



Pre K - 12 Appropriations Subcommittee

Tuesday, February 6, 2018
12:30 PM - 2:30 PM
Reed Hall

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Appropriations Subcommittee

Start Date and Time: Tuesday, February 06, 2018 12:30 pm
End Date and Time: Tuesday, February 06, 2018 02:30 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

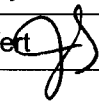
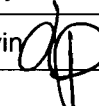
Consideration of the following bill(s):

HB 1035 Personalized Education by Sullivan
CS/HB 1091 Early Learning by PreK-12 Quality Subcommittee, Grall

NOTICE FINALIZED on 02/02/2018 4:17PM by VLS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1035 Personalized Education
SPONSOR(S): Sullivan
TIED BILLS: None **IDEN./SIM. BILLS:** SB 968

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	11 Y, 0 N	Healy	Healy
2) PreK-12 Appropriations Subcommittee		Seifert 	Potvin 
3) Education Committee			

SUMMARY ANALYSIS

In 2016, the Legislature created the Competency-Based Education Pilot Program within the Department of Education (DOE) to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The Commissioner of Education was authorized to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate were limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, Seminole, and Pinellas County school districts.

The bill:

- Renames the Competency-Based Education Pilot Program to the Mastery-Based Education Pilot Program.
- Allows any district in the state to submit an application to DOE to participate.
- Authorizes districts participating in the pilot program to use an alternative interpretation of letter grades to measure student success in grades 6-12. The alternate system must meet specific requirements and be approved by the district school board.
- Allows districts to determine and award one full credit toward high school graduation based on the student's mastery of core content and skills without meeting the current minimum requirement of 135 or 120 hours of bona fide instruction to award one full credit.
- Requires the statewide articulation agreement to ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

There is no fiscal impact to the state.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2016, the Legislature created the Competency-Based Education Pilot Program within the Department of Education (DOE) to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The purpose of the program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills.¹ Participation was limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, and Pinellas County school districts.²

The DOE was required to:

- Develop an application
- Compile student and staff schedules of participating schools before and after program implementation.
- Provide participants access to statewide, standardized assessments.
- Provide an annual report to the Legislature and the Governor, by June 1, summarizing the accomplishments of the program and recommendations for statutory revisions.
- Adopt rules to administer this program.³

In order to facilitate innovative practices, and to allow local selection of educational methods, the Commissioner of Education has the authority to waive, upon district request, provisions relating to district school instruction.⁴ Additionally, for districts participating in the competency-based pilot program, the State Board of Education may authorize the Commissioner of Education to grant an additional waiver of rules relating to student progression and the awarding of credits.⁵

Four of the five eligible districts chose to participate in the 2016-2017 school year, and one district chose to use Fiscal Year 2016-2017 as a planning year. Districts reported varying levels of progress across the following components:

- Communication Plans
- Professional Development
- Student Progression
- Digital and Blended Learning
- Allocation of Resources

Across four districts, components of the pilot program were implemented in 67 elementary schools, eight middle schools, nine high schools, and one K-12 school.⁶

Awarding of Credit

Current law defines, for purposes of high school graduation requirements, one full credit as a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through the Credit Acceleration Program (CAP). For districts

¹ Section 1003.4996(1), F.S.

² Section 1003.4996(2), F.S.

³ Section 1003.4996(2)(b)&(5), F.S.

⁴ Section 1001.10(3), F.S.

⁵ Section 1003.4996(3), F.S.

⁶ Competency-Based Education Pilot Program, 2016-2017 Annual Report.

that have been authorized to implement block scheduling, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards. The State Board of Education determines the number of postsecondary credit hours earned through dual enrollment that equal one full credit of the equivalent high school course.⁷

In awarding credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis. A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.⁸

Middle and High School Grading System

Under current law, the grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses is as follows:

- Grade “A” equals 90%-100%, has a grade point average value of 4, and is defined as “outstanding progress.”
- Grade “B” equals 80%-89%, has a grade point average value of 3, and is defined as “above average progress.”
- Grade “C” equals 70%-79%, has a grade point average value of 2, and is defined as “average progress.”
- Grade “D” equals 60%-69%, has a grade point average value of 1, and is defined as “lowest acceptable progress.”
- Grade “F” equals 50%-59%, has a grade point average value of zero, and is defined as “failure.”
- Grade “I” equals zero percent, has a grade point average value of zero, and is defined as “incomplete.”⁹

For purposes of class ranking, districts are authorized to exercise a weighted grading system in accordance with the weighted provisions allowed in dual enrollment courses.¹⁰

Effect of Proposed Changes

The bill renames the Competency-Based Education Pilot Program to the Mastery-Based Education Pilot Program and allows any district in the state to apply to the DOE for participation. The pilot program is for five years.

The bill provides that school districts participating in the Mastery-Based Education Pilot Program may award credit as a student demonstrates mastery of the core content and skills, consistent with the Next Generation Sunshine State Standards, rather than awarding credit only if the student receives 135 or 120 hours of instruction. Participating districts may also use an alternative interpretation of letter grades to measure student success in grades 6 – 12.

One form of alternative grading system is a standards-based grading system which is used in conjunction with standards-based instruction, assessments, and academic reporting. The standards-based systems are based on students demonstrating understanding or mastery of the knowledge and skills they are expected to learn as they progress through their education. In most high schools, students typically earn credit for passing a course, but a passing grade may be an A or it may be a D, suggesting that the awarded credit is based on a spectrum of learning expectations—with some students learning more and others learning less—rather than on the same learning standards being applied to all students equally. And because grades may be calculated differently from school to school

⁷ Section 1003.436(1)(a), F.S.

⁸ Section 1003.436(2), F.S.

⁹ Section 1003.437, F.S.

¹⁰ *Id.*

or teacher to teacher, and they may be based on different learning expectations (for example, some courses may be “harder” and others “easier”), students may pass their courses, earn the required number of credits, and receive a diploma without acquiring the most essential knowledge and skills described in standards. The following is an example of a standards-based report card:¹¹

Grade 3

Student Name: Teacher:

School:

Grading Key

- 4 Exceeds expectations
- 3 Meets expectations
- 2 Progressing toward expectations
- 1 Not meeting expectations
- X Skill/concept not introduced or tested

Q1 Q2 Q3 Q4

READING

- Understands what is read
- Uses comprehension strategies
- Understands/applies new words
- Reads fluently
- Selects materials/reads independently
- EFFORT

At least one of the current participants is transitioning to a standards-based grading system to provide parents, students and teachers with more accurate information about students’ progress toward meeting content and skill standards. Students receive a separate designation of progress for each subject within a course which allows for better support to students with goal-setting and overall achievement of the academic standards by clearly communicating progress in a subject (rather than an entire course). Student progress is reported as a level of proficiency, i.e., *Expert, Proficient, Approaching Proficiency, Not Meeting, and Insufficient Evidence*.¹²

Beginning with the 2018-2019 school year, districts currently participating in the program may amend their application to include alternatives for awarding credit and alternatives for the interpretation of middle and high school grades. Applications that are amended must be approved by the district school board. Districts applying for the first time would include these requests in their initial application.

Alternatives to awarding credit must include a verification of the student’s mastery of the applicable course content using rigorous scoring rubrics to evaluate the student’s work.

The bill also requires the statewide articulation agreement to ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.436, F.S., relating to definition of “credit.”

¹¹ Education Reform, *Standards-Based*, at <http://edglossary.org/standards-based/>

¹² Standards-Based Grading, *What is Standards-Based Grading*, at <https://pkyonge.ufl.edu/academics/standards-based-grading/>

Section 2. Amends s. 1003.437, F.S., relating to middle and high school grading system.

Section 3. Amends s. 1003.4996, F.S., relating to the Competency-Based Education Pilot Program.

Section 4. Amends s. 1007.23, F.S., relating to the statewide articulation agreement.

Section 5. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to personalized education; amending s.
3 1003.436, F.S.; authorizing a district school board
4 participating in the Mastery-Based Education Pilot
5 Program to award credit based on student mastery of
6 certain content and skills; amending s. 1003.437,
7 F.S.; authorizing a district school board
8 participating in the Mastery-Based Education Pilot
9 Program to use an alternative interpretation of letter
10 grades for certain students; amending s. 1003.4996,
11 F.S.; renaming the Competency-Based Education Pilot
12 Program as the Mastery-Based Education Pilot Program;
13 authorizing public school districts to submit
14 applications for the program; authorizing
15 participating school districts to amend their
16 applications to include alternatives for the award
17 credits and interpretation of letter grades; providing
18 requirements for such alternatives; deleting a
19 requirement that the State Board of Education adopt
20 rules; amending s. 1007.23, F.S.; requiring the
21 statewide articulation agreement to ensure fair and
22 equitable access for students with mastery-based,
23 nontraditional diplomas and transcripts; providing an
24 effective date.
25

26 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit."--

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. In lieu of the 135- and 120-hour instruction requirements, district school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996, may determine and award credit based on a student's mastery of the core content and skills, consistent with s. 1003.41, as approved by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full

51 | credit of the equivalent high school course identified pursuant
 52 | to s. 1007.271(9).

53 | Section 2. Section 1003.437, Florida Statutes, is amended
 54 | to read:

55 | 1003.437 Middle and high school grading system.—

56 | (1) The grading system and interpretation of letter grades
 57 | used to measure student success in grade 6 through grade 12
 58 | courses for students in public schools shall be as follows:

59 | (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent,
 60 | has a grade point average value of 4, and is defined as
 61 | "outstanding progress."

62 | (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has
 63 | a grade point average value of 3, and is defined as "above
 64 | average progress."

65 | (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has
 66 | a grade point average value of 2, and is defined as "average
 67 | progress."

68 | (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has
 69 | a grade point average value of 1, and is defined as "lowest
 70 | acceptable progress."

71 | (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,
 72 | has a grade point average value of zero, and is defined as
 73 | "failure."

74 | (f)~~(6)~~ Grade "I" equals zero percent, has a grade point
 75 | average value of zero, and is defined as "incomplete."

76 (2) District school boards participating in the Mastery-
 77 Based Education Pilot Program under s. 1003.4996 may use an
 78 alternative interpretation of letter grades to measure student
 79 success in grades 6 through 12.

80
 81 For the purposes of class ranking, district school boards may
 82 exercise a weighted grading system pursuant to s. 1007.271.

83 Section 3. Section 1003.4996, Florida Statutes, is amended
 84 to read:

85 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot
 86 Program. ~~Beginning with the 2016-2017 school year, The~~ Mastery-
 87 Based ~~Competency-Based~~ Education Pilot Program is created within
 88 the Department of Education to be administered for a period of 5
 89 years. The purpose of the pilot program is to provide an
 90 educational environment that allows students to advance to
 91 higher levels of learning upon the mastery of concepts and
 92 skills through statutory exemptions relating to student
 93 progression and the awarding of credits.

94 (1) PARTICIPATION.—The P.K. Yonge Developmental Research
 95 School and public school districts, including, but not limited
 96 to, the Lake, Palm Beach, Pinellas, and Seminole County School
 97 Districts, may submit an application in a format prescribed by
 98 the department to participate in the pilot program.

99 (2) APPLICATION.—The application to participate in the
 100 pilot program must, at a minimum, include:

101 (a) The vision and timelines for the implementation of
 102 mastery-based ~~competency-based~~ education within the school
 103 district, including a list of the schools that will participate
 104 in the pilot program during the first school year and the list
 105 of schools that will be integrated into the program in
 106 subsequent school years.

107 (b) The annual goals and performance outcomes for
 108 participating schools, including, but not limited to:

- 109 1. Student performance as defined in s. 1008.34.
- 110 2. Promotion and retention rates.
- 111 3. Graduation rates.
- 112 4. Indicators of college and career readiness.

113 (c) A communication plan for parents and other
 114 stakeholders, including local businesses and community members.

115 (d) The scope of and timelines for professional
 116 development for school instructional and administrative
 117 personnel.

118 (e) A plan for student progression based on the mastery of
 119 content, including mechanisms that determine and ensure that a
 120 student has satisfied the requirements for grade-level promotion
 121 and content mastery.

122 (f) A plan for using technology and digital and blended
 123 learning to enhance student achievement and facilitate the
 124 mastery-based ~~competency-based~~ education system.

125 (g) The proposed allocation of resources for the pilot

126 program at the school and district levels.

127 (h) The recruitment and selection of participating
128 schools.

129 (i) The rules to be waived for participating schools
130 pursuant to subsection (3) to implement the pilot program.

131 (3) EXEMPTION FROM RULES.—In addition to the waivers
132 authorized in s. 1001.10(3), the State Board of Education may
133 authorize the commissioner to grant an additional waiver of
134 rules relating to student progression and the awarding of
135 credits.

136 (4) ALTERNATE CREDIT AND LETTER GRADE SYSTEMS.—

137 (a) Beginning with the 2018-2019 school year,
138 participating school districts may amend their applications to
139 include alternatives for awarding credit, as authorized under s.
140 1003.436, and for the interpretation of middle and high school
141 letter grades, as authorized under s. 1003.437.

142 1. Alternatives to awarding credit must include a
143 verification of the student's mastery of the applicable course
144 content using rigorous scoring rubrics to evaluate the student's
145 work.

146 2. Alternatives to the interpretation of middle and high
147 school letter grades may substitute the applicable language from
148 the school district's rigorous scoring rubric.

149 (b) An application that is amended pursuant to this
150 subsection must be approved by the district school board.

151 (5)~~(4)~~ STUDENT FUNDING.—Students enrolled in a
 152 participating school shall be reported for and generate funding
 153 pursuant to s. 1011.62.

154 (6)~~(5)~~ DEPARTMENT DUTIES.—The department shall:

155 (a) Compile the student and staff schedules of
 156 participating schools before and after implementation of the
 157 pilot program.

158 (b) Provide participating schools with access to
 159 statewide, standardized assessments required under s. 1008.22.

160 (c) Annually, by June 1, provide to the Governor, the
 161 President of the Senate, and the Speaker of the House of
 162 Representatives a report summarizing the activities and
 163 accomplishments of the pilot program and any recommendations for
 164 statutory revisions.

165 ~~(6) RULES.—The State Board of Education shall adopt rules
 166 to administer this section.~~

167 Section 4. Subsection (7) is added to section 1007.23,
 168 Florida Statutes, to read:

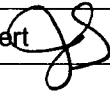

169 1007.23 Statewide articulation agreement.—

170 (7) The articulation agreement must ensure fair and
 171 equitable access for high school graduates with mastery-based,
 172 nontraditional diplomas and transcripts.

173 Section 5. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1091 Early Learning
SPONSOR(S): PreK-12 Quality Subcommittee and Grall
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1254

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

SUMMARY ANALYSIS

The School Readiness program is a state-federal partnership between Florida's Office of Early Learning (OEL) and the Office of Child Care of the United States Department of Health and Human Services. It is administered by early learning coalitions (ELC) at the county or regional level. Florida's OEL administers the program at the state level, including statewide coordination of the ELCs. The program subsidizes child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.

The bill revises provisions related to the School Readiness program by:

- expanding the definition of "at-risk" for eligibility purposes;
- requiring OEL to adopt program assessment requirements that measure teacher-child interactions;
- requiring OEL to revise the statewide provider contract to include contracted slots and quality improvement strategies, if applicable, and program assessment requirements;
- establishing a payment differential of up to 10 percent based on program assessment results;
- requiring OEL's annual report to include certain program assessment information;
- requiring ELCs to establish local eligibility priorities and include them in their biennial School Readiness plans;
- requiring an ELC's biennial plan to include procedures for the use of contracted slots, a description of quality improvement strategies, and the results of a community needs assessment;
- requiring School Readiness providers to participate in a program assessment; and
- allowing the award of grants and financial supports to providers and instructors to meet program assessment requirements.

The bill provides an appropriation of \$6 million for FY 2018-2019 from the Child Care and Development Block Grant Trust Fund to OEL to implement the program assessment.

The bill takes effect on July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Readiness Program

Established in 1999,¹ the School Readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.² The School Readiness program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, and the Voluntary Prekindergarten Education (VPK) Program.³

The School Readiness program is a state-federal partnership between Florida's Office of Early Learning (OEL)⁴ and the Office of Child Care of the United States Department of Health and Human Services.⁵ It is administered by early learning coalitions (ELC) at the county or regional level.⁶ Florida's OEL administers the program at the state level, including statewide coordination of the ELCs.⁷

The Florida Department of Children and Families' Office of Child Care Regulation (DCF), as the agency responsible for the state's child care provider licensing program, inspects licensed and license exempt child care providers that provide the School Readiness program for specified health and safety standards.⁸ The law authorizes a county to designate a local licensing agency to license providers if its licensing standards meet or exceed DCF's standards. Five counties have done this – Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota. Thus, in these five counties the local licensing agency, not DCF, inspects child care providers that provide the School Readiness program⁹ for health and safety standards.

Responsibilities of the Office of Early Learning

Present Situation

Florida's OEL is the lead agency in Florida for administering the federal Child Care Development Fund (CCDF) from which funds are used to implement the School Readiness program. Florida law requires

¹Section 1, ch. 99-357, L.O.F.

² Section 1002.87, F.S.

³ Florida Office of Early Learning,

Parents, http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited Jan. 17, 2018).

⁴ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the VPK Program. Section 1, ch. 2013-252, L.O.F., *codified as s.* 1002.213, F.S.

⁵ See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, <http://www.acf.hhs.gov/programs/occ/fact-sheet-occ> (last visited Jan. 17, 2018).

⁶ Section 1002.83, F.S.

⁷ Section 1001.213(3), F.S.

⁸ See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

⁹ Section 402.306(1), F.S.; Department of Children and Families, *Licensing Information*, <http://www.myflfamilies.com/service-programs/child-care/licensing-information> (last visited Jan. 19, 2018).

OEL to focus on improving the educational quality of all program providers participating in the School Readiness program while preserving parental choice by permitting parents to choose from a variety of child care categories.¹⁰

OEL must adopt, in rule, a statewide provider contract to be used by each School Readiness program provider, review and approve each ELC's School Readiness plan every 2 years, and monitor and evaluate the performance of each ELC in administering the School Readiness program and the VPK program.¹¹ OEL must also adopt specific system support services for the state's School Readiness program including statewide data information program requirements that include:

- Eligibility requirements.
- Financial reports.
- Program accountability measures.
- Child progress reports.¹²

Additional support services include child care resource and referral services and a single point of entry and uniform waiting list.¹³ To promote informed child care choices OEL may provide technical assistance and guidance on additional support services to complement the School Readiness program, including:

- Rating and improvement systems.
- Warm-line services.¹⁴
- Anti-fraud plans.
- School Readiness program standards.
- Child screening and assessments.
- Training and support for parental involvement in children's early education, including research on child development and best practices.
- Family literacy activities and services.¹⁵

OEL must develop and adopt performance standards and benchmarks to address the age-appropriate progress of children in the development of School Readiness skills. The performance standards must be aligned with the standards for children in the VPK program.¹⁶ OEL must enter into a memorandum of understanding with local licensing agencies and the Department of Children and Families, Office of Child Care Regulation for inspection of School Readiness program providers.¹⁷

In 2014, the Legislature created the Early Learning Performance Funding Pilot in the General Appropriations Act.¹⁸ The Legislature directed OEL to organize a workgroup of early learning stakeholders to provide input to help develop the program and select ELCs to participate.¹⁹ Under the performance funding program, which is no longer a pilot and has been funded each year since 2014,

¹⁰ Section 1002.82(1) and (2)(a)-(b), F.S. Care and curriculum by a faith-based provider must not be limited or excluded in any of these categories. *Id.*

¹¹ Section 1002.82(2)(e), (m), and (p), F.S.

¹² Section 1002.82(2)(f)1.a., F.S.

¹³ Section 1002.82(2)(f)1.b., F.S., and Florida's Office of Early Learning, *Welcome to Florida's Early Learning Family Portal*, <https://spe.schoolreadiness.org/pe/> (last visited Jan. 19, 2018).

¹⁴ Florida's OEL must "administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care facilities and FDCHs regarding health, developmental, disability, and other special needs." Section 1002.82(2)(r), F.S.

¹⁵ Section 1002.82(2)(f)2., F.S.

¹⁶ Section 1002.82(2)(j), F.S.; rule 6M-4.700, F.A.C.; Florida's Office of Early Learning, *Early Learning and Developmental Standards*,

http://www.floridaearlylearning.com/parents/parent_resources/floridas_early_learning_and_developmental_standards_birth_to_five.aspx (last visited Jan. 19, 2018).

¹⁷ Section 1002.82(2)(i), F.S.

¹⁸ Specific Appropriation 87, s. 2, ch. 2014-51, L.O.F.

¹⁹ *See id.*

ELCs are eligible for funding to award child care providers and instructors for improving School Readiness program outcomes. The method for allocating funds to ELCs must include:²⁰

- A funding differential incentive for high-need populations.
- A professional development system to significantly improve instructor quality.
- A research-based observational system to significantly improve instructor interactions with children.

Under the performance funding program, providers are assigned to one of five tiers using the OEL-adopted Class Assessment and Scoring System (CLASS) composite score, which is determined by averaging the CLASS observation dimension scores together from each classroom. Once assigned to a tier, providers must choose one continuous quality improvement strategy from a list compiled by OEL.²¹ Approximately 1,000 providers and their instructors participate in the program, which, among other things, requires participation in CLASS training and agreeing to have an evaluator conduct assessments.²²

The 2017 Legislature appropriated \$15.5 million, of which \$12,000,000 is from nonrecurring funds, to implement the program for the 2017-2018 fiscal year.²³ The funds must be administered by OEL in coordination with ELCs to provide consistent standards and leverage community efforts to support a coordinated statewide system of quality.²⁴

Effect of Proposed Changes

The bill requires that the program accountability measures adopted by OEL include a program assessment for School Readiness providers. The program assessment must measure the quality of teacher-child interactions using a research-based observation tool. The bill establishes additional minimum requirements for the program assessment to include quality measures, including a minimum threshold for contracting purposes; a process for program participation; exemptions; and improvement through the completion of an improvement plan.

The bill requires OEL to revise the statewide provider contract to include program assessment requirements and contracted slots and quality improvement strategies, if applicable. The provisions for termination for cause in the statewide provider contract must include a provider's failure to meet minimum quality measures for a period of up to 5 years. However, a provider is not subject to termination for failure to meet quality measures if the provider has an active improvement plan and the ELC finds that the provider is essential to meeting capacity needs based on the community needs assessment.

The bill also requires OEL to revise its annual report to include the number of providers that have completed the program assessment requirement and the number of providers that have not met minimum quality measures to be eligible for a contract, have been granted an exemption, or have an active improvement plan.

²⁰ *See id.*

²¹ *See* Florida Office of Early Learning, *Early Learning Performance Funding Project 2017-18 Overview* (July 10, 2017), available at http://www.floridaearlylearning.com/school_readiness/early_learning_performance_funding_project.aspx.

²² *See id.*

²³ Specific Appropriation 83, s. 2, ch. 2017-70, L.O.F.

²⁴ *See id.*

Child Eligibility and Responsibilities of Early Learning Coalitions

Present Situation

Federal regulations governing the Child Care and Development Fund (CCDF) block grant,²⁵ the primary funding source for the School Readiness program, authorize states to use grant funds for child care services, if:

- the child is under 13 years of age, or at the state’s option, under age 19 if the child is physically or mentally incapable of caring for himself or herself or under court supervision;
- the child’s family income does not exceed 85 percent of the state’s median income for a family of the same size; and
- the child:
 - resides with a parent or parents who work or attend job training or educational programs;
 - or
 - receives, or needs to receive, protective services.²⁶

Within these broad federal eligibility categories, Florida law specifies that ELCs must admit children into the School Readiness program according to the following priorities:

- **First priority** is a child under 13 years of age from families in which an adult is receiving temporary cash assistance and subject to federal work requirements²⁷
- **Second priority** is a child under the age of 9 who is at-risk
- **Third priority** is a child, birth to beginning of the school year for which the child is eligible for kindergarten, from a working family that is economically disadvantaged²⁸ and may include such a child’s eligible siblings who are eligible to enter kindergarten through the summer before sixth grade, provided that the ELC uses local revenues first
- **Fourth priority** is a child of a parent who transitions from the work program into employment from birth through the summer before kindergarten
- **Fifth priority** is an at-risk child, ages 9 through 13. Such a child is given priority over other children if his or her sibling is enrolled in the School Readiness program under eligibility priorities 1, 2, or 3
- **Sixth priority** is a child younger than 13 years of age from a working family that is economically disadvantaged. Such a child is given priority over other children if his or her sibling is enrolled in the School Readiness program under eligibility priority 3
- **Seventh priority** is a child under age 13 whose parent transitions from the work program into employment
- **Eighth priority** is a child ages 3-5 years of age who has a current individual education plan with a Florida school district. Such a child is eligible until he or she is old enough for kindergarten admission
- **Last priority** is a child who is also concurrently enrolled in the Head Start program and the VPK Program²⁹

²⁵ 45 C.F.R. parts 98 and 99.

²⁶ 45 C.F.R. s. 98.20(a). Florida does not provide school readiness funding for children 13-18 years of age who are physically or mentally incapable of self-care or under court supervision. See Florida Office of Early Learning, *Child Care and Development Fund (CCDF) Plan FFY 2016-2018* (2016) at 57, available at http://www.floridaearlylearning.com/sites/www/Uploads/14-Draft-FY2016-2018%20CCDF%20Plan%20Preprint%20%2012-17-15_final_markup_SC_Comments_CLEAN_PDF_ADA.pdf; see also rule 6M-4.200(1), F.A.C.

²⁷Recipients of assistance under a state’s Temporary Assistance for Needy Families Block Grant must meet Federal work requirements. These work requirements require a state to meet or exceed minimum rates of recipients participating in “work activities,” e.g., employment, education, job search, community service, and vocational training. 42 U.S.C. s. 607(a)-(d). Under Florida law, the maximum number of hours a recipient of subsidized child care, who is not otherwise exempt from work activity, may be required to work is 40 hours per week. Section 445.024(2), F.S.

²⁸ “Economically disadvantaged” means having a family income that does not exceed 150 percent of the federal poverty level. Section 1002.81(7), F.S.

²⁹ Section 1002.87(1), F.S.

A child is considered to be “at risk” if, among other things, the child is in the custody of a parent who is a victim of domestic violence residing in a certified domestic violence center.³⁰

A child who is ineligible due to a parent’s job loss or cessation of education or job training will continue to receive School Readiness program services for at least three months to enable the parent to obtain employment.³¹

Each ELC administers the School Readiness program,³² the VPK Program,³³ and the state’s child care resource and referral network in its county or multicounty region.³⁴ There are currently 30 ELCs.³⁵ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives. Three board members, including the chair, are appointed by the Governor.³⁶

In order to participate in the School Readiness program, each ELC must submit a School Readiness plan to OEL for approval.³⁷ The plan must include, but is not limited to:

- The ELC’s operations, including its membership and articles of incorporation and bylaws, if applicable.
- The minimum number of children to be served by care level.
- The procedures for implementing program requirements such as single point of entry, uniform waiting list, eligibility and enrollment, sliding fee scale, and payment rate.
- A detailed description of the ELC’s quality activities and services.
- A detailed budget outlining the estimated expenditures for state, federal, and local matching funds.
- A detailed accounting of all revenues and expenditures during the previous state fiscal year.³⁸
- Policies and procedures governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.
- A description of the procedures for monitoring School Readiness program providers, including the process for responding to a parental complaint.
- Documentation that the coalition has solicited and considered comments regarding the proposed School Readiness plan from the local community.

An ELC with an approved School Readiness plan must implement a comprehensive system of School Readiness services which enhances the cognitive, social, and physical development of children to achieve the children’s performance standards.³⁹ Specific ELC requirements include, but are not limited, to:

- Establishing a uniform waiting list to track eligible children.
- Administering a child care resource and referral network for its service area.
- Establishing a regional Warm-Line.
- Establishing age-appropriate screening for children birth to 5 years.

³⁰At-risk children can also include children who are homeless or who may be experiencing abuse, neglect, abandonment or exploitation. See s. 1002.81(1), F.S. (definition of “at-risk child”).

³¹ Section 1002.87(6), F.S.

³²Part VI, ch. 1002, F.S.

³³Part V, ch. 1002, F.S.

³⁴ Section 1002.84, F.S.

³⁵Florida’s Office of Early Learning, *Early Learning Coalition Directory* (Revised May 7, 2013), available at <http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/CoalitionDirectory.pdf>. Florida law permits the establishment of 31 or fewer ELCs. Section 1002.83(1), F.S.

³⁶ Section 1002.83(3), F.S.

³⁷ Section 1002.85(2), F.S.

³⁸ Section 1002.85(2)(a)-(i), F.S.

³⁹ Section 1002.84(1), F.S.

- Implementing age appropriate preassessment and postassessment of children, if specified in the coalition’s plan.
- Determining child eligibility.
- Establishing a parent sliding fee scale.
- Complying with federal and state procurement requirements.
- Establishing proper information technology security controls.
- Monitoring School Readiness program providers.⁴⁰

ELCs are required to submit an annual report to OEL by October 1 of each year. The report must include information such as the total number of children served, details of expenditures by fund source, and an evaluation of its direct enhancement services.⁴¹

Effect of Proposed Changes

The bill revises the definition of an “at-risk child” to specify that a child is considered at risk if a certified domestic violence center verifies that the child’s custodial parent is a victim of domestic violence, rather than requiring the parent to reside in such a center.

The bill revises child eligibility priorities by requiring ELCs, after serving children in the first two priority categories, to prioritize services for children in subsequent categories based on their community needs assessments. Each ELC must include its identified priorities in its biennial School Readiness plan as part of its eligibility and enrollment processes.

The bill requires each ELC to conduct a community needs assessment and include the results in its plan. Each plan must also include a detailed description of quality improvement strategies used by the coalition to strengthen teaching practices and improve child outcomes and its procedures for the use of contracted slots, as applicable, based on the needs assessment.

Child Care Provider Eligibility and Responsibilities

Present Situation

In order to be eligible to deliver the School Readiness program, a provider must be:

- a licensed child care facility;
- a licensed or registered family day care home (FDCH);
- a licensed large family child care home (LFCCH);
- a public school or nonpublic school;
- a license-exempt faith-based child care provider;
- a before-school or after-school program; or
- an informal child care provider authorized in the state’s CCDF plan.⁴²

All School Readiness providers must meet basic health and safety for its premises and comply with the age-appropriate immunizations of children enrolled in the school readiness program. For licensed providers, compliance with the requirements for licensure meets these requirements. DCF or the local licensing agency verify compliance with the specified health and safety requirements. School Readiness registered family day care homes and providers not subject to licensure by the DCF must also meet these requirements as verified by inspection by DCF or the local licensing agency.⁴³In

⁴⁰ Section 1002.84, F.S.

⁴¹ Section 1002.84(18), F.S.

⁴² Section 1002.88(1)(a), F.S. Generally speaking, informal child care is care provided by a relative. *See* Florida Office of Early Learning, *Child Care and Development Fund (CCDF) Plan FFY 2016-2018* (2016) at 99, available at http://www.floridaearlylearning.com/sites/www/Uploads/14-Draft-FY2016-2018%20CCDF%20Plan%20Preprint%20%202012-17-15_final_markup_SC_Comments_CLEAN_PDF_ADA.pdf.

⁴³ Section 1002.88(1)(c), F.S.

addition, each child care facility, family day care home, and large family day care home must annually submit an affidavit of compliance with the requirement to report instances of child abuse, abandonment, or neglect.⁴⁴

Provider responsibilities include, but are not limited, to:

- Employing child care personnel who have satisfied background screening and training requirements.
- Providing instruction and activities to enhance the age-appropriate progress of each child to attain the child development standards adopted by OEL.
- Providing activities to foster brain development in infants and toddlers in an environment rich in language and music and visual, tactile, auditory, and linguistic stimulation and including 30 minutes of reading to children each day.
- Executing the standard statewide provider contract adopted by OEL.
- Implementing a character development program.
- Maintaining minimum general liability insurance coverage.
- Maintaining any required worker's compensation insurance and any required unemployment compensation insurance.
- Administering preassessments and postassessments that have been approved by the OEL, but only if the provider chooses to administer such assessments.⁴⁵

Effect of Proposed Changes

The bill requires School Readiness program providers, subject to appropriation, to participate in the program assessment adopted by OEL and implement quality improvement strategies identified in the ELC plan.

Funding for the School Readiness Program

Present Situation

The School Readiness program receives funding from a mixture of federal and state sources, including the federal CCDF block grant, the Federal Grants Trust Fund, the federal Temporary Assistance for Needy Families block grant,⁴⁶ and the state general revenue funds.⁴⁷ The Child Care Executive Partnership Program allows funding from the School Readiness program to be used for payment of matching child care funding for low-income working parents who are eligible for subsidized child care. State and federal funds are used as incentives for generating matching local funds from local governments, employers, charitable foundations, and other sources.⁴⁸

For FY 2017-18, a total of \$564.1 million was appropriated for the School Readiness program from state and federal funds, including \$140.6 million from the state's General Revenue Fund, \$370.7 million from the CCDF block grant, \$500,000 from Federal Grants Trust Fund, and \$96.6 million from the Welfare Transition Trust Fund.⁴⁹

Effect of Proposed Changes

⁴⁴Section 402.319(3), F.S.

⁴⁵ Section 1002.88(1), F.S.

⁴⁶ In 2011, the Florida Legislature created the Welfare Transition Trust Fund within the Florida Department of Education for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families (TANF) Program. Section 1001.283, F.S.

⁴⁷ Specific Appropriation 84, s. 2, ch. 2017-70, L.O.F.

⁴⁸ Section 1002.94, F.S.

⁴⁹*Id.*

The bill includes implementation of the program assessment adopted by OEL as an allowable quality activity for purposes of awarding grants and providing financial support to providers. The bill also establishes a differential payment of up to 10 percent for each care level and unit of child care for a provider that scores above the minimum threshold on the program assessment for contracting purposes.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.81, F.S.; revising the definition of "at-risk child."

Section 2. Amends s. 1002.82, F.S.; revising the duties of the Office of Early Learning; providing for the development of a program assessment for school readiness providers; providing program assessment requirements; revising the standard statewide contract for providers; providing that failing to meet certain measures for a specified period is cause for termination of a provider; requiring the office to coordinate with a specified office for an evaluation of certain accrediting associations; requiring the office to set a payment differential for certain providers; revising the requirement for an analysis of early learning activities throughout the state.

Section 3. Amends s. 1002.85, F.S.; revising the required contents of the school readiness program plan each early learning coalition must submit.

Section 4. Amends s. 1002.87, F.S.; revising the priority criteria for participation in the school readiness program.

Section 5. Amends s. 1002.88, F.S.; revising school readiness provider requirements for program participation; conforming cross-references.

Section 6. Amends s. 1002.89, F.S.; providing for the use of specified funds for a required assessment

Section 7. Providing an appropriation.

Section 8. Providing an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides an appropriation of \$6 million for FY 2018-2019 from the Child Care and Development Block Grant Trust Fund to OEL to implement the program assessment.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 24, 2018, the PreK-12 Quality Subcommittee adopted a strike all amendment and reported the bill favorably as a committee substitute. The strike all amendment:

- deletes an evaluation requirement for associations that accredit school readiness providers;
- replaces a 20 percent payment differential with a differential of up to 10 percent based on program assessment results; and
- specifies that a provider is not subject to termination for failure to meet quality measures if the provider has an active improvement plan and the ELC finds that the provider is essential to meeting capacity needs based on the community needs assessment.

The analysis is drafted to the bill as amended.

1 A bill to be entitled
 2 An act relating to early learning; amending s.
 3 1002.81, F.S.; revising the definition of "at-risk
 4 child"; amending s. 1002.82, F.S.; revising the duties
 5 of the Office of Early Learning; revising the standard
 6 statewide contract for providers; providing that
 7 failing to meet certain measures for a specified
 8 period is cause for termination of a provider;
 9 providing for the development of a program assessment
 10 for school readiness providers; providing program
 11 assessment requirements; requiring the office to set a
 12 payment differential for certain providers; revising
 13 the requirement for an analysis of early learning
 14 activities throughout the state; amending s. 1002.84,
 15 F.S.; conforming a cross-reference; amending s.
 16 1002.85, F.S.; revising the required contents of the
 17 school readiness program plan each early learning
 18 coalition must submit; amending s. 1002.87, F.S.;
 19 revising the priority criteria for participation in
 20 the school readiness program; amending s. 1002.88,
 21 F.S.; revising school readiness provider requirements
 22 for program participation; conforming cross-
 23 references; amending s. 1002.89, F.S.; providing for
 24 the use of specified funds for a required assessment;
 25 amending s. 1002.92, F.S.; conforming a cross-

26 reference; providing an appropriation; providing an
 27 effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Paragraph (e) of subsection (1) of section
 32 1002.81, Florida Statutes, is amended to read:

33 1002.81 Definitions.—Consistent with the requirements of
 34 45 C.F.R. parts 98 and 99 and as used in this part, the term:

35 (1) "At-risk child" means:

36 (e) A child in the custody of a parent who is considered a
 37 victim of domestic violence and is receiving services through
 38 ~~residing in~~ a certified domestic violence center.

39 Section 2. Paragraphs (n) through (x) of subsection (2) of
 40 section 1002.82, Florida Statutes, are redesignated as
 41 paragraphs (p) through (z), respectively, paragraph (m) of
 42 subsection (2) and paragraph (a) of subsection (5) are amended,
 43 and new paragraphs (n) and (o) are added to subsection (2) of
 44 that section, to read:

45 1002.82 Office of Early Learning; powers and duties.—

46 (2) The office shall:

47 (m) Adopt by rule a standard statewide provider contract
 48 to be used with each school readiness program provider, with
 49 standardized attachments by provider type. The office shall
 50 publish a copy of the standard statewide provider contract on

51 | its website. The standard statewide contract shall include, at a
 52 | minimum, contracted slots, if applicable, in accordance with the
 53 | Child Care and Development Block Grant Act of 2014, 45 C.F.R.
 54 | parts 98 and 99; quality improvement strategies, if applicable;
 55 | program assessment requirements; and provisions for provider
 56 | probation, termination for cause, and emergency termination for
 57 | those actions or inactions of a provider that pose an immediate
 58 | and serious danger to the health, safety, or welfare of the
 59 | children. The standard statewide provider contract shall also
 60 | include appropriate due process procedures. During the pendency
 61 | of an appeal of a termination, the provider may not continue to
 62 | offer its services. Any provision imposed upon a provider that
 63 | is inconsistent with, or prohibited by, law is void and
 64 | unenforceable. Provisions for termination for cause must include
 65 | failure to meet the minimum quality measures established under
 66 | paragraph (n) for a period of up to 5 years, unless the
 67 | coalition determines that the provider is essential to meeting
 68 | capacity needs based on the assessment under s. 1002.85(2)(j)
 69 | and the provider has an active improvement plan pursuant to
 70 | paragraph (n).

71 | (n) Adopt a program assessment for school readiness
 72 | program providers that measures the quality of teacher-child
 73 | interactions, including emotional and behavioral support,
 74 | engaged support for learning, classroom organization, and
 75 | instructional support. The program assessment must also include

76 the adoption of quality measures, including a minimum threshold
 77 for contracting purposes; a process for program participation;
 78 exemptions; and improvement through the completion of an
 79 improvement plan.

80 (o) Subject to appropriation, provide for a differential
 81 payment, based on the quality measures adopted by the office
 82 under paragraph (n), of up to 10 percent for each care level and
 83 unit of child care for a child care provider that has completed
 84 a program assessment and scored above the minimum threshold for
 85 contracting purposes.

86 (5) By January 1 of each year, the office shall annually
 87 publish on its website a report of its activities conducted
 88 under this section. The report must include a summary of the
 89 coalitions' annual reports, a statewide summary, and the
 90 following:

91 (a) An analysis of early learning activities throughout
 92 the state, including the school readiness program and the
 93 Voluntary Prekindergarten Education Program.

94 1. The total and average number of children served in the
 95 school readiness program, enumerated by age, eligibility
 96 priority category, and coalition, and the total number of
 97 children served in the Voluntary Prekindergarten Education
 98 Program.

99 2. A summary of expenditures by coalition, by fund source,
 100 including a breakdown by coalition of the percentage of

101 expenditures for administrative activities, quality activities,
 102 nondirect services, and direct services for children.

103 3. A description of the office's and each coalition's
 104 expenditures by fund source for the quality and enhancement
 105 activities described in s. 1002.89(6)(b).

106 4. A summary of annual findings and collections related to
 107 provider fraud and parent fraud.

108 5. Data regarding the coalitions' delivery of early
 109 learning programs.

110 6. The total number of children disenrolled statewide and
 111 the reason for disenrollment.

112 7. The total number of providers by provider type.

113 8. The number of school readiness program providers who
 114 have completed the program assessment required under paragraph
 115 (2)(n); the number of providers who have not met the minimum
 116 threshold for contracting established under to paragraph (2)(n);
 117 and the number of providers that have an active improvement plan
 118 based on the results of the program assessment under paragraph
 119 (2)(n).

120 ~~9.8.~~ The total number of provider contracts revoked and
 121 the reasons for revocation.

122 Section 3. Subsection (4) of section 1002.84, Florida
 123 Statutes, is amended to read:

124 1002.84 Early learning coalitions; school readiness powers
 125 and duties.—Each early learning coalition shall:

126 (4) Establish a regional Warm-Line as directed by the
 127 office pursuant to s. 1002.82(2)(t) ~~s. 1002.82(2)(r)~~. Regional
 128 Warm-Line staff shall provide onsite technical assistance, when
 129 requested, to assist child care facilities and family day care
 130 homes with inquiries relating to the strategies, curriculum, and
 131 environmental adaptations the child care facilities and family
 132 day care homes may need as they serve children with disabilities
 133 and other special needs.

134 Section 4. Paragraphs (c) and (d) of subsection (2) of
 135 section 1002.85, Florida Statutes, are amended, and paragraph
 136 (j) is added to that subsection, to read:

137 1002.85 Early learning coalition plans.—

138 (2) Each early learning coalition must biennially submit a
 139 school readiness program plan to the office before the
 140 expenditure of funds. A coalition may not implement its school
 141 readiness program plan until it receives approval from the
 142 office. A coalition may not implement any revision to its school
 143 readiness program plan until the coalition submits the revised
 144 plan to and receives approval from the office. If the office
 145 rejects a plan or revision, the coalition must continue to
 146 operate under its previously approved plan. The plan must
 147 include, but is not limited to:

148 (c) The coalition's procedures for implementing the
 149 requirements of this part, including:

150 1. Single point of entry.

- 151 2. Uniform waiting list.
- 152 3. Eligibility and enrollment processes and local
- 153 eligibility priorities for children pursuant to s. 1002.87.
- 154 4. Parent access and choice.
- 155 5. Sliding fee scale and policies on applying the waiver
- 156 or reduction of fees in accordance with s. 1002.84(8).
- 157 6. Use of preassessments and postassessments, as
- 158 applicable.
- 159 7. Payment rate schedule.
- 160 8. Use of contracted slots, as applicable, based on the
- 161 results of the assessment required under paragraph (j).
- 162 (d) A detailed description of the coalition's quality
- 163 activities and services, including, but not limited to:
- 164 1. Resource and referral and school-age child care.
- 165 2. Infant and toddler early learning.
- 166 3. Inclusive early learning programs.
- 167 4. Quality improvement strategies that strengthen teaching
- 168 practices and increase child outcomes.
- 169 (j) An assessment of local priorities within the county or
- 170 multi-county region based on the needs of families and provider
- 171 capacity using available community data.
- 172 Section 5. Subsections (1), (2), (3), and (7) of section
- 173 1002.87, Florida Statutes, are amended to read:
- 174 1002.87 School readiness program; eligibility and
- 175 enrollment.-

176 (1) Each early learning coalition shall give priority for
 177 participation in the school readiness program as follows:

178 (a) Priority shall be given first to a child younger than
 179 13 years of age from a family that includes a parent who is
 180 receiving temporary cash assistance under chapter 414 and
 181 subject to the federal work requirements.

182 (b) Priority shall be given next to an at-risk child
 183 younger than 9 years of age.

184 (c) Subsequent priority shall be given, based on the early
 185 learning coalition's local priorities identified under s.
 186 1002.85(2)(j), to children who meet the following criteria: ~~next~~
 187 ~~to~~

188 1. A child from birth to the beginning of the school year
 189 for which the child is eligible for admission to kindergarten in
 190 a public school under s. 1003.21(1)(a)2. who is from a working
 191 family that is economically disadvantaged, and may include such
 192 child's eligible siblings, beginning with the school year in
 193 which the sibling is eligible for admission to kindergarten in a
 194 public school under s. 1003.21(1)(a)2. until the beginning of
 195 the school year in which the sibling is eligible to begin 6th
 196 grade, provided that the first priority for funding an eligible
 197 sibling is local revenues available to the coalition for funding
 198 direct services.

199 ~~2.(d) Priority shall be given next to~~ A child of a parent
 200 who transitions from the work program into employment as

201 described in s. 445.032 from birth to the beginning of the
 202 school year for which the child is eligible for admission to
 203 kindergarten in a public school under s. 1003.21(1)(a)2.

204 ~~3.(e) Priority shall be given next to~~ An at-risk child who
 205 is at least 9 years of age but younger than 13 years of age. An
 206 at-risk child whose sibling is enrolled in the school readiness
 207 program within an eligibility priority category listed in
 208 paragraphs (a) and (b) and subparagraph (c)1.~~(e)~~ shall be given
 209 priority over other children who are eligible under this
 210 paragraph.

211 ~~4.(f) Priority shall be given next to~~ A child who is
 212 younger than 13 years of age from a working family that is
 213 economically disadvantaged. ~~A child who is eligible under this~~
 214 ~~paragraph whose sibling is enrolled in the school readiness~~
 215 ~~program under paragraph (c) shall be given priority over other~~
 216 ~~children who are eligible under this paragraph.~~

217 ~~5.(g) Priority shall be given next to~~ A child of a parent
 218 who transitions from the work program into employment as
 219 described in s. 445.032 who is younger than 13 years of age.

220 ~~6.(h) Priority shall be given next to~~ A child who has
 221 special needs, has been determined eligible as a student with a
 222 disability, has a current individual education plan with a
 223 Florida school district, and is not younger than 3 years of age.
 224 A special needs child eligible under this paragraph remains
 225 eligible until the child is eligible for admission to

226 kindergarten in a public school under s. 1003.21(1)(a)2.

227 ~~7.(i) Notwithstanding paragraphs (a) (d), priority shall~~
 228 ~~be given last to~~ A child who otherwise meets one of the
 229 eligibility criteria in paragraphs (a) and (b) and subparagraphs
 230 (c)1. and 2. ~~(d)~~ but who is also enrolled concurrently in the
 231 federal Head Start Program and the Voluntary Prekindergarten
 232 Education Program.

233 (2) A school readiness program provider may be paid only
 234 for authorized hours of care provided for a child in the school
 235 readiness program. A child enrolled in the Voluntary
 236 Prekindergarten Education Program may receive care from the
 237 school readiness program if the child is eligible according to
 238 the eligibility priorities and criteria established in
 239 subsection (1) this section.

240 (3) Contingent upon the availability of funds, a coalition
 241 shall enroll eligible children, including those from its waiting
 242 list, according to the eligibility priorities and criteria
 243 established in subsection (1) this section.

244 (7) If a coalition disenrolls children from the school
 245 readiness program, the coalition must disenroll the children in
 246 reverse order of the eligibility priorities and criteria listed
 247 in subsection (1) beginning with children from families with the
 248 highest family incomes. A notice of disenrollment must be sent
 249 to the parent and school readiness program provider at least 2
 250 weeks before disenrollment to provide adequate time for the

251 parent to arrange alternative care for the child. However, an
 252 at-risk child may not be disenrolled from the program without
 253 the written approval of the Child Welfare Program Office of the
 254 Department of Children and Families or the community-based lead
 255 agency.

256 Section 6. Paragraphs (h) through (q) of subsection (1) of
 257 section 1002.88, Florida Statutes, are redesignated as
 258 paragraphs (i) through (r), respectively, present paragraphs (m)
 259 and (o) of subsection (1) are amended, and new paragraph (h) is
 260 added to subsection (1) of that section, to read:

261 1002.88 School readiness program provider standards;
 262 eligibility to deliver the school readiness program.—

263 (1) To be eligible to deliver the school readiness
 264 program, a school readiness program provider must:

265 (h) Participate in the program assessment under s.
 266 1002.82(2)(n).

267 (n)~~(m)~~ For a provider that is an informal provider, comply
 268 with the provisions of paragraph (m) ~~paragraph (l)~~ or maintain
 269 homeowner's liability insurance and, if applicable, a business
 270 rider. If an informal provider chooses to maintain a homeowner's
 271 policy, the provider must obtain and retain a homeowner's
 272 insurance policy that provides a minimum of \$100,000 of coverage
 273 per occurrence and a minimum of \$300,000 general aggregate
 274 coverage. The office may authorize lower limits upon request, as
 275 appropriate. An informal provider must add the coalition as a

276 named certificateholder and as an additional insured. An
 277 informal provider must provide the coalition with a minimum of
 278 10 calendar days' advance written notice of cancellation of or
 279 changes to coverage. The general liability insurance required by
 280 this paragraph must remain in full force and effect for the
 281 entire period of the provider's contract with the coalition.

282 (p) ~~(e)~~ Notwithstanding paragraph (m) ~~paragraph (l)~~, for a
 283 provider that is a state agency or a subdivision thereof, as
 284 defined in s. 768.28(2), agree to notify the coalition of any
 285 additional liability coverage maintained by the provider in
 286 addition to that otherwise established under s. 768.28. The
 287 provider shall indemnify the coalition to the extent permitted
 288 by s. 768.28.

289 Section 7. Paragraph (b) of subsection (6) of section
 290 1002.89, Florida Statutes, is amended to read:

291 1002.89 School readiness program; funding.—

292 (6) Costs shall be kept to the minimum necessary for the
 293 efficient and effective administration of the school readiness
 294 program with the highest priority of expenditure being direct
 295 services for eligible children. However, no more than 5 percent
 296 of the funds described in subsection (5) may be used for
 297 administrative costs and no more than 22 percent of the funds
 298 described in subsection (5) may be used in any fiscal year for
 299 any combination of administrative costs, quality activities, and
 300 nondirect services as follows:

301 (b) Activities to improve the quality of child care as
 302 described in 45 C.F.R. s. 98.51, which shall be limited to the
 303 following:

304 1. Developing, establishing, expanding, operating, and
 305 coordinating resource and referral programs specifically related
 306 to the provision of comprehensive consumer education to parents
 307 and the public to promote informed child care choices specified
 308 in 45 C.F.R. s. 98.33.

309 2. Awarding grants and providing financial support to
 310 school readiness program providers and their staff to assist
 311 them in meeting applicable state requirements for the program
 312 assessment required under s. 1002.82(2)(n), child care
 313 performance standards, implementing developmentally appropriate
 314 curricula and related classroom resources that support
 315 curricula, providing literacy supports, and providing continued
 316 professional development and training. Any grants awarded
 317 pursuant to this subparagraph shall comply with ss. 215.971 and
 318 287.058.

319 3. Providing training, technical assistance, and financial
 320 support to school readiness program providers, staff, and
 321 parents on standards, child screenings, child assessments, child
 322 development research and best practices, developmentally
 323 appropriate curricula, character development, teacher-child
 324 interactions, age-appropriate discipline practices, health and
 325 safety, nutrition, first aid, cardiopulmonary resuscitation, the

326 recognition of communicable diseases, and child abuse detection,
 327 prevention, and reporting.

328 4. Providing, from among the funds provided for the
 329 activities described in subparagraphs 1.-3., adequate funding
 330 for infants and toddlers as necessary to meet federal
 331 requirements related to expenditures for quality activities for
 332 infant and toddler care.

333 5. Improving the monitoring of compliance with, and
 334 enforcement of, applicable state and local requirements as
 335 described in and limited by 45 C.F.R. s. 98.40.

336 6. Responding to Warm-Line requests by providers and
 337 parents, including providing developmental and health screenings
 338 to school readiness program children.

339 Section 8. Paragraph (a) of subsection (3) of section
 340 1002.92, Florida Statutes, is amended to read:

341 1002.92 Child care and early childhood resource and
 342 referral.—

343 (3) Child care resource and referral agencies shall
 344 provide the following services:

345 (a) Identification of existing public and private child
 346 care and early childhood education services, including child
 347 care services by public and private employers, and the
 348 development of a resource file of those services through the
 349 single statewide information system developed by the office
 350 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may

351 include family day care, public and private child care programs,
 352 the Voluntary Prekindergarten Education Program, Head Start, the
 353 school readiness program, special education programs for
 354 prekindergarten children with disabilities, services for
 355 children with developmental disabilities, full-time and part-
 356 time programs, before-school and after-school programs, vacation
 357 care programs, parent education, the temporary cash assistance
 358 program, and related family support services. The resource file
 359 shall include, but not be limited to:

- 360 1. Type of program.
- 361 2. Hours of service.
- 362 3. Ages of children served.
- 363 4. Number of children served.
- 364 5. Program information.
- 365 6. Fees and eligibility for services.
- 366 7. Availability of transportation.

367 Section 9. For the 2018-2019 fiscal year, the sum of \$6
 368 million from the Child Care and Development Block Grant Trust
 369 Fund is appropriated to the Office of Early Learning to
 370 implement the provisions of s. 1002.82(2)(n), Florida Statutes,
 371 established by this act.

372 Section 10. This act shall take effect July 1, 2018.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1091 (2018)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: PreK-12 Appropriations
2 Subcommittee

3 Representative Grall offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 47-85 and insert:

7 (k) ~~Select~~ Identify observation-based child assessments
8 that are valid, reliable, and developmentally appropriate for
9 use at a minimum 3 times a year. for use as preassessment and
10 postassessment for the age ranges specified in the coalition
11 plans. The assessments must:

12 1. Provide interval level and criterion-referenced data
13 that measures equivalent level of growth across the core domains
14 of early childhood development and can be used for determining
15 developmentally appropriate learning gains.

Amendment No. 1

16 2. Measure progress in the performance standards adopted
17 pursuant to paragraph (j).

18 3. Provide for appropriate accommodations for children
19 with disabilities and English language learners, and be
20 administered by qualified individuals, consistent with the
21 developer's instructions.

22 4. Coordinate with the performance standards adopted by
23 the department under s. 1002.67(1) for the Voluntary
24 Prekindergarten Education Program.

25 5. Provide data in a format for use in the single
26 statewide information system to meet the requirements of
27 paragraph (q).

28 (m) Adopt by rule a standard statewide provider contract
29 to be used with each school readiness program provider, with
30 standardized attachments by provider type. The office shall
31 publish a copy of the standard statewide provider contract on
32 its website. The standard statewide contract shall include, at a
33 minimum, contracted slots, if applicable, in accordance with the
34 Child Care and Development Block Grant Act of 2014, 45 C.F.R.
35 parts 98 and 99; quality improvement strategies, if applicable;
36 program assessment requirements; and provisions for provider
37 probation, termination for cause, and emergency termination for
38 those actions or inactions of a provider that pose an immediate
39 and serious danger to the health, safety, or welfare of the
40 children. The standard statewide provider contract shall also

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1091 (2018)

Amendment No. 1

41 include appropriate due process procedures. During the pendency
42 of an appeal of a termination, the provider may not continue to
43 offer its services. Any provision imposed upon a provider that
44 is inconsistent with, or prohibited by, law is void and
45 unenforceable. Provisions for termination for cause must also
46 include failure to meet the minimum quality measures established
47 under paragraph (n) for a period of up to 5 years, unless the
48 coalition determines that the provider is essential to meeting
49 capacity needs based on the assessment under s. 1002.85(2)(j)
50 and the provider has an active improvement plan pursuant to
51 paragraph (n).

52 (n) Adopt a program assessment for school readiness
53 program providers that measures the quality of teacher-child
54 interactions, including emotional and behavioral support,
55 engaged support for learning, classroom organization, and
56 instructional support for children ages birth to 5 years. The
57 program assessment must also include:

58 1. Quality measures, including a minimum threshold for
59 contracting purposes and program improvement through an
60 improvement plan.

61 2. Requirements for program participation, frequency of
62 program assessment, and exemptions.

63 (o) No later than July 1, 2019, develop a differential
64 payment program based on the quality measures adopted by the
65 office under paragraph (n). The differential payment shall not

Amendment No. 1

66 exceed a total of 15 percent for each care level and unit of
67 child care for a childcare provider. No more than 5 percent of
68 the 15 percent total differential may be provided to providers
69 who submit valid and reliable data to the statewide information
70 system in the domains of language and executive functioning
71 using a child assessment identified pursuant to paragraph (k).
72 Providers below the minimum threshold for contracting purposes
73 are ineligible.

74 (gn) Establish a single statewide information system that
75 each coalition must use for the purposes of managing the single
76 point of entry, tracking children's progress, coordinating
77 services among stakeholders, determining eligibility of
78 children, tracking child attendance, and streamlining
79 administrative processes for providers and early learning
80 coalitions. By July 1, 2019, the system, subject to ss. 1002.72
81 and 1002.97, shall:

82 1. Allow parents to monitor the development of their child
83 as the child moves among programs and within the state.

84 2. Enable analysis at the state, regional and local levels
85 to measure child growth over time, program impact and measure
86 quality improvement and investment decisions.

87

88

89

T I T L E A M E N D M E N T

90

Remove lines 5-12 and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1091 (2018)

Amendment No. 1

91 of the Office of Early Learning; revising the requirements for
92 assessments; the standard statewide contract for providers;
93 providing that failing to meet certain measures for a specified
94 period is cause for termination of a provider; providing for the
95 development of a program assessment for school readiness
96 providers; providing program assessment requirements; requiring
97 the office to set a payment differential for certain providers;
98 revising requirements for a single statewide information system;
99 revising

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1091 (2018)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: PreK-12 Appropriations
2 Subcommittee

3 Representative Grall offered the following:

4
5 **Amendment**

6 Remove lines 367-371 and insert:

7 Section 9. For the 2018-2019 fiscal year, the sum of \$6
8 million in nonrecurring funds from the Child Care and
9 Development Block Grant Trust Fund is appropriated to the Office
10 of Early Learning to implement the program assessment required
11 by s. 1002.82(2)(n), Florida Statutes.