



| | | | |
|---|--|--|---|
|  | AGENCY FOR WORKFORCE INNOVATION Office of Early Learning | |  |
| | SUBJECT FILE: 508.21 | POLICY NUMBER: OEL-PI-0027-05 | |
| | UNIT: Program | STAFF CONTACT: Lisa L. Barnes, (850) 921-3171 | |
| | ISSUE DATE: August 5, 2005 | DEPUTY DIRECTOR: Gladys W. Wilson | |

Subject: Prohibition against VPK providers and schools requiring payment of a fee or charge for services provided in the VPK program

Summary: The VPK law prohibits private prekindergarten providers and public schools from requiring the payment of fees or charges for the VPK program. This program instruction clarifies the VPK law by addressing specific issues confronted by providers and schools. The program instruction authorizes late pick-up fees, dress codes (*e.g.*, uniforms), and required parental involvement in VPK programs. The program instruction prohibits mandatory fees or charges for personal items (*e.g.*, food products) and offsite activities (*e.g.*, field trips). In addition, the program instruction prohibits providers and schools from imposing fees or charges in lieu of parental involvement.

References: Section 1(b), Art. IX of the State Constitution
Section 1002.71(8)(a), F.S.

Purpose: To provide program guidance whether VPK providers or schools may require the payment of fees or charges for the VPK program

Background: The VPK law (s. 1002.51-1002.79, 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” (s. 1002.71(8)(a), F.S.).

Moreover, 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.)

Instructions: (1) *Payment of fees or charges prohibited.*—A private prekindergarten provider or public school may not require a parent or child to pay fees or charges for any part of the VPK program, including, but not limited to, registration fees.

- (2) **Late pick-up fees.**—A private prekindergarten provider or public school must notify the parent in writing of scheduled pick-up periods for the VPK program and the fees or charges for late pick up. This notification must be reviewed and signed by the parent. If a parent fails to pick up his or her child from a VPK program before the end of the pick-up period, the additional services provided for the child after the pick-up period are not considered part of the VPK program. A private prekindergarten provider or public school may require payment of fees or charges for late pick up. A provider or school may not assess late pick-up fees or charges for children in the VPK program at rates that exceed the rates assessed for children who are not in the program.
- (3) **Personal items.**—A private prekindergarten provider or public school may request a parent or child to voluntarily purchase or bring personal items to the VPK program, but may not require a parent or child to purchase or bring the items. These personal items include, but are not limited to, the following items:
- (a) Instructional materials or supplies;
 - (b) Food products (*e.g.*, lunch and snacks);
 - (c) Hygiene products (*e.g.*, tissues and soap); or
 - (d) Sporting equipment.
- (4) **Offsite activities.**—A private prekindergarten provider or public school may request a parent or child to voluntarily pay for the cost of an offsite activity (*e.g.*, field trip) that is conducted away from the provider’s or school’s VPK site, but may not require a parent or child to pay for the cost of the activity.
- (5) **Dress codes; uniforms.**—
- (a) As used in this program instruction, the term “dress code” means the policy of a private prekindergarten provider or public school which requires children to wear specific types of clothing (*e.g.*, white tee-shirt and blue shorts) or which requires children to wear particular clothing (*i.e.*, uniforms).
 - (b) In accordance with s. 1002.53(6), F.S., a parent may enroll his or her child with any eligible private provider or, subject to available space, with any eligible public school. If a provider or school adopts a dress code, the provider or school must notify the parent in writing of the dress code before delivery of VPK instruction has begun for the child. Thus, if a parent enrolls the child with a provider or school that has a dress code, the parent voluntarily chooses to comply with the dress code.

(c) A provider's or school's dress code is considered a fee or charge for a child, and is consequently prohibited by the VPK program, if the provider or school:

1. Does not notify the child's parent in writing of the dress code before the delivery of VPK instruction has begun for the child;
2. Adopts or changes the dress code after the delivery of VPK instruction has begun for the child; or
3. Does not require all children attending the provider's or school's programs to comply with the dress code, regardless of whether the children are enrolled in the VPK program.

(6) ***Parental involvement.***—A private prekindergarten provider or public school may require the personal involvement or participation of parents in the delivery of the VPK program for their children, if the provider or school notifies each child's parent in writing of its parental involvement policy before the delivery of VPK instruction has begun for the child. As part of its parental involvement policy, a provider or school may require the personal attendance of parents at the provider's or school's VPK site for a specified period (*i.e.*, volunteer hours). The provider or school may not, however, require parents to pay fees or charges in lieu of their personal involvement or participation.

(7) ***Requesting fees or charges.***—A private prekindergarten provider or public school requesting a parent or child to voluntarily pay fees or charges for any part of the VPK program must inform the parent, in writing, that the payment of the fees or charges is voluntary and not a requirement for the child's participation in the 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.

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