

## CHAPTER 60BB-4 OFFICE OF EARLY LEARNING

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### **60BB-4.100 Definitions.**

(1) Administrative expenditures. “Administrative expenditures” shall include those activities defined as administrative expenditures by 45 C.F.R., s. 98.52, and reported as administrative expenditures 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 though 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 migrant agricultural worker or migrant fisher, as defined by 34 CFR § 200.40(c) and (e), 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: Caldwell Building, 107 East Madison Street, Tallahassee, Florida 32399-4128, (850) 921-3180, [www.schoolreadiness.org](http://www.schoolreadiness.org), 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," as referenced in subsection 60BB-4.100(17), F.A.C.

(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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(2)(b), (4)(a), (5)(c), (d), (6), (9)(d) FS. History--New 4-21-03.*

**60BB-4.200 General Eligibility Provisions.**

(1) Pursuant to Section 411.01(5)(d)8., F.S., the provisions of this rule are not intended to limit the authority of a coalition to serve children eligible for any federal subsidized child care program from which the coalition receives funds, such as the following children eligible to be served pursuant to 45 CFR 98.20:

(a) School-age children under age thirteen (13), or

(b) School-age children under age nineteen (19) who are either physically or mentally incapable of self-care or under court supervision.

(2) In order to meet community needs, after giving priority for service to any priority eligibility categories established by the Legislature, a coalition's plan may include a prioritization of the remaining eligibility categories included in Section 411.01(6), F.S.

(3) A coalition shall analyze the populations they serve and the needs of the community to ensure that they are able to serve the needs of unique populations pursuant to Section 411.01(5)(d)3.j., F.S., including the needs of migrant workers, children with special needs, seasonal workers, and employees working less than a twelve (12)-month contract.

(4) Upon determination of eligibility, a parent shall be given a choice of a certificate voucher or purchase-of-service subcontract.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-4.201 Eligibility for Children at Risk of Abuse or Neglect.**

(1) 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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-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 60BB-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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03.*

**60BB-4.204 Eligibility for Three-and Four-year-old Children Who may not be Economically Disadvantaged But Who Have Been Served in a Specific Part-time or Combination of Part-time Exceptional Education Programs With Required Special Services, Aids, or Equipment, and Were Previously Reported for Funding Part-Time With the Florida Education Finance Program as Exceptional Students.**

(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 school district certifying that:

(a) The child has been determined eligible as a child with a disability in accordance with Chapter 6A-6, F.A.C., and is participating in a program for children with disabilities provided by the school district, and

(b) The child has an individualized educational plan (IEP) or family support plan (FSP).

(2) School readiness services will be reimbursed only for that portion of the day during which the child is not receiving special education or related services from the school district, with the exception that school readiness services may be reimbursed when special education and related services are provided by the school district on consultative or itinerant basis within the school readiness programs.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03.*

**60BB-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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03.*

**60BB-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 migrant agricultural worker or a migrant fisher as defined in 34 CFR § 200.40(c) and (e).

(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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History–New 4-21-03.*

**60BB-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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-4.208 Verification of Employment and Income.**

(1) School Readiness Income Worksheet for Eligibility and Parent Copayments (SR-100), which is hereby incorporated by reference, shall be completed for every financially assisted school readiness services applicant in order to determine eligibility and to establish the applicable fee, based on the sliding fee scale.

(2) All earned income and unearned income not excluded by rule, and employment, shall be documented.

(3)(a) For all applicants, other than those who are self-employed, each source of earned income, at a minimum, shall be documented by hours of employment and rate of pay based on:

1. Six (6) weekly, three (3) biweekly, or two (2) monthly pay stubs that are current and consecutive, or
2. A signed statement by the employer, or
3. A signed contract for employment.

(b) Self-employed applicants shall provide appropriate documentation sufficient to determine hours worked and income, such as: business account ledgers, written documentation from customers, contractors, or federal tax returns.

(4) Each source of unearned income, as defined by rule, shall be documented, at a minimum, by:

(a) An award letter or verification statement.

(b) A written statement from the absent parent or household member. If the amount varies, then a minimum of six (6) weekly, three (3) biweekly, or two (2) monthly income amounts, for each income source that varies, shall be required and verified.

(5) A teen parent who is emancipated will be considered a separate household and eligibility and income will be determined consistent with the procedures for other households.

(6) A coalition may adopt alternate eligibility documentation procedures to ensure that families who are homeless are not ineligible due to inability to provide certain documentation, such as address or phone number.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-4.209 Redetermination of Eligibility for Financial Assistance.**

(1) At a minimum, redetermination must:

(a) Be conducted at least annually for every family that receives financially-assisted school readiness services. Redetermination for an additional fifty (50) percent of a coalition's enrollment must be conducted during the same fiscal year, through a statistically valid random sample.

(b) Provide verification of income, purpose of care, and compliance with all eligibility requirements.

(2) Parents and providers must be notified if, as a result of any redetermination, a child is determined ineligible for financial assistance.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-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.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 4-21-03.*

**60BB-4.300 Waiting List Procedures.**

(1) Each coalition shall utilize a waiting list, which shall be a management tool for filling available child care slots.

(2) Each coalition's waiting list procedure shall consist of:

(a) A preliminary screening for eligibility to determine whether or not a family is potentially eligible for services. The preliminary screening shall be at a minimum the family's statement of income, family size, and type of service requested.

(b) Placement of eligible children on the waiting list, by the child's legal name, age, probable eligibility category, and type of service requested.

(c) A methodology for prioritizing the waiting list according to eligibility category.

(d) Removal of a child's name from the waiting list upon authorization for placement.

(e) Validation of each name on the waiting list every six (6) months, by response to a letter, by phone, or in person. Notification of such validation must give the parent a specific timeframe to contact the party responsible for validating the waiting list to provide updated information necessary to remain on the waiting list. Names will be removed from the waiting list for failure to comply with the request for information within the specified time frame or if, upon validation, a purpose for care no longer exists.

(3) An unborn child shall not be eligible for the waiting list.

(4) Actual certification of eligibility will be conducted prior to authorization for placement, which will be based on available funding and capacity.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(c) FS. History--New 4-21-03.*

#### **60BB-4.400 Required Parent Co-payment.**

(1) Each family that receives school readiness services shall be assessed a co-payment based on family size and the family's income, according to the sliding fee scale included in the coalition's approved school readiness plan.

(a) For protective services in-home placements and out-of-home placements (relative/non-relative/foster placements) in which the child does not receive a TANF "child-only" benefit, relative caregiver payment, or other income:

1. The co-payment shall be assessed against the income of the parent or legal guardian of the child, and shall be court ordered if necessary; or

2. The co-payment may be temporarily reduced to the minimum fee on a case by case basis during an event that limits a parent's ability to pay, such as:

- a. Child's parents/guardians are in prison;
- b. Child's parents/guardians are in residential treatment;
- c. Child's parents/guardians become incapacitated;
- d. Death of child's parents/guardians;
- e. Homeless shelter/living arrangements;
- f. Child's parents/guardians experience a natural disaster (storm, earthquake, etc.);
- g. Child's parents/guardians experience an emergency situation such as a fire or robbery; or
- h. Child's parents/guardians become unemployed.

Each coalition must include a list of such qualifying events in its business plan and outline the procedure for obtaining a co-payment reduction.

(b) For protective services out-of-home placements (relative/non-relative/foster placement) in which the child receives a TANF "child-only" benefit in which the needs of the relative or legal guardian are not included in the grant, or TANF at-risk (Relative Caregiver Program) participants, based upon documentation identifying the child as TANF at-risk or as a TANF "child only" benefit recipient, from the court system or the Department of Children and Families, or its designee:

1. The co-payment shall be assessed against the child's income and paid by the relative or legal guardian; or

2. The amount of the co-payment may be temporarily reduced to the minimum fee on a case by case basis during an event that limits a parent's ability to pay, such as:

- a. Child's parents/guardians are in prison;
- b. Child's parents/guardians are in residential treatment;
- c. Child's parents/guardians become incapacitated;
- d. Death of child's parents/guardians;
- e. Homeless shelter/living arrangements;
- f. Child's parents/guardians experience a natural disaster (storm, earthquake, etc.);
- g. Child's parents/guardians experience an emergency situation such as a fire or robbery; or
- h. Child's parents/guardians become unemployed.

Each coalition must include a list of such qualifying events in its business plan and outline the procedure for obtaining a co-payment reduction.

(c) A co-payment may be temporarily waived on a case-by-case basis for foster parents and families participating in an at-risk program during an event that limits a parent's ability to pay, such as:

1. Child's parents/guardians are in prison;
2. Child's parents/guardians are in residential treatment;
3. Child's parents/guardians become incapacitated;
4. Death of child's parents/guardians;
5. Homeless shelter/living arrangements;

6. Child's parents/guardians experience a natural disaster (storm, earthquake, etc.);
7. Child's parents/guardians experience an emergency situation such as a fire or robbery; or
8. Child's parents/guardians become unemployed.

Each coalition must include a list of such qualifying events in its business plan and outline the procedure for obtaining a co-payment reduction.

(2) A coalition shall adopt a policy that establishes criteria and authorization procedures for fee reduction on a case-by-case basis during the duration of special circumstances set forth in the coalition policy. A special circumstance is any event that temporarily reduces the parent's ability to pay the required co-payment. The coalition policy must describe the special circumstances that qualify for fee reduction. The duration of the fee reduction shall coincide with the duration of the special circumstances.

(3) A coalition's sliding fee scale must be set at a level that provides low-income families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services. To that end, the co-payment for the family of an "economically disadvantaged child", as defined by Section 411.01(6), F.S., should not exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the Office of Early Learning.

(4) Prior to a child's enrollment, the person determining eligibility shall inform the parent and the school readiness service provider of the co-payment to be paid by the parent and that additional fees which are charged by the provider may apply. Amount of co-payment shall be in effect for the family's 12-month eligibility period, unless:

- (a) Redetermination is conducted during the year pursuant to Rule 60BB-4.209, F.A.C.; or
- (b) The caretaker parent or legal guardian requests, and is granted, a reduction in co-payment due to special circumstances; or
- (c) An incorrect co-payment was assessed by the eligibility determiner as a result of an error of the eligibility determiner, program participant error, or program participant fraud, resulting in corrective action to reduce or increase the family's co-payment; or
- (d) If there is any change in marital status, employment status, income or family size.

1. The coalition or its designee shall not take action to recover a reimbursement rate overpayment caused by an incorrect co-payment due to an error of the coalition or its designee.

2. A reimbursement rate overpayment caused by an incorrect co-payment which resulted from program participant error or program participant fraud shall be recovered by the coalition or its designee.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.a. FS. History—New 2-2-05.*

#### **60BB-4.401 Co-payment Collection.**

The co-payment amount for which the family is responsible shall be subtracted from the provider's reimbursement, prior to payment by the coalition or its designee. Collection of the family's required co-payment for school readiness services shall be the responsibility of the provider of school readiness services.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.a. FS. History—New 2-2-05.*

#### **60BB-4.500 Reimbursement-General Provisions Regarding Reimbursements for Holidays and Absences.**

(1) Holidays. A recognized holiday as approved by the local coalitions shall not be counted as an absence for purposes of reimbursement. The Office of Early Learning shall include reimbursements to providers of full and part-time care for up to twelve (12) recognized holidays per year.

(2) Absences. 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 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.

(a) Examples of extraordinary circumstances include the following:

1. Hospitalization of the child or parent with appropriate documentation;
2. Illness requiring home-stay as documented;
3. Death in the immediate family with appropriate documentation (i.e., obituary, death certificate);
4. Court ordered visitation with appropriate documentation (i.e., court order); or
5. Unforeseen documented military deployment or exercise of the parent(s).

(b) Total monthly reimbursed absences shall not exceed ten (10) calendar days.

(c) In the event that a child is absent for five consecutive days with no contact from the parent, the provider shall notify the local coalition or its designee who in turn shall determine the need for continued care. If a termination is filed, the notice will be provided to the referring entity.

(d) 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. The Rilya Wilson Act establishes these reporting requirements for children 3 to 5 years old. This rule shall apply to all at-risk children of any age in a school readiness program.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f. FS. History–New 2-2-05.*

**60BB-4.501 Reimbursement During Emergency Closures.**

(1) Each coalition shall maintain a Continuation of Operations Plan (C.O.O.P.) to be used in the event of emergency closings due to catastrophic events. Providers shall be reimbursed at the rate normally received during non-emergency hours when a coalition activates its Continuation of Operations Plan (C.O.O.P.).

(2) The coalition may consider reimbursement, in accordance with Federal and State law, for circumstances of temporary closure for individual providers when closure is beyond the control of the provider. In no circumstances may a coalition reimburse in excess of the pre-existing approved hours for an individual child during the temporary closure.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f. FS. History–New 2-2-05.*

**60BB-4.502 Records to be Maintained and Monitoring for Reimbursements.**

(1) Daily attendance documentation shall be maintained by each school readiness provider. At a minimum, this documentation shall include a “sign in/sign out” process, as approved by the coalition, maintained at the provider site to validate the attendance data.

(2) Each coalition is responsible for implementing a records retention policy ensuring that all documentation is maintained in accordance with the provisions set forth in their sub-grant awards.

(3) The coalition or its designee must conduct monitoring activities to ensure the accuracy of payments of the monthly reimbursement requests.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f. FS. History–New 2-2-05.*

**60BB-4.503 Misrepresentation or Fraud Regarding Reimbursement.**

If a school readiness provider, after investigation and adjudication by a court of competent jurisdiction, has fraudulently misrepresented enrollment or attendance for funds related to the school readiness programs, the coalition shall permanently disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.

*Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f. FS. History–New 2-2-05.*

## CHAPTER 60BB-8 VOLUNTARY PREKINDERGARTEN EDUCATION PROGRAM

<b>60BB-8.100</b>	<b>Definitions</b>
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<b>60BB-8.204</b>	<b>Uniform Attendance Policy for Funding the VPK Program</b>
<b>60BB-8.300</b>	<b>Provider and Class Registration Procedures; Application; Eligibility Determination</b>
<b>60BB-8.301</b>	<b>Statewide Provider Agreement for the VPK Program</b>
<b>60BB-8.305</b>	<b>Documenting and Certifying Attendance in the VPK Program</b>
<b>60BB-8.400</b>	<b>VPK Program Class Sizes; Blended Classes; Multi-Class Groups</b>
<b>60BB-8.451</b>	<b>VPK Class Schedules</b>
<b>60BB-8.900</b>	<b>VPK Forms</b>

### **60BB-8.100 Definitions.**

As used in this chapter, the term:

- (1) “Absence” means each instructional day that a child does not attend (is absent from) a VPK program.
- (2) “Admission” is a step in the process of enrolling a child in the VPK program. It means a VPK provider agrees to enroll (or admit) the child to its VPK program.
- (3) “Attendance” means an instructional day, either in whole or in part, that a child is present (or attends) a VPK program.
- (4) “Child Application” means Form AWI-VPK 01 (Child Application) incorporated by reference in Rule 60BB-8.201, F.A.C.
- (5) “Class application” means Form AWI-VPK 11 (Class Registration Application) incorporated by reference in Rule 60BB-8.030, F.A.C.
- (6) “Coalition” means an early learning coalition created under Section 411.01(5), F.S.
- (7) “Enrollment” is the final step in the process of entering (or enrolling) a child in the VPK program. It means officially entering the child’s name in the statewide information system as a VPK student.
- (8) “Excused absence” means an instructional day from which a child is absent from a VPK program for a reason listed in paragraph 60BB-8.204(3)(b), F.A.C.
- (9) “Instructional day” means a calendar day that a VPK provider delivers scheduled instruction for the VPK program.
- (10) “Parent” has the same meaning as the term defined in Section 1000.21, F.S.
- (11) “Program year” means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 60BB-8.451(1), F.A.C., and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 60BB-8.451(2), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2007-2008, 2008-2009).
- (12) “Provider application” means Form AWI-VPK 10 (Statewide Provider Registration Application) incorporated by reference in Rule 60BB-8.300, F.A.C.
- (13) “Qualified contractor” means an entity performing the duties of coalition under contract, including conducting the parent orientation session or video exhibition; registering a provider, child or class; determining child or provider eligibility; and enrolling children in the statewide information system. This definition does not include a private entity that derives more than 5 percent of its income, excluding income that the entity derives from the Federal Government for Head Start, from providing child care as defined in Section 402.302, F.S. This definition does not include a school district or public school. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor.
- (14) “Registration” is a step in the enrollment process. To register a child in the VPK program means to submit the Child Application form and supporting documents to a coalition for evaluation, in order to determine the child’s eligibility for the program.
- (15) “School-year program” means a school-year prekindergarten program delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

(16) “Summer program” means a summer prekindergarten program delivered by a private provider or public school under Section 1002.61, F.S.

(17) “Unexcused absence” means an instructional day from which a child is absent from a VPK program which is not an excused absence under paragraph 60BB-8.204(3)(b), F.A.C.

(18) “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.

(19) “VPK program” means the Voluntary Prekindergarten Education program created under Section 1002.53, F.S., and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article IX of the State Constitution.

(20) “VPK provider” means a provider delivering the VPK program. There are two types of VPK providers: private prekindergarten providers as defined in Section 1002.51, F.S. and public schools.

(21) “VPK site” means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.51, 1002.53(2), (4), 1002.55(2), (3)(g), 1002.61(2)(a), (7)(a), 1002.63(2), (8)(a), 1002.71(2), (6)(d), 1002.75(2)(a), (c), (d) FS. History—New 1-19-06, Amended 5-24-07.*

### **60BB-8.200 Documenting Child Eligibility for the VPK Program.**

An early learning coalition shall determine the eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child’s eligibility, as follows:

(1) Age eligibility.

(a) To be eligible for VPK, a child must be 4 years of age, but not 5 years of age or older, on September 1 of the program year.

(b) The Coalition shall keep a record of at least one of the following supporting documents that shows the child’s name and date of birth:

1. An original or certified copy of the child’s birth record filed according to law with the appropriate public officer;
  2. An original or certified copy of the child’s certificate of baptism or other religious record of the child’s birth, accompanied by an affidavit stating that the certificate is true and correct, sworn to or affirmed by the child’s parent;
  3. An insurance policy on the child’s life which has been in force for at least 2 years;
  4. A passport or certificate of the child’s arrival in the United States;
  5. An immunization record signed by a public health officer or licensed practicing physician; or
  6. A valid military dependent identification card.
7. If no supporting documents listed in subparagraphs (1)(b)1.-6. above are available, a coalition may accept a parent’s sworn affidavit of the child’s age accompanied by a certificate of age signed by a public health officer or physician stating that the child’s age shown in the affidavit is true and correct.

(c) If a child’s parent is unable to submit any of the supporting documentation listed in paragraph (a), the coalition shall document the child’s age based on an affidavit sworn to or affirmed by the child’s parent. The affidavit must be accompanied by a certificate of age, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age shown in the affidavit is true and correct.

(2) Residential eligibility.

(a) To be eligible for VPK, a child must reside in Florida while attending the VPK program.

(b) The coalition shall keep a record of at least one of the following supporting documents that shows the name and residential address of a parent with whom the child resides:

1. Utility bill;
2. Pay stub;
3. Residential rental agreement or receipt from rental payment;
4. Government-issued document (e.g., Florida driver’s license, Florida identification card, property tax assessment showing a homestead exemption); or
5. Military order showing that the child’s parent is a service member in the United States Armed Forces and is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

6. If no supporting documents listed in subparagraphs (2)(b)1.-5. above are available, a coalition may accept an affidavit sworn to or affirmed by the child's parent accompanied by a letter from a landlord or property owner which confirms that the child resides at the address shown in the affidavit.

7. If no supporting documents listed in subparagraphs (2)(b)1.-6. above are available for a homeless child as defined in Section 1003.01, F.S., a coalition shall document residency based on other supporting documents showing that the child is homeless and resides in Florida (e.g., letter from a homeless shelter or affidavit sworn to or affirmed by the child's parent).

*Specific Authority 1002.79(2) F.S. Law Implemented 1002.53(2), (3), (4), 1002.69(4), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. F.S. History—New 1-19-06, Amended 5-24-07.*

### **60BB-8.2015 VPK Child Registration Pilot Project.**

(1) Pilot Project. There is created a VPK child registration pilot project for the 2007-2008 and 2008-2009 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Osceola, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) Eligibility. A private VPK provider must meet the following requirements for initial eligibility to participate in the pilot project and must continue to meet the requirements to maintain its eligibility:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The following information must be included on the form: the name of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c). Additional information demonstrating that the provider is eligible under this rule to participate in the pilot project may be required by the coalition.

(b) The private provider must have delivered instruction in the VPK program for at least two program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child in the VPK program, accepting a child application and supporting documents on behalf of the coalition, and conducting a parent-orientation session or exhibiting a parent-orientation video.

(d) The private provider must comply with this rule.

(e) The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

(f) The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form AWI-VPK 21 (Addendum to Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference in and may be obtained as described in Rule 60BB-8.900, F.A.C.

(g) The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 60BB-8.305(2)(a), F.A.C.

(h) The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 60BB-8.305(3), F.A.C. If a private provider is a school readiness provider, the provider must also submit accurate and timely monthly attendance rosters for the school readiness. A private provider is not eligible for the pilot project if, during previous 24 months, the provider:

1. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters 10 or more calendar days after the required submission date;

2. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a child's attendance;

3. Failed to repay an overpayment by the required repayment date after the coalition discovered the overpayment and requested repayment;

4. Submitted a monthly attendance roster resulting in an overpayment that exceeded 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or

5. Submitted a monthly attendance roster containing fraudulent or other intentional misreporting of a child's attendance.

(i) A private provider licensed by the Department of Children and Family Services or a local licensing agency is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

(3) Child Registration Procedures. A coalition shall allow a private provider eligible for the pilot project, to register a child for the VPK program on behalf of the coalition. A private provider may only register a child under this rule whom the provider admits in one of its VPK classes and must comply with the following registration procedures:

(a) Notwithstanding subsection 60BB-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form AWI-VPK 01P (Child Application and Provider Admission), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A parent must submit Form AWI-VPK 01P to the private provider with supporting documents of the child's age and residential address required under Rule 60BB-8.200, F.A.C.

(b) Notwithstanding paragraph 60BB-8.201(3)(a), F.A.C., a private provider participating in the pilot project shall conduct the parent-orientation session or exhibit the parent-orientation video in accordance with subsection 60BB-8.201(3), F.A.C.

(c) Within 5 working days after a child's parent registers the child with a private provider, the provider shall review the child's Form AWI-VPK 01P and supporting documents, as follows:

1. The private provider shall submit a child's Form AWI-VPK 01P and supporting documents to the coalition if the child's Form AWI-VPK 01P is complete, signed, and submitted with the required supporting documents; the provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.

2. The private provider shall return a child's Form AWI-VPK 01P and supporting documents to the child's parent if the child's Form AWI-VPK 01P is not complete, not signed, or not submitted with the required supporting documents.

3. If a child does not appear to be eligible, the provider shall return the child's Form AWI-VPK 01P and supporting documents to the child's parent and, on the blank spaces included on Form AWI-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility. The parent may then apply directly with the coalition.

(d) In accordance with Rule 60BB-8.202, F.A.C., a coalition shall determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 60BB-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing why the child is not eligible and return the child's Form AWI-VPK 01P and supporting documentation to the parent.

(4) Payment for Pilot Project Prohibited. A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child in the VPK program under this rule, accepting a child application or supporting documents on behalf of the coalition, conducting a parent-orientation session, or exhibiting a parent-orientation video.

(5) School District. Notwithstanding Rules 60BB-8.201 and 60BB-8.202, F.A.C., a school district, if allowed under a contract with the coalition, may use the child registration procedures in subsection (3) to register a child for the district's VPK programs in the district's public schools, regardless of whether the district is a pilot county listed in subsection (1).

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History—New 5-24-07.*

### **60BB-8.202 Child Eligibility Determination and Enrollment Procedures.**

#### **(1) Determining Child Eligibility.**

(a) A coalition, in accordance with Rule 60BB-8.200, F.A.C., shall determine the eligibility of a child registering for the VPK program.

(b) A coalition shall determine a child's eligibility face-to-face with the child's parent unless the coalition is not required under paragraph 60BB-8.201(4)(b), F.A.C., to conduct a parent-orientation session or exhibit a parent-orientation video for the child's parent.

(c)1. A coalition, upon determining that a child is eligible for the VPK program, shall issue the child's parent Form AWI-VPK 02 (Child Eligibility and Enrollment Certificate) dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.

2. A coalition may issue a certificate of eligibility which is substantially similar to Form AWI-VPK 02 if the certificate:

a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"

b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;

- c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;
- d. Clearly shows the eligible child's name and identifying information; and
- e. Does not include the logo of the Agency for Workforce Innovation, logo of the Office of Early Learning, or AWI form number (i.e., Form AWI-VPK 02).

(2) Enrollment.

(a) A VPK provider may only enroll a child in the VPK program after the coalition determines that the child is eligible for the program. To enroll an eligible child, the VPK provider admitting the child must submit the child's certificate of eligibility and the child's assigned VPK class to the coalition.

(b) A coalition must allow a VPK provider to enroll a child who resides in a Florida county other than the county where the provider's VPK site is located.

(c) A VPK provider may only enroll a child with the coalition of the county where the provider's VPK site is located, regardless of the county in which the child resides.

(d) A coalition shall complete a child's enrollment in the statewide information system by recording an association between the child and the child's assigned VPK class. A coalition is encouraged, but not required, to notify a parent by mail after his or her child's enrollment is complete.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), 1002.75(2)(a) FS. History—New 1-19-06, Amended 5-24-07.*

**60BB-8.204 Uniform Attendance Policy for Funding the VPK Program.**

(1) Payment for the VPK program. An early learning coalition shall pay a private provider or public school for the VPK program in accordance with this rule.

(2) Payment for attendance. An instructional day on which a child attends the VPK program, either in whole or in part, is payable.

(3) Payment for absences.

(a) An instructional day from which a child is absent is payable if the child's absence is excused. If a child's absence is unexcused, the absence is payable, not to exceed three unexcused absences per calendar month.

(b) A child's absence is excused if the child does not attend the VPK program on an instructional day due to one of the following reasons:

1. Illness or injury of the child or the child's family member which requires hospitalization or bed rest;
2. Physician or dentist appointment;
3. Infectious disease or parasitic infestation;
4. Funeral service, memorial service, or bereavement upon the death of the child's family member;
5. Life-threatening illness or injury of the child's family member;
6. Compliance with a court order (e.g., visitation, subpoena);
7. Special education or related services as defined in 20 U.S.C. § 1401 (2004) for the child's disability;
8. Observance of a religious holiday or service, or because the child's or parent's religion forbids secular activity on the instructional day;
9. Family vacation, not to exceed five excused absences per program year; or
10. Extraordinary circumstances beyond the control of the child and the child's parent.

(c) An excused absence is not payable unless the reason for the absence is documented in writing and submitted to the VPK provider. A VPK provider must keep the documentation for at least 1 year, allow the Agency for Workforce Innovation or the coalition to inspect the documentation during normal hours of operation, and submit a copy of the documentation to the coalition upon request.

1. A child's parent may document (e.g., parent's note) seven or fewer excused absences per calendar month.

2. Beyond seven excused absences, a person other than the child's parent must document the excused absence, the person must be unrelated to the child or the child's parent, and the documentation must show that the person has personal knowledge of the reason for the child's absence (e.g., letter from a physician).

(d) An absence is not payable for an instructional day before a child's first day of attendance or after the child's last day of attendance.

(e) Payment for a child shall be suspended if the child does not attend at least 1 instructional day during a calendar month. Payment for the child, including payment for absences accruing while payment is suspended, shall resume when the child subsequently attends the program. If a child does not resume attendance, an absence is not payable for an instructional day after the child's last day of attendance.

(4) Payment for temporary closures.

(a) A temporary closure is payable if a VPK provider submits written documentation to the coalition which demonstrates that the closure is temporary and caused by circumstances beyond the provider's control.

(b) Documentation of the circumstances causing a temporary closure is not required if the private provider's or public school's VPK site is located in a county in which government offices normally open to the public are closed by the county, state, or federal governments, or public schools are closed by the school district, because a state of emergency is declared to exist in the county by the county government, the Governor, or the President of the United States. Documentation is required if government offices remain open or a state of emergency is not declared to exist.

(c) A temporary closure is payable for the amount otherwise payable (as if each child enrolled in a private provider's or public school's VPK program attends the program), not to exceed 10 instructional days per closure. If circumstances cause more than one temporary closure, the closures are payable for a combined total of 10 instructional days.

(d) If the combined instructional days of one or more temporary closures extend beyond 10 instructional days, the private provider or public school shall revise its class schedule to restore each instructional day after the 10th instructional day. The revised schedule must not extend beyond the last day by which the VPK class is required to complete instruction. When revising its schedule, a private provider or public school is not required to change the instructional hours per instructional day or instructional days per week of the current class schedule.

(e) A temporary closure is not payable if the closure is caused by circumstances within a private provider's or public school's control. If a temporary closure is caused by circumstances within a private provider's or public school's control, the provider or school must revise its class schedule in accordance with paragraph (d).

(f) A temporary closure is not payable if a VPK provider does not reopen and resume instruction after the closure. A coalition shall assist a child with reenrollment if the child's VPK program does not resume instruction after a temporary closure.

(g) If a child does not resume attendance in the VPK program after a temporary closure, notwithstanding paragraph (3)(d), the closure is payable, but the child's absence from an instructional day after the temporary closure is not payable.

(h) A private provider or public school, instead of requesting payment for a temporary closure, may revise its class schedule to restore the instructional days that the closure affects.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History--New 8-17-06, Amended 5-24-07.*

### **60BB-8.301 Statewide Provider Agreement for the VPK Program.**

(1) An early learning coalition may not pay a VPK provider for the VPK program, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement, even if a qualified contractor signs on behalf of the coalition. A school district may sign a provider agreement on behalf of a public school in the district.

(2) A coalition shall keep a signed copy of a provider agreement in the coalition's records on the VPK provider.

(3) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20, unless:

(a) The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, dated, and signed by the coalition and the VPK provider; and

(b) The Deputy Director for Early Learning approves the agreement.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.75 FS. History--New 8-17-06, Amended 5-24-07.*

**60BB-8.305 Recording and Certifying Child Attendance in the VPK Program.**

(1) Record of child attendance:

(a) A VPK provider in the VPK program shall keep a daily record of a child's attendance in the program.

(b) If a VPK provider is also a school readiness provider, the provider may jointly record a child's daily attendance for the VPK program with the child's attendance for the school readiness program.

(2) Monthly Verification of Child Attendance. A VPK provider shall require the parent of a child enrolled in its VPK program to verify monthly the child's attendance for the prior month, as follows:

(a) A child's parent must verify the child's attendance on Form AWI-VPK 03S (Child Attendance and Parental Choice Certificate Short Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., if the VPK provider records the child's daily attendance using one of the following methods:

1. A paper sign-in or sign-out log that records the date, child's name, and signature of the parent or other person dropping off or picking up the child to, or from, the VPK site; or

2. An 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 VPK site.

(b) A child's parent must verify the child's monthly attendance on Form AWI-VPK 03L (Child Attendance and Parental Choice Certificate Long Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., if the VPK provider records the child's daily attendance using a method other than the methods described in paragraph (a) (e.g. instructor records daily attendance using a roll book). Before a parent signs Form AWI-VPK 03L, the VPK provider must record the child's monthly attendance on the form or attach documentation to the form which shows the child's monthly attendance.

(3) Monthly certification of child attendance for payment.

(a) An early learning coalition shall give a VPK provider a monthly roster, prepared by using the statewide information system, that lists each child enrolled in the provider's or school's VPK program, and includes blank spaces for a private provider or public school to certify a child's attendance for the calendar month.

(b) A VPK provider must certify the monthly attendance of a child enrolled in the provider's VPK program. A VPK provider may certify monthly attendance by electronic means approved by the Deputy Director for Early Learning.

(c) After payment for the first calendar month that a VPK provider participates in the VPK program, the coalition may not pay the VPK provider for a subsequent month until the provider submits a monthly attendance roster to the coalition which certifies the attendance of each enrolled child from the prior month.

(d) The coalition may not pay the VPK provider the final payment for the program year until the provider submits a final verification of the annual cumulative attendance of each child enrolled in the provider's VPK program, which certifies the paid hours of attendance of each child enrolled for the program year, in a manner prescribed by the Deputy Director of Early Learning.

(e) If a child arrives at a VPK provider's VPK site but the provider or school refuses the child's attendance (e.g., for disciplinary reasons, including tardiness or prohibited attire), the provider or school must record the instructional day as an absence.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.71(5)(b), (6)(b), (d), 1002.75(2)(f), (g), (h) FS. History—New 5-24-07.*

**60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.**

(1) Blended classes.

(a) A private provider or public school may organize a VPK class as a blended class, instructing children enrolled in the VPK program together with children not enrolled in the program.

(b) A blended class may include children of any age. A private provider or public school, however, may not organize a blended class in a multi-age arrangement that prevents the provider or school from implementing a developmentally appropriate curriculum in accordance with Section 1002.67(2)(b), F.S.

(2) Minimum class size. A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition may not issue the initial prepayment for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) A private provider or public school does not violate the minimum class size, if:

1. Fewer than four children enrolled in the VPK program attend a VPK class on a particular day; or
2. After the initial prepayment is issued, fewer than four children in a VPK class remain enrolled in the VPK program (e.g., withdrawals).

(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the VPK provider may not dismiss a child enrolled in the program, unless, within 3 business days after the child's dismissal, the VPK provider submits to the coalition written documentation of the child's noncompliance with the conduct or attendance policies of the provider.

(3) Maximum class size. A VPK class may not exceed 18 children for a school-year program or 10 children for a summer program. Children enrolled in the VPK program, and children not enrolled in the program, are both counted toward the 18-child or 10-child maximum class size. A VPK class may not exceed the maximum class size in enrollment or attendance on a particular day.

(4) Multi-class group. A private provider or public school may instruct two or more VPK classes as one group in a single classroom. A VPK class within a multi-class group may not exceed the maximum class size described in subsection (3).

(5) Compliance with other requirements. This rule does not allow a private provider or public school to exceed a staff-to-children ratio, square footage per child, licensing requirements under Sections 402.301-.319, F.S., or other state or local requirement.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History—New 8-17-06, Amended 5-24-07.*

#### **60BB-8.451 VPK Class Schedules.**

An early learning coalition may not pay a VPK provider for a VPK class unless the class schedule complies with the following:

(1) School-Year Program.

(a) Except as provided in paragraph (b), a school-year program may not begin instruction more than 14 days before Labor Day.

(b) If the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day, a school-year program in the county may not begin instruction before the uniform date.

(c) A school-year program must complete instruction by June 30.

(2) Summer Program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS. History—New 5-24-07.*

#### **60BB-8.900 Obtaining VPK Forms.**

The forms incorporated by reference in this chapter may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.flready.com>.

*Specific Authority 1002.79(2) FS Law Implemented 1002.53(4), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(a), (b), 1002.75(2) FS. History—New 5-24-07.*