

STATE BOARD OF EDUCATION
Consent Item
February 25, 2015

SUBJECT: Approval of New Rule 6M-9.110, Requirements and Criteria for Early Learning Coalition Board Composition

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.

Section 1002.83 Florida Statutes, provides the statutory requirements covering early learning coalition board membership including the number of board members, board composition, private sector business member requirements, criteria for exercise of voting privileges, determination of conflict of interest, and member term length.

Florida Statutes also require that more than one-third of the members of each early learning coalition must be private sector business members, either for-profit or nonprofit, who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education or the school readiness program. OEL is required by statute to establish criteria for appointing private sector business members and to identify standards for determining whether a prospective private sector business member (or relatives) has a substantial financial interest in the coalition's early learning programs. The purpose of the proposed rule is to address the criteria for appointing private sector business members and establishing substantial financial interest as a required by Section 1002.83(5), F.S.

Supporting Documentation Included: Proposed Rule 6M-9.110, Requirements and Criteria for Early Learning Coalition Board Composition

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6M-9.110 Requirements and Criteria for Early Learning Coalition Composition.

(1) Definitions.

(a) “Ex Officio Member” means a member of the coalition by virtue of holding another office. Ex Officio member positions are set forth in section 1002.83(4)(a)-(m), F.S.

(b) “Business entity” means any form of sole proprietorship, partnership, association, cooperative, joint venture, corporation or business trust, whether operated for profit or not.

(c) “Private sector business member” means an individual who does not work for a business entity that the government owns or operates. The term also includes: –

1. An individual who has dual employment in both a business entity and the public sector.

2. An individual who is retired or no longer works for a business entity, provided that individual is not currently employed in the public sector.

(d) “Substantial financial interest” refers to standards established herein for appointment of private sector business members. A coalition member, a coalition member’s relative, or a coalition board member’s business entity has a substantial financial interest in the Voluntary Prekindergarten Education Program (VPK) or an early learning coalition’s School Readiness Program (SR), if:

1. The coalition member, the coalition board member’s relative, or the coalition member’s business entity has direct or indirect ownership of more than 5 percent of the total assets or capital stock, cumulatively, of one or more of the proscribed sources of income listed in paragraph (1)(e); or

2. During the prior two (2) years, more than five (5) percent of the gross income of the coalition member, coalition member’s relative, or coalition member’s business entity was derived, cumulatively, from one or more of the proscribed sources listed in paragraph (1)(e).

(e) Proscribed sources of income. Proscribed sources of income are sources of income derived from interests in the design or delivery of the VPK program or the SR program, including the following sources:

1. The Office of Early Learning, the Department of Children and Families, the Department of Education, or a contractor or subcontractor of any of these agencies;

2. An early learning coalition, or a coalition’s or former coalition’s fiscal agent, service provider, contractor, or subcontractor;

3. A school district's or public school's preschool program for children from birth until eligibility for admission to kindergarten in a public school under section 1003.21(1)(a)2., F.S., if the coalition board member's or coalition board member's relative's income was derived from employment in an elected or appointed position in the school district or public school which is responsible for:

a. Financial decisions affecting the preschool program, including development of the program's budget or disbursement of funds for the program;

b. Recommendation or adoption of rules, regulations, or policies relating to the operation of any aspect of the preschool program;

c. VPK or SR program instruction, curriculum development, or service delivery; or

d. Management of the preschool program's operations or personnel, or for personnel carrying out the responsibilities described in sub-subparagraphs (1)(e)3.a – c.;

4. A public or private provider delivering the VPK Program;

5. A public or private provider delivering an early learning coalition's SR program;

6. A national child care accrediting organization providing accreditation to Florida-based child care providers, public schools, or private schools;

7. A Department of Children and Families approved Gold Seal child care accrediting organization,

8. An accrediting association that is a member of any of the organizations listed in subparagraph (1)(e)6. or (1)(e)7.;

9. A vendor of educational materials or supplies, books, curricula, or equipment; and

10. An organization designed to represent any of the individuals, organizations, or business entities listed in subparagraph (1)(e)1.

(2) Private Sector Business Members. Each early learning coalition must be composed of more than one-third private sector business members. The percentage of private sector business members is based on the total number of seated board members at a given time, including all voting and non-voting ex officio members.

(3) Criteria for appointing private sector business members. Including the members appointed by the Governor, private sector business members can represent either for-profit or nonprofit entities. Neither the members nor any of

their relatives, as defined in section 112.3143, F.S., may have a substantial financial interest in the design or delivery of the VPK or SR programs.

(a) Prospective members must meet the definition of a private sector business member as defined in subsection (1)(c). If the prospective member does not meet the definition, the early learning coalition may not make the appointment.

(b) The coalition shall determine whether a prospective member has any interest in a business entity involved in designing or delivering the VPK or SR Program. A business entity is involved in designing or delivering the VPK Education Program or the coalition's SR Program if it –

1. Receives SR, VPK or Gold Seal Program funds directly or indirectly from the state or federal government as a recipient, subrecipient or vendor.

2. Is an accrediting child care organization or any association or member thereof.

3. Is a vendor of education books, curricula, equipment, supplies or materials.

4. Is an organization designed to represent any of the individuals or organizations listed above.

(c) If a prospective member has any interest in the design or delivery of the VPK or SR program, the early learning coalition shall determine if the interest is a substantial financial interest as defined in subsection (1)(d). If the interest is substantial, the prospective member has a prohibited substantial financial interest and the coalition may not make the appointment.

(d) If a prospective member meets the private sector board member definition and does not have a prohibited substantial financial interest, the coalition may make the appointment.

Rulemaking Authority 1001.213(2), 1002.83(5), F.S. Law Implemented 1002.83(5), F.S.

History – New