
	<h2 style="margin: 0;">Office of Early Learning</h2>			
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	ORIGINATING UNIT:	Program		
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Subject: Prohibition against VPK providers and schools requiring a child to enroll for supplemental services as a condition of admittance in the VPK program

References: Section 1(b), Art. IX of the State Constitution
Section 1002.71(8), F.S., as created by s. 1, ch. 2004-484, L.O.F.

Purpose: To provide program guidance whether VPK providers or schools may require a parent to enroll his or her child in, or require payment of fees or charges for, supplemental services

Background: In December 2004, at its 2004 Special Session “A,” the Legislature enacted House Bill 1-A (ch. 2004-484, L.O.F.), which created the Voluntary Prekindergarten Education (VPK) Program. The bill was approved by the Governor and became effective on January 2, 2005. The bill specifies that “a private prekindergarten provider or public school may not ... [r]equire a child to enroll for, or require the payment of any fee or charge for, *supplemental services* as a condition of admitting a child for enrollment in the Voluntary Prekindergarten Education Program” (emphasis added).

Section 1(b), Art. IX of the State Constitution provides that:

Every four-year old child in Florida shall be provided by the State a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, *free*, and delivered according to professionally accepted standards. ... [Emphasis added.]

Section 1002.71(8), F.S., as created by s.1, ch. 2004-484, L.O.F., provides as follows:

(8) Except as otherwise expressly authorized by law, a private prekindergarten provider or public school may not:

(a) Require 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;
or

(b) Require a child to enroll for, or require the payment of any fee or charge for, *supplemental¹ services* as a condition of admitting a child for enrollment in the Voluntary Prekindergarten Education Program. [Emphasis added.]

This subsection prohibits a provider or school from requiring parents to pay fees or charges for the VPK program or from requiring parents to enroll their children in or pay for supplemental services as a condition of admitting the children in the VPK program.

This latter provision (*i.e.*, s. 1002.71(8)(b), F.S.) in effect prohibits a provider or school from refusing to admit a child unless the parent enrolls the child in supplemental services and pays for those services. This provision does not prohibit a provider or school from charging fees for supplemental services to a parent who freely chooses to enroll his or her child for those services. Rather, this provision prohibits a provider or school from requiring a parent to pay for these services as a condition of serving the child in the VPK program. If a parent chooses not to enroll his or her child in the provider's or school's supplemental services, the parent's ability to have his or her child served by the provider or school exclusively in the VPK program must not be affected.

Instructions: A private prekindergarten provider or public school may not require a parent to enroll his or her child in, or require payment of fees or charges for, supplemental services (e.g., “extended-day,” “extended-year,” “wrap-around,” or “full-day” services) as a condition of admitting the child in the VPK program.

If an early learning coalition, when monitoring private prekindergarten providers for compliance with VPK program requirements, finds that a provider imposes requirements on a parent which are inconsistent with this program instruction, the early learning coalition shall notify the Office of Early Learning.

¹ The term “supplemental” is commonly defined as “supplying something additional; adding what is lacking.” *Black’s Law Dictionary* 1452 (7th ed. 1999).