

STATE BOARD OF EDUCATION

Consent Item

October 25, 2018

SUBJECT: New Rules 6M-4.740, Program Assessment Requirements for the School Readiness Program and 6M-4.741, Program Assessment Threshold Requirements for the School Readiness Program

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.213(2), Florida Statutes

EXECUTIVE SUMMARY

The Office of Early Learning (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.

OEL is required to comply with lead agency responsibilities in the administration of the Child Care and Development Block Grant Trust Fund. OEL must adopt and implement a program assessment for School Readiness program providers. Rules 6M-4.740 and 6M-4.741 describe the process and requirements for program assessments for the School Readiness Program.

The Office of Early Learning developed the current rule text and incorporated form to establish requirements enacted in House Bill 1091 for the implementation of a program assessment. The rule establishes program assessment requirements that include program participation, frequency, exemptions, quality measures and program improvement through a quality improvement plan, and minimum thresholds for contracting based on the adopted program assessment composite score.

Supporting Documentation Included: Proposed Rules 6M-4.740, and 6M-4.741, F.A.C. Form OEL-SR 740, Program Assessment Requirements Handbook (November 2018) (under separate cover)

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6M-4.740 Program Assessment Requirements for the School Readiness Program.

(1) Definitions. The following definitions are applicable to all rules under Chapter 6M-4, F.A.C.

(a) “Care Levels” refers to the age of the majority (51% or more) of enrolled children in a classroom. Three care levels are used to meet the required observation quota: Infant (ages 0-18 months), Toddler (ages 19-35 months), and PreK (ages 36 months-kindergarten entry.)

(b) “Classroom” refers to any well-defined room in which care is provided or classes are held; a room arranged with materials and equipment and set up as a learning space with intent to implement a plan of activities for the School Readiness program. The classroom provides a space where learning can take place uninterrupted by outside distractions. If floor to ceiling walls are not present, the classroom walls must be defined by stable barriers, and must adhere to the requirements for such barriers as established in Forms OEL-SR-6202, OEL-SR-6204, and OEL-SR-6206 as incorporated by reference in Rule 6M-4.620, F.A.C. Any classroom that is eligible to receive a School Readiness child enrollment at any time, is considered under this definition. Any classroom that serves children in the School Readiness program for less than two hours a day is not considered a “classroom” per this definition.

(c) “Composite Classroom” means a School Readiness provider classroom randomly selected through the OEL-defined system to meet the composite score calculation requirements of 50% of classrooms at each care level served by the provider.

(d) “Composite Program Assessment Score” means an average of all OEL-adopted program assessment tool dimension scores, omitting the negative climate score, if included in the dimensions of the tool received by composite classrooms in a School Readiness Provider.

(e) “Contract Minimum Threshold” means the minimum score pursuant to s. 1002.82(2)(n), F.S., and defined in Rule 6M-4.741, F.A.C., that a provider must achieve on the program assessment tool to be eligible to contract for the School Readiness Program.

(f) “Early learning coalition” or “coalition” refers to the entity charged with administering school readiness program services pursuant to sections 1002.83 and 1002.84, F.S. “Early learning coalition” or “coalition” includes applicable OEL contractors.

(g) “Negative Climate Score” means the measure of the level of expressed negativity shown by teachers and/or children in a classroom.

(h) “Observer” means a certified reliable observer for the age group of the classroom being observed, that meets the requirements of Form OEL-SR 740.

(i) “Program Assessment” refers to the measurement of the quality of teacher-child interactions, including responsive caregiving, emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children using the assessment adopted by the Office.

(j) “Quality Improvement Plan” refers to a targeted 12 month plan to improve program quality using performance goals and strategies.

(k) “Quality Improvement Threshold” means the score as adopted by the Office under s. 1002.82(2)(n), F.S., and defined in Rule 6M-4.741, F.A.C., under which a provider is eligible to contract for the School Readiness Program but must be on a Quality Improvement Plan.

(l) “School Readiness Child Care Slots” refers to the number of School Readiness paid child care slots filled during a month of service. If a slot has multiple children enrolled that do not attend on the same day for any day of that month, this slot shall be counted as one School Readiness child care slot.

(2) Program Assessment Requirements. Beginning with the 2019-20 School Readiness Contract year and subsequent years, all School Readiness providers serving children from birth to kindergarten entry must have a program assessment conducted and meet the contract minimum threshold to be eligible to participate in the School Readiness Program. A coalition shall waive the contract minimum threshold if the coalition determines that a provider is essential to meet local child care capacity needs as defined in the Coalition’s School Readiness Plan, pursuant to Rule 6M-9.115, F.A.C. Providers that have had the contract minimum threshold waived must be on a Quality Improvement Plan. Providers that meet the minimum score for contracting but do not meet the Quality Improvement Threshold shall be placed on a Quality Improvement Plan.

(a) Form OEL-SR 740, Program Assessment Requirements Handbook, dated November 2018, is hereby incorporated by reference and may be obtained at the office website at www.floridaearlylearning.com or by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, FL 32399. The incorporated form is also available at: *add website*.

(b) Providers must electronically report in the OEL-defined system the number of classrooms as well as instructors and care levels assigned to those classrooms as outlined in Form OEL-SR 740, Program Assessment Requirements Handbook.

(c) Providers must give consent in the OEL-defined system to coalition staff or a third-party contractor to administer a program assessment for each selected classroom.

(d) Providers that fail to comply with paragraph (2)(b) and (c) of this rule will not have a program assessment conducted and will not be eligible for a contract to provide School Readiness services.

(e) Program assessments will be provided by the coalition annually.

1. Providers that have been determined ineligible to contract based on program assessment scores may request one additional assessment that meets the requirements in Form OEL-SR 740 for selected classrooms to be conducted at the provider's expense by an observer. The new Composite Program Assessment Score must meet the contract minimum threshold for the provider to be eligible for a School Readiness contract.

a. Only previously assessed classrooms are eligible for reassessments.

b. A single classroom will be reassessed if the teacher previously assessed is still actively teaching in the classroom being reassessed. If the previously assessed teacher is not active in the classroom and the new assigned teacher is hired after the previous assessment was completed, the single classroom will be reassessed. If the previously assessed teacher is not active in the classroom and the new assigned teacher was moved from a different classroom, every classroom will be reassessed for the new scores to replace the previous assessment scores.

2. Providers currently on a Quality Improvement Plan may request one additional assessment that meets the requirements in Form OEL-SR 740 for selected classrooms to be conducted at the provider's expense by an observer to satisfy the requirements of the Quality Improvement Plan prior to scheduled assessment to conclude the 12 month Quality Improvement Plan.

(f) Coalitions shall notify providers of their program assessment score within 14 calendar days after the observation is completed.

(g) Providers currently on a Quality Improvement Plan will have a program assessment completed within 30 calendar days prior to the end of the 12 month Quality Improvement Plan term when the plan term ends on the School Readiness contract end date. When a Quality Improvement Plan ends during the contract year, a program assessment will be completed within 30 days of the end of the Quality Improvement Plan

(h) For contracted School Readiness providers that fall below the contract minimum threshold, the coalition shall terminate the contract and may revoke the provider's eligibility for up to five years. Written notice of termination will

be sent to the provider from the coalition at least thirty (30) calendar days before the termination date. Written notification must include a reason and identify the contract revocation period.

(3) Exemptions.

(a) Providers meeting one of the following shall be exempt from the annual program assessment requirement:

1. A provider that has not received one Class I or more than three of the same Class II School Readiness health and safety violations as cited by the Department of Children and Families or local licensing agency, as applicable, in a two year period and is a:

a. Child care center with 20 percent or less of all filled School Readiness child care slots out of the maximum capacity as defined in Forms OEL-SR-6202, OEL-SR-6204, and OEL-SR-6206 as incorporated by reference in Rule 6M-4.620, F.A.C.

b. Family child care homes with two or fewer of filled School Readiness child care slots out of maximum capacity as defined in Forms OEL-SR-6202, OEL-SR-6204, and OEL-SR-6206 as incorporated by reference in Rule 6M-4.620, F.A.C..

2. Providers that offer only overnight School Readiness services.

3. Providers with no enrollment that have been determined by the coalition to be essential in meeting local child care capacity needs.

(b) When a provider's filled School Readiness child care slots meet or exceed the exemption threshold in subsection (3)(a) of this rule, during the operating hours from 7:00 a.m. to 6:00 p.m., per its provider type, the provider shall no longer be exempt under this section. A coalition shall monitor filled School Readiness child care slots monthly and notify a provider within 21 calendar days if the provider's filled slots meet or exceed the exemption threshold in subsection (3)(a) of this rule. A provider must receive a program assessment pursuant to subsection (2) of this rule within 30 calendar days of notification to continue contracting for School Readiness services.

(c) During the 2018-19 School Readiness contract, the providers' School Readiness child care slots will be reviewed by the coalition upon the effective date of this rule and prior to contracting for the 2019-20 School Readiness contract to determine exemptions.

(d) Exempt providers may opt to participate in program assessment requirements by submitting a request in writing to the coalition at least 60 days prior to contracting for the School Readiness Program. The coalition shall

coordinate a program assessment within 30 days of receipt of the notice. The request to participate in program assessment shall constitute a waiver of the exemption and subjects the provider to all of the requirements of this rule.

(e) If a school-age only provider changes the current care levels served to include any children ages birth-kindergarten entry, and does not require a new contract to be executed, they are exempt from the program assessment requirement until they cross the enrollment threshold of section 3(a) of this rule. Once this threshold is met or exceeded, the program assessment must be conducted in accordance to section 3(b) of this rule.

(4) Frequency.

(a) Upon the effective date of this rule, all participating School Readiness Program providers shall receive an annual program assessment prior to executing a School Readiness Contract for the 2019-20 fiscal year.

(b) For all new providers that request participation in the SR Program for the 2019-20 contract year and subsequent years that have not previously provided SR Program services or have had a one year lapse in providing SR Program services, a program assessment must be conducted prior to the execution of the School Readiness Contract. The provider must meet the contract minimum threshold on the program assessment to be eligible to participate in the School Readiness Program.

(c) In the event of a transfer in ownership, the provider will be considered a new provider and must execute a new School Readiness Contract per Rule 6M-4.610(4), F.A.C. The new provider must have a program assessment conducted meeting the contract minimum threshold within 90 days of the transfer of ownership and the execution of a new School Readiness Contract.

1. The new provider may request to retain the most recent program assessment score from the prior owner without having to conduct a new assessment if the provider can provide documentation to the coalition that it has retained 80% of personnel as defined in Forms OEL-SR-6202, OEL-SR-6204, and OEL-SR-6206 as incorporated by reference in Rule 6M-4.620, F.A.C. prior to scheduling a program assessment or when contacted by the early learning coalition to schedule the program assessment. Examples of acceptable documentation include current payroll time sheets and evidence in CARES of monitored personnel during the pre-contractual health and safety inspection.

(d) Providers that achieve a program assessment result as identified in Rule 6M-4.741(3), F.A.C., shall have a program assessment conducted biennially.

(e) Providers that have had multiple program assessments conducted shall use the most recent program assessment data for contracting purposes.

(f) Program assessments conducted during participation in other quality initiatives that meet requirements as defined in Form OEL-SR 740, Program Assessment Requirements Handbook, shall be used for meeting contract minimum threshold requirements.

(g) Providers that have a program assessment conducted on or after April 1, 2018 that meets requirements as defined in Form OEL-SR 740, may use that program assessment result for eligibility to contract for 2019-20 contract year if the result meets the contract minimum threshold. Additionally, an assessment conducted for the Early Learning Performance Funding Project, during this timeframe may be used to meet this requirement.

(5) Program Assessment Composite Score Calculation.

(a) 50% of the classrooms in every care level (ages infant-PreK) served by the provider must be assessed to determine the program assessment composite score.

1. If there are an odd number of classrooms in a care level, the required number of classrooms shall be rounded up.

(b) Program assessment scores shall be calculated using the combined average of the dimension scores, excluding negative climate scores, from each selected composite classroom's assessment.

1. All composite classroom scores must be assessed before a calculation can be made to determine the final composite program assessment score.

2. After the dimension scores have been averaged, final program assessment composite scores will be rounded to two decimal places.

(6) Quality Improvement Plans. The Quality Improvement Plan will include performance goals and quality improvement strategies as provided for in Form OEL-SR 20, incorporated by reference in Rule 6M-4.610, F.A.C. Coalitions may choose quality improvement strategies as indicated in the approved School Readiness Coalition Plan pursuant to Rule 6M-9.115, F.A.C., to develop Quality Improvement Plans for providers that need to increase program assessment scores.

(a) Providers that have been on a Quality Improvement Plan for 12 months and do not meet the Quality Improvement Threshold at the next annual program assessment will have their School Readiness contract terminated by the coalition and will not be eligible for a subsequent School Readiness contract. The coalition shall terminate the contract and may revoke the provider's eligibility for up to five years within 45 calendar days of the program

assessment. Written notice of termination will be sent to the provider from the coalition at least thirty (30) calendar days before the termination date. Written notification must include a reason and identify the contract revocation period.

(b) Beginning with the 2019-20 School Readiness contract year and subsequent years, providers that have not previously been placed on a Quality Improvement Plan that have program assessment results that fall below the Quality Improvement Threshold will be placed on a Quality Improvement Plan for 12 months. Providers shall not be on a Quality Improvement plan for more than one consecutive 12 month period.

(c) Providers placed on a Quality Improvement Plan in the 2019-20 contract year and subsequent years, shall not have a Quality Improvement Plan for more than two years within a five-year period. Providers that surpass this number will not be eligible to contract for the School Readiness Program for a period of up to five years as determined by the coalition.

(d) Providers that have been determined to be essential to meeting child care capacity needs per subsection (2) of this rule and have an active Quality Improvement Plan shall not have a Quality Improvement Plan for more than three consecutive years. Providers that surpass this number will not be eligible to contract for the School Readiness Program for a period of up to five years as determined by the coalition.

Rulemaking Authority 1001.213, 1002.82 FS. Law Implemented 1002.82(2)(n) FS., History–New

6M-4.741 Program Assessment Threshold Requirements for the School Readiness Program.

(1) Contract Minimum Threshold.

(a) In accordance with Rule 6M-4.740, F.A.C. providers must have a program assessment conducted and meet the Contract Minimum Threshold prior to executing a School Readiness Contract. The provider must receive a minimum program assessment composite score of 2.51 (rounding two decimals) to participate in the School Readiness Program.

(2) Quality Improvement Threshold.

(a) In accordance with Rule 6M-4.740, F.A.C. providers that meet the Contract Minimum Threshold score but do not meet the Quality Improvement Threshold shall be placed on a Quality Improvement Plan, in accordance with the School Readiness Contract, for 12 months. The Quality Improvement Threshold is a program assessment composite score of 3.00 (rounding two decimals)

(b) Providers that have been on a Quality Improvement Plan for 12 months and do not meet or exceed a 3.00 (rounding to two decimals) composite program assessment score at the next annual program assessment will have their School Readiness contract terminated by the coalition in accordance with Rule 6M-4.740, F.A.C.

(c) Beginning with the 2019-20 School Readiness contract year and subsequent years, providers who have not previously been placed on a Quality Improvement Plan that have program assessment results that fall below a 3.00 (rounding to two decimals) composite program assessment score, as defined in Rule 6M-4.740, F.A.C., but meet the contract minimum threshold will be placed on a Quality Improvement Plan for 12 months pursuant to Rule 6M-4.740, F.A.C.

(3) Program Assessment Scores and Annual Program Assessment Exemption.

(a) Providers that receive a composite program assessment score, as defined in Rule 6M-4.740, F.A.C., of a 5.00 (rounding to two decimals) shall be considered exempt from the annual program assessment requirement, pursuant to Rule 6M-4.740, F.A.C., and shall have a program assessment conducted biennially.

(b) If a provider falls below a composite program assessment score, as defined in Rule 6M-4.740, F.A.C., of a 5.00 (rounding to two decimals) during the biennial program assessment, the provider will no longer be considered exempt and shall have a program assessment conducted annually.

Rulemaking Authority 1001.213, 1002.82 FS. Law Implemented 1002.82(2)(n) FS. New _____.