

**Florida Department of Education
Office of Early Learning
2016-17 Agency Regulatory Plan**

**I. Laws enacted during the previous 12 months which create or modify the duties of the agency
(s. 120.74(1)(a), F.S.)**

Law (Laws of Florida citation)	Is Rulemaking Mandatory?	Is Rulemaking Necessary to Implement The Law?	Notice of Rule Development Published/FAR citation	Date by Which Agency Expects to Publish Notice of Proposed Rule
Ch. 2016-66 (HB 5001)				
s. 2, specific appropriation 88 *Modified the assessment method to be utilized by VPK providers.	No.	Yes. Rule 6M-8.620 VPK Pre- and Post-Assessments must be amended to remove reference to assessment test that will no longer be utilized.	March 3, 2016/ Vol. 42, no. 43	April 28, 2016
Ch. 2016-237 (CS/CS/HB 7029)				
s. 6, amending s. 1002.53, F.S., to: * Include young five-year-old children as eligible for VPK education program.	No.	Yes. Rule 6M-8.201 Child Enrollment Procedure for VPK must be amended to add the enrollment process for the additional children made eligible by the legislative change.	March 3, 2016/ Vol. 42, no. 43	April 28, 2016

Ch. 2016-238 (HB 7053)				
<p>s. 16, amending s. 1002.82, F.S., requiring OEL to:</p> <ul style="list-style-type: none"> *Adopt health and safety checklist that does not exceed requirements of s. 402.305 and the Child Care and Development Fund, 45 C.F.R. part 98 *Enter into memorandum of understanding with local licensing and DCF to provide inspections of school readiness program providers and to monitor and verify compliance with adopted health and safety requirements *Establish preservice and in-service training requirements *Establish standards for emergency preparedness *Establish group sizes *Establish staff to child ratios <p>s. 19, amending s. 1002.88, F.S, to :</p> <ul style="list-style-type: none"> * Extend the requirement to provide basic health and safety requirements to all providers contracting to be a school readiness program provider 	<p>Yes.</p>	<p>Yes.</p> <p>Rule 6M-4.620; Health and Safety Checklist must be amended to add the additional requirements as needed to comply with federal changes to the Child Care and Development Block Grant</p>	<p>May 6, 2016,/ Vol. 42, no. 89; May 19, 2016/ Vol. 42, no. 98; May 24,2016/ Vol. 42, 101; June 9, 2016/ Vol.42, no. 112</p>	<p>July 8, 2016</p>

<p>s. 16, amending s. 1002.82, F.S., requiring OEL to:</p> <p>*Establish eligibility criteria</p> <p>s. 18, amending s. 1002.87, F.S., to:</p> <p>*Modify language addressing how eligibility is affected by temporary breaks in employment status or attendance at job training or educational program</p>	<p>Yes.</p>	<p>Yes.</p> <p>Rule 6M-4.200 School Readiness Eligibility Provisions must be amended to modify language to include statutory changes and to include new federal provisions.</p>	<p>August 2, 2016/ Vol. 42, no.149 September 1, 2016/ Vol. 42, no. 171</p>	<p>September 23, 2016</p>
<p>s. 16, amending s. 1002.82, F.S, requiring OEL to:</p> <p>*Establish eligibility criteria, including limitations based on income and family assets, in accordance with s. 1002.87 and federal law</p>	<p>No.</p>	<p>Yes.</p> <p>Rule 6M-4.208 Verification of Employment & Income must be amended to address modifications to the federal requirements related to school readiness recipients.</p>	<p>August 2, 2016/ Vol. 42, no.149 September 1, 2016/ Vol. 42, no. 171</p>	<p>September 23, 2016</p>
<p>s. 17, amending s. 1002.84, F.S. to:</p> <p>*Strike the required twice-a-year redetermination</p>	<p>No.</p>	<p>Yes.</p> <p>Rule 6M-4.209 Redetermination of Eligibility for Financial Assistance must be amended to remove the requirements as statutorily changed and to address modifications to the federal requirements related to redetermination of school readiness recipients. This rule will be repealed and incorporated into Rule 6M-4.200.</p>	<p>August 2, 2016/ Vol. 42, no.149 September 1, 2016/ Vol. 42, no. 171</p>	<p>September 23, 2016</p>

<p>s. 17, amending s. 1002.84, F.S. to:</p> <p>*Add provisions requiring the parent copayment be in an amount that is not a barrier to receiving school readiness program services *Establishes level for permitted temporary waiver of parental copay</p>	<p>No.</p>	<p>Yes.</p> <p>Rule 6M-4.400 Required Parent Co-payment must be amended to address criteria added in statute as well as to address modifications to the federal requirements related to co-payments from school readiness recipients.</p>	<p>August 2, 2016/ Vol. 42, no.149 September 1, 2016/ Vol. 42, no. 171</p>	<p>September 23, 2016</p>
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II. Additional laws that the agency intends to implement by rulemaking (s. 120.74(1)(b), F.S.)

Law/Statute	Rule No.	Rule Title	Purpose of rulemaking (simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary or redundant rules.
1002.82(2)(c) 1002.82(2)(f)1.a.(III) 1002.82(p) 1002.87(8), (9)	6M-4.500	Child Attendance and Provider Reimbursement	Updating-To reflect generally accepted payment practices of paying for services within 21 days
1002.82(2)(c) 1002.82(2)(f)1.a.(III) 1002.82(p)	6M-4.501	Reimbursement During Emergency Closures	Updating-To include emergency preparedness changes
1002.82(2)(m), (6) 1002.82 1002.84(8), (10), (15), (17), 1002.85(2)(h) 1002.87(2) 1002.88 1002.91 1002.97(3)	6M-4.610	Standard Statewide School Readiness Provider Contract	Updating-For clarification and to include federal requirements (currently in process of rulemaking; proposed rule published on September 2, 2016; vol. 42, no. 172)
1002.82(2)(o) 1002.84(15) 1002.85(2)(h)	6M-4.630	Statewide School Readiness Provider Monitoring Tool	Updating-To align with changes made in Rule 6M-4.610
1002.53(4),(5) 1002.75(2)(a),(b) 1002.82(2)(n)	6M-8.201	Child Enrollment Procedure for the Voluntary Prekindergarten (VPK)	Simplify-Combine parent guide and parent handbook; Require VPK class field

		Education Program	
1002.75(2)(a)	6M-8.2011	Voluntary Prekindergarten Parent Guide	Increase Efficiency/Delete as unnecessary-Combine with parent handbook adopted in rule 6M-8.201
1002.55 (3), (4) 1002.61(3), (8)(a) 1002.63 1002.75(2)(c), (d)	6M-8.300	Provider and Class Registration Procedures	Increase Efficiency and Simplify-Update application and registration forms and address the problematic issue of providing instructor information prior to center knowing which instructor will be teaching the VPK class(es)
1002.55(3)(i) 1002.61(3) 1002.63(3)(b) 1002.75(1) 1002.91(5),(7)	6M-8.301	Standard Statewide Provider Contract for the VPK Program	Clarify- Include needed modifications (currently in process of rulemaking; proposed rule published on September 1, 2016; vol. 42, no. 171)
1002.85(1)	6M-9.115	Procedures and Criteria for Approval of School Readiness Plans	Updating—To include information regarding the other rules that were updated this year.

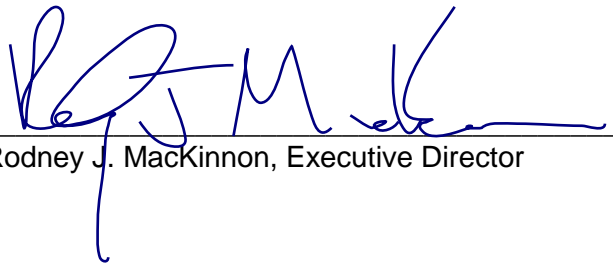
III. Update on Rules Outstanding from 2015-16 Agency Regulatory Plan (s. 120.74(1)(c), F.S.)

Law/Statute	Rule No.	Rule title	Comment
1002.84(7) 1002.87(1)(c)	6M-4.208	Verification of Employment and Income	Legislative changes adopted during 2016 to address new federal requirements. Rule is now listed above.
1002.84(7) 1002.87(1)(c)	6M-4.209	Redetermination of Eligibility for Financial Assistance	Legislative changes adopted during 2016 to address new federal requirements. Rule is now listed above.
1002.81(14), 1002.82(2)(f)1.c., 1002.84(2), 1002.85(2)(c)2., 1002.87(3)	6M-4.300	Waiting List Procedures	Proposed rule filed volume 42, no. 90; final rule adopted; effective date August 21, 2016
1002.71(4), 1002.75(2)(a) FS.	6M-8.210	Reenrollment for Good Cause or Extreme Hardship in the VPK program	Proposed rule filed volume 42, no. 88, final rule adopted and effective July 28, 2016
1002.55 (3), 4) 1002.61(3),(8)(a) 1002.63 1002.75(2)(c), (d)	6M-8.300	Provider and Class Registration Procedures	See above Nothing at this time. Dependent upon modernization of online data and registration system.
1002.69(5), (6)	6M-8.601	VPK Provider Readiness Rate	Proposed rule filed vol. 41, no. 246; notice of withdrawal filed vol. 42, no. 53 Chapter law 2016-237, section 36 temporarily suspended issuance of readiness rate
1002.55(3)(g) 1002.57	6M-8.610	Director Credential	Proposed rule filed volume 41, no.62; final rule adopted and effective January 11, 2016. .

IV. Certification

I certify that this Agency Regulatory Plan has been reviewed by the undersigned. I further certify that the Office of Early Learning regularly reviews all of its rules to determine if the rules remain consistent with the Office’s rulemaking authority and laws implemented and that the most recent review was conducted during the months of June-July 2016.

Date this 30th day of September, 2016



Rodney J. MacKinnon, Executive Director

Margaret O'Sullivan Parker
Margaret O'Sullivan Parker, General Counsel