

6M-8.301 Standard Statewide Provider Contract for the Voluntary Prekindergarten (VPK) Program.

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

(2)(a) ~~VPK P~~ providers that register to offer the VPK program must execute Form DEL-VPK 20, including either Form DEL-VPK 20PP or Form DEL-VPK 20PS as appropriate. A coalition must be a party to a VPK Provider Contract ~~provider agreement~~. A school district may sign a single VPK Provider Contract ~~provider agreement~~ on behalf of all public school VPK providers in the district. The owner or manager of multiple private VPK providers may sign a single VPK Provider Contract ~~provider agreement~~ on behalf of all of his or her private VPK providers within a coalition's service area.

(b) ~~VPK P~~ providers that register to offer the VPK program must submit all forms adopted by this rule on the single sStatewide information system (known as the Provider Portal) and found at <https://providerservices.floridaearlylearning.com>. Public school districts, public universities, county governments (67 Florida counties), and public hospitals may print completed documents from the Provider Portal for the purpose of having original signatures, if required by the local school board or governing body; however, no changes may be made to Form DEL-VPK 20.

(3) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract, (Form DEL-VPK 20)" ~~dated (February 2023) March 2022~~, is hereby adopted and incorporated by reference. ~~All VPK providers, private or public school, must execute this document to deliver the VPK program.~~ The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street ~~250 Marriott Drive~~, Tallahassee, FL 32399 or at (new DOS link) <https://www.flrules.org/Gateway/reference.asp?No=Ref 14068>.

(4) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract Private Provider Attachment, (Form DEL-VPK 20PP)," ~~dated (February 2023) March 2022~~, is hereby adopted and incorporated by reference. This attachment becomes part of the contract for all private providers that execute the VPK Provider Contract adopted in subsection (3). The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street ~~250 Marriott Drive~~, Tallahassee, FL 32399 or at (insert new link) <http://www.flrules.org/Gateway/reference.asp?No=Ref 14069>.

(5) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract Public School Attachment,

Form DEL-VPK 20PS),” ~~dated February 2023~~ ~~March 2022~~, is hereby adopted and incorporated by reference. This attachment becomes part of the contract for all public schools that execute the VPK Provider Contract ~~contract~~ adopted in subsection (3). The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street ~~250 Marriott Drive~~, Tallahassee, FL 32399 or at (insert new link) <https://www.flrules.org/Gateway/reference.asp?No=Ref 14070>.

(6) Before VPK services are delivered by a provider, the ~~VPK~~ provider and the coalition must ~~shall~~ fully execute the VPK Provider Contract and the appropriate private or public provider attachment. A coalition must ~~shall~~ execute and retain this ~~c~~Contract electronically in compliance with Section 668.50, F.S., ~~t~~The Uniform Electronic Transaction Act.

(7) Neither a coalition nor a VPK provider may omit, supplement, or amend the terms and conditions of the VPK Provider Contract or include any attachments, addenda, or exhibits to the contract, except as described in this subsection. Form DEL-VPK 20PP and Form DEL-VPK 20PS are approved attachments to the VPK Pprovider ~~C~~contract. The coalition and VPK provider may agree to amend the VPK Pprovider ~~C~~contract if the specific type of amendment is identified in ~~on~~ Form DEL-VPK 20A (~~February 2023~~ ~~March 2022~~), titled “Amendment to Statewide Voluntary Prekindergarten Provider Contract”, which is hereby incorporated by reference. The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street ~~250 Marriott Drive~~, Tallahassee, FL 32399 or at (insert new link) <https://www.flrules.org/Gateway/reference.asp?No=Ref 14071>. Form DEL-VPK 20A must ~~shall~~ be executed by both the coalition and ~~the~~ VPK provider.

(8) For the purpose of this subsection, “individual associated with a provider” means an individual or family member of an individual who, regardless of compensation, holds a management position, oversees the operations of a provider, or is an officer, shareholder, beneficial owner, or member of the board of directors of a provider. A provider will ~~shall~~ not be eligible to contract to offer the VPK program if any of the following circumstances apply:

(a) through (b) No change.

(c) The provider has been terminated from participation in the VPK program due to fraud and is currently not eligible to participate in the ~~VPK~~ program; ~~or~~

(d) An individual associated with the provider was, or is, associated with another provider that has been terminated from participation in the VPK program due to fraud and is currently not eligible to participate in the VPK program; ~~or~~

(e) The provider is currently ineligible to participate in the VPK program due to revocation of eligibility by the early learning coalition or the school district pursuant to Sections 1002.55(6), 1002.61(10), ~~or~~ 1002.63(9), or 1002.73 (4)(c), F.S.; or

(f) No change.

(g) For providers removed from eligibility due to noncompliance with Section 1002.68, F.S., ~~Voluntary Prekindergarten Education Program accountability~~ the removal from eligibility applies to VPK program type (school-year or summer), ~~and~~ Therefore, in paragraphs (8)(e) and (f), above, ineligibility to contract is per program type.

(9) Transfer of ownership. In the event of a change of ownership, sale, sale of assets, conveyance of ownership, or other transfer of ownership interest, the provider ~~must~~ shall notify the coalition no later than thirty (30) calendar days prior to the transfer of ownership. The coalition and ~~the~~ new owner ~~must~~ shall execute a new VPK Provider Contract for VPK services, provided the new owner meets the eligibility requirements of Sections 1002.55, or 1002.61, ~~and 1002.63~~, F.S., whichever is applicable, and is not disqualified from contracting pursuant to paragraph subsection (8), of this rule. Upon receipt of a request for a new contract due to a transfer of ownership, the coalition ~~has~~ shall have up to thirty (30) calendar days to execute or decline a new contract. This timeline may be extended if all prerequisite requirements have not been met.

(10) The early learning coalition may refuse to contract with a ~~VPK~~ provider or revoke a VPK provider's eligibility to deliver the VPK program ~~Voluntary Prekindergarten Education Program~~ if the ~~prekindergarten~~ provider has been cited for a Class I violation by the Department of Children and Families (DCF), in accordance with Rule 65C-22.010 or 65C-20.012, F.A.C. (as applicable to the provider type), or local licensing agency (as applicable to the provider location). Action taken by a coalition or school district to revoke a provider's eligibility must be consistent with Sections 1002.55(6), 1002.61(10)(b), or 1002.63(9)(b), F.S., whichever is applicable, in that the revocation ~~must be~~ is for a period of at least two (2) years but no more than five (5) years. If the coalition chooses to implement this provision, the coalition must develop policies and procedures to ensure the standard is applied consistently to all potential and current VPK ~~program~~ providers. Each coalition ~~must~~ shall;

(a) Develop policies ~~policy~~ and procedures that are written and ~~made~~ available to all current providers ~~or~~ and potential providers. The policies and procedures developed must state the time period for violations considered;

(b) Document all actions taken by the coalition or school district to remove a VPK provider from the program or revoke a provider's eligibility; and

(c) Ensure providers are offered due process as described in paragraph 61 of the VPK Provider Contract Form DEL VPK 20.

(11) Form DEL-VPK 20B (February 2023 ~~March 2022~~), titled “VPK Logotype Usage and Brand Guidelines”, is hereby incorporated by reference. The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street ~~250 Marriott Drive~~, Tallahassee, FL 32399 or at (insert new link) <https://www.flrules.org/Gateway/reference.asp?No=Ref 14072>.

Rulemaking Authority 1001.02(1),(2)(n), 1002.73(1), 1002.79 FS. Law Implemented 1002.55(3)(i), (5), 1002.61(3)(b), 1002.63(3)(b), ~~1002.71, 1002.72~~, 1002.73(1),(4)(c), 1002.91(4), (5), (7) FS. History—New 8-17-06, Amended 5-24-07, 12-21-10, Formerly 60BB-8.301, Amended 4-9-15, 12-18-16, 11-29-18, 4-15-21, 3-15-22.