

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) Purpose. The purpose of this rule is to implement the requirements of Section 1002.69, F.S.

(2) Accuracy of Data.

(a) Prior to the calculation of the final VPK Provider Kindergarten Readiness Rate, as described in subsection (34) of this rule, private and public school VPK providers shall have the opportunity to review a preliminary readiness rate which includes a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours they attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph (3)(a)1., of this rule, the provider may submit corrective information to the Office of Early Learning of the Department of Education within the review period described below 14 days after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with the Florida's Office of Early Learning Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within the review period described below 21 days after publication of the cumulative list on the Department's website. ~~Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the method described in subsection (4) of this rule.~~

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department's website or if a private provider disputes ownership at the time of the 2009-10 VPK program, the provider may file a dispute on the Department's website and submit documentation to the Department for its review and consideration ~~within 21 days~~ after publication of the preliminary rate. This review period shall be no less than 21 days following publication of the preliminary readiness rate. The Department shall review and accept or reject any changes to the data within 14 days after the close of the review period publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection (34) of this rule. ~~and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.~~

(3) Criteria for Inclusion in ~~the VPK Provider Kindergarten Readiness Rate for 2009-10~~ and Calculations of the VPK Readiness Rate.

(a) After the conclusion of the review of the data described in subsection (2) of this rule, the Department shall calculate the pre-kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. Attended in the VPK program for seventy (70) percent or more of the total number of instructional hours; and
2. Are matched to a valid score on ~~Participated in both each~~ of the kindergarten screening measures.

(b) Calculation of the VPK readiness rate:

1. ~~All providers shall be ranked according to their final score.~~ Kindergarten student scores on the FAIR assessment administered during the first 30 days of the school year must demonstrate a probability of reading success of .67 or higher to be considered "ready for kindergarten". Kindergarten student scores on the ECHOS must indicate that the student is either "emerging/progressing" or "demonstrating" to be considered "ready for kindergarten". In order for a provider to be considered to have successfully administered the VPK program, the provider must have seventy (70) percent of children ready using the calculations in this section. A provider failing to meet this standard will be considered a Low Performing Provider.

2. The "Percent of Children Ready for Kindergarten" shall be calculated as the number of "Children Ready for Kindergarten" on both ~~each~~ screening measures divided by the total number of "Children Screened" meeting the requirements set by the State Board of Education in (3)(a)1 and (3)(a)2.

~~(c)~~ If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), F.S.

~~(c) All providers shall be ranked according to their final score. Kindergarten student scores on the FAIR assessment administered during the first 30 days of the school year must demonstrate a probability of reading success of .67 or higher to be considered "ready for kindergarten". Kindergarten student scores on the ECHOS must indicate that the student is either "emerging/progressing" or "demonstrating" to be considered "ready for kindergarten". In order for a provider to be considered to have successfully administered the VPK program, the provider must have a minimum of seventy (70) percent of children ready using the calculations described in section (3) above. A provider failing to meet this standard will be considered a Low Performing Provider.~~

(de) The Department shall publish each VPK program provider's readiness rate.

(4) VPK Provider Kindergarten Readiness Rates. VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.

(5) Low Performing VPK Providers. If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be designated as a low performing VPK provider, notified of each designation by the Department, and acknowledge such designation on the Department's website within 21 days of the publishing of the final readiness rate ~~State Board of Education's adoption of the minimum readiness rate.~~

Rulemaking Authority 1002.69(5), (6), 1002.73(2)(c) FS. Law Implemented 1002.69(5), (6) FS. History—New 6-3-07, Amended 1-16-08, 1-5-09, 12-15-09, 10-25-10_____.

6A-1.099824 Voluntary Prekindergarten (VPK) Low Performing Provider Good Cause Exemption.

Pursuant to Section 1002.69, F.S., the State Board of Education, upon request of a private prekindergarten provider or public school that remains on probation for two (2) consecutive years or more and subsequently fails to meet the minimum rate adopted under Section 1002.69(6)(a), F.S., and for good cause shown may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(1) The following process must be followed in order for a provider to be eligible to receive a good cause exemption:

- (a) The provider must acknowledge being a low performing provider and provide a notice that they intend to apply for a good cause exemption immediately following the first occurrence of failing to meet the readiness rate adopted by the State Board of Education. A provider that has been deemed low performing is on probation upon issuance of the final readiness rates by the Department and will remain on probation until such time that the provider has been issued a VPK readiness rate that meets the minimum rate set by the State Board of Education.
- (b) The provider must adhere to all requirements of probation associated with having not met the readiness rate.
- (c) The provider must assess each child enrolled in their program in accordance with paragraph (2)(a) below.

(2) Criteria for Granting Good Cause Exemptions. Each of the following criteria must be met to be granted a good cause exemption:

(a) Learning Gains. The private prekindergarten provider or public school must demonstrate learning gains on a standardized assessment approved by the Department ~~that tracks the achievement and progress over time of the children having completed the provider's VPK program.~~ The ratio of students making learning gains to the total number of students assessed must be proportional to the ratio of students ready for kindergarten reflected in ~~the current year's~~ the readiness rate. The documentation of learning gains shall meet the following criteria:

1. Providers ~~must may~~ utilize an assessment approved by the Department. A provider seeking a good cause exemption shall have the early learning coalition or a department-approved second party administer the state-approved prekindergarten enrollment screening to each child in the prekindergarten provider's program within the first 30 instructional days of each school year program or the first 10 instructional days of a summer program, and the provider shall administer the standardized post-assessment approved by the Department to measure the student's learning gains for the year or summer, as appropriate. ~~from a list of Department-approved assessments which may be accessed on the Department's website at <https://vpk.fldoe.org/Downloads/ProviderAcknowledgement.pdf>. A provider using an assessment which does not appear on the list of approved assessments must include technical documentation supporting the standardized assessment as evidence of the reliability standard of the assessment and must address VPK standards incorporated in Rule 6A-1.099823, F.A.C., not limited to, but including emergent literacy. The standardized assessment must have an internal consistency reliability coefficient of 0.70 or greater as documented in the publisher's technical manual.~~ All costs associated with the assessments shall be borne by the VPK program provider.

2. Testing procedures for the each assessment shall be performed according to the publisher's guidelines and assessment results shall be tabulated according to the publisher's guidelines. The provider shall take appropriate measures to ensure the integrity of the testing process. The resulting data from the standardized assessment must be input into a system as designated by the Department. All data must be submitted to the Department within 30 days after the administration of each assessment, presented in a manner that is clear, concise and easily allows the reviewers to determine the achievement and progress made by the children who completed the VPK program. Applicant must submit a summary of the data using the Department's VPK Good Cause Exemption Data Form VPK-GCE-01, March 2011, (<http://www.flrules.com/Gateway/reference.asp?No=Ref-00031>) which is incorporated by reference herein.

3. At a minimum, data must be provided for all years following the ~~third~~ first year of a provider having been designated a low performing provider. ~~Additional data may be included.~~ Assessment results for all program completers who were assessed shall be included. ~~in the documentation provided.~~ An explanation shall be included for any program completers who were not assessed.

4. The results of the assessment shall demonstrate substantial and appropriate learning gains by program completers. Learning gains are substantial and appropriate if the ratio of students making learning gains to the total number of students assessed is proportional to the ratio of students ready for kindergarten reflected in the current year's readiness rate 70% or greater.

(b) ~~Student Population. The private prekindergarten provider or public school must have served at least twice the statewide percentage of children with disabilities as defined in Section 1003.01(3)(a), F.S., or children identified as limited English proficient~~

as defined in Section 1003.56, F.S. Student Population. The private prekindergarten provider or public school must have served at least fourteen (14) percent of children with disabilities as defined in Section 1003.01(3)(a), F.S. or the private provider or public school must have served at least forty (40) percent of children identified as English Language Learners as defined in Section 1003.56, F.S.

(c) Health and Safety Requirements. Pursuant to Section 1002.69(7)(d), F.S., a good cause exemption may not be granted to any private prekindergarten provider that has any Class I violations or two or more Class II violations within the 2 years preceding the provider's or school's application for the exemption. For purposes of this rule, Class I violations and Class II violations have the same meaning as provided in Section 402.281(3), F.S. The good cause exemption application must include copies of all Department of Children and Families Childcare Inspection Checklists for all inspections performed by the Department of Children and Families under authority of Sections 402.301-402.319, F.S., during the two-year time period prior to application for good cause exemption.

(d) Individual Circumstances. Extraordinary or unique circumstances under which the provider should be allowed to continue to deliver the Voluntary Prekindergarten Education Program after having been designated as low performing for at least four (34) consecutive years.

(e) Adherence to an approved provider improvement plan under Section 1002.67(3)(c), F.S., following all steps towards improvement specified in the plan including the use of a Department-approved curriculum or a staff development plan approved by the Department.

~~(23) Calculation of Percentages: Calculation of Percentages:~~

~~(a) The statewide percentage of kindergarten children with disabilities or limited English proficient students shall be calculated based on the October FTE enrollment survey.~~

~~(b) A provider's percentage of children with disabilities shall be calculated based on the number of children with disabilities who were included in the provider's last readiness rate divided by the total number of students included in the provider's last readiness rate.~~

~~(c) A provider's percentage of limited English proficient students shall be calculated based on the number of limited English proficient students who were included in the provider's last readiness rate divided by the total number of students included in the provider's last readiness rate.~~

~~(a) The percentage of kindergarten children with disabilities or as English language learners shall be calculated based on the most recent annual October FTE enrollment survey information for those students included in each provider's readiness rate.~~

(34) Application. A provider seeking a good cause exemption shall complete the Department's VPK Good Cause Exemption Application Form VPK-GCE-02, March 2011, (<http://www.flrules.com/Gateway/reference.asp?No=Ref-00032>) which is incorporated by reference herein. The sole method of submitting this form will be through the Department's website. The submission of an application for a good cause exemption must adhere to the following:

(a) ~~In addition to the application form, the provider must submit with the application supporting documentation meeting the criteria described in subsection (1) of this rule.~~ the provider may submit additional documentation in support of its application. The Department may request additional documentation for verification of eligibility.

(b) A third year ~~fourth year~~ low performing provider may submit a good cause exemption application at any time after the release of the annual preliminary VPK Readiness Rates. Supporting documentation submitted with the application must include a review of adherence to the provider improvement plan, fidelity of implementation of the required curriculum or staff development pursuant to Section 1002.67(3)(c)2., F.S., and feedback from the previous year Department's site visits. The good cause exemption application and all supporting documentation must be received by the Department no later than fourteen (14) days after the timely filed provider acknowledgment of being a low-performing provider submitted pursuant to Rule 6A-1.099821, F.A.C.

(c) The Department may grant an extension of time for submitting the good cause exemption application or supporting documentation for good cause shown. Good cause includes unavoidable circumstances such as illness or natural disaster, or excusable neglect.

(45) Department Review and Recommendation.

(a) Eligibility. The Department shall review each application for a good cause exemption to verify that the provider is eligible to apply. The Department shall deny any application that is submitted by a provider who does not meet the criteria described in paragraph (1)(b) or (1)(c) of this rule, without further review.

(b) The Department will review each application for a good cause exemption filed by an eligible provider, and shall make a recommendation to the State Board of Education as to whether or not to grant the good cause exemption to the provider. The

Department may include outside consultants in the review process. The Department may request additional information from providers to supplement provider applications and may consider additional relevant documentation gathered or received by the Department from any source. The Department shall allow the provider an opportunity to rebut any evidence considered that was not submitted by the provider.

(c) The Department will consider each application individually and shall include in its recommendation and report:

1. Whether the provider met the criteria described in subsection (1) of this rule;
2. Whether the provider was previously granted a good cause exemption;
3. The readiness rates of other providers in comparable circumstances, if such information is available and relevant;
4. Whether the circumstances warrant granting the request for a good cause exemption; and
5. Whether any conditions should be imposed upon the grant of a good cause exemption. Each conclusion or recommendation shall be accompanied by an explanation in the report.

(d)1. The Department shall issue a preliminary recommendation and report and provide a copy of it to the provider.

2. The provider may submit a written response to the Department's preliminary recommendation and report within fourteen (14) days of receipt.

3. The Department shall consider any timely response and revise the recommendation and report, if appropriate.

(5) State Board of Education Determination.

(a) The Department will make its final recommendation to the State Board of Education by forwarding a final recommendation and report to the State Board of Education regarding each application submitted. A copy of the final recommendation and report will be provided to the applicant.

(b) The Department will provide to the State Board of Education copies of the following documents:

1. The provider's good cause application, with supporting documents;
2. Additional documentation considered by the Department in making its recommendation;
3. The Department's preliminary recommendation and report;
4. The provider's response to the preliminary recommendation and report, if one was submitted; and
5. The Department's final recommendation and report.

(c) The State Board of Education may consider a provider's application based on the written submissions alone or may, in its discretion, allow oral argument before the Board.

(d) The State Board of Education shall grant or deny each application. The State Board of Education may conditionally grant an application if, but for the proposed condition(s), the application would be denied.

(e) The Department shall notify the ~~Florida's Office of Early Learning Agency for Workforce Innovation~~ of all good cause exemptions granted by the State Board of Education. Any provider granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under Section 1002.67(3)(c)2., F.S. Any exemption granted by the State Board of Education is valid for one (1) year and may be renewed through the same application process.

(f) The Department will provide onsite review of adherence to the curriculum as approved in the provider improvement plan pursuant to Section 1002.67(3)(c), F.S., implementation of the VPK standards and research based instructional practices, and ensure that ongoing student progress monitoring is administered by all providers granted a good cause exemption.

Rulemaking Authority 1002.73(2), 1002.69(7) FS. Law Implemented 1002.67(3), 1002.69(7) FS. History—New 3-24-11, _____.