



# Implementing Early Learning Legislation – HB 7165

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## Questions and Answers about HB 7165 for School Readiness and VPK Providers

During the 2013 session, the Florida Legislature passed important early learning legislation. Designed to improve quality and bring more accountability and transparency to the state's early learning programs, HB 7165 takes effect July 1, 2013. The law moves the Office of Early Learning into the Florida Department of Education, consolidates current FDOE duties and responsibilities for voluntary prekindergarten within OEL and implements a number of changes to the current system.

**July 2013**



## **Questions and Answers about Early Learning Legislation – HB 7165 for School Readiness and VPK Providers**

After listening to early learning advocates across the state, visiting early learning coalitions and considering how to provide high-quality early learning opportunities to families in Florida, the Florida Legislature passed important new early learning legislation—HB 7165—during the 2013 session that took effect July 1, 2013. Designed to improve quality and bring more accountability and transparency to the state’s early learning programs, the law moves the Office of Early Learning into the Florida Department of Education, consolidates current department duties and responsibilities for voluntary prekindergarten within early learning, and implements a number of changes to the current system.

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## Timing

### 1. What items absolutely must and will be effective July 1?

Upon signing by Governor Rick Scott June 28, 2013, HB 7165 bill became law July 1. Here are some key dates to remember with regard to implementation.

- **July 1, 2013** – HB 7165 took effect.
- **August 1, 2013** – New school readiness eligibility priorities take effect.
- **October 1, 2013** – Coalitions must provide their annual reports to the Office of Early Learning (OEL). OEL's deadline for developing a reorganization plan.
- **July 1, 2014** – The OEL begins collecting and reporting data on coalitions' delivery of early learning services including fraud intervention, waiting list reduction and ratio of children served to administrative staff. Effective date of new requirement for VPK instructors to complete standards course.

### 2. Having so many new processes in place now does not seem achievable. How should we be proceeding?

Local early learning coalitions are reviewing provider agreements to be sure they comply with HB 7165. Coalitions are working with the OEL and providers to allow time to develop standard statewide contracts and processes that need to be in place moving forward and help providers understand how to comply with the new insurance requirements.

## Governance/Organization

### 3. The bill states that the OEL will be housed in the Office of Independent Education and Parental Choice in FDOE. What does that do to the current office?

It will bring early learning functions handled by FDOE into the OEL. To distinguish it from K-12 public schools, OEL will be located administratively in the school choice office, but its physical location will remain at 250 Marriott Drive in Tallahassee. The bill specifies that OEL's executive director will report to the Commissioner of Education.

### 4. Will OEL administer school readiness and VPK programs?

Yes. OEL continues to be responsible for developing and implementing the VPK program and overseeing federal and state funds for school readiness, including childcare resource and referral services. The VPK bureau in FDOE has been responsible for curriculum, standards and accountability; those functions move into OEL.

### 5. What role will the State Board of Education have with regard to rulemaking?

OEL is to adopt rules for school readiness and VPK, then submit them to the state board to approve or disapprove. The board has 60 days to act on a rule before it is filed with the Department of State.

### 6. What items have to go through rule promulgation?

Items that refer to *adopting* rules typically go through rule promulgation. Examples include adopting statewide standard VPK and school readiness provider contracts and a uniform waiting list.

### 7. Has OEL developed a timeline or a list of priorities for moving forward on promulgating rules?

Yes. The office has developed a list of priorities and will provide updates on rulemaking activities after the bill is signed or otherwise becomes law.



### **Provider School Readiness Contracts**

**8. When will OEL have the 2013-2014 school readiness provider contract?**

We are working on a draft and will forward it to coalitions for review as soon as possible.

**9. Can coalitions amend and extend their current school readiness provider contracts?**

Yes. Coalitions have been asked to consider amending and extending current school readiness contracts to provide enough time for OEL to develop a new contract and to allow a grace period to adopt the requirements of the new law.

### **Provider VPK Contracts**

**10. When will OEL have the 2013-2014 VPK fall provider contract?**

We are working on a draft and will forward it to coalitions for review as soon as possible.

**11. Do the 2013 summer VPK provider contracts need to be revised?**

No. The contract does not need to be amended since the 2013 Summer VPK Program was already underway prior to the effective date of HB 7165.

### **Requirements for VPK and School Readiness Providers (Insurance)**

**12. As a school readiness and/or VPK provider do I need to obtain liability insurance and name the early learning coalition as an additional named insured?**

Yes, all providers including religious exempt need to obtain liability insurance and name the early learning coalition as an additional insured.

**13. Does a family child care home with one employee need to carry workers compensation insurance as specified in HB 7165?**

No. Florida law specifies that companies with fewer than four employees are exempt from workers compensation requirements.

**14. How do I obtain liability insurance for my childcare facility?**

Contact your insurance agent or call your provider association for assistance.

**15. HB 7165 states that a provider must obtain and retain an insurance policy that provides a minimum of \$100,000 of coverage per occurrence and a minimum of \$300,000 general aggregate coverage, but can request a lower limit as appropriate. How do I request a lower limit?**

The office is working on procedures to request a lower limit.

**16. Does HB 7165 require childcare providers to carry workers compensation insurance?**

Yes. Please visit the Division of Workers Compensation for all questions regarding workers compensation insurance <http://www.myfloridacfo.com/wc/index.htm>. If you have more in-depth questions on workers comp, you should contact the Division of Worker Compensation of the Florida Department of Financial Services, your insurance agent or your attorney.



Please note that while the reference to workers compensation in the law is new, it is not a new requirement for providers. It existed previously under the Workers Compensation law. Unless exempt, providers have already been required to maintain Workers Compensation coverage.

**17. Does HB 7165 require providers to carry unemployment compensation?**

Yes. However, certain providers may be exempt. Please see the attached link to the Florida Department of Revenue's tutorial for the basics: <http://dor.myflorida.com/dor/training/ut/>. Also see the Department of Revenue website: <http://dor.myflorida.com/dor/taxes/reemployment.html#reference>.

## **Requirements for VPK and School Readiness Providers (Health and Safety)**

**18. What is the new requirement for a health and safety checklist?**

Providers who are exempt from licensing under Sections 402.316 or 402.3025, Florida Statutes, must post a health and safety checklist in their centers. The OEL is working with the Department of Children and Families to develop the checklist. The bill requires providers to post the checklist prominently on their premises in plain sight of visitors and parents.

## **Requirements for VPK Providers**

**19. Will private providers and public schools be able to enroll students in the VPK program under this bill?**

Yes. Private providers and public schools meeting specified requirements can enroll students in VPK.

**20. Does the bill address VPK provider eligibility?**

Yes. The bill requires OEL to streamline the provider eligibility process whenever possible.

## **Spending/Finance**

**21. What is the base student allocation for VPK for the 2013-2014 school year?**

The base student allocation for a full-time equivalent student for 2013-14 is \$2,383 for VPK school-year programs and \$2,026 for summer programs.

## **Preventing Fraud**

**22. When will early learning coalitions have to submit anti-fraud plans?**

HB 7165 directs OEL to adopt rules that establish criteria for anti-fraud plans. A template of the anti-fraud plan will be developed and shared before adopting the rule.

**23. The bill's language prohibits early learning coalitions from contracting with providers on the USDA Food Program National Disqualified List and providers who have committed public assistance fraud. How will early learning coalitions know which providers meet these conditions?**

The OEL's inspector general will send out monthly updates that will provide this information.



## Eligibility for School Readiness

**24. Will coalitions have to disenroll some children after redetermination if they fall into a lower priority group category?**

Children who are currently served in the School Readiness Program and meet one of the nine priorities should remain in the program. Disenrollments should only occur based on available school readiness funding, a participant's failure to meet eligibility or program participation requirements, or fraud.

**25. If the coalition determines a child in my center to be ineligible for the School Readiness Program, will I receive a notice?**

Yes. Providers with children currently enrolled in their centers will receive a notice from the coalition if the coalition disenrolls a child from their program.

**26. When will parents currently participating in the School Readiness Program be subject to the new eligibility priorities?**

The effective date for the new eligibility priorities is August 1, 2013. Coalitions will redetermine parents whose children were enrolled in the School Readiness Program prior to August 1, 2013, based on the new eligibility priorities during their next eligibility interview.

**27. Are school age children eligible to receive school readiness services at my center?**

Yes. The new eligibility priorities allow school age children to enroll in the School Readiness Program.

## Assessments

**28. Must we conduct preassessments and postassessments on children participating in school readiness? Whose responsibility is it?**

The new legislation requires early learning coalitions to "implement an age-appropriate preassessment and postassessment of children if specified in the coalition's approved plan." If a coalition does not have an approved plan outlining their assessment process, they are not required to implement preassessments and postassessments. The bill prohibits the OEL and early learning coalitions from requiring childcare providers to administer preassessments or postassessments.