

STATE BOARD OF EDUCATION
Consent Item
November 18, 2014

SUBJECT: Approval of Repeal of Rule 6M-9.121, Federal Quality Funds

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.213(2), Florida Statutes

EXECUTIVE SUMMARY

The Office of Early Learning (OEL) administers federal and state child care funds and partners with 30 local early learning coalitions to deliver comprehensive early learning services statewide. The office oversees three programs—the School Readiness Program, the Voluntary Prekindergarten (VPK) Education Program, and Child Care Resource and Referral services. OEL is required to submit its rules to the State Board of Education for approval.

The identified rule is being repealed as the legislature adopted statutory language that defines activities to improve quality.

Supporting Documentation Included: Rule 6M-9.121, Federal Quality Funds

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

6M-9.121 Federal Quality Funds.

(1) Pursuant to 45 C.F.R. 98.11, Florida's Office of Early Learning (the Office) has broad authority to administer the Child Care and Development Fund program through other governmental or non-governmental entities. In addition, the Agency can use other public or private local agencies to implement the program; however:

(a) The Office shall retain overall responsibility for the administration of the program, as defined in subsection (2) of this rule;

(b) The Office shall serve as the single point of contact for issues involving the administration of the grantee's Child Care and Development Fund program; and

(c) Administrative and implementation responsibilities undertaken by agencies other than the Office shall be governed by written agreements that specify the mutual roles and responsibilities of the Office and the other agencies in meeting the requirements of this part.

(2) In retaining overall responsibility for the administration of the program, the Office shall:

(a) Determine the basic usage and priorities for the expenditure of Child Care and Development Fund funds;

(b) Promulgate all rules and regulations governing overall administration of the state Child Care and Development Fund Plan;

(c) Submit all reports required by the Secretary;

(d) Ensure that the program complies with the state's approved Child Care and Development Fund Plan and all applicable Federal requirements;

(e) Oversee the expenditure of funds by subgrantees and contractors;

(f) Monitor programs and services;

(g) Fulfill the responsibilities of any subgrantee in any: disallowance under 45 C.F.R. 98.60, et. seq; complaint or compliance action under 45 C.F.R. 98.90, et. seq; or hearing or appeal action under title 45 C.F.R. part 99; and

(h) Ensure that all State and local or non-governmental agencies through which the State administers the program, including agencies and contractors that determine individual eligibility, operate according to the rules established for the program.

(3) Pursuant to 45 C.F.R. 98.51, no less than four percent of the aggregate Child Care and Development Fund funds expended by the Agency for a fiscal year, and including the amounts expended in the State pursuant to 45 C.F.R. 98.53(b), shall be expended for quality activities.

(a) Quality activities may include but are not limited to:

1. Activities designed to provide comprehensive consumer education to parents and the public;

2. Activities that increase parental choice; and

3. Activities designed to improve the quality and availability of child care, including, but not limited to those described in paragraph (3)(b) of this rule.

(b) Activities to improve the quality of child care services may include, but are not limited to:

1. Operating directly or providing financial assistance to organizations (including private non-profit organizations, public organizations, and units of general purpose local government) for the development, establishment, expansion, operation, and coordination of resource and referral programs specifically related to child care;

2. Making grants or providing loans to child care providers to assist such providers in meeting applicable state, local, and tribal child care standards, including applicable health and safety requirements, pursuant to 45 C.F.R. 98.40 and 98.41;

3. Improving the monitoring of compliance with, and enforcement of, applicable state, local, and tribal requirements pursuant to 45 C.F.R. 98.40 and 98.41;

4. Providing training and technical assistance in areas appropriate to the provision of child care services, such as training in health and safety, nutrition, first aid, the recognition of communicable diseases, child abuse detection and prevention, and care of children with special needs;

5. Improving salaries and other compensation (such as fringe benefits) for full-and part-time staff who provide child care services for which assistance is provided under this part; and

6. Any other activities that are consistent with the intent of this section.

(c) Pursuant to 45 C.F.R. 98.16(h), the Office shall describe in the state's Child Care and Development Fund Plan the activities it will fund under this subsection.

(4) Non-Federal expenditures required by 45 C.F.R. 98.53(c) are not subject to the requirement of subsection (3) of this rule.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(c), 411.01(4)(d)5. FS. History--New 8-18-08, Formerly 60BB-9.121, Repealed