

STATE BOARD OF EDUCATION
Consent Item
November 18, 2014

SUBJECT: Approval of Amendments to Rules 6M-8.605, 6M-8.700, 6M-8.701 and 6M-8.702 related to the Voluntary Prekindergarten Education Program.

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.213(2), Florida Statutes

EXECUTIVE SUMMARY

The Office 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. The office oversees three programs—the School Readiness Program, the Voluntary Prekindergarten (VPK) Education Program and Child Care Resource and Referral services. The Office of Early Learning is required to submit its proposed rules to the State Board of Education for approval.

The purpose of the proposed amendments is to implement the accountability requirements of VPK. The rules also establish required actions by providers who are placed on probation and choose a staff development plan to improve their program. The VPK Staff Development Plan for Providers on Probation (6M-8.605) outlines the training and activities required for providers on probation to maintain compliance. Additionally, there are rules to guide the requirements for compliance by VPK providers in their first year of probation (6M-8.701) as well as the second and subsequent years of probation (6M-8.702). Lastly, Rule 6M-8.605 outlines conditions and process for a VPK provider to be removed from eligibility for a period of 5 years.

Supporting Documentation Included: Proposed Rules 6M-8.605, VPK Staff Development Plan For Providers on Probation, 6M-8.700, Provider on Probation; Voluntary Prekindergarten Education Program Improvement Plan and Implementation; First Year Probation, 6M-8.701, Provider on Probation; Voluntary Prekindergarten Education Program Annual Probation Progress Report; Second and Subsequent Year Probation, 6M-8.702, Removal From Voluntary Prekindergarten Education Program Eligibility and the Approved Staff Development Plan for VPK Providers on Probation referenced in Rule 6M-8.605; Sections 1001.213(2), 1002.79, 1002.67(4)(b-c) and 1002.75(3)(c), Florida Statutes

Facilitator: Shan Goff, Executive Director, Office of Early Learning

6M-8.605 VPK Staff Development Plan For Providers on Probation.

The VPK Staff Development Plan for Providers on Probation ~~adopted by the State Board of Education~~ outlines the required staff development trainings and required staff development activities as well as recommended trainings and activities in the document titled “OEL-Approved ~~DOE-Approved~~ Staff Development Plan for VPK Providers on Probation, October 2014 ~~August 2012~~ (new link)(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01499>)” This document is hereby incorporated by reference in this rule and may be obtained by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida 32399. Rulemaking Authority 1001.213, 1002.67(4)(c)2., 3., 1002.79 FS. Law Implemented 1002.67(4)(c)2., 3., 1002.67 FS. History–New 8-21-12, Formerly 6A-1.099826.

6M-8.700 Provider on Probation; Voluntary Prekindergarten Education Program Improvement Plan and Implementation; First Year Probation.

(1) Probation. A provider remains on probation until they meet the minimum rate adopted by the Office as satisfactory under section 1002.69(6), F.S. An early learning coalition or school district, as applicable, shall place on first year probation any Voluntary Prekindergarten Education (VPK) provider which fails to meet the minimum kindergarten readiness rate for a program type (school-year ~~school-year~~ or summer) adopted by the Office of Early Learning ~~State Board of Education~~ as satisfactory under Section 1002.69(6), F.S, and require such provider to submit and implement an approved improvement plan designed to improve the provider’s kindergarten readiness rate. An improvement plan shall include:

(a) Use of Approved Curriculum or Staff Development Plan. A VPK provider on probation must select either an approved curriculum from the list of approved curricula for providers on probation on the Office’s ~~Department of Education’s~~ website per Rule 6M-8.604, F.A.C., ~~Rule 6A-1.099825, F.A.C.~~, or a staff development plan available from the Office of Early Learning ~~Department of Education~~ per Rule 6M-8.605, F.A.C., ~~Rule 6A-1.099826, F.A.C.~~, as a ~~targeted~~ area in its improvement plan. An early learning coalition or school district, as applicable, shall require a VPK provider on probation to use an approved curriculum or staff development plan in accordance with Section 1002.67(4)(c)~~2-3~~, F.S.

(b) Additional ~~Targeted~~ Areas. A VPK provider on probation must select a minimum of one of the following additional areas ~~as a targeted area~~ in its improvement plan:

1. Administrative and management practices, including training, educational level, and retention of prekindergarten instructors;
2. Classroom learning environment;
3. Child developmental screenings and assessments;
4. Social-emotional interactions among prekindergarten instructors and students;
5. Students’ ability to make age appropriate progress in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities;
6. Percentage of students attending seventy (70) percent or more of the instructional hours offered by the VPK provider; or
7. Family involvement in the early childhood program.

(c) Strategies for Improvement. A description of strategies for improvement of the provider's VPK program which includes the following and, at the discretion of the provider, any other additional areas:

1. A list of target areas for the VPK provider's improvement identified under subparagraphs (1)(a) and (b) and any additional areas a provider deems important to its improvement;

2. A list of specific actions already taken, and proposed to be taken, by the VPK provider for improvement of targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider on probation must submit its improvement plan electronically through the website <https://vpk.fldoe.org/>. The provider must have an approved improvement plan in place for at least 30 days prior to receiving an advance payment and for at least 30 days prior to offering VPK instruction for the program type for which the provider must submit an improvement plan, as applicable. A VPK provider on probation may submit an improvement plan any time after the ~~Office~~ Department of Education posts the ~~final~~ preliminary readiness rates.

(b) An early learning coalition or school district, as applicable, shall approve ~~or disapprove~~ a VPK provider's improvement plan within 14 days following receipt of the improvement plan if the plan is submitted with a list of target areas and specific actions for improvement as described in this rule.

(c) If the improvement plan does not address the criteria established in paragraphs (1)(a)-(c), the early learning coalition or school district, as applicable, shall disapprove the improvement plan ~~and shall return it to the VPK provider~~ with suggestions for revision. The VPK provider on probation shall submit an amended improvement plan within 14 days following the receipt of notification of disapproval of its improvement plan and suggestions for revision. The early learning coalition or school district, as applicable, shall offer to work with the VPK provider on probation to revise a disapproved improvement plan to address the criteria in paragraphs (1)(a)-(c). ~~For each initial disapproved improvement plan that a VPK provider submits, the provider may submit an amended improvement plan no more than two additional times until such time as the State Board of Education adopts the minimum kindergarten readiness rate for the subsequent program year under Rule 6A 1.099821, F.A.C.(3) Technical Assistance. An early learning coalition or school district, as applicable, shall offer to identify technical assistance opportunities for each provider on probation. Such technical assistance shall be offered in a manner and schedule prescribed by the coalition or school district, and shall be designed to facilitate the development and implementation of improvement plans. A provider on probation may elect to receive assistance by contacting the coalition or school district, as applicable, in writing. Whether or not a provider elects to receive resources, referrals or technical assistance, improvement of the provider's kindergarten readiness rate is the sole responsibility of the provider. Compliance with technical assistance does not guarantee that the provider will improve its kindergarten readiness rate.~~

(3) ~~(4)~~ Prior to offering ~~registering to offer~~ the VPK program, a provider on probation must demonstrate that it is implementing its improvement plan. ~~The VPK provider must demonstrate its implementation of its improvement plan~~ by using an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S., including all program materials and professional development elements associated with the approved curriculum or staff development plan, and by submitting the following to the early learning coalition or school district, as applicable:

(a) For use of an approved curriculum:

1. A receipt or invoice demonstrating that the VPK provider has purchased an approved curriculum and has scheduled instructor trainings developed by the curriculum publisher on use of the curriculum; or
2. An acknowledgement that the VPK provider has received the complete approved curriculum through a donation and has scheduled instructor trainings developed by the curriculum publisher on use of the curriculum.

(b) For use of a staff development plan:

1. ~~Copy Copies~~ of Department of Children and Families (DCF) transcripts-certificates evidencing successful training completion for VPK staff consistent with the staff development plan in accordance with Section 1002.67(4)(c)~~2-3~~, F.S.; and

2. An acknowledgement that the VPK provider has implemented its staff development plan.

Rulemaking Authority 1001.213, 1002.79(2) FS. Law Implemented 1002.67(4)(c)~~1-3~~, 1002.75(3)(a)-(b) FS. History–New 3-26-13, Amended

6M-8.701 Provider on Probation; Voluntary Prekindergarten Education Program Annual Probation Progress Report; Second and Subsequent Year Probation.

(1) Probation. A provider remains on probation until they meet the minimum rate adopted by the Office as satisfactory under section 1002.69(6), F.S. An early learning coalition or school district, as applicable, shall place on second or subsequent year probation any Voluntary Prekindergarten Education (VPK) provider which receives kindergarten readiness rates for the same program type (school year or summer) which fail to meet the minimum rates adopted by the Office of Early Learning State Board of Education as satisfactory under Section 1002.69(6), F.S., for two or more consecutive years. For the purpose of this rule, consecutive years means years in which a VPK provider receives kindergarten readiness rates for the same program type (school year or summer).

(2) Second or Subsequent Year Probation Corrective Action. A VPK provider that remains on probation under this rule must submit an annual probation progress report electronically through the website <https://vpk.fldoe.org/>. The annual probation progress report must demonstrate progress toward meeting the specific actions for improvement in the target areas identified in the provider's approved improvement plan. The provider must have an approved probation progress report in place for at least 30 days prior to receiving an advance payment and for at least 30 days prior to offering VPK instruction for the program type for which the provider must submit a probation progress report, as applicable. A VPK provider may submit a probation progress report any time after the Office of Early Learning Department of Education posts the final preliminary readiness rates. The probation progress report shall provide information regarding the provider's progress in implementing its improvement plan approved under Rule 6M-8.700, F.A.C. The second or subsequent year probation progress report shall contain a description of strategies for improvement of the VPK program that includes the following:

(a) A list of target areas for the VPK provider's improvement per Rule 6M-8.700, F.A.C., and any additional areas a provider deems important to its improvement, including specifically;

1. Identification and description of the provider's use of an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S., including all associated program materials and professional development elements associated with the approved curriculum or staff development plan as described in paragraph 6M-8.700(1)(a) and subsection (4), F.A.C.; and

2. Identification and description of the provider's action steps in the additional targeted area(s) as described in paragraph 6M-8.700(1)(b), F.A.C.

(b) A list of specific actions the VPK provider will take in the future for improvement of the targeted areas; and

(c) An implementation schedule or timeline for the VPK provider to implement any proposed actions.

Rulemaking Authority 1001.213, 1002.79(2) FS. Law Implemented 1002.67(4)(c)2., 1002.75(3)(b) FS. History—New 3-26-13. Amended

6M-8.702 ~~Provider on Probation; Removal From Voluntary Prekindergarten Education Program Eligibility.~~

(1) Removal from Future Eligibility. Except when a provider receives a good cause exemption under Section 1002.69(7), F.S., an early learning coalition or school district, as applicable, shall remove a Voluntary Prekindergarten Education (VPK) Program provider for five (5) years from future eligibility to offer new VPK classes under the following conditions:

(a) When of the program type (school-year or summer) for which the provider receives kindergarten readiness rates for the same program type (school-year or summer) that which for three consecutive years fail to meet the minimum kindergarten readiness rates adopted by the Office of Early Learning State Board of Education as satisfactory under Section 1002.69(6), F.S., for three consecutive years the provider shall not offer VPK class 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 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 under s. 1002.67(4)(c)2., F.S.

(c) If a provider, or an owner, officer or director is (or is acting as the beneficial owner for someone who has been) convicted, found guilty of, or pleads guilty or nolo contendere to public assistance fraud, according to s. 1002.91, F.S.

(d) If a provider's executed statewide provider contract adopted in Rule 6M-8.301, F.A.C., is terminated after due process procedures adopted in the contract are completed.

(2) Letter of Removal to Private VPK Providers. ~~Florida's Office of Early Learning shall notify the early learning coalition, in writing, to remove a private VPK provider from future eligibility to offer new VPK classes of the program type.~~ The coalition shall then issue a written Letter of Removal to the provider, which shall be delivered to the provider via postal service, electronic mail (email), facsimile, or courier service. The Letter of Removal shall be provided within 30 days after the decision on an application for good cause exemption by the ~~office State Board of Education~~, or, if no application was filed by the provider, within 30 days after the deadline to file a good cause exemption application has expired, with a copy to the Florida's Office of Early Learning, at the following address: 250 Marriott Drive, Tallahassee, Florida 32399. A Letter of Removal shall contain the following provisions:

(a) Notice of the program type (school-year or summer) for which the provider is ineligible, in situations where a good cause exemption is not granted under (1)(a);

(b) The name and address of the provider's program;

(c) ~~(b)~~ The date upon which the provider was deemed ineligible to offer the program type in the future; and,

~~(d)~~ ~~(e)~~ Notice of termination of any provider contracts ~~agreements~~, if applicable, under which the provider would have begun a new VPK class for the VPK program type for which the provider has been deemed ineligible.

(3) Notification of Removal to Public School VPK Providers. The Office of Early Learning ~~Florida Department of Education~~ 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 five (5) years and shall provide a copy of such notification to the early learning coalition.

Rulemaking Authority 1001.213, 1002.79~~(2)~~ FS. Law Implemented 1002.67(4)~~(b-c)~~, 1002.75(3)(c) FS. History–
New 3-26-13, Amended

Office of Early Learning

Approved Staff Development Plan for VPK Providers on Probation

Pursuant to 1002.67(4)(c)2., Florida Statutes, the Department of Education has approved the following for VPK providers on probation who choose to use the staff development plan to strengthen instruction in language development and phonological awareness. The staff development plan includes both required and recommended trainings and activities. All required trainings and activities must be completed and documented appropriately to maintain compliance. The Staff Development Plan's use will be monitored by the local Early Learning Coalition.

REQUIRED STAFF DEVELOPMENT TRAININGS

Recommended documentation: For all required staff trainings, the required documentation is a printed DCF Child Care Training Transcript (or CEU tab, as applicable) for each staff member, with appropriate trainings highlighted.

Prior to offering the VPK program*, each site director/supervisor, VPK teacher, and VPK assistant teacher must complete:

- Standards for Four-Year-Olds (instructor led or online)**
 - Participants will have an overview of the Standards for Four-Year-Olds and will know where to find the language development and phonological awareness standards and benchmarks.
- How to Administer the Florida VPK Assessment (instructor led)**
 - Participants will understand the proper way to assess their students and input data online using the VPK Assessment.
 - Participants will understand the difference between assessment and instruction of young children, and how assessment should inform future instruction.
- Emergent Literacy for VPK Instructors (online)**
 - Participants will understand the language development and phonological awareness standards and benchmarks in more depth, including examples of how to introduce these skills, scaffold children's learning, and provide support for young children's learning.
- Language and Vocabulary in the VPK Classroom (online)**
 - Participants will be introduced to four research-based instructional strategies (Language Scaffolding, Book Embedded Vocabulary Instruction, Dialogic Reading, and Think, Show, Tell, Talk) that can be used to enhance the learning of children in their classroom.

*If new staff members are hired after the VPK program has begun, these trainings must be completed within two months of hire.

Prior to one of a program's classes completing 50% of its instructional hours*, each site director/supervisor, VPK teacher, and VPK assistant teacher must complete:

- Integrating the Standards: Phonological Awareness (instructor led)**
 - Participants will learn about children's development of phonological awareness skills along a continuum and identify activities and teaching strategies that can enhance children's learning in this area.
- VPK Assessment Instructional Implications (instructor led)**
 - Using their own data from VPK Assessment, providers will begin to link the results of assessment to planning instruction for their class, as well as individual children within the class.

*If new staff members are hired after the VPK program has begun, these trainings must be completed within three months of hire.

REQUIRED STAFF DEVELOPMENT ACTIVITIES

Prior to the beginning of the program year:

- [Purchase](#) and/or print the [Standards for Four-Year-Olds](#) for use in lesson planning and instruction. (To purchase: www.flstandardsfouryearolds.com; To print: [Standards for Four-Year-Olds](#))
Required documentation: 1: Standards for Four-Year-Olds manual available in each VPK classroom. 2: Documentation of language development and phonological awareness standards/benchmarks on a written/typed classroom lesson plan.
 - Participants will use the Standards for Four-Year-Olds in lesson planning and to guide instruction, paying particular attention to language development and phonological awareness.
- Review and print out applicable [Sample Lesson Plans](#) related to language development and phonological awareness (domain of IV. Language, Communication, and Emergent Literacy), provided by the Florida Department of Education. (To view and/or print: [Sample Lesson Plans](#))
Required: 1: Printed Sample Lesson Plans. 2: Typed/written weekly lesson plans that include sample lesson plans, as appropriate.
 - Participants will review and print out for use applicable sample lesson plans.
 - Participants will include applicable lessons in weekly lesson plans.
- Determine the appropriate schedule for administering the VPK Assessment. School year programs scheduled for more than 4 months must administer Assessment Periods 1, 2, and 3 (AP1, AP2, and AP3).

Bi-weekly:

- Site director/supervisor observes all teaching staff bi-weekly to see if they are incorporating information gained through staff development, taking written notes.
Recommended documentation: 1: Calendar showing when class(es) are observed. 2: Dated, written/typed notes documenting each observation.
 - **Language Development:** The following types of interactions/teaching strategies should be noted.
 - Interactions: Individual conversations with children daily. Small group interactions that focus on building vocabulary daily. Interactions should build on children's prior knowledge and interests.
 - Strategies: Language Scaffolding, Book Embedded Vocabulary Instruction, Dialogic Reading, and Think, Show, Tell, Talk.
 - **Phonological Awareness:** The following types of interactions/teaching strategies should be noted.
 - Interactions: Based on children's knowledge, small groups should focus on particular phonological awareness skills along a continuum (benchmarks). Interactions should be fun and engaging for children, and utilize time throughout the day (e.g., small group, transitions, center time).
 - Strategies: Print must not be used when teaching and practicing phonological awareness skills (phonological awareness is not a visual skill, it is a listening skill (aural)). Focus for each benchmark should include blending before elision (take away). Props, such as examples from training, should be used if they benefit children's understanding. Throughout the year, the teacher should intentionally introduce children to easiest phonological awareness skills first beginning with easiest skills (Benchmark a.), advancing to more challenging (Benchmark f.).

Monthly:

- Site director/supervisor meets monthly with teaching staff to provide individualized feedback, reflect, discuss next steps, and record meeting notes in written plan. This monthly meeting must be about topics covered in the Staff Development Plan ONLY (e.g., phonological awareness, language and vocabulary development, teaching strategies for these areas, children’s assessment scores for these areas).

Required: 1: Calendar indicating monthly meetings with each staff member/class team. 2: Dated, written/typed notes documenting each meeting and outcome of meeting (“Next Steps”).

- Participants have the opportunity to reflect on teaching strategies and planning related to language development and phonological awareness.
- Participants plan next steps, ensuring that classroom interactions and teaching strategies are translating to children’s learning in the areas of language development and phonological awareness.

Within 30 days of administering AP1, AP2 (full school year programs), and AP3 of the VPK

Assessment:

- Site director/supervisor meets with teaching staff at least once to discuss results of VPK Assessment by class. Cooperatively-written lesson plans should be developed to link VPK assessment plans with further instruction, particularly in the areas of phonological awareness and language development/vocabulary. Children’s individualized needs should be addressed by the plan for at least the two areas mentioned.

Required: 1: Calendar indicating meeting(s). 2: Printed child and classroom-level reports for the appropriate assessment period. 3: Lesson plans that reflect “next steps” for teaching based upon the class’ VPK Assessment data.

- Participants discuss what the language/vocabulary and phonological awareness results of the VPK Assessment mean for each child and each classroom.
- Participants will refer to the Standards for Four-Year-Olds, Sample Lesson Plans, and other appropriate curriculum materials in developing lesson plans.
- Small group plans and individual child attention should be based on VPK Assessment results.

To enhance your opportunities for success, the Department of Education also recommends the following:

RECOMMENDED STAFF DEVELOPMENT TRAININGS

- English Language Learners in the VPK Classroom (online)
- Attend phonological awareness and language development sessions at local, regional, and state early childhood conferences.
- Other DOE-developed trainings
- Other VPK Regional Facilitator-developed trainings
- Other early learning coalition-developed trainings

RECOMMENDED STAFF DEVELOPMENT ACTIVITIES

- Attend meetings for Providers on Probation led by the VPK Regional Facilitator or Early Learning Coalition.
- Determine if there is another VPK program that would provide mentoring.
- Take part in any available supports through VPK Regional Facilitator.
- Take part in any available supports through the local Early Learning Coalition.
- Read professional journal articles to enhance knowledge and practice. Discuss as a group.
- Determine if staff would benefit from membership in local early childhood professional organizations or groups within the community.

1001.213 Office of Early Learning.—There is created within the Office of Independent Education and Parental Choice the Office of Early Learning, as required under s. 20.15, which shall be administered by an executive director. The office shall be fully accountable to the Commissioner of Education but shall:

(1) Independently exercise all powers, duties, and functions prescribed by law and shall not be construed as part of the K-20 education system.

(2) Adopt rules for the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program. The office shall submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be filed immediately with the Department of State.

(3) In compliance with part VI of chapter 1002 and its powers and duties under s. 1002.82, administer the school readiness program at the state level for the state's eligible population described in s. 1002.87 and provide guidance to early learning coalitions in the implementation of the program.

(4) In compliance with parts V and VI of chapter 1002 and its powers and duties under s. 1002.75, administer the Voluntary Prekindergarten Education Program at the state level.

(5) Administer the operational requirements of the child care resource and referral network at the state level.

(6) Keep administrative staff to the minimum necessary to administer the duties of the office.

History.—s. 1, ch. 2013-252.

1002.75 Office of Early Learning; powers and duties.—

(1) The Office of Early Learning shall adopt by rule a standard statewide provider contract to be used with each Voluntary Prekindergarten Education Program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of children. The standard statewide contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable.

(2) The Office of Early Learning shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53, which shall include the enrollment of children by public schools and private providers that meet specified requirements.

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61 and streamlining the process of provider eligibility whenever possible.

(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

(f) Paying private prekindergarten providers and public schools under s. 1002.71.

(g) Documenting and certifying student enrollment and student attendance under s. 1002.71.

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.71.

- (3) The Office of Early Learning shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:
- (a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.
 - (b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.
 - (c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.
 - (d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.
 - (e) Paying specialized instructional services providers under s. 1002.66.
- (4) The Office of Early Learning shall also adopt procedures for the distribution of funds to early learning coalitions under s. 1002.71.
- (5) Except as provided by law, the Office of Early Learning may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.
- History.—s. 1, ch. 2004-484; s. 7, ch. 2010-227; s. 459, ch. 2011-142; s. 78, ch. 2012-96; s. 14, ch. 2013-252.

1002.67 Performance standards; curricula and accountability.—

- (1)(a) The office shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:
- 1. The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and
 - 2. Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.
- By October 1, 2013, the office shall examine the existing performance standards in the area of mathematical thinking and develop a plan to make appropriate professional development and training courses available to prekindergarten instructors.
- (b) The office shall periodically review and revise the performance standards for the statewide kindergarten screening administered under s. 1002.69 and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant to s. 1008.22.
- (2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (4)(c).
- (b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:
- 1. Be designed to prepare a student for early literacy;
 - 2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and
 - 3. Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.
- (c) The office shall review and approve curricula for use by private prekindergarten providers and public schools that are placed on probation under paragraph (4)(c). The office shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

(3)(a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-assessment that has been approved by rule of the State Board of Education.

(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains which must include, but are not limited to, early literacy, numeracy, and language.

(c) The pre- and post-assessment must be administered by individuals meeting requirements established by rule of the State Board of Education.

(4)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early learning coalition to remove the provider and require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of 5 years.

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the office as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan; shall place the provider or school on probation; and shall require the provider or school to take certain corrective actions, including the use of a curriculum approved by the office under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office.

2. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 1., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office, until the provider or school meets the minimum rate adopted by the office as satisfactory under s. 1002.69(6). Failure to implement an approved improvement plan or staff development plan shall result in the termination of the provider's contract to deliver the Voluntary Prekindergarten Education Program for a period of 5 years.

3. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the office as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the office pursuant to s. 1002.69(7), the office shall require the early learning coalition or the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of 5 years.

(d) Each early learning coalition and the office shall coordinate with the Child Care Services Program Office of the Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness program under part VI of this chapter, and the licensing of providers under ss. 402.301-402.319.

History.—s. 1, ch. 2004-484; s. 28, ch. 2010-210; s. 453, ch. 2011-142; s. 11, ch. 2011-175; s. 7, ch. 2012-133; s. 10, ch. 2013-252.

1002.79 Rulemaking authority.—The Office of Early Learning shall adopt rules under ss. [120.536\(1\)](#) and [120.54](#) to administer the provisions of this part conferring duties upon the office.

History.—s. 1, ch. 2004-484; s. 458, ch. 2011-142; s. 79, ch. 2012-96; s. 16, ch. 2013-252.