

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1353 Early Learning

SPONSOR(S): Education & Employment Committee, PreK-12 Appropriations Subcommittee, Snyder

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/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	19 Y, 0 N, As CS	Blalock	Hassell

SUMMARY ANALYSIS

The bill provides programmatic and administrative changes to support the Voluntary Prekindergarten (VPK) and School Readiness (SR) programs.

The bill requires the training in cardiopulmonary resuscitation for licensed child care facility personnel, to be provided in-person.

The bill allows a credentialed VPK instructor to be a lead instructor in the summer VPK program if the instructor has completed the early literacy micro-credential program.

The bill prohibits a VPK provider from allowing a student to view an electronic screen for more than 10 percent of the day. Additionally, in the SR program, the bill prohibits a SR program provider from allowing screen time for a child from birth to 3 years of age and limits screen time to no more than 10 percent of the day for a student 4 years of age or older.

The bill changes the program year the Department of Education is required to adopt a methodology for calculating the VPK performance metric to the 2023-2024 program year and the program year to issue the performance metric to VPK programs to the 2024-2025 program year. The bill also republishes reverted provisions of law relating to VPK program accountability.

The bill modifies the health and safety standards under which a VPK provider cannot be granted a good cause exemption from two or more Class II violations to three or more of the same Class II violations within the past 2 years.

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

The bill allows Early Learning Coalitions (ELCs) to add law enforcement representation to coalition boards.

The bill revises the criteria for a child with special needs to receive priority for participation in the SR program and authorizes additional forms of documentation to determine eligibility. The bill also expands eligibility of a child with special needs to infants and toddlers, rather than just a child who is at least 3 years old, and extends the use of the funds to before school, after school, and summer SR programs. The bill provides that a SR program provider is eligible for funding through the special needs differential allocation to implement the special needs rate if specified quality and training criteria are met.

Finally, the bill modifies the allowable uses of SR funding by ELCs to improve the quality of child care and provides a date by which all training and professional development must be aligned with the early learning professional development standards and career pathways.

The bill does not have a fiscal impact.

The bill takes effect on July 1, 2024.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME: h1353e.EEC

DATE: 2/23/2024

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Child Care Licensing

The child-care licensing program is a component of the services provided by the Department of Children and Families (DCF). The program is accountable for the statewide licensure of Florida's child-care facilities, specialized child-care facilities for the care of mildly ill children, large family child-care homes and licensure or registration of family day care homes. The purpose of the program is to ensure a healthy and safe environment for the children in child-care settings and to improve the quality of their care. The DCF ensures that licensing requirements are met through on-going inspections of child-care facilities and homes.¹

The DCF also establishes minimum training requirements for child care personnel. The DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.² The minimum standards for training must ensure that all child care personnel take an approved 40-clock-hour introductory course in child care covering the following topic areas:

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.
- Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the DCF, for owner-operators and child care personnel of a child care facility.
- Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.³

The DCF is required to evaluate or contract for an evaluation to determine the status of and means to improve staff training requirements and testing procedures. The evaluation must be conducted every 2 years. The evaluation must include, but is not be limited to, determining:

- The availability, quality, scope, and sources of current staff training.
- The need for specialty training.
- Ways to increase in-service training.
- Ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training.⁴

The DCF also establishes minimum standards for:

- Sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards must require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.⁵

¹ Florida Department of Children and Families (DCF), *About Child Care Licensure*, <https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure> (last visited Feb. 22, 2024).

² DCF, *Child Care Facility Handbook* (2021), available at https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf. The handbook is intended to be used in conjunction with ss. 402.26 - 402.319, F.S., and incorporated by reference in rule 65C - 22.001, F.A.C.

³ Section. 402.305, F.S.

⁴ Section. 402.305(2), F.S.

⁵ Section. 402.305(7), F.S.

- Admissions and recordkeeping. Each year, each child care facility must provide parents of children enrolled in the facility detailed information regarding:
 - The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
 - The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.⁶

The DCF requires licensed child care facilities to prohibit the use of electronic media for children under two years of age in their schedule of planned activities. Electronic media may only be used for educational purposes or physical activity for children 2 years of age and older for no more than 1 to 2 hours per day.⁷

Florida's Voluntary Prekindergarten Program

The Voluntary Prekindergarten (VPK) program prepares children for success in school and in life.⁸ Implemented in 2005, VPK is a free, high-quality, education program available to all 4-year-old children residing in the state.⁹ 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.¹⁰ 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 5.¹¹

The Division of Early Learning (DEL) 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.¹²

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.¹³

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.¹⁴

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

⁶ Section. 402.305(9), F.S.

⁷ DCF, *Child Care Facility Handbook*, at 18, (2021), available at https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf.

⁸ Florida Department of Education (DOE), Division of Early Learning (DEL), *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>.

⁹ Art. IX, s. 1, Fla. Const.

¹⁰ Section 1002.53(2), F.S.

¹¹ DOE, DEL, *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>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 14.

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.¹⁵

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.¹⁶ For the VPK program, the term "certified teacher" means a teacher holding a valid Florida educator certificate who has the qualifications required by the district school board to instruct students in the summer VPK program.¹⁷

VPK Performance Standards

The DOE is required to develop and adopt performance standards for students in the VPK Program.¹⁸ The performance standards must address the age-appropriate progress of students in the development of required capabilities, capacities, and skills;¹⁹ 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.²⁰

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.²¹ 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.²²

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.²³

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.²⁴

¹⁵ 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 Feb. 22, 2024).

¹⁶ Sections 1002.55(4)(a)-(b) and 1002.61(4), F.S.

¹⁷ Section 1002.61(4), F.S.

¹⁸ Section 1002.67, F.S.

¹⁹ Art. IX, s. (1)(b), Fla. Const.

²⁰ Section 1002.67(1), F.S.

²¹ Section 1002.67(2)(a), F.S.

²² Section 1002.67(2)(b), F.S.

²³ Section 1002.67(2)(c), F.S.

²⁴ DOE, 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>.

Each VPK provider participating in the program is required to participate in the CSPM program.²⁵ 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.²⁶ The DOE is required to adopt minimum requirements for those administering the initial and final CSPM.²⁷ 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.²⁸

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.²⁹

Beginning with the 2023-2024 program year,³⁰ 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.³¹

The program assessment composite score and performance metric are required to be calculated for each VPK provider site.³² 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.³³

The DOE is required to annually calculate each VPK provider's performance metric.³⁴ Beginning with the 2024-2025 program year,³⁵ each VPK provider will be assigned a designation within 45 days after the conclusion of the school-year program or the summer program.³⁶ A VPK provider's designated "proficient," "highly proficient," or "excellent" demonstrates the provider's satisfactory delivery of the VPK program.³⁷ The designations are required to be displayed in the early learning provider performance profiles.³⁸

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.³⁹

²⁵ Section 1002.68(1), F.S.

²⁶ Section 1002.68(1)(a), F.S.

²⁷ Section 1002.68(1)(b), F.S.

²⁸ Section 1002.68(1)(c), F.S.

²⁹ Section 1002.68(2), F.S.

³⁰ The program year was changed by s. 5, ch. 2023-240, Laws of Fla. and will revert to the 2022-2023 program year on July 1, 2024, unless acted upon by the Legislature.

³¹ *Id.*

³² Section 1002.68(4)(c), F.S.

³³ Section 1002.68(4)(d), F.S.

³⁴ Section 1002.68(4)(f), F.S.

³⁵ The program year was changed by s. 5, ch. 2023-240, Laws of Fla. and will revert to the 2023-2024 program year on July 1, 2024, unless acted upon by the Legislature.

³⁶ Section 1002.68(4)(f), F.S.

³⁷ Section 1002.68(4)(g), F.S.

³⁸ Section 1002.68(4)(h), F.S.

³⁹ Section 1002.68(5), F.S.

A VPK provider that remains on probation for 2 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 2 years but no more than 5 years.⁴⁰ 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 1 year but may be renewed.⁴¹

Florida Early Learning and Developmental Standards

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.⁴² The standards must address the following domains:⁴³

- 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.⁴⁴ 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.⁴⁵

Each ELC must include the following member positions:

- 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.⁴⁶

An ELC may appoint additional members who must be private sector business members, either for-profit or nonprofit with certain criteria.⁴⁷

School Readiness Program Provider Standards

⁴⁰ Section 1002.68(5)(c), F.S.

⁴¹ Section 1002.68(6), F.S.

⁴² Section 1002.82(2)(j), F.S.

⁴³ *Id.*

⁴⁴ Section 1002.83(1), F.S.

⁴⁵ Section 1002.83(2)-(3), F.S.

⁴⁶ Section 1002.83(4), F.S.

⁴⁷ Section 1002.83(6), F.S.

Florida's School Readiness (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 DEL 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.⁴⁸ The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop SR skills.⁴⁹

In order to be eligible to deliver the SR program, each school provider is required to:

- Meet requirements regarding licensing.
- Provide instruction and activities to enhance the age-appropriate progress of each child in attaining approved standards.
- Provide basic health and safety in the premises and facilities and maintain compliance with requirements for age-appropriate immunizations of children enrolled in SR.
- Provide an appropriate group size and staff-to-children ratio.
- Employ child care personnel who have satisfied the screening requirements.
- Implement one of the curricula approved by the department that meets the child development standards.
- Implement a character development program.
- Participate in the program assessment.
- Collaborate with the respective ELC to complete initial screening to identify a child who may need individualized supports.
- Implement minimum standards for child discipline practices that are age-appropriate and consistent with the requirements.
- Obtain and keep on file records of the child immunizations, physical development, and other health requirements.
- Implement before-school or after-school programs that meet or exceed requirements.
- Maintain general liability insurance.
- Obtain and maintain any required workers' compensation insurance.
- Execute the standard statewide provider contract.
- Operate on a full-time basis to meet the needs of parents who work.
- Collect all parent copayments.⁵⁰

School Readiness Early Learning Professional Development Standards and Career Pathways

Florida law requires the DOE to develop early learning professional development training and course standards to be utilized for SR program providers.⁵¹ The DOE is also required to identify both formal and informal early learning career pathways with stackable credentials and certifications that allow early childhood teachers to access specialized professional development that:

- Strengthens knowledge and teaching practices.
- Aligns to established professional standards and core competencies.
- Provides a progression of attainable, competency-based stackable credentials and certifications.
- Improves outcomes for children to increase kindergarten readiness and early grade success.⁵²

To the greatest extent possible, the credentials and certifications must align with the training for K-12 teachers, reading coaches, and school administrators.⁵³

⁴⁸ DOE, DEL, *Division of Early Learning, Annual Report 2023-2023*, available at: <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf> (Last visited Feb. 22, 2024).

⁴⁹ *Id.*

⁵⁰ Section 1002.88, F.S.

⁵¹ Section 2, ch. 2019-126, L.O.F.; s. 1002.995(1)(a), F.S.

⁵² Section 1002.995(1)(b), F.S.

⁵³ Section 1002.995(2), F.S.

School Readiness Program Eligibility

Federal regulations governing the Child Care and Development Fund (CCDF),⁵⁴ the primary funding source for SR 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.⁵⁵

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

- **First priority** is a child under 13 years of age from a family that includes a parent who is receiving temporary cash assistance and subject to federal work requirements⁵⁶ or the parent has an Intensive Service Account or an Individual Training Account under Florida’s workforce one-stop delivery system.⁵⁷
- **Second priority** is a child under the age of 9 who is at-risk.⁵⁸
- **Subsequent priority is based on a local ELC’s assessment based on the needs of families and provider capacity for the following:**
 - A child, birth to beginning of the school year for which the child is eligible for kindergarten, from a working family that is economically disadvantaged⁵⁹ 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.
 - A child of a parent who transitions from the work program into employment from birth through the summer before kindergarten.
 - An at-risk child, ages 9 – younger than 13. Such a child is given priority over other children if his or her sibling is enrolled in the SR Program under eligibility priorities 1 or 2 or the first bullet of this section.
 - A child younger than 13 years of age from a working family that is economically disadvantaged.
 - A child younger than 13 years of age whose parent transitions from the work program into employment.
 - A child who is not younger than 3 years of age who has been determined eligible as a student with a disability and 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.⁶⁰
 - An eligible child who is also concurrently enrolled in the Head Start program and the VPK Program.⁶¹

⁵⁴ 45 C.F.R. parts 98 and 99.

⁵⁵ 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 DOE, DEL, *Child Care and Development Fund (CCDF) Plan for Florida FFY 2022-2024*, at 83, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2022-2024-CCDF-State-Plan.pdf>.

⁵⁶ Section 445.024(2), F.S. Recipients 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.

⁵⁷ See s. 445.009, F.S.

⁵⁸ Section 1002.81(1), F.S. The definition of an “at-risk child” includes, among other things, a child who is considered homeless or who may be experiencing abuse, neglect, abandonment, or exploitation.

⁵⁹ Section 1002.81(6), F.S.

⁶⁰ Section 1003.21(1)(a)2., F.S. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules adopted by the district school board.

⁶¹ Section 1002.87(1), F.S.

Eligibility for the program must be reevaluated annually. Upon reevaluation, a child may not continue to receive SR program services if he or she has ceased to be eligible. A child who is ineligible due to a parent's job loss or cessation of education or job training will continue to receive SR program services for at least 3 months to enable the parent to obtain employment or resume education or job training.⁶²

In order to obtain a contract and deliver services for the SR program, a provider must have a program assessment administered pursuant to s. 1002.82(2)(n), F.S. and obtain a minimum program assessment composite score of 4.0.⁶³

School Readiness Program Funding

Florida's SR program funding is derived from four sources:

- The CCDF⁶⁴
- The Temporary Assistance for Needy Families (TANF) Block Grant⁶⁵
- The Social Services Block Grant (SSBG)⁶⁶
- State General Revenue⁶⁷

The following chart shows the Fiscal Year 2023-2024 funding for Florida's SR program:

Funding Source	Amount
CCDF	\$874.2 million
TANF	\$94.1 million
SSBG	\$500,000
General Revenue	\$144.6 million

The SR program funds are distributed to the ELCs based upon an allocation methodology established in statute.⁶⁸

SR program funding for eligible providers comes primarily from reimbursements from the ELC and tuition payments by participating families.⁶⁹ Each ELC reimburses participating providers with appropriated funds for each eligible child, either through child care certificates provided by parents or through contracted slots.⁷⁰ The reimbursement and co-payment amounts are determined locally by ELCs, subject to approval by the DOE. Any additional amount a parent must pay is based on the difference between the provider's tuition rate and the sum of the reimbursement rate and required parent co-payment. Reimbursement amounts vary based on provider type and level of care, and co-payments are determined using a sliding fee scale.⁷¹

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

⁶² Section 1002.87(6), F.S.

⁶³ Rule 6M-4.740, F.A.C.

⁶⁴ A major purpose of the CCDF is to allow states to develop child care programs and policies that best suit the needs of children and parents. 45 C.F.R. s. 98.1.

⁶⁵ Part A of Title IV of the Social Security Act, as codified in 42 U.S.C. ss. 601, et seq. The Temporary Assistance for Needy Families program provides states and territories with flexibility in operating programs designed to help low-income families with children to achieve economic self-sufficiency. USHHS, *Temporary Assistance for Needy Families (TANF)*.

⁶⁶ Through the SSBG, states provide essential social services that help achieve a myriad of goals to reduce dependency and promote self-sufficiency; protect children and adults from neglect, abuse and exploitation; and help individuals who are unable to take care of themselves to stay in their homes or to find the best institutional arrangements. USHHS, Social Services Block Grant Program, <https://www.acf.hhs.gov/ocs/programs/ssbg> (last visited Feb. 22, 2024).

⁶⁷ DOE, *School Readiness Funding Allocation Methodology: Report and Recommendations* (Oct. 1, 2019).

⁶⁸ Section 1002.89(1), F.S.

⁶⁹ See ss. 1002.84(9) and 1002.89, F.S.; Specific Appropriation 77, s. 2, Ch. 2023-239, L.O.F.

⁷⁰ See Rule 6M-4.500(1), F.A.C.

⁷¹ See Rule 6M-4.400(1), F.A.C. The federal government has proposed a rule change to require that family co-payments not exceed seven percent of a family's income; however, it does allow lead agencies to waive co-payments for certain families. See 45 C.F.R. 98.

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.⁷²

Non-direct services include:⁷³

- Administrative costs, including monitoring providers to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract.⁷⁴
- Activities to improve the quality of child care, limited to:⁷⁵
 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.⁷⁶

Special Needs Differential Allocation

The special needs differential allocation was created to assist eligible SR program providers with implementing the special needs rate provisions defined in the state's approved CCDF Plan. Subject to legislative appropriation, each ELC must be reimbursed based on actual expenditures. All expenditures from the special needs differential allocation must be used by the DOE to help meet federal targeted requirements for improving quality to the extent allowable in the state's approved plan.⁷⁷ Currently, there is no required training or quality assurance verification required of a provider prior to receiving funds from the differential allocation.

Effect of Proposed Changes

Child Care Licensing

The bill requires the training in cardiopulmonary resuscitation for licensed child care facility personnel, to be provided in-person.

Summer VPK Instructor Requirements

⁷² Section 1002.89(4), F.S.

⁷³ Section 1002.89(4)(a)-(b), F.S.

⁷⁴ Section 1002.89(4)(a), F.S.; Administrative costs are described in 45 C.F.R. s. 98.54.

⁷⁵ 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.

⁷⁶ Section 1002.89(4)(c), F.S.

⁷⁷ Section 1002.89(1)(d), F.S.

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. 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 the CSPM program or any other progress monitoring program for direct student instruction. It also prohibits a VPK provider from allowing a student to view an electronic screen, commonly known as screen time, for more than 10 percent of the day. This limitation does not include administration of the CSPM program. Any screen time must involve activities directly related to the VPK program standards.

Under the bill, the term “screen” includes, but is not limited to, a television, a computer, a tablet, a virtual reality device, a mobile phone, or a gaming console.

VPK Program Accountability

The bill changes the program year the DOE is required to adopt a methodology for calculating the VPK performance metric to the 2023-2024 program year. The bill also changes the program year to issue the performance metric to VPK programs to the 2024-2025 program year. The bill republishes reverted provisions of law relating to VPK providers whose program assessment composite score fails to meet the minimum score for contracting adopted in rule by the DOE.⁷⁸

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 3 consecutive years. The bill changes the standard from two or more Class II violations within the past 2 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.”⁷⁹

Early Learning Coalition Governance

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

School Readiness Program Provider Standards

The bill requires a SR provider to prohibit a child from birth to 3 years of age from viewing an electronic screen, commonly known as screen time. A student 4 years of age or older may have screen time for no more than 10 percent of the day. Under the bill, the term “screen” includes, but is not limited to, a television, a computer, a tablet, a virtual reality device, a mobile phone, or a gaming console.

School Readiness Program Eligibility

⁷⁸ Section 1002.68(5) and (6)(e), F.S.

⁷⁹ 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>.

The bill revises the criteria for a child with special needs to receive priority for participation in the SR program. Rather than basing eligibility on classification as a student with a disability, a student is determined eligible if he or she requires additional accommodations beyond those required by the Americans with Disabilities Act. The child's special needs and associated accommodations must be validated by a licensed health care professional, licensed mental health professional, or educational psychologist. This person may not be the child's parent or a person employed by a child care provider.

Currently, a child must have a current individual education plan from a Florida school district to qualify for priority participation as a child with special needs. The bill authorizes the following additional forms of documentation to determine eligibility:

- a current individualized family support plan;
- a diagnosed special need; or
- a determination of required accommodations.

The bill expands SR eligibility for a child with special needs to infants and toddlers, rather than just a child who is at least 3 years old, and extends the use of SR funds to before school, after school, and summer SR programs.

School Readiness 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:

- Implementing developmentally appropriate curriculum that meets the performance standards for the SR program and classroom resources that support parent engagement.
- Professional development and training through the Teacher Education and Compensation Helps (TEACH) scholarship program.
- Reimbursement for background screenings.

Additionally, the bill authorizes each ELC to use SR program funds to provide training, technical assistance, and financial support to SR program providers, staff, and parents on the developmentally appropriate curriculum, the revised early learning standard of "executive functioning," and in-person cardiopulmonary resuscitation. The bill removes activities associated with child development research and best practices and character development.

The bill requires that all such training and professional development provided by an ELC must be aligned with the early learning professional development standards and career pathways by July 1, 2026.

Finally, the bill provides that a SR provider of a child deemed eligible for priority participation in the SR program due to special needs may be eligible for additional funding through the special needs differential allocation to implement the special needs rate.

In order to be eligible for the special needs differential allocation, a SR provider must meet all of the following requirements by July 1, 2025:

- If the provider has a program assessment score, the score must meet or exceed the composite score established by the department.
- The provider has completed 10 hours of training in inclusive early childhood or inclusive school-age education practices within the preceding 2-year period with the provider completing an additional 10 hours of such training each subsequent 5-year period as specified by the DOE.

B. SECTION DIRECTORY:

Section 1: Amends s. 402.305, F.S.; requiring the training in cardiopulmonary resuscitation for licensed child care facility personnel, to be provided in-person.

- Section 2:** Amends s. 1002.61, F.S.; revising requirements for prekindergarten instructors.
- Section 3:** Amends s. 1002.67, F.S.; providing that private prekindergarten provider or public school curricula may not use a certain coordinated screening and progress monitoring program or other specified methods for direct student instruction; providing a limitation for which a private prekindergarten provider or public school may allow students to view an electronic screen; defining the term “screen”; requiring that such time involve certain activities; providing that the limitation does not include the required administration of the screening and monitoring system.
- Section 4:** Amends s. 1002.68, F.S.; revising circumstances under which a good cause exemption may not be granted; revising requirements with respect to performance metric methodology and the assignment of designations under the VPK Education Program; republishing reverted provisions of law pursuant to ch. 2023-240, Laws of Florida.
- Section 5:** Amends s. 1002.82, F.S.; revising the performance standards adopted by the DOE for the VPK Program.
- Section 6:** Amends s. 1002.83, F.S.; authorizing an ELC to appoint a certain additional board member.
- Section 7:** Amends s. 1002.87, F.S.; revising the criteria for a child to receive priority for participation in the SR program; conforming provisions to changes made by the act.
- Section 8:** Amends s. 1002.88, F.S.; requiring a SR program provider to prohibit certain students from viewing electronic screens; authorizing certain students to have screen time for a specified amount of time; defining the term “screen”.
- Section 9:** Amends s. 1002.89, F.S.; providing requirements for a SR program provider to be eligible to receive specified funding; revising SR program expenditures that are subject to certain cost requirements; requiring that certain training be provided by a specified date.
- Section 10:** 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:

None.

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 will need to be amended to conform with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 21, 2024, the Education & Employment Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- requires the training in cardiopulmonary resuscitation for licensed child care facility personnel, to be provided in-person;
- allow a credentialed Voluntary Prekindergarten (VPK) instructor to be a lead instructor in the summer VPK program if the instructor has completed the early literacy micro-credential program;
- prohibit a VPK provider from using the coordinated screening and progress monitoring (CSPM) program or any other progress monitoring program for direct instruction;
- prohibit a VPK provider from allowing a student to view an electronic screen for more than 10 percent of the day, not including time spent administering the CSPM program;
- require that any screen time must involve activities related to the VPK program standards;
- define the term “screen” in the context of these provisions;
- require the Department of Education (DOE) to adopt a methodology for calculating the VPK performance metric beginning with the 2023-24 program year;
- require that beginning with the 2024-25 program year, each VPK provider be assigned a designation within 45 days after the conclusion of the summer or school-year program;
- republish reverted provisions of law relating to VPK program accountability;
- prohibit a School Readiness (SR) program provider from allowing any screen time for a child from birth to 3 years of age and more than 10 percent of the day for a student 4 years of age or older;
- modify the allowable uses of SR funding by Early Learning Coalitions (ELCs) to improve the quality of child care and require that such training and professional development provided by an ELC be aligned with the early learning professional development standards and career pathways by July 1, 2026;
- revise the criteria for a child with special needs to receive priority for participation in the SR program and authorize additional forms of documentation to determine eligibility;
- expand eligibility of a child with special needs to infants and toddlers, rather than just a child who is at least 3 years old, and extend the use of the funds to before school, after school, and summer SR programs; and

- provide that a SR program provider is eligible for funding through the special needs differential allocation to implement the special needs rate if specified quality and training criteria are met.

The analysis is drafted to the committee substitute as approved by the Education & Employment Committee.