

**STATE BOARD OF EDUCATION**  
**Consent Item**  
April 26, 2017

**SUBJECT:** Approval of Amendment to Rule 6M-4.500, Child Attendance and Provider Reimbursements

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1001.213(2), Florida Statutes

**EXECUTIVE SUMMARY**

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

The rule revises and clarifies language regarding attendance, attendance documentation, reimbursement, and quality reimbursement for providers offering School Readiness services to families. The rule changes align the rule language with recently updated School Readiness rules. The proposed changes align with federal rule requirements and Florida Statute for recipients of the Child Care Development Fund Block Grant.

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**Supporting Documentation Included:** Proposed Rule 6M-4.500, F.A.C

**Facilitator:** Rodney J. MacKinnon, Executive Director, Office of Early Learning

#### **6M-4.500 Child Attendance and Provider Reimbursements.**

(1) General Provisions.

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

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

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

1. Provider's name;
2. Child's first and last name;
3. Time in and out;
4. Date; and,
5. An authorized signature or 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 provider site other identifier that verifies each child's attendance. Authorized signature, paper or electronic, includes provider designee for children who are transported via school to or from the provider site or a parent or person authorized by the parent as documented in writing and on file with the provider.

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

(e) For school readiness children who are transported to and/or from the provider site, attendance shall be documented in accordance with the applicable health and safety handbook for the provider type as specified in Rule 6M-4.620, F.A.C. paragraph 65C 22.001(6)(f), Rule 65C 22.001, F.A.C., (August 2013) is incorporated by reference. A copy of each handbook ~~the rule~~ may be obtained by contacting the Office of Early Learning, 250 Marriott Drive, Tallahassee, FL or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07457>.

(f) The provider must report any discrepancy, overpayment, or underpayment within sixty (60) calendar days of transmission of

the reimbursement ~~summary receipt~~. Reported changes must include supporting documentation. Discrepancies validated by the coalition will be corrected for reimbursement purposes.

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

(h) The coalition shall not reduce authorized hours of care prior to redetermination unless the parent requests a reduction in the authorized hours of care based on hours of care needed.

~~(i)(h)~~—The coalition must conduct monitoring activities in accordance with Rule 6M-4.630, F.A.C. to ensure the accuracy of payments of the monthly reimbursement requests. If it is determined through monitoring of the attendance documentation that a provider received an improper payment (overpayment or underpayment), a payment adjustment is required to correct the improper payment.

(j) In order for a provider to be reimbursed for a child served by a coalition other than the coalition where the provider is located, the provider must have executed a Statewide School Readiness Provider Contract with the coalition of the child's residence prior to enrollment and reimbursement. The provider's reimbursement rates shall be negotiated in accordance with the approved school readiness plan of the contracted coalition. However, the provider reimbursement rate shall not exceed the contracted coalition's approved school readiness rates based on the child's care level and unit of care.

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

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

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

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

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

(d) If a child arrives at a school readiness provider's site but the provider or school refuses the child's attendance, the provider

or school must record the instructional day as a non-reimbursable absence. However, the provider may be reimbursed as a reimbursable absence in the case the child is ill as documented by the parent or provider and in accordance with paragraph four (4) of this rule.

(3) Holidays.

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

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

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

(4) Absences.

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

Examples of extraordinary circumstances include the following:

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

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

(c) If ~~In the event that~~ a child is absent for five (5) consecutive days of the child's regular scheduled attendance, during a calendar month, with no contact from the parent, the provider shall submit written notification to ~~notify~~ the local coalition or its

designee who in turn shall determine the need for continued care. The coalition shall document in the case file all attempts to contact the parent by the coalition, provider, or referring agency, if applicable. ~~in the case file.~~ If a determination is made that school readiness services are no longer needed, a notice of disenrollment will be sent to the parent and school readiness provider at least 2 weeks prior to disenrollment. However, an at risk child may not be disenrolled from the program without the written approval of the Child Welfare Program Office of the Department of Children and Families or the community based lead agency. A notice of termination shall be maintained in the case file and provided to the parent, provider and referring agency.

(d) If the child has ten (10) unexplained absences during a total calendar month of attendance, with no contact from the parent, the provider shall submit written notification to the local coalition or its designee who in turn shall determine the need for continued care. The coalition shall document in the case file all attempts to contact the parent by the coalition, provider, or referring agency, if applicable. If a determination is made that school readiness services are no longer needed, the local coalition or designee shall send a notice of termination to the parent and school readiness provider at least 2 weeks prior to disenrollment pursuant to Rule 6M-4.200, F.A.C. If the authorized eligibility period ends in less than 2 weeks, the notice of disenrollment will be sent stating that services will end on the last day of the current eligibility period. However, an at-risk child may not be disenrolled from the program without the written approval of the Child Welfare Program Office of the Department of Children and Families or the community-based lead agency. A notice of termination shall be maintained in the case file and provided to the parent, provider and referring agency.

~~(e)(d)~~ When an at-risk child has an unexcused absence or seven consecutive days of excused absences, the school readiness provider shall notify the Department of Children and Families or community-based lead agency and the early learning coalition. The coalition shall document any contact made with the provider, referring agency and parent in the case file. This paragraph shall apply to all at-risk children under the age of school entry.

(5) Reimbursement for Children with Special Needs.

(a) A child care provider may be reimbursed by the coalition ~~paid~~ at a higher rate if caring for any school readiness child with special needs requiring additional care beyond services required by the Americans with Disabilities Act (ADA). To receive a special needs rate, a child care provider must submit a list of the special needs services it is providing for each special needs child, in addition to the routine school readiness services. A special needs rate may be negotiated up to twenty (20)% percent above the maximum infant care rate established by the coalition. However, any amount that exceeds this rate shall not exceed the provider's private pay rate for infant care shall be classified as a quality expenditure.

(b) To receive a special needs rate, in addition to the base rate, it must be requested by the provider and approved by the coalition. A special needs rate shall ~~may~~ be reimbursed for a school readiness child that has a documented physical, mental,

emotional, or behavioral condition that requires a higher level of care in the child care setting. The special need child's condition must be validated by a licensed health, mental health, education or social service professional other than the child's parent or person employed by the child care provider.

(6) Reimbursement for Gold Seal Quality Care Programs.

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

(7) Reimbursement for Quality Improvement Programs.

(a) Coalitions may reimburse providers above the provider's private pay rate to support quality. Payments may exceed private pay rates if they are designed to pay providers for additional costs associated with offering higher-quality care.

(b) A child care provider that is currently participating in a state or local quality improvement program, as documented by the coalition and approved by the Office of Early Learning, may receive a differential rate higher than the coalition's base approved reimbursement rate for each care level and unit of care. The reimbursement rate for the state and local quality improvement differential may not exceed twenty (20) percent above an early learning coalition's approved reimbursement rate for each care level and unit of care.

(8) Reimbursement for Combined Quality Programs. A child care provider that is currently receiving a gold seal differential and participating in ~~in~~ a state or local quality improvement program, as documented by the coalition and approved by the Office of Early Learning, may receive a differential rate higher than the coalition's base approved reimbursement rate for each care level and unit of care. The reimbursement rate for the quality improvement differential shall not exceed twenty (20) percent above the provider's private pay rate.