

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1496

INTRODUCER: Senator Ausley

SUBJECT: Early Learning Scholarship Program

DATE: March 29, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1496 creates the “Brighter Future Act,” which creates s. 1002.56, F.S., to establish an Early Learning Scholarship program to be administered by the Office of Early Learning in order to close the opportunity gap by increasing access to high-quality early childhood programs. The bill provides scholarships for tuition and fees for students to attend early learning programs offered by qualified school readiness or Voluntary Prekindergarten Education Program providers.

The scholarships are subject to an appropriation of state funds.

The bill takes effect July 1, 2021.

II. Present Situation:

Office of Early Learning

The Office of Early Learning (OEL) governs the day-to-day operations of statewide early learning programs and administers federal and state child care funds. The OEL oversees three programs—the school readiness program, the Voluntary Prekindergarten Education Program (VPK), and child care resource and referral services¹—and an annual budget of \$1.37 billion.² The OEL is the lead agency in Florida for administering the federal Child Care and Development Block Grant Trust Fund (CCDF).³ The OEL adopts rules as required for the establishment and

¹ Section 20.15(3)(i), F.S.

² Early Learning Services Program Total, s. 2, ch. 2020-111, L.O.F.

³ Section 1002.82(1), F.S.

operation of the school readiness program and the VPK program.⁴ The executive director of the OEL is responsible for administering early learning programs at the state level.

The OEL collects and reports data on Early Learning Coalition (ELC) delivery of early learning programs, including measures related to progress towards reducing the number of children on the waiting list, the percentage of children served by the program as compared to the number of administrative staff and overhead, the percentage of children served compared to total number of children under the age of 5 years below 150 percent of the federal poverty level, provider payment processes, fraud intervention, child attendance and stability, use of child care resource and referral, and kindergarten readiness outcomes for children in the VPK program or the school readiness program upon entry into kindergarten. The OEL requests input from the coalitions and school readiness program providers before finalizing the format and data to be used.⁵

By January 1 of each year, the OEL is required to publish on its website a report of its activities. The report must include a summary of the ELC annual reports, a statewide summary, and detailed reports on data related to the delivery of early learning programs.

Early Learning Coalitions

Across the state, 30 regional ELCs and the Redlands Christian Migrant Association are responsible for delivering local services, including the VPK program and the school readiness program.⁶ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives.⁷

The School Readiness Program

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.⁸ 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.⁹ To participate in the school readiness program, a provider must execute a school readiness contract.¹⁰

⁴ The OEL is required to submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be immediately filed with the Department of State. Section 1001.213, F.S.

⁵ Section 1002.85(5), F.S.

⁶ The Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Mar. 25 2021). See also 1002.83(1), F.S.

⁷ Section 1002.83(3), F.S.

⁸ Section 1002.87, F.S.

⁹ Section 1002.86, F.S.

¹⁰ Rule 6M-4.610, F.A.C. Form OEL-SR 20, *Statewide School Readiness Provider Contract*, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/FormOEL-SR20StatewideSRProviderContract_7-8-20_ADA_final.pdf.

During the 2019-2020 academic year, 6,932 school readiness providers served 211,711 children enrolled in a school readiness program.¹¹

School Readiness Eligibility and Enrollment

Florida law specifies that ELCs must admit children into the school readiness program according to the following priority:¹²

- A child younger than 13 years of age from a family that includes a parent who is receiving temporary cash assistance from the state for Family Self-Sufficiency¹³ and subject to the federal work requirements.
- An at-risk¹⁴ child younger than nine years of age.

Subsequent priority is given, based on the ELC's local priorities,¹⁵ to children who meet the following criteria:

- A child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school, who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school until the beginning of the school year in which the sibling is eligible to begin grade 6, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services.
- A child of a parent who transitions from the work program into employment, who is eligible for transitional child care,¹⁶ from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school.
- An at-risk child who is at least nine years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program under the two highest priorities is given priority over other children who are eligible under this paragraph.
- A child who is younger than 13 years of age from a working family that is economically disadvantaged.
- A child of a parent who transitions from the work program into employment and is eligible for transitional child care, who is younger than 13 years of age.
- A child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than three years of age. A special needs child remains eligible until the child is eligible for admission to kindergarten in a public school.
- A child who otherwise meets one of the highest two priorities and the highest two subsequent priorities, who is also enrolled concurrently in the federal Head Start Program and the VPK program.

¹¹ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 20 (last visited Mar. 25, 2021).

¹² Section 1002.87(1), F.S.

¹³ Chapter 414, F.S.

¹⁴ As defined in s. 1002.81(1), F.S.

¹⁵ Pursuant to s. 1002.85(2)(j), F.S.

¹⁶ As described in s. 445.032, F.S.

School Readiness Program Provider Standards

In order to be eligible to deliver the school readiness program, a provider must be:¹⁷

- A licensed child care facility;
- A licensed or registered family day care home;
- A licensed large family child care home;
- 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, as authorized in the CCDF plan.¹⁸

School readiness providers must participate in a program assessment.

Program Assessment

The OEL has adopted a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to five years.¹⁹ The OEL has selected the Teachstone Classroom Assessment Scoring System (CLASS) Assessment Tool as the program assessment, and requirements for observations and observers are provided in the Program Assessment Requirements Handbook.²⁰ CLASS observations must be provided by each ELC annually and observers who administer the CLASS must be certified for the age group of the classroom being observed. Certification is achieved by completing and passing all trainings and assessments required by Teachstone to conduct a CLASS observation; only ELC staff, OEL vendors, or ELC designees may conduct an observation.²¹

All school readiness providers must receive an annual program assessment and meet the required minimum program assessment composite score prior to executing a school readiness contract.²² No providers failed to earn the minimum program assessment score for eligibility to contract to deliver the school readiness program for the 2019-2020 program year.²³

School Readiness Funding

Funding for the school readiness program is allocated among the ELCs according to law and the General Appropriations Act.²⁴ The school readiness program is funded primarily by the CCDF

¹⁷ Section 1002.88(1), F.S.

¹⁸ Section 1002.88(1)(a). 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 2019-2021* at 80, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/CCDBG_FY2019-2021CCDFPlanFINAL_FINAL_4.9.19.pdf.

¹⁹ Section 1002.82(2)(n), F.S.

²⁰ *See* Form OEL-SR 740, *incorporated by reference in rule 6M-4.740, F.A.C.*; Florida's Office of Early Learning, *Classroom Assessment Scoring System* (2018). *See also* OEL, *Classroom Assessment Scoring System* (2018), http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/CLASS%20FAQ_ADA.pdf (last visited Mar. 25, 2021).

²¹ *See* Form OEL-SR 740 at 1, *incorporated by reference in rule 6M-4.740, F.A.C.*

²² Rule 6M-4.741, F.A.C.

²³ Email, Florida Department of Education (Dec. 15, 2020).

²⁴ Section 1002.89(1), F.S.

block grant.²⁵ State, federal, and local matching funds provided to an ELC for purposes of the school readiness program must be used for implementation of its approved school readiness program plan, including the hiring of staff to effectively operate the school readiness program.²⁶

For Fiscal Year 2020-2021, a total of \$895.9 million was appropriated for the school readiness program from state and federal funds.²⁷

The OEL establishes procedures for the adoption of a market rate schedule for the school readiness program. The schedule must include, at a minimum, county-by-county rates, differentiated by type of child care provider and the type of child care services provided.

Reimbursement rates for school readiness providers are paid based on a child's care level and unit of care as defined by the ELC's approved provider rate schedule for the county in which the provider's facility is located.²⁸ ELCs are required to consider the market rate schedule in the adoption of a payment schedule.

The payment schedule must consider the average market rate, include the projected number of children to be served, and be submitted for approval by the OEL. Informal child care arrangements may be reimbursed at no more than 50 percent of the rate adopted for a family day care home.²⁹

The 2019 market rate report includes a state summary that reflects market rates by provider type and service type. For example, for private centers without a special designation, the average market rate was \$36.71 for services provided to infants, and the 75th percentile rate was \$40.00, and the reimbursement rate was \$30.00.

The Voluntary Prekindergarten Education Program

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to professionally accepted standards.³⁰ In 2004, the State established a free VPK program offered to eligible four-year-old children.³¹ Parents may choose either a school-year or summer program offered by either a public or private school.³² \$412.2 million was appropriated from General Revenue for the VPK program in the 2020 General Appropriations Act, which included a base

²⁵ The Office of Early Learning, *2019-2021 Child Care Development Fund State Plan*, http://www.floridaearlylearning.com/oel_resources/ccdf_plan.aspx (last visited Mar. 25, 2021).

²⁶ Section 1002.89(5), F.S.

²⁷ Specific Appropriation 85, s. 2, ch. 2020-111, L.O.F.

²⁸ Rule 6M-4.500, F.A.C.

²⁹ Section 1002.895, F.S.

³⁰ Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

³¹ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

³² Section 1002.53(3), F.S.

student allocation of \$2,486 for the school-year program.³³ During the 2019-2020 academic year, the VPK program served 156,956 students.³⁴

ELCs and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.³⁵ A local ELC must coordinate with the local school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.³⁶

Statewide Kindergarten Readiness Screening

The Department of Education (DOE) has adopted a statewide kindergarten readiness screening, the Florida Kindergarten Readiness Screener (FLKRS),³⁷ and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.³⁸ The screening must measure a child's readiness for kindergarten in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.³⁹

Kindergarten student scores on the FLKRS administered during the first 30 days of the school year must demonstrate a score of at least 500 on the Star Early Literacy assessment to be considered "ready for kindergarten." For the fall 2019 administration of FLKRS, 53 percent of 190,805 kindergarten students were designated as "ready for kindergarten."⁴⁰

Kindergarten Readiness Rate

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual readiness screening.⁴¹ The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.⁴² The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK

³³ Specific Appropriation 88, s. 2, ch. 2020-111, L.O.F. The school year program consists of 540 instructional hours. Section 1002.71(1), F.S.

³⁴ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 8 (last visited Mar. 25, 2021).

³⁵ Section 1002.53(4), F.S.

³⁶ Section 1002.53(4), F.S.

³⁷ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS). Rule 6M-8.601(3)(b)1., F.A.C.; see also FDOE, *Florida Kindergarten Readiness Screener*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/flkrs/> (last visited Mar. 25, 2021).

³⁸ Sections 1002.69(1)-(3) and 1002.73, F.S.

³⁹ See s. 1002.67(1), F.S. See also Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, incorporated by reference in rule 6M-8.602, F.A.C.

⁴⁰ Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 46 (last visited Mar. 25, 2021).

⁴¹ Rule 6M-8.601(3)(b), F.A.C.

⁴² Sections 1002.69(5)-(6), F.S.; To be considered "ready for kindergarten," a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

preassessment and postassessment, known as the “Florida VPK Assessment.”⁴³ The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least two successive years of administration.⁴⁴

Preschool Development Grant

Florida’s OEL is one of 20 states that receives the Preschool Development Birth to Five Renewal Grant (Grant).⁴⁵ It provides Florida with \$13.4 million in funding each year for a total of three years.⁴⁶ The Grant is used to improve Florida’s programs and services to support young children and their families.⁴⁷ This is being done, in part, by analyzing data to determine whether the programs operate efficiently.⁴⁸

The OEL collaborates with the University of Florida (UF) to perform certain work required under the strategic plan which drives how the grant funds will be used.⁴⁹ UF is currently conducting analysis of state programs to determine needs and unduplicated count of children within the programs and developing reporting capacity of the current needs assessment portal.⁵⁰

III. Effect of Proposed Changes:

SB 1496 creates the “Brighter Future Act,” which creates s. 1002.56, F.S., to establish an Early Learning Scholarship program to be administered by the Office of Early Learning in order to close the opportunity gap by increasing access to high-quality early childhood programs. The bill provides scholarships for tuition and fees for students to attend early learning programs offered by qualified school readiness or Voluntary Prekindergarten Education Program providers.

Early Learning Scholarship Program Eligibility

Student eligibility

The bill provides that a student is eligible for a scholarship for tuition and fees to attend programs offered by providers⁵¹ if the student is a Florida resident who is not receiving any other state educational scholarship and is either:

- On the direct certification list. The bill defines the “direct certification list” as the certified list of children who qualify for the food assistance program, the Temporary Assistance for

⁴³ Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C.

⁴⁴ Section 1002.69(5), F.S.; Rule 6M-8.601(3)(b), F.A.C.

⁴⁵ The OEL, *Preschool Development Birth through Five Renewal Grant*, available at <http://www.floridaearlylearning.com/statewide-initiatives/preschool-development-grant-birth-through-five> (last visited March 25, 2021).

⁴⁶ *Id.*

⁴⁷ Florida’s State Advisory Council, *Florida Early Childhood Strategic Plan* (July 2019), available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/Strategic_Plan_FINAL_FINAL_10.16.19.pdf at ii, (last visited March 25, 2021).

⁴⁸ The OEL, *Preschool Development Birth through Five Renewal Grant*, *supra*, note 45.

⁴⁹ *Id.*; University of Florida, *Preschool Development Grant University of Florida Anita Zucker Center for Excellence in Early Childhood Studies Scope of Work* (July 2019), available at https://education.ufl.edu/research/files/2019/06/Preschool-Development-Grant_07-31-19.pdf (last visited March 24, 2021).

⁵⁰ *Id.*

⁵¹ The bill defines a “provider” as a Voluntary Prekindergarten Education Program or school readiness contracted provider approved pursuant to ss. 1002.55 and 1002.88 and which meets the eligibility requirements of the Act.

Needy Families Program, or the Food Distribution Program on Indian Reservations provided to the Department of Education by the Department of Children and Families; or

- The student meets at least one of the following:
 - Experiencing or has experienced homelessness or falls within the category “children known to the department,” who are dependent or children in shelter care;
 - The child of a parent⁵² younger than 21 years of age who is pursuing a high school or high school equivalency diploma; or
 - A member of a household in which the household income⁵³ level does not exceed 300 percent of the federal poverty level.

A student who initially receives a scholarship based on eligibility under this subsection remains eligible to participate until the student is admitted to kindergarten or attains the age of six years by February 1 of any school year.

Provider Eligibility

The bill specifies that a provider is eligible to receive scholarship funds if the provider:

- Meets the minimum kindergarten readiness rate to deliver the Voluntary Prekindergarten Education Program (VPK).
- Meets the minimum program assessment score to contract to deliver the school readiness program.

The bill specifies that the total amount of a scholarship award, or the amount of a scholarship award in combination with any other public funds received to provide early education or child care services for the student, may not exceed the program provider’s published private pay rate. The bill also specifies that scholarship funds may not be used to supplant any federal funding received by the program to provide services for the student.

The Office of Early Learning

The bill requires the Office of Early Learning (OEL) to:

- Coordinate annually with Early Learning Coalitions (ELCs) to issue scholarships from the program.
- Establish application timelines and determine the schedule for awarding scholarship awards by direct payment from ELCs to program providers in a manner that meets the needs of eligible parents and students.
- Report on program implementation and progress as part of its annual reporting requirements. The report must include, at a minimum, information on the number, ages, and priority levels of children served and the total number and amount of scholarships awarded by priority level.

⁵² The bill defines a “parent” as a resident of this state defined as either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Section 1000.21(5), F.S.

⁵³ The bill defines “household income” to mean “income” as defined in the Income Eligibility Guidelines for free and reduced price meals under the National School Lunch Program in 7 C.F.R. part 210 as published in the Federal Register by the United States Department of Agriculture.

- Contract with an independent contractor to evaluate the program. The OEL must include recommendations regarding the appropriate scholarship amount, the efficiency and effectiveness of program administration, and the impact on kindergarten readiness and be submitted by January 15, 2024, to the chairs and ranking minority members of the legislative committees and state agencies with primary jurisdiction over kindergarten through grade 12 education.
- Establish criteria for ELCs to use when determining the amount of scholarship awards.
- Adopt rules to administer the program.

Early Learning Coalitions

The bill requires ELCs to use the following priority order to award scholarships:

- Students who are in foster care.
- Students who are infants or toddlers with a current individualized family service plan.
- Students who have a parent younger than 21 years of age who is pursuing a high school or high school equivalency diploma.
- Students who are experiencing or have experienced homelessness or who fall within the category “children known to the department” as defined in s. 39.0016.
- Students who have a household family income that does not exceed 185 percent of the federal poverty level.
- Subject to available general revenue appropriation, students who have a household family income above 185 percent but not exceeding 300 percent of the federal poverty level.

The bill authorizes ELCs to prioritize applications on the basis of additional factors, including geographic location and whether the student’s family is currently receiving, or on a waiting list for, a publicly funded program providing early education or child care services.

State Powers

The bill specifies that the state is not liable for the award of funds or any use of awarded funds under the program. The bill also specifies that the program does not expand the regulatory authority of the state, its officers, or the office to impose additional regulations on participating private VPK providers beyond those reasonably necessary to enforce the requirements of the Act.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The scholarships required for the Early Learning Scholarship program are subject to an appropriation of state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 1002.56.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
