

**CHAPTER 6M-8  
VOLUNTARY PREKINDERGARTEN PROGRAM**

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**6M-8.100 Definitions.**

As used in this chapter, the term:

- (1) "Absence" means each instructional day that a child does not attend (is absent from) a VPK program.
- (2) "Admission" is a step in the process of enrolling a child in the VPK program. It means a VPK provider agrees to enroll (or admit) the child to its VPK program.
- (3) "Attendance" means an instructional day, either in whole or in part, that a child is present (or attends) a VPK program.
- (4) "Child Application" means Form OEL-VPK 01 (Child Application) incorporated by reference in Rule 6M-8.201, F.A.C.
- (5) "Class application" means Form OEL-VPK 11 (Class Registration Application) incorporated by reference in Rule 6M-8.300, F.A.C.
- (6) "Coalition" means an early learning coalition created under Section 411.01(5), F.S.
- (7) "Enrollment" is the final step in the process of entering (or enrolling) a child in the VPK program. It means officially entering the child's name in the statewide information system as a VPK student.
- (8) "Excused absence" means an instructional day from which a child is absent from a VPK program for a reason listed in paragraph 6M-8.204(3)(b), F.A.C.
- (9) "Instructional day" means a calendar day that a VPK provider delivers scheduled instruction for the VPK program.
- (10) "Parent" has the same meaning as the term defined in Section 1000.21, F.S.
- (11) "Program year" means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 6M-8.451(1), F.A.C., and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 6M-8.451(2), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2007-2008, 2008-2009).

(12) “Provider application” means Form OEL-VPK 10 (Statewide Provider Registration Application) incorporated by reference in Rule 6M-8.300, F.A.C.

(13) “Qualified contractor” means an entity performing the duties of coalition under contract, including conducting the parent orientation session or video exhibition; registering a provider, child or class; determining child or provider eligibility; and enrolling children in the statewide information system. This definition does not include a private entity that derives more than 5 percent of its income, excluding income that the entity derives from the Federal Government for Head Start, from providing child care as defined in Section 402.302, F.S. This definition does not include a school district or public school. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor.

(14) “Registration” is a step in the enrollment process. To register a child in the VPK program means to submit the Child Application form and supporting documents to a coalition for evaluation, in order to determine the child’s eligibility for the program.

(15) “School-year program” means a school-year prekindergarten program delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

(16) “Summer program” means a summer prekindergarten program delivered by a private provider or public school under Section 1002.61, F.S.

(17) “Unexcused absence” means an instructional day from which a child is absent from a VPK program which is not an excused absence under paragraph 6M-8.204(3)(b), F.A.C.

(18) “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.

(19) “VPK program” means the Voluntary Prekindergarten Education program created under Section 1002.53, F.S., and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article IX of the State Constitution.

(20) “VPK provider” means a provider delivering the VPK program. There are two types of VPK providers: private prekindergarten providers as defined in Section 1002.51, F.S. and public schools.

(21) “VPK site” means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.51, 1002.53(2), (4), 1002.55(2), (3)(g), 1002.61(2)(a), (7)(a), 1002.63(2), (8)(a), 1002.71(2), (6)(d), 1002.75(2)(a), (c), (d) FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.100.*

#### **6M-8.200 Documenting Child Eligibility for the VPK Program.**

An early learning coalition shall determine the eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child’s eligibility, as follows:

(1) **Age eligibility.**

(a) To be eligible for VPK, a child must be 4 years of age, but not 5 years of age or older, on September 1 of the program year.

(b) The Coalition shall keep a record of at least one of the following supporting documents that shows the child’s name and date of birth:

1. An original or certified copy of the child’s birth record filed according to law with the appropriate public officer;
2. An original or certified copy of the child’s certificate of baptism or other religious record of the child’s birth, accompanied by an affidavit stating that the certificate is true and correct, sworn to or affirmed by the child’s parent;
3. An insurance policy on the child’s life which has been in force for at least 2 years;
4. A passport or certificate of the child’s arrival in the United States;
5. An immunization record signed by a public health officer or licensed practicing physician; or
6. A valid military dependent identification card.
7. If no supporting documents listed in subparagraphs (1)(b)1.-6. above are available, a coalition may accept a parent’s sworn affidavit of the child’s age accompanied by a certificate of age signed by a public health officer or physician stating that the child’s age shown in the affidavit is true and correct.

(c) If a child’s parent is unable to submit any of the supporting documentation listed in paragraph (a), the coalition shall document the child’s age based on an affidavit sworn to or affirmed by the child’s parent. The affidavit must be accompanied by a certificate of age, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age shown in the affidavit is true and correct.

(2) **Residential eligibility.**

(a) To be eligible for VPK, a child must reside in Florida while attending the VPK program.

(b) The coalition shall keep a record of at least one of the following supporting documents that shows the name and residential address of a parent with whom the child resides:

1. Utility bill;

2. Pay stub;

3. Residential rental agreement or receipt from rental payment;

4. Government-issued document (e.g., Florida driver's license, Florida identification card, property tax assessment showing a homestead exemption); or

5. Military order showing that the child's parent is a service member in the United States Armed Forces and is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

6. If no supporting documents listed in subparagraphs (2)(b)1.-5. above are available, a coalition may accept an affidavit sworn to or affirmed by the child's parent accompanied by a letter from a landlord or property owner which confirms that the child resides at the address shown in the affidavit.

7. If no supporting documents listed in subparagraphs (2)(b)1.-6. above are available for a homeless child as defined in Section 1003.01, F.S., a coalition shall document residency based on other supporting documents showing that the child is homeless and resides in Florida (e.g., letter from a homeless shelter or affidavit sworn to or affirmed by the child's parent).

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(2), (3), (4), 1002.69(4), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History--New 1-19-06, Amended 5-24-07, Formerly 60BB-8.200.*

#### **6M-8.201 Child Registration Procedures; Application; Parent-Orientation Session.**

(1) Application. A parent wishing to enroll his or her child for the VPK Program must;

(a) Complete and sign Form OEL-VPK 01 (Child Application), dated February 14, 2007, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 6M-8.900, F.A.C. Alternatively, a parent may register online through the Internet website [www.floridaearlylearning.com](http://www.floridaearlylearning.com), electronically submit the registration, and print confirmation of the online registration.

(b) Submit a complete and signed Form OEL-VPK 01, or submit the printed confirmation of an online registration, to the coalition of the county where the VPK site is located for the VPK provider admitting the child in the VPK program, regardless of the county in which the child resides. A parent must also submit the supporting documents showing the child's age and residential address which are required under Rule 6M-8.200, F.A.C.

(2) **Re-Registration.**

(a) A parent must re-register his or her child for the VPK program with the coalition of the county where the VPK provider's VPK site is located if the parent initially registered the child with the coalition of another county.

(b) Re-registration is the responsibility of a child's parent. To assist a parent with re-registration, a coalition may enter into one or more agreements with another coalition to provide for the transfer of a child application and supporting documents between the coalitions.

(3) A coalition shall designate one or more locations throughout the coalition's geographic region where a parent may submit a child application and supporting documents. A parent may obtain contact information for a coalition from the Office of Early Learning at (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.floridaearlylearning.com>.

(4) Parent-Orientation Session or Video Exhibition.

(a) A coalition shall conduct a face-to-face parent-orientation session or exhibit a parent-orientation video for a parent or group of parents registering their children for the VPK program. During a parent-orientation session or video exhibition, a coalition shall:

1. Give the parent an overview of the VPK program;

2. Describe the parental rights and responsibilities listed in Form OEL-VPK 06 (Voluntary Prekindergarten Parent Handbook), dated August 15, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., and provide the parent with a copy of the handbook;

3. Describe a parent's choice between a school-year program and summer program and the differences between the programs, including the required number of instructional hours, minimum and maximum class sizes, and instructor credentials;

4. Describe a parent's choices among VPK providers;

5. Inform the parent about the coalition's child care resource and referral program, the availability of a customized referral list of VPK providers in the VPK program, and the contact information for the child care resource and referral program;

6. Inform the parent of the uniform resource locator for the coalition's Internet website, if the coalition posts profiles of VPK providers in the VPK program on the website. A coalition shall also inform a parent that the profiles may be obtained at the Internet website: <http://www.myflorida.com/childcare/provider>;

7. Inform the parent about the profiles of VPK providers on the VPK web portal of the Child Care Information System administered by the Department of Children and Family Services at the Internet website: <http://dcfanswrite.state.fl.us/childcare/provider>. A coalition shall keep the profiles of VPK providers in the coalition's geographic region current on the system;

8. Provide the parent with Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), dated June 30, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C.; and

9. Provide the parent with Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), dated June 30, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C.

(b) A coalition is not required to conduct a parent-orientation session or exhibit a parent-orientation video for a child's parent if:

1. The coalition conducts a face-to-face parent-orientation session or determines the child's eligibility face-to-face with the child's parent for another early learning program (e.g., school readiness program, program for prekindergarten children with disabilities, Head Start), the coalition maintains the child's records of the early learning program and verifies that the child's date of birth in the records of the other early learning program is the same as on the child application and supporting documents that the parent submits;

2. Another coalition transferring the child's registration already conducted the parent-orientation session or exhibited the parent-orientation video; or

3. The parent is a service member in the United States Armed Forces and is unable to attend a parent-orientation session or video exhibition because of assigned duty outside of Florida, and the parent submits a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station) to the coalition.

(c) If a coalition does not conduct a parent-orientation session or exhibit a parent-orientation video for a child's parent, the coalition shall provide Form OEL-VPK 06, Form AWI-RR 63, and Form AWI-RR64 to the parent by mail or other means.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.201.*

#### **6M-8.2011 Voluntary Prekindergarten Parent Guide.**

(1) The Voluntary Prekindergarten Parent Guide, Form OEL-VPK 06, dated September 2012, is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., for use in the Voluntary Prekindergarten Education (VPK) Program. The Voluntary Prekindergarten Parent Guide is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-01648>.

(2) Prior to distribution of this document by an early learning coalition, the coalition must add its contact information to the fourth page of the document in the final bullet under the heading "For More Information, Contact Your ELC." Contact information must include, but is not limited to, the coalition's name, phone number, and web address.

(3) Prior to distribution of this document by a VPK Program provider to a parent, the provider must add the contact information of the local early learning coalition to the fourth page of the document in the final bullet under the heading "For More Information, Contact Your ELC." Contact information must include, but is not limited to, the coalition's name, phone number, and web address.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.75(2)(a) FS. History—New 11-15-12.*

#### **6M-8.2015 VPK Child Registration Pilot Project.**

(1) Pilot Project. There is created a VPK child registration pilot project for the 2007-2008 and 2008-2009 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Osceola, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) Eligibility. A private VPK provider must meet the following requirements for initial eligibility to participate in the pilot project and must continue to meet the requirements to maintain its eligibility:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The following information must be included on the form: the name of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c). Additional information demonstrating that the provider is eligible under this rule to participate in the pilot project may be required by the coalition.

(b) The private provider must have delivered instruction in the VPK program for at least two program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child in the VPK program, accepting a child application and supporting documents on behalf of the coalition, and conducting a parent-orientation session or exhibiting a parent-orientation video.

(d) The private provider must comply with this rule.

(e) The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

(f) The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form OEL-VPK 21 (Addendum to Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference in and may be obtained as described in Rule 6M-8.900, F.A.C.

(g) The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 6M-8.305(2)(a), F.A.C.

(h) The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 6M-8.305(3), F.A.C. If a private provider is a school readiness provider, the provider must also submit accurate and timely monthly attendance rosters for the school readiness. A private provider is not eligible for the pilot project if, during previous 24 months, the provider:

1. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters 10 or more calendar days after the required submission date;
2. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a child's attendance;
3. Failed to repay an overpayment by the required repayment date after the coalition discovered the overpayment and requested repayment;
4. Submitted a monthly attendance roster resulting in an overpayment that exceeded 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or
5. Submitted a monthly attendance roster containing fraudulent or other intentional misreporting of a child's attendance.

(i) A private provider licensed by the Department of Children and Family Services or a local licensing agency is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

(3) Child Registration Procedures. A coalition shall allow a private provider eligible for the pilot project, to register a child for the VPK program on behalf of the coalition. A private provider may only register a child under this rule whom the provider admits in one of its VPK classes and must comply with the following registration procedures:

(a) Notwithstanding subsection 6M-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form OEL-VPK 01P (Child Application and Provider Admission), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A parent must submit Form OEL-VPK 01P to the private provider with supporting documents of the child's age and residential address required under Rule 6M-8.200, F.A.C.

(b) Notwithstanding paragraph 6M-8.201(3)(a), F.A.C., a private provider participating in the pilot project shall conduct the parent-orientation session or exhibit the parent-orientation video in accordance with subsection 6M-8.201(3), F.A.C.

(c) Within 5 working days after a child's parent registers the child with a private provider, the provider shall review the child's Form OEL-VPK 01P and supporting documents, as follows:

1. The private provider shall submit a child's Form OEL-VPK 01P and supporting documents to the coalition if the child's Form OEL-VPK 01P is complete, signed, and submitted with the required supporting documents; the provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.
2. The private provider shall return a child's Form OEL-VPK 01P and supporting documents to the child's parent if the child's Form OEL-VPK 01P is not complete, not signed, or not submitted with the required supporting documents.

3. If a child does not appear to be eligible, the provider shall return the child's Form OEL-VPK 01P and supporting documents to the child's parent and, on the blank spaces included on Form OEL-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility. The parent may then apply directly with the coalition.

(d) In accordance with Rule 6M-8.202, F.A.C., a coalition shall determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 6M-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing why the child is not eligible and return the child's Form OEL-VPK 01P and supporting documentation to the parent.

(4) Payment for Pilot Project Prohibited. A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child in the VPK program under this rule, accepting a child application or supporting documents on behalf of the coalition, conducting a parent-orientation session, or exhibiting a parent-orientation video.

(5) School District. Notwithstanding Rules 6M-8.201 and 6M-8.202, F.A.C., a school district, if allowed under a contract with the coalition, may use the child registration procedures in subsection (3) to register a child for the district's VPK programs in the district's public schools, regardless of whether the district is a pilot county listed in subsection (1).

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History—New 5-24-07, Formerly 60BB-8.2015.*

#### **6M-8.202 Child Eligibility Determination and Enrollment Procedures.**

##### **(1) Determining Child Eligibility.**

(a) A coalition, in accordance with Rule 6M-8.200, F.A.C., shall determine the eligibility of a child registering for the VPK program.

(b) A coalition shall determine a child's eligibility face-to-face with the child's parent unless the coalition is not required under paragraph 6M-8.201(4)(b), F.A.C., to conduct a parent-orientation session or exhibit a parent-orientation video for the child's parent.

(c)1. A coalition, upon determining that a child is eligible for the VPK program, shall issue the child's parent Form OEL-VPK 02 (Child Eligibility and Enrollment Certificate) dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C.

2. A coalition may issue a certificate of eligibility which is substantially similar to Form OEL-VPK 02 if the certificate:

- a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"
- b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;
- c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;
- d. Clearly shows the eligible child's name and identifying information; and
- e. Does not include the logo of the Office of Early Learning, or AWI form number (i.e., Form OEL-VPK 02).

##### **(2) Enrollment.**

(a) A VPK provider may only enroll a child in the VPK program after the coalition determines that the child is eligible for the program. To enroll an eligible child, the VPK provider admitting the child must submit the child's certificate of eligibility and the child's assigned VPK class to the coalition.

(b) A coalition must allow a VPK provider to enroll a child who resides in a Florida county other than the county where the provider's VPK site is located.

(c) A VPK provider may only enroll a child with the coalition of the county where the provider's VPK site is located, regardless of the county in which the child resides.

(d) A coalition shall complete a child's enrollment in the statewide information system by recording an association between the child and the child's assigned VPK class. A coalition is encouraged, but not required, to notify a parent by mail after his or her child's enrollment is complete.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(2), 1002.75(2)(a) FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.202.*

#### **6M-8.204 Uniform Attendance Policy for Funding the VPK Program.**

##### **(1) Attendance and Absences.**

(a) For payment purposes, a private provider or school district shall report that a student attended all of the instructional hours offered for a day if the student attends any portion of the day whether the private provider or school district is determined to be in compliance or out of compliance with all VPK statutes and rules for the day.

(b) A private provider or school district may not receive payment for a student prior to the student's first day of attendance or after the student's last day of attendance.

(2) Monthly Payment and Final Reconciliation. Each early learning coalition shall pay private providers or school districts on a monthly basis for each VPK classroom in accordance with this rule unless a private provider or school district chooses to accept advance payments under Rule 6M-8.205, F.A.C. Early learning coalitions shall make monthly payments by the last day of the month following the month for which the provider is receiving payment. Each early learning coalition shall calculate and reconcile monthly classroom payments using the Agency's statewide information system.

(a) Monthly payments shall be equal to the sum of the following calculation for each student who has attended the VPK class: the county's allocation per full-time equivalent student (calculated in accordance with Section 1002.71(3)(b), F.S.) divided by the number of hours for the VPK program type multiplied by the lesser of:

1. The sum of the hours within the month which each student attends the VPK program divided by .8; or
2. The hours the student is enrolled in the class for the month.

(b) The total program payment shall be equal to the sum of the following calculation for each student who has attended the VPK class except that the school district's payment shall be rounded in accordance with Section 1002.71(3)(d), F.S.: the county's allocation per full-time equivalent student divided by the number of hours for the VPK program type multiplied by the lesser of:

1. The sum of all the hours the student attends the program with the provider divided by .8.
2. The hours the student is enrolled with the provider for the program type.

(c) If the sum of the monthly payments made to the private provider or school district under paragraph (2)(a) is:

1. Less than the total program payment to the private provider or school district, the early learning coalition shall make a final reconciliation payment to the provider equal to the total program payment minus the sum of the monthly payments.
2. Greater than the total program payment to the private provider or school district, the difference shall be deemed an overpayment.

(d) If a private provider or school district disputes the calculation of the total program payment based on inaccurate attendance or absence reporting or calculation, it must submit a request for an adjustment of a prior payment no later than the last day of the month following the calendar month in which it receives payment.

(3) **Establishing VPK Class Schedules.** To ensure that private providers or school districts receive accurate payment for a student's attendance and absences when permissible under this rule, a private provider or school district shall submit a VPK class schedule for each VPK class to its early learning coalition in writing no later than the time the provider submits its class application. Private providers and school districts are not eligible to receive payment for hours of services unless the services are rendered during hours indicated on the VPK class schedule. **A VPK class schedule shall:**

(a) Be comprised of 540 hours for the school-year VPK program and 300 hours for the summer VPK program.

(b) Indicate the dates and times which instructional hours will be offered.

(c) **For the school-year program:**

1. Not begin instruction more than 14 days before Labor Day or, if the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day, a school-year program in the county may not begin instruction before the uniform date.

2. Complete instruction by June 30.

(d) For the summer program, not begin instruction before May 1 and complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

(4) **Modifying VPK Class Schedules.**

(a) A private provider or school district may modify its schedule up to two times for any reason other than a temporary closure caused by emergency circumstances as described in subsection (5). A private provider or school district may modify its schedule as frequently as necessary to restore instructional days lost as a result of a temporary closure caused by emergency circumstances.

(b) To modify a VPK class schedule, a private provider or school district shall submit notice in writing to the coalition.

1. If the modification of the class schedule results from a closure other than a temporary closure caused by emergency circumstances, as described in subsection (5), a private provider or school district shall submit:

a. An initial notification of the closure before the coalition's close of business on the first day of the closure. Initial notification shall indicate the provider's name and address, the date(s) of the closure, the VPK class(es) affected by the closure, and, if available, an estimate of the date upon which the affected VPK class(es) will resume instruction.

b. A notification of schedule modification no later than two business days following resumption of VPK instruction. Notification of schedule modification and resumption of instruction shall indicate the provider's name and address, the class(es) resuming instruction, the date(s) which each VPK class did not offer instruction as previously scheduled, and a revised class schedule which indicates the date(s) and times added to the schedule as revised to restore the hours lost as a result of the closure.

2. If the modification of the class schedule results from a temporary closure caused by emergency circumstances, the private provider or school district shall submit a notification of schedule modification as described in sub-subparagraph (4)(b)1.b.

(c) If a private provider or school district fails to modify a VPK class schedule as required in this rule or fails to comply with the deadlines established for submission of notifications, the private provider or school district shall be ineligible to receive payment for those closures and shall forfeit the opportunity to revise its class schedule to restore the lost instructional hours for those closures.

**(5) Closures.**

**(a) Temporary Closures Caused by Emergency Circumstances.**

1. A student is considered to have attended all VPK program hours offered during a temporary closure caused by emergency circumstances for a combined total of five (5) instructional days for each VPK class if the private provider or school district submits notification in writing to the coalition the dates which the provider was closed.

a. A closure is temporary if the provider resumes instruction following the closure.

b. A closure is caused by emergency circumstances when a state of emergency is declared by federal, state or local officials for the area in which the provider is located.

2. A temporary closure caused by emergency circumstances is not payable for any student who does not attend a VPK instructional day following the closure.

3. A private provider or school district shall revise its class schedule to restore VPK instructional days which are lost due to temporary closures caused by emergency circumstances in excess of a total of five (5) instructional days for a VPK class.

4. A private provider or school district may revise its class schedule to restore the instructional days lost as a result of a temporary closure caused by emergency circumstances instead of accepting payment for a temporary closure.

(b) Temporary Closures Caused by Other Circumstances. A temporary closure is not payable unless it is caused by emergency circumstances. A private provider or school district shall revise its VPK class schedule and receive payment for days it restores in accordance with subsection (4) following a closure.

**(6) Overpayment.**

(a) If the coalition determines that a private provider or school district received payment in an amount greater than the amount earned by the provider, resulting in a negative reconciliation payment calculation, the coalition shall make reasonable efforts to collect the overpayment from the provider. Reasonable efforts may include but are not limited to informing the provider of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, and offsetting the overpayment against any future payments for early learning programs.

(b) If the coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the provider has received an overpayment and after making a reasonable effort, as determined by the Agency, the coalition shall provide all information necessary for the Agency to act to collect the overpayment. The Agency retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or to consider the overpayment to be a disallowed expenditure of the coalition.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History--New 8-17-06, Amended 5-24-07, 9-14-09, Formerly 60BB-8.204.*

**6M-8.205 Advance Payment and Reconciliation for the Voluntary Prekindergarten Education Program.**

(1) Coalition Advance Payment. In order that early learning coalitions can make advance payments to Voluntary Prekindergarten Education (VPK) providers, during the first month of each fiscal year, contingent upon funding availability, the Florida's Office of Early Learning (the Office) shall provide an advance payment to each early learning coalition. The coalition



advance payment shall also be used to offset actual coalition expenditures and shall be fully offset or repaid prior to submission of the final invoice for the fiscal year. Each coalition advance payment shall be equal to the school-year base student allocation divided by twelve (12) multiplied by the highest monthly VPK program enrollment, as defined in Rule 6M-8.100, F.A.C., at the coalition during the previous fiscal year, however, the Agency retains the discretion to increase or decrease the amount of the coalition advance payment based on student enrollment projections or availability of funds.

(2) **Provider Advance Payments.**

(a) A private VPK program provider or school district may choose to receive monthly advance payments for each VPK class instead of receiving payments in accordance with the Agency's uniform attendance policy under Rule 6M-8.204, F.A.C. The private VPK provider or school district shall notify its early learning coalition in writing at the time the provider or district enters into a VPK Provider Agreement with the coalition regarding whether it has or has not chosen to receive advance payments for its VPK classes.

(b) Each early learning coalition shall make advance payments to its private VPK providers or school districts which have chosen to receive advance payments no later than the last day of the month prior to the month for which the private provider or school district is receiving an advance payment except that advance payments for the month of July shall be made no later than the tenth (10th) day of July.

(c) Private providers or school districts that choose to accept monthly advance payments shall receive an advance payment for each month of the VPK class, which shall be reconciled on a monthly basis against actual student attendance for the month, and may receive a final reconciliation payment following the conclusion of the VPK class instruction.

(3) **Advance Payment Calculation.**

(a) Each coalition shall calculate and reconcile the amount of each monthly advance payment using the statewide information system. Each monthly advance payment shall be equal to the sum of the number of instructional hours each student enrolled in the class is scheduled to attend in the month multiplied by ninety-five (95) percent of the class hourly rate unless the private provider or school district received excess advance payment or should receive an additional payment as described in paragraph (3)(b) of this rule. The class hourly rate shall be equal to the county's allocation per child as calculated in accordance with Section 1002.71(3), F.S., divided by the total number of hours in the VPK program type (school-year or summer) being offered.

(b) At the conclusion of each month, each coalition shall reconcile the advance payments made to a private provider or school district in each previous month with the amount of payment the private provider or school district would have received for the month under Rule 6M-8.204, F.A.C., to determine if the private provider or school district has received an excess advance payment or should receive additional payment.

1. An excess advance payment is an advance payment for a month which exceeds the amount of payment the private provider or school district would have received under Rule 6M-8.204, F.A.C. If the private provider or school district receives an excess advance payment, the coalition shall reduce the next advance payment by the difference between the excess advance payment and the payment the private provider or school district would have received under Rule 6M-8.204, F.A.C. If the private provider or school district is not entitled to a subsequent advance payment, the difference shall be an overpayment.

2. An additional payment owed is an advance payment for a month which is less than the amount of payment the private provider or school district would have received under Rule 6M-8.204, F.A.C. If the private provider or school district is owed an additional payment, the coalition shall increase the private provider or school district's next advance payment by the difference between the amount of payment the private provider or school district would have received under Rule 6M-8.204, F.A.C., and the amount of the advance payment. If the private provider or school district is not entitled to a subsequent advance payment, the coalition shall increase the final reconciliation payment by the difference.

(4) **Final Reconciliation.** At the conclusion of the VPK class, the coalition shall calculate the total amount of payment which should be made to the private VPK provider or school district for the class in accordance with Rule 6M-8.204, F.A.C. If the total amount of payment made for the VPK class is less than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the coalition shall pay the difference to the private provider or school district as a final reconciliation payment. If the total amount of payment made for the VPK class is greater than the total amount which should have been made based on Rule 6M-8.204, F.A.C., the difference shall be an overpayment.

(5) **Overpayment.**

(a) If the coalition determines that a private VPK provider or school district received payment in an amount greater than the amount earned by the private provider or school district, resulting in a negative reconciliation payment calculation, the coalition

shall make reasonable efforts to collect the overpayment. Reasonable efforts include but are not limited to informing the private provider or school district of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, and offsetting the overpayment against any future payments for early learning programs.

(b) If the coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the private provider or school district has received an overpayment and after making a reasonable effort, as determined by the Office, the coalition shall provide all information necessary for the Office to act to collect the overpayment. The Office retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or, if the coalition has failed to make reasonable efforts to recover the overpayment, to consider the overpayment to be a disallowed expenditure of the coalition.

*Rulemaking Authority 1002.75(2)(h), 1002.75(4), 1002.79(2) FS. Law Implemented 1002.71(5)(b), 1002.75(2)(h), 1002.75(4) FS. History—New 9-14-09, Formerly 60BB-8.205.*

#### **6M-8.210 Reenrollment for Good Cause or Extreme Hardship in the Voluntary Prekindergarten Education Program.**

(1) Definitions. As used in this rule:

(a) “**Reenrollment**” means the enrollment of a student in a new VPK program type (school-year or summer) or with a new VPK provider following the student’s removal or withdrawal from enrollment with a VPK provider after the student has attended a portion of VPK instruction.

(b) “**Substantial completion**” means a student has been enrolled in a VPK provider’s class for more than 70 percent of the instructional hours for the program type (school-year or summer).

(2) **Reenrollment for good cause.** A student may be reenrolled for good cause in the same program type (school-year or summer) in which the student was previously enrolled if all the following applies:

(a) The student has not substantially completed the VPK program;

(b) The student has not previously reenrolled for good cause or due to an extreme hardship; and

(c) The student’s parent or guardian completes the Reenrollment Application (Form OEL-VPK 05), dated April 9, 2010, which is hereby incorporated by reference, and submits it to the early learning coalition as documentation that the student was or is prevented from attending the VPK class for good cause. The Reenrollment Application (Form OEL-VPK 05) may be obtained as described in Rule 6M-8.900, F.A.C. The following are examples of situations which prevent the student from attending the VPK class for good cause:

1. The illness of:

a. The student;

b. An individual living in the student’s household;

c. An individual which the student’s parent or guardian is responsible for caring for; or

d. The student’s parent, guardian, sibling, grandparent, step-parent, step-sibling, or step-grandparent.

2. A disagreement between the parent or guardian and the VPK provider or school concerning policies, practices, or procedures at the provider’s or school’s VPK program;

3. A change in the student’s residence;

4. A change in the employment schedule or place of employment of the student’s parent or guardian;

5. The VPK provider’s inability to meet the student’s health or educational needs;

6. The termination of the student’s VPK class before 70 percent of the class instructional hours is delivered;

7. The student is dismissed by a VPK provider for failure to comply with the provider’s attendance policy;

8. The provider’s designation as a low performing provider under Section 1002.67, F.S.;

9. Any condition described as an extreme hardship in paragraph (3)(c) below; or

10. Another reason not expressly stipulated in this rule which prevents the student from attending the VPK provider’s class or which prevents the VPK provider from serving the student in accordance with the requirements of the VPK program.

(3) **Reenrollment for extreme hardship.** A student may be reenrolled and reported for funding purposes as one full-time equivalent student, as defined by Section 1002.71(2), F.S., in the summer VPK program, if all the following applies:

(a) The student has not substantially completed the VPK program;

(b) The student has not previously reenrolled due to an extreme hardship or for good cause; and

(c) The student's parent or guardian completes and submits to the early learning coalition the Reenrollment Application, and, where documentation is not supplied by the coalition or provider, supporting written documentation of extreme hardship of one or more of the following:

1. The illness of the student, as documented in writing by a physician licensed under Chapter 458 or 459, F.S., if the illness would result in the student being absent from more than 30 percent of the number of hours in the program type in which the student is enrolled;

2. The provider's misconduct or noncompliance which results in the provider's inability to offer the VPK program, as documented by the early learning coalition;

3. The parent's or guardian's inability to meet the basic needs of the student, including, but not limited to, a lack of food, shelter, clothing, or transportation, as documented in writing by a federal, state, or local governmental official;

4. The provider's inability to meet the student's educational needs due to the student's learning or developmental disability as documented by a federal, state, or local governmental official;

5. The provider's inability to meet the student's health needs as documented by a physician licensed under Chapter 458 or 459, F.S., or a federal, state, or local governmental official; or

6. Displacement of a student from his or her place of residence or closure of the student's VPK provider as a result of a state of emergency as declared by a federal, state, or local governmental official.

(4) Additional restrictions on reenrollment.

(a) A VPK student may not be reenrolled except as described in this rule.

(b) This rule shall not be construed to allow a student to be enrolled simultaneously in multiple VPK classes.

(c) If the student is reenrolled with a coalition other than the coalition of the previous enrollment, the parent or guardian shall comply with the enrollment requirement of Rule 6M-8.201, F.A.C., in addition to the requirements of this rule.

(d) Each early learning coalition shall comply with the eligibility determination and enrollment procedures described in Rule 6M-8.202, F.A.C., when reenrolling a student, except that the coalition is not required to repeat the face-to-face parent orientation session.

*Rulemaking Authority 1002.71(4), 1002.75(2)(a), 1002.75(2)(i), 1002.79(2) F.S. Law Implemented 1002.71(4), 1002.75(2)(a), (i) F.S. History—New 12-21-10, Formerly 60BB-8.210.*

### **6M-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination.**

(1) **Statewide Provider Registration Application; Supporting Documents.**

(a) A VPK provider registering for the VPK Program on or after January 1, 2011, must annually complete and sign Form OEL-VPK 10 (Statewide Provider Registration Application), dated April 30, 2010, which is hereby incorporated by reference with instructions, and may be obtained as described in Rule 6M-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form OEL-VPK 10, including supporting documents, to the early learning coalition in the county of the VPK provider's site. If a VPK provider has more than one VPK site, the provider must submit a separate Form OEL-VPK 10 for each site.

(c) If submitted information changes, a VPK provider must submit written notice of the changes to the early learning coalition within 14 calendar days after the submitted information changes.

(2) **Class registration application; supporting documentation.**

(a) A VPK private provider or public school must annually complete and sign Parts A and B of Form OEL-VPK 11 (Class Registration Application), dated April 30, 2010, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 6M-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form OEL-VPK 11, Parts A and B, including supporting documents, to the coalition.

(c) If submitted information changes, a VPK provider must submit written notice of the changes to the early learning coalition within 14 calendar days after the change. The written notice of changes must include, at a minimum:

1. The VPK provider's name,

2. The VPK provider's physical address,

3. The date of the change,

4. From what and to what the information is changing, and

5. A verbatim copy of the following certification signed by an authorized representative of the VPK provider: "I have examined this application and, to the best of my knowledge and belief, the information provided is true and correct. If any of this information changes, I understand that the provider must submit updated information to the coalition, in writing, within 14 days of the change. I also understand that the provider is encouraged to submit updated information before a change is implemented as the provider may be out of compliance with the requirements of the VPK program if the changes are implemented before the coalition approves of the changes."

**(3) Eligibility determination.** A coalition shall determine the eligibility of a private provider or public school registering for the VPK program in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., based on the submitted documents. A VPK provider shall not deliver VPK instruction until the private provider receives official notification of its eligibility.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (8)(a), 1002.63(3), (4), (5), (6), (8)(a), 1002.75(2)(c), (d) FS. History—New 1-19-06, Amended 5-24-07, 12-21-10, Formerly 60BB-8.300.*

### **6M-8.301 Statewide Provider Agreement for the VPK Program.**

(1) An early learning coalition may not pay a VPK provider which registers to offer the VPK program on or after January 1, 2011, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement. A school district may sign a single provider agreement on behalf of all public school VPK providers in the district. The owner or manager of multiple private VPK providers may sign a single provider agreement on behalf of all of his or her private VPK providers. A VPK provider may not offer VPK services or instruction until the VPK provider receives notice of its eligibility to offer the VPK program. The coalition shall notify a VPK provider of its eligibility to offer the VPK program by sending a copy of a provider agreement which has been signed by the VPK provider and its early learning coalition.

(2) A coalition shall keep a fully executed copy of a provider agreement in the coalition's records on the VPK provider.

(3) A provider agreement shall contain identical terms and conditions as Form OEL-VPK 20 (Statewide Provider Agreement), dated April 30, 2010, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C. A provider agreement may not omit, supplement, include attachments, addenda or exhibits, or amend the terms and conditions of Form OEL-VPK 20, unless:

(a) The coalition submits the agreement to the Office of Early Learning in writing; and

(b) The Director for Florida's Office of Early Learning approves the agreement before a coalition and a VPK provider execute the agreement.

(4) Early learning coalitions may not execute a provider agreement with a VPK provider before the VPK provider has registered on forms prescribed by the Agency for Workforce Innovation and the coalition has determined the VPK provider's eligibility to offer VPK services in accordance with Rule 6M-8.300, F.A.C.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.55(3)(h), 1002.61(8)(a), 1002.63(8)(a), 1002.75 FS. History—New 8-17-06, Amended 5-24-07, 12-21-10, Formerly 60BB-8.301.*

### **6M-8.305 Recording and Certifying Child Attendance in the VPK Program.**

(1) **Record of child attendance:**

(a) A VPK provider in the VPK program shall keep a daily record of a child's attendance in the program.

(b) If a VPK provider is also a school readiness provider, the provider may jointly record a child's daily attendance for the VPK program with the child's attendance for the school readiness program.

(2) **Monthly Verification of Child Attendance.** A VPK provider shall require the parent of a child enrolled in its VPK program to verify monthly the child's attendance for the prior month, as follows:

(a) A child's parent must verify the child's attendance on Form OEL-VPK 03S (Child Attendance and Parental Choice Certificate Short Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., if the VPK provider records the child's daily attendance using one of the following methods:

1. A paper sign-in or sign-out log that records the date, child's name, and signature of the parent or other person dropping off or picking up the child to, or from, the VPK site; or

2. An electronic attendance-tracking system that records the date, child's name, and electronic signature, card swipe, entry of a personal identification number, or similar daily action taken by the parent or other person dropping off or picking up the child to, or from, the VPK site.

(b) A child's parent must verify the child's monthly attendance on Form OEL-VPK 03L (Child Attendance and Parental Choice Certificate Long Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., if the VPK provider records the child's daily attendance using a method other than the methods described in paragraph (a) (e.g. instructor records daily attendance using a roll book). Before a parent signs Form OEL-VPK 03L, the VPK provider must record the child's monthly attendance on the form or attach documentation to the form which shows the child's monthly attendance.

(3) **Monthly certification of child attendance for payment.**

(a) An early learning coalition shall give a VPK provider a monthly roster, prepared by using the statewide information system, that lists each child enrolled in the provider's or school's VPK program, and includes blank spaces for a private provider or public school to certify a child's attendance for the calendar month.

(b) A VPK provider must certify the monthly attendance of a child enrolled in the provider's VPK program. A VPK provider may certify monthly attendance by electronic means approved by the Deputy Director for Early Learning.

(c) After payment for the first calendar month that a VPK provider participates in the VPK program, the coalition may not pay the VPK provider for a subsequent month until the provider submits a monthly attendance roster to the coalition which certifies the attendance of each enrolled child from the prior month.

(d) The coalition may not pay the VPK provider the final payment for the program year until the provider submits a final verification of the annual cumulative attendance of each child enrolled in the provider's VPK program, which certifies the paid hours of attendance of each child enrolled for the program year, in a manner prescribed by the Deputy Director for Early Learning.

(e) If a child arrives at a VPK provider's VPK site but the provider or school refuses the child's attendance (e.g., for disciplinary reasons, including tardiness or prohibited attire), the provider or school must record the instructional day as an absence.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.71(5)(b), (6)(b)1.-3., (6)(d), 1002.75(2)(f), (g), (h) FS. History—New 5-24-07, Formerly 60BB-8.305.*

**6M-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.**

(1) **Blended classes.**

(a) A private provider or public school may organize a VPK class as a blended class, instructing children enrolled in the VPK program together with children not enrolled in the program.

(b) A blended class may include children of any age. A private provider or public school, however, may not organize a blended class in a multi-age arrangement that prevents the provider or school from implementing a developmentally appropriate curriculum in accordance with Section 1002.67(2)(b), F.S.

(2) **Minimum class size.** A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition may not issue the initial prepayment for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) A private provider or public school does not violate the minimum class size, if:

1. Fewer than four children enrolled in the VPK program attend a VPK class on a particular day; or

2. After the initial prepayment is issued, fewer than four children in a VPK class remain enrolled in the VPK program (e.g., withdrawals).

(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the VPK provider may not dismiss a child enrolled in the program, unless, within 3 business days after the child's dismissal, the VPK provider submits to the coalition written documentation of the child's noncompliance with the conduct or attendance policies of the provider.

(3) **Maximum class size.** A VPK class may not exceed 18 children for a school-year program or 10 children for a summer program. Children enrolled in the VPK program, and children not enrolled in the program, are both counted toward the 18-child or 10-child maximum class size. A VPK class may not exceed the maximum class size in enrollment or attendance on a particular day.

(4) **Multi-class group.** A private provider or public school may instruct two or more VPK classes as one group in a single classroom. A VPK class within a multi-class group may not exceed the maximum class size described in subsection (3).

(5) **Compliance with other requirements.** This rule does not allow a private provider or public school to exceed a staff-to-children ratio, square footage per child, licensing requirements under Sections 402.301-319, F.S., or other state or local requirement.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History—New 8-17-06, Amended 5-24-07,*

Formerly 60BB-8.400.

#### **6M-8.410 Voluntary Prekindergarten Program Substitute Instructors.**

(1) As used in this rule, the term “credentialed instructor” means a prekindergarten instructor who has the credentials required under Sections 1002.55(3)(c), 1002.55(4), or 1002.61(4), F.S.

(2) **Qualifications.** Voluntary Prekindergarten (VPK) substitute instructors must be of good moral character and be screened using the level 2 screening requirements in Section 435.04, F.S., before employment as a VPK substitute instructor. In addition, before employment as a VPK substitute instructor, a VPK substitute instructor must:

(a) Meet the qualifications of a credentialed instructor; or

(b) Successfully complete one or more of the following:

1. **In a summer VPK program class:**

a. An associate’s or higher degree in any field of study;

b. A child development associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Recognition; or

c. A credential approved by the Department of Children and Family Services as defined in Rule 65C-22.003, F.A.C. (effective May 1, 2008), which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., as being equivalent to or greater than the national CDA.

2. **In a school year VPK program class:**

a. Any of the credentials listed in subparagraph (2)(b)1. of this rule;

b. A Department of Children and Family Services 40-hour Introductory Child Care Training course, as described in Rule 65C-22.003, F.A.C. (effective May 1, 2008), if the class is offered in a child care facility;

c. A Department of Children and Family Services 30-clock-hour Family Child Care Home training as described in Rule 65C-20.013, F.A.C. (effective May 1, 2008), which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., if the class is offered in a large family child care home;

d. A Department of Children and Family Services 30-clock-hour Family Child Care Home training as described in Rule 65C-20.009, F.A.C. (effective May 1, 2008), which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., if the class is offered in a family day care home;

e. The local school district’s requirements to be employed as a substitute teacher as adopted by each school district under Section 1012.35, F.S.

(3) **Circumstances.** A VPK provider may assign a substitute instructor when a credentialed instructor is absent from the provider’s premises. A substitute instructor may not be assigned when a credentialed instructor remains on the provider’s premises in order for the credentialed instructor to offer instruction in a classroom other than the one to which the credentialed instructor is assigned.

(4) **Time limitation.** Substitute instructors may not be assigned to substitute for an absent credentialed instructor in excess of 30 percent of the program hours. A new credentialed instructor must be assigned to replace the absent instructor in the event the absence of the credentialed instructor will exceed 30 percent of the program hours.

(a) A VPK provider shall maintain a record of the number of hours a substitute instructor has been assigned to each VPK classroom.

(b) Records created under paragraph (4)(a) shall be maintained by the VPK provider for a minimum of 1 year and shall be made available for inspection to the VPK provider’s early learning coalition or the Agency during normal hours of operation, and shall submit a copy of the documentation to the coalition or Agency upon the request of the coalition or Agency.

(5) Before a provider may assign a substitute instructor to a VPK classroom, the provider must ensure that the coalition has received documentation of the substitute instructor’s current level 2 background screening and applicable credentials. A coalition may maintain and publish a list of substitute instructors for whom the coalition has previously received documentation which shall indicate, at a minimum, the name of the substitute instructor and the expiration date of the instructor’s level 2 background screening. If the coalition maintains a list, a provider shall not be required to submit documentation for a substitute instructor whose name and level 2 background screening expiration date appear on the list.

(6) Nothing in this rule shall be considered to supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this rule. This subsection shall not be construed to permit employment of substitute instructors in public schools for time periods greater than those enumerated in this rule.

*Rulemaking Authority 1002.55(3)(e), 1002.61(6), 1002.63(7), 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History—New 8-10-09, Formerly 60BB-8.410.*

### **6M-8.500 VPK Specialized Instructional Services: Child Eligibility and Provider Reimbursement.**

(1) **General Eligibility.** A parent with a four-year-old child who meets the Voluntary Prekindergarten Program eligibility requirements described in Rule 6M-8.200, F.A.C., and has a disability and a current individual educational plan (IEP) developed by the local school board may enroll the child in either a standard (school-year or summer) Voluntary Prekindergarten Education (VPK) Program or in a VPK specialized instructional services program type. Parents may enroll a child in only one program type; a child may not be enrolled in a school-year or summer program type and the VPK specialized instructional services program type at the same time.

(2) **Child Eligibility.**

(a) In order to register a child for the VPK specialized instructional services (SIS) program type, a parent must do all of the following:

1. Register the child in accordance with the requirements of Rule 6M-8.201, F.A.C.;
2. Submit to the early learning coalition a completed and signed Specialized Instructional Services Supplemental Student Application, Form OEL-VPK 01S, dated June 2014, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C. or found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04438>; and
3. Submit to the early learning coalition a copy of the child's current IEP developed by the local school board.

(b) Upon receipt of the required registration documentation from a parent registering his or her child for the VPK SIS program type, a coalition shall first determine the child's eligibility for the VPK program under Rule 6M-8.201, F.A.C. A coalition shall then determine the child's eligibility for the SIS program by reviewing the completed and signed Form OEL-VPK 01S, and attached copy of the child's current IEP. A child shall be determined eligible for the VPK SIS program type by an early learning coalition if:

1. The Form OEL-VPK 01S is completed with accurate information as certified by the parent;
2. The parent has selected a type or types of SIS in item 6. of Form OEL-VPK 01S which are consistent with the child's IEP;

and

3. The IEP submitted by the parent is dated within the last year.

(c) Upon determining that a child is eligible to participate in a VPK SIS program type, the appropriate coalition staff shall complete the "Early Learning Coalition Use Only" section of Form OEL-VPK 01S, as indicated in grey to document the child's eligibility. Additionally, the coalition shall complete sections I. and II. in Part A and items 1. through 8. in Part B of Form OEL-VPK 02S, dated June 2014. Form OEL-VPK 02S, Part A, dated June 2014 and Form OEL-VPK 02S, Part B, dated June 2014, are both hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C or found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04439> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-04440>, respectively. The coalition shall provide a copy of the forms referenced in this paragraph, with the appropriate sections completed, to the child's parent.

(3) **Provider Selection.**

(a) The parent shall select a SIS provider or providers which offer services consistent with the student's current IEP from providers approved by the DOE under Rule 6A-6.03033, F.A.C., to offer SIS in the coalition service area. Services consistent with the student's current IEP may include, but are not limited to:

1. Applied behavior analysis as defined in Sections 627.6686 and 641.31098, F.S.
2. Speech-language pathology as defined in Section 468.1125, F.S.
3. Occupational therapy as defined in Section 468.203, F.S.
4. Physical therapy as defined in Section 486.021, F.S.
5. Listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing who has received an implant or assistive hearing device.

(b) If the parent selects multiple providers from more than one coalition service area, the coalitions may enter into an interagency agreement regarding the payment of the providers.

#### **(4) Student Enrollment.**

(a) After a parent has chosen a SIS provider, the parent shall work with the selected SIS provider to complete section III. of Form OEL-VPK 02S, Part A. If a parent selects multiple SIS providers, the coalition shall provide the parent an OEL-VPK 02S, Part A form to complete with each selected SIS provider.

(b) Each SIS provider shall have an authorized representative complete, sign and date the "Voluntary Prekindergarten Education Program Specialized Instructional Services Provider Agreement" (Form OEL-VPK 20S) where indicated and submit the completed form, along with the completed Form OEL-VPK 02S, Part A, to the early learning coalition. Form OEL-VPK 20S, dated June 2014, is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C or found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04441>. A SIS provider must receive a fully executed copy of Form OEL-VPK 20S from the coalition prior to rendering VPK SIS to any student.

(c) SIS providers which do not submit a completed Form OEL-VPK 02S, Part A, for a student and a completed Form OEL-VPK 20S shall not be eligible to receive reimbursement.

#### **(5) Scheduling Services.**

(a) The parent of a student shall schedule all SIS using Form OEL-VPK 02S, Part B, dated June 2014. The parent shall work with each selected SIS provider to complete the form, which must include all scheduled services from all selected SIS providers. If additional space is required to list all scheduled services, the parent may attach additional copies of Form OEL-VPK 02S, Part B.

(b) After scheduling all SIS on Form OEL-VPK 02S, Part B, the parent shall submit the completed form to the early learning coalition for review at least 10 business days prior to the first appointment scheduled.

(c) Within 5 business days of receipt, the early learning coalition shall review the Form OEL-VPK 02S, Part B, to determine whether projected reimbursement for the scheduled services exceed the student's available VPK funding, and to return a copy of the form to the parent and each selected SIS provider.

(d) If the scheduled services would exceed the student's available VPK funding, the coalition shall not authorize payment for that service, shall strike through that service on the Form OEL-VPK 02S, Part B, and include a comment on the form that full payment for the service is not authorized. The provider and the parent may still contract for the stricken services, but the coalition will not reimburse the provider in an amount greater than that approved on the Form OEL-VPK 02S, Part B.

(e) If the parent wishes to add appointments to an existing Form OEL-VPK 02S, Part B, which has already been reviewed by the early learning coalition, the parent shall coordinate with the applicable SIS provider to schedule additional services, which shall be added to the existing form. The parent shall resubmit the revised Form OEL-VPK 02S, Part B, to the coalition for review. The resubmittal and review process shall follow the process detailed in subparagraphs (5)(b)-(c) above.

(f) Services not identified on the Form OEL-VPK 02S, Part B, as reviewed and authorized by the early learning coalition shall not be reimbursed.

#### **(6) Determining Student's Available Funding Amount.**

(a) New enrollment. The cumulative total of services reimbursed for a child may not exceed the amount of the full-time equivalent (FTE) student established for each county in accordance with Section 1002.71(3), F.S. In the absence of a specific base student allocation for VPK SIS:

1. The VPK school-year FTE allocation shall be used for students whose parents select the school-year option in Item 7 of the completed Form OEL-VPK 01S. Services received under this allocation must occur between 14 calendar days before Labor Day and June 30th of the year the child is eligible for VPK.

2. The VPK summer FTE allocation shall be used for students whose parents select the summer option in Item 7 of the completed Form OEL-VPK 01S. Services received under this allocation must occur between May 1 and 15 calendar days before Labor Day of the year the child is eligible for kindergarten.

(b) Reenrollment for good cause. Notwithstanding the funding described in paragraph (a) above, if a student is reenrolled for good cause under Rule 6M-8.210, F.A.C., into the SIS program type from a school-year or summer program type, the funding available to the student shall be equal to the student's FTE allocation for the program type in which the student was previously enrolled, minus any amount previously paid for such services rendered to the student.

#### **(7) Provider Payment.**

(a) To receive reimbursement for services rendered, a SIS provider shall obtain the parent's initials and date on Form OEL-VPK 02S, Part B, certifying that services were rendered. Within 30 calendar days of providing services, the SIS provider shall submit the



Form OEL-VPK 02S, Part B, with the parent's certification to the coalition as an invoice or as an attachment to an invoice for reimbursement.

(b) A coalition shall reimburse SIS providers for SIS rendered to an eligible student as certified by the parent on the Form OEL-VPK 02S, Part B. The coalition shall not reimburse a SIS provider for costs other than specialized instruction, for example missed appointments, late fees, or interest. However, a SIS provider must provide the parent with its policy for missed appointments, including late arrivals, in writing and may then follow its normal business practices regarding charges for missed appointments or late arrivals. A coalition shall reimburse the SIS provider in the calendar month following the month in which an invoice for reimbursement is received by the coalition.

(c) SIS providers shall not invoice coalitions for services which have been paid for by other sources. If an SIS provider retains SIS funds for services paid for by other sources, the provider shall be subject to any available penalty at law, which may include, but is not limited to, referral for fraud investigation.

(d) An early learning coalition's total payment on behalf of a student enrolled under this rule shall not exceed the student's FTE established in accordance with Section 1002.71(3), F.S. If the student receives services through multiple SIS providers, the funding shall be distributed to the SIS providers in accordance with the schedule of services established on the Form OEL-VPK 02S, Part B. In accordance with paragraph (5)(d) above, if the cost of services rendered to a student exceeds the amount of funding available through the VPK program, those services shall not be part of the VPK program.

(8) **Reenrollment** Being enrolled under this rule constitutes an enrollment for the purposes of Rule 6M-8.201, F.A.C. Changing a student's enrollment between a standard VPK-program type (school-year or summer) and the VPK specialized instructional services program type constitutes a reenrollment for the purposes of Rule 6M-8.210, F.A.C. However, changing SIS providers while enrolled in the specialized instructional services program type does not constitute a reenrollment under Rule 6M-8.210, F.A.C. To re-enroll a student, the parent must comply with the terms of Rule 6M-8.210, F.A.C.

*Rulemaking Authority 1001.213(2), 1002.75(1), (3), 1002.79 FS. Law Implemented 1002.66, 1002.53(3)(d), (4)(b), 1002.71(4), 1002.72, 1002.75(1), (3)(d)-(e) FS. History—New 8-5-14.*

#### **6M-8.601 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.**

(1) **Purpose.** The purpose of this rule is to implement the requirements of Section 1002.69, F.S.

(2) **Accuracy of Data.**

(a) Prior to the calculation of the final VPK Provider Kindergarten Readiness Rate, as described in subsection (3) of this rule, private and public school VPK providers shall have the opportunity to review a preliminary readiness rate which includes a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours the VPK participants attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph (3)(a)1., of this rule, the provider may submit corrective information to the Department of Education within the review period described below after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with Florida's Office of Early Learning and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within the review period described below.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department's website or if a private provider disputes ownership at the time of the 2009-10 VPK program, the provider may file a dispute on the Department's website and submit documentation to the Department for its review and consideration after publication of the preliminary rate. This review period shall be less than twenty-one (21) days following publication of the preliminary readiness rate. The Department shall review and accept or reject any changes to the data within fourteen (14) days after the close of the review period. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection (3) of this rule.

(3) **Criteria for Inclusion in and Calculations of the VPK Readiness Rate.**

(a) After the conclusion of the review of the data described in subsection (2) of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. Attended the VPK program for seventy (70) percent or more of the total number of instructional hours; and

2. Are matched to a valid score on both of the kindergarten screening measures.

**(b) Calculation of the VPK readiness rate:**

1. Kindergarten student scores on the Florida Assessments for Instruction in Reading (FAIR) assessment administered during the first thirty (30) days of the school year must demonstrate a probability of reading success of .67 or high to be considered “ready for kindergarten.” Kindergarten student scores on the Early Childhood Observation System (ECHOS) must indicate that the student is either “emerging/progressing” or “demonstrating” to be considered “ready for kindergarten.” In order for a provider to be considered to have successfully administered the VPK program, the provider must have seventy (70) percent of children ready using the calculation in this section. A provider failing to meet this standard will be placed on probation.

2. The “Percent of Children Ready for Kindergarten” shall be calculated as the number of “Children Read for Kindergarten” on both screening measures divided by the total number of “Children Screened” meeting the requirements set by the State Board of Education in subparagraphs (3)(a)1. and (3)(a)2., of this rule.

(c) If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), F.S.

(d) The Department shall publish each VPK program provider’s readiness rate.

(4) **VPK Provider Kindergarten Readiness Rates.** VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.

(5) **Providers Placed on Probation.** If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be placed on probation, notified of each designation by the Department, and acknowledge such designation on the Department’s website within twenty-one (21) days of the State Board of Education’s adoption of the minimum readiness rate.

*Rulemaking Authority 1002.69(5), (6), 1002.79 FS. Law Implemented 1002.69(5), (6) FS. History—New 6-3-07, Amended 1-16-08, 1-5-09, 12-15-09, 10-25-10, 5-10-12, Formerly 6A-1.099821.*

**6M-8.602 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program.**

Minimum student performance standards adopted by the State Board of Education for children participating in the Voluntary Prekindergarten (VPK) Education Program are contained in the publication “Florida Early Learning and Developmental Standards for Four-Year-Olds (2011), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01632>.” The standards incorporated in this document are hereby incorporated by reference in this rule and made a part of the rules of the State Board of Education and may be obtained by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida 32399 or from the Department’s web site at <http://www.fldoe.org/earlyLearning>.

*Rulemaking Authority 1002.79 FS. Law Implemented 1002.67(1) FS. History—New 7-25-07, Amended 9-22-08, 11-22-11, Formerly 6A-1.099823.*

**6M-8.603 Voluntary Prekindergarten (VPK) Provider Placed on Probation Good Cause Exemption.**

Pursuant to Section 1002.69, F.S., the State Board of Education, upon request of a private prekindergarten provider or public school that remains on probation for two (2) consecutive years or more and subsequently fails to meet the minimum rate adopted under Section 1002.69(6)(a), F.S., and for good cause shown may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(1) The following process must be followed in order for a provider to be eligible to receive a good cause exemption:

(a) The provider must acknowledge being placed on probation and provide a notice that they intend to apply for a good cause exemption immediately following the first occurrence of failing to meet the readiness rate adopted by the State Board of Education. A provider that has been placed on probation upon issuance of the final readiness rates by the Department will remain on probation until such time that the provider has been issued a VPK readiness rate that meets the minimum rate set by the State Board of Education in Rule 6A-1.099821, F.A.C.

(b) The provider must adhere to all requirements of probation associated with having not met the readiness rate.

(c) The provider must assess each child enrolled in their program in accordance with paragraph (2)(a) of this rule.

(2) Criteria for Granting Good Cause Exemptions. Each of the following criteria must be met to be granted a good cause exemption:

(a) Learning Gains. The private prekindergarten provider or public school must demonstrate learning gains on a standardized assessment approved by the Department. The ratio of students making learning gains to the total number of students assessed must be proportional to the ratio of students ready for kindergarten reflected in the readiness rate. The documentation of learning gains shall meet the following criteria:

1. Providers must utilize an assessment approved by the Department. A provider seeking a good cause exemption shall have the early learning coalition or a Department-approved second party administer the state-approved prekindergarten enrollment screening to each child in the prekindergarten provider's program within the first thirty (30) instructional days of each school year program or the first ten (10) instructional days of a summer program and the provider shall administer the standardized post-assessment approved by the Department to measure the student's learning gains for the year or summer, as appropriate. All costs associated with the assessments shall be borne by the VPK program provider.

2. Testing procedures for the assessment shall be performed according to the publisher's guidelines and assessment results shall be tabulated according to the publisher's guidelines. The provider shall take appropriate measures to ensure the integrity of the testing process. Individual student test results must be submitted to the Department in an electronic format such as provided by the Department. All data must be submitted to the Department within thirty (30) days after the administration of each assessment.

3. At a minimum, data must be provided for all years following the first year of a provider having been placed on probation. Assessment results for all program completers who were assessed shall be included. An explanation shall be included for any program completers who were not assessed.

4. The results of the assessment shall demonstrate substantial and appropriate learning gains by program completers. Learning gains are substantial and appropriate if the ratio of students making learning gains to the total number of students assessed is seventy (70) percent or greater.

(b) Health and Safety Requirements. Pursuant to Section 1002.69(7)(d), F.S., a good cause exemption may not be granted to any private prekindergarten provider that has any Class I violations or two or more Class II violations within the two (2) years preceding the provider's or school's application for the exemption. For purposes of this rule, Class I violations and Class II violations have the same meaning as provided in Section 402.281(3), F.S. The good cause exemption application must include copies of all Department of Children and Families Childcare Inspection Checklists for all inspections performed by the Department of Children and Families under authority of Sections 402.301-402.319, F.S., during the two-year time period prior to application for good cause exemption.

(c) Individual Circumstances. Extraordinary or unique circumstances under which the provider should be allowed to continue to deliver the Voluntary Prekindergarten Education Program after remaining on probation for two (2) consecutive years and failing to meet the minimum readiness rate adopted by the State Board of Education as satisfactory under Section 1002.69, F.S.

(d) Adherence to an approved provider improvement plan under Section 1002.67(3)(c), F.S., following all steps towards improvement specified in the plan including the use of a Department-approved curriculum or a staff development plan approved by the Department.

(3) Application. A provider seeking a good cause exemption shall complete the Department's VPK Good Cause Exemption Application Form VPK-GCE-02, May 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01190> which is incorporated by reference herein. The sole method of submitting this form will be through the Department's web site at: <https://vpk.fldoe.org>. The submission of an application for a good cause exemption must adhere to the following:

(a) The provider may submit additional documentation in support of its application. The Department may request additional documentation for verification of eligibility.

(b) A provider who fails to meet the minimum readiness rate after having been placed on probation for two (2) consecutive years may submit a good cause exemption application at any time after the release of the annual preliminary VPK Readiness Rate. Supporting documentation submitted with the application must include a review of adherence to the provider improvement plan, fidelity of implementation of the required curriculum or staff development plan pursuant to Section 1002.67(3)(c)2., F.S., and feedback from the previous year Department's site visits. The good cause exemption application and all supporting documentation must be received by the Department no later than fourteen (14) days after the timely filed provider acknowledgment of failing to achieve the minimum readiness rate submitted pursuant to Rule 6A-1.099821, F.A.C.

(c) The Department may grant an extension of time for submitting the good cause exemption application or supporting documentation for good cause shown. Good cause includes unavoidable circumstances such as illness or natural disaster, or excusable neglect.

(4) Department Review and Recommendation.

(a) Eligibility. The Department shall review each application for a good cause exemption to verify that the provider is eligible to apply. The Department shall deny any application that is submitted by a provider who does not meet the criteria described in paragraph (1)(b) or (1)(c) of this rule, without further review.

(b) The Department will review each application for a good cause exemption filed by an eligible provider, and shall make a recommendation to the State Board of Education as to whether or not to grant the good cause exemption to the provider. The Department may include outside consultants in the review process. The Department may request additional information from providers to supplement provider applications and may consider additional relevant documentation gathered or received by the Department from any source. The Department shall allow the provider an opportunity to rebut any evidence considered that was not submitted by the provider.

(c) The Department will consider each application individually and shall include in its recommendation and report:

1. Whether the provider met the criteria described in subsection (1) of this rule;
2. Whether the provider was previously granted a good cause exemption;
3. The readiness rates of other providers in comparable circumstances, if such information is available and relevant;
4. Whether the circumstances warrant granting the request for a good cause exemption; and
5. Whether any conditions should be imposed upon the grant of a good cause exemption. Each conclusion or recommendation shall be accompanied by an explanation in the report.

(d)1. The Department shall issue a preliminary recommendation and report and provide a copy of it to the provider.

2. The provider may submit a written response to the Department's preliminary recommendation and report within fourteen (14) days of receipt.

3. The Department shall consider any timely response and revise the recommendation and report, if appropriate.

(5) State Board of Education Determination.

(a) The Department will make its final recommendation to the State Board of Education by forwarding a final recommendation and report to the State Board of Education regarding each application submitted. A copy of the final recommendation and report will be provided to the applicant.

(b) The Department will provide to the State Board of Education copies of the following documents:

1. The provider's good cause application, with supporting documents;
2. Additional documentation considered by the Department in making its recommendation;
3. The Department's preliminary recommendation and report;
4. The provider's response to the preliminary recommendation and report, if one was submitted; and
5. The Department's final recommendation and report.

(c) The State Board of Education may consider a provider's application based on the written submissions alone or may, in its discretion, allow oral argument before the Board.

(d) The State Board of Education shall grant or deny each application. The State Board of Education may conditionally grant an application if, but for the proposed condition(s), the application would be denied.

(e) The Department shall notify Florida's Office of Early Learning of all good cause exemptions granted by the State Board of Education. Any provider granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under Section 1002.67(3)(c)2., F.S. Any exemption granted by the State Board of Education is valid for one (1) year and may be renewed through the same application process.

(f) The Department will provide onsite review of adherence to the curriculum as approved in the provider improvement plan pursuant to Section 1002.67(3)(c), F.S., implementation of the VPK standards and research based instructional practices, and ensure that ongoing student progress monitoring is administered by all providers granted a good cause exemption.

*Rulemaking Authority 1002.79, 1002.69(7) FS. Law Implemented 1002.67(4), 1002.69(7) FS. History—New 3-24-11, Amended 5-10-12, Formerly 6A-1.099824.*

**6M-8.604 Voluntary Prekindergarten (VPK) Curriculum Approval Process.**

The specifications, policies and procedures for the VPK curriculum approval process are contained in the documents, Florida Voluntary Prekindergarten (VPK) Education Program: Curriculum Approval Specifications 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01632>) and Florida Voluntary Prekindergarten (VPK) Education Program: Policies and Procedures for Curriculum Approval 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01633>) which are hereby incorporated by reference in this rule. Copies of the publications may be obtained by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida or from the Department's website at <http://www.fldoe.org/earlylearning/>. In addition, to the Curriculum Approval Specifications and the Policies and Procedures for Curriculum Approval 2012, the following forms are incorporated by reference to become effective November 2012: VPK-Curr1, Committee Member Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01643>); VPK-Curr2, Publisher's Intent to Submit Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01644>); VPK-Curr3, Publisher Registration Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01645>); VPK-Curr4, Publisher Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01646>); and VPK-Curr5, Curriculum Evaluation Form (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01647>).

*Rulemaking Authority 1002.67, 1002.79 FS. Law Implemented 1002.67 FS. History--New 11-22-12, Formerly 6A-1.099825.*

#### **6M-8.605 VPK Staff Development Plan For Providers on Probation.**

The VPK Staff Development Plan for Providers on Probation adopted by the State Board of Education outlines the required staff development trainings and required staff development activities as well as recommended trainings and activities in the document titled "DOE-Approved Staff Development Plan for VPK Providers on Probation, August 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01499>)." This document is hereby incorporated by reference in this rule and may be obtained by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida 32399.

*Rulemaking Authority 1002.67(4)(c)2., 3., 1002.79 FS. Law Implemented 1002.67 FS. History--New 8-21-12, Formerly 6A-1.099826.*

#### **6M-8.610 Voluntary Prekindergarten (VPK) Director Credential for Private Providers.**

A private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Credential. Successful completion of the Director Credential, as required by Section 402.305(2)(f), F.S., and paragraph 65C-22.003(8)(a), F.A.C., prior to the effective date of this rule shall satisfy this requirement.

(1) Requirements for the VPK Director Credential. To be eligible for the Voluntary Prekindergarten (VPK) Director Credential, applicants must successfully complete the following requirements:

(a) A Florida credential certificate program, as referenced in paragraph 65C-22.003(8)(a), F.A.C., approved by DCF and the Department of Education (DOE);

(b) DOE-approved training on the VPK education standards adopted by the State Board of Education;

(c) DOE-approved course(s) on emergent literacy; and

(d) DOE-approved course(s) that address the following VPK Director competencies:

1. Organizational Leadership and Management – To implement strategies and techniques that promote a responsive work and learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Management strategies that support a professional culture and climate;

b. Instructional leadership skills and the provision of supports to VPK instructors;

c. Available resources and supports for VPK instructors and parents; and

d. Local processes and procedures for the transition of VPK children to public and private kindergarten programs.

2. Financial and Legal – To maintain effective financial planning and budgeting systems and sound practices related to legal obligations and responsibilities, VPK directors shall be able to demonstrate knowledge and application of:

a. Applicable laws and rules and legal responsibilities;

b. Roles and responsibilities of state agencies, local coalitions, and providers;

c. Monitoring requirements; and

d. Financial operating procedures.

3. Program and Performance Standards – To maintain an instructional leadership role in creating and sustaining an effective learning environment, VPK directors shall be able to demonstrate knowledge and application of:

- a. Developmentally appropriate and research-based instructional practices and their application in the classroom;
- b. Evaluation of the appropriateness and effectiveness of available prekindergarten curricula;
- c. Effective implementation of a prekindergarten curriculum in the classroom;
- d. Effective instructional strategies for children with disabilities or other special needs and for English language learners;
- e. Developmentally appropriate methods for the on-going assessment of young children and interpretation of these data for program planning and the delivery of instruction; and
- f. Local and state accountability systems.

(2) **Procedure for VPK Director Credential.**

(a) An applicant for the VPK Director Credential must complete and submit the Florida Voluntary Prekindergarten (VPK) Director Credential Application, Form DOE-DCA 01-07 which is incorporated by reference to become effective with the effective date of this rule.

(b) The VPK Director Credential will be issued upon verification of the completed application and supporting documentation that the applicant has met the onsite experience and educational requirements for a VPK Director Credential.

(3) **Effective Date and Renewal.** If the applicant obtained the DCF Director Credential prior to the effective date of this rule, the expiration date of the VPK Director Credential will be the same as the applicant's DCF Director Credential. If the applicant did not obtain the DCF Director Credential prior to the effective date of this rule, the expiration date of the VPK Director Credential shall be in accordance with subparagraph 65C-22.003(8)(d)2., FAC. To maintain an active VPK Director Credential, the director of a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must meet the requirements in paragraph 65C-22.003(8)(d), F.A.C.

(4) **Revocation.** The Department will revoke the VPK Director Credentials of a person who provided false information on an application for VPK Director Credential.

*Rulemaking Authority 1002.79 FS. Law Implemented 1002.55(3)(g), 1002.57 FS. History—New 12-31-06, Amended 5-19-08, Formerly 6A-6.040.*

### **6M-8.700 Provider on Probation; Voluntary Prekindergarten Education Program Improvement Plan and Implementation; First Year Probation.**

(1) **Probation.** An early learning coalition or school district, as applicable, shall place on first year probation any Voluntary Prekindergarten Education (VPK) provider which fails to meet the minimum kindergarten readiness rate for a program type (school year or summer) adopted by the State Board of Education as satisfactory under Section 1002.69(6), F.S., and require such provider to submit and implement an approved improvement plan designed to improve the provider's kindergarten readiness rate. An improvement plan shall include:

(a) **Use of Approved Curriculum or Staff Development Plan.** A VPK provider on probation must select either an approved curriculum from the list of approved curricula for providers on probation on the Department of Education's website per Rule 6A-1.099825, F.A.C., or a staff development plan available from the Department of Education per Rule 6A-1.099826, F.A.C., as a targeted area in its improvement plan. An early learning coalition or school district, as applicable, shall require a VPK provider on probation to use an approved curriculum or staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S.

(b) **Additional Targeted Areas.** A VPK provider on probation must select a minimum of one of the following additional areas as a targeted area in its improvement plan:

1. Administrative and management practices, including training, educational level, and retention of prekindergarten instructors;
2. Classroom learning environment;
3. Child developmental screenings and assessments;
4. Social-emotional interactions among prekindergarten instructors and students;
5. Students' ability to make age appropriate progress in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities;
6. Percentage of students attending seventy (70) percent or more of the instructional hours offered by the VPK provider; or
7. Family involvement in the early childhood program.

(c) **Strategies for Improvement.** A description of strategies for improvement of the provider's VPK program which includes the following and, at the discretion of the provider, any other additional areas:

1. A list of target areas for the VPK provider's improvement identified under subparagraphs (1)(a) and (b) and any additional areas a provider deems important to its improvement;

2. A list of specific actions already taken, and proposed to be taken, by the VPK provider for improvement of targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider on probation must submit its improvement plan electronically through the website <https://vpk.fldoe.org/>. The provider must have an approved improvement plan in place for at least 30 days prior to receiving an advance payment and for at least 30 days prior to offering VPK instruction for the program type for which the provider must submit an improvement plan, as applicable. A VPK provider on probation may submit an improvement plan any time after the Department of Education posts the preliminary readiness rates.

(b) An early learning coalition or school district, as applicable, shall approve or disapprove a VPK provider's improvement plan within 14 days following receipt of the improvement plan if the plan is submitted with a list of target areas and specific actions for improvement as described in this rule.

(c) If the improvement plan does not address the criteria established in paragraphs (1)(a)-(c), the early learning coalition or school district, as applicable, shall disapprove the improvement plan and shall return it to the VPK provider with suggestions for revision. The VPK provider on probation shall submit an amended improvement plan within 14 days following the receipt of notification of disapproval of its improvement plan and suggestions for revision. The early learning coalition or school district, as applicable, shall offer to work with the VPK provider on probation to revise a disapproved improvement plan to address the criteria in paragraphs (1)(a)-(c). For each initial disapproved improvement plan that a VPK provider submits, the provider may submit an amended improvement plan no more than two additional times until such time as the State Board of Education adopts the minimum kindergarten readiness rate for the subsequent program year under Rule 6A-1.099821, F.A.C.

(3) Technical Assistance. An early learning coalition or school district, as applicable, shall offer to identify technical assistance opportunities for each provider on probation. Such technical assistance shall be offered in a manner and schedule prescribed by the coalition or school district, and shall be designed to facilitate the development and implementation of improvement plans. A provider on probation may elect to receive assistance by contacting the coalition or school district, as applicable, in writing. Whether or not a provider elects to receive resources, referrals or technical assistance, improvement of the provider's kindergarten readiness rate is the sole responsibility of the provider. Compliance with technical assistance does not guarantee that the provider will improve its kindergarten readiness rate.

(4) Prior to registering to offer the VPK program, a provider on probation must demonstrate that it is implementing its improvement plan. The VPK provider must demonstrate its implementation of its improvement plan by using an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S., including all program materials and professional development elements associated with the approved curriculum or staff development plan, and by submitting the following to the early learning coalition or school district, as applicable:

(a) For use of an approved curriculum:

1. A receipt or invoice demonstrating that the VPK provider has purchased an approved curriculum and has scheduled instructor trainings developed by the curriculum publisher on use of the curriculum; or

2. An acknowledgement that the VPK provider has received the complete approved curriculum through a donation and has scheduled instructor trainings developed by the curriculum publisher on use of the curriculum.

(b) For use of a staff development plan:

1. Copies of certificates evidencing successful training completion for VPK staff consistent with the staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S; and

2. An acknowledgement that the VPK provider has implemented its staff development plan.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.67(4)(c)1.-3., 1002.75(3)(a)-(b) FS. History—New 3-26-13.*

#### **6M-8.701 Provider on Probation; Voluntary Prekindergarten Education Program Annual Probation Progress Report; Second and Subsequent Year Probation.**

(1) Probation. An early learning coalition or school district, as applicable, shall place on second or subsequent year probation any Voluntary Prekindergarten Education (VPK) provider which receives kindergarten readiness rates for the same program type (school year or summer) which fail to meet the minimum rates adopted by the State Board of Education as satisfactory under Section

1002.69(6), F.S., for two or more consecutive years. For the purpose of this rule, consecutive years means years in which a VPK provider receives kindergarten readiness rates for the same program type (school year or summer).

(2) Second or Subsequent Year Probation Corrective Action. A VPK provider that remains on probation under this rule must submit an annual probation progress report electronically through the website <https://vpk.fldoe.org/>. The annual probation progress report must demonstrate progress toward meeting the specific actions for improvement in the target areas identified in the provider's approved improvement plan. The provider must have an approved probation progress report in place for at least 30 days prior to receiving an advance payment and for at least 30 days prior to offering VPK instruction for the program type for which the provider must submit a probation progress report, as applicable. A VPK provider may submit a probation progress report any time after the Department of Education posts the preliminary readiness rates. The probation progress report shall provide information regarding the provider's progress in implementing its improvement plan approved under Rule 6M-8.700, F.A.C. The second or subsequent year probation progress report shall contain a description of strategies for improvement of the VPK program that includes the following:

(a) A list of target areas for the VPK provider's improvement per Rule 6M-8.700, F.A.C., and any additional areas a provider deems important to its improvement, including specifically;

1. Identification and description of the provider's use of an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S., including all associated program materials and professional development elements associated with the approved curriculum or staff development plan as described in paragraph 6M-8.700(1)(a) and subsection (4), F.A.C.; and

2. Identification and description of the provider's action steps in the additional targeted area(s) as described in paragraph 6M-8.700(1)(b), F.A.C.

(b) A list of specific actions the VPK provider will take in the future for improvement of the targeted areas; and

(c) An implementation schedule or timeline for the VPK provider to implement any proposed actions.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.67(4)(c)2.-3., 1002.75(3)(b) FS. History—New 3-26-13.*

#### **6M-8.702 Provider on Probation; Removal From Voluntary Prekindergarten Education Program Eligibility.**

(1) Removal from Future Eligibility. Except when a provider receives a good cause exemption under Section 1002.69(7), F.S., an early learning coalition or school district, as applicable, shall remove a Voluntary Prekindergarten Education (VPK) Program provider from future eligibility to offer new VPK classes of the program type (school year or summer) for which the provider receives kindergarten readiness rates for the same program type (school year or summer) which fail to meet the minimum kindergarten readiness rates adopted by the State Board of Education as satisfactory under Section 1002.69(6), F.S., for three consecutive years. For the purpose of this rule, consecutive years has the same meaning as defined in subsection 6M-8.701(1), F.A.C.

(2) Letter of Removal to Private VPK Providers. Florida's Office of Early Learning shall notify the early learning coalition, in writing, to remove a private VPK provider from future eligibility to offer new VPK classes of the program type. The coalition shall then issue a written Letter of Removal to the provider, which shall be delivered to the provider via postal service, electronic mail (email), facsimile, or courier service. The Letter of Removal shall be provided within 30 days after the decision on an application for good cause exemption by the State Board of Education, or, if no application was filed by the provider, within 30 days after the deadline to file a good cause exemption application has expired, with a copy to Florida's Office of Early Learning, at the following address: 250 Marriott Drive, Tallahassee, Florida 32399. A Letter of Removal shall contain the following provisions:

(a) Notice of the program type (school year or summer) for which the provider is ineligible;

(b) The date upon which the provider was deemed ineligible to offer the program type in the future; and

(c) Notice of termination of any provider agreements, if applicable, under which the provider would have begun a new VPK class for the VPK program type for which the provider has been deemed ineligible.

(3) Notification of Removal to Public School VPK Providers. The Florida Department of Education shall notify the school district, in writing, to remove a public school VPK provider from future eligibility to offer new VPK classes of the program type and shall provide a copy of such notification to the early learning coalition.

*Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.67(4)(c), 1002.75(3)(c) FS. History—New 3-26-13.*

#### **6M-8.900 Obtaining VPK Forms.**



The forms incorporated by reference in this chapter may be obtained from the Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, Florida 32399, (866) 357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.floridaearlylearning.com>.

*Rulemaking Authority 1002.79(2) FS Law Implemented 1002.53(4), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(a), (b), 1002.75(2) FS. History—New 5-24-07, Formerly 60BB-8.900.*