

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 153 Literacy Jump Start Pilot Project
SPONSOR(S): Choice & Innovation Subcommittee and Lee, Jr.
TIED BILLS: **IDEN./SIM. BILLS:** SB 1116

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N, As CS	Beagle	Healy
2) Education Appropriations Subcommittee	13 Y, 0 N	deNagy	Heflin
3) Education Committee		Beagle	Mizereck

SUMMARY ANALYSIS

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select an organization to administer the pilot project and one or more municipalities to participate in the project. Emergent literacy instruction must be delivered in a subsidized housing unit located within an eligible municipality to facilitate parent and child access to services. The organization may coordinate with the St. Lucie County Health Department to provide basic health screening and immunization in conjunction with emergent literacy instruction.

Child care personnel serving children participating in the pilot project must undergo level 2 background screening. The organization must certify to OEL its compliance with screening requirements before OEL may issue state funds for the pilot project. State funds may not be spent on screening. Additionally, emergent literacy instructors must complete an OEL-approved emergent literacy training course.

The organization must submit an annual accountability report to OEL, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must include information regarding expenditures of state funds; additional funding sources used for the pilot project; and children who received emergent literacy instruction, health screenings, and immunizations. Additionally, the organization must verify by affidavit to OEL all expenditures of state funds.

The bill has a fiscal impact on state government. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Office of Early Learning (OEL) provides state-level administration for two state-funded early learning programs serving preschool age children – the School Readiness Program and the Voluntary Prekindergarten Education (VPK) Program.¹ Both programs are administered at the county or regional level by early learning coalitions (ELC).²

The VPK Program is a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.³ Children enrolled in the VPK Program receive instruction in emergent literacy and mathematics skills necessary for kindergarten readiness.⁴ Among other things, Florida law requires OEL to adopt child performance standards and minimum standards for emergent literacy training courses for prekindergarten instructors. The performance standards and emergent literacy training courses must encompass oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.⁵

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. The School Readiness Program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.⁶ Among other things, children participating in the program receive instruction in school readiness skills.⁷

Additional publicly-funded early learning programs for low-income, at-risk children offered in Florida include the Head Start,⁸ Early Head Start,⁹ Migrant and Seasonal Head Start,¹⁰ and Home Instruction for Parents of Preschool Youngsters (HIPPY).¹¹

Child care personnel employed by licensed child care facilities, licensed and registered FDCHs, LFCCHs, licensed-exempt child care providers, and nonpublic schools and VPK program instructors employed by public schools, must undergo Level 2¹² background screening.¹³

¹ Parts V and VI, ch. 1002, F.S.

² Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; *see* Florida's Office of Early Learning, *Coalitions*, <http://www.floridaeearlylearning.com/coalitions.aspx> (last visited Jan. 23, 2015)(*see* "Coalition Directory").

³ Part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

⁴ Section 1002.67(1)(a), F.S.

⁵ Sections 1002.59(1) and 1002.67(1), F.S.

⁶ Part VI, ch. 1002, F.S.; 42 U.S.C. ss. 618 & 9858-9858q; U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet (2014)*, available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

⁷ Section 1002.82(2)(j), F.S. OEL must develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to 5 years of age must be aligned with the VPK program performance standards, including language and communication. *Id.*

⁸ 42 U.S.C. s. 9831 et. seq.

⁹ 42 U.S.C. s. 9840a.

¹⁰ *See e.g.*, 42 U.S.C. s. 9832(17).

¹¹ Specific Appropriation 87, s. 2, ch. 2014-51, L.O.F.

¹² Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 offenses. *See* s. 435.04, F.S.

¹³ Sections 402.302(3) and (15)(definitions of "child care personnel" and "screening"), 402.305(2)(child care facilities), 402.313(3)(FDCH), 402.3131(2)(LFCCH), 1002.55(3)(d)-(e)(private provider of VPK school year program), 1002.61(5)-(6)(public school and private providers of the VPK summer program), and 1002.63(5)-(6), F.S. (public school provider of school year VPK program).

Effect of Proposed Changes

The bill requires OEL to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select an organization to administer the pilot project and one or more municipalities to participate in the project. Both the organization and the municipalities must be located in St. Lucie County. The organization must be a not-for-profit corporation qualified as charitable under section 501(c)(3) of the Internal Revenue Code that provides training to parents to assist their children with success in school. The bill identifies the Parent Academy of St. Lucie County¹⁴ as an example of a qualifying organization.

Emergent literacy instruction must be delivered in a subsidized housing unit located within an eligible municipality to facilitate parent and child access to services. The organization may coordinate with the St. Lucie County Health Department to provide basic health screening and immunization in conjunction with emergent literacy instruction.

Child care personnel serving children participating in the pilot project must undergo level 2 background screening. These requirements apply to owners, operators, employees, and volunteers working with children.¹⁵ The organization must certify to OEL its compliance with screening requirements before OEL may issue state funds for the pilot project. State funds may not be spent on screening. Additionally, instructors must complete an OEL-approved emergent literacy training course.

In order to participate in the pilot project, a child must be two or three years of age, eligible for a federally subsidized child care program, and a member of a family that is economically disadvantaged and reside in locally or federally subsidized housing. Under the bill, “economically disadvantaged” means having a family income that does not exceed 150 percent of the federal poverty level.

The organization must submit an annual accountability report to the Office of Early Learning, the St. Lucie County Early Learning Coalition, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must document expenditures of state funds and data regarding emergent literacy instruction and health screening and immunization services provided to children. Additionally, the organization must verify by affidavit to OEL all expenditures of state funds.

B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law; creates the Literacy Jump Start Pilot Project; specifies requirements for the pilot project.

Section 2. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires OEL to allocate funds to implement the Literacy Jump Start Pilot Project; this will require an appropriation in the 2015-16 General Appropriations Act. The 2013 Legislature appropriated \$110,000 to fund the pilot project for the 2013-14 fiscal year and the 2014 Legislature

¹⁴ Parent Academy, <http://www.parentacademyslc.org/> (last visited Jan. 23, 2015).

¹⁵ See s. 402.302(3), F.S. (definition of child care personnel).

appropriated \$200,000 for the 2014-15 fiscal year which was contingent upon HB85 or similar legislation becoming law. Both appropriations were vetoed by the Governor.¹⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires OEL to select an organization to administer the pilot project. The organization must be a not-for-profit corporation qualified as charitable under section 501(c)(3) of the Internal Revenue Code that provides training to parents to assist their children with success in school. The organization will receive funds (if appropriated in the GAA) from OEL to administer the pilot project.

Children in St. Lucie County who meet the eligibility requirements may participate in the pilot project and receive free emergent literary instruction.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2015, the Choice & Innovation Subcommittee adopted one amendment to the bill and reported the bill favorably as a committee substitute. The amendment subjected individuals working for the organization to the background screening requirements for "child care personnel." Thus, the organization's owners, operators, employees, and volunteers who work with children must undergo level 2 background screening conducted by the Department of Children and Families. The bill required the organization to conduct the background screening, thereby causing a conflict with federal law requiring that the results of federal criminal records checks be transmitted to a statutorily designated state agency. Additionally, the bill required the organization to screen all of its volunteers, not just those who have contact with children.

¹⁶ Specific Appropriation 103, s. 2, ch. 2013-40, L.O.F.; Specific Appropriation 87, s. 2, ch. 2014-51, L.O.F. Additionally, the FY 2015 appropriation was contingent upon passage of HB 85 (2014) or similar legislation, which legislation did not achieve final passage.

