

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1353 Early Learning
SPONSOR(S): PreK-12 Appropriations Subcommittee, Snyder and others
TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 1026

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	15 Y, 0 N	Blalock	Sleap
2) PreK-12 Appropriations Subcommittee	12 Y, 0 N, As CS	Bailey	Potvin
3) Education & Employment Committee			

SUMMARY ANALYSIS

The bill provides programmatic and administrative changes to support the Voluntary Prekindergarten (VPK) and School Readiness (SR) programs as well as providing additional literacy support to identified VPK students the summer prior to entering kindergarten.

The bill allows a credentialed VPK instructor to be a lead instructor in the summer VPK program if the instructor has completed the early learning micro-credential program or has received an instructional support score of 3 or higher.

The bill prohibits a VPK provider from using the coordinated screening and progress monitoring program, or other progress monitoring programs, or an instructional program which requires the use of a one-to-one electronic device for direct instruction in the VPK curriculum.

The bill extends the date by which the Department of Education must adopt VPK performance metrics from Fiscal Year 2023-2024 to Fiscal Year 2024-2025.

The bill allows for an alternate calculation to be used to measure the quality of teacher-child interactions in a VPK classroom. The bill also requires a VPK provider or school that does not maintain the minimum performance metric or designation to notify each student's parent.

The bill also modifies the allowable uses of SR funding by ELCs to SR providers and staff, to include providing professional development through the Teacher Education and Compensation Helps (TEACH) scholarship program, training aligned to early learning professional standards, reimbursement for background screening, and training on curriculum.

The bill revises the early learning standards domains to replace "self-regulation" with "executive functioning."

Finally, the bill allows ELCs to add law enforcement representation to coalition boards.

The bill does not have a fiscal impact.

The bill takes effect on July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Voluntary Prekindergarten Program

The Voluntary Prekindergarten (VPK) program prepares children for success in school and in life.¹ Implemented in 2005, VPK is a free, high-quality, education program available to all 4-year-old children residing in the state.² A child remains eligible until the child is admitted to kindergarten, or unless he or she will have attained the age of 6 years by February 1 of any school year.³ Parents of 4-year-olds with birthdays from February 2 through September 1 may wait to enroll their child the following year when they are 5.⁴

The Division of Early Learning in the Department of Education (DOE) administers the VPK program at the state level. Data collected by the DOE shows that children who participate in VPK are better prepared to enter kindergarten ready to learn. Parents can select from one of several VPK program options available from private and public providers. Providers have flexibility to structure daily hours per week to meet the required number of instructional hours: the School-Year Program is 540 instructional hours; the Summer Program is 300 instructional hours.⁵

VPK Specialized Instructional Services is a program option available for VPK-age children with current individual educational plans (IEPs). This option allows parents of a VPK-age child to choose additional therapy services consistent with the child's IEP in lieu of attending VPK in a traditional classroom setting.⁶

In fiscal year 2022-2023, there were 158,408 children enrolled with 6,237 providers in Florida's VPK Program, with 97 percent of children enrolled in a school year program and 3 percent enrolled in a summer program.⁷

Summer VPK Instructor Requirements

Since the inception of the VPK program, parents have had the option of choosing to enroll his or her child in either a school year or a summer VPK program. Since the 2016-17 VPK program year, the summer program has seen declining enrollment. The summer program served over 5,000 students in the 2016-17 program year but has declined, that was accelerated by the impact of the national health crisis (COVID-19) that began in 2020, and has yet to recover. For the 2022-2023 summer program, less than 2,500 children were enrolled.⁸

For the summer VPK program, each VPK provider must have, for each VPK class, at least one instructor who is a certified teacher or holds a specified bachelor's or higher degree in an early education-related field.⁹ For the VPK program, the term "certified teacher" means a teacher holding a

¹ Florida Department of Education (DOE), *Division of Early Learning, Annual Report 2022-2023* (2023), at 13, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

² Art. IX, s. 1, Fla. Const.

³ Section 1002.53(2), F.S.

⁴ Florida Department of Education (DOE), *Division of Early Learning, Annual Report 2022-2023* (2023), at 13, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 14.

⁸ Office of Economic and Demographic Research (EDR), *Early Learning Programs Estimating Conference, Voluntary Prekindergarten Education Program*, <http://edr.state.fl.us/Content/conferences/vpk/index.cfm> (last visited Jan. 27, 2024).

⁹ Sections 1002.55(4)(a)-(b) and 1002.61(4), F.S.

valid Florida educator certificate who has the qualifications required by the district school board to instruct students in the summer VPK program.¹⁰

VPK Performance Standards

The DOE is required to develop and adopt performance standards for students in the VPK Program.¹¹ The performance standards must address the age-appropriate progress of students in the development of required capabilities, capacities, and skills;¹² emergent literacy skills grounded in the science of reading, including oral communication, knowledge of print and letters, phonemic and phonological awareness, vocabulary and comprehension development, and foundational background knowledge designed to correlate with the content that students will encounter in grades K-12; and mathematical thinking and early math skills. The DOE is required to review standards at least every three years.¹³

Each VPK provider is allowed to select or design the curriculum that the provider or school uses to implement the program, except for a provider that fails to meet the minimum performance metric included in the state's accountability measures.¹⁴ Each VPK provider's curriculum must be:

- Developmentally appropriate.
- Designed to prepare a student for early literacy and provide for instruction in early math skills.
- Develop students' background knowledge through a content-rich and sequential knowledge building early literacy curriculum.
- Enhance the age-appropriate progress of students in attaining the performance standards adopted by the DOE.
- Support student learning gains through differentiated instruction that is measured by the coordinated screening and progress monitoring (CSPM) program.¹⁵

The DOE is required to adopt procedures for the review and approval of curricula for use by the VPK providers that fail to meet performance standards.¹⁶

VPK Program Accountability

VPK program accountability is in a transition period from historical VPK provider kindergarten readiness rates of which the last rates were released for the 2020-2021 program year. Beginning with the 2023-2024 program year, the DOE must adopt a methodology for calculating a VPK provider performance metric using child learning gains and outcomes based on the CSPM and provider program assessment composite scores that measure teacher-child interactions. The new calculation and designations for VPK Accountability will be applied at the end of the 2024-25 program year.¹⁷

Each VPK provider participating in the program is required to participate in the CSPM program.¹⁸ The CSPM program results shall be used by the DOE to identify student learning gains, index development learning outcomes upon program completion, and inform a private prekindergarten provider's and public school's performance metric.¹⁹ The DOE is required to adopt minimum requirements for those administering the initial and final CSPM.²⁰ The VPK providers are required to provide a student's performance results to the student's parents within 7 days after the administration of the CSPM.²¹

¹⁰ Section 1002.61(4), F.S.

¹¹ Section 1002.67, F.S.

¹² Art. IX, s. (1)(b), Fla. Const.

¹³ Section 1002.67(1), F.S.

¹⁴ Section 1002.67(2)(a), F.S.

¹⁵ Section 1002.67(2)(b), F.S.

¹⁶ Section 1002.67(2)(c), F.S.

¹⁷ DOE, Division of Early Learning (DEL), *Division of Early Learning, Annual Report 2021-2022 (2022)*, at 19-20, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2122-DEL-AnnualReport.pdf>.

¹⁸ Section 1002.68(1), F.S.

¹⁹ Section 1002.68(1)(a), F.S.

²⁰ Section 1002.68(1)(b), F.S.

²¹ Section 1002.68(1)(c), F.S.

Each VPK provider is also required to participate in a program assessment of each VPK classroom. The program assessment measures the quality of teacher-child interactions, including emotional support, classroom organization, and instructional support for children ages 3 to 5 years. The DOE is required to report the results of the program assessment for each classroom within 14 days after the observation. The early learning coalitions (ELCs) are responsible for the administration of the program assessments.²²

Beginning with the 2023-2024 program year,²³ the DOE is required to adopt a methodology for calculating each VPK provider's performance metric, which must be based on a combination of the following:

- Program assessment composite scores which must be weighted at no less than 50 percent.
- Learning gains from the initial and final administration of the CSPM.
- Norm-referenced developmental learning outcomes from the CSPM.²⁴

The program assessment composite score and performance metric are required to be calculated for each VPK provider site.²⁵ The scores of the performance metric are required to produce profiles which include the following designations: "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology. They may not include letter grades.²⁶

The DOE is required to annually calculate each VPK provider's performance metric.²⁷ Beginning with the 2024-2025 program year,²⁸ each VPK provider will be assigned a designation within 45 days after the conclusion of the school-year program or the summer program.²⁹ A VPK provider's designated "proficient," "highly proficient," or "excellent" demonstrates the provider's satisfactory delivery of the VPK program.³⁰ The designations are required to be displayed in the early learning provider performance profiles.³¹

If a VPK provider's performance metric or designation falls below the minimum performance metric or designation, the ELC is required to place the provider on probation. Each VPK provider placed on probation is required to submit to the ELC for approval an improvement plan that includes implementation of an approved curriculum and an approved staff development plan. A provider placed on probation remains in that status until the provider has earned a satisfactory performance metric or designation.³²

A VPK provider that remains on probation for two consecutive years and subsequently fails to meet the minimum performance metric or designation is subject to removal from eligibility to deliver the VPK program and receive state funds for the program for a period of at least two years but no more than five years.³³ A VPK provider may request and receive a good cause exemption in order to remain eligible for the VPK program based on certain criteria including health and safety standards. Exemptions are valid for one year but may be renewed.³⁴

Florida Early Learning and Developmental Standards

²² Section 1002.68(2), F.S.

²³ The program year was changed by s. 5, ch. 2023-240, Laws of Fla. and will revert to the 2022-2023 program year on June 30, 2023, unless acted upon by the Legislature.

²⁴ *Id.*

²⁵ Section 1002.68(4)(c), F.S.

²⁶ Section 1002.68(4)(d), F.S.

²⁷ Section 1002.68(4)(f), F.S.

²⁸ The program year was changed by s. 5, ch. 2023-240, Laws of Fla. and will revert to the 2023-2024 program year on June 30, 2023, unless acted upon by the Legislature.

²⁹ Section 1002.68(4)(f), F.S.

³⁰ Section 1002.68(4)(g), F.S.

³¹ Section 1002.68(4)(h), F.S.

³² Section 1002.68(5), F.S.

³³ Section 1002.68(5)(c), F.S.

³⁴ Section 1002.68(6), F.S.

The DOE is required to monitor the alignment and consistency of the standards and benchmarks developed and adopted that address the age-appropriate progress of children in the development of the skills needed to be successful in school. The standards for children from birth to kindergarten entry in the SR program are required to be aligned with the performance standards adopted for children in the VPK program.³⁵ Statute requires the standards to address the following domains:³⁶

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.

Early Learning Coalition Governance

Florida statute authorizes 30 or fewer ELCs which are established to maintain direct services for VPK and SR programs at the local level and provide services in all 67 counties.³⁷ Each ELC must have at least 15 members but not more than 30 members. The Governor appoints the chair and two other members of each ELC, who must each meet certain qualifications.³⁸

Each ELC must include the following member positions:

- Department of Children and Families (DCF) regional administrator.
- District superintendent of schools.
- Local workforce development board executive director.
- County health department director.
- Children's services council or juvenile welfare board chair or executive director from each county, if applicable.
- DCF child care regulation representative or an agency head of a local licensing agency.
- President of a Florida College System institution.
- One member appointed by a board of county commissioners or the governing board of a municipality.
- Head Start director.
- Representative of private for-profit child care providers, including private for-profit family day care homes.
- Representative of a faith-based child care provider.
- Representative of a program for children with disabilities.³⁹

An ELC may appoint additional members who must be private sector business members, either for-profit or nonprofit with certain criteria.⁴⁰

School Readiness Program Funding

Florida's SR program offers low-income families financial assistance to facilitate access to high-quality child care and early education for their children while parents work or participate in job training. The DOE administers the program at the state level while ELCs administer the SR program at the county and regional levels. In Fiscal Year 2022-2023, there were 209,986 children enrolled with 6,790 eligible providers in Florida's SR program.⁴¹

³⁵ Section 1002.82(2)(j), F.S.

³⁶ *Id.*

³⁷ Section 1002.83(1), F.S.

³⁸ Section 1002.83(2)-(3), F.S.

³⁹ Section 1002.83(4), F.S.

⁴⁰ Section 1002.83(6), F.S.

⁴¹ DOE, Division of Early Learning (DEL), *Division of Early Learning, Annual Report 2023-2023 (2023)*, at 4, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

Funding comes from four sources; the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida. The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills.⁴²

Costs for the SR program must be kept to the minimum necessary for the efficient and effective administration of the program, with the highest priority of expenditure being direct services for eligible children. No more than 5 percent of the funds allocated in the General Appropriations Act may be used for administrative costs and no more than 22 percent of the funds allocated may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services.⁴³

Non-direct services include:⁴⁴

- Administrative costs, including monitoring providers to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract.⁴⁵
- Activities to improve the quality of child care, limited to:⁴⁶
 1. Developing, establishing, expanding, operating, and coordinating resource and referral programs.
 2. Awarding grants and providing financial support to SR program providers and their staff to assist them in meeting applicable state requirements for the program assessment, child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training.
 3. Providing training, technical assistance, and financial support to SR program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.
 4. Providing adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.
 5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements.
 6. Responding to Warm-Line requests by providers and parents, including providing developmental and health screenings to SR program children.
- Other services required to administer the SR program include:
 1. Assisting families to complete the required application and eligibility documentation.
 2. Determining child and family eligibility.
 3. Recruiting eligible child care providers.
 4. Processing and tracking attendance records.
 5. Developing and maintaining a statewide child care information system.⁴⁷

Instructional Support for Early Literacy

Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.⁴⁸ As part of this system, the district must develop, and submit to the district school board for approval, a detailed reading instruction plan that outlines the components of the district's

⁴² *Id.*

⁴³ Section 1002.89(4), F.S.

⁴⁴ Section 1002.89(4)(a)-(b), F.S.

⁴⁵ Section 1002.89(4)(a), F.S.; Administrative costs are described in 45 C.F.R. s. 98.54.

⁴⁶ Section 1002.89(4)(b), F.S. Activities to improve the quality of child care are described in 45 C.F.R. s. 98.53.

⁴⁷ Section 1002.89(4)(c), F.S.

⁴⁸ Section 1003.4201, F.S.

comprehensive system of reading instruction.⁴⁹ The plan must also include the planned school year expenditures for each component,⁵⁰ which may include:

- Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students.
- Highly qualified reading coaches, who are endorsed in reading, to support classroom teachers.
- Professional development to assist with earning a certification, a credential, an endorsement, or an advanced degree in scientifically-researched and evidence-based reading instruction.
- Summer reading camps.
- Incentives for instructional personnel and certified prekindergarten teachers who possess a reading certification or endorsement or micro-credential and provide educational support to improve student literacy.
- Tutoring in reading.⁵¹

A VPK program student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the final CSPM must be referred to the local school district and may be eligible to receive instruction in early literacy skills before participating in kindergarten. A prekindergarten student with an IEP who has been retained and has demonstrated a substantial deficiency in early literacy skills is required to receive instruction in early literacy skills.⁵²

Effect of Proposed Changes

Summer VPK Instructor Requirements

The bill authorizes additional credentialed instructors to be the lead VPK instructor in a summer program. In order to be the lead instructor, the individual must have completed a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition or a credential approved by the DCF as being equivalent to or greater than that issued by the National program. Additionally, the individual must have completed the early literacy micro-credential program or have an instructional support score of three or higher on the required program assessment under the VPK or SR programs. This modification may increase the number of available candidates that can be the lead instructor in summer VPK classrooms.

VPK Performance Standards

The bill prohibits a VPK provider from using curriculum for the CSPM program, another progress monitoring program, or an instructional program that requires student use of a one-to-one electronic device for direct student instruction. The prohibition is intended to limit the use of electronic devices in VPK classrooms.

VPK Program Accountability

The bill codifies in permanent law the 2024-2025 program year that the DOE is required to adopt a methodology for calculation of the performance metric; this aligns with the same year the DOE is required to issue the performance metric.⁵³ The bill allows for an alternate calculation of the program assessment composite score based on the methodology adopted by the DOE, which is one factor required in the calculation of the performance metric, from the program assessment composite score that is issued to measure the quality of teacher-child interactions in VPK classrooms.

⁴⁹ Section 1003.4201(1), F.S.

⁵⁰ Section 1003.4201(2)(b)

⁵¹ Section 1003.4201(2)(a), F.S.

⁵² Section 1008.25(5)(b), F.S.

⁵³ The program year was changed by s. 5, ch. 2023-240, Laws of Fla. and will revert to the 2022-2023 program year on June 30, 2023, unless acted upon by the Legislature.

The bill adds a requirement to the duties of an ELC related to a VPK provider being placed on probation. Beginning with the 2024-2025 VPK program year, a VPK provider must notify each enrolled student's parent of the probationary status.

The bill modifies the health and safety standards under which a VPK provider cannot be granted a good cause exemption based on failing to meet the minimum performance metric score or designation for three consecutive years. The bill changes the standard from two or more Class II violations within the past two years to three or more of the same Class II violations.

Florida Early Learning and Developmental Standards

The bill revises the "self-regulation" domain in the early learning standards (birth to kindergarten) to "executive functioning."⁵⁴

Early Learning Coalition Governance

The bill allows each ELC to appoint an additional public sector board member in order to include a representative of local law enforcement.

SR Program Funding

The bill revises the allowable activities to improve the quality of child care that each ELC can use SR program funds to support. Under the activity of awarding grants and providing financial support to SR program providers and their staff, the bill authorizes grants and financial support for:

- Resources that support parent engagement.
- Professional development through the Teacher Education and Compensation Helps (TEACH) scholarship program and training aligned to the early learning professional development standards and career pathways.
- Reimbursement for background screenings.

Additionally, the bill allows each ELC to use SR program funds to provide training aligned to the early learning professional development standards and career pathways, and to provide technical assistance, and financial support to SR program providers, staff, and parents on the revised early learning standard of "executive functioning" and the developmentally appropriate curriculum used by an SR provider, which must meet the performance standards for the SR program. The bill removes activities associated with child development research and best practices and character development.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.61, F.S.; revising requirements for prekindergarten instructors.

Section 2: Amends s. 1002.67, F.S.; prohibiting private prekindergarten provider and public school curricula from using a coordinated screening and progress monitoring program or other specified methods for direct student instruction.

Section 3: Amends s. 1002.68, F.S.; authorizing alternative methods for calculating program assessment composite scores; requiring prekindergarten providers and public schools to notify parents under certain circumstances; revising exceptions for a good cause exemption; making technical changes.

⁵⁴ Executive function skills are the attention-regulation skills that make it possible to sustain attention, keep goals and information in mind, refrain from responding immediately, resist distraction, tolerate frustration, consider the consequences of different behaviors, reflect on past experiences, and plan for the future. Zelazo, P.D., Blair, C.B., and Willoughby, M.T. (2016). *Executive Function: Implications for Education* (NCER 2017-2000) Washington, DC: National Center for Education Research, Institute of Education Sciences, U.S. Department of Education, at 1, available at <https://ies.ed.gov/ncer/pubs/20172000/pdf/20172000.pdf>.

- Section 4:** Amends s. 1002.82, F.S.; revising the performance standards adopted by the DOE for the VPK Program.
- Section 5:** Amends s. 1002.83, F.S.; authorizing an early learning coalition to appoint a certain additional board member.
- Section 6:** Amends s. 1002.89, F.S.; revising SR program expenditures that are subject to certain cost requirements.
- Section 7:** Provides an effective date.

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:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the DOE to adopt rules related to Voluntary Prekindergarten program accountability. Rules adopted under existing authority may also need to be amended to conform with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 13, 2024, the PreK-12 Appropriations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Delete changing from 4 percent to 5 percent the amount of the administration fee the ELCs are authorized to retain for the administration of the VPK program.
- Delete establishing the VPK summer bridge program for VPK students who attended at least 80 percent of the VPK program and scored in the 20th percentile on the final administration of the CSPM system.

The analysis is drafted to the committee substitute as approved by the PreK-12 Appropriations Subcommittee.