

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

26 required assessment; providing an appropriation;
 27 providing an effective date.

28

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

30

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

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

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

36 (e) A child in the custody of a parent who is considered a
 37 victim of domestic violence as verified by ~~residing in~~ a
 38 certified domestic violence center.

39 Section 2. Paragraphs (f) and (m) of subsection (2) and
 40 paragraph (a) of subsection (5) of section 1002.82, Florida
 41 Statutes, are amended, and paragraph (y) is added to subsection
 42 (2) of that section, to read:

43 1002.82 Office of Early Learning; powers and duties.—

44 (2) The office shall:

45 (f) Establish a unified approach to the state's efforts to
 46 coordinate a comprehensive early learning program. In support of
 47 this effort, the office:

48 1. Shall adopt specific program support services that
 49 address the state's school readiness program, including:

50 a. Statewide data information program requirements that

51 include:

52 (I) Eligibility requirements.

53 (II) Financial reports.

54 (III) Program accountability measures, including a program

55 assessment for school readiness program providers which measures

56 the quality of teacher-child interactions using a research-based

57 observation tool. The program assessment must include, at a

58 minimum, the adoption of quality measures, including a minimum

59 threshold for contracting purposes, a process for program

60 participation, exemptions, and improvement through the

61 completion of an improvement plan.

62 (IV) Child progress reports.

63 b. Child care resource and referral services.

64 c. A single point of entry and uniform waiting list.

65 2. May provide technical assistance and guidance on

66 additional support services to complement the school readiness

67 program, including:

68 a. Rating and improvement systems.

69 b. Warm-Line services.

70 c. Anti-fraud plans.

71 d. School readiness program standards.

72 e. Child screening and assessments.

73 f. Training and support for parental involvement in

74 children's early education.

75 g. Family literacy activities and services.

76 (m) Adopt by rule a standard statewide provider contract
77 to be used with each school readiness program provider, with
78 standardized attachments by provider type. The office shall
79 publish a copy of the standard statewide provider contract on
80 its website. The standard statewide contract shall include, at a
81 minimum, contracted slots, if applicable, in accordance with the
82 Child Care and Development Block Grant Act of 2014, 45 C.F.R.
83 parts 98 and 99; quality improvement strategies, if applicable;
84 program assessment requirements; and provisions for provider
85 probation, termination for cause, and emergency termination for
86 those actions or inactions of a provider that pose an immediate
87 and serious danger to the health, safety, or welfare of the
88 children. The standard statewide provider contract shall also
89 include appropriate due process procedures. During the pendency
90 of an appeal of a termination, the provider may not continue to
91 offer its services. Any provision imposed upon a provider that
92 is inconsistent with, or prohibited by, law is void and
93 unenforceable. Provisions for termination for cause must include
94 failure to meet the minimum quality measures established under
95 paragraph (f) for a period of up to 5 years.

96 (y) Coordinate with the Child Care Services Program Office
97 of the Department of Children and Families or its contracted
98 provider for a triennial evaluation of accrediting associations
99 approved under s. 402.281(3) to determine which accrediting
100 associations' requirements and processes positively impact child

101 outcomes. Based on the findings of the evaluation, the Office of
102 Early Learning shall set a payment differential for each child
103 care provider that has an active Gold Seal Quality Care
104 designation under s. 402.281 and has been accredited by an
105 accrediting association identified as positively impacting child
106 outcomes in the final report at a payment differential rate that
107 is 20 percent higher than the base approved reimbursement rate
108 for each care level and unit of care.

109 (5) By January 1 of each year, the office shall annually
110 publish on its website a report of its activities conducted
111 under this section. The report must include a summary of the
112 coalitions' annual reports, a statewide summary, and the
113 following:

114 (a) An analysis of early learning activities throughout
115 the state, including the school readiness program and the
116 Voluntary Prekindergarten Education Program.

117 1. The total and average number of children served in the
118 school readiness program, enumerated by age, eligibility
119 priority category, and coalition, and the total number of
120 children served in the Voluntary Prekindergarten Education
121 Program.

122 2. A summary of expenditures by coalition, by fund source,
123 including a breakdown by coalition of the percentage of
124 expenditures for administrative activities, quality activities,
125 nondirect services, and direct services for children.

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

129 4. A summary of annual findings and collections related to
 130 provider fraud and parent fraud.

131 5. Data regarding the coalitions' delivery of early
 132 learning programs.

133 6. The total number of children disenrolled statewide and
 134 the reason for disenrollment.

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

136 8. The number of school readiness program providers who
 137 have completed the program assessment required under paragraph
 138 (2) (f) and the number of providers who have not met the minimum
 139 threshold for contracting, have been granted an exemption, or
 140 have an active improvement plan based on the results of the
 141 program assessment under paragraph (2) (f).

142 ~~9.8.~~ The total number of provider contracts revoked and
 143 the reasons for revocation.

144 Section 3. Paragraphs (c) and (d) of subsection (2) of
 145 section 1002.85, Florida Statutes, are amended, and paragraph
 146 (j) is added to that subsection, to read:

147 1002.85 Early learning coalition plans.—

148 (2) Each early learning coalition must biennially submit a
 149 school readiness program plan to the office before the
 150 expenditure of funds. A coalition may not implement its school

151 readiness program plan until it receives approval from the
152 office. A coalition may not implement any revision to its school
153 readiness program plan until the coalition submits the revised
154 plan to and receives approval from the office. If the office
155 rejects a plan or revision, the coalition must continue to
156 operate under its previously approved plan. The plan must
157 include, but is not limited to:

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

- 160 1. Single point of entry.
- 161 2. Uniform waiting list.
- 162 3. Eligibility and enrollment processes and local
163 eligibility priorities for children pursuant to s. 1002.87.
- 164 4. Parent access and choice.
- 165 5. Sliding fee scale and policies on applying the waiver
166 or reduction of fees in accordance with s. 1002.84(8).
- 167 6. Use of preassessments and postassessments, as
168 applicable.
- 169 7. Payment rate schedule.
- 170 8. Use of contracted slots, as applicable, based on the
171 results of the assessment required under paragraph (j).

172 (d) A detailed description of the coalition's quality
173 activities and services, including, but not limited to:

- 174 1. Resource and referral and school-age child care.
- 175 2. Infant and toddler early learning.

176 3. Inclusive early learning programs.

177 4. Quality improvement strategies that strengthen teaching
 178 practices and increase child outcomes.

179 (j) An assessment based on available community data that
 180 identifies the needs of children and families and assesses
 181 provider capacity in order to inform local priorities within the
 182 coalition's county or multi-county region which most directly
 183 impact children's readiness for school.

184 Section 4. Subsections (1), (2), (3), and (7) of section
 185 1002.87, Florida Statutes, are amended to read:

186 1002.87 School readiness program; eligibility and
 187 enrollment.—

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

190 (a) Priority shall be given first to a child younger than
 191 13 years of age from a family that includes a parent who is
 192 receiving temporary cash assistance under chapter 414 and
 193 subject to the federal work requirements.

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

196 (c) Subsequent priority shall be given, based on the early
 197 learning coalition's local priorities identified under s.

198 1002.85(2)(j), to children who meet the following criteria: ~~next~~

199 ~~to~~

200 1. A child from birth to the beginning of the school year

201 for which the child is eligible for admission to kindergarten in
202 a public school under s. 1003.21(1)(a)2. who is from a working
203 family that is economically disadvantaged, and may include such
204 child's eligible siblings, beginning with the school year in
205 which the sibling is eligible for admission to kindergarten in a
206 public school under s. 1003.21(1)(a)2. until the beginning of
207 the school year in which the sibling is eligible to begin 6th
208 grade, provided that the first priority for funding an eligible
209 sibling is local revenues available to the coalition for funding
210 direct services.

211 ~~2.(d) Priority shall be given next to~~ A child of a parent
212 who transitions from the work program into employment as
213 described in s. 445.032 from birth to the beginning of the
214 school year for which the child is eligible for admission to
215 kindergarten in a public school under s. 1003.21(1)(a)2.

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

223 ~~4.(f) Priority shall be given next to~~ A child who is
224 younger than 13 years of age from a working family that is
225 economically disadvantaged. ~~A child who is eligible under this~~

226 ~~paragraph whose sibling is enrolled in the school readiness~~
227 ~~program under paragraph (c) shall be given priority over other~~
228 ~~children who are eligible under this paragraph.~~

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

232 ~~6.(h) Priority shall be given next to~~ A child who has
233 special needs, has been determined eligible as a student with a
234 disability, has a current individual education plan with a
235 Florida school district, and is not younger than 3 years of age.
236 A special needs child eligible under this paragraph remains
237 eligible until the child is eligible for admission to
238 kindergarten in a public school under s. 1003.21(1)(a)2.

239 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall~~
240 ~~be given last to~~ A child who otherwise meets one of the
241 eligibility criteria in paragraphs (a) and (b) and subparagraphs
242 (c)1. and 2. ~~-(d)~~ but who is also enrolled concurrently in the
243 federal Head Start Program and the Voluntary Prekindergarten
244 Education Program.

245 (2) A school readiness program provider may be paid only
246 for authorized hours of care provided for a child in the school
247 readiness program. A child enrolled in the Voluntary
248 Prekindergarten Education Program may receive care from the
249 school readiness program if the child is eligible according to
250 the eligibility priorities and criteria established in

251 subsection (1) ~~this section~~.

252 (3) Contingent upon the availability of funds, a coalition
253 shall enroll eligible children, including those from its waiting
254 list, according to the eligibility priorities and criteria
255 established in subsection (1) ~~this section~~.

256 (7) If a coalition disenrolls children from the school
257 readiness program, the coalition must disenroll the children in
258 reverse order of the eligibility priorities and criteria listed
259 in subsection (1) beginning with children from families with the
260 highest family incomes. A notice of disenrollment must be sent
261 to the parent and school readiness program provider at least 2
262 weeks before disenrollment to provide adequate time for the
263 parent to arrange alternative care for the child. However, an
264 at-risk child may not be disenrolled from the program without
265 the written approval of the Child Welfare Program Office of the
266 Department of Children and Families or the community-based lead
267 agency.

268 Section 5. Paragraphs (h) through (q) of subsection (1) of
269 section 1002.88, Florida Statutes, are redesignated as
270 paragraphs (j) through (s), respectively, present paragraphs (m)
271 and (o) of subsection (1) are amended, and new paragraphs (h)
272 and (i) are added to subsection (1) of that section, to read:

273 1002.88 School readiness program provider standards;
274 eligibility to deliver the school readiness program.—

275 (1) To be eligible to deliver the school readiness

276 program, a school readiness program provider must:

277 (h) Subject to legislative appropriation, participate in
278 the program assessment under s. 1002.82(2)(f).

279 (i) Subject to legislative appropriation, participate in
280 quality improvement strategies.

281 (o) ~~(m)~~ For a provider that is an informal provider, comply
282 with the provisions of paragraph (n) ~~paragraph (l)~~ or maintain
283 homeowner's liability insurance and, if applicable, a business
284 rider. If an informal provider chooses to maintain a homeowner's
285 policy, the provider must obtain and retain a homeowner's
286 insurance policy that provides a minimum of \$100,000 of coverage
287 per occurrence and a minimum of \$300,000 general aggregate
288 coverage. The office may authorize lower limits upon request, as
289 appropriate. An informal provider must add the coalition as a
290 named certificateholder and as an additional insured. An
291 informal provider must provide the coalition with a minimum of
292 10 calendar days' advance written notice of cancellation of or
293 changes to coverage. The general liability insurance required by
294 this paragraph must remain in full force and effect for the
295 entire period of the provider's contract with the coalition.

296 (q) ~~(e)~~ Notwithstanding paragraph (n) ~~paragraph (l)~~, for a
297 provider that is a state agency or a subdivision thereof, as
298 defined in s. 768.28(2), agree to notify the coalition of any
299 additional liability coverage maintained by the provider in
300 addition to that otherwise established under s. 768.28. The

301 provider shall indemnify the coalition to the extent permitted
 302 by s. 768.28.

303 Section 6. Paragraph (b) of subsection (6) of section
 304 1002.89, Florida Statutes, is amended to read:

305 1002.89 School readiness program; funding.—

306 (6) Costs shall be kept to the minimum necessary for the
 307 efficient and effective administration of the school readiness
 308 program with the highest priority of expenditure being direct
 309 services for eligible children. However, no more than 5 percent
 310 of the funds described in subsection (5) may be used for
 311 administrative costs and no more than 22 percent of the funds
 312 described in subsection (5) may be used in any fiscal year for
 313 any combination of administrative costs, quality activities, and
 314 nondirect services as follows:

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

318 1. Developing, establishing, expanding, operating, and
 319 coordinating resource and referral programs specifically related
 320 to the provision of comprehensive consumer education to parents
 321 and the public to promote informed child care choices specified
 322 in 45 C.F.R. s. 98.33.

323 2. Awarding grants and providing financial support to
 324 school readiness program providers and their staff to assist
 325 them in meeting applicable state requirements for the program

326 assessment required under s. 1002.82(2)(f), child care
327 performance standards, implementing developmentally appropriate
328 curricula and related classroom resources that support
329 curricula, providing literacy supports, and providing continued
330 professional development and training. Any grants awarded
331 pursuant to this subparagraph shall comply with ss. 215.971 and
332 287.058.

333 3. Providing training, technical assistance, and financial
334 support to school readiness program providers, staff, and
335 parents on standards, child screenings, child assessments, child
336 development research and best practices, developmentally
337 appropriate curricula, character development, teacher-child
338 interactions, age-appropriate discipline practices, health and
339 safety, nutrition, first aid, cardiopulmonary resuscitation, the
340 recognition of communicable diseases, and child abuse detection,
341 prevention, and reporting.

342 4. Providing, from among the funds provided for the
343 activities described in subparagraphs 1.-3., adequate funding
344 for infants and toddlers as necessary to meet federal
345 requirements related to expenditures for quality activities for
346 infant and toddler care.

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

350 6. Responding to Warm-Line requests by providers and

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351 | parents, including providing developmental and health screenings
352 | to school readiness program children.

353 | Section 7. For the 2018-2019 fiscal year, the sum of \$6
354 | million from the Child Care and Development Block Grant Trust
355 | Fund is appropriated to the Office of Early Learning to
356 | implement the amendments to s. 1002.82(2)(f) and (y), Florida
357 | Statutes, by this act.

358 | Section 8. This act shall take effect July 1, 2018.