
	AGENCY FOR WORKFORCE INNOVATION Office of Early Learning		
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Subject: Criteria for admitting children in the VPK program by providers and schools

Summary: The VPK law authorizes a private prekindergarten provider to determine whether to admit any child in either the school-year or summer programs and permits a school district to limit the number of children admitted by a public school in either program. However, the VPK law requires a school district to provide for the admission of every eligible child within the district whose parent enrolls the child in the summer program. This information memorandum examines admissions criteria that may be used by providers and schools for the VPK program. In addition, this information memorandum emphasizes that state and federal law prohibits certain discriminatory admissions criteria.

References: Section 1002.53(6)(a)-(c), F.S.
Section 1002.71(8), F.S.
42 U.S.C. § 2000d

Purpose: To provide information concerning admissions criteria used by providers and schools for the VPK program

Background: The VPK law (ss. 1002.51-1002.79, F.S.) allows a parent to enroll his or her child with any private prekindergarten provider that is eligible to deliver the VPK program or, subject to available space, with any eligible public school within the school district (s. 1002.53(6)(a) and (b), F.S.). However, the VPK law allows a private prekindergarten provider to “determine whether to admit any child” (s. 1002.53(6)(a), F.S.). The VPK further specifies that:

[e]ach school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in a summer prekindergarten program delivered by a public school (s. 1002.53(6)(b), F.S.).

Thus, the VPK law authorizes a private prekindergarten provider to determine whether to admit any child in either the school-year (540 instructional hours) or summer (300 instructional hours) programs and permits a school district to limit the number of children admitted by any public school in either the school-year or

summer programs. However, the VPK law requires a school district to provide for the admission of every eligible child within the district whose parent enrolls the child in the summer program.

Information: (1) *Definition.*—As used in this information memorandum, the term: “objective criteria” or “objective” means measurable standards or methods applied uniformly for all children which are not modified or affected by personal views, feelings, prejudices, perceptions, interpretations, experiences, or backgrounds. The following standards and methods are examples of objective criteria:

- (a) Random selection (*e.g.*, lottery);
- (b) Geography (*e.g.*, children who reside within a certain school zone or children who reside within a county served by the provider or school);
- (c) First come, first served;
- (d) Previous service (*i.e.*, children previously served by the provider or school); or
- (e) Targeted populations (*e.g.*, children at risk of abuse, neglect, or exploitation; children whose family income does not exceed 150 percent of the federal poverty level; or children who are eligible for free and reduced-price lunch meals under the National School Lunch Program).

(2) ***Private prekindergarten providers.***—A private prekindergarten provider may establish and use criteria to determine whether to admit a child for services in the school-year or summer programs. It is recommended that these criteria be objective and apply uniformly for all children. State and federal law prohibits certain discriminatory admissions criteria (*see* (4) below). These admissions criteria may include, but are not limited to, the objective standards and methods described in (1)(a)-(e) above.

(3) ***School districts.***—

(a) ***School-year program.***—A school district may establish and use criteria to limit the number of children admitted by a particular public school for services in the school-year program. It is recommended that these admissions criteria be objective and apply uniformly for all children. State and federal law prohibits certain discriminatory admissions criteria (*see* (4) below). The admissions criteria of a school district may include, but are not limited to, the objective standards and methods described in (1)(a)-(e) above.

(b) ***Summer program.***—Section 1002.53(6)(b), F.S., requires each school district to provide for the admission of every eligible child residing in the district whose parent registers the child for services delivered by a public school in the summer program. However, the district may establish and use criteria to limit the number of children admitted by a particular public school. It is recommended that these criteria be

objective and apply uniformly for all children. State and federal law prohibits certain discriminatory admissions criteria (*see* (4) below). The admissions criteria of a school district for a particular school may include, but are not limited to, the objective standards and methods described in (1)(a)-(e) above. If a district limits the number of children served by particular public schools in the summer program, but the number of eligible children exceeds the available spaces, that district must make additional spaces available necessary to serve all eligible children in the district.

(4) ***Discriminatory admissions criteria.***—State and federal law prohibits certain discriminatory admissions criteria, as follows:

- (a) *Race, color, or national origin.*—Section 1002.53(6)(c), F.S., prohibits a private prekindergarten provider or public school from discriminating against a parent or child, including the refusal to admit a child for enrollment in the VPK program, by violating federal civil rights requirements that prohibit exclusion from participation in, denial of the benefits of, or other discrimination under a program “on the ground of race, color, or national origin” (42 U.S.C. § 2000d). *See* OEL File 508.22.
- (b) *Supplemental services.*—Section 1002.71(8), F.S., prohibits a private prekindergarten provider or public school from requiring a child to enroll for, or requiring the payment of any fee or charge for, supplemental services as a condition of admitting the child in the VPK program. *See* OEL File 508.20.
- (c) *Children with disabilities.*—Federal law prohibits public schools and many private prekindergarten providers from discriminating against children with disabilities. *See* OEL File 508.22.

PLEASE DIRECT QUESTIONS AND COMMENTS TO THE STAFF CONTACT LISTED ABOVE.
