

### **60BB-8.100 Definitions.**

As used in this chapter, the term:

- (1) “Absence” means each instructional day that a child does not attend (is absent from) a VPK program.
- (2) “Admission” is a step in the process of enrolling a child in the VPK program. It means a VPK provider agrees to enroll (or admit) the child to its VPK program.
- (3) “Attendance” means an instructional day, either in whole or in part, that a child is present (or attends) a VPK program.
- (4) “Child Application” means Form AWI-VPK 01 (Child Application) incorporated by reference in Rule 60BB-8.201, F.A.C.
- (5) “Class application” means Form AWI-VPK 11 (Class Registration Application) incorporated by reference in Rule 60BB-8.300, F.A.C.
- (6) “Coalition” means an early learning coalition created under Section 411.01(5), F.S.
- (7) “Enrollment” is the final step in the process of entering (or enrolling) a child in the VPK program. It means officially entering the child’s name in the statewide information system as a VPK student.
- (8) “Excused absence” means an instructional day from which a child is absent from a VPK program for a reason listed in paragraph 60BB-8.204(3)(b), F.A.C.
- (9) “Instructional day” means a calendar day that a VPK provider delivers scheduled instruction for the VPK program.
- (10) “Parent” has the same meaning as the term defined in Section 1000.21, F.S.
- (11) “Program year” means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 60BB-8.451(1), F.A.C., and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 60BB-8.451(2), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2007-2008, 2008-2009).
- (12) “Provider application” means Form AWI-VPK 10 (Statewide Provider Registration Application) incorporated by reference in Rule 60BB-8.300, F.A.C.
- (13) “Qualified contractor” means an entity performing the duties of coalition under contract, including conducting the parent orientation session or video exhibition; registering a provider, child or class; determining child or provider eligibility; and enrolling children in the statewide information system. This definition does not include a private entity that derives more than 5 percent of its income, excluding income that the entity derives from the Federal Government for Head Start, from providing child care as defined in Section 402.302, F.S. This definition does not include a school district or public school. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor.
- (14) “Registration” is a step in the enrollment process. To register a child in the VPK program means to submit the Child Application form and supporting documents to a coalition for evaluation, in order to determine the child’s eligibility for the program.
- (15) “School-year program” means a school-year prekindergarten program delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.
- (16) “Summer program” means a summer prekindergarten program delivered by a private provider or public school under Section 1002.61, F.S.
- (17) “Unexcused absence” means an instructional day from which a child is absent from a VPK program which is not an excused absence under paragraph 60BB-8.204(3)(b), F.A.C.
- (18) “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.
- (19) “VPK program” means the Voluntary Prekindergarten Education program created under Section 1002.53, F.S., and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article IX of the State Constitution.
- (20) “VPK provider” means a provider delivering the VPK program. There are two types of VPK providers: private prekindergarten providers as defined in Section 1002.51, F.S. and public schools.
- (21) “VPK site” means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.51, 1002.53(2), (4), 1002.55(2), (3)(g), 1002.61(2)(a), (7)(a), 1002.63(2), (8)(a), 1002.71(2), (6)(d), 1002.75(2)(a), (c), (d) FS. History—New 1-19-06, Amended 5-24-07.*

**60BB-8.200 Documenting Child Eligibility for the VPK Program.**

An early learning coalition shall determine the eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child's eligibility, as follows:

(1) Age eligibility.

(a) To be eligible for VPK, a child must be 4 years of age, but not 5 years of age or older, on September 1 of the program year.

(b) The Coalition shall keep a record of at least one of the following supporting documents that shows the child's name and date of birth:

1. An original or certified copy of the child's birth record filed according to law with the appropriate public officer;
  2. An original or certified copy of the child's certificate of baptism or other religious record of the child's birth, accompanied by an affidavit stating that the certificate is true and correct, sworn to or affirmed by the child's parent;
  3. An insurance policy on the child's life which has been in force for at least 2 years;
  4. A passport or certificate of the child's arrival in the United States;
  5. An immunization record signed by a public health officer or licensed practicing physician; or
  6. A valid military dependent identification card.
7. If no supporting documents listed in subparagraphs (1)(b)1.-6. above are available, a coalition may accept a parent's sworn affidavit of the child's age accompanied by a certificate of age signed by a public health officer or physician stating that the child's age shown in the affidavit is true and correct.

(c) If a child's parent is unable to submit any of the supporting documentation listed in paragraph (a), the coalition shall document the child's age based on an affidavit sworn to or affirmed by the child's parent. The affidavit must be accompanied by a certificate of age, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age shown in the affidavit is true and correct.

(2) Residential eligibility.

(a) To be eligible for VPK, a child must reside in Florida while attending the VPK program.

(b) The coalition shall keep a record of at least one of the following supporting documents that shows the name and residential address of a parent with whom the child resides:

1. Utility bill;
2. Pay stub;
3. Residential rental agreement or receipt from rental payment;
4. Government-issued document (e.g., Florida driver's license, Florida identification card, property tax assessment showing a homestead exemption); or
5. Military order showing that the child's parent is a service member in the United States Armed Forces and is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

6. If no supporting documents listed in subparagraphs (2)(b)1.-5. above are available, a coalition may accept an affidavit sworn to or affirmed by the child's parent accompanied by a letter from a landlord or property owner which confirms that the child resides at the address shown in the affidavit.

7. If no supporting documents listed in subparagraphs (2)(b)1.-6. above are available for a homeless child as defined in Section 1003.01, F.S., a coalition shall document residency based on other supporting documents showing that the child is homeless and resides in Florida (e.g., letter from a homeless shelter or affidavit sworn to or affirmed by the child's parent).

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (3), (4), 1002.69(4), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History—New 1-19-06, Amended 5-24-07.*

**60BB-8.201 Child Registration Procedures; Application; Parent-Orientation Session.**

(1) Application. A parent wishing to enroll his or her child for the VPK Program must;

(a) Complete and sign Form AWI-VPK 01 (Child Application), dated February 14, 2007, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 60BB-8.900, F.A.C. Alternatively, a parent may register online through the Internet website <http://www.vpkflorida.org>, electronically submit the registration, and print confirmation of the online registration.

(b) Submit a complete and signed Form AWI-VPK 01, or submit the printed confirmation of an online registration, to the coalition of the county where the VPK site is located for the VPK provider admitting the child in the VPK program, regardless of the county in which the child resides. A parent must also submit the supporting documents showing the child's age and residential address which are required under Rule 60BB-8.200, F.A.C.

(2) Re-Registration:

(a) A parent must re-register his or her child for the VPK program with the coalition of the county where the VPK provider's VPK site is located if the parent initially registered the child with the coalition of another county.

(b) Re-registration is the responsibility of a child's parent. To assist a parent with re-registration, a coalition may enter into one or more agreements with another coalition to provide for the transfer of a child application and supporting documents between the coalitions.

(3) A coalition shall designate one or more locations throughout the coalition's geographic region where a parent may submit a child application and supporting documents. A parent may obtain contact information for a coalition from the Office of Early Learning of the Agency for Workforce Innovation at (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.vpkflorida.org>.

(4) Parent-Orientation Session or Video Exhibition.

(a) A coalition shall conduct a face-to-face parent-orientation session or exhibit a parent-orientation video for a parent or group of parents registering their children for the VPK program. During a parent-orientation session or video exhibition, a coalition shall:

1. Give the parent an overview of the VPK program;
2. Describe the parental rights and responsibilities listed in Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook), dated August 15, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., and provide the parent with a copy of the handbook;
3. Describe a parent's choice between a school-year program and summer program and the differences between the programs, including the required number of instructional hours, minimum and maximum class sizes, and instructor credentials;
4. Describe a parent's choices among VPK providers;
5. Inform the parent about the coalition's child care resource and referral program, the availability of a customized referral list of VPK providers in the VPK program, and the contact information for the child care resource and referral program;
6. Inform the parent of the uniform resource locator for the coalition's Internet website, if the coalition posts profiles of VPK providers in the VPK program on the website. A coalition shall also inform a parent that the profiles may be obtained at the Internet website: <http://www.myflorida.com/childcare/provider>;
7. Inform the parent about the profiles of VPK providers on the VPK web portal of the Child Care Information System administered by the Department of Children and Family Services at the Internet website: [www.dcf.state.fl.us/childcare](http://www.dcf.state.fl.us/childcare). A coalition shall keep the profiles of VPK providers in the coalition's geographic region current on the system;

8. Provide the parent with Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), dated June 30, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.; and

9. Provide the parent with Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), dated June 30, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) A coalition is not required to conduct a parent-orientation session or exhibit a parent-orientation video for a child's parent if:

1. The coalition conducts a face-to-face parent-orientation session or determines the child's eligibility face-to-face with the child's parent for another early learning program (e.g., school readiness program, program for prekindergarten children with disabilities, Head Start), the coalition maintains the child's records of the early learning program and verifies that the child's date of birth in the records of the other early learning program is the same as on the child application and supporting documents that the parent submits;

2. Another coalition transferring the child's registration already conducted the parent-orientation session or exhibited the parent-orientation video; or

3. The parent is a service member in the United States Armed Forces and is unable to attend a parent-orientation session or video exhibition because of assigned duty outside of Florida, and the parent submits a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station) to the coalition.

(c) If a coalition does not conduct a parent-orientation session or exhibit a parent-orientation video for a child's parent, the coalition shall provide Form AWI-VPK 06, Form AWI-RR 63, and Form AWI-RR64 to the parent by mail or other means.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History—New 1-19-06, Amended 5-24-07.*

**60BB-8.2015 VPK Child Registration Pilot Project.**

(1) Pilot Project. There is created a VPK child registration pilot project for the 2007-2008 and 2008-2009 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Osceola, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) Eligibility. A private VPK provider must meet the following requirements for initial eligibility to participate in the pilot project and must continue to meet the requirements to maintain its eligibility:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The following information must be included on the form: the name of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c). Additional information demonstrating that the provider is eligible under this rule to participate in the pilot project may be required by the coalition.

(b) The private provider must have delivered instruction in the VPK program for at least two program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child in the VPK program, accepting a child application and supporting documents on behalf of the coalition, and conducting a parent-orientation session or exhibiting a parent-orientation video.

(d) The private provider must comply with this rule.

(e) The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

(f) The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form AWI-VPK 21 (Addendum to Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference in and may be obtained as described in Rule 60BB-8.900, F.A.C.

(g) The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 60BB-8.305(2)(a), F.A.C.

(h) The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 60BB-8.305(3), F.A.C. If a private provider is a school readiness provider, the provider must also submit accurate and timely monthly attendance rosters for the school readiness. A private provider is not eligible for the pilot project if, during previous 24 months, the provider:

1. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters 10 or more calendar days after the required submission date;

2. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a child's attendance;

3. Failed to repay an overpayment by the required repayment date after the coalition discovered the overpayment and requested repayment;

4. Submitted a monthly attendance roster resulting in an overpayment that exceeded 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or

5. Submitted a monthly attendance roster containing fraudulent or other intentional misreporting of a child's attendance.

(i) A private provider licensed by the Department of Children and Family Services or a local licensing agency is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

(3) Child Registration Procedures. A coalition shall allow a private provider eligible for the pilot project, to register a child for the VPK program on behalf of the coalition. A private provider may only register a child under this rule whom the provider admits in one of its VPK classes and must comply with the following registration procedures:

(a) Notwithstanding subsection 60BB-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form AWI-VPK 01P (Child Application and Provider Admission), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A parent must submit Form AWI-VPK 01P to the private provider with supporting documents of the child's age and residential address required under Rule 60BB-8.200, F.A.C.

(b) Notwithstanding paragraph 60BB-8.201(3)(a), F.A.C., a private provider participating in the pilot project shall conduct the parent-orientation session or exhibit the parent-orientation video in accordance with subsection 60BB-8.201(3), F.A.C.

(c) Within 5 working days after a child's parent registers the child with a private provider, the provider shall review the child's Form AWI-VPK 01P and supporting documents, as follows:

1. The private provider shall submit a child's Form AWI-VPK 01P and supporting documents to the coalition if the child's Form AWI-VPK 01P is complete, signed, and submitted with the required supporting documents; the provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.

2. The private provider shall return a child's Form AWI-VPK 01P and supporting documents to the child's parent if the child's Form AWI-VPK 01P is not complete, not signed, or not submitted with the required supporting documents.

3. If a child does not appear to be eligible, the provider shall return the child's Form AWI-VPK 01P and supporting documents to the child's parent and, on the blank spaces included on Form AWI-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility. The parent may then apply directly with the coalition.

(d) In accordance with Rule 60BB-8.202, F.A.C., a coalition shall determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 60BB-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing why the child is not eligible and return the child's Form AWI-VPK 01P and supporting documentation to the parent.

(4) Payment for Pilot Project Prohibited. A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child in the VPK program under this rule, accepting a child application or supporting documents on behalf of the coalition, conducting a parent-orientation session, or exhibiting a parent-orientation video.

(5) School District. Notwithstanding Rules 60BB-8.201 and 60BB-8.202, F.A.C., a school district, if allowed under a contract with the coalition, may use the child registration procedures in subsection (3) to register a child for the district's VPK programs in the district's public schools, regardless of whether the district is a pilot county listed in subsection (1).

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History--New 5-24-07.*

**60BB-8.202 Child Eligibility Determination and Enrollment Procedures.**

(1) Determining Child Eligibility.

(a) A coalition, in accordance with Rule 60BB-8.200, F.A.C., shall determine the eligibility of a child registering for the VPK program.

(b) A coalition shall determine a child's eligibility face-to-face with the child's parent unless the coalition is not required under paragraph 60BB-8.201(4)(b), F.A.C., to conduct a parent-orientation session or exhibit a parent-orientation video for the child's parent.

(c)1. A coalition, upon determining that a child is eligible for the VPK program, shall issue the child's parent Form AWI-VPK 02 (Child Eligibility and Enrollment Certificate) dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.

2. A coalition may issue a certificate of eligibility which is substantially similar to Form AWI-VPK 02 if the certificate:

- a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"
- b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;
- c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;
- d. Clearly shows the eligible child's name and identifying information; and
- e. Does not include the logo of the Agency for Workforce Innovation, logo of the Office of Early Learning, or AWI form number (i.e., Form AWI-VPK 02).

(2) Enrollment.

(a) A VPK provider may only enroll a child in the VPK program after the coalition determines that the child is eligible for the program. To enroll an eligible child, the VPK provider admitting the child must submit the child's certificate of eligibility and the child's assigned VPK class to the coalition.

(b) A coalition must allow a VPK provider to enroll a child who resides in a Florida county other than the county where the provider's VPK site is located.

(c) A VPK provider may only enroll a child with the coalition of the county where the provider's VPK site is located, regardless of the county in which the child resides.

(d) A coalition shall complete a child's enrollment in the statewide information system by recording an association between the child and the child's assigned VPK class. A coalition is encouraged, but not required, to notify a parent by mail after his or her child's enrollment is complete.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), 1002.75(2)(a) FS. History—New 1-19-06, Amended 5-24-07.*

**60BB-8.204 Uniform Attendance Policy for Funding the VPK Program.**

(1) Attendance and Absences.

(a) For payment purposes, a private provider or school district shall report that a student attended all of the instructional hours offered for a day if the student attends any portion of the day whether the private provider or school district is determined to be in compliance or out of compliance with all VPK statutes and rules for the day.

(b) A private provider or school district may not receive payment for a student prior to the student's first day of attendance or after the student's last day of attendance.

(2) Monthly Payment and Final Reconciliation. Each early learning coalition shall pay private providers or school districts on a monthly basis for each VPK classroom in accordance with this rule unless a private provider or school district chooses to accept advance payments under Rule 60BB-8.205, F.A.C. Early learning coalitions shall make monthly payments by the last day of the month following the month for which the provider is receiving payment. Each early learning coalition shall calculate and reconcile monthly classroom payments using the Agency's statewide information system.

(a) Monthly payments shall be equal to the sum of the following calculation for each student who has attended the VPK class: the county's allocation per full-time equivalent student (calculated in accordance with Section 1002.71(3)(b), F.S.) divided by the number of hours for the VPK program type multiplied by the lesser of:

1. The sum of the hours within the month which each student attends the VPK program divided by .8; or
2. The hours the student is enrolled in the class for the month.

(b) The total program payment shall be equal to the sum of the following calculation for each student who has attended the VPK class except that the school district's payment shall be rounded in accordance with Section 1002.71(3)(d), F.S.: the county's allocation per full-time equivalent student divided by the number of hours for the VPK program type multiplied by the lesser of:

1. The sum of all the hours the student attends the program with the provider divided by .8.
2. The hours the student is enrolled with the provider for the program type.

(c) If the sum of the monthly payments made to the private provider or school district under paragraph (2)(a) is:

1. Less than the total program payment to the private provider or school district, the early learning coalition shall make a final reconciliation payment to the provider equal to the total program payment minus the sum of the monthly payments.
2. Greater than the total program payment to the private provider or school district, the difference shall be deemed an overpayment.

(d) If a private provider or school district disputes the calculation of the total program payment based on inaccurate attendance or absence reporting or calculation, it must submit a request for an adjustment of a prior payment no later than the last day of the month following the calendar month in which it receives payment.

(3) Establishing VPK Class Schedules. To ensure that private providers or school districts receive accurate payment for a student's attendance and absences when permissible under this rule, a private provider or school district shall submit a VPK class schedule for each VPK class to its early learning coalition in writing no later than the time the provider submits its class application. Private providers and school districts are not eligible to receive payment for hours of services unless the services are rendered during hours indicated on the VPK class schedule. A VPK class schedule shall:

(a) Be comprised of 540 hours for the school-year VPK program and 300 hours for the summer VPK program.

(b) Indicate the dates and times which instructional hours will be offered.

(c) For the school-year program:

1. Not begin instruction more than 14 days before Labor Day or, if the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day, a school-year program in the county may not begin instruction before the uniform date.

2. Complete instruction by June 30.

(d) For the summer program, not begin instruction before May 1 and complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

(4) Modifying VPK Class Schedules.

(a) A private provider or school district may modify its schedule up to two times for any reason other than a temporary closure caused by emergency circumstances as described in subsection (5). A private provider or school district may modify its schedule as frequently as necessary to restore instructional days lost as a result of a temporary closure caused by emergency circumstances.

(b) To modify a VPK class schedule, a private provider or school district shall submit notice in writing to the coalition.

1. If the modification of the class schedule results from a closure other than a temporary closure caused by emergency circumstances, as described in subsection (5), a private provider or school district shall submit:

a. An initial notification of the closure before the coalition's close of business on the first day of the closure. Initial notification shall indicate the provider's name and address, the date(s) of the closure, the VPK class(es) affected by the closure, and, if available, an estimate of the date upon which the affected VPK class(es) will resume instruction.

b. A notification of schedule modification no later than two business days following resumption of VPK instruction. Notification of schedule modification and resumption of instruction shall indicate the provider's name and address, the class(es) resuming instruction, the date(s) which each VPK class did not offer instruction as previously scheduled, and a revised class schedule which indicates the date(s) and times added to the schedule as revised to restore the hours lost as a result of the closure.

2. If the modification of the class schedule results from a temporary closure caused by emergency circumstances, the private provider or school district shall submit a notification of schedule modification as described in sub-subparagraph (4)(b)1.b.

(c) If a private provider or school district fails to modify a VPK class schedule as required in this rule or fails to comply with the deadlines established for submission of notifications, the private provider or school district shall be ineligible to receive payment for those closures and shall forfeit the opportunity to revise its class schedule to restore the lost instructional hours for those closures.

(5) Closures.

(a) Temporary Closures Caused by Emergency Circumstances.

1. A student is considered to have attended all VPK program hours offered during a temporary closure caused by emergency circumstances for a combined total of five (5) instructional days for each VPK class if the private provider or school district submits notification in writing to the coalition the dates which the provider was closed.

a. A closure is temporary if the provider resumes instruction following the closure.

b. A closure is caused by emergency circumstances when a state of emergency is declared by federal, state or local officials for the area in which the provider is located.

2. A temporary closure caused by emergency circumstances is not payable for any student who does not attend a VPK instructional day following the closure.

3. A private provider or school district shall revise its class schedule to restore VPK instructional days which are lost due to temporary closures caused by emergency circumstances in excess of a total of five (5) instructional days for a VPK class.

4. A private provider or school district may revise its class schedule to restore the instructional days lost as a result of a temporary closure caused by emergency circumstances instead of accepting payment for a temporary closure.

(b) Temporary Closures Caused by Other Circumstances. A temporary closure is not payable unless it is caused by emergency circumstances. A private provider or school district shall revise its VPK class schedule and receive payment for days it restores in accordance with subsection (4) following a closure.

(6) Overpayment.

(a) If the coalition determines that a private provider or school district received payment in an amount greater than the amount earned by the provider, resulting in a negative reconciliation payment calculation, the coalition shall make reasonable efforts to collect the overpayment from the provider. Reasonable efforts may include but are not limited to informing the provider of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, and offsetting the overpayment against any future payments for early learning programs.

(b) If the coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the provider has received an overpayment and after making a reasonable effort, as determined by the Agency, the coalition shall provide all information necessary for the Agency to act to collect the overpayment. The Agency retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or to consider the overpayment to be a disallowed expenditure of the coalition.

**60BB-8.205 Advance Payment and Reconciliation for the Voluntary Prekindergarten Education Program.**

(1) Coalition Advance Payment. In order that early learning coalitions can make advance payments to Voluntary Prekindergarten Education (VPK) providers, during the first month of each fiscal year, contingent upon funding availability, the Agency for Workforce Innovation (Agency) shall provide an advance payment to each early learning coalition. The coalition advance payment shall also be used to offset actual coalition expenditures and shall be fully offset or repaid prior to submission of the final invoice for the fiscal year. Each coalition advance payment shall be equal to the school-year base student allocation divided by twelve (12) multiplied by the highest monthly VPK program enrollment, as defined in Rule 60BB-8.100, F.A.C., at the coalition during the previous fiscal year, however, the Agency retains the discretion to increase or decrease the amount of the coalition advance payment based on student enrollment projections or availability of funds.

(2) Provider Advance Payments.

(a) A private VPK program provider or school district may choose to receive monthly advance payments for each VPK class instead of receiving payments in accordance with the Agency's uniform attendance policy under Rule 60BB-8.204, F.A.C. The private VPK provider or school district shall notify its early learning coalition in writing at the time the provider or district enters into a VPK Provider Agreement with the coalition regarding whether it has or has not chosen to receive advance payments for its VPK classes.

(b) Each early learning coalition shall make advance payments to its private VPK providers or school districts which have chosen to receive advance payments no later than the last day of the month prior to the month for which the private provider or school district is receiving an advance payment except that advance payments for the month of July shall be made no later than the tenth (10th) day of July.

(c) Private providers or school districts that choose to accept monthly advance payments shall receive an advance payment for each month of the VPK class, which shall be reconciled on a monthly basis against actual student attendance for the month, and may receive a final reconciliation payment following the conclusion of the VPK class instruction.

(3) Advance Payment Calculation.

(a) Each coalition shall calculate and reconcile the amount of each monthly advance payment using the statewide information system. Each monthly advance payment shall be equal to the sum of the number of instructional hours each student enrolled in the class is scheduled to attend in the month multiplied by ninety-five (95) percent of the class hourly rate unless the private provider or school district received excess advance payment or should receive an additional payment as described in paragraph (3)(b) of this rule. The class hourly rate shall be equal to the county's allocation per child as calculated in accordance with Section 1002.71(3), F.S., divided by the total number of hours in the VPK program type (school-year or summer) being offered.

(b) At the conclusion of each month, each coalition shall reconcile the advance payments made to a private provider or school district in each previous month with the amount of payment the private provider or school district would have received for the month under Rule 60BB-8.204, F.A.C., to determine if the private provider or school district has received an excess advance payment or should receive additional payment.

1. An excess advance payment is an advance payment for a month which exceeds the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district receives an excess advance payment, the coalition shall reduce the next advance payment by the difference between the excess advance payment and the payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district is not entitled to a subsequent advance payment, the difference shall be an overpayment.

2. An additional payment owed is an advance payment for a month which is less than the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district is owed an additional payment, the coalition shall increase the private provider or school district's next advance payment by the difference between the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C., and the amount of the advance payment. If the private provider or school district is not entitled to a subsequent advance payment, the coalition shall increase the final reconciliation payment by the difference.

(4) Final Reconciliation. At the conclusion of the VPK class, the coalition shall calculate the total amount of payment which should be made to the private VPK provider or school district for the class in accordance with Rule 60BB-8.204, F.A.C. If the total amount of payment made for the VPK class is less than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the coalition shall pay the difference to the private provider or school district as a final reconciliation payment. If the total

amount of payment made for the VPK class is greater than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the difference shall be an overpayment.

(5) Overpayment.

(a) If the coalition determines that a private VPK provider or school district received payment in an amount greater than the amount earned by the private provider or school district, resulting in a negative reconciliation payment calculation, the coalition shall make reasonable efforts to collect the overpayment. Reasonable efforts include but are not limited to informing the private provider or school district of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, and offsetting the overpayment against any future payments for early learning programs.

(b) If the coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the private provider or school district has received an overpayment and after making a reasonable effort, as determined by the Agency, the coalition shall provide all information necessary for the Agency to act to collect the overpayment. The Agency retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or, if the coalition has failed to make reasonable efforts to recover the overpayment, to consider the overpayment to be a disallowed expenditure of the coalition.

*Rulemaking Authority 1002.75(2)(h), 1002.75(4), 1002.79(2) FS. Law Implemented 1002.71(5)(b), 1002.75(2)(h), 1002.75(4) FS. History—New 9-14-09.*

**60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination.**

(1) Statewide Provider Registration Application; Supporting Documents.

(a) A VPK provider registering for the VPK Program must complete and sign Form AWI-VPK 10 (Statewide Provider Registration Application), dated February 14, 2007, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 10, including supporting documents, to the early learning coalition in the county of the VPK provider's site. If a VPK provider has more than one VPK site, the provider must submit a separate Form AWI-VPK 10 for each site.

(c) Once a VPK provider is determined eligible for the VPK program, the provider is not required to resubmit Form AWI-VPK 10 for a subsequent program year unless the submitted information on the prior year's application changes. If submitted information changes, the VPK provider must submit an updated Form AWI-VPK 10 to the coalition within 14 calendar days after the submitted information changes.

(2) Class registration application; supporting documentation.

(a) A private provider or public school must annually complete and sign Form AWI-VPK 11 (Class Registration Application), dated February 14, 2007, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 11, including supporting documents, to the coalition. If a VPK provider has more than one VPK class, the provider must submit a separate Form AWI-VPK 11 with supporting documents for each class.

(c) If submitted information changes, a VPK provider must submit an updated class application to the coalition within 14 calendar days after the change.

(3) Eligibility determination. A coalition shall determine the eligibility of a private provider or public school registering for the VPK program in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., based on the submitted documents.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (7)(a), 1002.63(3), (4), (8)(a), 1002.75(2)(c), (d) FS. History—New 1-19-06, Amended 5-24-07.*

**60BB-8.301 Statewide Provider Agreement for the VPK Program.**

(1) An early learning coalition may not pay a VPK provider for the VPK program, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement, even if a qualified contractor signs on behalf of the coalition. A school district may sign a provider agreement on behalf of a public school in the district.

(2) A coalition shall keep a signed copy of a provider agreement in the coalition's records on the VPK provider.

(3) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20, unless:

(a) The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, dated, and signed by the coalition and the VPK provider; and

(b) The Deputy Director for Early Learning approves the agreement.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.75 FS. History--New 8-17-06, Amended 5-24-07.*

**60BB-8.305 Recording and Certifying Child Attendance in the VPK Program.**

(1) Record of child attendance:

(a) A VPK provider in the VPK program shall keep a daily record of a child's attendance in the program.

(b) If a VPK provider is also a school readiness provider, the provider may jointly record a child's daily attendance for the VPK program with the child's attendance for the school readiness program.

(2) Monthly Verification of Child Attendance. A VPK provider shall require the parent of a child enrolled in its VPK program to verify monthly the child's attendance for the prior month, as follows:

(a) A child's parent must verify the child's attendance on Form AWI-VPK 03S (Child Attendance and Parental Choice Certificate Short Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., if the VPK provider records the child's daily attendance using one of the following methods:

1. A paper sign-in or sign-out log that records the date, child's name, and signature of the parent or other person dropping off or picking up the child to, or from, the VPK site; or

2. An electronic attendance-tracking system that records the date, child's name, and electronic signature, card swipe, entry of a personal identification number, or similar daily action taken by the parent or other person dropping off or picking up the child to, or from, the VPK site.

(b) A child's parent must verify the child's monthly attendance on Form AWI-VPK 03L (Child Attendance and Parental Choice Certificate Long Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., if the VPK provider records the child's daily attendance using a method other than the methods described in paragraph (a) (e.g. instructor records daily attendance using a roll book). Before a parent signs Form AWI-VPK 03L, the VPK provider must record the child's monthly attendance on the form or attach documentation to the form which shows the child's monthly attendance.

(3) Monthly certification of child attendance for payment.

(a) An early learning coalition shall give a VPK provider a monthly roster, prepared by using the statewide information system, that lists each child enrolled in the provider's or school's VPK program, and includes blank spaces for a private provider or public school to certify a child's attendance for the calendar month.

(b) A VPK provider must certify the monthly attendance of a child enrolled in the provider's VPK program. A VPK provider may certify monthly attendance by electronic means approved by the Deputy Director for Early Learning.

(c) After payment for the first calendar month that a VPK provider participates in the VPK program, the coalition may not pay the VPK provider for a subsequent month until the provider submits a monthly attendance roster to the coalition which certifies the attendance of each enrolled child from the prior month.

(d) The coalition may not pay the VPK provider the final payment for the program year until the provider submits a final verification of the annual cumulative attendance of each child enrolled in the provider's VPK program, which certifies the paid hours of attendance of each child enrolled for the program year, in a manner prescribed by the Deputy Director for Early Learning.

(e) If a child arrives at a VPK provider's VPK site but the provider or school refuses the child's attendance (e.g., for disciplinary reasons, including tardiness or prohibited attire), the provider or school must record the instructional day as an absence.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.71(5)(b), (6)(b), (d), 1002.75(2)(f), (g), (h) FS. History—New 5-24-07.*

**60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.**

(1) Blended classes.

(a) A private provider or public school may organize a VPK class as a blended class, instructing children enrolled in the VPK program together with children not enrolled in the program.

(b) A blended class may include children of any age. A private provider or public school, however, may not organize a blended class in a multi-age arrangement that prevents the provider or school from implementing a developmentally appropriate curriculum in accordance with Section 1002.67(2)(b), F.S.

(2) Minimum class size. A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition may not issue the initial prepayment for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) A private provider or public school does not violate the minimum class size, if:

1. Fewer than four children enrolled in the VPK program attend a VPK class on a particular day; or
2. After the initial prepayment is issued, fewer than four children in a VPK class remain enrolled in the VPK program (e.g., withdrawals).

(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the VPK provider may not dismiss a child enrolled in the program, unless, within 3 business days after the child's dismissal, the VPK provider submits to the coalition written documentation of the child's noncompliance with the conduct or attendance policies of the provider.

(3) Maximum class size. A VPK class may not exceed 18 children for a school-year program or 10 children for a summer program. Children enrolled in the VPK program, and children not enrolled in the program, are both counted toward the 18-child or 10-child maximum class size. A VPK class may not exceed the maximum class size in enrollment or attendance on a particular day.

(4) Multi-class group. A private provider or public school may instruct two or more VPK classes as one group in a single classroom. A VPK class within a multi-class group may not exceed the maximum class size described in subsection (3).

(5) Compliance with other requirements. This rule does not allow a private provider or public school to exceed a staff-to-children ratio, square footage per child, licensing requirements under Sections 402.301-.319, F.S., or other state or local requirement.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History--New 8-17-06, Amended 5-24-07.*

**60BB-8.410 Voluntary Prekindergarten Program Substitute Instructors.**

(1) As used in this rule, the term “credentialed instructor” means a prekindergarten instructor who has the credentials required under Sections 1002.55(3)(c), 1002.55(4), or 1002.61(4), F.S.

(2) Qualifications. Voluntary Prekindergarten (VPK) substitute instructors must be of good moral character and be screened using the level 2 screening requirements in Section 435.04, F.S., before employment as a VPK substitute instructor. In addition, before employment as a VPK substitute instructor, a VPK substitute instructor must:

- (a) Meet the qualifications of a credentialed instructor; or
- (b) Successfully complete one or more of the following:
  - 1. In a summer VPK program class:
    - a. An associate’s or higher degree in any field of study;
    - b. A child development associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Recognition; or
    - c. A credential approved by the Department of Children and Family Services as defined in Rule 65C-22.003, F.A.C. (effective May 1, 2008), which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., as being equivalent to or greater than the national CDA.
  - 2. In a school year VPK program class:
    - a. Any of the credentials listed in subparagraph (2)(b)1. of this rule;
    - b. A Department of Children and Family Services 40-hour Introductory Child Care Training course, as described in Rule 65C-22.003, F.A.C. (effective May 1, 2008), if the class is offered in a child care facility;
    - c. A Department of Children and Family Services 30-clock-hour Family Child Care Home training as described in Rule 65C-20.013, F.A.C. (effective May 1, 2008), which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., if the class is offered in a large family child care home;
    - d. A Department of Children and Family Services 30-clock-hour Family Child Care Home training as described in Rule 65C-20.009, F.A.C. (effective May 1, 2008), which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., if the class is offered in a family day care home;
    - e. The local school district’s requirements to be employed as a substitute teacher as adopted by each school district under Section 1012.35, F.S.

(3) Circumstances. A VPK provider may assign a substitute instructor when a credentialed instructor is absent from the provider’s premises. A substitute instructor may not be assigned when a credentialed instructor remains on the provider’s premises in order for the credentialed instructor to offer instruction in a classroom other than the one to which the credentialed instructor is assigned.

(4) Time limitation. Substitute instructors may not be assigned to substitute for an absent credentialed instructor in excess of 30 percent of the program hours. A new credentialed instructor must be assigned to replace the absent instructor in the event the absence of the credentialed instructor will exceed 30 percent of the program hours.

(a) A VPK provider shall maintain a record of the number of hours a substitute instructor has been assigned to each VPK classroom.

(b) Records created under paragraph (4)(a) shall be maintained by the VPK provider for a minimum of 1 year and shall be made available for inspection to the VPK provider’s early learning coalition or the Agency during normal hours of operation, and shall submit a copy of the documentation to the coalition or Agency upon the request of the coalition or Agency.

(5) Before a provider may assign a substitute instructor to a VPK classroom, the provider must ensure that the coalition has received documentation of the substitute instructor’s current level 2 background screening and applicable credentials. A coalition may maintain and publish a list of substitute instructors for whom the coalition has previously received documentation which shall indicate, at a minimum, the name of the substitute instructor and the expiration date of the instructor’s level 2 background screening. If the coalition maintains a list, a provider shall not be required to submit documentation for a substitute instructor whose name and level 2 background screening expiration date appear on the list.

(6) Nothing in this rule shall be considered to supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this rule. This subsection shall not be construed to permit employment of substitute instructors in public schools for time periods greater than those enumerated in this rule.

*Rulemaking Authority 1002.55(3)(e), 1002.61(6), 1002.63(7), 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History—New 8-10-09.*

**60BB-8.451 VPK Class Schedules.**

An early learning coalition may not pay a VPK provider for a VPK class unless the class schedule complies with the following:

(1) School-Year Program.

(a) Except as provided in paragraph (b), a school-year program may not begin instruction more than 14 days before Labor Day.

(b) If the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day, a school-year program in the county may not begin instruction before the uniform date.

(c) A school-year program must complete instruction by June 30.

(2) Summer Program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

*Specific Authority 1002.79(2) FS. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS. History—New 5-24-07.*

**60BB-8.900 Obtaining VPK Forms.**

The forms incorporated by reference in this chapter may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.flready.com>.

*Specific Authority 1002.79(2) FS Law Implemented 1002.53(4), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(a), (b), 1002.75(2) FS. History–New 5-24-07.*