

6M-8.603 Voluntary Prekindergarten (VPK) Provider on Probation and Required to Apply for a Good Cause Exemption.

Rulemaking Authority 1001.213(2), 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 History—New 3-24-11, Amended 5-10-12, Formerly 6A-1.099824, Amended 4-12-15, 6-23-16, Repealed

6M-8.603 Voluntary Prekindergarten (VPK) Provider on Probation and Required to Apply for a Good Cause Exemption.

Pursuant to Section 1002.69, F.S., the Office of Early Learning, 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), 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) Good Cause Exemption Application Requirements. A provider must meet the following criteria to apply for a good cause exemption:

(a) The provider must acknowledge on Form OEL-VPK 05A (January 2016), Provider Acknowledgement, being placed on probation in accordance with Rule 6M-8.700, F.A.C. A copy of the form may be obtained as provided in Rule 6M-8.900, F.A.C. or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06524>.

(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 meeting the following criteria:

1. Providers must utilize the pre- and post- assessment, the Florida VPK Assessment, approved by the State Board of Education in Rule 6A-1.09433, F.A.C. (March 2015), and administered consistent with the requirements of Rules 6M-8.620 and 6A-1.09433, F.A.C., is incorporated by reference and a copy of the rule may be obtained as

provided in Rule 6M-8.900, F.A.C. or at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05178>. Data submitted for VPK program year 2010-2011 may be an assessment other than referenced here.

2. Data must be provided for the three most recent years of being placed on probation. Assessment results for all program completers who were assessed shall be included.

3. 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 subsection 65C-22.010(1) (August 2013) and Rule 65C-22.010, F.A.C., is incorporated by reference and a copy of the rule may be obtained as provided in Rule 6M-8.900, F.A.C. or at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05179>.

(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 Office under Section 1002.69, F.S.

(d) Adherence to the Improvement Plan. Following all steps under Section 1002.67(4)(c), F.S., towards improvement specified in the plan including the use of an Office-approved curriculum or the staff development plan approved by the Office.

(3) Application. A provider seeking a good cause exemption shall complete the Office's VPK Good Cause Exemption Application Form OEL-VPK 30, January 2016 found at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-06525>, which is incorporated by reference herein. The sole method of submitting this form will be through the Office's website 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 Office 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 after the release of the final 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 as explained in paragraph (2)(d) above. The good cause exemption application and all supporting documentation must be received by the Office no later than fourteen (14) days after the deadline for filing the provider acknowledgment of failing to achieve the minimum readiness rate submitted pursuant to Rule 6M-8.601, F.A.C.

(c) The Office 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) Office Review and Recommendation

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

(b) The Office will review each application for a good cause exemption filed by an eligible provider. The Office may include outside consultants in the review process. The Office may request additional information from providers to supplement provider applications to address deficiencies identified by the Office with respect to demonstrated learning gains, health and safety requirements, extraordinary or unique circumstances or adherence to the provider's improvement plan and may consider additional relevant documentation gathered or received by the Office from any source. The Office shall allow the provider an opportunity to rebut any evidence considered that was not submitted by the provider.

(c) The Office will consider each application individually and shall include in its review:

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.

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

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

~~3. The Office shall consider any timely response and revise the recommendation if appropriate.~~

~~(5) Final Determination.~~

~~(a) The Office will make its final determination regarding each application submitted and notify the applicant and the coalition or school district.~~

~~(b) Any provider granted a good cause exemption shall continue to implement its improvement plan required under Section 1002.67(4)(c)2., F.S. Any exemption granted is valid for one (1) year and may be renewed through the same application process.~~

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