

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) "Advance payment" is the process of a Voluntary Prekindergarten (VPK) provider choosing to receive an advance payment, prior to providing services, instead of a reimbursement for services rendered as described in subsection 6M-8.205(2), F.A.C.
- (3) "Attendance" means an instructional day, either in whole or in part, that a child is present (or attends) a VPK program.
- (4) "Coalition" means an early learning coalition created under Section 1002.83, F.S.
- (5) "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 associated with a VPK provider.
- (6) "Instructional day" means a calendar day that a VPK provider delivers scheduled instruction for the VPK program.
- (7) "Instructional hour" means 60 minutes of instructional time that comprises planned activities or experiences implementing a curriculum that enhances a child's progress in attaining the VPK performance standards adopted in Rule 6M-8.602, F.A.C.
- (8) "Parent" has the same meaning as the term defined in Section 1000.21, F.S.
- (9) "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-8.204(3), 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-8.304(3), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2014-2015, 2015-2016).
- (10) "Provider on Probation" is a VPK private provider or public school whose readiness rate is below the minimum level established by the Office of Early Learning and incorporated in Rule 6M-8.601, F.A.C.

(11) “School-year program” means a school-year prekindergarten program consisting of 540 instructional hours delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

(12) “Summer program” means a summer prekindergarten program consisting of 300 instructional hours delivered by a private provider or public school under Section 1002.61, F.S.

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

(14) “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.

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

(16) “VPK SIS provider” means a provider delivering the VPK specialized instructional services (SIS) program defined in Section 1002.66, F.S.

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

Rulemaking Authority 1001.213(2), 1002.79 FS. Law Implemented 1002.51, 1002.53(2), 1002.55(2), 1002.61(2)(a), 1002.63(2), 1002.67(4), 1002.71(2)(d), 1002.66, 1002.75(2)(a) FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.100, Amended 3-29-15, 2-15-16.

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

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, Repealed 1-1-15.

6M-8.201 Child Enrollment Procedure for the Voluntary Prekindergarten (VPK) Education Program.

(1) Child registration. A parent wishing to register a child in the Voluntary Prekindergarten Education Program must complete and submit Form OEL-VPK 01 (May 2016), titled Voluntary Prekindergarten (VPK) Education Program Child Application, through the single point of entry (known as the Family Portal) established under Section 1002.53, Florida Statutes (F.S.), and available at the following web address: <https://familyservices.floridaearlylearning.com> using personal means or with assistance available at an early learning coalition. Form OEL-VPK 01 (May 2016), is hereby incorporated by reference and a copy may be obtained as provided in Rule 6M-8.900, F.A.C., or at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-07032>.

(2) Parent Guide and Right to Information. The Voluntary Prekindergarten Parent Guide, Form OEL-VPK 06, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01648>, as incorporated in Rule 6M-8.2011, F.A.C., is available by following the instructions at the following website: <https://familyservices.floridaearlylearning.com>.

(3) Parent Handbook. The Voluntary Prekindergarten Parent Handbook, Form OEL-VPK 07 (May 2016), is hereby incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07034>, and is available by following the instructions at the following website: <https://familyservices.floridaearlylearning.com>.

(4) Determining eligibility. The early learning coalition will review information submitted through the Family Portal to determine each child’s eligibility. A child who resides in Florida and attains the age of 4 between February 2 and September 1 may attend VPK either that program year or the subsequent program year. A child cannot attend VPK more than one program year unless granted a reenrollment under Rule 6M-8.210, F.A.C. A child is not eligible for VPK once he or she has been admitted to kindergarten.

(a) Age eligibility. The early learning coalition shall determine if a child is eligible based on the age requirement in Section 1002.53, F.S., by accepting the following documents showing 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 a notarized 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 two 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 or a federal or state government issued identification card.
7. If no supporting documents listed in subparagraphs (1)(b)1.-6. above are available, a coalition may accept a parent’s notarized affidavit of the child’s age accompanied by a letter on official letterhead signed by a public health officer or physician

stating that the child's age shown in the affidavit is true and correct.

(b) Residential Eligibility. To be eligible for VPK, a child must reside in Florida. The early learning 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 (electric, gas, water), cable, or home phone bill dated within 12 months of the date the child application is submitted;
2. Pay stub dated within 12 months of the date the child application is submitted;
3. Residential rental agreement or receipt from rental payment dated within 12 months of the date the child application is submitted;
4. Government-issued document (for example, Florida driver's license, Florida identification card, property tax assessment showing a homestead exemption);
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;
6. Federal government order showing that the child's parent is a federal employee assigned to work in Florida when the child attends the VPK program;
7. A Florida Migrant Education Program Certificate of Eligibility (COE) Form from the Florida Department of Education;
8. If no supporting documents listed in subparagraphs (2)(b)1.-7. above are available, a coalition may accept a notarized affidavit from the child's parent accompanied by a letter from a landlord, property owner, or property leasee which confirms that the child resides at the address shown in the affidavit; or
9. If no supporting documents listed in subparagraphs (2)(b)1.-8. above are available for a child who is experiencing homelessness as defined in Section 1003.01(12), F.S., a coalition shall document residency based on other supporting documents showing that the child who is experiencing homelessness and resides in Florida (for example, letter from a homeless shelter, homeless referral, or notarized statement from the child's parent).

(c) Eligibility for VPK Specialized Instructional Services. Eligibility for VPK Specialized Instructional Services (VPK SIS) in lieu of a traditional VPK education program, requires that the child must have a disability and a current individual educational plan (IEP) developed by the local school district. The coalition shall keep a record of the child's IEP, and ensure that the VPK Specialized Instructional Services sought are consistent with the child's IEP. Rule 6M-8.500, F.A.C., sets forth the requirements for participation in VPK Specialized Instructional Services.

(5) Early Learning Coalition Responsibilities.

(a) The early learning coalition will review documentation submitted via the Family Portal, determine the eligibility of each child for VPK, and manage the eligibility process through the Family Portal.

(b) When the early learning coalition has verified the eligibility of a child for VPK, and the provider has enrolled the child in their VPK program, a coalition must complete a child's enrollment in the statewide information system by recording an association between the child and the child's VPK provider.

(c) An early learning coalition shall coordinate with the Department of Children and Families to keep current profiles of VPK providers in the coalition's geographic region on the Child Care Information System found on the website: <https://cares.myflfamilies.com/PublicSearch>.

(d) The early learning coalition shall assist all parents who present themselves or contact the early learning coalition with available information to help the parent make informed decisions. This information may be provided in person or through online resources and shall include:

1. The Voluntary Prekindergarten Parent Guide.
2. The Voluntary Prekindergarten Parent Handbook.
3. Information about different VPK program types.
4. Assistance navigating profiles of VPK providers in the coalition's geographic region through the Child Care Information System website.

(e) The early learning coalition shall make available the use of technology at the early learning coalition or contracted service provider to all parents who present themselves requesting assistance with completing the Voluntary Prekindergarten (VPK) Education Program Child Application (Form OEL-VPK 01) on the Family Portal.

(6) Enrollment. A VPK provider may only enroll a child in the VPK or VPK SIS program after the early learning coalition

determines that the child is eligible for the program. A VPK provider shall collect from the child's parent Form OEL-VPK 02, titled Child Certificate of Eligibility (May 2016) or Form OEL-VPK 04 <http://www.flrules.org/Gateway/reference.asp?No=Ref-07035>, as incorporated by Rule 6M-8.210, F.A.C, titled Certificate of Eligibility for Reenrollment. Both forms are generated by the Family Portal after the early learning coalition determines the child is eligible. The VPK provider shall complete the remainder of the form and submit verification of the completed form to the early learning coalition to finalize the child's enrollment with that VPK provider. Form OEL-VPK 02, is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07033>.

(a) For children enrolling into the VPK SIS program, an early learning coalition and VPK SIS providers will adhere to the Rule 6M-8.500, F.A.C.

(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. If the county listed on Form OEL-VPK 02 or Form OEL-VPK 04 is different than the county where services will be provided, the early learning coalitions shall coordinate to change the county of services on the child's application in the Family Portal to the correct county (if the child has not yet attended VPK). After eligibility for the VPK program is determined by an early learning coalition, no further resubmission or reverification of age and residential eligibility documentation is required.

(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, upon receipt of completed Form OEL-VPK 02 or Form OEL-VPK 04, shall complete a child's enrollment in the statewide information system by recording an association between the child and the child's selected VPK provider.

(e) For parents requesting to reenroll his or her child in the VPK program, early learning coalitions shall adhere to the requirements in Rule 6M-8.210, F.A.C.

Rulemaking Authority 1001.213(2), 1002.75(2), 1002.79 FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b), 1002.82(2)(n) FS. History--New 1-19-06, Amended 5-24-07, Formerly 60BB-8.201, Amended 1-1-15, 7-28-16.

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 1001.213(1), 1002.79 FS. Law Implemented 1002.75(2)(a) FS. History--New 11-15-12.

6M-8.2015 VPK Child Registration Pilot Project.

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, Repealed 1-1-15.

6M-8.202 Child Eligibility Determination and Enrollment Procedures.

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, Repealed 1-1-15.

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 6M-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 in the Voluntary Prekindergarten Education Program.

(1) Definitions. As used in this rule:

(a) “Program type” means either a school-year VPK program or a summer VPK program.

(b) “Substantial completion” means a child has been enrolled in a VPK provider’s program for more than 70 percent of the instructional hours for the program type or a child has expended more than 70 percent of the funding authorized for a child enrolled in VPK Specialized Instructional Services (SIS) under Section 1002.66, F.S.

(2) General reenrollment conditions:

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

(b) A child may only reenroll with a VPK provider during the program year(s) for which the child is eligible in accordance with Section 1002.53(2), F.S. Age and residential eligibility documentation do not need to be resubmitted in order for a child to reenroll as described in this rule.

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

(d) The following circumstances do not constitute a reenrollment for a child under this rule:

1. When the provider that a child is attending is sold or transferred during the VPK program before the scheduled instruction hours have completed, and the new owner continues providing VPK at the same physical location.

2. When a child’s VPK provider executes a new Statewide Provider Contract for VPK during the program year and before the scheduled instructional hours have completed for the VPK class.

3. When the owner of a VPK provider moves the physical location and staff of the VPK program before the scheduled instructional hours have completed for the VPK class.

(3) Reenrollment for good cause within same VPK program type. “Reenrollment for good cause” occurs when a child withdraws from a VPK provider, after the child has attended a portion of the VPK instructional hours, and enrolls with a new VPK provider of the same VPK program type. For funding purposes, a child reenrolled under this subsection shall not exceed one full-time equivalent (FTE) student, as defined by Section 1002.71(2), F.S. There are two categories of reenrollment for good cause: primary reenrollment due to good cause and subsequent reenrollment exemption due to good cause.

(a) Primary reenrollment due to good cause. A child may withdraw from his or her initial VPK provider and reenroll at another VPK provider within the same program type if the child is granted a primary reenrollment due to good cause under this paragraph. The following criteria must apply for a child to be granted a primary reenrollment due to good cause:

1. The child has attended a portion of the VPK program, but has not substantially completed the VPK program;

2. The child has not previously reenrolled in the VPK program;

3. The child’s parent completes and submits the Reenrollment Application, Form OEL-VPK 05 (May 2016) on <https://familyservices.floridaearlylearning.com> by using personal means or with assistance available at an early learning coalition. The Reenrollment Application, Form OEL-VPK 05, (May 2016) is hereby incorporated by rule and may be obtained as described in Rule 6M-8.900, F.A.C. [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07036>]; and,

4. One of the following circumstances must be applicable to the child (documentation is not required):

a. The illness of the child, an individual living in the child’s household, an individual which the child’s parent is responsible for caring for, or the child’s parent, sibling, grandparent, step-parent, step-sibling, or step-grandparent.

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

c. A change in the child’s residence;

- d. A change in the employment schedule or place of employment of the child's parent;
- e. The VPK provider's inability to meet the child's health, behavioral or educational needs;
- f. The termination of the child's class before 70 percent of the VPK instructional hours are delivered;
- g. The child is dismissed by a VPK provider for failure to comply with the provider's attendance policy;
- h. The provider's designation as a provider on probation under Section 1002.67, F.S.;
- i. Any condition described as an extreme hardship in paragraph (4) below (documentation is not required); or
- j. Another reason not expressly stipulated in this rule which prevents the child from attending the VPK provider's class or which prevents the VPK provider from serving the child in accordance with the requirements of the VPK program.

(b) Subsequent reenrollment exemption due to good cause. A child may reenroll and subsequently withdraw from the VPK provider and reenroll at another VPK provider within same program type if the child is granted a subsequent reenrollment exemption due to good cause under this paragraph. The following criteria must apply for a child to be granted a subsequent reenrollment exemption due to good cause:

1. The child has attended a portion of the VPK program, but has not substantially completed the VPK program;
2. The child has reenrolled under subsection (3) or (4) of this rule;
3. The child's parent completes and submits the Reenrollment Application, Form OEL-VPK 05 with the supporting documentation on <https://familyservices.floridaearlylearning.com> by using personal means or with assistance available at an early learning coalition; and,
4. One of the following circumstances must be applicable to the child with supporting documentation:
 - a. A change in the child's residence that extended the child's round-trip by 60 minutes or more, to and from the VPK provider, as supported by third party documentation showing the change (for example, a rental agreement or receipt from rent payment, mortgage, utility records, or other verifiable documentation);
 - b. A change in the child's residence that resulted in a temporary stay, or move out of a homeless shelter, transitional housing entity, or domestic violence shelter, as supported by third party documentation (for example, a letter from a homeless shelter, transitional housing entity or domestic violence shelter; a court-issued domestic violence injunction, or other verifiable documentation);
 - c. A change in a parent's employment that extended the parent's round-trip travel time by 60 minutes or more, to and from the VPK provider, as supported by employer documentation showing the start date or change in employment location;
 - d. The child's parent(s) is active duty military or reservist and deployed supported by verifiable documentation (for example, proof of current military deployment);
 - e. The termination of the child's VPK class, into which the child was reenrolled as confirmed and documented by the coalition, the Department of Children and Families, or local licensing agency on official letterhead or from a Child Care Information System (CCIS) screen print;
 - f. A provider is found to have committed a Class I Violation as defined in Rule 65C-22.10 or 65C-20.012, F.A.C. (as applicable to the provider type), as documented by the Department of Children and Families on official letterhead or from a CCIS screen print;
 - g. A serious injury to the child that occurred at the provider which required the provider to contact medical services, as documented on the Department of Children and Families or local licensing agency Accident/Incident Report for licensed providers or on official provider letterhead for license-exempt providers;
 - h. The child was dismissed from a VPK provider for issues that prevented the provider from meeting the child's behavioral or educational needs, as substantiated by the dismissing provider on official letterhead;
 - i. The child's parent has reported events to the Department of Children and Families or local licensing agency that indicate the VPK provider's practices put his or her child's health, safety, or well-being at risk, as documented by a federal, state, or local government official;
 - j. Any condition described as an extreme hardship in paragraph (4) below; or
 - k. The child's primary reenrollment due to good cause was the result of any of the circumstances listed in this subparagraph accompanied by required supporting documentation.

(4) Reenrollment for extreme hardship into a VPK summer program. "Reenrollment for extreme hardship" occurs when a child withdraws from a VPK provider, after the child has attended a portion of the VPK instructional hours, and enrolls with a VPK provider during a summer VPK program; for funding purposes, a child may be reenrolled and reported as one full-time equivalent (FTE) student, as defined by Section 1002.71(2), F.S., in a summer VPK program if the child meets the reenrollment criteria in this

subsection. There are two categories of reenrollment for extreme hardship: primary reenrollment due to extreme hardship and subsequent reenrollment exemption due to extreme hardship.

(a) Primary reenrollment due to extreme hardship. A child may withdraw from his or her initial VPK provider and reenroll at another VPK provider in a summer VPK program, and be reported as a full FTE, if the child is granted a primary reenrollment due to extreme hardship under this paragraph. The following criteria must apply for a child to be granted a primary reenrollment due to extreme hardship:

1. The child has attended a portion of the VPK program, but has not substantially completed the VPK program;
2. The child has not previously reenrolled in the VPK program;
3. The child's parent completes and submits the Reenrollment Application, Form OEL-VPK 05 with the supporting documentation on <https://familyservices.floridaearlylearning.com> by using personal means or with assistance available at an early learning coalition; and,
4. One of the following circumstances must be applicable to the child with supporting documentation:
 - a. The illness of the child, the illness of a family member which the child's parent is responsible for caring for, or the illness of the child's parent, as documented in writing by a physician licensed under Chapter 458 or 459, F.S., if it would result in the child being absent for more than 30 percent of the number of hours in the program type in which the child is enrolled;
 - b. The termination of the child's VPK class as a result of the provider's removal from eligibility to offer the VPK program, as documented by the early learning coalition;
 - c. The parent's inability to meet the basic needs of the child, 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;
 - d. The provider's inability to meet the child's educational needs due to the child's learning or developmental disability as documented by a federal, state, or local governmental official;
 - e. The provider's inability to meet the child's health needs as documented by a physician licensed under Chapter 458 or 459, F.S., or a federal, state, or local governmental official;
 - f. Displacement of the child from his or her place of residence or closure of the child's VPK provider as a result of a state of emergency as declared by a federal, state, or local governmental official; or
 - g. A temporary or permanent change in parent custody or guardianship, supported by legal documentation such as a court order or official documentation from the Department of Children and Families (DCF) or DCF contracted agency. This includes an at-risk child care authorization that documents the guardianship change.

(b) Subsequent reenrollment exemption due to extreme hardship. A child may reenroll into a VPK provider and subsequently withdraw and reenroll at another VPK provider in a summer VPK program, and be reported as a full FTE, if the child is granted a subsequent reenrollment due to extreme hardship under this paragraph. The following criteria must apply for a child to be granted a subsequent reenrollment exemption due to extreme hardship:

1. The child has attended a portion of the VPK program, but has not substantially completed the VPK program;
2. The child has reenrolled under subsection (3) of this rule;
3. The child's parent completes and submits the Reenrollment Application, Form OEL-VPK 05 with the supporting documentation on <https://familyservices.floridaearlylearning.com> by using personal means or with assistance available at an early learning coalition; and,
4. One of the of circumstances listed in subparagraph (4)(a)4. must be applicable to the child with supporting documentation.

(5) Reenrollment for children in the VPK Specialized Instructional Services (SIS) Program. Changing SIS providers while enrolled in the SIS program type does not constitute a reenrollment under this rule. A child may reenroll under subsection (3) or (4) of this rule into a VPK SIS program from a school-year or summer program type or from a VPK SIS program into a school-year or summer program type, as applicable. However, a child shall not reenroll from VPK SIS school-year program type to a VPK SIS summer program type under subsection (4) of this rule. For a reenrollment due to good cause, the funding available to the child shall be equal to the child's initial FTE allocation for the program type in which the child was previously enrolled, minus any amount previously paid for such services rendered to the child. A reenrollment under this subsection may be into a subsequent program year as defined in subsection (6).

(6) Reenrollment into a subsequent program year.

(a) A child may only reenroll into a subsequent program year if:

1. The child attains the age of 4 years old between February 2 and September 1 of his or her initial program year of eligibility as described in Section 1002.53(2), F.S.; and,

2. The child has not yet been admitted to kindergarten; and,

3. The child is granted a reenrollment under subsection (3) or (4) of this rule.

(b) The remaining FTE for a child that reenrolls for good cause into a subsequent program year shall be calculated as the total FTE hours for the program type minus the hours the child has expended, including paid absences.

(7) Early learning coalition responsibilities.

(a) The early learning coalition shall review and process reenrollment applications submitted on <https://familyservices.floridaearlylearning.com>. Upon determination that a child may be granted a reenrollment in accordance with this rule, the early learning coalition shall approve the reenrollment application which will generate Form OEL-VPK 04 (May 2016), titled Certificate of Eligibility for Reenrollment. Form OEL-VPK 04 (May 2016) is hereby incorporated by rule and a sample copy may be obtained as described in Rule 6M-8.900, F.A.C. [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07035>].

(b) If a parent applies for his or her child to be reenrolled in a VPK program that is not in the same early learning coalition service area as the child's current enrollment, both early learning coalitions shall coordinate to process the reenrollment application.

(c) If a child's reenrollment request involves a change of guardianship, the early learning coalition shall require the new guardian to submit supporting documentation such as a court order or official documentation from the Department of Children and Families (DCF) or DCF contracted agency, to verify the change in guardianship before granting a reenrollment under this rule.

Rulemaking Authority 1002.71(4), 1002.75(2)(a), 1002.75(2)(i), 1002.79 F.S. Law Implemented 1002.53(2), 1002.71(4), 1002.75(2)(a), (i) F.S. History—New 12-21-10, Formerly 60BB-8.210, Amended 7-28-16.

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 Standard Statewide Provider Contract for the VPK Program.

(1) Early learning coalitions may not execute a provider contract with a VPK provider before the VPK provider has registered with the coalition and the coalition has determined the VPK provider's eligibility to offer VPK services in accordance with Rule 6M-8.300, F.A.C.

(2) Beginning with the 2015 Summer VPK Program, all VPK providers which register to offer the VPK program must execute Form OEL-VPK 20, including either Form OEL-VPK 20PP or Form OEL-VPK 20PS as appropriate. 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.

(3) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract (Form OEL-VPK 20)" dated August 2014, is hereby adopted and incorporated by reference. All VPK providers, private or public school, must execute this document to deliver the VPK program. The incorporated form is available from the Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399 or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05192>.

(4) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract Private Provider Attachment (Form OEL-VPK 20PP)" dated August 2014, is hereby adopted and incorporated by reference. This attachment becomes part of the contract for all private providers that execute the contract adopted in subsection (3). The incorporated form is available from the Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399 or at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05192>.

(5) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract Public School Attachment (Form OEL-VPK 20PS)", dated August 2014, is hereby adopted and incorporated by reference. This attachment becomes part of the contract for all public schools that execute the contract adopted in subsection (3). The incorporated form is available from the Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399 or at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05192>.

(6) A coalition shall keep a fully executed copy of a provider contract in the coalition's records on the VPK provider. A coalition may execute and retain this Contract electronically in compliance with Section 668.50, F.S., The Uniform Electronic Transaction Act.

(7) Neither a coalition nor a VPK provider may omit, supplement, or amend the terms and conditions of the Voluntary Prekindergarten Provider Contract. Neither a coalition nor a VPK provider may include any attachments, addenda, or exhibits to the Voluntary Prekindergarten Provider Contract except "State of Florida Statewide Voluntary Prekindergarten Provider Contract Private Provider Attachment (Form OEL-VPK 20PP)" and "State of Florida Statewide Voluntary Prekindergarten Provider Contract Public School Attachment (Form OEL-VPK 20PS)".

Rulemaking Authority 1001.213, 1002.79 FS. Law Implemented 1002.55(3)(i), 1002.61(3)(b), 1002.63(3)(b), 1002.75(1), 1002.91(5), (7) FS. History—New 8-17-06, Amended 5-24-07, 12-21-10, Formerly 60BB-8.301, Amended 4-9-15.

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), (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 advance payment 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 advance payment is issued, fewer than four children in a VPK class remain enrolled in the VPK program (e.g., withdrawals).

(3) Maximum class size. A VPK class may not exceed 20 children for a school-year program or 12 children for a summer program. Children enrolled in the VPK program, and children not enrolled in the program, are both counted toward the 20-child or 12-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. 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 1001.213(2), 1002.79 FS. Law Implemented 1002.55(3)(f), 1002.61(7), 1002.63(7) FS. History—New 8-17-06, Amended 5-24-07, Formerly 60BB-8.400, Amended 2-18-15.

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 paragraphs (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 Child Performance Standards for the Voluntary Prekindergarten (VPK) Education Program.

Minimum student performance standards developed and adopted by the Office of Early Learning for children participating in the Voluntary Prekindergarten (VPK) Education Program are contained in Form OEL-VPK 15 titled, Florida Early Learning and Developmental Standards: 4-Year-Old to Kindergarten (October 2017). The standards incorporated in Form OEL-VPK 15 are hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C., or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08828>.

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, Amended 12-28-17.

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.

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.

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 outlines the required staff development trainings and required staff development activities as well as recommended trainings and activities in Form OEL-VPK 31 (October 2017) titled VPK Staff Development Plan for Providers on Probation, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08835>); including Form OEL-VPK 31A (October 2017) titled Exhibit A – Staff Observation Template (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08836>); Form OEL-VPK 31B (October 2017) titled Exhibit B – Monthly Feedback Template (<https://www.flrules.org/Gateway/reference.asp?No=Ref-08837>); and Form OEL-VPK 31C (October 2017) titled Exhibit C – Assessment Results Meeting Template (<https://www.flrules.org/Gateway/reference.asp?No=Ref-08838>). Each form may be obtained as described in Rule 6M-8.900, F.A.C. The registration for the courses listed in the form is found on the

Rulemaking Authority 1001.213, 1002.79 FS. Law Implemented 1002.67(4)(c) FS. History--New 8-21-12, Formerly 6A-1.099826, Amended 4-12-15, 12-28-17

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

(1) A private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Credential.

(a) 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 December 31, 2006, shall satisfy this requirement.

(b) Successful completion of the minimum standards listed in paragraphs (2)(a) through (d), of this rule, and completion of the education and onsite requirements listed in paragraphs (3)(a) through (d), of this rule, prior to November 1, 2017, shall satisfy this requirement.

(2) In accordance with Section 1002.57(1), F.S., the Office of Early Learning (OEL) adopts the following minimum standards for a VPK Director Credential. The VPK Director Credential must include each of the following:

(a) An instructor-led or online course, approved by OEL, on the VPK performance standards adopted under Rule 6M-8.602, F.A.C.

(b) An online course, approved by OEL, on emergent literacy standards adopted under Rule 6M-8.615, F.A.C.

(c) An online course, approved by OEL, that addresses 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; and,

(d) Education and onsite experience through the successful completion of the Director Credential, as established in paragraph 65C-22.003(8)(a), F.A.C.

(e) An online course, approved by OEL, designed to deepen an individual's understanding of mathematical concepts and skills appropriate for preschool-aged children.

(f) An online course, approved by OEL, designed to deepen an individual's understanding of the use of language and vocabulary in VPK classrooms.

(3) The following OEL approved courses and credential will satisfy the minimum standards for the VPK Director Credential as established in subsection (2), of this rule:

- (a) DOE – Standards for Four-Year-Olds or Florida Standards for Four-Year-Olds- Online;

- (b) Emergent Literacy for VPK Instructors (online);
- (c) VPK Director Credential course;
- (d) A Director Credential issued in accordance with paragraph 65C-22.003(8)(a), F.A.C.;
- (e) Mathematical Thinking for Early Learners (online); and,
- (f) Language and Vocabulary in the VPK Classroom (online).

(4)(a) A VPK Director Credential will be issued to an individual that has successfully completed all of the requirements established subsection (3) of this rule.

(b) For purposes of this rule “successfully completed” is defined as follows:

1. For the online courses, an eighty (80) percent passing rate on the course test.
2. For the DOE – Standards for Four-Year-Olds course, attendance and participation in full course, as verified by the OEL approved instructor of the course.
3. For the Director’s Credential, a current credential issued in accordance with paragraph 65C-22.003(8)(a), F.A.C.

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, Amended 1-11-16, 10-15-17.

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post-Assessment Compliance.

(1) Definitions. As used in this rule:

(a) “VPK Class Schedule” is the approved VPK class calendar identified on Class Registration Application – Calendars (Form OEL-VPK 11B) in accordance with Rule 6M-8.300, F.A.C.

(b) “Assessment Period One” (AP1) is the first thirty (30) calendar days of the VPK class schedule beginning with the first VPK instructional day and including non-instructional days.

(c) “Assessment Period Three” (AP3) is the last thirty (30) calendar days of the VPK class schedule ending on the last VPK instructional day and including non-instructional days.

(d) “Bright Beginnings” is the Florida VPK Assessment online reporting system used by VPK providers, school districts, and early learning coalitions found on the website: <https://brightbeginningsfl.org>, an example of the website, without user specific information, can be found on Form OEL-VPK 12 (June 2016) which is hereby incorporated by reference and is found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07037>.

(e) “VPK Pre- and Post-Assessment” is defined in Rule 6A-1.09433, F.A.C. as the Florida VPK Assessment.

(2) The Florida VPK Assessment Materials.

(a) VPK Private Provider Responsibilities.

1. VPK private providers shall order assessment materials, based on need, through Bright Beginnings at least thirty (30) calendar days before the first day of the VPK class schedule. The provider shall monitor the status of the order. If the order is disapproved by the early learning coalition, the provider shall resubmit the corrected order no later than five (5) calendar days after disapproval.

2. If the VPK private provider fails to order assessment materials in accordance with subparagraph (2)(a)1., receipt of the materials will not be guaranteed in time for required assessment administration as described in this rule.

(b) Early Learning Coalition Responsibilities. The coalition is responsible for the timely review, approval or disapproval of orders for assessment materials placed by VPK private providers on Bright Beginnings. The coalition shall:

1. Monitor email notifications regarding assessment materials.

2. Review orders and verify that the quantity of materials ordered aligns with the number of VPK classes offered by the contracted VPK private provider ordering the materials.

3. Approve or disapprove orders placed by contracted VPK providers within seven (7) calendar days after the order is placed, or if the order is placed before contract is executed, approve or disapprove orders within seven (7) calendar days of executing Form OEL-VPK 20, the Statewide Voluntary Prekindergarten Provider Contract (VPK Provider Contract) as incorporated in Rule 6M-8.301, F.A.C. with the provider. If order is disapproved, the coalition shall notify the VPK provider through Bright Beginnings of the reason for disapproval.

4. Approve or disapprove a resubmitted order no later than seven (7) calendar days after receiving email notification that the order is pending approval and notify the VPK provider through Bright Beginnings of the reason for disapproval if order is disapproved.

(c) School District Responsibilities.

1. The school district is responsible for ordering assessment materials, based on need, for each public school offering VPK in the district. Orders shall be placed through Bright Beginnings at least thirty (30) calendar days before the first day of VPK instruction for each public school if the VPK Provider Contract has been executed, or if the contract is not executed by this deadline, the school district shall order within seven (7) calendar days of executing the contract.

2. If the school district fails to order assessment materials in accordance with subparagraph (2)(c)1., receipt of the materials will not be guaranteed in time for required assessment administration as described in this rule.

(3) Administration and Submission.

(a) VPK providers shall administer the Florida VPK Assessment during AP1 and AP3 as defined in subsection (1) of this rule. The Florida VPK Assessment must be administered by qualified assessors as defined in Rule 6A-1.09433, F.A.C.

(b) VPK private providers and public schools (or the school district on behalf of their public schools) shall register their VPK programs annually by completing the initial registration wizard and entering programmatic information on Bright Beginnings.

(c) The Florida VPK Assessment data for AP1 shall be entered and submitted by VPK providers (or the school district on behalf of their public schools) on Bright Beginnings within forty-five (45) calendar days of the first day of each VPK class schedule.

(d) The Florida VPK Assessment data for AP3, shall be entered and submitted by VPK providers (or the school district on behalf of their public schools) on Bright Beginnings no later than fifteen (15) calendar days after the last day of each VPK class schedule.

(4) Verification and Compliance.

(a) Each coalition and school district shall assign a staff member, to register and serve as the administrator for Bright Beginnings on behalf of the coalition or district. The administrator may also assign additional staff as designees as needed.

1. The administrator and designee(s) shall receive and monitor email notifications from Bright Beginnings regarding which VPK providers have entered and submitted the Florida VPK Assessment data for AP1 and AP3.

2. The administrator and designee(s) shall access the coalition or district Florida VPK Assessment Data Status Report during assessment periods to verify which VPK providers have entered and submitted the VPK Assessment data in Bright Beginnings.

(b) The coalition shall document attempts to notify private VPK providers and the school district shall document attempts to notify public schools that have not entered and submitted VPK assessment data for AP1 and AP3 of their responsibility to do so.

(c) Noncompliance with VPK pre- and post-assessment.

1. Each coalition or school district shall verify whether private providers and public schools, respectively, comply with the VPK pre- and post-assessment requirements.

2. If the coalition verifies that a private provider failed to comply with the VPK pre- and post-assessment requirements of Section 1002.67(3), F.S. and the removal from eligibility to offer VPK for a period of five (5) years is required in accordance with Section 1002.67, F.S. the coalition shall notify the Office of Early Learning (OEL). The OEL will require the coalition to remove the provider's eligibility accordingly.

3. If the school district verifies that a public school failed or refused to comply with the VPK pre- and post-assessment requirements of Section 1002.67(3), F.S. and the removal from eligibility to offer VPK for a period of five (5) years is required in accordance with Section 1002.67, F.S. the school district shall notify OEL. The OEL will require the school district to remove the public school's eligibility accordingly and notify the early learning coalition.

4. If a VPK provider is removed from eligibility due to the failure to comply with the VPK pre- and post-assessment, either the VPK provider's school-year program or summer program, or both, is removed from eligibility to deliver VPK for a period of five (5) years.

Rulemaking Authority 1001.213(2), 1002.79 FS. Law Implemented 1002.67(3), (4), 1002.73(2)(d) FS. History--New 3-31-15, Amended 7-28-16.

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

(1) Probation. A provider remains on probation until it meets the minimum rate adopted by the Office as satisfactory under Section 1002.69(6), F.S. 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 Office of Early Learning 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 Office's website per Rule 6M-8.604, F.A.C., or a staff development plan available from the Office of Early Learning per Rule 6M-8.605, F.A.C., as a target 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), F.S. The Office's website is: http://www.floridaearlylearning.com/providers/provider_resources/vpk_curriculum.aspx.

(b) Additional Target Areas. A VPK provider on probation must select a minimum of one of the following additional areas 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 paragraphs (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 target 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 Office posts the final readiness rates.

(b) An early learning coalition or school district, as applicable, shall approve 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 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 with suggestions for revision. The early learning coalition or school district, as applicable, shall offer to work with the VPK provider on probation to revise the initial disapproved improvement plan to address the criteria in paragraphs (1)(a)-(c).

(3) Prior to offering the VPK program, a provider on probation must demonstrate that it is implementing its improvement plan by using an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c), 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. Copy of Department of Children and Families (DCF) transcripts evidencing successful training completion for VPK staff consistent with the staff development plan in accordance with Section 1002.67(4)(c), F.S; and,

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

(4) On Form OEL-VPK 05A (January 2016), Provider Acknowledgement, the provider must acknowledge being placed on probation and that if the provider remains on probation for two (2) consecutive years or more and subsequently fails to meet the minimum readiness rate, the provider will be required to apply for a good cause exemption. The provider must complete the acknowledgement within twenty-one (21) days of the posting of the final VPK readiness rates by the Office of Early Learning on the VPK readiness rate website, <http://vpk.fldoe.org>. Form OEL-VPK 05A (January 2016) is hereby incorporated by reference. A copy of the form may be obtained as provided in Rule 6M-8.900, F.A.C. or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06524>.

Rulemaking Authority 1001.213, 1002.79 FS. Law Implemented 1002.67(4)(c), 1002.75(3)(a)-(b) FS. History—New 3-26-13, Amended 2-2-15, 6-23-16.

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

(1) Probation. A provider remains on probation until it meets the minimum rate adopted by the Office as satisfactory under Section 1002.69(6), F.S. 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 readiness rates adopted by the Office of Early Learning 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 Office of Early Learning posts the final 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 Sections 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 target 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 target areas; and,

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

(3) The provider must complete the provider acknowledgement on Form OEL-VPK 05A (January 2016) 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 <https://www.flrules.org/Gateway/reference.asp?No=Ref-06524>.

Rulemaking Authority 1001.213, 1002.79 FS. Law Implemented 1002.67(4)(c)2., 1002.75(3)(b) FS. History—New 3-26-13, Amended 2-2-15, 6-23-16.

6M-8.702 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 for five (5) years from future eligibility to offer new VPK classes under the following conditions:

(a) When the provider receives kindergarten readiness rates for the same program type (school-year or summer) that for three consecutive years fail to meet the minimum kindergarten readiness rates adopted by the Office of Early Learning under Section

1002.69(6), F.S., the provider shall not offer VPK class in that program type. For the purpose of this rule, consecutive years has the same meaning as defined in subsection 6M-8.701(1), F.A.C. The Office of Early Learning will notify early learning coalitions and school districts when a provider is removed from eligibility under this condition.

(b) Failure to implement an approved improvement plan or staff development plan under Section 1002.67(4)(c)2., F.S.

(c) If a provider, or an owner, officer or director is (or is acting as the beneficial owner for someone who has been) convicted, found guilty of, or pleads guilty or nolo contendere to public assistance fraud, according to Section 1002.91, F.S.

(d) If a provider's executed statewide provider contract adopted in Rule 6M-8.301, F.A.C., is terminated after due process procedures adopted in the contract are completed.

(2) Letter of Removal to Private VPK Providers. The coalition shall 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 office, 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 the 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, in situations where a good cause exemption is not granted under paragraph (1)(a);

(b) The name and address of the provider's program;

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

(d) Notice of termination of any provider contracts, 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 Office of Early Learning 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 for five (5) years and shall provide a copy of such notification to the early learning coalition.

Rulemaking Authority 1001.213, 1002.79 FS. Law Implemented 1002.67(4)(b)-(c), 1002.75(3)(c) FS. History—New 3-26-13, Amended 2-2-15.

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.