1989

Session Law 89-304

Florida Senate & House of Representatives

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H 535 GENERAL BILL/CS/CS/1ST ENG by Rules & Calendar; Education; Guber; Friedman; Libert; Frankel and others (Similar CS/S 1361; Compare H 310, H 650, 2ND ENG/H 1154)

Education/School-Age Child Care: defines term "homeless child"; requires admission of homeless children to public schools; revises purpose of school-age child care incentives program, & provisions re submission of proposals for such incentives programs; revises requirements for approval of proposals & funding priority; provides for award of grants; revises employment requirements of community education coordinators, etc. Amends Chs. 228, 232. Effective Date: 07/05/89.

03/07/89 HOUSE Prefiled
03/10/89 HOUSE Referred to Education; Appropriations
04/04/89 HOUSE Introduced, referred to Education; Appropriations —HJ 56; On Committee agenda—Education, 04/06/89, 8:40 am, 413-C—For referral to subcommittee
04/06/89 HOUSE Subreferred to Subcommittee on Programs; On subcommittee agenda—Education, 04/07/89, 10:15 am, Senate Room C
04/07/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS; On Committee agenda—Education, 04/11/89, 3:30 pm, 413-C
04/11/89 HOUSE Preliminary Committee Action by Education: Favorable as a CS
04/14/89 HOUSE Comm. Report: CS by Education —HJ 233; CS read first time —HJ 230; Now in Appropriations —HJ 233
04/24/89 HOUSE Subreferred to Subcommittee on Education
05/08/89 HOUSE On Committee agenda— Appropriations, 05/10/89, 8:00 am, 21-HOB—for ratification of subreferral
05/12/89 HOUSE On Committee agenda— Appropriations, 05/16/89, 8:00 am, 21-HOB—withdrawal from subcommittee; On Committee agenda— Appropriations, 05/16/89, 8:00 am, 21-HOB
05/16/89 HOUSE Preliminary Committee Action by Appropriations: Favorable
05/18/89 HOUSE Comm. Report: Favorable by Appropriations, placed on Calendar —HJ 537
06/22/89 HOUSE Withdrawn from Calendar, referred to Rules & Calendar —HJ 665
05/23/89 HOUSE On Committee agenda— Rules & Calendar, 05/23/89, 1:30 pm, 413-C; Preliminary Committee Action by Rules & Calendar: Favorable as a CS
05/24/89 HOUSE Comm. Report: CS/CS by Rules & Calendar, placed on Calendar —HJ 630; Placed on Special Order Calendar; CS read first and second times; Amendment adopted; Read third time; CS passed as amended; YEAS 100 NAYS 15 —HJ 619
05/25/89 SENATE In Messages
05/29/89 SENATE Received, referred to Education; Appropriations —SJ 499
06/31/89 SENATE Withdrawn from Education —SJ 670; Now in Appropriations
06/01/89 SENATE Withdrawn from Appropriations —SJ 687; Placed on Special Order Calendar —SJ 686 & —SJ 827; CS passed; YEAS 35 NAYS 0 —SJ 855
06/01/89 Ordered enrolled
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-304

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
Committee Substitute for Committee Substitute for House Bill 535 amends s. 228.0617, F.S., relating to the School-age Child Care Incentives Program. The focus of the program is changed from establishing a few pilot programs to providing money to school districts for (1) planning a program, (2) implementing a program in the first year, or (3) serving at risk children. Other program improvements are made, and obsolete language deleted.

The bill amends ss. 228.041, 232.01, and 228.121, F.S., relating to school attendance to provide that homeless children have access to a free public education.

Section 229.071, F.S., related to community education is changed to permit the employment of part-time community education coordinators. School boards are required to give funding priority to programs that provide child care and to programs that result from interagency planning and sharing of resources between the Department of Education and the Department of Health and Rehabilitative Services.

A. PRESENT SITUATION:

SCHOOL-AGE CHILD CARE. "School-age child care" is any program formally designed and organized to provide supervision and care for school children during those days and hours school is not in session, including before school, after school, and during vacations. These programs are frequently called "latchkey"
programs—a reference to the keys carried by children whose parents are not home after school.

Usually, these latchkey programs involve children from ages five to ten, although some older children between 11 and 13 (preteens) also attend programs with components designed especially for them. These programs have traditionally been provided by private enterprise and public agencies or through informal family and neighborhood arrangements. A growing trend is for the school to provide this care through formal activities before- and after-school and on non-school days. In some Department of Health and Rehabilitative Services districts, school-age child care programs operated in school buildings are required to be licensed as child care centers pursuant to ss. 402.301-402.319.

The 1986 Legislature established the School-age Child Care Incentives Program (s. 228.0617, F.S.) to provide funds for several small pilot programs and a clearinghouse for assistance to districts in establishing before- and after-school programs. Currently, the clearinghouse is provided through contract with Latchkey Services for Children, Inc. of Pinellas County, and the following school districts are receiving state incentive grants:

- Alachua
- Brevard
- Collier
- Escambia
- Leon
- Levy
- Palm Beach
- Pinellas
- St. Lucie
- Suwannee
- Volusia

The present School-age Child Care Incentives Program:

- is intended to encourage the design and implementation of model programs to provide school-age child care in an environment beneficial to child development and to provide incentives to public schools and other public and private agencies for the establishment of programs
- provides grants to at least one small, one medium, and one large school district for implementing new and conducting ongoing programs in public schools
- provides 75% of the needed funds for the first year and 50% of the funds for the second year
- provides two grants for partnerships between school districts and local park and recreation departments to provide after-school programs for preteens
- directs the Department of Education to develop a "request for proposal" for a statewide clearinghouse for school-age child care programs to be operated by a private, nonprofit organization
- directs the clearinghouse to provide information and services
to local school districts and to establish a local advisory council.

HOMELESS CHILDREN. The Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, requires states to provide homeless children and the children of residents with the same access to public education. Any state that has residency as a requirement for school attendance must review and revise the law to provide a free public education to homeless children and youth. While Florida does not have residency requirements, four statutes have been identified as sometimes serving as barriers to enrollment in school by homeless children:

- s. 228.121, F.S., permits school districts to charge a tuition fee of $50 for nonresidents
- s. 232.03, F.S., requires evidence of birth (age)
- s. 232.0315, F.S., requires health examination
- s. 232.032, F.S., requires proof of immunization against certain communicable diseases

According to the Department of Education, there are 7,295 homeless children residing in 19 districts. However, the nature of homelessness makes it difficult to count homeless people, and the number should be considered an approximation.

COMMUNITY EDUCATION. The Florida Community Education Act, section 228.071, F.S., requires community education coordinators to be employed full-time by the district. Twenty of the smaller Florida School districts do not currently have a community education program.

B. EFFECT OF PROPOSED CHANGES:

SCHOOL-AGE CHILD CARE INCENTIVE PROGRAM. The School-age Child Care Incentives Program would be amended to make program improvements and to implement the recommendations of the Department of Education in the January, 1988, "School-age Child Care Programs Operated by Florida School Districts" required by s. 228.0617, F.S. The focus of the program would be changed from establishing a few pilot programs to providing money to school districts for (1) planning a program, (2) implementing a program in the first year, or (3) serving at risk children.

The following additional changes would be made to the present program:

- The purpose of the program would be expanded to include providing equal access to school-age child care programs regardless of children's geographic location or family income, establishing business-education partnerships, and encouraging school districts to place a high priority on serving at risk children, seeking supplementary funding,
utilizing community schools, and contracting with other public and private providers of school-age child care

- An "at risk" child would be defined as a child eligible for participation in the free school lunch program (family income up to 130% of the federal poverty level)

- Grant guidelines regarding size of districts and percentage of funds would be removed

- The Department of Education could place the clearinghouse in a school district, community college, state university, or other public or private nonprofit agency and would review the clearinghouse grant award annually

- The clearinghouse's technical assistance role would be emphasized and expanded to include all school districts and other public and private entities interested in school-age child care

- The clearinghouse would establish a state-wide advisory council to recommend standards for school-age child care, address concerns of school-age child care providers, and report to the Legislature concerning the status of school-age child care in the state by January 1, 1995

- By July 1, 1990, the Department of Education and Department of Health and Rehabilitative Services would jointly recommend to the State Board of Education rules appropriate to school-age child care. Upon promulgation of these rules, programs for school-age children approved by district school boards and housed in school buildings would not be required to be licensed as child care centers pursuant to ss. 402.301-402.319.

- Obsolete language would be removed.

EDUCATION OF HOMELESS CHILDREN. To ensure that homeless children have access to free public education, the following changes would be made to Florida law:

- Section 228.041, F.S., would be amended to add a definition of "homeless child"

- An addition to s. 228.121, F.S., would prohibit school districts from charging nonresident tuition for homeless children

- Section 232.01, F.S., would be amended to provide that homeless children have access to a free public education and that they be admitted to schools in the school district in which the families are located

- School districts would be required to assist homeless children meet the requirements of s. 232.03, F.S., (proof of age), s. 232.0315, F.S., (health exam), and s. 232.032, F.S.
(immunization).

COMMUNITY EDUCATION. The requirement in s. 229.071, F.S., that community education coordinators be employed full-time by the districts would be amended. Districts without a community education coordinator and districts seeking to increase the number of community education coordinators would be authorized to hire a part-time coordinator for up to three years.

Two additional categories would be added to the list of community education programs to receive priority funding: programs to provide before-school and after-school child care and programs that result from collaboration between the Department of education and the Department of Health and Rehabilitative Services.

C. SECTION-BY-SECTION ANALYSIS:

SECTION 1 amends s. 228.041, F.S., to define "homeless child".

SECTION 2 amends s. 232.01, F.S., to provide that homeless children have access to a free public education.

SECTION 3 amends s. 228.121, F.S., to prohibit districts to charge a tuition for homeless children.

SECTION 4 amends s. 228.0617, F.S., to make changes in the School-age Child Care Incentive Program.

SECTION 5 amends s. 229.071, F.S., pertaining to community education.

SECTION 6 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   None

2. Recurring or Annualized Continuation Effects:

   Indeterminate. See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

   None

4. Appropriations Consequences:

   None
B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None

2. Recurring or Annualized Continuation Effects:
   None

3. Long Run Effects Other Than Normal Growth:
   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None

2. Direct Private Sector Benefits:
   None

3. Effects on Competition, Private Enterprise, and Employment Markets:

   Although the intent of the School-age Child Care Incentives Program is to assist school districts to serve children not currently being cared for after school by private enterprise and the bill encourages contracting with existing public and private providers of school-age child care, some private providers fear competition should the School-age Child Care Incentives Program become implemented on a larger scale.

D. FISCAL COMMENTS:

Since 1986, the School-age Child Care Incentives Program has been funded in the General Appropriations Act at $500,000. This amount has established the clearinghouse with an annual budget of $75,000 and provided up to eleven annual incentive grants. For the FY 1989-90, the House suggested $2,000,000 for the program. The final appropriation was $1,500,000 from the Education Enhancement Trust Fund (lottery).

III. LONG RANGE CONSEQUENCES:

The need for services to children has been documented in the state comprehensive plan. The following policies are specifically addressed:

(1)(b)16.g. Identify and encourage policies which raise the expectations, performance, and motivation of socio-economically and academically disadvantaged students.

(2)(b)11. Promote the preservation and strengthening of families by
providing programs designed to reduce the occurrence of abuse and neglect.

(2)(b)24. Ensure the safety of children and the quality of services they receive in residential, day care, and treatment programs through necessary and appropriate regulations.

IV. COMMENTS:

This bill is consistent with the following declarations in the Policy Statement:

Business Growth:

II.A. If our industries are to have competent, productive workers and exist in a safe environment, we must intensify our efforts to raise healthy, literate, productive children.

Governmental Efficiency and Effectiveness:

I.C.2. Joint use facilities and public/private partnerships at all levels of government might also prove cost effective.

Human Resource Development:

I.A.1.h. The potential for extending both the school day and the school year should be explored. Increased use of school facilities through after-school programs would benefit both children and the community.

I.B. Other children's issues and responses to those challenges include:

I.B.1. The need for day care and other programs to deal with "latchkey kids".

I.C.2. Developing incentives for private corporations to provide day care and providing publicly subsidized day care based on need.

SCHOOL-AGE CHILD CARE. The recent Gallup Poll reports that 77 percent of parents with children in public schools would like the school to provide before- and after-school programs for their children. However, other persons feel that responsibility for these programs is not an appropriate role for the schools.

Currently in Florida, 65 percent of the mothers of school-age children are single heads of households or part of a dual income family; this percentage of working mothers is expected to increase. An estimated 180,000 Florida elementary students are without care during non-school hours of the working day.

In the 1987-88 school year, 34 school districts operated school-age child care programs and more than 33,000 students participated. Thirteen of the districts reported a waiting list of students for
serving agency such as the YMCA.

School districts report a cost per child for school-age child care of $.40 to $1.30 per hour. Almost all school districts require these programs to be self-supporting and charge fees ranging from $3 to $27 per week, thus no extra costs are reportedly incurred by the districts due to providing the programs. The necessary fees and tuition, however, make the programs inaccessible to lower income families. A few districts are able to provide the program free or on a sliding scale to a small number of families through use of Title XX Subsidized Child Care Funds (administered through the Department of Health and Rehabilitative Services). Availability of Title XX funds is limited, however, as an estimated 30,000 children are on the waiting list for this assistance in Florida.

House Bill 535, relating to school-age child care, originated as a product of the Committee on Education's Subcommittee on Programs and was reported favorably by the subcommittee on April 7, 1989. The bill was approved as a committee substitute by the Committee on Education on April 11, 1989, and was approved by the Committee on Appropriations on May 12, 1989. The Committee on Rules and Calendar added the provisions of SB 1361, relating to homeless children, and HB 1154, relating to community education, and reported the bill favorably as a committee substitute for the committee substitute on May 23, 1989. The combined bill was passed by the House (100/15) on May 24, 1989, and by the Senate (35/0) on June 1, 1989.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

Ann K. Levy, Ph.D.

APPROPRIATIONS:
Prepared by:

David E. Lycan

Staff Director:

Neal N. Berger, Ph.D.

Dr. James A. Zingale
I. SUMMARY:

A. Present Situation:

Homeless Children

The Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, requires states to assure that homeless children have access to public education just as children of residents have. Any state that has residency requirements as a component of public attendance laws must review and revise the law as necessary to afford a free public education to homeless children and youth. While Florida does not have residency requirements, the Department of Education's Bureau of Compensatory Education identified four statutes that sometimes serve as barriers to homeless children's enrollment in school. The four statutes are listed below:

Section 228.121, F.S., permits school districts to charge a nonresident tuition fee of $50.00, but prohibits districts from charging tuition for children of military employees, civilian employees whose education is paid for by federal subsidy to state-supported schools, or migratory agricultural workers.

Section 232.03, F.S., requires evidence of date of birth, such as a birth certificate or baptismal certificate, for a child's admission to school.

Section 232.0315, F.S., requires a certification of a school entry health examination before a child can be admitted to public school.

Section 232.032, F.S., requires children to have proof of immunization against certain communicable diseases before they can attend school.

According to the Department of Education's survey of school districts, there are 7,295 homeless children residing in 19 districts. However, the nature of homelessness makes it difficult to count homeless people, and the number should be considered an approximation.

School-age Child Care

The School-age Child Care Incentives Program established in s. 228.0617, F.S., provides funds for several small pilot programs and for a clearinghouse to assist school districts that want to establish before- and after-school child care programs. A 7-member advisory council reviews and makes recommendations regarding the clearinghouse's activities. Latchkey Services, Inc., of Pinellas county serves as the clearinghouse for school-age child care.
The program provides grants to at least one small, one medium-sized, and one large district. Eleven districts received state incentive grants at present.

B. Effect of Proposed Changes:

Homeless Children

The committee substitute would amend s. 228.041, F.S., to define homeless child.

The committee substitute would amend s. 232.01, F.S., to require school districts to admit homeless children to public schools and to assist them to meet the provisions of ss. 232.03, 232.0315, and 232.032, F.S., which require proof of date of birth, immunizations, and a health exam before children can be admitted to school.

The committee substitute would amend s. 228.121, F.S., to prohibit school districts from charging nonresident tuition fees to homeless children.

School-age Child Care

The committee substitute would amend s. 228.121, F.S., to revise requirements for the School-age Child Care Incentives Program. Districts could receive grants for one of three purposes: planning a program, implementing a program in its first year, or serving at-risk children, defined by the bill as those who qualify for free lunch. The requirement that at least one grant go to a small, a medium-sized, and a large district would be deleted.

School districts would be encouraged to cooperate with businesses, community-based programs, private and subsidized providers of child care, and parks and recreation departments. The 7-member limit would be removed from the school-age child care advisory council, and the Department of Education would be authorized to contract with a school district, community college, university, or nonprofit agency to serve as a statewide clearinghouse and provide technical assistance to school districts.

By 1995, the the advisory council would have to report to the Legislature on the status of school-aged child care in the state and make recommendations.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The School-age Child Care Incentive Program is funded as authorized in the General Appropriations Act. The 1989 Senate Appropriations Bill allocates $500,000 for school-age child care.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1361

The committee substitute makes it clear that homeless children have to meet the requirements of ss. 232.03, 232.0315, and 232.032, F.S., for proof of date of birth, immunizations, and a health exam and requires school districts to assist them to meet those requirements.

Section 228.121, F.S., is amended to prohibit school districts from charging nonresident tuition fees to homeless children.

The committee substitute incorporates the text of CSHB 535, relating to the school-aged child care incentives program. Section 228.121, F.S., is amended to establish three purposes for school-age child care incentive grants: planning a program, implementing a program, or serving at-risk children, defined by the bill as those who qualify for free lunch. The committee substitute removes the requirement that at least one grant go to a small, a medium-sized, and a large school district.

The committee substitute would remove the 7-member limit for the school-aged child care advisory council, and require the council to report to the Legislature on the status of child care by 1995. The Department of Education would be authorized to contract with a school district, community college, university, or nonprofit agency to serve as a statewide clearinghouse.

Committee on Education

[Signature]

Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)