
	AGENCY FOR WORKFORCE INNOVATION <b>Office of Early Learning</b>		
	SUBJECT FILE: 510.03	POLICY NUMBER: OEL-PI-0029-05	
	ISSUE DATE: September 21, 2005	UNIT: Program	
	DEPUTY DIRECTOR FOR EARLY LEARNING: Gladys W. Wilson		

**Subject:** Uniform attendance policy for funding the VPK program

**Summary:** This program instruction adopts the uniform attendance policy for funding the VPK program. The uniform attendance policy establishes a startup period of 5 instructional days. If a student attends the VPK program during any day of the startup period, the private prekindergarten provider or public school is paid for all five of those instructional days. In addition, beyond the startup period, the uniform attendance policy allows a provider or school to receive payment when a student is absent from the program for up to 15 percent of the instructional days. Further, if a student is absent due to extraordinary circumstances, the provider or school may receive payment for up to 20 percent of the instructional days. For a student who begins attendance in the VPK program after the 5-day startup period (*i.e.*, delayed enrollment), this program instruction allows the provider or school to receive payment for a pro rata share of the authorized absences, based on the number of instructional days remaining when the student begins attendance in the program.

This revised program instruction provides procedures for payment or revision of the class schedule when a provider or school temporarily closes.

**Reference:** Section 1002.71(6)(a), (c), and (d), F.S.

**Purpose:** To adopt a uniform attendance policy for purposes of funding the VPK program

This program instruction replaces OEL-PI-0023-05.

**Background:** The VPK law (ss. 1002.51-1002.79, F.S.) requires the Agency for Workforce Innovation (AWI) to adopt, for funding purposes, a uniform attendance policy for the VPK program (s. 1002.71(6)(d), F.S.). The VPK law specifies that the attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools.

Section 1002.71(6)(a), F.S., requires each private prekindergarten provider or public school, upon enrollment of a child in the VPK program, to provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable. Each parent enrolling his or her child in the VPK program must

agree to comply with the provider’s or school district’s attendance policy, as applicable. Section 1002.71(6)(c), F.S., authorizes a provider or school district, as applicable, to dismiss a student who does not comply with the provider’s or district’s attendance policy.

**Instructions:** This program instruction establishes the uniform attendance policy adopted by the Agency for Workforce Innovation for the VPK program. This attendance policy governs the payment of private prekindergarten providers and public schools for the days that students are absent from the program. Each provider or school delivering the VPK program shall be paid in accordance with this uniform attendance policy, as follows:

(1) **Definitions.**—As used in this program instruction, the term:

- (a) “Absent” or “absence” means each instructional day that a student is not in attendance at the VPK program.
- (b) “Attend” or “attendance” means each instructional day that a student is present at the VPK program for all or part of that day’s instruction.
- (c) “Instructional day” means each calendar day recorded in the statewide information system<sup>1</sup> as a day that the provider or school is scheduled to deliver instruction to the student’s VPK prekindergarten class.
- (d) “Regular period” means the instructional days of a VPK prekindergarten class which remain after the startup period (*e.g.*, 175 days of 180-day class schedule). The following tables display the number of instructional days in the regular period:

Instructional hours per day	Total instructional days	Instructional days in startup period	Instructional days in regular period
6	90	5	85
5	108	5	103
4	135	5	130
3	180	5	175

Instructional hours per day	Total instructional days	Instructional days in startup period	Instructional days in regular period
7*	43*	5	38
6	50	5	45
5	60	5	55

\*If a summer program is scheduled for 43 instructional days, the program is paid for 6.977 instructional hours per day.

- (e) “Startup period” means the first 5 instructional days of a VPK prekindergarten class.
- (f) “Student’s attendance period” means the instructional days in the regular period, counting from the first instructional day that the student

<sup>1</sup> The current statewide information system is the Enhanced Field System (EFS).

attends the program (*i.e.*, instructional days remaining in a VPK prekindergarten class, beginning after the startup period with the first instructional day that the student attends the class). The following tables display examples of instructional days in a student’s attendance period, based on the first instructional day that the student attends the VPK prekindergarten class:

**TABLE 3 - Instructional days in student’s attendance period for school-year program on schedule of 180 instructional days (3 instructional hours per day)**

Instructional days in regular period	Student’s first day of attendance in regular period	Instructional days of regular period not attended before first day	Instructional days in student’s attendance period
175	6th	5	170
175	11th	10	165
175	21st	20	155
175	31st	30	145

**TABLE 4 - Instructional days in regular period for summer program on schedule of 50 instructional days (6 instructional hours per day)**

Instructional days in regular period	Student’s first day of attendance in regular period	Instructional days of regular period not attended before first day	Instructional days in student’s attendance period
45	6th	5	40
45	11th	10	35
45	21st	20	25

**(2) *Payment for startup period.*—**

- (a) A provider or school is paid for each of the 5 instructional days of the startup period if a student attends the VPK program for at least 1 instructional day during the startup period. An instructional day that a student does not attend during the startup period is not recorded as an absence for purposes of calculating the student’s cumulative absences under (3) below. However, in accordance with (8) below, a provider or school is not paid for instructional days after the last instructional day that a student attends the VPK program with the provider or school, if, during the startup period, the student subsequently terminates enrollment from the program or reenrolls with another provider or school.
- (b) If a student does not attend at least 1 instructional day during the startup period, regardless of when the student enrolls, the provider or school is not paid for the startup period.

**(3) *Payment for regular period.*—**

- (a) A provider or school is paid for each instructional day that a student attends the VPK program during the regular period (*i.e.*, instructional days remaining after the startup period).

- (b) A provider or school is paid for each instructional day that the student is absent during the regular period until the student's cumulative absences exceed 15 percent<sup>2</sup> of the total instructional days in the student's attendance period.
- (c) The provider or school is also paid, up to an additional 5 percent<sup>2</sup> of the total instructional days in the student's attendance period, for each instructional day that the student is absent from the VPK program due to extraordinary circumstances that are documented in accordance with (4) below.
- (d) After a student's cumulative absences exceed 15 percent<sup>2</sup> (or exceed 20 percent<sup>2</sup> as a result of extraordinary circumstances) of the total instructional days in the student's attendance period, the provider or school is not paid for the student's subsequent absences. The following tables display the maximum number of absences that may be paid during the regular period, based on the number of instructional days in the regular period, and examples of the calculations for a student's paid absences:

**TABLE 5 - Maximum paid absences during regular period**

School-year program (540 instructional hours)			Summer program (300 instructional hours)		
Instructional days in regular period	Maximum paid absences during regular period		Instructional days in regular period	Maximum paid absences during regular period	
	15 percent of instructional days in regular period	Including extraordinary circumstances (20 percent)		15 percent of instructional days in regular period	Including extraordinary circumstances (20 percent)
85	13	17	38	6	8
103	15	21	45	7	9
130	20	26	55	8	11
175	26	35			

**TABLE 6 - Calculating a student's paid absences for school-year program**

School-year program on schedule of 180 instructional days (3 instructional hours per day)				Paid absences during student's attendance period	
Instructional days in regular period	Student's first day of attendance in regular period	Instructional days of regular period not attended before first day	Instructional days in student's attendance period	15 percent of instructional days in student's attendance period	Including extraordinary circumstances (20 percent)
175	1st*	0*	175	26	35
175	6th	5	170	26	34
175	11th	10	165	25	33
175	21st	20	155	23	31
175	31st	30	145	22	29

\* Includes students who begin attendance during the startup period

<sup>2</sup> Rounded to the nearest whole number of days.

TABLE 7 – Calculating a student’s paid absences for summer program

Summer program on schedule of 50 instructional days (6 instructional hours per day)				Paid absences during student’s attendance period	
Instructional days in regular period	Student’s first day of attendance in regular period	Instructional days of regular period not attended before first day	Instructional days in student’s attendance period	15 percent of instructional days in student’s attendance period	Including extraordinary circumstances (20 percent)
45	1st*	0*	45	7	9
45	6th	5	40	6	8
45	11th	10	35	5	7
45	21st	20	25	4	5

\* Includes students who begin attendance during the startup period

(e) A provider or school is not paid for instructional days in the regular period before the first instructional day that the student attends the VPK program.

(4) **Absences due to extraordinary circumstances.**—If a student is absent from the VPK program due to extraordinary circumstances other than a temporary closure as described in (5) below, the provider or school must submit to the early learning coalition or its designee written documentation provided by the student’s parent or guardian which describes the extraordinary circumstances justifying the absence. Examples of extraordinary circumstances include the following:

- (a) Hospitalization of the student, parent, or guardian with appropriate documentation;
- (b) Illness of the student, parent, or guardian, which requires a home-stay as documented;
- (c) Death in the student’s, parent’s, or guardian’s immediate family with appropriate documentation (*e.g.*, obituary, death certificate);
- (d) Court ordered visitation with appropriate documentation (*e.g.*, court order); or
- (e) The parent’s or guardian’s unforeseen documented military deployment or exercise.

(5) **Temporary closure of provider or school.**—

- (a) **Circumstances within provider’s or school’s control.**—If a provider or school temporarily closes on a scheduled instructional day due to circumstances within the provider’s or school’s control, the provider or school must revise its class schedule to deliver that day’s instruction disrupted by the closure.
- (b) **Circumstances beyond provider’s or school’s control.**—If a provider or school temporarily closes on a scheduled instructional day due to circumstances beyond the provider’s or school’s control, the provider or school is paid for that instructional day, as follows:

1. Before an early learning coalition pays a provider or school for a temporary closure, the provider or school must submit written documentation to the coalition or its designee which demonstrates, and the coalition or its designee must determine, that the closure is temporary and caused by circumstances beyond the provider's or school's control. A provider or school is not required to submit documentation of those circumstances, if:
  - a. The provider or school is located within a county for which the county government, the Governor, or the President of the United States declares that a state of emergency exists in the county; and
  - b. For the provider's or school's scheduled instructional days during the state of emergency, the county, state, or federal governments close offices in the county which are scheduled to be open for services other than essential services.
2. For the first 3 instructional days of the temporary closure, the provider or school is paid as if each enrolled student was in attendance.
3. For the 4th through 10th instructional days of the temporary closure, each day is recorded as an absence for each enrolled student. The provider or school is paid for each student's absence in accordance with (2) and (3) above, if the student has not exhausted his or her paid absences. If a student has exhausted his or her paid absences, the provider or school is not paid for that student's absence.
4. If circumstances cause more than one temporary closure, the provider or school may not cumulatively record more than 10 instructional days as:
  - a. Attendance under (5)(b)2.;
  - b. Absences under (5)(b)3.; or
  - c. A combination of attendance under (5)(b)2. and absences under (5)(b)3.
5. If a temporary closure, or the cumulative number of instructional days from more than one closure, extends beyond 10 instructional days, the provider or school must revise its class schedule to deliver the instructional days disrupted after the 10th instructional day.
6. If a provider or school does not resume instruction after the closure, the provider or school is not paid for any instructional days described in (5)(b)1. or (5)(b)2. above. The coalition or its designee shall assist affected students by making alternative arrangements that mitigate the disruption of instruction,

including, but not limited to, re-enrollment of students with other providers or schools.

7. If a student does not resume attendance in the VPK program after the temporary closure, the provider or school is paid for instructional days recorded as attendance under (5)(b)2. but, in accordance with (8) below, is not paid for instructional days recorded as absences under (5)(b)3.
  8. In lieu of payment for one or more of the instructional days recorded as attendance under (5)(b)2. or recorded as absences under (5)(b)3., the provider or school may revise its class schedule to deliver the instructional days disrupted by the temporary closure.
- (6) ***Recording absences for refused attendance.***—If a student arrives at the provider’s or school’s VPK site but the provider or school refuses the student’s attendance for disciplinary or other reasons (*e.g.*, due to tardiness or prohibited attire), the instructional day is recorded as an absence.
- (7) ***Automatic withdrawal for excessive undocumented absences.***—
- (a) If a student is absent from the VPK program for 5 consecutive instructional days, the student is considered withdrawn from the program unless the provider or school submits to the early learning coalition or its designee written documentation provided by the student’s parent or guardian which describes the reasons for the absence. The documentation may describe any reasons for the absence and is not limited to the extraordinary circumstances described in (4) above.
  - (b) If a student is withdrawn from the VPK program under (7)(a) above but subsequently attends the program, the student’s enrollment in the program is resumed, each instructional day that the student did not attend the program is recorded as an absence, and those absences are paid in accordance with (3) above.
- (8) ***Effect of termination from VPK program.***—If a student terminates enrollment from the VPK program, whether the termination is voluntary or involuntary (*e.g.*, automatic withdrawal for excessive undocumented absences under (7) above), the provider or school is not paid for any instructional days after the last instructional day that the student attends the program.
- (9) ***Effect on provider’s or school’s attendance policy.***—In accordance with s. 1002.71(6)(d), F.S., this uniform attendance policy is used for funding purposes only and does not prohibit a private prekindergarten provider or public school from adopting and enforcing the provider’s or school district’s attendance policy.

(10) ***Reporting absences under Rilya Wilson Act.***—This uniform attendance policy governs payments under the VPK program and does not supersede any requirement for reporting absences under the Rilya Wilson Act (s. 39.604, F.S.).

**Replaces:** This program instruction replaces, and makes the following substantial changes to, OEL-PI-0023-05:

- Provides procedures for payment or revision of the class schedule when a provider or school temporarily closes.

**History:** *Original.*—OEL-PI-0015-05 (June 15, 2005). *Revised.*—OEL-PI-0023-05 (July 25, 2005); OEL-PI-0029-05 (September 21, 2005).

PLEASE DIRECT QUESTIONS AND COMMENTS  
TO THE OFFICE OF EARLY LEARNING AT (850) 921-3171

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