

1 A bill to be entitled
2 An act relating to early learning; amending s.
3 1002.67, F.S.; revising provisions relating to removal
4 of a provider from eligibility to deliver the
5 Voluntary Prekindergarten Education Program or receive
6 certain funding under certain circumstances; amending
7 s. 1002.83, F.S.; revising provisions relating to
8 membership of early learning coalitions; amending s.
9 1002.84, F.S.; revising a provision relating to the
10 powers and duties of early learning coalitions;
11 amending s. 1002.87, F.S.; requiring each coalition to
12 establish child eligibility priorities based on local
13 community needs for participation in the school
14 readiness program; removing certain child eligibility
15 priorities for such program; conforming provisions;
16 amending s. 1002.88, F.S.; revising a provision
17 relating to revocation of a provider's eligibility to
18 deliver the school readiness program or receive
19 certain funding under certain circumstances; amending
20 s. 1002.91, F.S.; conforming provisions; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Paragraphs (b) and (c) of subsection (4) of

26 | section 1002.67, Florida Statutes, are amended to read:

27 | 1002.67 Performance standards; curricula and
28 | accountability.—

29 | (4)

30 | (b) If a private prekindergarten provider or public school
31 | fails or refuses to comply with this part, or if a provider or
32 | school engages in misconduct, the office shall require the early
33 | learning coalition to remove the provider and require the school
34 | district to remove the school from eligibility to deliver the
35 | Voluntary Prekindergarten Education Program and receive state
36 | funds under this part for a period of no more than 5 years.

37 | (c)1. If the kindergarten readiness rate of a private
38 | prekindergarten provider or public school falls below the
39 | minimum rate adopted by the office as satisfactory under s.
40 | 1002.69(6), the early learning coalition or school district, as
41 | applicable, shall require the provider or school to submit an
42 | improvement plan for approval by the coalition or school
43 | district, as applicable, and to implement the plan; shall place
44 | the provider or school on probation; and shall require the
45 | provider or school to take certain corrective actions, including
46 | the use of a curriculum approved by the office under paragraph
47 | (2)(c) or a staff development plan to strengthen instruction in
48 | language development and phonological awareness approved by the
49 | office.

50 | 2. A private prekindergarten provider or public school

51 that is placed on probation must continue the corrective actions
52 required under subparagraph 1., including the use of a
53 curriculum or a staff development plan to strengthen instruction
54 in language development and phonological awareness approved by
55 the office, until the provider or school meets the minimum rate
56 adopted by the office as satisfactory under s. 1002.69(6).
57 Failure to implement an approved improvement plan or staff
58 development plan shall result in the termination of the
59 provider's contract to deliver the Voluntary Prekindergarten
60 Education Program for a period of no more than 5 years.

61 3. If a private prekindergarten provider or public school
62 remains on probation for 2 consecutive years and fails to meet
63 the minimum rate adopted by the office as satisfactory under s.
64 1002.69(6) and is not granted a good cause exemption by the
65 office pursuant to s. 1002.69(7), the office shall require the
66 early learning coalition or the school district to remove, as
67 applicable, the provider or school from eligibility to deliver
68 the Voluntary Prekindergarten Education Program and receive
69 state funds for the program for a period of 5 years.

70 Section 2. Subsections (6) through (14) of section
71 1002.83, Florida Statutes, are renumbered as subsections (7)
72 through (15), respectively, subsection (3) is amended, and a new
73 subsection (6) is added to that section, to read:

74 1002.83 Early learning coalitions.—

75 (3) The Governor shall appoint the chair and two other

76 | members of each early learning coalition, who must each meet the
77 | same qualifications as private sector business members appointed
78 | by the coalition under subsection (5). If a coalition's chair
79 | resigns or has not been appointed, the coalition's vice chair
80 | shall serve as chair until the Governor appoints a new chair.

81 | (6) Notwithstanding subsections (3)-(5), an early learning
82 | coalition may appoint voting at-large members who do not have,
83 | and whose relatives as defined in s. 112.3143(1)(c) do not have,
84 | a substantial financial interest in the design or delivery of
85 | the Voluntary Prekindergarten Education Program or the school
86 | readiness program.

87 | Section 3. Subsection (15) of section 1002.84, Florida
88 | Statutes, is amended to read:

89 | 1002.84 Early learning coalitions; school readiness powers
90 | and duties.—Each early learning coalition shall:

91 | (15) Determine provider eligibility to enter into a school
92 | readiness contract and monitor school readiness program
93 | providers in accordance with its plan, or in response to a
94 | parental complaint, to verify that the standards prescribed in
95 | ss. 1002.82 and 1002.88 are being met using a standard
96 | monitoring tool adopted by the office. Providers determined to
97 | be high-risk by the coalition, as demonstrated by substantial
98 | findings of violations of federal law or the general or local
99 | laws of the state, shall be monitored more frequently. Providers
100 | with 3 consecutive years of compliance may be monitored

101 biennially.

102 Section 4. Subsections (1), (2), (3), and (7) of section
103 1002.87, Florida Statutes, are amended to read:

104 1002.87 School readiness program; eligibility and
105 enrollment.—

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

108 (a) Priority shall be given first to a child younger than
109 13 years of age from a family that includes a parent who is
110 receiving temporary cash assistance under chapter 414 and
111 subject to the federal work requirements.

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

114 (c) Priority shall be given next to a child from birth to
115 the beginning of the school year for which the child is eligible
116 for admission to kindergarten in a public school under s.
117 1003.21(1)(a)2. who is from a working family that is
118 economically disadvantaged, and may include such child's
119 eligible siblings, beginning with the school year in which the
120 sibling is eligible for admission to kindergarten in a public
121 school under s. 1003.21(1)(a)2. until the beginning of the
122 school year in which the sibling is eligible to begin 6th grade,
123 provided that the first priority for funding an eligible sibling
124 is local revenues available to the coalition for funding direct
125 services.

126
127 In addition to the eligibility priorities listed in this
128 subsection, each early learning coalition shall establish
129 eligibility priorities based on local community needs and
130 consistent with the child eligibility requirements under the
131 school readiness program.

132 ~~(d) Priority shall be given next to a child of a parent~~
133 ~~who transitions from the work program into employment as~~
134 ~~described in s. 445.032 from birth to the beginning of the~~
135 ~~school year for which the child is eligible for admission to~~
136 ~~kindergarten in a public school under s. 1003.21(1)(a)2.~~

137 ~~(e) Priority shall be given next to an at-risk child who~~
138 ~~is at least 9 years of age but younger than 13 years of age. An~~
139 ~~at-risk child whose sibling is enrolled in the school readiness~~
140 ~~program within an eligibility priority category listed in~~
141 ~~paragraphs (a) - (c) shall be given priority over other children~~
142 ~~who are eligible under this paragraph.~~

143 ~~(f) Priority shall be given next to a child who is younger~~
144 ~~than 13 years of age from a working family that is economically~~
145 ~~disadvantaged. A child who is eligible under this paragraph~~
146 ~~whose sibling is enrolled in the school readiness program under~~
147 ~~paragraph (c) shall be given priority over other children who~~
148 ~~are eligible under this paragraph.~~

149 ~~(g) Priority shall be given next to a child of a parent~~
150 ~~who transitions from the work program into employment as~~

151 ~~described in s. 445.032 who is younger than 13 years of age.~~

152 ~~(h) Priority shall be given next to a child who has~~
153 ~~special needs, has been determined eligible as a student with a~~
154 ~~disability, has a current individual education plan with a~~
155 ~~Florida school district, and is not younger than 3 years of age.~~
156 ~~A special needs child eligible under this paragraph remains~~
157 ~~eligible until the child is eligible for admission to~~
158 ~~kindergarten in a public school under s. 1003.21(1)(a)2.~~

159 ~~(i) Notwithstanding paragraphs (a)-(d), priority shall be~~
160 ~~given last to a child who otherwise meets one of the eligibility~~
161 ~~criteria in paragraphs (a)-(d) but who is also enrolled~~
162 ~~concurrently in the federal Head Start Program and the Voluntary~~
163 ~~Prekindergarten Education Program.~~

164 (2) A school readiness program provider may be paid only
165 for authorized hours of care provided for a child in the school
166 readiness program. A child enrolled in the Voluntary
167 Prekindergarten Education Program may receive care from the
168 school readiness program if the child is eligible according to
169 the eligibility priorities and criteria established pursuant to
170 subsection (1) in this section.

171 (3) Contingent upon the availability of funds, a coalition
172 shall enroll eligible children, including those from its waiting
173 list, according to the eligibility priorities and criteria
174 established pursuant to subsection (1) in this section.

175 (7) If a coalition disenrolls children from the school

176 | readiness program, the coalition must disenroll the children in
 177 | reverse order of the eligibility priorities and criteria
 178 | established pursuant to ~~listed in~~ subsection (1) beginning with
 179 | children from families with the highest family incomes. A notice
 180 | of disenrollment must be sent to the parent and school readiness
 181 | program provider at least 2 weeks before disenrollment to
 182 | provide adequate time for the parent to arrange alternative care
 183 | for the child. However, an at-risk child may not be disenrolled
 184 | from the program without the written approval of the Child
 185 | Welfare Program Office of the Department of Children and
 186 | Families or the community-based lead agency.

187 | Section 5. Subsection (2) of section 1002.88, Florida
 188 | Statutes, is amended to read:

189 | 1002.88 School readiness program provider standards;
 190 | eligibility to deliver the school readiness program.—

191 | (2) If a school readiness program provider fails or
 192 | refuses to comply with this part or any contractual obligation
 193 | of the statewide provider contract under s. 1002.82(2)(m), the
 194 | coalition may revoke the provider's eligibility to deliver the
 195 | school readiness program or receive state or federal funds under
 196 | this chapter for a period of no more than 5 years.

197 | Section 6. Subsection (5) of section 1002.91, Florida
 198 | Statutes, is amended to read:

199 | 1002.91 Investigations of fraud or overpayment;
 200 | penalties.—

HB 1359

2017

201 (5) If a school readiness program provider or a Voluntary
202 Prekindergarten Education Program provider, or an owner,
203 officer, or director thereof, is convicted of, found guilty of,
204 or pleads guilty or nolo contendere to, regardless of
205 adjudication, public assistance fraud pursuant to s. 414.39, or
206 is acting as the beneficial owner for someone who has been
207 convicted of, found guilty of, or pleads guilty or nolo
208 contendere to, regardless of adjudication, public assistance
209 fraud pursuant to s. 414.39, the early learning coalition shall
210 refrain from contracting with, or using the services of, that
211 provider for a period of 5 years. In addition, the coalition
212 shall refrain from contracting with, or using the services of,
213 any provider that shares an officer or director with a provider
214 that is convicted of, found guilty of, or pleads guilty or nolo
215 contendere to, regardless of adjudication, public assistance
216 fraud pursuant to s. 414.39 for a period of no more than 5
217 years.

218 Section 7. This act shall take effect July 1, 2017.