

STATE BOARD OF EDUCATION
Consent Item
May 22, 2019

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

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

Rule 6M-4.500, F.A.C., outlines the procedures for reporting attendance and making payments to providers that serve children in the School Readiness Program. The proposed amendments to the rule reflect recent changes to federal program standards and Florida statutes and rules relating to the payment of fees, differential payments for program quality and child assessments and additional child care slots.

Specific amendments to the rule include:

- 1) Additional provider reimbursements. Last year the Legislature adopted the requirement that the Office develop a differential payment program based on quality measures for both classroom quality and child assessment. In the Fall of 2018 the Office adopted these quality measures in Rules 6M-4.740 and 6M-4.741, F.A.C. The amendments to this rule establish the reimbursements rates for these quality measures.
- 2) Child assessments. The rule establishes the timing of assessments for those providers that choose to assess the children in their program and the reliability of the individuals conducting those assessments.
- 3) Registration Fees. Federal program regulations now require that providers be reimbursed for reasonable registration fees that have in the past been charged to parents. The new section of the rule establishes the amount and frequency of these reimbursements.
- 4) Contracted slots. The use of contracted slots improves access to quality child care in areas that have traditionally been underserved. The rule amendment adopts a method of payment for those slots.

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

Facilitator/Presenter: 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.

(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 or electronic attendance-tracking system that is maintained at the provider site to validate the attendance data. For ~~electronic~~ ~~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. 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 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. A copy of each handbook 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. 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.

(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) 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) 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~~ A provider must complete and certify 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. In the event the statewide information system is non-operational, the early learning coalition shall provide the school readiness provider with a monthly roster.

~~(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.~~

~~(b)(e)~~ 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.

~~(c)(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 coalitions 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 ~~document 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 a child is absent for five (5) consecutive days of the child's regulary scheduled attendance, during a calendar month, 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.

(d) If the child has ten (10) unexplained ~~absences absenses~~ 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) 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 prior to the close of business on the day of the absence. 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 Contracted Slots. If a coalition participates in the Contracted Slots Program and the coalition determines a provider is eligible for the program in accordance with 6M-4.610, FAC, then the coalition may reimburse the provider up to 10% above the 75th percentile of the market rate determined in accordance with 1002.895, F.S. If the market rate data is not available or is based on a sample size of less than four for a specific provider type and/or care level by county, then the rate shall be based on the statewide market rate for the applicable provider type and/or care level. The portion of the contracted slots reimbursement up to the provider's private pay rate shall be funded by school readiness direct service billing groups. The remaining portion of the contracted slots reimbursement exceeding the provider's private pay rate shall be funded as a quality expenditure, however, the contracted slots reimbursement rate is not considered a quality improvement program and is not included in the calculation of the 20% limit for combined quality improvement program differentials.

(6) Reimbursement for Registration Fees. If a provider has indicated that it charges a registration fee in Exhibit 5 of the State of Florida Statewide School Readiness Provider Contract, Form OEL- SR 20, as incorporated by reference in Rule 6M-4.610, F.A.C. the coalition shall pay the provider a registration fee for each child enrolled in the School Readiness program. The coalition shall pay the registration fee two (2) times within a five (5) year period during a child's continuous eligibility for the program. Five continuous years begins with the effective date of this rule.

(a) The coalition shall pay a registration fee of up to seventy-five dollars per eligible child. The payment for the registration fee shall not exceed the provider's published private registration fee. The coalition shall reimburse the registration fee with the reimbursement for the child's first month of attendance with the provider. For children currently enrolled in the program, the coalition shall reimburse the provider the registration fee the next time the fee is due to the provider after the effective date of this rule. If a child is attending different providers concurrently, the coalition shall pay the registration fee to the provider that the child attends the majority of the time. If a child concurrently attends all providers an equal amount of time, the registration is paid to the provider where the child has been enrolled the longest.

(b) If there is a break in the child's eligibility of at least twelve consecutive months, the two-time limit starts over.

(c) If the child's provider closes or has its contract terminated, the coalition shall pay the registration fee to the new provider. This payment is considered a one-time exception and does not apply to the two-time limit.

(d) If the family experiences hardship requiring a transfer to a different provider, the coalition shall pay the registration fee to the new provider. This payment is considered a one-time exception and does not apply to the two-time limit. Hardship may be demonstrated by evidence of one or more of the following:

1. Illness of the child or parent requiring the family to relocate.
2. Loss of a parent resulting in family relocation.
3. Loss of employment resulting in family relocation.
4. Eviction requiring the family to relocate.
5. Natural or man-made disaster.
6. Child expulsion in accordance with the provider's policies.

(e) The coalition shall recoup the registration fee in cases where a provider expels a child within three (3) months of enrollment.

(7)(5) Reimbursement for Children with Special Needs.

(a) A child care provider may be reimbursed by the coalition 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 approved base reimbursement rate established for infant care rate established by the coalition. However, any amount that exceeds the providers 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 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.~~

~~(8)(7) Reimbursement for Combined of Quality Improvement Programs.~~

~~(a) Coalitions may reimburse providers participating in a combination of state, as described in paragraphs (9), (10), and (11) of this rule, or local quality programs not to exceed twenty (20) percent above the provider's private pay rate to support quality. This calculation does not include the contracted slots reimbursement rate. Payments may exceed private pay rates if they are designed to pay providers for additional costs associated with offering higher-quality care. Any amount that exceeds the providers' private pay rate shall be classified as a quality expenditure.~~

~~(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 approved base approved reimbursement rate for each care level and unit of care. The reimbursement rate for each the state and local quality improvement differential shall be calculated using may not exceed twenty (20) percent above an early learning coalition's approved base reimbursement rate for each care level and unit of care.~~

~~(9) 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 approved base 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 base reimbursement rate for each care level and unit of care.~~

~~(10) Reimbursement for Quality Performance Incentive.~~

~~(a) An eligible child care provider that receives a program assessment composite score above the Quality Improvement Threshold score, as defined in Rule 6M-4.741, F.A.C., shall receive a tiered Quality Performance Incentive differential rate above the coalition's approved base reimbursement rate for each care level and unit of care.~~

~~(b) A child care provider's Quality Performance Incentive differential shall be based on the most recent program assessment composite scores. The differential will be adjusted at the beginning of the new Statewide School Readiness Provider Contract year.~~

~~1. Providers that receive program assessment composite scores of 4.00 to 4.99 shall receive a four (4) percent Quality Performance Incentive differential.~~

~~2. Providers that receive program assessment composite scores of 5.00 to 5.99 shall receive a seven (7) percent Quality Performance Incentive differential.~~

~~3. Providers that receive program assessment composite scores of 6.00 to 7.00 shall receive a ten (10) percent Quality Performance Incentive differential.~~

~~(c) A child care provider that is currently on a Quality Improvement Plan, pursuant to Rule 6M-4.740, F.A.C., is not eligible for the Quality Performance Incentive.~~

~~(11) Reimbursement for Child Assessments.~~

~~(a) An eligible child care provider, as defined in subsection (b) below, shall receive a child assessment differential reimbursement rate of five (5) percent higher than the coalition's approved base reimbursement rate for each care level and unit of care. This differential shall be paid within 60 days of conclusion of each assessment period with the monthly reimbursement. The differential shall be paid for all eligible children, as described in paragraph (c) of this subsection, assessed during the assessment period and in accordance with this subsection, once all assessments have been successfully completed and submitted per the requirements of the OEL approved assessment tool. A child care provider who contracts for the SR Program at a time that does not allow three assessment periods to be completed in the contract year is not eligible for a differential.~~

~~(b) To be eligible to receive the child assessment differential rate, a provider shall complete child assessments with an OEL approved assessment tool conducted by teachers determined reliable as defined by the child assessment tool at least three times per year and submit valid and reliable data to the statewide information system. A child care provider that is currently on a Quality Improvement Plan, pursuant to Rule 6M-4.740, F.A.C., is not eligible for the child assessment differential reimbursement.~~

~~(c) To receive the differential, all eligible school readiness children ages birth to kindergarten entry, who have been enrolled at the provider for at least 60 days, shall be assessed during the eligible assessment periods on all domains as defined by the OEL - approved tool chosen by the provider. If a child enrolls at the provider later than 60 calendar days before the end of the assessment period, the child shall be assessed in the next assessment period.~~

~~(d) A roster of all birth to five classrooms must be submitted to the office through the OEL-defined system as required in Form~~

OEL-SR 740 (November 2018), incorporated by reference in Rule 6M-4.740, F.A.C., and must indicate all teachers assigned to each classroom. A provider shall maintain at least 75% of teachers reported on the providers birth to five classrooms roster meeting the reliability requirements as defined by the OEL-approved assessment tool to receive the child assessment differential rate. If the provider falls below 75% due to the loss of a teacher or a teacher is no longer considered reliable, the provider will have 45 calendar days to replace the teacher with a reliable teacher. If the teacher is not replaced within 45 days of the previous teacher's last day of employment and the provider has not retained 75% of reliable teachers, the differential shall not be paid for the remainder of the contract term. If a provider falls below the 75% reliability requirements, they should notify the coalition within five business days of the last date of the previous teacher's employment or reliability for the current teacher expires.

(e) Assessments shall be conducted within the following periods and all data completed and uploaded in the last month of that period:

1. Assessment Period One – August 1 – October 31
2. Assessment Period Two – November 1 – January 31
3. Assessment Period Three – February 1 – April 30

(f) A parent may decline to have a child assessed at the time of enrollment at the provider through the statewide information system.

(8) Reimbursement for Combined Quality Programs. A child care provider that is currently receiving a Gold Seal differential and 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 quality improvement differential shall not exceed twenty (20) percent above the provider's private pay rate.

Rulemaking Authority 1001.213(2), 1002.895 FS. Law Implemented 1002.82(2)(c), 1002.82(2)(f)1.a.(III), 1002.82(2)(k), 1002.82(2)(p), 1002.82(2)(o) 1002.87(8), (9), 1002.895 FS. History—New 2-2-05, Formerly 60BB-4.500, Amended 1-1-15, 5-28-17.

