

# DCF Licensing of After School Programs

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The City of Orlando's Journey

August 26, 2019

# Overview

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- Background
- Pertinent State Regulations
- Impact on Local Government Parks and Recreation Operations
- Proposed Amendment to State Statute
- The Legislative Process
- Discussion

# Background

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- City of Orlando operates after school programs for elementary and middle school aged children at 16 neighborhood centers.
- Total children served: Approx. 2,500/day. 85% are low income/free of charge.
- Funding: Approx. \$5 million/year is paid for out of City general revenues. Approx. \$132,000 (3%) is generated via fees charged to non-City residents/higher income families.
- City of Orlando does not participate in nor receive “early learning” funding via the federal Child Care Development Block Grant and therefore there is no federal requirement that the City’s sites be licensed.



# Background (con't)

- 2010: The federal Healthy, Hunger-Free Kids Act passes, making funding available for afterschool programs to serve meals to children in low income areas.
- 2012: City of Orlando applies for the program. Although it is not required by the federal government, the State says we must obtain a letter from DCF stating that our sites are either licensed or exempt from licensure before they will approve our After School Meals Program. The DCF Regional Director provides a letter stating that the City of Orlando's neighborhood centers are exempt from licensure.
- 2014: We begin serving federally-funded suppers daily at all 16 neighborhood centers.
- To date, the City has served 850,000+ federally-funded meals to children after school.



# Background (con't)

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- 1994: 21<sup>st</sup> Century Community Learning Centers are enacted into federal law. Funds flow to state education agencies (FL DOE) to distribute to after school providers. The grants fund academic enrichment activities in after school programs serving students attending high-poverty, low-performing schools.
- 2015: City of Orlando is awarded 21<sup>st</sup> Century Community Learning Center grants for 3 of its 16 neighborhood centers.
- Although not required by the federal government, the FL DOE requires us to obtain a letter from DCF stating that the 3 sites are either licensed or exempt from licensure before they will release grant funds to us.
- The DCF Regional Director states that such a determination must now be made by the State office.
- The State Office, upon seeing an after school fee structure on the City's website, determines that we are a childcare provider and therefore must be licensed.

**FS 402.302 - "Child care" means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and *for which payment, fee, or grant is made for care.***

# Background (con't)

2016: The City of Orlando obtains childcare licensure for 3 of its 16 neighborhood centers.

The 21<sup>st</sup> Century Community Learning Center program is implemented with great success at the 3 sites.



*City of Orlando, 21<sup>st</sup> Century Community Learning Center Results, 2018-19 School Year*

Indicator	Goal	Actual
Total Students Served	210	481
% of students who improved to a satisfactory <b>English Language Arts</b> grade or above	80%	81.2%
% of students who improved to a satisfactory <b>Math</b> grade or above	80%	81.2%
% of students who improved to a satisfactory <b>Science</b> grade or above	80%	87.9%

# Pertinent State Regulations

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- Pertinent regulations:
  - State Statutes 402.301 through 402.319 establish statewide minimum standards for the care and protection of children in child care facilities.
  - F.S. 402.305 establishes licensing standards for child care facilities.
  - Florida Administrative Code 65C-22.008 lays out the rules governing School Age Child Care.
  - FL Dept. of Children & Families issues the School-Age Child Care Facility Handbook, May 2019 (52 pages).
- Per these regulations, if a local government operates an after school program serving elementary school aged children, and receives payment or grants for it, it is considered childcare and as a result, State Statute preempts local government authority over the program and regulates all aspects of the program's operations and facilities.
- Note: These rules apply to 62 of 67 counties in Florida. Broward, Hillsborough, Palm Beach, Pinellas and Sarasota have decided to designate a local licensing authority to regulate child care providers in their areas.

# Pertinent Regulations:

## *The Good, the Bad and the Ugly*

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### The Good

State regulations establish rigorous standards focused largely on child safety.

### The Bad

State statutes duplicate local government regulation, and layer enormous amounts of paperwork and unsuitable training on local government Parks & Recreation staff.

# The Ugly

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- DCF maintains that an entire City community center is a child care center. As such, the site must shut down all operations to the public while the after school program is in operation. There is no consideration given to the City's ability to create spatial separation between the after school program and other parts of the facility. The closure of the community center impedes access of residents to City amenities and older youth are left with no place to go after school.
- The City of Orlando applies Orlando City Code/Orlando Fire Department rules to determine the capacity of each room at its facilities. DCF's capacity rules would result in the City having to reduce the number of children it enrolls in its after school program, thus reducing access to free after school programs for the City's low income youth.
- Due largely to excessive paperwork demands to comply with DCF documentation requirements, the estimated cost to the City of Orlando to obtain/maintain licensure at an additional 13 sites is \$550,000/year, not including facility costs (installation of fencing, childproofing of outlets, reconfiguration of physical space, and so forth).
- The state's requirement that local governments license their neighborhood centers prevents many from accessing federally-funded academic enrichment (21st Century Community Learning Centers) and the After School Meals Program for low income children. Millions of federal dollars are thus blocked from flowing to local government recreation programs that would benefit thousands of children throughout Florida.



## FEEDING MORE *of Florida's Children*

In April 2019, approximately **1.26 million** children in Florida received a free or reduced-price lunch at school. In comparison, only **122,295** children received a meal through the Afterschool Meals Program.

**This gap represents a potential \$43 million in federal reimbursements left on the table each year (approximately \$238,000 each school day).\***

\*This figure is based on the national goal of reaching 15 children with the Afterschool Meals Program for every 100 low-income children participating in school lunch, and calculates the estimated shortfall in terms of the federal dollars lost during the 2018-2019 school year by not meeting this goal. April 2019 data represents the most current data available for these programs.

# Options Facing the City of Orlando (...and your city?)

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- Option A: Amend State statute, sustaining “the good” while mitigating “the bad” and “the ugly.”
- Option B: License the remaining 13 neighborhood centers.
- Option C: Eliminate the City’s fee structure and relinquish grant funding for after school programs. Shut down the After School Meals Program and stop offering 21<sup>st</sup> Century academic enrichment activities.

# Proposed Amendment to State Statute

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- Purpose: To enhance the well-being and safety of Florida's children by amending State statute pertaining to after school programs operated by local governments.
- Amends Florida Statute 402 to create a separate set of standards for government-sponsored recreation programs to opt into (should they choose to).



# The Legislative Process

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Step 1: Finalize wording of the bill.

Step 2: Identify/obtain commitment from all interested parties (including other cities and counties, and statewide organizations such as Florida Impact).

Step 3: Identify at least one House and one Senate sponsor (already underway).

Step 4: Engage in a coordinated communications effort to support legislators in getting the bill passed through multiple committees.

**House and Senate committees  
begin meeting in September**

**The 2020 Legislative Session  
begins on January 14<sup>th</sup> and ends on  
March 13<sup>th</sup>**

# Discussion

