’s performance results to the student’s teachers within 1 week and to the student’s parents no later than 30 days after the administration. Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school or nonpublic school. Each school district shall designate sites to administer the statewide kindergarten screening for children admitted to kindergarten in a nonpublic school.

(5) The department shall adopt procedures to annually calculate:

(a) Each private prekindergarten provider’s and public
school’s kindergarten readiness rate, which must be expressed as
the percentage of the provider’s or school’s students who are
assessed as ready for kindergarten.

(b) 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.

(c) 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 methodology for
calculating each provider’s kindergarten readiness rate must
include student learning gains when available and the percentage
of students who meet all state readiness measures. The rates
must not include students who are not administered the statewide
kindergarten screening. The office shall 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 of the preassessment
and postassessment.

(6) Data collected pursuant to this section must be
maintained in the department’s PK-20 Education Data Warehouse.
The office shall periodically adopt a minimum kindergarten
readiness rate that, if achieved by a private prekindergarten
provider or public school, would demonstrate the provider’s or
school’s satisfactory delivery of the Voluntary Prekindergarten
Education Program.

(7)(a) Notwithstanding s. 1002.67(4)(c)3., the office, upon
the request of a private prekindergarten provider or public
school that remains on probation for 2 consecutive years or more
and subsequently fails to meet the minimum rate adopted under subsection (6) and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider’s or public school’s request for a good cause exemption, or renewal of such an exemption, must be submitted to the office in the manner and within the timeframes prescribed by the office and must include the following:

1. Submission of data by the private prekindergarten provider or public school which documents the achievement and progress of the children served as measured by the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the office pursuant to subparagraph (c)1.

2. Submission and review of data available from the respective early learning coalition or district school board, the Department of Children and Families, local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider’s or public school’s compliance with state and local health and safety standards.

3. Submission and review of data available to the office on the performance of the children served and the calculation of the private prekindergarten provider’s or public school’s
(c) The office shall adopt criteria for granting good cause exemptions. Such criteria shall include, but are not limited to:

1. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school.

2. Verification that local and state health and safety requirements are met.

(d) 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. For purposes of this paragraph, class I and class II violations have the same meaning as provided in s. 402.281(4).

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under s. 1002.67(4)(c)1., including the use of a curriculum approved by the office, until the provider or school meets the minimum rate adopted under subsection (6).

(f) If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the office shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(4)(c)3., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.
Section 9. Paragraphs (d) and (g) of subsection (2) of section 1002.73, Florida Statutes, are amended to read:

1002.73 Department of Education; powers and duties;
accountability requirements.—
(2) The department shall adopt procedures for its:
(d) Identification of alternative kindergarten screenings that equate to the statewide kindergarten screening established under s. 1002.69(1) implementation of, and determination of costs associated with, the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the department, and determination of the learning gains of students who complete the state-approved prekindergarten enrollment screening and the standardized postassessment approved by the department.
(g) Granting of a private prekindergarten provider’s or public school’s request for a good cause exemption under s. 1002.69(7).

Section 10. Paragraph (e) of subsection (2) and paragraphs (a), (b), and (c) of subsection (3) of section 1002.75, Florida Statutes, are amended to read:
1002.75 Office of Early Learning; powers and duties.—
(2) The Office of Early Learning shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:
(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.
(3) The Office of Early Learning shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

   (a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.68 s. 1002.67.

   (b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.68 s. 1002.67.

   (c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider’s or school’s remaining on probation beyond the time permitted under s. 1002.68 s. 1002.67. Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider or revoke the provider’s eligibility to deliver the Voluntary Prekindergarten Education Program.

Section 11. This act shall take effect July 1, 2019.