

STATE BOARD OF EDUCATION
Consent Item
November 18, 2014

SUBJECT: Approval of Amendments to Rules 6M-4.400, 6M-4.500, 6M-4.501 related to the School Readiness Program

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.213(2), Florida Statutes

EXECUTIVE SUMMARY

The Office of Early Learning administers federal and state child care funds and partners with 30 local early learning coalitions to deliver comprehensive early learning services statewide. The office oversees three programs—the School Readiness Program, the Voluntary Prekindergarten (VPK) Education Program, and Child Care Resource and Referral services. The Office of Early Learning is required to submit its proposed rules to the State Board of Education for approval.

The purpose of the proposed amendment to Rule 6M-4.400, related to parent co-payment, is to consolidate criteria for assessment and validation of parent co-payment into one rule. The rule addresses the assessment, collection and parent notification requirements. It also incorporates reference to new statutory requirements related to parent co-payment waivers and requirement to be current on co-payment prior to transferring providers.

The purpose of the proposed amendment to Rule 6M-4.500, related to child attendance and provider reimbursement, is to consolidate the requirements into one rule. The rule addresses attendance requirements, holidays and reimbursement requirements. Attendance documentation requirements have been revised to be uniform throughout the state. Reimbursement rate requirements for the gold seal program and special needs have also been incorporated.

The purpose of the proposed amendment to Rule 6M-4.501, related to reimbursement during emergency closures, is to expand the emergency circumstances that may be considered for reimbursement.

Supporting Documentation Included: Proposed amendments to Rules 6M-4.400, Required Parent Co-payment, 6M-4.500, Child Attendance and Provider Reimbursements, and 6M-4.501, Reimbursement During Emergency Closures; Sections 1001.213(2), 1002.84(8), 1002.82(2)(c), (2)(f)1.a.(III), (2)(p), 1002.87(8), (9), Florida Statutes

Facilitator: Shan Goff, Executive Director, Office of Early Learning

This rule has been substantially rewritten.

6M-4.400 Required Parent Co-payment.

(1) Co-payment Assessment. Each family that receives school readiness services shall be assessed a co-payment based on family size, the hours of care needed, and the family's income, according to the sliding fee scale included in the coalition's approved plan. If a child is authorized for part time care, the parent shall be assessed a part time co-payment. If a child is authorized for full time care, the parent shall be assessed a full time co-payment. A parent with two or more children receiving school readiness services may receive a co-payment discount for the second and any subsequent child in their care based on the coalition's approved sliding fee scale. When a discount is applied, the youngest child must be assessed a full co-payment based on the approved sliding fee scale and the hours of care needed.

(2) Co-payment collection. The co-payment amount for which the family is responsible shall be subtracted from the provider's reimbursement, prior to payment by the coalition or its designee. Collection of the family's required co-payment for school readiness services shall be the responsibility of the provider of school readiness services in accordance with s.1002.84(8), F.S.

(a) When a school age child, who is authorized part time care during the school year, attends a full time day on a school holiday or school closure, the parent shall pay the part time co-payment but the provider is reimbursed at a full time rate.

(b) During the summer break, if a school age child attends full time, the parent shall pay the full time co-payment and the provider shall be reimbursed at a full time rate. The coalition's co-payment policy shall be submitted with the coalition's sliding fee scale as part of the coalition's approved plan.

(3) Transfers. A parent may not transfer his or her child to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the co-payment obligation related to school readiness program. If an at-risk child's parent is unable to satisfactorily fulfill the co-payment obligation prior to transfer, the provider shall attempt to arrange a repayment plan with the at-risk child's parent. The provider shall document the repayment attempt with the coalition and the coalition shall report the parent's intent to transfer child care providers to the Child Welfare Program Office of the Department of Children and Families or the community-based lead agency.

(a) The provider is responsible for collecting the parent co-payment from the parents. The parent co-payment shall be collected within 10 calendar days of the provider's payment due date. The provider shall provide written notice of the co-payment due date.

(b) The provider shall provide written notification to the parent of the current outstanding co-payment balance within 15 days of the provider's payment due date. This notification shall be provided at least on a monthly basis as long as there co-payment balance.

(c) If a transfer is requested, the parent must satisfactorily fulfill the co-payment obligation before a transfer will be authorized by the coalition. In the context of this rule, satisfactory fulfillment of the co-payment obligation means immediate payment of the outstanding co-payment obligation or establishment of a repayment plan for the

outstanding co-payment obligation.

(4) Sliding fee scale. A coalition's sliding fee scale must be set at a level that provides economically disadvantaged families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services. To that end, the co-payment for the family should not exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the Office of Early Learning.

(5) Parent notification. Prior to a child's enrollment, the person determining eligibility shall inform the parent and the school readiness service provider of the co-payment to be paid by the parent and that additional fees which are charged by the provider may apply. If a child is enrolled with more than one provider, a co-payment must be assessed for each authorized provider. Amount of co-payment shall be in effect for the family's authorized eligibility period, unless:

(a) The parent or referring agency requests and the coalition grants a waiver of the co-payment specified in subsections (8) or (9); or

(b) An incorrect co-payment was assessed by the eligibility determiner as a result of an error of the eligibility determiner, program participant error, or program participant fraud, resulting in corrective action to reduce or increase the family's co-payment; or

(c) If there is any change in marital status, employment status, income or family size.

(6) Coalition co-payment errors. The coalition shall not take action to recover an incorrect co-payment caused by an incorrect co-payment assessment made due to an error of the coalition or its designee. Once the error is discovered, the coalition should correct the error and apply the corrected co-pay. The coalition shall notify the parent within 10 days of changes to the co-pay.

(7) Co-payment recovery. A reimbursement overpayment caused by an incorrect co-payment which resulted from program participant error or parent fraud shall be recovered by the coalition from the parent.

(8) At-risk co-payment waivers. A co-payment may be waived on a case-by-case basis for families participating in an at-risk program as defined in s.1002.81(1), F.S. The request for the co-payment waiver must be documented during the initial authorization for care and at each redetermination. Each coalition must include a list of such qualifying events in its coalition plan and outline the procedure for obtaining a waiver of a co-payment.

(9) Temporary co-payment waivers. A co-payment may be temporarily waived on a case-by-case basis for families with income at or below 100 percent of the federal poverty level during an event that limits a parent's ability to pay in accordance with s. 1002.84(8), F.S. The request for the co-payment waiver must be documented in the case file during the initial authorization for care and at each redetermination. Each coalition must include a list of such qualifying events in its coalition plan and outline the procedure for obtaining a waiver of a co-payment.

*Rulemaking Authority ~~411.01(4)(e)~~ 1001.213(2) FS. Law Implemented ~~411.01(5)(d)4.a.~~ 1002.84(8) FS. History—
New 2-2-05, Formerly 60BB-4.400.*

6M-4.500 Child Attendance and Provider Reimbursements ~~General Provisions~~ Regarding Reimbursements for Holidays and Absences.

(1) General Provisions.

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

(b) Reimbursement rates shall be paid based on a child's care level and unit of care as defined by the coalition's approved provider rate schedule for the county in which the provider's facility is located.

(c) Daily attendance documentation shall be maintained by each school readiness provider based on the terms of the Statewide School Readiness Provider Contract, specified in Rule 6M-4.610, Florida Administrative Code (F.A.C.). The provider must record daily child attendance using a paper sign-in and sign-out log or electronic attendance-tracking system that is maintained at the provider site to validate the attendance data. For electronic attendance systems, the provider must backup records on a regular basis to safeguard against loss. The sign-in and sign-out forms will vary by provider but must contain the following information:

1. Provider's name,

2. Child's first and last name,

3. Time in and out,

4. Date, and

5. An authorized signature or other identifier that verifies each child's attendance. Authorized signature includes provider designee for children who are transported via school to or from the provider site or a parent or person authorized by the parent.

(d) A provider shall be reimbursed for each day that there is evidence (i.e., parent statement, supplemental attendance logs, etc.) that the child was in attendance.

(e) For school readiness children who are transported to and/or from the provider site, attendance shall be documented in accordance with Rule 65C-22.001(6)(f), F.A.C.

(f) The provider must report any discrepancy, overpayment, or underpayment within sixty (60) calendar days of transmission of the reimbursement receipt. Reported changes must include supporting documentation. Discrepancies validated by the coalition will be corrected for reimbursement purposes.

(g) For a child who is authorized only full-time care, a coalition shall not recoup or adjust a provider's reimbursement for days a child attends part-time. If through monitoring or participant self-reporting, the coalition determines that a family does not need full time care, the coalition shall conduct redetermination of care to re-assess the hours of care needed.

(h) The coalition must conduct monitoring activities to ensure the accuracy of payments of the monthly reimbursement requests. If it is determined through monitoring of the attendance documentation that a provider received an improper payment (overpayment or underpayment), a payment adjustment is required to correct the improper payment.

(i) In accordance with section 1002.84(10), F.S., attendance records may not be altered or amended after December 31 of the subsequent year.

(2) Monthly certification of child attendance for payment reimbursement.

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

(b) A school readiness provider must certify the monthly attendance of a child enrolled in the provider's school readiness program. A school readiness provider may certify monthly attendance by electronic means approved by the early learning coalition.

(c) For each calendar month that a school readiness provider participates in the school readiness program, the coalition shall not pay the school readiness provider until the provider submits a monthly attendance roster to the coalition which certifies the attendance of each enrolled child from the prior month.

(d) If a child arrives at a school readiness provider's site but the provider or school refuses the child's attendance, the provider or school must record the instructional day as a non-reimbursable absence.

~~(1)~~(3) Holidays.

(a) A recognized holiday as approved by the local coalitions shall not be counted as an absence for purposes of reimbursement. The ~~Office of Early Learning~~ coalition shall include reimbursements to providers of full and part-time care for up to twelve (12) recognized holidays per year as authorized in the Statewide School Readiness Provider Contract.

(b) For school-aged children authorized part time care, a provider shall be reimbursed at a part time rate if a child care provider is closed on a coalition approved holiday. If a school-aged child is authorized full time care on school holidays, school closures or teacher inservice days, a provider shall be reimbursed at a full time rate if the provider is open. For school-aged children authorized full time care during the summer, a provider shall be reimbursed at the full time rate for coalition approved holidays.

(c) For a school-aged child, if the child is scheduled to attend full time at a provider that is open on a day when school is closed and does not attend because his/her parent has opted to keep the child home that day, the provider shall be reimbursed at the full time rate in accordance with subsection (4)(a) below.

~~(2)~~(4) Absences.

(a) Reimbursement shall be authorized for no more than three (3) absences per calendar month per child except in the event of extraordinary circumstances in which case the coalition or its designee shall provide written approval for payment based on written documentation provided by the parent justifying the excessive absence for up to an additional seven (7) days. Extraordinary circumstances does not include vacation or recreational time.

~~(a)~~ Examples of extraordinary circumstances include the following:

1. Hospitalization of the child or parent with appropriate documentation (i.e., doctor's note, hospital admission);
2. Illness requiring home-stay as documented (doctor's note, parent statement);
3. Death in the immediate family with appropriate documentation (i.e., obituary, death certificate, parent statement);
4. Court ordered visitation with appropriate documentation (i.e., court order); or
5. Unforeseen documented military deployment or exercise of the parent(s) (i.e., military orders of deployment).

reserve duty).

(b) Total monthly reimbursed absences shall not exceed ten (10) calendar days.

(c) In the event that a child is absent for five (5) consecutive days with no contact from the parent, the provider shall notify the local coalition or its designee who in turn shall determine the need for continued care. The coalition shall document any contact made with the provider, referring agency, if applicable and parent in the case file. If a determination is made that school readiness services are no longer needed, a notice of disenrollment will be sent to the parent and school readiness provider at least 2 weeks prior to disenrollment. However, an at-risk child may not be disenrolled from the program without the written approval of the Child Welfare Program Office of the Department of Children and Families or the community-based lead agency. A notice of termination shall be maintained in the case file and provided to the parent, provider and referring agency. If a termination is filed, the notice will be provided to the referring entity.

(d) When an at-risk child has an unexcused absence or seven consecutive days of excused absences, the school readiness provider shall notify the Department of Children and Families or community-based lead agency and the early learning coalition. The coalition shall document any contact made with the provider, referring agency and parent in the case file. ~~The Rilya Wilson Act establishes these reporting requirements for children 3 to 5 years old.~~ This rule shall apply to all at-risk children under the age of school entry. ~~of any age in a school readiness program.~~

(5) Reimbursement for Children with Special Needs

(a) A child care provider may be paid at a higher rate if caring for any school readiness child with special needs requiring additional care. To receive a special needs rate, a child care provider must submit a list of the special needs services it is providing for each special needs child, in addition to the routine school readiness services. A special needs rate may be negotiated up to 20 percent above the maximum infant care rate established by the coalition. However, this rate shall not exceed the providers private pay rate for infant care.

(b) To receive a special needs rate, in addition to the base rate, it must be requested by the provider and approved by the coalition in the Form OEL-SR 20 Statewide School Readiness Provider Contract, Exhibit 3. A special needs rate may be reimbursed for a school readiness child that has a documented physical, mental, emotional, or behavioral condition that requires a higher level of care in the child care setting. The special need child's condition must be validated by a licensed health, mental health, education or social service professional other than the child's parent or person employed by the child care provider.

(6) Reimbursement for Gold Seal Quality Care Programs

(a) A child care provider that has a current Gold Seal Quality Care designation, as defined in ss. 402.26(6) and 402.281, F.S. may receive a differential rate higher than the coalition's base approved reimbursement rate for each care level and unit of care. The reimbursement rate for the Gold Seal differential may be negotiated up to 20 percent above an early learning coalition's approved reimbursement rate for each care level and unit of care.

Rulemaking Authority 1001.213(2) FS. Law Implemented 1002.82(2)(c), 1002.82(2)(f)1.a.(III), 1002.82(2)(p), 1002.87(8), (9) FS. History–New 2-2-05, Formerly 60BB-4.500.

6M-4.501 Reimbursement During Emergency Closures.

(1) Each coalition shall maintain a Continuation of Operations Plan (C.O.O.P.) to be used in the event of emergency closings due to catastrophic events. Providers shall be reimbursed at the rate normally received during non-emergency hours when a coalition activates its Continuation of Operations Plan (C.O.O.P.).

(2) The coalition may consider reimbursement, in accordance with Federal and State law, for circumstances of temporary closure for individual providers when closure is beyond the control of the provider or the closure is caused by emergency circumstances, including but not limited to the declaration of a state of emergency by federal, state, or local officials, or the closure of public schools in the area in which the provider is located. In no circumstances may a coalition reimburse in excess of the pre-existing approved hours for an individual child during the temporary closure.

Rulemaking Authority 1001.213(2) FS. Law Implemented 1002.82(2)(c), 1002.82(2)(f)1.a.(III), 1002.82(2)(p) FS. History—New 2-2-05, Formerly 60BB-4.501.

1001.213 Office of Early Learning.—There is created within the Office of Independent Education and Parental Choice the Office of Early Learning, as required under s. [20.15](#), which shall be administered by an executive director. The office shall be fully accountable to the Commissioner of Education but shall:

(1) Independently exercise all powers, duties, and functions prescribed by law and shall not be construed as part of the K-20 education system.

(2) Adopt rules for the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program. The office shall submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be filed immediately with the Department of State.

(3) In compliance with part VI of chapter 1002 and its powers and duties under s. [1002.82](#), administer the school readiness program at the state level for the state's eligible population described in s. [1002.87](#) and provide guidance to early learning coalitions in the implementation of the program.

(4) In compliance with parts V and VI of chapter 1002 and its powers and duties under s. [1002.75](#), administer the Voluntary Prekindergarten Education Program at the state level.

(5) Administer the operational requirements of the child care resource and referral network at the state level.

(6) Keep administrative staff to the minimum necessary to administer the duties of the office.

History.—s. 1, ch. 2013-252.

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(1) Administer and implement a local comprehensive program of school readiness program services in accordance with this part and the rules adopted by the office, which enhances the cognitive, social, and physical development of children to achieve the performance standards.

(2) Establish a uniform waiting list to track eligible children waiting for enrollment in the school readiness program in accordance with rules adopted by the office.

(3) Establish a resource and referral network operating under s. [1002.92](#) to assist parents in making an informed choice and provide maximum parental choice of providers and to provide information on available community resources.

(4) Establish a regional Warm-Line as directed by the office pursuant to s. [1002.82\(2\)\(r\)](#). Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family day care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family day care homes may need as they serve children with disabilities and other special needs.

(5) Establish an age-appropriate screening, for children ages birth to 5 years, of each child's development and an appropriate referral process for children with identified delays. Such screening shall not be a requirement of entry into the school readiness program and shall be only given with parental consent.

(6) Implement an age-appropriate preassessment and postassessment of children if specified in the coalition's approved plan.

(7) Determine child eligibility pursuant to s. [1002.87](#) and provider eligibility pursuant to s. [1002.88](#). At a minimum, child eligibility must be redetermined annually. Redetermination must also be conducted twice per year for an additional 50 percent of a coalition's enrollment through a statistically valid random sampling. A coalition must document the reason why a child is no longer eligible for the school readiness program according to the standard codes prescribed by the office.

(8) Establish a parent sliding fee scale that requires a parent copayment to participate in the school readiness program. Providers are required to collect the parent's copayment. A coalition may, on a case-by-case basis, waive the copayment for an at-risk child or temporarily waive the copayment for a child

whose family experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes. A parent may not transfer school readiness program services to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation.

(9) Establish proper maintenance of records related to eligibility and enrollment files, provider payments, coalition staff background screenings, and other documents required for the implementation of the school readiness program.

(10) Establish a records retention requirement for sign-in and sign-out records that is consistent with state and federal law. Attendance records may not be altered or amended after December 31 of the subsequent year.

(11) Follow the tangible personal property requirements of chapter 274 and rules adopted under that chapter.

(12) Comply with federal procurement requirements and the procurement requirements of ss. [215.971](#), [287.057](#), and [287.058](#), except that an early learning coalition is not required to competitively procure direct services for school readiness program and Voluntary Prekindergarten Education Program providers.

(13) Establish proper information technology security controls, including, but not limited to, periodically reviewing the appropriateness of access privileges assigned to users of certain systems; monitoring system hardware performance and capacity-related issues; and ensuring appropriate backup procedures and disaster recovery plans are in place.

(14) Develop written policies, procedures, and standards for monitoring vendor contracts, including, but not limited to, provisions specifying the particular procedures that may be used to evaluate contractor performance and the documentation that is to be maintained to serve as a record of contractor performance. This subsection does not apply to contracts with school readiness program providers or Voluntary Prekindergarten Education Program providers.

(15) Monitor school readiness program providers in accordance with its plan, or in response to a parental complaint, to verify that the standards prescribed in ss. [1002.82](#) and [1002.88](#) are being met using a standard monitoring tool adopted by the office. Providers determined to be high-risk by the coalition, as demonstrated by substantial findings of violations of federal law or the general or local laws of the state, shall be monitored more frequently. Providers with 3 consecutive years of compliance may be monitored biennially.

(16) Adopt a payment schedule that encompasses all programs funded under this part and part V of this chapter. The payment schedule must take into consideration the average market rate, include the projected number of children to be served, and be submitted for approval by the office. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(17) Implement an anti-fraud plan addressing the detection, reporting, and prevention of overpayments, abuse, and fraud relating to the provision of and payment for school readiness program and Voluntary Prekindergarten Education Program services and submit the plan to the office for approval, as required by s. [1002.91](#).

(18) By October 1 of each year, submit an annual report to the office. The report shall conform to the format adopted by the office and must include:

(a) Segregation of school readiness program funds, Voluntary Prekindergarten Education Program funds, Child Care Executive Partnership Program funds, and other local revenues available to the coalition.

- (b) Details of expenditures by fund source, including total expenditures for administrative activities, quality activities, nondirect services, and direct services for children.
 - (c) The total number of coalition staff and the related expenditures for salaries and benefits. For any subcontracts, the total number of contracted staff and the related expenditures for salaries and benefits must be included.
 - (d) The number of children served in the school readiness program, by provider type, enumerated by age and eligibility priority category, reported as the number of children served during the month, the average participation throughout the month, and the number of children served during the month.
 - (e) The total number of children disenrolled during the year and the reasons for disenrollment.
 - (f) The total number of providers by provider type.
 - (g) A listing of any school readiness program provider, by type, whose eligibility to deliver the school readiness program is revoked, including a brief description of the state or federal violation that resulted in the revocation.
 - (h) An evaluation of its direct enhancement services.
 - (i) The total number of children served in each provider facility.
- (19) Maintain its administrative staff at the minimum necessary to administer the duties of the early learning coalition.
- (20) To increase transparency and accountability, comply with the requirements of this section before contracting with a member of the coalition or a relative, as defined in s. [112.3143](#)(1)(c), of a coalition member or of an employee of the coalition. Such contracts may not be executed without the approval of the office. Such contracts, as well as documentation demonstrating adherence to this section by the coalition, must be approved by a two-thirds vote of the coalition, a quorum having been established; all conflicts of interest must be disclosed before the vote; and any member who may benefit from the contract, or whose relative may benefit from the contract, must abstain from the vote. A contract under \$25,000 between an early learning coalition and a member of that coalition or between a relative, as defined in s. [112.3143](#)(1)(c), of a coalition member or of an employee of the coalition is not required to have the prior approval of the office but must be approved by a two-thirds vote of the coalition, a quorum having been established, and must be reported to the office within 30 days after approval. If a contract cannot be approved by the office, a review of the decision to disapprove the contract may be requested by the early learning coalition or other parties to the disapproved contract.
- History.—s. 17, ch. 2013-252; s. 178, ch. 2014-17.

1002.82 Office of Early Learning; powers and duties.—

(1) For purposes of administration of the Child Care and Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts 98 and 99, the Office of Early Learning is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law. The office may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any provision of ss. [411.223](#) and [1003.54](#) if the waiver is necessary for implementation of the school readiness program. Section [125.901](#)(2)(a)3. does not apply to the school readiness program.

(2) The office shall:

- (a) Focus on improving the educational quality delivered by all providers participating in the school readiness program.
- (b) Preserve parental choice by permitting parents to choose from a variety of child care categories, including center-based care, family child care, and informal child care to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18. Care and curriculum by a faith-based provider may not be limited or excluded in any of these categories.

- (c) Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements, safeguarding the effective use of federal, state, and local resources to achieve the highest practicable level of school readiness for the children described in s. [1002.87](#), including:
1. The adoption of a uniform chart of accounts for budgeting and financial reporting purposes that provides standardized definitions for expenditures and reporting, consistent with the requirements of 45 C.F.R. part 98 and s. [1002.89](#) for each of the following categories of expenditure:
 - a. Direct services to children.
 - b. Administrative costs.
 - c. Quality activities.
 - d. Nondirect services.
 2. Coordination with other state and federal agencies to perform data matches on children participating in the school readiness program and their families in order to verify the children's eligibility pursuant to s. [1002.87](#).
- (d) Establish procedures for the biennial calculation of the average market rate.
- (e) Review each early learning coalition's school readiness program plan every 2 years and provide final approval of the plan and any amendments submitted.
- (f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the office:
1. Shall adopt specific program support services that address the state's school readiness program, including:
 - a. Statewide data information program requirements that include:
 - (I) Eligibility requirements.
 - (II) Financial reports.
 - (III) Program accountability measures.
 - (IV) Child progress reports.
 - b. Child care resource and referral services.
 - c. A single point of entry and uniform waiting list.
 2. May provide technical assistance and guidance on additional support services to complement the school readiness program, including:
 - a. Rating and improvement systems.
 - b. Warm-Line services.
 - c. Anti-fraud plans.
 - d. School readiness program standards.
 - e. Child screening and assessments.
 - f. Training and support for parental involvement in children's early education.
 - g. Family literacy activities and services.
- (g) Provide technical assistance to early learning coalitions.
- (h) In cooperation with the early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Families to reduce paperwork and to avoid duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.
- (i) Develop, in coordination with the Child Care Services Program Office of the Department of Children and Families, and adopt a health and safety checklist to be completed by license-exempt providers that does not exceed the requirements s. [402.305](#).
- (j) Develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to 5 years of age in the school readiness program must be aligned with the performance standards adopted for children in the Voluntary Prekindergarten Education Program and must address the following domains:

1. Approaches to learning.
 2. Cognitive development and general knowledge.
 3. Numeracy, language, and communication.
 4. Physical development.
 5. Self-regulation.
- (k) Select assessments that are valid, reliable, and developmentally appropriate for use as preassessment and postassessment for the age ranges specified in the coalition plans. The assessments must be designed to measure progress in the domains of the performance standards adopted pursuant to paragraph (j), provide appropriate accommodations for children with disabilities and English language learners, and be administered by qualified individuals, consistent with the publisher's instructions.
- (l) Adopt a list of approved curricula that meet the performance standards for the school readiness program and establish a process for the review and approval of a provider's curriculum that meets the performance standards.
- (m) Adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.
- (n) Establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.
- (o) Adopt by rule standardized procedures for coalitions to use when monitoring the compliance of school readiness program providers with the terms of the standard statewide provider contract.
- (p) Monitor and evaluate the performance of each early learning coalition in administering the school readiness program, ensuring proper payments for school readiness program services, implementing the coalition's school readiness program plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.
- (q) Work in conjunction with the Bureau of Federal Education Programs within the Department of Education to coordinate readiness and voluntary prekindergarten services to the populations served by the bureau.
- (r) Administer a statewide toll-free Warm-Line to provide assistance and consultation to child care facilities and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. The office shall:
1. Annually inform child care facilities and family day care homes of the availability of this service through the child care resource and referral network under s. [1002.92](#).
 2. Expand or contract for the expansion of the Warm-Line to maintain at least one Warm-Line in each early learning coalition service area.
 - (3) If the office determines during the review of school readiness program plans, or through monitoring and performance evaluations conducted under s. [1002.85](#), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the office, or has not effectively administered the school readiness

program or Voluntary Prekindergarten Education Program, the office may temporarily contract with a qualified entity to continue school readiness program and prekindergarten services in the coalition's county or multicounty region until the office reestablishes the coalition and a new school readiness program plan is approved in accordance with the rules adopted by the office.

(4) The office may request the Governor to apply for a waiver to allow a coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

(5) By January 1 of each year, the office shall annually publish on its website a report of its activities conducted under this section. The report must include a summary of the coalitions' annual reports, a statewide summary, and the following:

(a) An analysis of early learning activities throughout the state, including the school readiness program and the Voluntary Prekindergarten Education Program.

1. The total and average number of children served in the school readiness program, enumerated by age, eligibility priority category, and coalition, and the total number of children served in the Voluntary Prekindergarten Education Program.

2. A summary of expenditures by coalition, by fund source, including a breakdown by coalition of the percentage of expenditures for administrative activities, quality activities, nondirect services, and direct services for children.

3. A description of the office's and each coalition's expenditures by fund source for the quality and enhancement activities described in s. [1002.89\(6\)\(b\)](#).

4. A summary of annual findings and collections related to provider fraud and parent fraud.

5. Data regarding the coalitions' delivery of early learning programs.

6. The total number of children disenrolled statewide and the reason for disenrollment.

7. The total number of providers by provider type.

8. The total number of provider contracts revoked and the reasons for revocation.

(b) A summary of the activities and detailed expenditures related to the Child Care Executive Partnership Program.

(6)(a) Parental choice of child care providers, including private and faith-based providers, shall be established to the maximum extent practicable in accordance with 45 C.F.R. s. 98.30.

(b) As used in this subsection, the term "payment certificate" means a child care certificate as defined in 45 C.F.R. s. 98.2.

(c) The school readiness program shall, in accordance with 45 C.F.R. s. 98.30, provide parental choice through a payment certificate that provides, to the maximum extent possible, flexibility in the school readiness program and payment arrangements. The payment certificate must bear the names of the beneficiary and the program provider and, when redeemed, must bear the signatures of both the beneficiary and an authorized representative of the provider.

(d) If it is determined that a provider has given any cash or other consideration to the beneficiary in return for receiving a payment certificate, the early learning coalition or its fiscal agent shall refer the matter to the Department of Financial Services pursuant to s. [414.411](#) for investigation.

(7) Participation in the school readiness program does not expand the regulatory authority of the state, its officers, or an early learning coalition to impose any additional regulation on providers beyond those necessary to enforce the requirements set forth in this part and part V of this chapter.

History.—s. 17, ch. 2013-252.

1002.87 School readiness program; eligibility and enrollment.—

(1) Effective August 1, 2013, or upon reevaluation of eligibility for children currently served, whichever is later, each early learning coalition shall give priority for participation in the school readiness program as follows:

- (a) Priority shall be given first to a child younger than 13 years of age from a family that includes a parent who is receiving temporary cash assistance under chapter 414 and subject to the federal work requirements.
- (b) Priority shall be given next to an at-risk child younger than 9 years of age.
- (c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. [1003.21](#)(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. [1003.21](#)(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.
- (d) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. [445.032](#) from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. [1003.21](#)(1)(a)2.
- (e) Priority shall be given next to an at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a)-(c) shall be given priority over other children who are eligible under this paragraph.
- (f) Priority shall be given next to a child who is younger than 13 years of age from a working family that is economically disadvantaged. A child who is eligible under this paragraph whose sibling is enrolled in the school readiness program under paragraph (c) shall be given priority over other children who are eligible under this paragraph. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.
- (g) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. [445.032](#) who is younger than 13 years of age.
- (h) Priority shall be given next to a child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. [1003.21](#)(1)(a)2.
- (i) Notwithstanding paragraphs (a)-(d), priority shall be given last to a child who otherwise meets one of the eligibility criteria in paragraphs (a)-(d) but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.
- (2) A school readiness program provider may be paid only for authorized hours of care provided for a child in the school readiness program. A child enrolled in the Voluntary Prekindergarten Education Program may receive care from the school readiness program if the child is eligible according to the eligibility priorities in this section.
- (3) Contingent upon the availability of funds, a coalition shall enroll eligible children, including those from its waiting list, according to the eligibility priorities in this section.
- (4) The parent of a child enrolled in the school readiness program must notify the coalition or its designee within 10 days after any change in employment, income, or family size. Upon notification by the parent, the child's eligibility must be reevaluated.
- (5) A child whose eligibility priority category requires the child to be from a working family ceases to be eligible for the school readiness program if a parent with whom the child resides does not reestablish employment within 60 days after becoming unemployed.
- (6) Eligibility for each child must be reevaluated annually. Upon reevaluation, a child may not continue to receive school readiness program services if he or she has ceased to be eligible under this section.

(7) If a coalition disenrolls children from the school readiness program, the coalition must disenroll the children in reverse order of the eligibility priorities listed in subsection (1) beginning with children from families with the highest family incomes. A notice of disenrollment must be sent to the parent and school readiness program provider at least 2 weeks before disenrollment to provide adequate time for the parent to arrange alternative care for the child. However, an at-risk child may not be disenrolled from the program without the written approval of the Child Welfare Program Office of the Department of Children and Families or the community-based lead agency.

(8) If a child is absent from the program for 5 consecutive days without parental notification to the program of such absence, the school readiness program provider shall report the absence to the early learning coalition for a determination of the need for continued care.

(9) Notwithstanding s. [39.604](#), a school readiness program provider, regardless of whether the provider is licensed, shall comply with the reporting requirements of the Rilya Wilson Act for each at-risk child under the age of school entry who is enrolled in the school readiness program.

History.—s. 17, ch. 2013-252.