

Substantial rewording of Rule 6M-8.700 follows. See Florida Administrative Code for present text.

6M-8.700 ~~Provider on Probation~~; Voluntary Prekindergarten Education Program ~~Provider with Incomplete Status, Provider on Probation and Good Cause Exemption Improvement Plan and Implementation~~; First Year Probation

(1) Definitions. For this rule, the following definitions apply:

(a) “Incomplete provider” means a Voluntary Prekindergarten (VPK) provider that does not have sufficient data to be assigned a performance metric designation as described in paragraph 6M-8.622(5)(b), F.A.C.

(b) “Performance metric designation” means excellent, above expectations, meets expectations, below expectations, and unsatisfactory as set forth in Rule 6M-8.622, F.A.C.

(c) “Statistically significant” means a higher percentage than the statewide percentage of students with an indicator for current English Language Learner (ELL) status and for disability status made available by the department at https://edudata.fldoe.org/AdvancedReports_Tableau.html?StudentEnrollments=true.

(d) “VPK staff member” means a prekindergarten director and prekindergarten instructor as defined in s. 1002.51(5) and (6), F.S.

(2) Probation. Any VPK provider assigned a performance metric designation of below expectations or unsatisfactory for a program type (school-year or summer), must be placed on probation by the applicable early learning coalition (coalition).

(a) Beginning with performance metric designations assigned in 2024-2025, a provider must remain on probation until it is assigned a performance metric designation of meets expectations, exceeds expectations or excellent, transfers ownership to an individual not associated with the provider as described in Rule 6M-8.301, F.A.C., or completes a period of removal from VPK program eligibility as described in Rule 6M-8.702, F.A.C.

(b) The department will provide notification of a provider’s probationary status when performance metric designations are published in accordance with subsection 6M-8.622(5), F.A.C.

(3) Improvement Plan. An improvement plan, consisting of the three forms listed in paragraphs (3)(a), (b) and (c) must be completed by providers on probation.

(a) Form DEL VPK 31A, Voluntary Prekindergarten (VPK) Education Program Improvement Plan: Curriculum. This form requires a provider on probation to select and implement a curriculum from the list of approved curricula for providers on probation in accordance with s. 1002.68(5)(b)3., F.S., and to provide

information about training staff on the curriculum. The list of approved curricula is available at

<https://www.fldoe.org/schools/early-learning/providers/vpk-curriculum.stml>.

(b) Form DEL VPK 31B, Voluntary Prekindergarten (VPK) Education Program Improvement Plan: Staff Development Plan. This form requires a provider on probation to complete a staff development plan. The list of staff development activities approved by the department for use in improvement plans is available at

<https://origin.fldoe.org/schools/early-learning/vpk-accountability.stml>.

1. Each VPK staff member at a provider on probation must complete twenty (20) hours of approved staff development to strengthen instructional practices.

2. Each VPK staff member at a provider on probation operating under a good cause exemption as described in subsection (7) of this rule must complete the staff development outlined in subparagraph (3)(b)1. of this rule and an additional ten (10) hours of approved staff development to strengthen instructional practices.

(c) Form DEL VPK 31C, Voluntary Prekindergarten (VPK) Education Program Improvement Plan: Communication Plan. This form requires a provider on probation to complete a communication plan that acknowledges that the provider will notify families of its performance metric designation and the requirement to implement an improvement plan. Notification must be in writing and provided to families no later than fourteen (14) calendar days after receipt of coalition approval of the plan or child's enrollment, whichever occurs later.

(4) Submission and Approval of Improvement Plan. Each year a provider is on probation, the provider must submit an improvement plan to its coalition using the forms set forth in subsection (3) of this rule. The improvement plan must be submitted in the manner prescribed by the department at <https://origin.fldoe.org/schools/early-learning/vpk-accountability.stml>.

(a) A provider's improvement plan must be received by the provider's coalition no later than thirty (30) calendar days after the most recent release of the performance metric designation.

(b) A provider's improvement plan must be reviewed by its coalition no later than thirty (30) calendar days after receipt of the plan.

1. If the plan meets all requirements in subsection (3) of this rule, the coalition must approve the plan.

2. If the plan does not meet all requirements in subsection (3) of this rule, the coalition must:

a. Update the status of the provider's improvement plan to pending.

b. Return the improvement plan to the provider with required revisions, and

c. Offer to assist the provider with revising the improvement plan.

(c) A provider's revised improvement plan must be received by the coalition no later than fourteen (14) calendar days after the date the coalition returned the improvement plan to the provider for revision.

(d) Pursuant to s. 1002.68(5)(c), F.S., if the coalition does not receive an improvement plan or revised improvement plan that meets the requirements for plans described in subsection (3) and (4) of this rule and within the timeframes of this rule, the coalition must implement the noncompliance determination and corrective action notice requirements described in Form DEL-VPK 20, Statewide Voluntary Prekindergarten Provider Contract, Paragraph XI, incorporated in Rule 6M-8.301, F.A.C. Failure to implement corrective action is grounds for termination for cause of the provider's contract.

(e) An approved improvement plan is valid for one (1) program year.

(5) Improvement Plan Implementation.

(a) Following improvement plan approval, a provider must implement its approved plan and submit evidence of implementation to the coalition using the forms in subsection (3) and in the manner prescribed by the department at <https://origin.fldoe.org/schools/early-learning/vpk-accountability.stml>.

(b) Evidence for implementation of the improvement plan must be received by the timelines established by the department and available at <https://origin.fldoe.org/schools/early-learning/vpk-accountability.stml>.

(c) Pursuant to s. 1002.68(5)(c), F.S., if a coalition does not receive evidence of implementation of the improvement plan by the timelines established by the department, the coalition must implement the noncompliance determination and corrective action notice requirements described in Form DEL-VPK 20, Statewide Voluntary Prekindergarten Provider Contract, Paragraph XI, incorporated in Rule 6M-8.301, F.A.C. Failure to implement corrective action is grounds for termination for cause of the provider's contract.

(6) Incomplete Provider.

(a) An incomplete provider must complete a technical assistance plan to strengthen administrative or instructional practices utilizing Form DEL VPK 32, Voluntary Prekindergarten (VPK) Education Program Technical Assistance Plan for Incomplete Providers. This form requires an incomplete provider to identify causes of their incomplete status and strategies to address these causes.

(b) The requirements for submission and approval of improvement plans found in subsection (4) apply to technical assistance plans of incomplete providers.

(7) Good Cause Exemption. Pursuant to s. 1002.68(6), F.S., if for three (3) consecutive years a provider receives a performance metric designation of below expectations, unsatisfactory or a combination of these performance metric designations, the provider must apply for and be granted a good cause exemption by the department before it can offer VPK instruction for the same program type.

(a) Per s. 1002.68(6)(d), F.S., a provider is not eligible for a good cause exemption if it has been cited for any Class I violation or two (2) or more Class II violations, as defined by paragraphs 65C-22.010(1)(e) and 65C-20.012(1)(h), F.A.C., or local licensing agency (LLA) in the two-year period prior to the date the provider's good cause exemption application is received by the department.

(b) Approval Criteria. To be eligible for a good cause exemption, a provider must have met all the following criteria:

1. Child demographic data from the most recent program year that evidences the provider served:

a. A statistically significant population of children with limited English proficiency as defined in s. 1003.56, F.S.,

b. A statistically significant population of children with disabilities as defined in s. 1002.51(2), F.S., who have individual educational plans or disabilities documented by a licensed health, mental health, education or social service professional other than the child's parent or person employed by the provider, or

c. A statistically significant population of a combination of a. – b. above.

2. Data from the private prekindergarten provider or public school which documents improvement in at least two of the three components described in sub-subparagraphs a., b. and c., in the most recent program year when compared to the previous program year:

a. Achievement of the children served, as measured by the coordinated screening and progress monitoring program in accordance with s. 1008.25(9), F.S., and calculated in accordance with paragraph 6M-8.622(3)(b), F.A.C.;

b. Learning gains of the children served, as measured by:

(I) The coordinated screening and progress monitoring program in accordance with s. 1008.25(9), F.S., and calculated in accordance with paragraph 6M-8.622(3)(c), F.A.C.; or

(II) An alternative measure that has comparable validity and reliability of the coordinated screening and progress monitoring program in accordance with s. 1008.25(9), F.S.; or

(III) Documented progress towards meeting the goals outlined in a child’s individual educational plan in accordance with s. 1002.68(6)(c)1., F.S.

c. Effective teaching practices as measured by improvement in the provider’s composite program assessment score as calculated in accordance with paragraph 6M-8.621(1)(b), F.A.C.:

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and Families, the local licensing authority, or an accrediting association, demonstrating the provider’s compliance with state and local health and safety standards in accordance with s. 1002.68(6)(b)3., F.S., during the most recent program year; and

4. Coalition certification of provider compliance with VPK contract deliverables during the most recent program year.

(c) Good Cause Exemption Application Process. A VPK provider seeking an exemption must submit its good cause exemption application to the department on Form DEL-VPK 33, Voluntary Prekindergarten (VPK) Education Program Application for Good Cause Exemption via email to vpkcompliance@del.fldoe.org.

1. A VPK provider’s complete good cause exemption application, including all data and documentation required by paragraph (7)(b) of this rule must be received by the department no later than fourteen (14) calendar days after the most recent release of the performance metric designation. The department will not accept untimely or incomplete good cause exemption applications.

2. The department will notify the provider and coalition of the provider’s good cause exemption approval or denial by no later than thirty (30) calendar days of receipt of the provider’s good cause exemption application.

(d) A good cause exemption is valid for one (1) program year and the provider must apply annually to request an exemption. A provider granted a good cause exemption must continue to meet improvement plan requirements found in subsections (3)-(5) of this rule.

(e) Pursuant to s. 1002.68(5)(d), F.S., if a provider is not granted a good cause exemption, the coalition must revoke the provider’s eligibility to deliver the VPK program.

(8) The following forms and documents are incorporated in this rule by reference and available on the Division of Early Learning’s website at <https://www.fldoe.org/schools/early-learning/vpk-accountability.shtml>:

(a) Form DEL VPK 31A, Voluntary Prekindergarten (VPK) Education Program Improvement Plan: Curriculum (<http://flrules.org/Gateway/reference.asp?No=Ref-18000>) (May 2025);

- (b) Form DEL VPK 31B, Voluntary Prekindergarten (VPK) Education Program Improvement Plan: Staff Development Plan (<http://flrules.org/Gateway/reference.asp?No=Ref-18001>) (May 2025);
- (c) Form DEL VPK 31C, Voluntary Prekindergarten (VPK) Education Program Improvement Plan: Communication Plan (<http://flrules.org/Gateway/reference.asp?No=Ref-18002>) (May 2025);
- (d) Form DEL VPK 32, Voluntary Prekindergarten (VPK) Education Program Technical Assistance Plan for Incomplete Providers (<http://flrules.org/Gateway/reference.asp?No=Ref-18003>) (May 2025);
- (e) Form DEL VPK 33, Voluntary Prekindergarten (VPK) Education Program Application for Good Cause Exemption (<http://flrules.org/Gateway/reference.asp?No=Ref-18004>) (May 2025);
- (f) Rule 65C-22.010, F.A.C. (<http://flrules.org/Gateway/reference.asp?No=Ref-18005>) (January 2022); and
- (g) Rule 65C-20.012(1)(h), F.A.C. (<http://flrules.org/Gateway/reference.asp?No=Ref-18006>) (July 2022).
- Rulemaking Authority 1001.02(1), (2)(n), ~~1001.213~~, 1002.79 FS. Law Implemented 1002.68(5)(b)-(d), (6)*
- ~~1002.67(4)(e), 1002.75(3)(a)-(b)~~ FS. History—New 3-26-13, Amended 2-2-15, 6-23-16.*