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CLASS AND PROVIDER TRANSFERS IN VPK

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Summary

This program guidance outlines a recommended procedure for transferring a student who does not qualify for a one-time reenrollment under “good cause” or “extreme hardship” between VPK classes offered by the same provider or between VPK classes offered by different providers.

Background

In accordance with constitutional mandate, every four-year old child in Florida has the right under section 1(b), Article IX, of the Florida Constitution, to receive a complete high quality prekindergarten education. Under that section of the Constitution, the legislature was authorized to craft educational and programmatic standards for the Voluntary Prekindergarten (VPK) program and did so under sections 1002.51 through 1002.79, Florida Statutes (the VPK law).

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The VPK law states that students may enroll in one of the following program types: 1) A school-year program delivered by a private prekindergarten provider; 2) a summer prekindergarten program delivered by a public school or private provider; or 3) a school-year program delivered by a public school. Each VPK student is constitutionally entitled to receive VPK instruction as one full-time equivalent (FTE) student and the full benefit of the VPK program.

Reemphasizing the constitutional requirement that 4 year old children in Florida deserve a complete VPK experience, section 1002.71, Florida Statutes, states that a VPK student is entitled to a one-time reenrollment that will enable the student to obtain funding for two FTE enrollments if the student is prevented from taking full advantage of his or her original FTE under a “good cause” or “extreme hardship” exception.

Additionally, a certification required by section 1002.71(6)(b)2., Florida Statutes, indicates that the parents of a student “continue to choose” that particular provider to deliver the VPK program for the student. An inherent part of the parental certification of continuing choice is the ability of a parent to choose a provider and, if necessary, select a new provider. Considering that parents have the statutory opportunity to choose a new provider to deliver the VPK program to their child, the legislature must have intended that coalitions and providers have the complementary ability to transfer students. This interpretation of statute offers the greatest opportunity for parental choice which is in keeping with the mandates of the Florida Constitution.

Program Guidance

In circumstances where a VPK student does not qualify for a good cause or extreme hardship reenrollment or in cases where a good cause or extreme hardship reenrollment is not desired for the student by his or her parent or guardian, a student may undergo a class transfer or a provider transfer in accordance with the intent of section 1(b), Article IX, of the Florida Constitution. A student who undergoes a class transfer or provider transfer uses only his/her remaining FTE funding.

- (1) ***Class transfers.***— Under the Agency’s interpretation of the mandates of the VPK law and section 1(b), Article IX, of the Florida Constitution:
 - (a) A VPK provider may transfer a student’s enrollment from one VPK class to another VPK class at the same VPK provider.
 - (b) A student may not transfer between a school-year program and a summer program, unless the student has yet to attend an instructional day in any VPK program.

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- (c) A VPK provider's transfer of a student's enrollment from one class to another class at the same VPK provider does not constitute the student's one-time reenrollment for good cause or extreme hardship if the transfer does not result in the student being reported for funding purposes as more than one FTE student.
- (d) If the transfer would result in the student being reported as more than one FTE, the transfer constitutes the student's one-time reenrollment for good cause or extreme hardship if the student is able to meet the requirements for reenrollment.
- (e) If the class transfer results in a student entering a class with more instructional hours remaining then the student's remaining FTE funding will cover, then:
 - 1. The coalition may only pay the remaining FTE funding for the student in accordance with s. 1002.71(2), Florida Statutes, and;
 - 2. When FTE funding is exhausted for a student, funding can no longer be provided on behalf of that student for the VPK program. The student's parent/guardian and the provider may enter into a private agreement for services if both desire that the student continue to receive instruction in the provider's program despite having exhausted the student's FTE funding. If the child remains in a VPK class after he or she has exhausted his or her FTE funding, the VPK class will be considered a "blended class" pursuant to rule 60BB-8.400, F.A.C.
- (f) The VPK provider must obtain the written consent of the student's parent or guardian before changing the student's enrollment to another class, if the transfer would:
 - 1. Constitute the student's one-time reenrollment for good cause or extreme hardship;
 - 2. Cause a change in the times or days of the student's VPK class schedule; or
 - 3. Cause the student to complete his/her VPK hours prior to the end date of the new VPK class schedule.
- (g) The written consent referenced in (f) above should include enough information to advise the parent or guardian of the changes which will effect their student and to create an adequate record for the provider's future reference. Suggested information includes: the name of the provider, the provider's address, the child's name, the child's date of birth, the number of payable VPK hours remaining, which of the three items listed under (f)

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require the written consent why the change is necessary, and the signature of the parent.

- (h) A VPK provider may initiate a class transfer by notifying the coalition or its designee that the student is transferred from one class to another, with an effective date, and, if the parent's or guardian's written consent is required, by providing the coalition or its designee with documentation of the parent's or guardian's written consent. Form AWI-VPK 06 (Informed Parental Consent for Provider Transfers and Class Transfers) is an example of a form which may be used to complete the transfer.

(2) **Provider transfers.**— Under the Agency's interpretation of the mandates of the VPK law and section 1(b), Article IX, of the Florida Constitution:

- (a) **Definition** – For purposes of this section, a “receiving provider” means the provider or school to which a student transfers after having been enrolled with another provider or school.
- (b) A coalition may transfer a student's enrollment from one VPK provider to another VPK provider under this section if the transfer does not result in the student being reported for funding purposes as more than one FTE student.
- (c) A student may not transfer between a school-year program and a summer program, unless the student has yet to attend an instructional day in any VPK program.
- (d) Transfer of a student's enrollment from one provider or school to a different provider or school does not constitute the student's one-time reenrollment for good cause or extreme hardship if the student is reported as only one FTE student and unless the student meets the conditions of reenrollment for good cause or extreme hardship.
- (e) If the provider transfer results in a student entering a provider's VPK program with more instructional hours remaining than the student's remaining FTE funding will cover, then:
 1. The coalition may only pay the remaining FTE funding for the student, and;
 2. When FTE funding is exhausted for a student, funding can no longer be provided on behalf of that student for the VPK program. The student's parent/guardian and the provider may enter into a private agreement for services if both desire that the student continue to receive instruction in the provider's program despite having exhausted the student's FTE

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funding. If the child remains in a VPK class after he or she has exhausted his or her FTE funding, the VPK class will be considered a “blended class” pursuant to rule 60BB-8.400, F.A.C.

- (f) A coalition may request that a student’s parent or guardian complete Form AWI-VPK 06 (Informed Parental Consent for Provider Transfers and Class Transfers) before transferring the student to another VPK provider.
- (g) A coalition should issue another certificate of eligibility to the parent and attach a copy of Form AWI-VPK 06 (Informed Parental Consent for Provider Transfers and Class Transfers) to inform the receiving provider of the total number of a student’s remaining unpaid instructional hours.
- (h) A receiving provider may not require the parent/guardian to pay a fee as a condition of accepting the child, nor may the provider require the parent/guardian to purchase additional services.

ATTACHMENTS

Form AWI-VPK 06 (Informed Parental Consent for Provider and Class Transfers)

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TO THE OFFICE OF EARLY LEARNING AT (850) 921-3194
OR EMAIL OEL.Questions@awi.state.fl.us