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PROGRAM GUIDANCE 206.05

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Early Learning Coalition Board Membership

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This document is offered as interim program guidance by the Agency for Workforce Innovation while the Agency engages in the rule promulgation process. To the extent not established by Florida law or agreed upon, compliance with the terms of this document is voluntary.

Summary

This document is offered by the Agency for Workforce Innovation (the Agency) as guidance to assist early learning coalitions (coalitions) in determining the composition of their board membership. This guidance replaces OEL-PI-0003-05 (March 24, 2005), OEL-PI-0012-05 (May 11, 2005), and OEL-PI-0028-05 (August 5, 2005).

Background

During the 2010 legislative session, the Legislature passed Senate Bill 2014 – Relating to Early Learning, which the Governor signed into law on June 4, 2010. The bill revised the legislation related to early learning coalition board membership, terms of service, voting privileges, and filling board vacancies.

Section 411.01(5)(a)4. – 13., Florida Statutes (F.S.), provides the statutory requirements covering early learning coalition board membership including the number of board members, board composition, private sector business member requirements, criteria for exercise of voting privileges, determination of conflict of interest, and member term length.

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Section 411.01, F.S., the School Readiness Act, requires the Agency to “adopt standards establishing...the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges” (s. 411.01(5)(a)4., F.S.). These standards must include “variations for a coalition serving a multicounty region.” The School Readiness Act requires each early learning coalition to comply with these standards. In addition, the law requires that an early learning coalition serving a multicounty region must “include representation from each county” (s. 411.01(5)(a)12., F.S.).

Program Guidance

(1) *Definitions.*

- (a) “Business entity” means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state. The term does not include a corporation not-for-profit organized under chapter 617, F.S., or a non-profit cooperative association organized under chapter 621, F.S., unless the corporation or association is among the largest 25 percent of employers, ranked by number of employees, in a county within an early learning coalition’s region. The term does not include a private school corporation organized under chapter 623, F.S. Statistical information on businesses located within the county may be viewed on the local Economic Development Council website which may be located at http://www.floridatrend.com/bf_county_econdev.asp.
- (b) “Ex officio” means a board member whose position on the board is by virtue of the office or position he or she holds. *For example, the president of a community college is considered an ex officio member since he or she is designated a member of the coalition board by virtue of being the president of the community college.*
- (c) “Relative” has the meaning established in section 112.3143, F.S.: any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.
- (d) “Substantial financial interest” as used in this guidance, refers to standards established by the Agency in accordance with section 411.01(5)(a)7, F.S., for appointment of private sector business members. A coalition board member, a coalition board member’s relative, or a coalition board member’s business entity has a substantial financial interest in the Voluntary Prekindergarten Education (VPK) Program or an early learning coalition’s School Readiness Program, if:
 - 1. The coalition board member, the coalition board member’s relative, or the coalition board member’s business entity has direct or indirect ownership of more than 5 percent of the total assets or capital stock, cumulatively, of

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one or more of the proscribed sources of income listed in section (2) below; or

2. During the prior two (2) years, more than 5 percent of the gross income of the coalition board member, coalition board member's relative, or coalition board member's business entity was derived, cumulatively, from one or more of the proscribed sources listed in section (2) below.

(2) *Proscribed sources of income.*-Proscribed sources of income are sources of income derived from interests in the design or delivery of the VPK Program or the School Readiness Program, including, but not limited to, the following sources:

- (a) The Agency for Workforce Innovation, the Agency's Office of Early Learning, the Department of Children and Families, the Department of Education, or a contractor or subcontractor of any of these agencies;
- (b) An early learning coalition, or a coalition's or former coalition's fiscal agent, service provider, contractor, or subcontractor;
- (c) A school district's or public school's preschool program for children from birth until eligibility for admission to kindergarten in a public school under section 1003.21(1)(a)2., F.S., if the coalition board member's or coalition board member's relative's income was derived from employment in an elected or appointed position in the school district or public school which is responsible for:
 1. Financial decisions affecting the preschool program, including development of the program's budget or disbursement of funds for the program;
 2. Recommendation or adoption of rules, regulations, or policies relating to the operation of any aspect of the preschool program;
 3. VPK or School Readiness program instruction, curriculum development, or service delivery; or
 4. Management of the preschool program's operations or personnel, or for personnel carrying out the responsibilities described in (2)(c)1. – 3. above;
- (d) A public or private provider delivering the VPK Program;
- (e) A public or private provider delivering an early learning coalition's School Readiness Program;
- (f) A national child care accrediting organization providing accreditation to Florida-based child care providers, public schools, or private schools;

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- (g) A Department of Children and Families approved Gold Seal child care accrediting organization,
 - (h) An accrediting association that is a member of any of the organizations listed in paragraphs (2)(f) or (2)(g) above;
 - (i) A vendor of educational materials or supplies, including, but not limited to, books, curricula, or equipment; and
 - (j) An organization designed to represent any of the individuals, organizations, or business entities listed in (2)(a) through (2)(i) above.
- (3) ***Coalition membership.***—Section 411.01(5)(a), F.S., requires each early learning coalition to appoint coalition members consistent with the following criteria:
- (a) ***Required members.***—Section 411.01(5)(a)5. and 6., F.S., requires each coalition’s board to include the following 13 members:
 1. Chair appointed by the Governor;
 2. Two private sector business members appointed by the Governor;
 3. Department of Children and Family Services circuit administrator or designee;
 4. District Superintendent of schools or designee;
 5. Regional workforce development board executive director or designee;
 6. County health department director or designee;
 7. President of community college or designee;
 8. Member appointed by board of county commissioners or the governing board of a municipality;
 9. Head Start director;
 10. Representative of private for-profit child care providers;
 11. Representative of faith-based child care providers; and
 12. Representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

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(b) *Conditional members.*—Section 411.01(5)(a)6.e., f., and i., F.S., requires each coalition’s membership, if applicable, to include each of the following three conditional members:

1. Children’s services council or juvenile welfare board¹ chair or executive director;
2. Agency head of local licensing agency as defined in s. 402.302; and
3. Central agency administrator.

(c) *Private sector business members.*—Including the chair and two coalition members appointed by the Governor, private sector business members must comprise more than one-third of each early learning coalition’s board membership.

1. A private sector business member of an early learning coalition should:
 - a. Reside in Florida; and
 - b. Be an employee, manager or owner of a business entity, as defined for the purposes of this guidance that operates in the coalition’s area of responsibility.
2. A private sector business member of a coalition should not be an employee, manager, or owner of an organization that is not a business entity as defined for the purposes of this guidance. For example, an individual should not be an employee, manager, or owner of:
 - a. The early learning coalition or of the fiscal agent, service provider, contractor, or subcontractor of the coalition;
 - b. A School Readiness provider, private prekindergarten provider, public school, or school district;
 - c. A child care facility, family day care home, large family child care home, nonpublic school, or faith-based child care provider;
 - d. A state university, community college, or other public educational institution;
 - e. The federal or state government; a state, county, or municipal government; or a public agency; or

¹ In accordance with s. 125.901(1)(a), F.S., a children’s services council may also be cited as a juvenile welfare board or similar name. (Pinellas County is the only county that currently uses a designation other than children’s services council.)

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- f. A not-for-profit corporation or a non-profit cooperative association unless such corporation/association is among the largest 25 percent of employers, ranked by number of employees, in a county within an early learning coalition's region.
3. A private sector business member of an early learning coalition should not have a substantial financial interest in the design or delivery of the VPK Program or an early learning coalition's School Readiness Program.
 4. Section 411.01(5)(a)7., F.S., requires that "more than one-third of the members of each early learning coalition must be private sector business members." The ratio of private sector members is based on the total number of seated board members. Vacant member positions are not included in the total board membership calculation; however, coalitions must make every effort to fill vacant positions. In order to meet this requirement an early learning coalition must appoint additional members who meet the criteria for appointment as a private sector business member. *For example, if an early learning coalition has a 15 member board, then the coalition will meet this requirement if it has appointed six (6) private sector business members.*
- (d) *Ex officio members.*— Per section 411.01(5)(a)6.,F.S., coalition boards in multi-county coalitions may have "ex officio" members or multiple nonvoting members with only one voting member seated per ex officio member position.
 - (e) *Optional members.*— Coalitions may, but are not required, to appoint optional members.

Section 411.01(5)(a), F.S., requires the Agency to adopt standards establishing the minimum and maximum number of members that may be appointed to an early learning coalition. In addition to the required and conditional members specified in law, each early learning coalition is authorized, but not required, to appoint up to two optional members from each county served by the coalition, subject to the following standards:

1. Each optional member must reside in, or must represent a legal entity located in, the county from which the member is appointed.
2. Except as provided in (3)(e)4. below, an optional member and the member's relatives must not have a substantial financial interest in the design or delivery of the VPK Program or the coalition's School Readiness Program.
3. The appointment of an optional member must not duplicate the representation of an organization or of a required, conditional, or private sector membership position listed in (3)(a), (3)(b), or (3)(c) above. *For example, if a coalition*

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appoints a representative of ACME Industries, Inc., the coalition may not appoint another representative from ACME.

4. A coalition may appoint as an optional member, a representative of a non-profit child care provider. Notwithstanding (3)(e)2 above, an optional member appointed under this paragraph may have a substantial financial interest in the design or delivery of the VPK Program or the coalition's School Readiness Program.
 5. Each early learning coalition is encouraged to appoint as one of its optional members a parent of a child enrolled in the VPK Program or the coalition's School Readiness Program. The parent must meet the requirements of (3)(e)1., (3)(e)2., and (3)(e)3. above.
- (4) ***Number of members.***—Each coalition must be composed of at least 15 members but not more than 30 members. Within this range, a coalition's membership may not exceed the number of members necessary for the appointment of the required members, conditional members, private sector business members, and optional members authorized by this program instruction.
- (5) ***Geographic representation.***—Each multicounty coalition's membership must be geographically representative of each county served by the coalition and must, at a minimum, include one member from each county within each coalition's service area.
- (6) ***Voting and non-voting requirements among members.*** —
- (a) If an early learning coalition has filled an ex officio member position with multiple individuals, only one may serve as a voting member and all others may serve as nonvoting members. Coalitions should consider the general principles of fairness in determining which individual will serve as a voting member, should regularly rotate the voting privilege among the individuals filling the ex officio member position, and should ensure, to the extent possible, an equitable division of voting members among the counties within the coalition's service area.
 - (b) Each voting member, for the purposes of section 112.3143(3)(a), is considered a local public officer and must disclose, in accordance with the provisions of section 112.3143(3)(a), the nature and extent of any conflict of interest and abstain from voting or participating when a conflict of interest exists. Furthermore, no voting member shall participate in the selection, award and administration of a contract if a real or apparent conflict of interest would be involved (45 C.F.R. s. 74.42).
- (7) ***Membership terms; inter-county membership rotation in multicounty early learning coalitions.***—Section 411.01(5)(a)13., F.S., requires that each early learning coalition establish terms for all appointed coalition members, that the terms must be staggered and be of a uniform length that does not exceed four (4) years per term, and that appointed coalition members serve a maximum of two consecutive terms.

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Additionally, the Governor has traditionally appointed early learning coalition board chairs for a term of four (4) years, which coincides with their membership on the Early Learning Advisory Council.

For a multicounty early learning coalition, after a membership seat has been held by an individual or individuals representing a single county for two consecutive terms, the coalition should provide for the rotation of the membership position to another of the counties served by the coalition.

- (8) ***Filling vacancies.***—Section 411.01(5)(a)13., F.S., requires that the early learning coalition advertise any vacancy that occurs in an appointed position. The coalition may advertise the vacancy utilizing print or electronic media available to the general public in the coalition’s service delivery area until the vacancy is filled.
- (9) ***Coalition membership in the Coalition Plan.***—Section 411.01(5)(d)4., F.S., requires the Agency to “adopt rules establishing” criteria for the approval of School Readiness plans. In accordance with these criteria, a coalition must submit each coalition’s board membership to the Agency’s Office of Early Learning through the plan approval process. A coalition’s membership must be consistent with this program instruction. If changes are made to the membership roster, the early learning coalition must submit an amended membership roster to the Agency through the plan amendment process within 60 days of board approval.

History: *Original.* OEL-PI-0003-05 (March 24, 2005), OEL-PI-0012-05 (May 11, 2005), and OEL-PI-0028-05 (August 5, 2005). *Revised* OEL-PG-0002-10 (July 1, 2010). This guidance replaces OEL-PI-0003-05 (March 24, 2005), OEL-PI-0012-05 (May 11, 2005), and OEL-PI-0028-05 (August 5, 2005).

PLEASE DIRECT QUESTIONS AND COMMENTS TO
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