

STATE BOARD OF EDUCATION
Action Item
May 11, 2022

SUBJECT: Approval of Amendment to Rule 6M-8.702, Removal From Voluntary Prekindergarten Education Program Eligibility

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1)(2)(n) and 1002.79, Florida Statutes

EXECUTIVE SUMMARY

The Department of Education, Division of Early Learning administers federal and state child care funds and partners with 30 local early learning coalitions to deliver comprehensive early learning services statewide which include the Florida Voluntary Prekindergarten (VPK) Education Program.

The rule provides criteria for the removal of VPK providers from eligibility from the VPK program and defines the length of time VPK providers may be removed.

The rule was amended to conform with changes to sections 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), 1002.68(5)(c)-(d), 1002.73(4)(c), F.S.

Supporting Documentation Included: Proposed Rule 6M-8.702, F.A.C.

Facilitator/Presenter: Matt Mears, Chancellor, Division of Early Learning

6M-8.702 Removal From Voluntary Prekindergarten Education Program Eligibility.

(1) Removal from Future Eligibility. Except when a provider receives a good cause exemption under Section ~~1002.68(6)~~ ~~1002.69(7)~~, F.S., an early learning coalition or school district, as applicable, shall remove a Voluntary Prekindergarten Education (VPK) Program provider for a period of at least two (2) years but no more than five (5) years from future eligibility to offer new VPK classes under the following conditions:

(a) When the provider receives a performance metric kindergarten readiness rates for the same program type (school-year or summer) that for three consecutive years fails to meet the minimum performance metric or designation kindergarten readiness rates adopted by the Department Office of Early Learning under Section ~~1002.68(4)~~ ~~1002.69(6)~~, F.S., the provider shall not offer VPK classes in that program type. For the purpose of this rule, consecutive years has the same meaning as defined in subsection 6M-8.701(1), F.A.C. The Department Office of Early Learning will notify early learning coalitions and school districts when a provider is removed from eligibility under this condition.

(b) Failure to implement an approved improvement plan, ~~or~~ staff development plan, and approved curriculum under Section ~~1002.68(5)(b)~~ ~~1002.67(4)(e)2.~~, F.S.

(c) through (d) No change.

(2) Removal Period. In determining the time period for removal from eligibility, the coalition or school district shall consider the following factors: the severity of the provider's actions leading to the termination of the contract; the health, safety and welfare of children enrolled at the provider; the financial impact of the provider's actions; the impact that the revocation would have upon the local community; consistency with coalition's actions against other providers for similar violations of the provider contract or program requirements; the length of time that provider provided services under the contract with the coalition; and whether the provider had previously violated the terms of the current provider contract and prior contracts with the coalition.

~~(3)~~(2) Letter of Removal to Private VPK Providers. The coalition shall issue a written Letter of Removal to the provider, which shall be delivered by at least two of the following methods to the provider via certified postal service, electronic mail (email), facsimile, or courier service. The Letter of Removal shall be provided within thirty ~~(30)~~ days after the decision on an application for good cause exemption by the Department office, or, if no application was filed by the provider, within thirty (30) days after the deadline to file a good cause exemption application has expired, with a copy to the Department of Education, Division Office of Early Learning, at the

following address: ~~325 W. Gaines Street~~ 250 Marriott Drive, Tallahassee, Florida 32399. A Letter of Removal shall contain the following provisions:

(a) through (b) No change.

(c) The date upon which the provider was deemed ineligible to offer the program type in the future and the number of VPK program years the provider will be ineligible to offer the program; and

(d) No change.

~~(4)(3)~~ Notification of Removal to Public School VPK Providers. The Department Office of Early Learning shall notify the school district, in writing, to remove a public school VPK provider from future eligibility to offer new VPK classes of the program type for a period of at least two (2) years but no more than five (5) years and shall provide a copy of such notification to the early learning coalition.

Rulemaking Authority 1001.02(1)(2)(n) ~~1001.213~~, 1002.79 F.S. Law Implemented 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), 1002.68(5)(c)-(d), 1002.67(4)(b)-(e), 1002.73(4)(c), 1002.75(3)(e) F.S. History—New 3-26-13, Amended 2-2-15.