

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB PCB KCOS 12-01 Voluntary Prekindergarten Education Program

**SPONSOR(S):** K-20 Competitiveness Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:**

| REFERENCE   | ACTION | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|---|--------|---------|--|
| Orig. Comm.: K-20 Competitiveness<br>Subcommittee |        | Graf    | Ahearn                                   |

### SUMMARY ANALYSIS

The bill increases accountability by requiring:

- The Auditor General to conduct audits of the early learning coalitions. In addition, the bill requires the Office of Early Learning (OEL) to monitor and evaluate the performance of each early learning coalition, review each Early Learning Coalition's (ELC's) finances, and evaluate each ELC's operations and administration of the Voluntary Prekindergarten (VPK) Program.
- The OEL to adopt by rule, a statewide provider agreement that must be used by each early learning coalition when contracting with a VPK provider and specifying the terms that must be included in the agreement:
  - Child eligibility and enrollment procedures;
  - Student reenrollment requirements;
  - Provider eligibility requirements;
  - Program performance and accountability requirements;
  - Requirements for the maintenance of records and data and the confidentiality of such information;
  - Provisions requiring compliance with antidiscrimination laws;
  - Provisions prohibiting a private prekindergarten provider or public school from requiring payment of any fee or charge inconsistent with law;
  - Provisions prohibiting a private prekindergarten provider or public school from requiring a child's enrollment in or payment of any fee or charge for supplemental services in a manner inconsistent with the law;
  - Requirements for notifications between the early learning coalition, the private prekindergarten provider or public school and the parent, which may include, for example, student withdrawal from the program and temporary closure of the facility;
  - Procedures for reporting and certification of student attendance;
  - Specific grounds for termination of the provider agreement;
  - Dispute resolution procedures; and
  - Provision under which the private prekindergarten provider, public school, or school district indemnifies the ELC from liability arising under the provider agreement.

The bill also repeals s. 1002.65, F.S., which states aspirational goals regarding VPK instructor credentials and s. 1002.77, F.S., which establishes the Florida Early Learning Advisory Council.

Finally the bill prohibits a VPK provider from amending its student enrollment count after December 31.

The bill may have minimal fiscal impact. See FISCAL COMMENTS.

The bill takes effect July 1, 2012.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background – Voluntary Prekindergarten (VPK) Program**

In 2004, the Legislature established the VPK program, a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.<sup>1</sup> A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program.<sup>2</sup> Parents may choose either a school-year or summer program offered by either a private VPK provider or public school or a specialized instructional services program for children who have disabilities, if the child has been evaluated and determined eligible and has a current individual educational plan.<sup>3</sup> The child remains eligible for the VPK program until he or she is eligible for kindergarten in a public school or is admitted to kindergarten, whichever occurs first.<sup>4</sup> A child may not attend the summer VPK program earlier than the summer immediately before the academic year in which the child becomes eligible for kindergarten.<sup>5</sup>

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Each ELC is the single point of entry for VPK student registration and enrollment in its county or multi-county service area.<sup>6</sup> Each ELC must coordinate with each school district in its service area to develop procedures for enrolling children in public school VPK programs.<sup>7</sup> Local oversight of individual VPK providers is split, with ELCs providing administration over privately provided programs and school districts administering public school programs.<sup>8</sup>

The Office of Early Learning (OEL), Department of Education (DOE), and Department of Children and Family Services (DCF) each play a role in state level oversight of the VPK program. As lead agency for Florida's school readiness system, OEL governs the day-to-day operations of the VPK program.<sup>9</sup> OEL oversees each ELC regarding child enrollment, attendance reporting, and payment of VPK providers as well as monitors VPK providers for compliance with program requirements.<sup>10</sup>

DOE adopts kindergarten readiness standards, approves VPK curricula, oversees statewide kindergarten readiness screening, calculates kindergarten readiness rates, approves emergent literacy

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<sup>1</sup> Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; Art. IX, s. 1(b) and (c), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment: 59 percent for to 41 percent against. Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=34708&seqnum=1> (last visited Jan. 26, 2012).

<sup>2</sup> Section 1002.53(2), F.S.

<sup>3</sup> Section 1002.53(3), F.S.; s. 1002.66, F.S., (Specialized instructional services for children with disabilities).

<sup>4</sup> Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten. Section 1003.21(1)(a)2., F.S.

<sup>5</sup> Section 1002.61(2)(c), F.S.

<sup>6</sup> Sections 411.01(5)(c)1.e. and 1002.53(4)(a)-(b), F.S. Each ELC must serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months. There are currently 31 ELCs, which is the maximum permitted by law. Section 411.01(5)(a)2., F.S. Office of Early Learning, *Early Learning Coalition Directory*, [http://www.floridaearlylearning.com/EarlyLearning/OEL\\_Coalitions\\_CoalitionsDirectory.html](http://www.floridaearlylearning.com/EarlyLearning/OEL_Coalitions_CoalitionsDirectory.html) (last visited Jan. 26, 2012).

<sup>7</sup> Section 1002.53(4)(c), F.S.

<sup>8</sup> Sections 1002.53(6), 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

<sup>9</sup> Sections 411.01(4)(a) and 1002.75(1)-(2), F.S. In 2011, the Legislature transferred the Office of Early Learning from the Agency for Workforce Innovation to the Department of Education as a separate budget entity, not subject to control, supervision, or direction by the Department of Education or the State Board of Education. Sections 12 and 305, ch. 2011-142, L.O.F.

<sup>10</sup> Section 1002.75(2), F.S.

training courses and VPK director credentials, and specifies Child Development Associate (CDA) credentials<sup>11</sup> that qualify for articulation into college credit.<sup>12</sup>

DCF administers the state's child care provider licensing program and posts VPK provider profiles on its website.<sup>13</sup>

## **VPK Program Accountability**

### *Present Situation*

Current law requires OEL to monitor and evaluate the performance of each ELC in administering the VPK program. OEL must, at a minimum, review each early learning coalition's finances, management, operations, and program administration.<sup>14</sup>

In 2011, the Legislature required the Auditor General to conduct a financial and performance audit of OEL's programs and related delivery systems.<sup>15</sup> The audit focused on the governance structure of the state's early learning programs, statewide administration and oversight of the School Readiness and VPK programs, and operations of the ELCs. The audit disclosed that notwithstanding the adequacy of design of the early learning program governance structure, "OEL did not always provide the oversight necessary for the effective and efficient administration of the School Readiness and VPK Education programs."<sup>16</sup> In addition, the audit also disclosed deficiencies in ELCs' financial management, operations, program administration, information technology practices, and noncompliance with state and federal regulations. The audit pointed out that several control deficiencies at OEL and at the early learning coalitions contributed to ineffective program administration.<sup>17</sup>

Audit findings regarding ELCs' administration of the VPK Education program are as follows:

- Some ELCs did not always ensure that VPK program eligibility and enrollment files were maintained in accordance with applicable provisions of State law and OEL rules or that data contained in Enhanced Field System (EFS) database accurately reflected the information documented in the child eligibility files.
- Some ELCs did not always document that parents were informed of their rights and responsibilities or that VPK Program provider profiles were made available as required by State law.
- Some ELCs did not always maintain documentation demonstrating that, prior to delivering VPK Program instruction or receiving payment, VPK Program providers submitted complete and signed Statewide Provider Registration Applications.
- Some ELCs did not always maintain documentation to demonstrate that background screenings had been properly performed and reviewed for all VPK instructors.
- Some ELCs did not always maintain documentation to demonstrate that VPK instructor requirements, including education and training requirements, had been satisfied.
- ELC payments to VPK Program providers were not always supported by appropriate documentation.

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<sup>11</sup> The CDA credential is a child care credential issued by the Council on Professional Recognition. Council for Professional Recognition, *How to Earn a CDA*, <http://www.cdacouncil.org/the-cda-credential/how-to-earn-a-cda> (last visited Jan. 26, 2012).

<sup>12</sup> Sections 1002.57(1), 1002.59, 1002.67(1) and (2), 1002.73(2), and 1007.23(5), F.S.

<sup>13</sup> Sections 402.301-402.319, F.S.; see Florida Department of Children and Family Services, *Provider Search*, <http://dcfsanswrite.state.fl.us/Childcare/provider> (last visited Jan. 26, 2012).

<sup>14</sup> Section 411.01(4)(l), F.S.

<sup>15</sup> Section 2, ch. 2011-142, L.O.F.

<sup>16</sup> Florida Auditor General, *Early Learning Programs and Related Delivery Systems*, Report No. 2012-061 (Dec. 2011), at 1, available at [http://www.myflorida.com/audgen/pages/pdf\\_files/2012-061.pdf](http://www.myflorida.com/audgen/pages/pdf_files/2012-061.pdf).

<sup>17</sup> *Id.*

- Some ELCs did not utilize comprehensive monitoring schedules to track the results of School Readiness and VPK Program provider monitoring efforts.<sup>18</sup>

### Effect of Proposed Changes

The bill requires the Auditor General to conduct audits of the ELCs. In addition, the bill requires OEL to monitor and evaluate the performance of each early learning coalition, review each ELC's finances, and evaluate each ELC's operations and administration of the VPK Program. These oversight functions are currently required of OEL in Chapter 411, F.S., regarding early childhood assistance.<sup>19</sup> The bill reiterates those same requirements in the section of law addressing OEL's powers and duties with regard to the VPK Program. By so doing, some of the concerns identified in the Auditor General's financial and performance audit of OEL, as discussed above, are addressed.

## **Provider Agreement**

### Present Situation

Current law requires OEL to adopt procedures for ELCs to register public schools and private prekindergarten providers to deliver the VPK Program. Each public school and private prekindergarten provider delivering the school-year or summer term VPK Program must register with an early learning coalition on forms prescribed by OEL.<sup>20</sup>

OEL has adopted a Statewide Provider Registration Application that a public school or a private kindergarten provider must use to register with a coalition to participate in the VPK Program.<sup>21</sup> In addition, OEL has adopted, in rule, a Statewide Provider Agreement, the terms and conditions of which must be identically contained in a provider agreement that each ELC must use when contracting with a school district or a private kindergarten provider to deliver VPK Program services.<sup>22</sup>

Each ELC must maintain a fully executed copy of each provider agreement. The provider agreement may not omit, supplement, include attachments, addenda or exhibits, or amend the terms and conditions of the provider agreement unless:

- The coalition submits the agreement to the OEL in writing; and
- The Deputy Director for OEL approves the agreement before the coalition and a VPK provider execute the agreement.

An ELC is not authorized to execute a provider agreement with a VPK provider before the VPK provider registers on forms prescribed by the OEL and the coalition determines eligibility of the provider to offer VPK services.<sup>23</sup>

A school district is authorized to sign a single provider agreement on behalf of all public school VPK providers in the district. Similarly, the owner or manager of multiple private VPK providers is authorized, on their behalf, to sign a single provider agreement with a coalition. An early learning coalition must be a party to a provider agreement.<sup>24</sup>

The audit conducted by the Auditor General, discussed above, disclosed that files maintained at some ELCs did not always contain a completed and signed Statewide Provider Registration Application. In addition, a review of ELCs' agreements and contracts including contractual service contracts for

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<sup>18</sup> *Id.*, at 2-3.

<sup>19</sup> Section 411.01, F.S., deals with school readiness programs and early learning coalitions. Subsection (4) addresses OEL's oversight functions.

<sup>20</sup> Sections 1002.75(2)(c), 1002.55(3)(h), 1002.61 (2)(b) and (8)(a), and 1002.63 (8)(a), F.S.

<sup>21</sup> Rule 60BB-8.300, F.A.C.

<sup>22</sup> Rule 60BB-8.301, F.A.C.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

provider and child eligibility determinations, provider monitoring, data entry, bookkeeping, and issuance of provider payments revealed that some ELCs “did not always include important provisions, such as provisions allowing for unilateral cancellation of contract should a contractor refuse to allow public access to applicable documents, identifying the contract renewal or extension terms, or specifying the financial consequences should a contractor fail to perform in accordance with the contract.”<sup>25</sup>

### Effect of Proposed Changes

The bill requires OEL to adopt by rule, a statewide provider agreement that must be used by each early learning coalition when contracting with a VPK provider. The provider agreement must include:

- Child eligibility and enrollment procedures;
- Student reenrollment requirements;
- Provider eligibility requirements;
- Program performance and accountability requirements;
- Requirements for the maintenance of records and data and the confidentiality of such information;
- Provisions requiring compliance with antidiscrimination laws;
- Provisions prohibiting a private prekindergarten provider or public school from requiring payment of any fee or charge inconsistent with law;
- Provisions prohibiting a private prekindergarten provider or public school from requiring a child’s enrollment in or payment of any fee or charge for supplemental services in a manner inconsistent with the law;
- Requirements for notifications between the early learning coalition, the private prekindergarten provider or public school and the parent, which may include, for example, student withdrawal from the program and temporary closure of the facility;
- Procedures for reporting and certification of student attendance;
- Specific grounds for termination of the provider agreement;
- Dispute resolution procedures; and
- Provision under which the private prekindergarten provider, public school, or school district indemnifies the ELC from liability arising under the provider agreement.

Currently, VPK program provider agreements vary from one ELC to another and vary among the providers within an ELC area of service. Some ELCs, either with or without OEL approval, add many additional requirements to the agreement. These additional requirements create lack of uniformity across the state and establish additional standards for some providers. The overall goal of a provider agreement is to establish necessary accounting and procedural requirements and program outcome and accountability standards, not to add provisions in excess of that goal. Furthermore, additional requirements that focus on inputs not outcomes do often create fiscal impacts.<sup>26</sup>

The bill prohibits an early learning coalition from omitting, supplementing, or amending provisions in the statewide provider agreement. In addition, the bill prohibits an early learning coalition from inserting or including attachments, addenda, or exhibits to the provider agreement. Unlike existing law, the bill does not allow for exceptions to this requirement; i.e., no ability to append pursuant to OEL’s approval.

### **Instructor Credentials**

#### Present Situation

A private prekindergarten provider or public school offering a school-year VPK Program must have for each class at least one instructor with the following credentials:

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<sup>25</sup> Florida Auditor General, *Early Learning Programs and Related Delivery Systems*, Report No. 2012-061 (Dec. 2011), available at [http://www.myflorida.com/audgen/pages/pdf\\_files/2012-061.pdf](http://www.myflorida.com/audgen/pages/pdf_files/2012-061.pdf).

<sup>26</sup> See emails, Smith, Bryan and Myers, (Oct. 27-28, 2011) (providing copies of provider agreements with attachments and addenda).

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition, plus five hours of training in emergent literacy;<sup>27</sup> or
- A credential approved by the Department of Children and Family Services as being equivalent to or greater than the CDA, plus “five clock hours” of training in emergent literacy.<sup>28</sup>

In addition, a public school or private prekindergarten provider offering a school-year VPK Program must have a second adult instructor for each class of 12 or more students; however, the second instructor is not required to have the same qualifications as the lead instructor.<sup>29</sup>

A private prekindergarten provider or public school offering a summer VPK Program must have for each class a Florida-certified teacher or at least one instructor with the following credentials:

- Bachelor’s or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science, or
- Bachelor’s or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the teaching certificate is current.<sup>30</sup>

Section 1002.65, F.S., enacted in 2004,<sup>31</sup> states that the aspirational goal for the 2010-11 academic year is to have at least one prekindergarten instructor holding an associate’s or higher degree in the field of early childhood education or child development and meet other requirements.

The law does not require these standards and the 2010-11 academic year has passed.

Section 1002.65, F.S., also provides an aspirational goal for the 2012-12 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. Research does not support requiring bachelor degrees at this level of instruction because student learning outcomes are not statistically better for instructors with a CDA credential as opposed to a bachelor’s degree.<sup>32</sup>

### Effect of Proposed Changes

The bill repeals s. 1002.65, F.S., which states aspirational goals regarding VPK instructor credentials. This section is unnecessary because the statute is only a statement of aspirational goals and not a requirement. In addition, research does not support the additional degree requirements aspired to under s. 1002.65, F.S.<sup>33</sup> Also, implementation of these goals may increase the cost to employ VPK instructors. Finally, even though the bill repeals s. 1002.65, F.S., both private prekindergarten providers

<sup>27</sup> Sections 1002.55(3)(c)1.a. and 2., F.S. Emergent literacy includes oral communication, knowledge of print and letters, phonemic and phonological awareness (recognition that words are made up of sounds), and vocabulary and comprehension development. See ss. 1002.59 and 1002.67(1)(b), F.S.

<sup>28</sup> Sections 1002.55(3)(c)1.b. and 2. and (4) and 1002.59, F.S.

<sup>29</sup> Sections 1002.55(3)(f) and 1002.63(7), F.S.

<sup>30</sup> Section 1002.61(4), F.S.; see also s. 1002.55(4)(a) and (b), F.S. (list of educational credentials authorized for instructors in summer VPK Program).

<sup>31</sup> Section 1, ch. 2004-484, L.O.F.

<sup>32</sup> Howes, Carolle, *Children’s experiences in center-based child care as a function of teacher background and adult:child ratio*, Merrill-Palmer Quarterly: Journal of Developmental Psychology, Vol. 43(3), July 1997, at 404-425, available at <http://psycnet.apa.org/psycinfo/1997-07143-004>; Early, D.M., Maxwell, K.L., and Burchinal, M., *Teachers’ Education, Classroom Quality, and Young Children’s Academic Skills: Results From Seven Studies of Preschool Programs*, Child Development, Vol. 78(2), March/April 2007, at 558-580, available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8624.2007.01014.x/full>; see also Fixing Checker Finn’s Preschool Bandwagon, Early Ed Watch (May 15, 2009)(“Pre-K advocates have been ... too focused on inputs as measures of quality. Many of the criteria currently used to evaluate quality in pre-k programs – adult:child ratios, whether or not teachers have a bachelor’s degree – are pure input measures.”)

<sup>33</sup> See *infra* text accompanying notes 26-32 for a discussion of the aspirational goals.

and public schools, on their own volition, are not prohibited from employing instructors with these additional credentials.

## **Student Enrollment Count**

### *Present Situation*

OEL has established payment procedures and a uniform attendance policy used for funding purposes.<sup>34</sup> Funds are distributed monthly to ELCs for payments to private prekindergarten providers and public schools.<sup>35</sup> Each ELC is advanced funds based on projected attendance. Once school begins, parents certify attendance each month for the prior month.<sup>36</sup> Subsequent funds are reconciled based on actual attendance.<sup>37</sup>

### *Effect of Proposed Changes*

The bill prohibits a VPK provider from amending its student enrollment count after December 31.

Each VPK provider is required to submit its student enrollment count to the ELC to receive payment for VPK services. Currently, a VPK provider can amend its student enrollment count at any time. The bill establishes a deadline by which a provider may amend its student enrollment count. Allowing amendment of student enrollment counts at any time is inefficient and may contribute to ineffective, untimely record-keeping.

## **Florida Early Learning Advisory Council**

### *Present Situation*

In 2004, the Legislature established the Florida Early Learning Advisory Council.<sup>38</sup> The purpose of the advisory council is to submit recommendations to DOE on early learning policy of the state including recommendations regarding administration of the VPK program. The chair of the council is appointed by the Governor. The members of the council include the chair of each ELC, a member appointed by the President of the Senate, and a member appointed by the Speaker of the House of Representatives.<sup>39</sup>

The chair of the council and its appointed members are required to have a background in early learning. Council members serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses, and must meet at least quarterly. OEL provides administrative support.<sup>40</sup>

### *Effect of Proposed Changes*

The bill repeals s. 1002.77, F.S., which establishes the Florida Early Learning Advisory Council. Any such "early learning council" would be more appropriately established in Chapter 411, F.S., dealing with early learning.

In addition, a similar advisory council, called the State Advisory Council on Early Childhood Education and Care, exists in the Florida Children and Youth Cabinet in the Office of the Governor.

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<sup>34</sup> Section 1002.71(5)(b) and (6)(d), F.S.; rule 60BB-8.204, F.A.C.

<sup>35</sup> Section 1002.71(5)(b), F.S.

<sup>36</sup> Section 1002.71(6)(b)1. and 2., F.S.

<sup>37</sup> Section 1002.71(5)(b), F.S.

<sup>38</sup> Section 1, ch. 2004-484, L.O.F.

<sup>39</sup> Section 1002.77(1) and (2), F.S.

<sup>40</sup> Section 1002.77(2) and (3), F.S.

Federal law requires that the Governor establish a State Advisory Council on Early Childhood Education and Care.<sup>41</sup> The Governor is authorized to “designate an existing entity to serve as the State Advisory Council.” The Governor did not designate the Florida Early Learning Advisory Council as the State Advisory Council. Instead, the Governor established the State Advisory Council on Early Childhood Education and Care and appointed members as required by federal law.<sup>42</sup>

The purpose of the State Advisory Council on Early Childhood Education and Care is to “lead the development of a high quality, comprehensive system of early childhood education and care that ensures statewide coordination and collaboration among the wide array of early childhood programs and services in the State, including Head Start, child care and pre-kindergarten programs and services.”<sup>43</sup>

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 1002.55(3), F.S., relating to school-year VPK programs delivered by private VPK providers, requiring that a private VPK provider execute the statewide provider agreement; and providing exceptions.

**Section 2.** Amends s. 1002.61, F.S., relating to summer VPK programs delivered by public school and private VPK providers, requiring that a VPK provider execute the statewide provider agreement; and providing exceptions.

**Section 3.** Amends s. 1002.63, F.S., relating to school-year VPK program delivered by public schools, requiring that the public VPK provider execute the statewide provider agreement; and providing exceptions.

**Section 4.** Creates s. 1002.64, relating to the creation of a statewide provider agreement, requiring OEL rule development of a statewide provider agreement; specifying requirements for the content and use of the agreement; specifying requirements regarding the use of the agreement; requiring submission to the Legislature of the draft rule 30 days before publication to the Legislature; prohibiting an ELC from executing agreements with private VPK providers until the coalition determines that the providers are eligible to deliver the program.

**Section 5.** Amends s. 1002.71(3), F.S., relating to PVK financial and attendance reporting; revising requirements for the calculation of student enrollment for purposes of initial allocations of funds for the VPK Program; providing for the monthly reporting of student enrollment; and requiring the Auditor General to conduct audits of ELCs.

**Section 6.** Amends s. 1002.75, F.S., relating to the powers, duties, and operational requirements of OEL; Requiring OEL to monitor and evaluate the performance, finances, and operations of ELCs.

**Section 7.** Amends s. 411.01, F.S., relating to school readiness programs and early learning coalitions; repealing references to the Florida Early Learning Advisory Council.

**Section 8.** Repeals ss. 1002.65 and 1002.77, F.S., relating to aspirational VPK instructor credentials and the Florida Early Learning Advisory Council.

**Section 9.** Provides an effective date of July 1, 2010.

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<sup>41</sup> 42 U.S.C. 9831 (Improving Head Start for School Readiness Act of 2007) s. 642B(b)(1)(A).

<sup>42</sup> *Id.*

<sup>43</sup> Office of the Governor, *Florida Children and Youth Cabinet State Advisory Council on Early Education and Care*, available at [http://www.flgov.com/child\\_advocacy\\_cyc\\_saceec/](http://www.flgov.com/child_advocacy_cyc_saceec/).



## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill requires ELCs and VPK providers to use a statewide VPK provider agreement, to be adopted, in rule, by OEL. The bill restricts ELCs from adding, or removing, requirements to the agreement. Currently some providers are experiencing increased costs for program delivery because of certain ELC additions to the provider agreement. This bill should eliminate those additional costs.

### D. FISCAL COMMENTS:

Repealing the Florida Early Learning Advisory Council eliminates the payment of per diem and travel to its members. The amount paid annually for per diem and travel is not known, but is minimal.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

This bill requires OEL to adopt, by rule, a statewide VPK provider agreement that must be used by all ELCs and VPK providers.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.