



GOVERNANCE AND BYLAWS COMMITTEE MEETING AGENDA
August 24, 2012, 8:00 a.m.
Conference Call

- | | |
|---|----------------------------|
| I. Welcome and Introductions | <i>Alan Eckstein, Esq.</i> |
| II. Approval of August 30, 2011 meeting minutes | <i>Alan Eckstein, Esq.</i> |
| III. Discussion about Private Sector Positions | <i>Alan Eckstein, Esq.</i> |
| IV. Addition of Parent Representative | <i>David Lawrence, Jr.</i> |
| V. Discussion about Elizabeth Bezos | <i>Alan Eckstein, Esq.</i> |
| VI. Public Comments | <i>Alan Eckstein, Esq.</i> |
| VII. Adjourn | <i>Alan Eckstein, Esq.</i> |



Minutes

Governance & Bylaws Committee Meeting
August 30, 2011; 8:00 a.m.
Conference Call

Committee Attendees: Alan Eckstein, Esq. (attended via conference call); David Lawrence, Jr. (attended via conference call); David Williams, Jr. (attended via conference call)

Committee Absentees: Ramiro Moreno

Staff Attendees: Evelio C. Torres, CEO (attended via conference call); Leeana Pena

General Attendees: Linda Carmona-Sanchez, AECE

I. Welcome and Introductions

Alan Eckstein, Esq.

- A. Eckstein called the meeting to order.
- A quorum was established with three (3) voting members.
- Motion to approve of the August 24th meeting minutes.
 - D. Williams moved to approve the motion.
 - Motion seconded by D. Lawrence.
 - Motion was unanimously passed.

II. Proposed Bylaws Changes

Alan Eckstein, Esq.

- A. Eckstein stated he previously circulated the proposed bylaws changes for sections 5.5 and 5.8 of the bylaws.
 - D. Williams moved to approve the changes.
 - Motion was seconded by D. Lawrence.
 - Motion was unanimously passed.
- A. Eckstein stated private sector members would not be added until the positions rotate and become available.
- D. Lawrence asked what the purpose of these changes was.
- A. Eckstein stated this stemmed from a request for M. Abrahante from MDCPS to stay on the Board. This brought up the issue of rotation and whether or not Miami-Dade County would be represented once rotation took place for all these positions.
- A. Eckstein stated this would be taken to the Board for the final approval.



III. Provider Representation

David Lawrence, Jr.

- D. Lawrence stated that this issue came about through L. Carmona-Sanchez who was concerned about how provider representatives were selected.
- L. Carmona-Sanchez thanked the Committee for bringing up this issue.
- A. Eckstein stated this issue would go to the Provider Services Committee.

III. Public Comments

Alan Eckstein, Esq.

IV. Adjourn

Alan Eckstein, Esq.

DRAFT

Attachment I: Coalition Board Membership

Please complete the following information regarding coalition board membership as required by Chapter 411.01(5)(a)4-13, F.S.. This form is an attachment for the coalition's School Readiness Plan.

Count or N/A	Designation in F.S. 411.01(5)5	Mandatory Member	Voting Member	Name Address Telephone Number Fax Number Email Address	Affiliation and/or Employment	Does either the member or their families have a substantial financial interest in VPK/SR?	If this is a multi-county coalition, indicate the county that this individual represents	Length of Current Term and Date it Will End
I. REQUIRED MEMBERS								
	Chair, appointed by the Governor	Yes	Yes	Octavio A. Verdeja, Jr. Verdeja & De Armas LLP 255 Alhambra Circle, Ste. 424 Coral Gables, FL 33134 (305) 446-3177 (305) 446-6370 (fax) oaverdeja@v-dcpa.com	Private Sector		Miami-Dade	May 13, 2009-April 30, 2013 (Second Term)
	Private sector appointed by the Governor	Yes	Yes	VACANT (previously G. Schwartz)	Private Sector		Miami-Dade	(Appointment pending with Governor's Office)
	Private sector appointed by the Governor	Yes	Yes	VACANT (previously M. Hill)	Private Sector		Monroe	(Appointment pending with Governor's Office)
	Department of Children & Family Services circuit administrator or designee	Yes	Yes	Esther Jacobo Department of Children & Families 401 NW 2nd Avenue Suite-N1007 Miami, Florida 33128 (305) 377-5276 (305) 377-5770 (fax) Esther_Jacobo@dcf.state.fl.us	Department of Children and Families, Regional Director		Miami-Dade	N/A
	District superintendent of schools or designee	Yes	Yes	Theresa Axford Monroe County School District 241 Trumbo Road, Key West, FL 33040 (305) 293-1400 ext. 53323 theresa.axford@keysschools.com	Monroe County School Board		Monroe	September 6, 2011-August 31, 2015 (First Term)

Count or N/A	Designation in F.S. 411.01(5)5	Mandatory Member	Voting Member	Name Address Telephone Number Fax Number Email Address	Affiliation and/or Employment	Does either the member or their families have a substantial financial interest in VPK/SR?	If this is a multi- county coalition, indicate the county that this individual represents	Length of Current Term and Date it Will End
	Regional workforce board executive director or designee	Yes	Yes	Roderick E. Beasley, South Florida Workforce Miami Airport Corp Center 7300 Corporate Center Drive, Ste 500 Miami, FL 33126-1234 (305) 594-7615 ext 369 (305) 470-5523 (fax) rbeasley@southfloridaworkforce.com	South Florida Workforce, Executive Director		Miami-Dade	N/A
	County health department director or designee	Yes	Yes	Ann Karen Weller, R.N.B.S.N. Miami-Dade County Health Dept. Director Chronic Disease Prevention 18255 Homestead Ave., Miami, FL 33157 (305) 278-3023 Weller@doh.state.fl.us	Miami-Dade County Health Dept.; Director Chronic Disease Prevention		Miami-Dade	June 1, 2009- April 30, 2013 (Second Term)
	President of a community college or designee	Yes	Yes	Gina Cortes-Suarez, Ed.D. Miami-Dade College, InterAmerican Campus 627 SW 27 th Avenue Miami, FL 33135 (305) 237-6776 (305) 237-3109 (fax) gcortes@mdc.edu	Miami-Dade College, InterAmerican Campus, President		Miami-Dade	Dec 30, 2011- Dec 30, 2015 (Second Term)
	Member appointed by Board of County Commissioners or the governing board of a municipality	Yes	Yes	Commissioner Heather Carruthers Monroe County District Three Commissioner 530 Whitehead Street Key West, FL 33040 (305) 292-3430 Carruthers-	Monroe County Board of Commissioners		Monroe	May 1, 2012 – April 30, 2016 (First Term)

Count or N/A	Designation in F.S. 411.01(5)5	Mandatory Member	Voting Member	Name Address Telephone Number Fax Number Email Address	Affiliation and/or Employment	Does either the member or their families have a substantial financial interest in VPK/SR?	If this is a multi-county coalition, indicate the county that this individual represents	Length of Current Term and Date it Will End
				heather@MonroeCounty-FL.Gov				
	Head Start Director	Yes	Yes	Jane W. McQueen Miami-Dade County CAA Head Start 701 NW 1st Court, Floor 9 Miami, FL 33136 (786) 469-4622 (305) 372-7623 (fax) jwrobin@miamidade.gov	Miami-Dade County CAA Head Start		Miami-Dade	June 1, 2009- April 30, 2013 (Second Term)
	Representative of private for-profit child care providers	Yes	Yes	Shaleen Fagundo Interamerican Learning Center 1521 NW 28 th Street, Miami, FL 33142 (305) 663-1000 shaleen@interamericanpreschool.com	Interamerican Learning Center		Miami-Dade	Sept 7, 2010- Sep 7, 2014 (First Term)
	Representative of faith based child care providers	Yes	Yes	Yolanda Borroto South Miami Lutheran Church School 7190 Sunset Drive Miami, FL 33143 (305) 661-3299 ybrborroto@bellsouth.net	South Miami Lutheran Church School		Miami-Dade	July 1, 2011- June 30, 2015 (First Term)
	Representative of program under federal Individuals with Disabilities Education Act	Yes	Yes	Helene J. Good CCDH, Inc. 7990 SW 117 th Ave, Suite 135, Miami, FL 33183 (305) 596-1160 hgood@ccdh.org	CCDH, Inc. (formerly Community Committee for Developmental Handicaps, Inc.)		Miami-Dade	August 6, 2012 - August 6, 2016 (First Term)
II. CONDITIONAL MEMBERS These members are mandatory, if applicable in the coalition's locality.								
	Children services council or juvenile welfare board	Yes, if applicable	Yes	Modesto E. Abety-Gutierrez The Children's Trust 3150 SW 3 rd Avenue, 8 th	President and CEO, The Children's Trust		Miami-Dade	N/A

Count or N/A	Designation in F.S. 411.01(5)5	Mandatory Member	Voting Member	Name Address Telephone Number Fax Number Email Address	Affiliation and/or Employment	Does either the member or their families have a substantial financial interest in VPK/SR?	If this is a multi-county coalition, indicate the county that this individual represents	Length of Current Term and Date it Will End
	chair or executive director			Floor Miami, FL 33129 (305) 571-5700 , Ext.244 (305) 857-9034 (fax) mo@thechildrenstrust.org				
	Child care licensing agency head	Yes, if applicable	Yes					
	Central agency administrator	Yes, if applicable	Yes	Doug Blomberg Wesley House Family Services 1304 Truman Avenue Key West, FL 33040 (305) 809-5000 Doug.blomberg@wesleyhouse.org	Wesley House Family Services		Monroe	May 1, 2012 – April 30, 2016 (First Term)
III. PRIVATE SECTOR* (Includes Governor appointments. Total must be more than one-third of membership. Example: A 15 member board would require 6 private sector business members.) Neither they nor their relatives may have a substantial financial interest in the design or delivery of VPK or SR services.								
	Private Sector Business	Yes	Yes	Alan Eckstein, Esq. Attorney At Law 3010 Flagler Avenue, Key West, FL 33040 (305) 294-2247 roccofat@aol.com	Private Sector		Monroe	Feb 2, 2008- Jan 31, 2013 (Second Term)
	Private Sector Business	Yes	Yes	Yvonne T. Johnson, M.D. 3370 Poinciana Avenue Coconut Grove, FL 33133 (786) 662-8085 yvonnej@baptisthealth.net	Private Sector		Miami-Dade	June 1, 2009- April 30, 2013 (Second Term)
	Private Sector Business	Yes	Yes	David Lawrence, Jr. The Early Childhood Initiative Foundation 3250 SW Third Avenue, 5 th Floor Miami, FL 33129 (305) 646-7228	Private Sector		Miami-Dade	Dec 1, 2008- Dec 1, 2012 (First Term)

Count or N/A	Designation in F.S. 411.01(5)5	Mandatory Member	Voting Member	Name Address Telephone Number Fax Number Email Address	Affiliation and/or Employment	Does either the member or their families have a substantial financial interest in VPK/SR?	If this is a multi-county coalition, indicate the county that this individual represents	Length of Current Term and Date it Will End
				(305) 442-8248 (fax) dlawrence@childreadiness.org				
	Private Sector Business	Yes	Yes	Harve Mogul United Way of Miami 3250 SW Third Avenue, 4 th Floor Miami, FL 33129 (305) 646-7100 (305) 646-7107 (fax) harvemogul@unitedwaymiami.org	Private Sector		Miami-Dade	April 30, 2011- April 30, 2015 (Second Term)
	Private Sector Business	Yes	Yes	VACANT (previously Yesenia Perkins)	Private Sector		Monroe	
	Private Sector Business	Yes	Yes	Lucy C. Piñeiro, Esq. 8145 West 28 th Avenue, Ste 219 Hialeah, FL 33016 (305) 362-5299 pineirolawz@aol.com	Private Sector		MonroeMiami-Dade	June 1, 2009- April 30, 2013 (First Term)
IV. OPTIONAL MEMBERS* Neither they nor their relatives may have a substantial financial interest in the design or delivery of VPK or SR services and they may not duplicate representation of a legal entity. (Some exceptions provided in OEL-PG-0002-10). Multi-county coalitions are limited to 2 per county.								
	Optional Member	No	Yes	The Hon. Cindy S. Lederman Judge, 11 th Judicial Circuit Court Juvenile Justice Center 3300 NW 27 Avenue, Rm 201 Miami, FL 33142 (305) 638-6087 (305) 634-9921 (fax) clederman@jud11.flcourts.org	Optional Member		Miami-Dade	April 30, 2011- April 30, 2015 (Second Term)
	Optional Member	No	Yes	David Williams, Jr.	Optional		Miami-Dade	April 30, 2011-

Count or N/A	Designation in F.S. 411.01(5)5	Mandatory Member	Voting Member	Name Address Telephone Number Fax Number Email Address	Affiliation and/or Employment	Does either the member or their families have a substantial financial interest in VPK/SR?	If this is a multi- county coalition, indicate the county that this individual represents	Length of Current Term and Date it Will End
				Informed Families: The Florida Family Partnership 2490 Coral Way Miami, FL 33125 (305) 856-4886 (305) 856-4815 (fax) dwilliams@informedfamilies.org	Member			April 30, 2015 (Second Term)
V. EX- OFFICIO NON- VOTING MEMBERS* In a multi-county coalition, each ex-officio member position may be filled by multiple non-voting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity as a "Required Member" position, only one of such members may serve as a voting member.								
	District superintendent of schools or designee (Miami-Dade)	No	No	Magaly Abrahante, Ed.D. Miami-Dade County Public Schools 1450 N.E. 2 nd Avenue, Suite 500 Miami, FL 33132 (305) 995-1253 abrahante@dadeschools.net	Miami-Dade County Public Schools		Miami-Dade	December 5, 2011 - November 30, 2015 (First Term)
	Member appointed by Board of County Commissioners or the governing board of a municipality			Commissioner Barbara Jordan Miami-Dade County Commissioner 111 NW 1 st Street, Suite 220 Miami, FL 33128 (305) 375-5694 bjordan@miamidade.gov	Miami-Dade County Commissioners		Miami-Dade	August 1, 2011 - August 31, 2015 (First Term)
	Central agency administrator			Lisa Martinez Miami-Dade County Office of the Mayor Stephen P. Clark Center 111 N.W. 1 st Street, 29 th Floor Miami, FL 33128 (305) 375-5071 lisamm@miamidade.gov	Miami-Dade County Office of the Mayor		Miami-Dade	Sept 6, 2011 - Sept 30, 2015 (First Term)



Charlie Crist
Governor

Cynthia R. Lorenzo
Director

PROGRAM GUIDANCE 206.05

[OEL-PG-0003-10]

Early Learning Coalition Board Membership

July 1, 2010

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.

Agency for Workforce Innovation
Office of Early Learning

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EARLY LEARNING COALITION BOARD MEMBERSHIP

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

EARLY LEARNING COALITION BOARD MEMBERSHIP

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.

EARLY LEARNING COALITION BOARD MEMBERSHIP

(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
THE AGENCY FOR WORKFORCE INNOVATION, OFFICE OF EARLY LEARNING
AT (850) 921-3194 OR *OEL.Questions@flaawi.com*.

The 2012 Florida Statutes

Title XXX

SOCIAL WELFARE

Chapter 411

HANDICAP OR HIGH-RISK CONDITION PREVENTION AND EARLY CHILDHOOD ASSISTANCE

411.01 School readiness programs; early learning coalitions.—(1) SHORT TITLE.—This section may be cited as the “School Readiness Act.”

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children’s chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that the programs be developmentally appropriate, research-based, involve the parent as a child’s first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the Office of Early Learning and early learning coalitions. The Office of Early Learning shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Office of Early Learning, and ensure access to such services in all 67 counties.

(e) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state’s birth-to-kindergarten population.

(f) It is the intent of the Legislature that school readiness services be an integrated and seamless program of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in subsection (6) and not be construed as part of the seamless K-20 education system.

(3) PARENTAL PARTICIPATION IN SCHOOL READINESS PROGRAMS.—This section does not:

- (a) Relieve parents and guardians of their own obligations to prepare their children for school; or
- (b) Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.

(4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION.—

(a) The Office of Early Learning shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The Office of Early Learning shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.
2. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.
3. Provide comprehensive services to the state's birth-to-5 population, which shall ensure the preservation of parental choice by permitting parents to choose from a variety of child care categories, including: center-based child care; group home child care; family child care; and in-home child care. Care and curriculum by a sectarian provider may not be limited or excluded in any of these categories.

(c) The Governor shall designate the Office of Early Learning as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the office shall comply with the lead agency responsibilities under federal law.

(d) The Office of Early Learning shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.
2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.
3. Establish a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Office of Early Learning shall adopt specific system support services that address the state's school readiness programs. An early learning coalition shall amend its school

readiness plan to conform to the specific system support services adopted by the Office of Early Learning. System support services shall include, but are not limited to:

- a. Child care resource and referral services;
 - b. Warm-Line services;
 - c. Eligibility determinations;
 - d. Child performance standards;
 - e. Child screening and assessment;
 - f. Developmentally appropriate curricula;
 - g. Health and safety requirements;
 - h. Statewide data system requirements; and
 - i. Rating and improvement systems.
4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state.
 5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.
 6. Provide technical assistance to early learning coalitions in a manner determined by the Office of Early Learning based upon information obtained by the office from various sources, including, but not limited to, public input, government reports, private interest group reports, office monitoring visits, and coalition requests for service.
 7. In cooperation with the early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.
 8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.
 9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.

(e) The Office of Early Learning may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the office, including, but not limited to, rules governing the administration of system support services of school readiness programs, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, the issuance of waivers, and the implementation of the state's Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.

(f) The Office of Early Learning shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.

(g) Except as provided by law, the Office of Early Learning may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state or federal funds under this section.

(h) The Office of Early Learning shall have a budget for school readiness programs, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.

(i) The Office of Early Learning shall coordinate the efforts toward school readiness in this state and provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) The Office of Early Learning shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.
5. Ability to cope with challenges.
6. Self-help skills.
7. Ability to express the child's needs.
8. Verbal communication skills.
9. Problem-solving skills.

10. Following of verbal directions.
11. Demonstration of curiosity, persistence, and exploratory behavior.
12. Interest in books and other printed materials.
13. Paying attention to stories.
14. Participation in art and music activities.
15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.

(k) The Office of Early Learning shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the office for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the Office of Early Learning in accordance with subparagraph (d)3.

(l) The Office of Early Learning shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(m) The Office of Early Learning shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Office of Early Learning's reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(n) The Office of Early Learning shall work with the early learning coalitions to ensure availability of training and support for parental involvement in children's early education and to provide family literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) Early learning coalitions.—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

2. The Office of Early Learning shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Office of Early Learning may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 31 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

3. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2., the coalition must merge with another county to form a multicounty coalition. The Office of Early Learning shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the Office of Early Learning shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:

a. The Office of Early Learning has determined during the most recent review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan;

b. The coalition demonstrates to the Office of Early Learning the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and

c. The coalition demonstrates to the Office of Early Learning that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Office of Early Learning may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the office reestablishes the coalition and a new school readiness plan is approved by the office.

4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The Office of Early Learning shall adopt standards establishing within this range 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 under subparagraph 6. These standards must

include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

- a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.
- c. A regional workforce board executive director or his or her designee.
- d. A county health department director or his or her designee.
- e. A children's services council or juvenile welfare board chair or executive director, if applicable.
- f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.
- g. A president of a community college or his or her designee.
- h. One member appointed by a board of county commissioners or the governing board of a municipality.
- i. A central agency administrator, where applicable.
- j. A Head Start director.
- k. A representative of private for-profit child care providers, including private for-profit family day care homes.
- l. A representative of faith-based child care providers.
- m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the

design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members. The Office of Early Learning shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(b) Limitation.—Except as provided by law, the early learning coalitions may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state, federal, required maintenance of effort, or matching funds under this section.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

- a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the Office of Early Learning.
 - b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.
 - c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the Office of Early Learning.
 - d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.
 - e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term “single point of entry” means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Office of Early Learning shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.
 - f. The Office of Early Learning must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.
 - g. The program must meet all state licensing guidelines, where applicable.
 - h. The program must ensure that minimum standards for child discipline practices are age-appropriate. Such standards must provide that children not be subjected to discipline that is severe, humiliating, or frightening or discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.
2. Each early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the office which enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures. At a minimum, these programs must contain the following system support service elements:
 - a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Office of Early Learning under subparagraph (4)(d)8.

- b. A character development program to develop basic values.
- c. An age-appropriate screening of each child's development.
- d. An age-appropriate assessment administered to children when they enter a program and an age-appropriate assessment administered to children when they leave the program.
- e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(8) or (11), as applicable, and as verified pursuant to s. 402.311.
- f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.
- g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

The Office of Early Learning and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) Implementation.—

1. An early learning coalition may not implement the school readiness program until the coalition's school readiness plan is approved by the Office of Early Learning.
2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:
 - a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Office of Early Learning.
 - b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the department under subparagraph (4)(d)8.
 - c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the office for approval. The office may approve the plan, reject the plan, or approve the plan with conditions. The office shall review school readiness plans at least every 2 years.

3. If the Office of Early Learning determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the office, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the office may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the office reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the office.

4. The Office of Early Learning shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support services, performance standards, and outcome measures adopted by the office and must require each approved plan to include the following minimum standards for the school readiness program:

a. A community plan that addresses the needs of all children and providers within the coalition's county or multicounty region.

b. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers.

c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

d. Specific eligibility priorities for children in accordance with subsection (6).

e. Performance standards and outcome measures adopted by the office.

f. Payment rates adopted by the early learning coalitions and approved by the office. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

g. Direct enhancement services for families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the Office of Early Learning.

h. The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan.

i. The implementation of locally developed quality programs in accordance with the requirements adopted by the office under subparagraph (4)(d)5.

The Office of Early Learning may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the Office of Early Learning. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the office. If the office rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. Section 125.901(2)(a)3. does not apply to school readiness programs. The Office of Early Learning may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) Requests for proposals; payment schedule.—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Office of Early Learning, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the Office of Early Learning. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) Evaluation and annual report.—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Office of Early Learning. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the Office of Early Learning. The Office of Early Learning must include an analysis of the early learning coalitions' reports in the office's annual report.

(6) PROGRAM ELIGIBILITY.—The school readiness program is established for children from birth to the beginning of the school year for which a child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. or who are eligible for any federal subsidized child care program. Each early learning coalition shall give priority for participation in the school readiness program as follows:

(a) Priority shall be given first to a child from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements.

(b) Priority shall be given next to a child who is eligible for a school readiness program but who has not yet entered school, who is served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under chapter 39 or chapter 409, and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment.

(c) Subsequent priority shall be given to a child who meets one or more of the following criteria:

1. A child who is younger than the age of kindergarten eligibility and:

a. Is at risk of welfare dependency, including an economically disadvantaged child, a child of a participant in the welfare transition program, a child of a migratory agricultural worker, or a child of a teen parent.

b. Is a member of a working family that is economically disadvantaged.

c. For whom financial assistance is provided through the Relative Caregiver Program under s. 39.5085.

2. A 3-year-old child or 4-year-old child who may not be economically disadvantaged but who has a disability; has been served in a specific part-time exceptional education program or a combination of part-time exceptional education programs with required special services, aids, or equipment; and was previously reported for funding part time under the Florida Education Finance Program as an exceptional student.

3. An economically disadvantaged child, a child with a disability, or a child at risk of future school failure, from birth to 4 years of age, who is served at home through a home visitor program and an intensive parent education program.

4. A child who meets federal and state eligibility requirements for the migrant preschool program but who is not economically disadvantaged.

As used in this paragraph, the term “economically disadvantaged” means having a family income that does not exceed 150 percent of the federal poverty level. Notwithstanding any change in a family’s economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program remains eligible until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(7) PARENTAL CHOICE.—

(a) Parental choice of child care providers shall be established, to the maximum extent practicable, in accordance with 45 C.F.R. s. 98.30.

(b) As used in this subsection, the term “payment certificate” means a child care certificate as defined in 45 C.F.R. s. 98.2.

(c) The school readiness program shall, in accordance with 45 C.F.R. s. 98.30, provide parental choice through a payment certificate that ensures, to the maximum extent possible, flexibility in the school readiness program and payment arrangements. The payment certificate must bear the names of the beneficiary and the program provider and, when redeemed, must bear the signatures of both the beneficiary and an authorized representative of the provider.

(d) If it is determined that a provider has given any cash to the beneficiary in return for receiving a payment certificate, the early learning coalition or its fiscal agent shall refer the matter to the Department of Financial Services pursuant to s. 414.411 for investigation.

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition’s school readiness plan, unless a waiver is obtained from the Office of Early Learning.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the Office of Early Learning.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early childhood education and child care programs operating in this state.

(b)1. The Office of Early Learning shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Office of Early Learning in accordance with the policies of the Legislature.

(c) The Office of Early Learning, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the Office of Early Learning shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the Office of Early Learning shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the Office of Early Learning. The Office of Early Learning shall annually report to the Legislature any problems relating to administrative costs.

(e) The Office of Early Learning shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the office.

(f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses.

(g) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund each early learning coalition's school readiness program.

(10) CONFLICTING PROVISIONS.—If a conflict exists between this section and federal requirements, the federal requirements control.

(11) SUBSTITUTE INSTRUCTORS.—Each school district shall make a list of all individuals currently eligible to act as a substitute teacher within the county pursuant to the rules adopted by the school district pursuant to s. 1012.35 available to an early learning coalition serving students within the school district. Child care facilities, as defined by s. 402.302, may employ individuals listed as substitute instructors for the purpose of offering the school readiness program, the Voluntary Prekindergarten Education Program, and all other legally operating child care programs.

History.—s. 1, ch. 99-357; s. 65, ch. 2000-139; s. 1, ch. 2000-149; s. 97, ch. 2000-165; s. 12, ch. 2000-337; s. 55, ch. 2001-62; s. 13, ch. 2001-89; s. 20, ch. 2001-170; s. 114, ch. 2001-266; s. 4, ch. 2002-38; s. 998, ch. 2002-387; ss. 59, 79, ch. 2002-402; s. 48, ch. 2003-1; s. 453, ch. 2003-261; s. 3, ch. 2003-292; s. 74,

ch. 2003-399; s. 49, ch. 2004-269; s. 2, ch. 2004-484; s. 2, ch. 2005-56; s. 2, ch. 2006-17; ss. 40, 41, 53, ch. 2006-26; s. 2, ch. 2008-196; s. 195, ch. 2010-102; s. 27, ch. 2010-114; s. 8, ch. 2010-144; s. 20, ch. 2010-161; s. 17, ch. 2010-210; s. 33, ch. 2011-4; s. 4, ch. 2011-75; s. 305, ch. 2011-142.

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**AMENDED AND RESTATED BYLAWS
OF
EARLY LEARNING COALITION OF MIAMI-DADE/MONROE, INC.
(A FLORIDA NOT-FOR-PROFIT CORPORATION)**

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**AMENDED AND RESTATED BYLAWS
OF
EARLY LEARNING COALITION OF MIAMI-DADE/MONROE, INC.**

(A FLORIDA NOT-FOR-PROFIT CORPORATION)

**ARTICLE I.
OFFICES**

Section 1.1 Registered Office. The registered office of Early Learning Coalition of Miami-Dade/Monroe, Inc., a Florida not-for-profit corporation (the "Coalition" or "Corporation"), shall be 2555 Ponce de Leon Boulevard, 5th Floor, Coral Gables, Florida 33134.

Section 1.2 Other Offices. The Coalition may also have offices at such other places, either within or without the State of Florida, as the Board of Directors of the Corporation (the "Board of Directors") may from time to time determine or as the business of the Corporation may require.

**ARTICLE II.
VISION**

To ensure a comprehensive and integrated system providing for all families and their children beginning before birth to five years the affordable opportunity to enter school ready to learn and succeed in life.

**ARTICLE III.
MISSION**

To promote high-quality school readiness and voluntary pre-kindergarten programs and after school programs, thus increasing all children's chances of achieving future educational success and becoming productive members of society. The Coalition seeks to further the physical, social, emotional and intellectual needs of Miami-Dade and Monroe County children with a priority toward the ages before birth through age 5.

**ARTICLE IV.
PURPOSE**

To implement the provisions set forth in the School Readiness Act, Florida Statutes § 411.01 et. seq., as amended from time to time (the "School Readiness Act"), and the Voluntary Pre-kindergarten Education Program, Florida Statute Chapter 1002, Part V, as amended from time to time (the "Voluntary Pre-K Act" and together with the School Readiness Act, the "Acts"). Except as provided by law, the Coalition may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state, federal, required maintenance of effort, or matching funds under Section 411.01, F.S.

**ARTICLE V.
BOARD OF DIRECTORS**

The Coalition shall be composed of not less than 15 and not more than 30 directors (each, a "Member" and collectively, the "Members"). The Members shall be comprised of (1) Required Members; (2) Optional Members, and (3) Private-Sector Business Members (as each such term is hereinafter defined) in accordance with the requirements set forth in the Voluntary Pre-K Act. As a multi-county coalition, the Coalition must at a minimum include one member from each county. There shall always be a minimum of five (5) Members from Monroe County. No person who is from the private sector may serve as a Member if either such person or such person's relatives (as defined in § 112.3143 of the Florida Statutes) has a substantial financial interest in the design or delivery of the Voluntary Pre-Kindergarten Education Program created under part V of Chapter 1002 of the Florida Statutes or the Coalition's school readiness programs, except as provided by Section 5.3.4 herein.

Section 5.1 Required Members. The 13 required Members mandated under the Voluntary Pre-K Act (collectively, the "Required Members") are as follows and shall be voting members:

- (a) A Chair appointed by the Governor, who must meet the same qualifications as private sector business members under Section 5.4.
- (b) Two private-sector business Members appointed by the Governor; provided, that such Members meet the qualifications applicable to private-sector business Members pursuant to Section 5.4 hereof.
- (c) A Department of Children and Families Services ("DCF") district administrator or designee authorized to make decisions on behalf of DCF.
- (d) A superintendent of schools or designee authorized to make decisions on behalf of the district. This position shall be a rotating position between Miami-Dade and Monroe County.
- (e) An executive director of the Regional Workforce Development Board or designee.
- (f) A director of a local county Health Department or designee. This position shall be a rotating position between Miami-Dade and Monroe County.
- (g) A children's services council or juvenile welfare board chair or executive director, if applicable.
- (h) An agency head of a local licensing agency as defined in s. 402.302, F.S., where applicable.
- (i) The president of a local community college or designee. This position shall be a rotating position between Miami-Dade and Monroe County.

- (j) An appointee selected by a local county Board of County Commissioners. This position shall be a rotating position between Miami-Dade and Monroe County.
- (k) A central agency administrator, where applicable. This position shall be a rotating position between Miami-Dade and Monroe County.
- (l) A Head Start director. This position shall be a rotating position between Miami-Dade and Monroe County.
- (m) A representative of private for-profit child care providers, including private for-profit family day care homes. This Member must regularly provide reports to the Board regarding the needs of its constituency.
- (n) A representative of faith-based child care providers. This Member must regularly provide reports to the Board regarding the needs of its constituency.
- (o) A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act. This Member must regularly provide reports to the Board regarding the needs of its constituency.

The Required Members serve continuously while they are in their positions. A Member who no longer represents the organization or group described shall notify the Chair in writing and that seat shall remain vacant until the organization or group he or she represents identifies a new representative to serve as a Member. The Coalition also shall appoint additional Members from a list of nominees submitted to the Coalition by a Chamber of Commerce or economic development council within the geographic region served by the Coalition. Including the Members appointed by the Governor, more than one-third of the Members must be private-sector business Members, two of the private-sector business Members must be from Monroe County (collectively, the "Appointed Members"). The Appointed Members, except those appointed by the Governor, shall serve staggered terms as provided in Section 5.7. Vacancies shall be filled as provided in Section 5.12. Each Member shall hold office for the term to which he or she is appointed and until a successor has been appointed and qualified, or until resignation, removal from office or death.

Section 5.2 [INTENTIONALLY OMITTED]

Section 5.3 Optional Members. The Coalition may appoint up to two optional Members from each county served by the Coalition (the "Optional Members"), subject to the standards and criteria as established by Florida's Office of Early Learning. Optional members shall be designated voting members.

5.3.1 Each optional member must reside in, or must represent a legal entity located in, Miami-Dade or Monroe County.

- 5.3.2 Except as provided in 5.3.4 below, an optional member and the member's relatives must not have a substantial financial interest as defined in Section 5.6 below in the design or delivery of the VPK Program or the Coalition's School Readiness Program.
- 5.3.3 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 Sections 5.1, 5.2 or 5.4.
- 5.3.4 The Coalition may appoint as an optional member, a representative of a nonprofit child care provider. Notwithstanding 5.3.2 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.
- 5.3.5 The 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 5.3.1, 5.3.2 and 5.3.3 above.

Section 5.4 Private-Sector Business Members. The Coalition shall appoint private-sector business Members who meet criteria as established by the Florida Statutes, Florida's Office of Early Learning, these Bylaws and the Coalition. Including the chair and two Coalition members appointed by the Governor, and based on the number of seated board members, private sector business members must comprise more than one-third of the Coalition's seated board membership. Vacant member positions are not included in the total board membership calculation. In order to meet this requirement, the Coalition must appoint additional members who meet the criteria for appointment as a private sector business member. Each private-sector business Member must reside in Florida and be an employee, manager or owner of a business entity which operates in the Coalition's area of responsibility. A physician operating in the Coalition's area of responsibility may qualify as a private-sector business Member. A private-sector business Member must meet the following requirements:

- 5.4.1 An owner having at least a 10 percent ownership interest in the business entity;
- 5.4.2 The chief executive or operating officer of the business entity;
- 5.4.3 A business executive or employee of the business entity who is at the management level or higher with optimum policymaking or hiring authority for the business entity; or
- 5.4.4 An individual who previously met one of the criteria in 5.4.1, 5.4.2, and 5.4.3, but who is retired from the business entity.

5.4.5 The following individuals MAY NOT be appointed as private-sector business members:

- (i) An employee of the early learning coalition or of the fiscal agent, service provider, central agency, contractor or subcontractor of the coalition.
- (ii) An employee, manager or owner of a school readiness provider, private pre-kindergarten provider, public school or school district.
- (iii) An employee, manager or owner of a child care facility, family day care home, large family child care home, nonpublic school, or faith-based child care provider.
- (iv) An employee or manager of a state university, community college or other public educational institution.
- (v) An employee of the Federal Government or state government of a state, county or municipal government or of a public agency.
- (vi) A not-for-profit corporation or non-profit cooperative association unless such corporation/association is among the largest twenty-five percent of employers, ranked by number of employees, in Miami-Dade or Monroe County.
- (vii) An individual who has a substantial financial interest in the design or delivery of the VPK Program or an early learning coalition's School Readiness Program.

As used in these Bylaws, the term "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, Florida Statutes, or a nonprofit cooperative association organized under Chapter 621, Florida Statutes, unless the corporation or association is among the largest 25 percent of employers, ranked by number of employees, in Miami-Dade County or in Monroe County. The term does not include a private school corporation organized under Chapter 623, Florida Statutes.

The Coalition shall observe criteria and standards for the appointment of members as may be established and amended from time to time by Florida's Office of Early Learning. Pursuant to Florida Statutes § 411.01(5)(d)4, the Coalition shall submit its membership to the Office of Early Learning for final approval through the plan-approval process.

Section 5.5 Ex-Officio Members. The Coalition may have "ex-officio" members or multiple nonvoting members with only one voting member seated per ex-officio member position.

Ex-Officio" means a board member whose position on the board is by virtue of the office or position he or she holds. Only designated rotating members as set forth in Section 5.1 may be Ex-Officio members. The member rotating in to the position shall serve as the voting member for that position.

Section 5.6 Substantial Financial Interest. No Member or Member's relative or business entity shall have a substantial financial interest in the design or delivery of the Voluntary Pre-kindergarten Program or a coalition's school readiness program. As used in this paragraph, the term "relative" has the meaning ascribed in Florida Statutes § 112.3143, namely father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. A Coalition Member, relative or business entity has a substantial financial interest in the Voluntary Pre-kindergarten Program or an early learning coalition's school readiness program, if

5.6.1 The Member, relative, or business entity, has direct or indirect ownership of more than 5 percent of the total assets or capital stock, cumulatively, of one or more of the proscribed sources listed in 5.6.2 below; or

During the prior two years, more than 5 percent of the Member's, Member's relatives or Member's business entity's gross income was derived, cumulatively, from one or more of the proscribed sources listed in 5.6.2 below.

5.6.2 Proscribed sources: The following proscribed sources shall be used to determine whether the Member, Member's relative, or Member's business entity has a substantial financial interest in the Voluntary Pre-kindergarten Program or an early learning coalition's school readiness program under 5.6.1 above:

- (i) Florida's Office of Early Learning, the Department of Education, or the contractor or subcontractor of any of these agencies.
- (ii) An early learning coalition, former school readiness coalition, or a coalition's or former coalition's fiscal agent, central agency, contractor or subcontractor.
- (iii) A school district 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 5.6.2(iii)1-4 above
- (iv) A child care facility licensed under Florida Statutes § 402.305, a family child care home licensed or registered under Florida Statutes § 402.313, a large family child care home licensed under Florida Statutes § 402.3131, a nonpublic school exempt from licensure under Florida Statutes § 402.3025(2), or a faith-based child care provider exempt from licensure under Florida Statutes, § 402.316.
 - (v) A public or private pre-kindergarten provider delivering the Voluntary Pre-kindergarten program.
 - (vi) A public or private school readiness provider delivering an early learning coalition's school readiness program.
 - (vii) A national child care accrediting organization providing accreditation to Florida-based child care providers, public schools or private schools;
 - (viii) A Department of Children and Families approved Gold Seal child care accrediting organization;
 - (ix) An accrediting association that is a member of any of the organizations listed in (vii) or (viii) above;
 - (x) A vendor of educational materials or supplies, including, but not limited to, books, curricula, or equipment; and
 - (xi) An organization of which the membership is composed of 10 percent or more of individuals or business entities listed in (i)-(viii).

The Coalition shall observe criteria, standards and policies for determining whether a Member, relative or business entity has a substantial financial interest in the design or delivery of the Voluntary Pre-kindergarten Program or a coalition's school readiness program, as may be established and amended from time to time by Florida's Office of Early Learning.

Section 5.7 Terms of Office. Terms of office for all Members shall be staggered. Initially, the Members shall serve two-, three- or four-year terms as determined by the Chair. Subsequently, all terms will be four years; thus, there will always be three classes of approximately equal size, with the term of each class ending in consecutive years. No person may serve as a Member for more than eight years consecutively. But any such person can be nominated to serve additional terms after a one-year break in service.

Section 5.8 Membership Rotation for Miami-Dade and Monroe. After a designated rotating member as set forth in Section 5.1 from one county has served a maximum of two consecutive terms, the Coalition shall offer the rotation of the membership position to the other county served by the Coalition. If the other county accepts the rotating position, the currently serving board member shall become an ex officio member, provided that they will not exceed the two term, eight year limit. If the other county served by the Coalition declines the position, the position shall remain with the original county for one additional term. At the conclusion of the additional term, the offer of rotation shall be made once again to the other county served by the Coalition.

Section 5.9 Powers. All corporate powers shall be exercised by or under the authority of the Board of Directors of the Coalition. The business and affairs of the Coalition shall be managed under the oversight and direction of the Board of Directors. The Board of Directors may delegate such powers, authority and duties or discharge such powers, authority and duties through these bylaws, through resolutions or other official action.

Section 5.10 Voting Rights. Except for those Ex-Officio Members under Section 5.5, each Member shall have one vote for the conduct of Coalition business. Members must be physically present or attend by telecommunications technology in order to vote. Members may participate in a meeting by means of telephone conference, video conference or similar communications equipment as set forth in Section 7.6 of these Bylaws. A voting Member may send a representative to any meeting of the Coalition, but such representative cannot vote, nor shall the presence of such representative be considered for purposes of establishing a quorum. When a district administrator for the Department of Children and Family Services appoints a designee to the ELC, the designee is the voting member of the ELC, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

5.10.1 [INTENTIONALLY OMITTED]

5.10.2 Each voting member, for the purposes of section 112.3143(3)(a), F.S., is considered a local public officer and must disclose, in accordance with the provisions of section 112.3143(3)(a), F.S., 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).

Section 5.11 Resignations from the Coalition. To resign, a Member shall give a written statement of resignation to the Chair, except for the Chair who shall give a written statement of resignation to the Vice Chair, the President of the Coalition and the Governor of the State of Florida. All resignations shall take effect at the time specified in the written statement.

Section 5.12 Vacancies. The Board of Directors may appoint Members to fill existing vacancies on the board or to fill a vacancy that arises due to resignation, removal, death or expiration of a Member's first or second term. The Nominating Committee shall advertise the vacancies to be filled for appointed positions . It may be advertised utilizing print or electronic media available to the general public in the Coalition's service delivery area until the vacancy is filled. The advertisement may be made to the chambers of commerce, council of chambers and economic development boards (except those Member positions filled by appointment of the Governor) within the geographic region served by the Coalition, and the Nominating Committee shall compile a ballot listing all such applications and nominees as may be identified by the chambers of commerce, council of chambers or economic development boards. The Nominating Committee shall request that recommendations be provided from peer groups of private child care providers, faith based child care providers, and representatives from programs for children with disabilities within 45 calendar days of its meeting to fill vacancies for a private child care provider, a faith based child care provider, and/or a representative from programs for children with disabilities. The Nominating Committee shall use its best efforts to select persons to nominate from such lists of recommended provider(s), but the Nominating Committee is not bound by such lists and may accept or reject said nominations. The Nominating Committee will recommend appropriate nominees to the Board who shall then vote to approve to fill vacancies. Should a vacancy occur prior to the completion of a term, the Member elected to fill such vacancy shall serve until the end of the term that is being filled.

Section 5.13 Conflict of Interest. No Member may participate or vote upon any measure which would inure to such Member's special private gain or loss (including a Member's relatives, as defined in Florida Statutes § 112.3 143) or that of the principal whom such Member represents. All Members shall make known through verbal or written communication to the Coalition Members and the Chair all possible or apparent conflicts and refrain from voting and/or participating in actions to be taken on an item on which such Member has a conflict of interest.

Section 5.14 Membership in Coalition Plan. The Coalition must submit its board membership to Florida's Office of Early Learning ("Agency") through the plan approval process, pursuant to Section 411.01(5)(d)4., F.S. If changes are made to the membership roster, the Coalition must submit an amended membership roster to

the Agency through the plan amendment process within sixty (60) days of board approval.

ARTICLE VI. OFFICERS

Each voting Member shall be eligible for appointment to any of the Coalition's appointed offices. Non-voting Members shall be eligible for appointment to the Coalition's appointed offices, except as specifically prohibited in these Bylaws, by Florida's Office of Early Learning or by Florida law.

The Chair shall determine the eligibility of candidates for office and shall consider candidates for filling any vacancies. Any person so considered shall have given prior, written consent to consideration and appointment as an Officer to the President/CEO of the Coalition. The first slate of officers shall be appointed after all Members of the Coalition are seated. The Chair's selection of officers must be ratified by a majority vote of the Board.

Each appointed Officer shall take office immediately following installation at an annual meeting. Each appointed Officer shall hold office for the term to which appointed and until a successor has been appointed and qualified or until an earlier resignation, removal from office or death.

If an office is vacated prior to the completion of the term, an officer may be appointed by the Chair and ratified by a majority of the Members to fill the vacancy until the term ends.

Section 6.1 Officers. The Chair of the Coalition shall be appointed by the Governor. The Chair shall appoint a Vice Chair, Secretary and Treasurer (each, an "Officer" and, collectively, the "Officers"). Other offices may be created and Officers appointed by the Chair as deemed necessary by the Coalition. All of the Chair's appointments must be ratified by a majority vote of the Board.

The President/CEO is an employee of the Coalition and not a Member. The President/CEO shall be appointed by a majority vote of the Board.

Section 6.2 Appointment and Terms of Office. Except for the Chair, who is appointed for a four-year term, each Officer shall be appointed for a three-year term. No Officer may hold the same office for more than two consecutive terms. Whenever possible, terms of office shall coincide with the Coalition's Fiscal Year (as hereinafter defined). Except as set forth in the third paragraph of this Article VI, the term of office for a given Member as an officer shall not exceed the term of that Member's membership as provided herein.

Section 6.3 Chair. The Chair presides at all meetings. Prior to the meeting, the Chair will ensure that an agenda is prepared for distribution to the Members by the Secretary as described in Section 6.6 below. He/she will be an ex-officio Member of all committees and shall perform duties pertaining to the "office" or required of him/her from time to time by the Coalition. The Chair shall be a voting Member. If there are any vacancies in an Officer's position prior to the expiration of that

Officer's term, the Chair of the Board of Directors may make an interim appointment to fill that position until the next meeting of the Board of Directors.

Section 6.4 Vice Chair. The Vice Chair presides in the absence of the Chair or whenever the Chair temporarily vacates the Chair. The Vice Chair shall be a voting Member.

Section 6.5 President/CEO. The President shall be employed by and held accountable to the Coalition. The President shall be Chief Executive Officer (CEO) of the Coalition and has the responsibility for administration of the affairs of the Coalition and for the employment and direction of all employees of the Coalition. The President/CEO shall attend the meetings of the Coalition and the Executive Committee. The President/CEO shall perform such other duties as shall be required by the Coalition and the Executive Committee consistent with the Coalition's Articles of Incorporation and these Bylaws. The President/CEO is not a Member.

The Executive Committee shall evaluate the President/CEO's performance on an annual basis. The results shall be delivered to the President/CEO by the Chair.

Section 6.6 Secretary. The Secretary shall ensure that the minutes of every Coalition meeting are recorded, ensure that the agenda and minutes are distributed at least three (3) days prior to the meeting, shall determine the official quorum for each meeting by reviewing the list of Members, and shall sign all resolutions made and adopted by the voting Members. The Secretary shall be a voting Member.

Section 6.7 Treasurer. The Treasurer shall review moneys received and expended for the use of the Coalition and shall make a report at all regularly scheduled Coalition meetings. The Treasurer shall meet periodically with the fiscal staff of the Coalition to ensure compliance with generally accepted accounting principles. The Treasurer is responsible for ensuring an independent audit occurs annually. The Treasurer shall chair the Finance Committee. The Treasurer shall be a voting Member.

ARTICLE VII. MEETINGS

Section 7.1 Meetings Per Fiscal Year. The Board of Directors will meet at least six times a year. The Coalition's fiscal year shall be July 1 through June 30 (the "Fiscal Year").

Section 7.2 Notices of Meetings. All meetings of the Board of Directors and all standing, special or other committee meetings shall be publicly noticed and conducted in accordance with Florida Statutes § 286.011 (the "Sunshine Act").

Section 7.3 Special Meetings. The Chair may call special meetings of the Board of Directors for any purpose(s) with adequate notice in accordance with the Sunshine Act.

Section 7.4 Quorum for Meetings of the Board of Directors. A majority of the voting Members physically present shall constitute a quorum for the transaction of business at any meeting of the Board of Directors of the Coalition. Members may participate and vote by communications technology at a meeting of the Board of Directors as set forth in Section 7.6 below, however such participation does not count for the purposes of a quorum.

Section 7.5 Quorum for Meetings of the Standing Committees, Subcommittees and Special Committees. Subcommittees and Special Committees. The quorum requirements for the conduct of committee meetings shall be different from the quorum requirements for meetings of the Board of Directors concerning participation by Members through communications technology.

- (i) Quorum for Standing Committee and Subcommittee Meetings. A majority of the voting Members physically present or present by communications technology as set forth in Section 7.6 below shall constitute a quorum for the transaction of business at any meeting of a Standing Committee or Subcommittee of the Coalition.
- (ii) Quorum for Meetings of Special Advisory or Fact-Finding Committees. A majority of appointed persons physically present or present by communications technology as set forth in Section 7.6 below shall constitute a quorum for a meeting of a special advisory or fact-finding committee, provided that such advisory or fact-finding committee has no final Coalition authority and otherwise meets the requirements for advisory or fact-finding committees set forth in Section 9.1.

Section 7.6 Attendance by Communications Technology. The Coalition may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

The Coalition may conduct meetings via communications technology provided that the Coalition complies with all requirements of Florida law for the conduct of such meetings, including but not limited to providing notice and points of access for the public. The electronic means must allow the absent member to participate in discussions, to be heard by the other Members and the public and to hear discussions taking place during the meeting. If a Member cannot be physically present at a meeting, the Member should promptly notify the Coalition before said meeting so that the Coalition can seek to make accommodations. No Member may attend more than 3 meetings of the Board of Directors per year by electronic means.

Section 7.7 Meeting Attendance. When a member has been absent from three (3) meetings of the Board of Directors within any given fiscal year, any additional absence will be considered a resignation from the Coalition by that Member unless the Chair

excuses such an additional absence; provided, however, that the Chair may only excuse two additional absences for a Member. An absence by a Member from six (6) meetings of the Board of Directors within any given fiscal year shall be considered a resignation from the Coalition by that Member. The Chair shall send a letter to all Members absent from three meetings within a given fiscal year notifying them that their status as Members is in jeopardy, encouraging their attendance, and reminding them of the meeting attendance policy. When a Member sends a representative to a meeting of the Board of Directors of the Coalition, the presence of such representative shall be counted for purposes of attendance.

Section 7.8 Annual Meeting. There shall be an annual meeting in June of each calendar year, and elections of Members and Officers will be conducted at this meeting. The Annual Meeting may be held within three months of June of the calendar year at the Chair's discretion.

ARTICLE VIII. STANDING COMMITTEES

Section 8.1 Executive Committee. The Executive Committee shall be a standing committee of the Board of Directors, comprised of the Chair, Vice Chair, President, Secretary, Treasurer and any other officers (including officers at-large) that are created, appointed and elected as provided herein. The Coalition may delegate to the Executive Committee such power and authority as the Coalition may deem appropriate in connection with day to day operations and administration of the Coalition. Based on Coalition needs, the Executive Committee may act in place of the Coalition between Coalition meetings. Executive Committee action must be ratified by the Coalition at the next available Coalition meeting. If the action is not ratified, it shall be deemed void.

Section 8.2 Nominating Committee. The Nominating Committee shall be a standing committee, consisting of at least five Members appointed by the Chair, subject to approval of the Board of Directors. The Nominating Committee Chair shall be appointed by the Chair of the Coalition, subject to the approval of the Board of Directors.

The Nominating Committee is responsible for (i) nominating Officers and Members for election one month prior to each annual meeting, and (ii) nominating replacement Officers and Members for election from time to time upon the vacancy of any Office or Membership position.

The Nominating Committee Chair shall submit a written slate of nominees no later than five days before the next regularly scheduled meeting of the Members for distribution to the Members in preparation for said meeting.

Section 8.3 Finance Committee. The Finance Committee shall be a standing committee and is responsible for providing oversight of the Coalition's financial operations and

for reviewing compliance with Coalition policies, procedures and applicable laws and regulations. The Finance Committee shall be responsible for ensuring that the Coalition has established accounting, purchasing, and other financial procedures which provide adequate internal controls, delineate a separation of duties, and carry out oversight responsibilities; financial planning and strategic overview of finances. The Finance Committee shall review and evaluate management's implementation of the Coalition's policies and financial plans, policy development and resources. The Committee shall ensure that the Coalition's financial practices enable it to achieve operational effectiveness and efficiency, accurate and reliable financial reporting, and compliance with applicable laws and regulations.

The Chair or Vice-Chair of the Committee shall present a report to the full board on the activities of the Committee and their recommendations regarding acceptance of reports, approval of agenda items or ratification of purchases made in accordance with the Purchasing Guidelines.

8.3.1 The Finance Committee reviews and makes recommendations concerning the annual budget and financial plans of the Coalition and any revisions to the budget and financial plans. The Committee reviews fiscal summaries at least quarterly to evaluate expenditures against revenues.

8.3.2 The Finance Committee also:

- (i) Ensures that budget-to-actual variance analyses are performed after year end numbers are finalized;
- (ii) Reviews fiscal policy and the recommendations of the organization's auditors; and
- (iii) Annually evaluates the executive management of the organization's fiscal affairs.

8.3.3 The Committee shall recommend the adoption of changes to financial policies considered necessary based on reviews and evaluations; recommend the approval of the budget, acceptance of monthly or quarterly financial reports, monitoring enrollment data, benchmarking and other financial reporting.

8.3.4 At each meeting of the Board of Directors, the Chairman of the Finance Committee or his/her designee will make a report to the Board on the actions of the Committee and make recommendations as considered necessary.

8.3.5 Membership. The Finance Committee shall be composed of at least three (3) Members of the Board of Directors appointed by the Chair, but the Chair may appoint more members, all subject to approval by the Board of Directors. Members will be appointed to staggered three-year terms and

may serve for no more than two consecutive terms. The Chair of the Finance Committee shall be the Treasurer of the Coalition. The Chair of the Board shall appoint the Finance Committee Vice-Chair, subject to approval by the Board of Directors.

8.3.6 Duties. The Finance Committee is responsible for the following functions:

- (i) Approve annual budget and quarterly budget amendments
- (ii) Analyze budget variances
- (iii) Review monthly or quarterly financial reports and review of the analysis of the financial operations
- (iv) Review benchmarking results, trend analysis, slot utilization reports, enrollment patterns, etc.
- (v) Review and approve agenda items that have financial implications, i.e., contracts, purchases, etc.
- (vi) Review and approve the issuance of Request for Proposals (RFP) Invitation to Negotiate (ITN), Bids, or quotes solicited to acquire goods and/or services in accordance with the Coalition's Procurement Guidelines
- (vii) Establish guidelines, rules, policies and/or procedures regarding:
 - (1) Accounting
 - (2) Procurement
 - (3) Travel
 - (4) Property Use and Dispensation
 - (5) Salary and Compensation
- (viii) Monitor compliance with Property Guidelines:
 - (1) Results of Property Inventory
 - (2) Write-offs
 - (3) Surplus of Property
- (ix) Approve major contracts and the submission of major grant applications, and forward recommendations for the award of major contracts and major grant applications to the Board of Directors.

- (x) Establish and monitor accountability measures for the Coalition.
- (xi) Assess financial risks and measures to address the risks, i.e., insurance coverage, business interruption plan, etc.

8.3.7 Meetings. The Finance Committee shall meet prior to the meetings of the Board of Directors to review agenda items that require approval, acceptance and/or ratification by the Board of Directors. The Finance Committee may meet more frequently as the need arises.

Section 8.4 Program Policy and Strategy Committee. The Program Policy and Strategy Committee shall be a standing committee, consisting of at least three (3) Members, appointed by the Chair, subject to approval of the Board of Directors. The Program Policy and Strategy Committee Chair shall be appointed by the Chair of the Coalition, subject to approval by the Board of Directors.

The Program Policy and Strategy Committee shall be responsible for evaluating Coalition programs, formulating strategy and making policy recommendations to improve the quality of early care and education in Miami-Dade and Monroe Counties.

Section 8.5 Providers' Service Committee. The Providers' Service Committee shall be a standing committee, consisting of at least three (3) Members, appointed by the Chair, subject to the approval of the Board of Directors. The Providers' Service Committee Chair(s) shall be appointed by the Chair of the Coalition, subject to approval by the Board of Directors.

The Provider Services Committee is responsible for addressing the issues and concerns of both School Readiness and Voluntary Pre-kindergarten (VPK) early care and education providers in Miami-Dade and Monroe Counties.

8.5.1 The Providers' Service Committee shall be responsible for evaluating and disseminating information concerning the Coalition's services, programs and policies impacting providers of early care and education in Miami-Dade and Monroe Counties. The Provider' Services Committee shall review, analyze, formulate and recommend relevant policies, procedures and training requirements for participation in the Coalition's programs. The Providers' Service Committee shall review, analyze and disseminate information concerning the child care resource and referral database, food programs, child health and development, professional associations, the availability of technical assistance, training opportunities, grants and other resources. The Providers' Service Committee shall collect data, information and comments from providers in support of its mission. The Provider Services Committee shall also be responsible for instituting a process for resolving provider disputes and grievances.

8.5.2 Duties. The following outlines the duties, action steps and timelines that the Provider Services Committee has established to evaluate the effectiveness of services and programs. The Committee will:

- (i) Address and provide resolution, whenever possible, to concerns, requests or ideas brought forth by early child care and education providers (ECCEP).
- (ii) Report matters to the Board of Directors requiring Board action and provide feedback to providers regarding Board responses at subsequent Provider Services Committee meetings and via Provider News Alerts as needed.
- (iii) Review unresolved early child care education providers' grievances submitted pursuant to the Coalition's grievance policies.

8.5.3 Meetings. The Provider Services Committee shall meet at least quarterly throughout Miami-Dade and Monroe Counties, as the Committee shall decide, and engage in dialogue with early child education providers regarding their ideas, needs, and concerns.

8.5.4 Reporting Structure. The Chair of the Provider Services Committee or his/her designee shall report to the Coalition's Board of Directors certain actions and/or issues pertaining to early care and education providers as deemed appropriate.

Section 8.6 Governance and Bylaws Committee. The Governance and Bylaws Committee shall be a standing committee of at least three Members, appointed by the Chair, subject to approval by the Board of Directors. The Governance and Bylaws Committee shall meet at least once a year to review these Coalition's Bylaws, Program Guidance (or "Program Instructions") Memoranda issued by Florida's Office of Early Learning ("OEL"), federal and state statutes, rules and regulations, and the Coalition's policies and procedures concerning governance and make recommendations to the Board of Directors for policies that provide specific guidance and direction to the Coalition and its leadership concerning salient aspects of governance. The Governance and Bylaws Committee shall also make recommendations concerning revisions to these Bylaws. The Chair of the Governance and Bylaws Committee shall be appointed by the Chair of the Coalition, subject to approval by the Board of Directors.

Section 8.7 Number of Committee Members; Vacancies. Unless otherwise provided herein, each standing committee of the Coalition shall have three or more Members who shall be appointed by the Chair, subject to the approval of the Board. The Chair of the Coalition shall appoint persons to fill vacancies on standing committees, subject to approval by the Board of Directors. Unless otherwise provided herein, the Chair shall serve as an ex-officio Member of each standing committee. Only voting Members register official votes on standing committees. If there are any

vacancies in any Committee member's position prior to the expiration of that Committee member's term, the Chair of the Board of Directors may make an interim appointment to fill that position until the next meeting of the Board of Directors.

Section 8.8 Committee Meeting Attendance. An absence by a Committee Member from three (3) meetings of the Committee within any given fiscal year shall be considered a resignation from the Committee by that Member. The Chair shall send a letter to all Committee Members absent from two (2) meetings within a given fiscal year notifying them that their status as Committee Members is in jeopardy, and encouraging their attendance.

ARTICLE IX. OTHER SPECIAL COMMITTEES

Section 9.1 Other Standing Committees, Subcommittees and Special Committees. The Coalition may establish other standing committees and subcommittees, in addition to special committees as it deems appropriate to fulfill the Coalition's mission or needs. The Coalition may also establish special committees that are advisory or fact-finding committees. The Coalition may appoint Members and Non-Members to its advisory or fact-finding committees. Fact-finding and advisory committees shall not be standing committees, cannot exercise Coalition authority and shall be limited to purposes of advising the Board of Directors.

Section 9.2 Procurement Evaluation Committees. Procurement Evaluation Committees are special, advisory and fact-finding committees that shall consist of persons appointed by the President/CEO in a manner consistent with the Coalition's procurement policies. The President/CEO shall create each Procurement Evaluation Committee pursuant to the Coalition's procurement policies, and each such committee shall be limited in scope and duration. Each Procurement Evaluation Committee may consist of persons who are non-voting Members and persons who are not Members. Procurement Evaluation Committees cannot exercise final Coalition authority and do not have authority to make final, binding procurement decisions. Each Procurement Evaluation Committee shall be limited to purposes of finding facts and advising the Coalition staff, the Finance Committee and/or the Board of Directors.

9.2.1 One or more Procurement Evaluation Committees may be appointed as determined by the needs of the Coalition. Procurement Evaluation Committees may advise, draft, create, rank and/or evaluate bids, bidders, requests for bids, requests for proposals and/or proposals and these Committees may also exercise such other duties delegated by the Coalition's Procurement Policies, the Finance Committee, the Board of Directors and/or the President/CEO. Procurement Evaluation Committees are to also make recommendations to the Board of Directors concerning bids, bidders, requests for bids, requests for proposals and/or proposals pursuant to the Coalition's Procurement Policies. If non-voting Members

are appointed, the Coalition must institute measures to ensure that such appointment is consistent with the Coalition's procurement and conflict of interest policies.

- 9.2.2 The Procurement Evaluation Committee shall be responsible for screening, processing, evaluating and/or ranking proposals received by the Coalition as part of its procurement process, but shall not have final decision-making authority. The Procurement Evaluation Committee must make recommendations for contract awards to the Board of Directors, the Finance Committee and/or staff, as directed by the Board of Directors and/or the Coalition's Procurement Policy.

Section 9.3 Audit Committee. The Audit Committee shall be a special, independent Committee responsible for ensuring that the operations of the Coalition are in compliance with applicable policies, procedures, laws and regulations. The Audit Committee shall be responsible for ensuring that the Coalition has adequate internal controls.

- 9.3.1 The Audit Committee shall recommend the selection of external auditors to the Board of Directors and shall be responsible for establishing the compensation of the external auditors.

- 9.3.2 The Committee shall oversee auditing function of the Coalition. The Committee shall be responsible to approve the selection of the firm to provide internal audit services. The Committee shall be responsible to approve the selection of the firm to provide external audit services.

- 9.3.3 The Chair of the Audit Committee or his/her designee will make a report to the Board of Directors as needed on the activities of the Committee and make recommendations as considered necessary.

- 9.3.4 Membership. The Audit Committee shall be composed of no more than five (5) persons appointed by the Chair of the Board of Directors. None of the persons appointed to the Audit Committee shall be part of management. No more than one member of the Finance committee shall be a member of the Audit Committee. Members will be appointed to staggered three-year terms and may serve for no more than two consecutive terms. The Chair of the Board of Directors shall appoint the Committee Chair and Vice-Chair, subject to approval by the Board of Directors.

The Chair or Vice-Chair of the Committee will present a report to the full board on the activities of the Committee and their recommendations regarding acceptance of audit and compliance reports, approval of selection of audit firms, and any other issues that the Committee members may deem necessary.

9.3.5 Duties. The Audit Committee shall oversee the audit functions at the Coalition. The Audit Committees duties shall include:

- (i) Selection of internal and external auditors
- (ii) Approval of an internal audit plan
- (iii) Report to the Board on the status of the internal control environment at the Coalition.
- (iv) Review and approve audit reports, compliance reviews and any other independent review of the financial and operational aspects of the Coalition
- (v) Oversee corrective actions and responses to audit findings
- (vi) Monitor implementation of audit recommendations
- (vii) Monitor adequacy of internal controls through implementation of audit recommendations
- (viii) Investigate allegations of fraud
- (ix) Monitor compliance with Code of Ethics and policies and procedures
- (x) Assess financial risks and measures to address the risks, i.e., insurance coverage, business interruption plan, etc.

9.3.6 Meetings. The Audit Committee shall have as many meetings as it deems necessary to fulfill its responsibilities but in no event should the number of meetings be less than once a quarter.

ARTICLE X. LIABILITY

The Coalition shall indemnify any Member or Officer to the full extent permitted by the law.

ARTICLE XI. REVISION/REPEAL OF BYLAWS

These Bylaws may be amended, repealed or altered in whole or in part by a two-thirds vote of the Members at any regular or special meeting. Any proposal to amend, repeal or alter these Bylaws shall be delivered in writing to Members of the Coalition no fewer than ten days before the meeting in which the proposal is to be considered. These Bylaws are a part of the Coalition's school readiness plan and any amendment, repeal or alteration of these Bylaws constitute an amendment, repeal or alteration of the Coalition's school readiness plan.

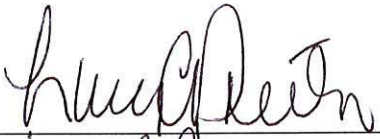
**ARTICLE XII.
RULES OF ORDER**

Robert's Rules of Order, as amended, shall be the parliamentary authority for all matters or procedures not specifically covered in the Bylaws.

**ARTICLE XIII.
CODE OF ETHICS**

The activities of the Coalition shall be governed by the Code of Ethics for Public Officers and Employees, as defined in Florida Statutes, §§ 112.313, 112.3135, and 112.3143.

DATED: May 30, 2012.

BY: 
NAME: Wally Clineiro
TITLE: Board Secretary