

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 1532

INTRODUCER: Senator Stargel

SUBJECT: Early Learning Coalitions

DATE: January 26, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Olenick</u>	<u>Graf</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1532 authorizes early learning coalitions to refuse to contract with a school readiness program provider if the provider has been cited for a class I violation.

The bill takes effect July 1, 2018.

II. Present Situation:

The school readiness program was established in 1999¹ and offers financial assistance for child care to working class families; children in protective services who are at risk of abuse, neglect or abandonment; and children with disabilities.²

School Readiness Program

The school readiness program (program) is a state-federal partnership between Florida's Office of Early Learning (OEL)³ and the Office of Child Care of the United States Department of Health and Human Services.⁴ The program is administered by early learning coalitions (ELCs) at the county or regional level.⁵

¹ Section 1, ch. 99-357, L.O.F.

² Sections 1002.87(1)(a)–(i), and 1002.81(1), F.S.

³ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness Program and the VPK Program. Section 1, ch. 2013-252, L.O.F., *codified as s. 1001.213*, F.S.

⁴ See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, <https://www.acf.hhs.gov/occ/fact-sheet-occ> (last visited Jan. 26, 2018).

⁵ Section 1002.83(1), F.S.

At the state level, the OEL administers the program, including statewide coordination of the ELCs.⁶ The OEL administers the federal Child Care and Development Block Grant Trust Fund, which funds are used to implement the school readiness program.⁷ The Florida Department of Children and Families' (DCF) Office of Child Care Regulations the agency responsible for the state's child care provider licensing program, inspects licensed and license exempt childcare providers that provide a school readiness program for specified health and safety standards.⁸

School Readiness Program Eligibility

To be eligible to deliver the school readiness program in this state, a provider must be:⁹

- A licensed child care facility;
- A licensed or registered family day care home (FDCH);
- A licensed large family child care home (LFCCH);
- A public school or nonpublic school;
- A license-exempt faith-based child care provider;
- A before-school or after-school program; or
- An informal childcare provider authorized in the state's Child Care and Development Fund plan.

All school readiness programs must be inspected to ensure compliance with basic health and safety for its premises and comply with the age-appropriate immunizations of children enrolled in the school Readiness Program.¹⁰ In addition, each childcare facility, family day care home, and large family day care home must annually submit to the DCF an affidavit of compliance with the requirements to report instances of child abuse, abandonment, or neglect.¹¹

Early Learning Coalition Responsibilities

The early learning coalitions are tasked to administer and implement a local comprehensive program of school readiness program services in accordance with the law and rule adopted by the OEL, which enhances the cognitive, social and physical development of children to achieve the performance standards.¹² There are currently 30 early learning coalitions.¹³

Florida law specifies the responsibilities for the ELCs.¹⁴ The responsibilities include a requirement that each ELC monitor the school readiness program providers in accordance with the coalition's plan, or in response to a parental complaint, to verify that the standards specified

⁶ Section 1001.213(3), F.S.

⁷ Section 1002.82(1), F.S.

⁸ See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

⁹ Section 1002.88(1)(a), F.S.

¹⁰ Rule 6M-4.620, F.A.C. The Department of Children and Families or the local licensing agency (whichever is applicable) is authorized to inspect school readiness providers.

¹¹ Section 402.319(3), F.S.

¹² Section 1002.84(1), F.S.

¹³ Florida's Office of Early Learning, *Parents – Contact your County's Early Learning Coalition*, http://www.floridaearlylearning.com/parents/find_quality_child_care/locate_a_child_care_resource_referral_program/county_s_early_learning_coalition.aspx (last visited Jan. 26, 2018).

¹⁴ Section 1002.84, F.S.

in law¹⁵ are being met using a standard monitoring tool adopted by the OEL.¹⁶ Providers determined to be high-risk by the ELC, as determined by substantial findings of violations of federal law or the general or local laws of the state, must be monitored more frequently.¹⁷ Providers with 3 consecutive years of compliance may be monitored biennially.¹⁸

Florida law specifies that if a school readiness program provider fails or refuses to comply with school readiness program provider standards¹⁹ or any contractual obligation of the statewide provider contract,²⁰ the ELC may revoke the provider's eligibility to deliver the Schools Readiness Program or receive state or federal funds for a period of five years.²¹

Additionally, presently, ELCs may terminate a provider's contract if the provider has one or more Class I violations, five or more Class II violations, or six or more Class III violations, and the violation(s) pose an immediate and serious danger to the health, safety and welfare of the children in care.²²

Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.²³ Class II violations are less serious than Class I violations, and could pose a threat to the health, safety or well-being of a child, although the threat is not imminent.²⁴ Class III violations are less serious than either Class I or Class II violations, and pose a low potential for harm to children.²⁵ A list of Class I, II and III violations are provided in the Office of Early Learning, school readiness program, Health and Safety Checklist.²⁶

¹⁵ Sections 1002.82 and 1002.88, F.S.

¹⁶ Section 1002.84(15), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 1002.88, F.S.

²⁰ The Office of Early Learning must adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office must publish a copy of the standard statewide provider contract on its website. The standard statewide contract must include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract must also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable. Section 1002.82(2)(m), F.S.

²¹ Section 1002.88(2), F.S.

²² Section 1002.82(2)(m), F.S. *see also* The Office of Early Learning, *School Readiness Program Health and Safety Standards Handbook*, (Feb. 2017), available at

http://www.floridaearlylearning.com/sites/www/Uploads/files/Statewide%20Initiatives/Health%20and%20Safety/HS%20Handbook%20Facilities_OEL-SR-6202_ADA.pdf, at 51-52 of 53.

²³ *Id.* at 50.

²⁴ *Id.*

²⁵ *Id.*

²⁶ The Office of Early Learning, *School Readiness Program, Health and Safety Checklist - Public and Nonpublic schools*, (Feb. 2017) available at https://www.flrules.org/gateway/readRefFile.asp?refId=7846&filename=Form_OEL-SR-6203_February_2017_HS_Checklist_Public_NonPublic_Schools.pdf.

III. Effect of Proposed Changes:

SB 1532 authorizes early learning coalitions (ELCs) to refuse to contract with a school readiness program provider if the provider has been cited for a Class I violation. This authority is consistent with the ELC's authority to terminate a provider's contract if the provider has one or more Class I violations.²⁷ Accordingly, the bill may assist with maintaining a safe environment for children enrolled in school readiness programs.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁷ The Office of Early Learning, *School Readiness Program Health and Safety Standards Handbook*, (Feb. 2017), available at http://www.floridaearlylearning.com/sites/www/Uploads/files/Statewide%20Initiatives/Health%20and%20Safety/HS%20Handbook%20Facilities_OEL-SR-6202_ADA.pdf, at 51-52 of 53.

VIII. Statutes Affected:

This bill substantially amends section 1002.88 of the Florida Statutes.

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.
