

STATE BOARD OF EDUCATION
Consent Item
June 17, 2014

SUBJECT: Approval of Repeal of Rules Related to School Readiness

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.231(2), Florida Statutes

EXECUTIVE SUMMARY

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

The identified rules, which established eligibility for the School Readiness program, are obsolete due to amendments to Chapter 1002, Florida Statutes enacted through House Bill 7165 in 2013. Section 1002.87, F.S., now defines eligibility criteria and priority with a level of specificity that renders these rules obsolete. Certain portions of the rules that remain necessary to the eligibility and registration process are incorporated into the revisions to Rule 6M-4.200 School Readiness Eligibility Provision, which is before the State Board for approval on this agenda.

Supporting Documentation Included: Rules: 6M-4.100, Definitions; 6M-4.201, Eligibility for Children at Risk of Abuse or Neglect; 6M-4.202, Eligibility for Children at Risk of Welfare Dependency; 6M-4.203, Eligibility for Children in Working Families Whose Income Does Not Exceed 150 Percent of the Federal Poverty Level; 6M-4.205, Economically Disadvantaged Children, Children With Disabilities, and Children at Risk of Future School Failure, From Birth to Four (4) Years of Age, Who are Served at Home Through Home Visitor Programs and Intensive Parent Education Programs Such as the Florida First Start Program; 6M-4.206, Eligibility for Children Who Meet Federal and State Requirements for Eligibility for the Migrant Preschool Program but Who do not Meet the Criteria of Economically Disadvantaged; 6M-4.207, Eligibility for Children in the Relative Caregiver Program; 6M-4.210, Maintaining Eligibility for Financial Assistance; Breaks in Employment; Sections 1001.231(2), 1002.81(1), (8), (16), 1002.82(2)(f) and 1002.87(1), (5), (6), Florida Statutes

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

6M-4.100 Definitions.

(1) Administrative costs. "Administrative costs" shall include those activities defined as administrative costs by 45 C.F.R., s. 98.52, and reported as administrative costs for purposes of federal reporting requirements.

(2) Age Appropriate. "Age appropriate" means actions, non-direct services, and settings which meet a child's need at each developmental stage.

(3) Certificate voucher (CERT). Payment by "certificate voucher" or "CERT" means payment for school readiness services through a certificate issued to a parent, that represents payment that will be made by the coalition to the parent's chosen school readiness provider, based upon an invoice for services submitted to the coalition by the selected provider.

(4) Children At-risk of Abuse, Neglect, and Exploitation – includes the following children referred by the Department of Children and Family Services:

(a) Children who are in families under investigation by the Department of Children and Family Services or a designated local sheriff's office for abuse, neglect, abandonment or exploitation.

(b) Children who are in families under the supervision of the Department of Children and Family Services or its contracted provider for abuse, neglect, abandonment or exploitation.

(c) Children in the court ordered long-term custody or under the guardianship of a relative or non-relative following the termination of supervision by the Department of Children and Family Services or its contracted provider.

(d) Children in court ordered long-term licensed custody.

(5) Educational activities. "Educational activities", shall include vocational education, GED preparation, compulsory education, on-the-job training, job readiness training or postsecondary education.

(6) Extended-day. "Extended-day" shall mean eleven (11) or more hours of service per day.

(7) Extended-year. "Extended-year" shall be synonymous with full-year and shall mean the period during which a provider regularly provides services for 245 full days or more.

(8) Family income. "Family income" means the combined gross income, from all sources, of all members of the family unit who are eighteen (18) years of age or older, including earned and unearned income, and excluding the following:

(a) Food stamp benefits;

(b) Documented child support payments;

(c) Documented alimony paid; and

(d) Housing assistance payments from HUD issued directly to a landlord and associated utilities expenses.

(9) Family unit. "Family unit" means parent(s) living together, their minor children, and any other children for whom they are legally responsible. A family unit shall also include any additional related adult who resides with the family, and who is financially supported by that family.

(10) Full-choice. "Full-choice" shall mean a full range of school readiness settings and payment options, including:

(a) Licensed child care facilities, licensed family day care homes, licensed large family child care homes, licensed mildly ill facilities, registered family day care homes, informal care, faith-based care, and school-based care.

(b) Payment options are through purchase-of-service subcontract or certificate voucher. Payments must be affordable and include a sliding-fee scale.

(11) Full-day. "Full-day" shall mean availability of a minimum of ten (10) hours of school readiness services per day, including day, night, weekend, and odd hour care.

(12) Full-time. "Full-time" (FT) means at least six (6) hours or greater and up to and including eleven (11) hours of care in a twenty-four (24) hour period.

(13) Initial registration. "Initial registration" means the point at which a child is determined eligible for services through a full eligibility determination.

(14) In loco parentis. "In loco parentis" means acting as the temporary guardian of a child.

(15) Maximum extent possible. "Maximum extent possible" means reasonable efforts to

accommodate the school readiness needs of children birth to kindergarten and families in greater than fifty (50%) percent of a coalition's school readiness programs.

(16) Migrant farmworker. "Migrant farmworker" means:

(a) A migratory agricultural worker or migratory fisher, as defined by 34 CFR § 200.81(d) and (f), or

(b) An agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(17) Non-direct services. Examples of "non-direct services" are those activities delineated by the Office of Early Learning, Form #SR-200; title: "Activity/Services Code Description Matrix", with an effective date of November 7, 2002 that can be obtained from the Office of Early Learning, whose address, telephone number and website address are: 250 Marriott Drive, Tallahassee, FL 32399, (850) 717-8599, www.floridaearlylearning.com, and is hereby incorporated by reference and made a part of this rule.

(18) Parent. "Parent" means a parent by blood, marriage or adoption and also means a legal guardian or a person standing in loco parentis.

(19) Part-time. "Part-time" (PT) means less than six (6) hours of care in a twenty-four (24) hour period.

(20) Purchase-of-service subcontract (POS). "Purchase-of-service subcontract" or "POS" means payment for school readiness services by transfer of funds to a legally operating school readiness provider that has entered into a negotiated service agreement with a coalition or its designee.

(21) Quality enhancement. Example of "quality enhancement" activities are, those activities delineated by the Office of Early Learning document entitled "Activity/Service Code Description Matrix."

(22) Working family. "Working family" means:

(a) A single parent family in which the parent with whom the child resides is employed or engaged in eligible education activities a minimum of twenty (20) hours per week.

(b) A two parent family in which both parents with whom the child resides are each employed or engaged in eligible education activities a minimum of twenty (20) hours per week.

(c) A two parent family in which one parent with whom the child resides is employed or engaged in eligible education activities a minimum of twenty (20) hours per week.

(d) A family in which the parents are exempt from work requirements due to age or disability as determined and documented by a physician licensed under Chapter 458 or 459, F.S.

(23) Unearned income. "Unearned income" shall include:

(a) Documented child support received.

(b) Documented alimony received.

(c) Social Security benefits.

(d) Supplemental security income (SSI).

(e) Worker's Compensation benefits.

(f) Unemployment Compensation benefits.

(g) Veteran's benefits.

(h) Retirement benefits.

(i) TANF cash assistance.

(j) Income received from non-family members residing within the same household.

(k) Military FSSA housing assistance.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(a), (5)(c), (d), (6), (9)(d) FS. History—New 4-21-03, Formerly 60BB-4.100, Repealed

6M-4.201 Eligibility for Children at Risk of Abuse or Neglect.

(T) Initial eligibility

(a) Eligibility under this category is not dependent on family income or work requirements and will instead be based on a documented referral from the Department of Children and Family

~~Services, or its contracted provider.~~

~~(b) Each referral for this category is valid up to six (6) months.~~

~~(2) Maintaining eligibility. A child may continue to maintain eligibility under this category if there is a current and valid referral from the Department of Children and Family Services or its contracted provider.~~

~~(3) Prior to disenrolling any child under this category, the coalition or its designee shall contact the referral agency to verify continued eligibility.~~

~~*Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03, Formerly 60BB-4.201, Repealed*~~

6M-4.202 Eligibility for Children at Risk of Welfare Dependency.

~~(1) This category includes the following subcategories, pursuant to Section 411.01(6)(a)2., F.S.:~~

~~(a) Participants in the welfare transition program, including:~~

~~1. Temporary cash assistance clients, whose children shall be eligible based on a documented referral and documented compliance with statutory welfare transition program requirements by the Department of Children and Family Services or the local workforce referral agency.~~

~~2. Transitional Child Care/Non-Temporary Cash Assistance, whose children shall be eligible based on a documented referral and documented compliance with statutory welfare transition program requirements by the Department of Children and Family Services or the local workforce referral agency.~~

~~(b) Children of migrant farmworkers, who shall be eligible by virtue of meeting the definition of “migrant farmworker” established in rule.~~

~~(c) Children of teen parents, who shall be eligible by virtue of meeting the statutory definition of “teen parent” established by Section 411.202(22), F.S.~~

~~(2) Maintaining eligibility.~~

~~(a) Pursuant to Section 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue:~~

~~1. Within the time limit for welfare transition services authorized in statute, provided the parent is in compliance with all statutory welfare transition program participation requirements, if the child is eligible based on the parent’s participation in a welfare transition program.~~

~~2. For as long as the parent meets the definition of a migrant farmworker, if the child is eligible based on being the child of a migrant agricultural worker.~~

~~3. For as long as the parent meets the statutory definition of a teen parent, if the child is eligible based on being the child of a teen parent.~~

~~(b) The parent or the referring agency shall within ten (10) calendar days notify the coalition, or its designee, of any change in employment, income, or family size or of any case of noncompliance with the requirements of this rule.~~

~~*Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03, Formerly 60BB-4.202, Repealed*~~

6M-4.203 Eligibility for Children in Working Families Whose Income Does Not Exceed 150 Percent of the Federal Poverty Level.

~~(1) Initial eligibility.~~

~~(a) Family income, as defined in rule, must be at or below 150 percent of the federal poverty level.~~

~~(b) “Working families,” as defined by subsection 6M-4.100(22), F.A.C., will be given priority for enrollment under this eligibility category. A coalition may also serve additional children who are determined to be at high risk of school failure; however, such families must meet the statutory definition of “economically disadvantaged.”~~

~~(2) Maintaining eligibility.~~

~~(a) Pursuant to Section 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue provided the family's income is at or below 200% of the Federal Poverty Level (FPL) as the upper level of the program subsidy support as stated in section 3.3-"Eligibility Criteria for Child Care" of the State of Florida's Child Care and Development Services Plan.~~

~~(b) A parent must notify the coalition, or its designee, of any change in employment, income, or family size within ten (10) calendar days.~~

~~Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History-New 4-21-03, Formerly 60BB-4.203, Repealed~~

6M-4.205 Economically Disadvantaged Children, Children With Disabilities, and Children at Risk of Future School Failure, From Birth to Four (4) Years of Age, Who are Served at Home Through Home Visitor Programs and Intensive Parent Education Programs Such as the Florida First Start Program.

~~(1) Initial eligibility.~~

~~(a) Family income, as defined in rule, must be at or below 150% of the federal poverty level.~~

~~(b) The child must have been identified as being at risk of future school failure, based on criteria established by the coalition.~~

~~(2) Maintaining eligibility.~~

~~(a) Pursuant to Section 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue provided the family's income is at or below 200% of the Federal Poverty Level (FPL) as the upper level of the program subsidy support as stated in section 3.3 – "Eligibility Criteria for Child Care" of the State of Florida's Child Care and Development Services Plan.~~

~~(b) A parent must notify the coalition, or its designee, of any change in employment, income, or family size within ten (10) calendar days.~~

~~Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History-New 4-21-03, Formerly 60BB-4.205, Repealed~~

6M-4.206 Eligibility for Children Who Meet Federal and State Requirements for Eligibility for the Migrant Preschool Program but Who do not Meet the Criteria of Economically Disadvantaged.

~~(1) Initial eligibility. Eligibility under this category is not dependent on family income or work requirements, but instead be based on a documented referral from the Local Education Agency (LEA) certifying that the parent(s) meets the federal definition of a migratory agricultural worker or a migratory fisher as defined in 34 CFR § 200.81(d) and (f).~~

~~(2) Maintaining eligibility. Once determined eligible under this category, a child will be provided school readiness services as the family moves from location to location for as long as the family meets the federal criteria and until the child reaches kindergarten age, and shall be served in the order of priority established in the coalition's school readiness plan.~~

~~Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History-New 4-21-03, Formerly 60BB-4.206, Repealed~~

6M-4.207 Eligibility for Children in the Relative Caregiver Program.

~~(1) Initial eligibility. Eligibility under this category is not dependent on family income or work requirements and will instead be based on a documented referral from the Department of Children and Family Services, or its contracted provider.~~

~~(2) Maintaining eligibility. A child may continue to maintain eligibility under this category if there is a current and valid referral from the Department of Children and Family Services or its contracted provider.~~

~~(3) Prior to disenrolling any child under this category, the coalition or its designee shall contact the referral agency to verify continued eligibility.~~

~~Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03, Formerly 6OBB-4.207, Repealed~~

6M-4.210 Maintaining Eligibility for Financial Assistance; Breaks in Employment.

~~A family shall maintain eligibility for financially assisted school readiness services:~~

~~(1) During a break in employment, provided employment is re-established within thirty (30) calendar days. During this time, school readiness services will be reimbursed.~~

~~(2) During a temporary break in employment for up to sixty (60) calendar days for medical reasons, including maternity leave, if determined medically necessary and documented by a physician licensed under Chapter 458 or 459, F.S. During this time school readiness services will be reimbursed.~~

~~(3) During an interruption in employment, with an option to return to that employment, including such circumstances as seasonal employment or school system-related employment. The child shall not be placed on the waiting list and services will be considered suspended, and not reimbursed, until employment resumes. Care may be re-established upon resumption of employment.~~

~~Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03, Formerly 6OBB-4.210, Repealed~~

1001.213 Office of Early Learning.—

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

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

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

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

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

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

(6) Keep administrative staff to the minimum necessary to administer the duties of the office. History.—s. 1, ch. 2013-252.

1002.81 Definitions.—Consistent with the requirements of 45 C.F.R. parts 98 and 99 and as used in this part, the term:

(1) "At-risk child" means:

(a) A child from a family under investigation by the Department of Children and Families or a designated sheriff's office for child abuse, neglect, abandonment, or exploitation.

(b) A child who is in a diversion program provided by the Department of Children and Families or its contracted provider and who is from a family that is actively participating and complying in department-prescribed activities, including education, health services, or work.

(c) A child from a family that is under supervision by the Department of Children and Families or a contracted service provider for abuse, neglect, abandonment, or exploitation.

(d) A child placed in court-ordered, long-term custody or under the guardianship of a relative or nonrelative after termination of supervision by the Department of Children and Families or its contracted provider.

(e) A child in the custody of a parent who is a victim of domestic violence residing in a certified domestic violence center.

(f) A child in the custody of a parent who is considered homeless as verified by a Department of Children and Families certified homeless shelter.

(2) "Authorized hours of care" means the hours of care that are necessary to provide protection, maintain employment, or complete work activities or eligible educational activities, including reasonable travel time.

(3) "Average market rate" means the biennially determined average of the market rate by program care level and provider type in a predetermined geographic market.

(4) "Direct enhancement services" means services for families and children that are in addition to payments for the placement of children in the school readiness program. Direct enhancement services for families and children may include supports for providers, parent training and involvement activities, and strategies to meet the needs of unique populations and local eligibility priorities. Direct enhancement services offered by an early learning coalition shall be consistent with the activities prescribed in s. 1002.89(6)(b).

(5) "Disenrollment" means the removal, either temporary or permanent, of a child from participation in the school readiness program. Removal of a child from the school readiness program may be based on the following events: a reduction in available school readiness program

funding, participant's failure to meet eligibility or program participation requirements, fraud, or a change in local service priorities.

(6) "Earned income" means gross remuneration derived from work, professional service, or self-employment. The term includes commissions, bonuses, back pay awards, and the cash value of all remuneration paid in a medium other than cash.

(7) "Economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(8) "Family income" means the combined gross income, whether earned or unearned, that is derived from any source by all family or household members who are 18 years of age or older who are currently residing together in the same dwelling unit. The term does not include income earned by a currently enrolled high school student who, since attaining the age of 18 years, or a student with a disability who, since attaining the age of 22 years, has not terminated school enrollment or received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion. The term also does not include food stamp benefits or federal housing assistance payments issued directly to a landlord or the associated utilities expenses.

(9) "Family or household members" means spouses, former spouses, persons related by blood or marriage, persons who are parents of a child in common regardless of whether they have been married, and other persons who are currently residing together in the same dwelling unit as if a family.

(10) "Full-time care" means at least 6 hours, but not more than 11 hours, of child care or early childhood education services within a 24-hour period.

(11) "Market rate" means the price that a child care or early childhood education provider charges for full-time or part-time daily, weekly, or monthly child care or early childhood education services.

(12) "Office" means the Office of Early Learning of the Department of Education.

(13) "Part-time care" means less than 6 hours of child care or early childhood education services within a 24-hour period.

(14) "Single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program or the Voluntary Prekindergarten Education Program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through a website, and that uses a uniform waiting list to track eligible children waiting for enrollment in the school readiness program.

(15) "Unearned income" means income other than earned income. The term includes, but is not limited to:

- (a) Documented alimony and child support received.
- (b) Social security benefits.
- (c) Supplemental security income benefits.
- (d) Workers' compensation benefits.
- (e) Reemployment assistance or unemployment compensation benefits.
- (f) Veterans' benefits.
- (g) Retirement benefits.
- (h) Temporary cash assistance under chapter 414.

(16) "Working family" means:

(a) A single-parent family in which the parent with whom the child resides is employed or engaged in eligible work or education activities for at least 20 hours per week;

(b) A two-parent family in which both parents with whom the child resides are employed or engaged in eligible work or education activities for a combined total of at least 40 hours per week; or

(c) A two-parent family in which one of the parents with whom the child resides is exempt from work requirements due to age or disability, as determined and documented by a physician

licensed under chapter 458 or chapter 459, and one parent is employed or engaged in eligible work or education activities at least 20 hours per week.

History.—s. 17, ch. 2013-252.

1002.82 Office of Early Learning; powers and duties.—

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

(2) The office shall:

(a) Focus on improving the educational quality delivered by all providers participating in the school readiness program.

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

(c) Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements, safeguarding the effective use of federal, state, and local resources to achieve the highest practicable level of school readiness for the children described in s. 1002.87, including:

1. The adoption of a uniform chart of accounts for budgeting and financial reporting purposes that provides standardized definitions for expenditures and reporting, consistent with the requirements of 45 C.F.R. part 98 and s. 1002.89 for each of the following categories of expenditure:

- a. Direct services to children.
- b. Administrative costs.
- c. Quality activities.
- d. Nondirect services.

2. Coordination with other state and federal agencies to perform data matches on children participating in the school readiness program and their families in order to verify the children's eligibility pursuant to s. 1002.87.

(d) Establish procedures for the biennial calculation of the average market rate.

(e) Review each early learning coalition's school readiness program plan every 2 years and provide final approval of the plan and any amendments submitted.

(f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the office:

1. Shall adopt specific program support services that address the state's school readiness program, including:

- a. Statewide data information program requirements that include:
 - (I) Eligibility requirements.
 - (II) Financial reports.
 - (III) Program accountability measures.
 - (IV) Child progress reports.

b. Child care resource and referral services.

c. A single point of entry and uniform waiting list.

2. May provide technical assistance and guidance on additional support services to complement the school readiness program, including:

- a. Rating and improvement systems.
- b. Warm-Line services.
- c. Anti-fraud plans.

- d. School readiness program standards.
- e. Child screening and assessments.
- f. Training and support for parental involvement in children's early education.
- g. Family literacy activities and services.

(g) Provide technical assistance to early learning coalitions.

(h) In cooperation with the early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Families to reduce paperwork and to avoid duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

(i) Develop, in coordination with the Child Care Services Program Office of the Department of Children and Families, and adopt a health and safety checklist to be completed by license-exempt providers that does not exceed the requirements s. 402.305.

(j) Develop and adopt standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to 5 years of age in the school readiness program must be aligned with the performance standards adopted for children in the Voluntary Prekindergarten Education Program and must address the following domains:

1. Approaches to learning.
2. Cognitive development and general knowledge.
3. Numeracy, language, and communication.
4. Physical development.
5. Self-regulation.

(k) Select assessments that are valid, reliable, and developmentally appropriate for use as preassessment and postassessment for the age ranges specified in the coalition plans. The assessments must be designed to measure progress in the domains of the performance standards adopted pursuant to paragraph (j), provide appropriate accommodations for children with disabilities and English language learners, and be administered by qualified individuals, consistent with the publisher's instructions.

(l) Adopt a list of approved curricula that meet the performance standards for the school readiness program and establish a process for the review and approval of a provider's curriculum that meets the performance standards.

(m) Adopt by rule a standard statewide provider contract to be used with each school readiness program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.

(n) Establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

(o) Adopt by rule standardized procedures for coalitions to use when monitoring the compliance of school readiness program providers with the terms of the standard statewide provider contract.

(p) Monitor and evaluate the performance of each early learning coalition in administering the school readiness program, ensuring proper payments for school readiness program services, implementing the coalition's school readiness program plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(q) Work in conjunction with the Bureau of Federal Education Programs within the Department of Education to coordinate readiness and voluntary prekindergarten services to the populations served by the bureau.

(r) Administer a statewide toll-free Warm-Line to provide assistance and consultation to child care facilities and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. The office shall:

1. Annually inform child care facilities and family day care homes of the availability of this service through the child care resource and referral network under s. 1002.92.

2. Expand or contract for the expansion of the Warm-Line to maintain at least one Warm-Line in each early learning coalition service area.

(3) If the office determines during the review of school readiness program plans, or through monitoring and performance evaluations conducted under s. 1002.85, that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the office, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the office may temporarily contract with a qualified entity to continue school readiness program and prekindergarten services in the coalition's county or multicounty region until the office reestablishes the coalition and a new school readiness program plan is approved in accordance with the rules adopted by the office.

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

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

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

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

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

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

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

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

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

7. The total number of providers by provider type.

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

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

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

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

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

(d) If it is determined that a provider has given any cash or other consideration to the beneficiary in return for receiving a payment certificate, the early learning coalition or its fiscal

agent shall refer the matter to the Department of Financial Services pursuant to s. 414.411 for investigation.

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

History.—s. 17, ch. 2013-252.

1002.87 School readiness program; eligibility and enrollment.—

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

(a) Priority shall be given first to a child younger than 13 years of age from a family that includes a parent who is receiving temporary cash assistance under chapter 414 and subject to the federal work requirements.

(b) Priority shall be given next to an at-risk child younger than 9 years of age.

(c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. who is from a working family that is economically disadvantaged, and may include such child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. until the beginning of the school year in which the sibling is eligible to begin 6th grade, provided that the first priority for funding an eligible sibling is local revenues available to the coalition for funding direct services. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.

(d) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. 445.032 from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(e) Priority shall be given next to an at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a)-(c) shall be given priority over other children who are eligible under this paragraph.

(f) Priority shall be given next to a child who is younger than 13 years of age from a working family that is economically disadvantaged. A child who is eligible under this paragraph whose sibling is enrolled in the school readiness program under paragraph (c) shall be given priority over other children who are eligible under this paragraph. However, a child eligible under this paragraph ceases to be eligible if his or her family income exceeds 200 percent of the federal poverty level.

(g) Priority shall be given next to a child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.

(h) Priority shall be given next to a child who has special needs, has been determined eligible as a student with a disability, has a current individual education plan with a Florida school district, and is not younger than 3 years of age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(i) Notwithstanding paragraphs (a)-(d), priority shall be given last to a child who otherwise meets one of the eligibility criteria in paragraphs (a)-(d) but who is also enrolled concurrently in the federal Head Start Program and the Voluntary Prekindergarten Education Program.

(2) A school readiness program provider may be paid only for authorized hours of care provided for a child in the school readiness program. A child enrolled in the Voluntary Prekindergarten Education Program may receive care from the school readiness program if the child is eligible according to the eligibility priorities in this section.

(3) Contingent upon the availability of funds, a coalition shall enroll eligible children, including those from its waiting list, according to the eligibility priorities in this section.

(4) The parent of a child enrolled in the school readiness program must notify the coalition or its designee within 10 days after any change in employment, income, or family size. Upon notification by the parent, the child's eligibility must be reevaluated.

(5) A child whose eligibility priority category requires the child to be from a working family ceases to be eligible for the school readiness program if a parent with whom the child resides does not reestablish employment within 60 days after becoming unemployed.

(6) Eligibility for each child must be reevaluated annually. Upon reevaluation, a child may not continue to receive school readiness program services if he or she has ceased to be eligible under this section.

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

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

(9) Notwithstanding s. 39.604, a school readiness program provider, regardless of whether the provider is licensed, shall comply with the reporting requirements of the Rilya Wilson Act for each at-risk child under the age of school entry who is enrolled in the school readiness program History.—s. 17, ch. 2013-252.