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Office of Early Learning
Voluntary Prekindergarten (VPK) 80:20 Attendance Rule
Frequently Asked Questions for Parents and Providers
October 26, 2009

Q: Where can I get a copy of the revised VPK attendance rule?

A: The revised VPK attendance rule is available at: https://www.flrules.org/gateway/readFile.asp?sid=0&tid=7611510&type=1&File=60BB-8.204.doc.

Q: Why did the Agency change the way it pays for attendance in the VPK program?

A: During the 2009 special and regular legislative sessions, the Florida legislature changed the wording in the VPK statute to require a provider's total payment for a child be at least 80 percent for days attended. This change prevents a provider from being paid for more absences than would total 20 percent of the provider's payment for a child. This statutory change required the Agency to significantly revise the rules related to VPK attendance.

Q: What is the Agency's attendance rule in plain language?

A: The VPK attendance rule establishes how early learning coalitions pay providers. Payment is based on the number of hours children attend VPK programs, starting with the first day of attendance and ending with the last day of attendance, and the number of hours of payable absences. A child is considered to have attended a whole day of VPK if he or she attends any part of the day.

Q: How does the Agency handle payment to providers under the new attendance rule?

A: There are five main aspects to handling payment to child care providers:

1. A provider is paid for every day a child attends the program.
2. A provider is paid for a full day if a child attends any portion of the VPK day, even if the child leaves early or arrives late.
3. Generally, a provider is paid monthly for all absences as long as a child is not absent more than 20 percent of the time attended.
4. If a child is absent more than 20 percent of the time attended, a provider is paid for some portion of the absences.
5. If a child is absent more than 20 percent of the time attended during a specific month, but is absent for less than 20 percent of the total time attended, the provider will receive a reconciliation payment at the end of the class.

Q: Why did the Agency choose this formula for calculating allowable payments?

A: The Agency chose the below formula to implement the Legislature's language in Section 1002.71(6)(d), Florida Statute:

Time attended / 0.8 = total hours to be paid to provider*

***NOTE:** The total hours to be paid to a provider cannot exceed the instructional hours established for that program (i.e., cannot be greater than 540 hours for the school year or 300 hours for the summer program).

Q: Under the previous attendance rule, providers needed documentation from parents to determine whether children's absences were excused or unexcused. Does the new attendance rule require this documentation?

A: No, documentation from parents for absences is not required. The Agency eliminated the need for excused and unexcused absences in the new attendance rule. The new rule references only paid and unpaid absences.

Q: Is the payment formula applied every month or only once during the child's VPK enrollment?

A: The Agency's information technology system applies the payment formula monthly for the monthly payment calculations. It is applied again at the end of the VPK class for the final reconciliation.

Q: Who was involved in the rule-making process? Did providers play a role?

A: Over the course of six months, the Agency worked with VPK providers, early learning coalition executive directors, school district VPK staff, Agency partners, such as the Department of Education, and other stakeholders to develop this rule. As part of the rule promulgation process, the Agency advertised and held a rule development workshop and a public hearing with a call-in telephone line to which the public was invited to participate. The Agency published notices for the legally-required public comment period in the Florida Administrative Weekly and on the Agency's website for the workshop, the hearing, and the various draft rule versions. The Agency also sent multiple emails to coalitions regarding the rule and discussed the rule on the following conference calls: weekly coalition executive directors' call, weekly coalition information technology professionals' call, and the bi-weekly Department of Education VPK call with coalition and school district VPK staff. The Agency considered all comments and concerns in the development and final promulgation of this rule. For future rule development information, interested parties can access the Agency's rule webpage at http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules.

Q: Did the Agency consider other options for paying absences under the 80:20 statute?

A: The Agency considered two other processes for paying absences and shared each option with the public in detail using the methods described above. Providers and coalitions informed the Agency that paying allowable absences only after the VPK class ends or paying for all absences as they occur, then applying the 80:20 formula after the VPK class ends would both create serious fiscal impacts. To minimize fiscal impact, the Agency decided to reconcile monthly and then again when the VPK class ends.

Q: If a child is frequently absent, is the provider required to keep that child in hopes that he or she will meet the 80 percent rule and be able to receive unpaid days back? Can the provider dismiss a child from the VPK program and receive payment?

A: This rule is for payment purposes only and does not require a provider to dismiss a child at any time. While s. 1002.71(6)(d), F.S., permits VPK private providers and public schools to adopt their own attendance policies, providers should keep in mind that choosing to implement strict attendance policies risks creating programs so restrictive that too few children enroll. Over the course of a program year, children may be absent for a wide range of reasons; however, based on past attendance data, the vast majority of children (approximately 95 percent) will not miss more than 20 percent of their time in providers' VPK programs.

Q: Private providers and public schools must ensure they are paid for enough days to cover their expenses. If a private provider or public school ends a child's enrollment because of a family's vacation or an extended illness, is the child able to reenroll into another school-year program since the dismissal is the action of the provider?

A: A child who a private provider or public school dismisses may be eligible to enroll into another school-year program if, in addition to other factors, the child has not already reenrolled for "good cause." Or, a child who a private provider or public school dismisses may be eligible to enroll in the summer program if, in addition to other factors, the child has not already reenrolled for "good cause" or for "extreme hardship."

Q: VPK private providers and public schools are tightening their attendance policies and telling parents who had previously scheduled two-week vacations that the parents will be charged for those absences that are in excess of the monthly 80:20 ratio. Is this allowable?

A: VPK providers are not allowed to charge parents for services provided in the VPK program**.** Section 1(b), Article IX of the state constitution mandates VPK as a free program. Section 1002.71(8)(a), F.S., specifies that "a private prekindergarten provider or public school may not … [r]equire payment of a fee or charge for services provided for a child enrolled in the Voluntary Prekindergarten Education Program during a period reported for funding purposes." Charging parents for absence days in excess of those absence days permitted by the provider's attendance policy per month is not permissible.

Q: If a provider forgets to report a child's attendance for an entire month, can that provider receive back payment for that child for that month?

A: Yes. For example, a provider submits the August attendance roster, but failed to report a child's attendance. The provider then reports the child's attendance for August in October. The coalition will need to adjust the reimbursement calculation for August by making a "prior period adjustment." The coalition will need to enter the child's payment and absence information for the late attendance in the system. Because the monthly 80:20 calculation does not consider prior period adjustments, the provider will receive full payment for the child. However, prior period adjustments will be factored in the final classroom adjustment. This could result in the provider repaying funds for absences exceeding the 80:20 formula.

Q: If a child starts a program in August and moves away in the middle of the program, will the provider receive payment for the child's unpaid absences at the point that the child leaves?

A: When the VPK class ends, the final 80:20 reconciliation will identify whether the provider is due reimbursement for any previously unpaid allowable absences.

Q: If a provider has questions that have not been addressed in this document, who should the provider contact?

A: Providers or other interested parties may share questions or comments on the 80:20 rule with the Agency at OELquestions@flaawi.com or call 1-866.357.3239.