



The Florida Senate

Interim Report 2009-110

September 2008

Committee on Education Pre-K - 12

REVIEW THE CRIMINAL BACKGROUND SCREENING REQUIREMENTS FOR PERSONNEL EMPLOYED BY VOLUNTARY PREKINDERGARTEN PROVIDERS

Issue Description

Prior to employment and every five years thereafter, instructors employed by Voluntary Prekindergarten (VPK) providers are subject to state and national criminal history records checks conducted by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, respectively.

During the 2008 legislative session, there were proposals to revise the background screening requirements for VPK instructors and child care personnel. Proponents of the revision consider it a necessary requirement for protecting children. Those opposed base their opposition on the cost and time to administer the background screening requirements and a desire to have identical screening standards for VPK instructors and child care personnel.

Background

Voluntary Prekindergarten Education Program

In 2002, the State Constitution was amended to require the establishment of a prekindergarten program for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards.¹ The Legislature created the VPK program, which became effective in the 2005 school year, and provided the parents of eligible children a choice among three program options:²

- A school-year VPK program delivered by a private prekindergarten provider³ that has a director⁴ with a VPK director credential and that has for each class at least one instructor who holds at least a child development associate (CDA) or equivalent state-approved credential and who completes a 5-clock-hour course in emergent literacy training;⁵
- A summer VPK program delivered by a public school or private prekindergarten provider and that has for each class at least one Florida-certified teacher or an instructor who holds a bachelor's or higher degree in specified early learning degree programs;⁶ or
- If offered in a school district that meets class-size reduction requirements, a school-year VPK program delivered by a public school that has for each class at least one instructor who holds at least a CDA or equivalent state-approved credential and who completes a 5-clock-hour course in emergent literacy training.⁷

The VPK program is administered at the local level by school districts and early learning coalitions. At the state level, the Department of Education (DOE) administers the accountability requirements of the program and the Agency for

¹ Art. IX, s. 1(b) and (c) of the State Constitution.

² ch. 2004-484, L.O.F.

³ Section 1002.51(4), F.S., defines a "prekindergarten instructor" as a teacher or child care personnel as defined in s. 402.302, F.S., who provide instruction to students in the VPK program.

⁴ Section 1002.51(3), F.S., defines a "prekindergarten director" as an onsite person ultimately responsible for the overall operation of a private prekindergarten provider or, alternatively, of the provider's prekindergarten program, regardless of whether the person is the owner of the provider.

⁵ s. 1002.55, F.S. For classes of 11 or more students, there is a second instructor who is not required to have the credentials or training.

⁶ s. 1002.61, F.S.

⁷ s. 1002.63, F.S. For classes of 11 or more students, there is a second instructor who is not required to have the credentials or training.

Workforce Innovation (AWI) administers the operational requirements of the program.⁸ The AWI's specific operational requirements are enumerated in s. 1002.75, F.S., and include determining the eligibility of private providers to deliver the VPK program.

Eligible Public School VPK Providers

School districts must administer a summer VPK program and may administer a school-year program.⁹ To be eligible to administer a VPK program for students enrolled in a school-year program delivered by a public school, a school district must meet class size and other requirements.¹⁰ The district school board determines which public schools in the district are eligible to deliver the program during the summer and school year.

Eligible Private VPK Providers¹¹

To participate in the program, a private provider must register with the early learning coalition and must be a licensed child care facility, a licensed family day care home, a licensed large family child care home, a private school exempt from licensure,¹² or a faith-based child care provider exempt from licensure. In addition, a private prekindergarten provider must:

- Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools and has written accreditation standards that meet or exceed the state's licensing requirements under ss. 402.305, 402.313, or 402.3131, F.S., and requires at least one on-site visit to the provider or school before accreditation is granted;
- Hold a current Gold Seal Quality Care designation;¹³ or
- Be licensed as a child care facility, a family day care home, or a large family day care home and demonstrate to the early learning coalition that the provider meets each of the requirements of the VPK program (e.g., VPK instructor and director credentials, background screenings, minimum and maximum class sizes, and a developmentally appropriate curriculum).

All VPK providers must register with an early learning coalition, comply with federal antidiscrimination requirements, and may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the VPK program, in violation of the antidiscrimination requirements.¹⁴

The following table reflects the number of participating VPK providers, by setting, for the 2006-2007 summer and school year programs.¹⁵

Licensed Facilities ¹⁶			Number of faith-based providers exempt from licensure by DCF	Number of VPK private school providers	Number of VPK public school providers ¹⁷	Total Number of VPK providers
Number of VPK child care facility providers	Number of family day care home providers	Number of large family day care home providers				
3,622	72	32	160	14	852	4,752

⁸ ss. 1002.73 and 1002.75, F.S.

⁹ ss. 1002.61(1) and s. 1002.63, F.S.

¹⁰ s. 1002.63(4), F.S.

¹¹ s. 1002.55, F.S.

¹² s. 402.3025(2)(c), F.S.

¹³ s. 402.281, F.S.

¹⁴ ss. 1002.53(6)(c) and 1002.75(2)(c), F.S., and 42 U.S.C. s. 2000d.

¹⁵ AWI, August 29, 2008. The data is based on provider type reported during the 2006-2007 program period.

¹⁶ The number of family day care home providers and child care facilities may include Gold Seal providers which may not be licensed. Faith-based providers that chose to be licensed are included in the number of VPK child care facility providers.

¹⁷ According to the DOE, these schools were located in 53 school districts.

There were approximately 5,000 VPK summer and school year programs for 2006-2007.¹⁸ During 2006-2007, 123,567 children were enrolled in the VPK summer and school year programs. Of all four-year-olds in the state, 54.7 percent participated in the 2006-2007 VPK program.¹⁹

The number of VPK personnel for 2005-2006 through 2007-2008 is reflected in the following table:²⁰

	Number of VPK private instructors	Number of private VPK directors	Number of VPK public school instructors
2005-2006	11,372	4,255	3,180
2006-2007	13,298	4,638	3,293
2007-2008	14,932	5,059	3,021

Background Screening Standards

The law enumerates the background screening standards for personnel in child care facilities and the VPK program. Most of the VPK providers are child care facilities.

Child Care Facilities

Current law requires the licensure of child care facilities and large family child care homes²¹ and the licensure or registration of family day care homes.²² The licensure standards provide for the minimum requirements for child care personnel, including training, professional credentials, and background screening.²³ While the law exempts faith-based providers and certain private schools from licensure, these entities must meet background screening requirements.²⁴ The licensure or registration of child care providers is administered by the Department of Children and Family Services (DCF)²⁵ or, in six counties (Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota),²⁶ by local licensing agencies that have licensing standards meeting or exceeding the state’s minimum standards.²⁷

For purposes of child care, background screening applies to child care personnel and volunteers.²⁸ The law defines “child care personnel” to include:²⁹

- All owners, operators, employees, and volunteers working in a child care facility;
- Any member, over the age of 12 years, of a child care facility operator’s family, or person over the age of 12 years, residing with a child care facility operator if the facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the facility operator has any direct contact with the children in the facility during its hours of operation;³⁰ and
- Persons who work in child care programs which provide care for children 15 hours or more each week in public or private schools, summer day camps, family day care homes, or those programs otherwise exempt under s. 402.316, F.S.

¹⁸ AWI and DOE, August 2008.

¹⁹ Office of Economic and Demographic Research, VPK Estimating Conference Report, April 7, 2008.

²⁰ AWI, August 27, 2008. According to AWI, these are estimated personnel.

²¹ ss. 402.305, 402.305(17), 402.3131, respectively.

²² ss. 402.312, and 402.313, F.S.

²³ s. 402.305(2), F.S.

²⁴ ss. 402.316 and 402.3025, F.S. Faith-based facilities may choose to be licensed, but cannot withdraw from licensure once they are licensed.

²⁵ As of August 25, 2008, there were 235,246 infants and children in 87 percent of the operational child care facilities licensed by the DCF.

²⁶ DCF, July 25, 2008.

²⁷ ss. 402.306 and 402.307, F.S.

²⁸ s. 402.302(3), F.S. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included, provided that he or she is under the direct and constant supervision of a person who is required to be screened.

²⁹ *Id.*

³⁰ Members of an operator's family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records.

VPK Instructors

The law prohibits a person from becoming a VPK instructor if he or she is ineligible to teach in a public school because his or her educator certificate is suspended or revoked.³¹ The law requires the employer of VPK instructors to terminate and prohibits an employer from hiring a VPK instructor who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any one of the disqualifying criminal offenses in s. 435.04, F.S.³²

Level 2 Background Screening

Both child care personnel³³ and VPK instructors³⁴ must be of good moral character and are subject to background screening using the Level 2 standards in s. 435.04, F.S. Level 2 background checks address offenses prohibited by Florida law or under any similar statute in another jurisdiction and consist of fingerprinting and security background investigations with state (Florida Department of Law Enforcement, FDLE) criminal and juvenile records checks and federal (FBI) criminal records checks. The investigation may include local law enforcement criminal records checks and an annual affidavit of good moral character attesting to compliance with the requirements of s. 435.04, F.S.³⁵ A person would fail to meet the background screening requirements if he or she was guilty, had adjudication withheld, or entered a plea of nolo contendere or guilty to, any of the offenses specified in s. 435.04, F.S. Under penalty of perjury, all employees in positions of trust or responsibility must attest to meeting the requirements for qualifying for employment and agreeing to inform the employer immediately if convicted of any of the disqualifying offenses while employed by the employer.³⁶

Findings and/or Conclusions

The background screening requirements for personnel in child care facilities, day care homes, exempt faith-based child care facilities, and exempt private schools are different from those required for personnel in VPK programs, in terms of the standards for review, the timing of the review, exemptions, and cost.

Good Moral Character

The DCF's interpretation of good moral character for private VPK instructors is based solely on the disqualifying offenses in s. 435.04, F.S.³⁷ The department applies the good moral character standard that is used for child care personnel to private VPK instructors, even though the statutory requirements are different.³⁸ The law explicitly provides that the criteria for employment as a VPK instructor are both good moral character and the disqualifying offenses.

Initial Screening

Most states require child care center staff to undergo at least one type of background check prior to working with children.³⁹ All instructors in VPK programs delivered by private providers and public schools must be screened prior to

³¹ ss. 1002.55(3)(d) and (f), 1002.61(5), and 1002.63(6) and (8), F.S.

³² ss. 435.06, 1002.55(3)(d) and (f), 1002.61(5), and 1002.63(6) and (8), F.S. Under ss. 1002.55(3)(f), 1002.61(5) and (6), 1002.63(6), (7), and (8), F.S., any more stringent employment requirements will apply.

³³ ss. 402.302(3), 402.305(2), 402.3025(2), 402.3055, 402.313(3), 402.3131(2), 402.316(1), F.S. Child care personnel must establish good moral character based on the background screening using the Level 2 standards in s. 435.04, F.S. Pursuant to s. 402.302(13), F.S., screening includes local criminal records checks through local law enforcement agencies and employment history checks.

³⁴ ss. 1002.55, 1002.61, and 1002.63, F.S.

³⁵ s. 435.04, F.S.

³⁶ *Id.*

³⁷ DCF, August 26, 2008.

³⁸ ss. 402.305(2), 1002.55, and 1002.61, F.S.

³⁹ National Association for Regulatory Administration and the National Child Care Information and Technical Assistance Center, *2005 Child Care Licensing Study: Final Report*, December 2006.

employment.⁴⁰ Child care personnel must submit fingerprints within ten working days of employment in a position which requires Level 2 screening.⁴¹

Current law does not specifically subject VPK directors to the same screening requirements provided for instructors in ss. 1002.55, 1002.61, and 1002.63, F.S. Rather, the DCF considers the directors to be child care personnel who are subject to the screening requirements in ss. 402.302(3), 402.305(2), 402.3131, and 435.05, F.S.⁴² Consequently, a director is not required to be screened prior to employment.⁴³

While prior background screening requires an employer to hire earlier, it does prevent a person with a potential disqualifying offense from having direct contact with children while awaiting the screening results.

Re-screening Requirements

In a DCF licensed facility that participates in the VPK program, there are different standards for VPK and child care personnel who have direct contact with the same children. All VPK instructors are subject to a re-screening every five years. The law implies but does not explicitly state that re-screening is based on a fingerprint-based FBI records check.⁴⁴

The VPK directors and child care personnel are only subject to FDLE, local law enforcement, and employment checks.⁴⁵ The 5-year FDLE checks for child care personnel are not based on fingerprints.⁴⁶ Instead, the checks consist of a search by name, date of birth, race, sex, and social security number.⁴⁷ According to the FDLE, searches based on descriptive data for a person are not as reliable as fingerprint-based searches.⁴⁸

Exemptions

Child care personnel must be re-screened upon a break in employment that exceeds 90 days except for those who take a leave of absence.⁴⁹ Child care instructors and other personnel are exempt from re-screening or re-fingerprinting for child care purposes, if they meet the following conditions: previous screening or fingerprinting without a break in employment for more than 90 days; attesting under penalty of perjury to the completion of fingerprinting or screening requirements; meeting the standards for good moral character; and complying with the law.⁵⁰ The background screening requirements for teachers and noninstructional personnel in public schools do not provide an exemption for a break in employment.⁵¹ Exempting a person who has been unemployed for less than 90 days could allow an individual with a potential disqualifying offense to be employed in another facility and have direct contact with children.

The law allows the DCF to grant exemptions to the disqualifying offenses in s. 435.04, F.S., from working with children or persons with developmental disabilities.⁵² In the VPK program, the statutory authority to grant exemptions is more ambiguous. The criteria for granting an exemption include proof of rehabilitation, taking into consideration the length of time between the disqualifying event and the request for an exemption, the nature of harm to the victim, and

⁴⁰ ss. 1002.55(3)(d), 1002.61(5), and 1002.63(6), F.S.

⁴¹ DCF, July 22, 2008. According to the DCF, the 10 working day requirement is based on the provisions of s. 435.05(1)(a) and (c), F.S. Family day care operators and household members must be screened prior to licensure.

⁴² DCF, August 20, 2008, and September 5, 2008. A director is only required to submit fingerprints within ten working days of employment.

⁴³ However, Broward's local licensing agency requires all child care personnel, including VPK personnel, to be in receipt of the FBI and FDLE results prior to employment in a child care setting.

⁴⁴ ss. 1002.55(3)(d), 1002.61(5), and 1002.63(6), F.S.

⁴⁵ DCF, July 22, 2008. Rule 65C-22.006(4)(d), F.A.C.

⁴⁶ DCF, July 22, 2008.

⁴⁷ DCF, August 20, 2008.

⁴⁸ FDLE, August 28, 2008.

⁴⁹ Rule 65C-22.006(4)(d), F.A.C.

⁵⁰ s. 402.3057, F.S.

⁵¹ ch. 2004-295, L.O.F., repealed a similar exemption.

⁵² s. 402.305(2)(b), F.S.

any other history or circumstances indicating that employment can be continued without risk of harm.⁵³ The DCF regional managers conduct exemption reviews pursuant to departmental operating procedures, rather than administrative rule.⁵⁴ This appears to meet the definition of a rule,⁵⁵ as it applies generally to individuals outside the agency. The number of exemptions granted by the DCF for persons to work in child care facilities and family day care homes for 2005-2006 and 2006-2007 were 118 and 125, respectively.⁵⁶ Exemptions were granted from disqualifying felony offenses that include murder, aggravated assault, aggravated battery, sexual battery, battery on a minor, domestic violence, arson, and kidnapping.⁵⁷ Most exemptions were granted for persons to work in child care facilities. The DCF is unable to disaggregate the number of exemptions granted for VPK personnel. The seriousness of the offenses raises questions as to the propriety of granting these exemptions.

Cost

There are differences in recurring and nonrecurring costs and time for processing fingerprints, depending on whether fingerprints are submitted for national and state criminal history records checks in hardcopy form or in an electronic form using a livescan device. Livescan allows fingerprints to be sent immediately to the FDLE by capturing electronic images and transmitting those images to designated clearinghouses and channeling agents for background screening. Whether fingerprints are submitted in either form, delays may occur if the fingerprints are rejected and the applicant must be re-fingerprinted or if additional documentation is needed from the applicant.

The majority of fingerprints submitted by DCF providers are in hardcopy form.⁵⁸ The national results of hardcopy submissions are sent directly from the FBI to the DCF for child and day care personnel and private VPK personnel. The FBI processes these in approximately two to four weeks, depending on the FBI's workload.⁵⁹ The state results are returned within five working days of receipt of the fingerprints. The total cost for initial screening of child care and private VPK personnel using a hardcopy is \$38.25, while the cost of using livescan is \$27.25. The hardcopy re-screening cost is \$8 for child care personnel and VPK directors and \$38.25 for private VPK instructors.⁶⁰ The livescan re-screening cost is \$8 for child care personnel and VPK directors and \$27.25 for private VPK instructors.⁶¹ These costs are incurred when fingerprints are not retained.⁶² There may be other screening costs for local law enforcement checks. The DCF notes that it generally takes ten days to screen the FBI and FDLE results, provided that all documentation is submitted to the department.

According to the FDLE, the use of hardcopy fingerprint submissions by DCF providers requires the FDLE to use its older and less flexible processing system. The FDLE's newer system was designed for livescan submissions and could more easily adapt to changes that the DCF makes to provider codes.⁶³ The FDLE is able to obtain both state and FBI

⁵³ The disqualifying felony offenses, exemption review criteria, evidentiary standard, and burden of proof are set forth in ss. 435.04 and 435.07, F.S. An agency's decision is subject to a hearing under ch. 120, F.S.

⁵⁴ DCF Operating Procedure 60-18, August 30, 2006.

⁵⁵ s. 120.52(15), F.S.

⁵⁶ DCF, August 20, 2008. In some cases, separate exemptions were granted for multiple offenses by the same person.

⁵⁷ *Id.*

⁵⁸ FDLE, August 19, 2008. For 2006-2007 and 2007-2008, the number of personnel screened by the DCF and five of the six local licensing agencies, including private VPK instructors and directors, was 57,005 and 51,684, respectively. The Broward local licensing agency conducts its own livescan background screening and directly receives FDLE and FBI results. In 2006-2007, Broward screened 9,482 personnel. The DCF is unable to disaggregate the number of VPK and child care personnel screened. The AWI does not collect data on the number of personnel who are screened each year for employment in a VPK program.

⁵⁹ FDLE, August 19, 2008.

⁶⁰ According to the DCF, the re-screening requirements for a VPK director and child care personnel do not include an FBI criminal history record check. Instead, they are subject to a state descriptive data search (name, race, sex, date of birth, and social security number), which costs the same as a fingerprint-based search. The fee for state checks (\$8) for DCF approved providers is set forth in s. 943.053(3)(b), F.S.

⁶¹ DCF, July 22, 2008.

⁶² The law does not require the retention of fingerprints for child care personnel and private VPK instructors. The FDLE does not retain fingerprints unless the requirement is specified in law.

⁶³ FDLE, August 19, 2008.

responses more quickly if fingerprints are electronically submitted. The FDLE and the FBI processing are completed in approximately two working days, at which time the requestor can retrieve the results on an applicant.

All school districts electronically submit fingerprints, which are retained.⁶⁴ The total costs associated with the electronic submission of fingerprints for national and state criminal history records checks for VPK public school instructors are \$43.25 for the initial screening (\$19.25 for a national check and \$24.00 for a state check).⁶⁵ There is no need to resubmit fingerprints for state re-screening when the Florida arrest records are screened against retained prints on a regular basis. The re-screening fees for VPK public school instructors are \$19.25 for a national check and an annual \$6 fee for the retention of fingerprints for each person.⁶⁶ Districts may also charge administrative fees.

School districts report that they generally receive and screen the livescan results within 24-72 hours.⁶⁷ In addition to instructional and noninstructional personnel, school districts screen contractors with direct student contact and those who are on school grounds when students are present pursuant to the Jessica Lunsford Act.⁶⁸ Hillsborough County School District also screens insurance industry licensees.

Compliance with VPK Requirements

The responsibility for screening the results of criminal history records checks is shared by the DCF, local licensing agencies, VPK directors, and school districts. For private VPK personnel, the DCF screens the FBI, state, and local results for directors and the FBI results for instructors, except for VPK personnel in facilities subject to local licensure in Broward County.⁶⁹ The DCF receives and screens the results of FBI checks for directors and instructors in exempt faith-based facilities and exempt private schools, but does not receive state or local information on these personnel. The law is silent as to what entity screens and verifies the state and local results.

Private VPK directors screen the state and local results for private instructors⁷⁰ and school districts screen the results of public school VPK instructors.⁷¹ Early learning coalitions verify the background screening results of private and public instructors,⁷² while the DCF verifies the results of all private VPK directors.⁷³ The DCF inspects all licensed child care facilities and day care homes that participate in the VPK program for compliance with the VPK screening requirements, except for those facilities that are subject to local licensure in six counties and exempt faith-based facilities and private schools.⁷⁴ Exempt faith-based facilities annually attest to compliance with all background screening requirements.⁷⁵ The DCF indicates that it is only authorized by law to inspect these exempt facilities when there is a complaint alleging a violation of the screening requirements.⁷⁶ There is no requirement for site visits to VPK exempt faith-based facilities and exempt private schools to verify that screening requirements are met.⁷⁷

⁶⁴ *Id.*

⁶⁵ The fee for state checks is set forth in s. 943.053(3)(b), F.S..

⁶⁶ FDLE, August 27, 2008. The FDLE anticipates the annual fee will be charged in FY 2009-2010. The cost for retaining the prints in the first year is covered by the initial fee.

⁶⁷ Broward, Hillsborough, and Orange, August 2008. The screening may take longer, depending on volume and if additional documentation is needed from personnel. For 2006-2007 and 2007-2008, the number of screening transactions conducted by the Orange County School District was 20,167 and 16,832, respectively. Hillsborough conducted 21,000 transactions in 2007-2008.

⁶⁸ ch. 2005-28, L.O.F., and subsequent changes made by ch. 2007-207, L.O.F.

⁶⁹ DCF, September 5, 2008.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² AWI, August 19, 2008.

⁷³ DCF, September 5, 2008.

⁷⁴ *Id.*

⁷⁵ *Id.* The facility does not specifically attest to compliance with the VPK screening requirements.

⁷⁶ *Id.*

⁷⁷ The agreement between a coalition and a VPK provider specifies that an instructor must meet the required background screening requirements, but there is no similar provision for a director. The agreement permits a coalition or the AWI to make site visits to a VPK program to verify compliance with the program's requirements. However, the agreement prohibits a coalition from enforcing child care licensure requirements. (AWI-VPK 20 Statewide Provider Agreement, section XII (50-53), February 14, 2007.)

For locally-licensed facilities that participate in the VPK program, the role of local child care licensing agencies varies with respect to compliance with the background screening requirements for VPK personnel, although the agencies are required to meet or exceed the state's minimum standards. In Pinellas, the local agency does not screen VPK personnel and reports that it lacks the statutory authority to inspect licensed facilities for compliance with VPK requirements.⁷⁸ Similarly, Hillsborough only inspects the facility for compliance with licensure requirements.⁷⁹ Broward has a contract with its early learning coalition to inspect VPK private providers for compliance with VPK screening requirements.⁸⁰ In Brevard, the early learning coalition will not approve a VPK program unless it holds a valid child care license. The local agency licenses several VPK programs at private schools and reviews background screening for all child care personnel, including all VPK instructors, at each facility during routine inspections.⁸¹ Palm Beach screens the VPK directors and inspects licensed facilities for compliance with VPK screening requirements.⁸² The facility is responsible for screening instructors.

Other Requirements

The law does not prohibit a substitute instructor from holding a revoked or suspended educator certificate.⁸³ There is also no specific prohibition for terminating or hiring a substitute instructor who fails to meet the requirements.

Options and/or Recommendations

Recent Florida legislation has focused upon increased protection of children in public and private schools. The Legislature may wish to consider the following recommendations to provide additional precautionary measures to protect students:

- Require fingerprint-based screening prior to employment for child care personnel and VPK directors.
- Require VPK directors to be subject to the same background screening standards and costs required of private VPK instructors, including fingerprint-based FBI screening every five years.
- Require private VPK personnel to electronically submit fingerprints in order to expedite the results and reduce the cost to those who pay for background screening.
- Eliminate the 90-day break in service exemption for VPK personnel and instructional personnel in public schools to subject them to the re-screening requirements.
- Prohibit a VPK provider from hiring and require the provider to terminate a substitute instructor who fails to meet the requirements in s. 435.04, F.S.
- Prohibit a substitute instructor from holding a revoked or suspended educator certificate.
- Prohibit the DCF from granting exemptions from disqualifying offenses for VPK employees or applicants for employment or significantly narrow the disqualifying offenses for which exemptions may be granted.
- Specify the entities responsible for screening the results of state and local records checks for VPK directors and instructors in exempt faith-based facilities and exempt private schools and authorize a state agency or early learning coalitions to make site visits to verify that all VPK background screening requirements are met.
- Clarify the good moral character requirement for VPK providers.

The DCF should adopt rules that delineate the exemption process, if provided with the authority to grant exemptions to disqualifying offenses, adhere to the moral turpitude standard for private VPK instructors, and ensure that local licensing agencies meet or exceed the state's inspection standards for child care facilities and day care homes that are also VPK providers.

⁷⁸ August 15, 2008.

⁷⁹ August 18, 2008. The local agency notes that the early learning coalition monitors compliance with VPK requirements through a contract with the school district.

⁸⁰ August 26, 2008.

⁸¹ August 18, 2008.

⁸² August 26, 2008. This includes directors in participating exempt private schools.

⁸³ ss. 1002.55(3)(e), 1002.61(6), and 1002.63(7), F.S.