

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, 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

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

60BB-8.100 Definitions.

As used in this chapter, the term:

(1) “Absent” or “absence” means each instructional day that a student is not in attendance at the Voluntary Prekindergarten program.

(2) “Attend” or “attendance” means each instructional day that a student is present at the Voluntary Prekindergarten program for all or part of that day’s instruction.

(3) “Early Learning Coalition” or “Coalition” means an entity created by Section 411.01(5), F.S., whose membership is appointed pursuant to Section 411.01(5)(a)3., F.S., and whose function it is to coordinate the Voluntary Prekindergarten program with private providers and school districts at the local level.

(4) “Eligibility and enrollment services” means registering children, conducting parent consultations, determining the eligibility of children, and enrolling children with providers or schools in the Voluntary Prekindergarten program.

(5) “Enroll” or “enrollment” means recording an association in the statewide information system between a child who has been determined eligible for the Voluntary Prekindergarten program and the provider or school chosen by the child’s parent or guardian.

(6) “Instructional day” means each calendar day recorded that a provider or school is scheduled to deliver instruction to a student’s Voluntary Prekindergarten class.

(7) “Qualified contractor” means a legal entity operating under contract with an early learning coalition or AWI which is authorized to perform eligibility and enrollment services on behalf of the coalition or AWI. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.

(8) “Register” or “registration” means recording a parent’s or guardian’s request for his or her child to be determined eligible to participate in the Voluntary Prekindergarten program.

(9) “Startup period” means the first 5 instructional days of a Voluntary Prekindergarten class.

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

Specific Authority 1002.79 FS. Law Implemented 1002.75 FS. History--New 1-19-06.

60BB-8.200 Voluntary Prekindergarten Child Eligibility.

(1) Child Eligibility. Early Learning Coalitions must determine child eligibility for the VPK program by verifying the child’s age eligibility, residence eligibility, and participation eligibility.

(a) Age eligibility.

1. All children who reside in Florida who have attained 4 years of age on or before September 1 of the school year in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a) (2005).

2. When a child becomes eligible for kindergarten or is admitted to kindergarten the child is no longer eligible for VPK. A child who is 5 years of age on or before September 1 is eligible for kindergarten and is not eligible for VPK. Likewise, a child who has not attained 4 years of age by September 1 of a school year is not eligible for VPK during the school year or summer program that immediately follows.

3. During the application process, a coalition or its contracting agency shall collect and retain in the child’s file a photocopy of at least one of the following documents for purposes of verifying age:

a. An original or certified copy of the child’s birth record filed according to law with a public officer charged with the duty of recording births;

b. An original or certified copy of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

c. An insurance policy on the child’s life that has been in force for at least 2 years, which reflects the child’s birth date;

d. A religious record of the child’s birth accompanied by an affidavit sworn to by the parent;

e. A passport or certificate of arrival in the United States showing the birth date of the child;

f. A transcript of record of age shown in the child's school record from at least 4 years prior to application, stating the date of birth;

g. An immunization record indicating the child's date of birth, signed by a public health officer or by a licensed practicing physician;

h. A valid military dependent identification card showing the child's date of birth; or

i. If none of the documents listed above can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age reflecting the child's birth date, 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 as stated in the affidavit is substantially correct.

(b) Residence eligibility.

1. All 4 year old children must reside in the State of Florida. Coalitions must only establish where the child lives, not test the legal residency of the child. Children who reside in Florida are qualified to receive services.

2. The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI-VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following documents for purposes of verifying residency:

a. Utility bill;

b. Bank statement;

c. Insurance policy;

d. Pay stub; or

e. Government document (e.g., prior tax return, Florida driver's license); or

f. If none of the above documents can be produced, an affidavit of physical address sworn to by the parent, accompanied by a letter from a landlord or property owner stating that the child resides at this address will be accepted.

3. A homeless child, as defined in Section 1003.01, F.S., must have access to the VPK program. Coalitions shall assist homeless children and may determine residency based on other documentation as necessary. Coalitions may accept documents such as a letter from a homeless shelter or a sworn affidavit from the parent certifying the child is currently homeless.

(c) Participation eligibility.

1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in Section 1002.71(4), F.S.

2. A parent may enroll the child in one of the programs as established in Section 1002.53(3), F.S.

Specific Authority 1002.79 FS. Law Implemented 1002.53(2), (3), (4)(b), 1002.69(4), 1002.71(2), (4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History--New 1-19-06.

60BB-8.201 Voluntary Prekindergarten Parent Application and Procedures.

(1) Application. A parent wishing to enroll his or her child in the VPK Education Program must fill out form AWI-VPK 01 (Parent Application), version date 05/13/2005, which is hereby incorporated by reference. This application must be completed to determine whether a child is eligible for the VPK Program. The application must be completed in full by a parent or guardian with whom the child lives.

(2) Availability of forms and submission. A parent may also complete this application online at www.vpkflorida.org, or obtain a paper application from any early learning coalition. If a paper form is used, the parent must mail or deliver the completed paper form to the early learning coalition of the county in which the child will receive services. This may be the county where the parent lives, where the parent works, or a neighboring county. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org.

(3) Documentation of Child's Residency and Date of Birth. Within 30 days after receiving an application, the early learning coalition will contact the parent with instructions on how to submit the documentation of the child's residency and date of birth in accordance with Rule 60BB-8.202, F.A.C.

Specific Authority 1002.79 FS. Law Implemented 1002.53(4), 1002.75(2)(a) FS. History--New 1-19-06.

60BB-8.202 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment.

(1) Early learning coalitions shall follow the following procedures for registration, eligibility determination, and enrollment of children in the VPK program:

(a) Registration. A parent or guardian registering his or her child for the VPK program must either register online at www.vpkflorida.org or complete Form AWI-VPK 01 (Parent Application) and submit the completed form to the early learning coalition or its qualified contractor.

(b) Eligibility determination.

1. An early learning coalition or its qualified contractor shall determine, in accordance with Rule 60BB-8.200, F.A.C., the eligibility of each child. If a parent consultation is required under subparagraph (b)2. below, the eligibility determination shall be performed during the consultation. The parent or guardian must submit to the coalition or its qualified contractor the documentation of the child's age and residence required by Rule 60BB-8.200, F.A.C. Upon determining that a child is eligible for the VPK

program, the coalition or its qualified contractor must give the child's parent or guardian a Form AWI-VPK 02 (Certificate of Eligibility) version date 05/16/2005, which is hereby incorporated by reference, either completed by the coalition or its qualified contractor as a paper form or as an electronically generated and printed form.

2. Parent consultation.

a. Except as provided in sub-subparagraph (b)2.b. below, staff of the early learning coalition or its qualified contractor must perform a face-to-face consultation in person with the parent or guardian of every child that registers for the VPK program. During the consultation, the coalition's or contractor's staff shall determine the child's eligibility for the VPK program. If the child is eligible, the coalition's or contractor's staff shall give the parent or guardian profiles of providers or schools in accordance with Section 1002.53(5), F.S., describe the available program options, and explain the parent's or guardian's rights and responsibilities.

b. Notwithstanding sub-subparagraph (b)2.a. above, an early learning coalition is not required to perform a face-to-face parent consultation for a child if the coalition's staff or its qualified contractor's staff previously conducted a face-to-face consultation with the child's parent or guardian for another early learning program (e.g., school readiness program or program for prekindergarten children with disabilities), the coalition or its contractor maintains the child's records for the other early learning program, and the coalition or its contractor verifies against those records the completed Form AWI-VPK 01 (Parent Application) and supporting documentation submitted by the parent or guardian.

(c) Enrollment. To complete a child's enrollment, the private prekindergarten provider or public school must submit the child's name and certificate number (from Form AWI-VPK 02 - Certificate of Eligibility) to the coalition or its qualified contractor, associating the child in the designated statewide information system with the provider's or school's appropriate VPK class. Each early learning coalition is encouraged, but not required, to notify a parent or guardian by U.S. Mail after the enrollment of his or her child with the provider's or school class is completed in the designated statewide information system.

Specific Authority 1002.79 FS. Law Implemented 1002.53(4)(a), 1002.75(2)(a) FS. History--New 1-19-06.

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

(1) Payment for the VPK program. An early learning coalition, or contractor acting on behalf of the 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 the private provider or public school submits the documentation to the coalition or contractor.

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 private provider or public school submits written documentation to the coalition or contractor which demonstrates that the closure is temporary and caused by circumstances beyond the provider's or school'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 subsection (d).

(f) A temporary closure is not payable if a private provider or public school does not reopen and resume instruction after the closure. A coalition or contractor 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.

60BB-8.300 Provider Application and Procedures.

(1) Application. A private provider or public school interested in delivering the VPK Program must complete an application Form AWI-VPK 10 (Statewide Provider Registration Application), version date 04/29/2005, which is hereby incorporated by reference. Completing the application does not guarantee approval to deliver the VPK Program.

(2) Completing the application form. This application is available electronically as an editable form in Adobe® Portable Document Format (PDF) at www.vpkflorida.org. The form is also available from any early learning coalition as a paper form. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. An application may be completed by:

(a) Using Adobe® Reader® to edit the form fields on a computer and printing a paper copy for submission; or

(b) Using a blank paper form and completing it by typing or printing clearly in black or blue ink.

(3) Submitting the application. The provider shall mail or deliver the completed application to the early learning coalition in the county in which its VPK site is located. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. This form must be submitted with all required attachments.

(4) Notification of application completion. The early learning coalition in the county in which the provider is located will notify the provider if the provider or school is provisionally eligible to deliver VPK, or if any additional information is necessary, within 30 days after receipt of the application. Each provisionally eligible provider or school must also complete Form AWI-VPK 11 (2005-2006 Class Registration Application) version date 04/29/2005, which is hereby incorporated by reference. Once the provider has submitted all of the required information, the early learning coalition will notify it in writing whether the provider or school is eligible to deliver the VPK program.

Specific Authority 1002.79 FS. Law Implemented 1002.61, 1002.75(2)(c) FS. History—New 1-19-06.

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

(1)(a) An early learning coalition, or contractor acting on behalf of the coalition, may not pay a private provider or public school for the VPK program, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement. If a coalition allows a contractor to sign a provider agreement on behalf of the coalition, the coalition remains a party to the agreement. A school district may sign a provider agreement on behalf of a public school in the district.

(b) A coalition or contractor shall keep a signed copy of a provider agreement in the coalition's or contractor's records on the private provider or public school.

(2)(a) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), dated June 9, 2006, which is hereby incorporated by reference. Except as provided in subsection (b), a provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20. Form AWI-VPK 20 may be

obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (850)921-3180, and at the following website: <http://www.floridajobs.org/earlylearning>.

(b) A coalition may enter into a provider agreement that omits, supplements, or amends the terms and conditions of Form AWI-VPK 20, if:

1. 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 private provider or public school; and

2. 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.

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, or contractor acting on behalf of the 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 private provider or public school may not dismiss from the class a child enrolled in the program, unless:

1. The private provider or public school documents in writing the child's noncompliance with the conduct or attendance policies of the provider or school district, as applicable; and

2. The private provider or public school submits documentation of the child's noncompliance to the coalition or contractor within 3 business days after the child's dismissal.

(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.