

February 20, 2012

UPDATE: Early Learning Bills in Florida House and Senate

Three weeks into session, the House released several bills that would – to varying degrees – damage Florida’s school readiness system; a system that the Auditor General’s Office testified earlier this session is a “model” for the rest of the country.

This week, three of those bills were passed out of their respective committees. A Senate bill – the best of the bunch, but still containing some problem provisions – also passed out of committee. Here are the bills in play at this time, which are summarized below:

- **CS/SB 1794 (previously SB 7080)** – Senate Budget Committee Conforming Bill; Passed by the Budget Committee on Wednesday.
- **SB 1758** – Senator Anitere Flores; Tabled by the Senate Pre - K Education Committee on Tuesday.
- **CS/HB 7119** – Business & Consumer Affairs Subcommittee and Representative Ahern; Passed by the Economic Affairs Committee on Thursday.
- **CS/CS/HB 5103** – PreK-12 Appropriations Subcommittee, Coley; Passed the House last Thursday.
- **CS/HB 7085** – Fresen; Passed the Education Committee on Tuesday (addresses only VPK).

Our position: Florida United Ways support continued evaluation of, discussion about and improvements to the state’s school readiness and VPK programs. However, these bills are unacceptable. The school readiness system has evolved over time and has worked well. The state invests hundreds of millions of dollars annually into the program. It is imprudent and unwise to fundamentally restructure the entire program during a rushed, four week period in the middle of session. If change is needed and is to be made without the potential for huge unforeseen consequences, it should be done in a more deliberative process after session.

Overview of Early Education Bills

Below is a brief summary of the key issues addressed in the early education bills currently under discussion in the Legislature:

SB 1974 (previously SB 7080) was passed by the Budget Committee on Wednesday. The bill:

- requires the Office of Early Learning (OEL) to adopt a uniform chart of accounts for budgeting and financial reporting, which provides standard definitions for expenditures and reports for each of the following categories:
 - direct expenditures for services to children;
 - administrative costs;
 - non-direct expenditures; and
 - quality.
- removes Early Learning Coalition (coalition) authority to expend funds on “support services” beyond those listed in the bill:
 - child care resource and referral services;
 - warm-line services;
 - eligibility determinations;
 - child performance standards;
 - child screening and assessment;
 - developmentally appropriate curricula;
 - health and safety requirements;
 - statewide data system requirements; and
 - rating and improvement systems.

- requires prioritization of federal and state funds for direct services;
- requires pre- and post-assessment aligned with performance standards with the pre-assessment performed within 45 days after enrollment;
- requires adoption of a statewide, standardized contract that can not be added to and must be used by coalitions when contracting with school readiness providers;
- requires adoption of a statewide, standardized contract monitoring tool that must be used by each coalition when monitoring compliance of school readiness providers;
- specifies that OEL shall coordinate with other state agencies to perform data matches on families participating in the school readiness program in order to ensure proper eligibility for the school readiness program;
- requires 31 or fewer coalitions and that each coalition serve at least 1,700 children per month, and if a coalition serves fewer children then it must merge with another coalition to form a multi-county coalition;
- requires a parent co-payment of at least 10 percent of a family's income. A coalition may grant a waiver on a case-by-case basis and in accordance with federal law;
- provides that after school service priority be given to a child who is younger than 13 years of age and who is a sibling of a child enrolled in the school readiness program and that other low income children will not be eligible unless at risk;
- provides that no more than 18 percent of a coalition's funding may be used for administrative, nondirect and quality expenditures, and total administrative expenditures must not exceed 4 percent; and
- requires the OEL to adopt payment rates for school readiness providers based on the prevailing market rate schedule.

Read the bill.

SB 1758 was tabled by the Senate Prek-12 Education Committee on Tuesday.

Read the bill.

CS/HB 7119 was passed by the Economic Affairs Committee on Thursday. Among others, the bill:

- provides that curriculum by a sectarian provider may not be limited or excluded;
- requires the Office of Early Learning (OEL) to maintain a single statewide database;
- specifies that a standard, statewide provider agreement must be used between coalitions and providers and it cannot be deviated from;
- requires OEL to coordinate with the Department of Economic Opportunity to perform data matches on families in the school readiness program and receiving unemployment compensation;
- requires statewide pre- and post-assessment aligned with the child development standards be implemented and used by providers to inform classroom instruction (may not be used to evaluate providers);
- provides that OEL shall adopt a list of approved curricula and create a review process to determine if a provider's curriculum meets child development standards;
- requires OEL to develop a coalition scorecard to measure coalition performance;
- provides that no more than 31 coalitions may be established, and each coalition must serve at least 1,700 children or merge with another coalition;
- provides that coalition boards be composed of at least 15 but not more than 30 members;
- authorizes OEL to contract with a "qualified entity" to administer the school readiness or VPK program if a coalition does not merge as required or follow the law;
- requires that coalitions use a standard monitoring tool to monitor providers to ensure they are licensed, ensure basic health and safety, enhance age appropriate progress of each child, implement an OEL approved curriculum, and ensure minimum standards of discipline;

- provides that after school service priority be given to a child who is younger than 13 years of age and who is a sibling of a child enrolled in the school readiness program and that other low income children will not be eligible unless at risk;
- provides that children will be disenrolled if their parents are unemployed for more than 30 days; • provides that no more than 18 percent of state and federal funds may be used by a coalition on administrative, “quality” and nondirect activities, and total administrative expenditures must not exceed 4 percent;
- limits “quality activities” to: resource and referral programs, grants to providers, training and technical assistance, pre- and post-assessments, and responding to warm-line requests;
- requires that a sliding fee scale for parent co-payment be implemented, which can be waived on a case-by-case basis for at-risk children;
- provides for investigations of and penalties against persons defrauding the system; and
- repeals the Child Care Executive Partnership and provides that OEL will run the Executive Partnership Program.

Read the bill.

CS/CS/HB 5103 was passed by the House last Thursday. Among others, the bill:

- allows expenditures for activities to improve the quality of child care, including warm-line services, parent training, developmental and health screenings for school readiness children, and implementing uniform pre/post assessments;
- limits Early Learning Coalition (coalition) expenditures to:
 - 4 percent for administration;
 - 8 percent for nondirect expenditures; and
 - 6 percent for quality activities.
- allows coalitions to expend any unused funds, within the expenditure limits from administrative activities and nondirect services, for quality activities;
- removes eligibility for after school services for children of working poor parents unless they are at risk. (At least 32,000 six, seven, and eight year olds will be dis-enrolled from after school services across the state. The projected \$26.2 million “saved” will be used to increase the number of slots for 0-5 year olds.); and
- reduces the minimum number of allowable coalitions from 31 to 25 and the minimum number of children that a coalition must serve from 2,000 to 1,700, and removes the ability of a coalition to receive a waiver preventing it from having to merge with another coalition.

Read the bill.

CS/HB 7085 was passed by the Education Committee on Tuesday. The bill:

- requires OEL to adopt by rule a statewide VPK provider agreement, prohibits a coalition from omitting, supplementing, or amending provisions of the agreement, prohibits a coalition from inserting or including attachments, addenda, or exhibits to the agreement, and prohibits modifications to the agreement;
- repeals provisions in current law that provide an aspirational goal for the 2013-14 academic year that each VPK class have at least one prekindergarten instructor who holds a bachelor’s or higher degree in the field of early childhood education or child development; and
- requires that VPK providers amend their student enrollment counts by December 31 for the prior fiscal year.

Read the bill.