

6M-8.204 Uniform Attendance Policy for Funding the Voluntary Prekindergarten (VPK) Education

Program.

(1) Attendance and Absences.

(a) For payment purposes, a VPK private provider ~~must~~ ~~or school district shall~~ report that a student attended all of the instructional hours offered for a day if the student attends any portion of the day, ~~whether the private provider or school district is determined to be in compliance or out of compliance with VPK statutes and rules for the day.~~

(b) A VPK private provider ~~or school district~~ may not receive payment for absences that occur a student prior to the student's first day of attendance or after the student's last day of attendance.

(2) Monthly Payment and Final Reconciliation. Each early learning coalition ~~must shall~~ pay VPK private providers ~~or school districts on a monthly basis~~ for each VPK classroom in accordance with this rule, unless a private provider ~~or school district~~ chooses to accept advance payments under Rule 6M-8.205, F.A.C. Early learning coalitions ~~must shall~~ make monthly payments by the last day of the month following the month for which the provider is receiving payment. ~~Each~~ Early learning coalitions ~~must shall~~ calculate and reconcile monthly classroom payments using the Division Office of Early Learning statewide information system.

(a) Monthly payments ~~must shall~~ be equal to the sum of the following calculation for each student who has attended the VPK class: the county's allocation per full-time equivalent student (calculated in accordance with Section 1002.71(3)(b), F.S.) divided by the number of hours for the VPK program type (540 hours for school-year or 300 for summer) multiplied by the lesser of:

1. The sum of the hours within the month ~~which~~ each student attends the VPK ~~provider program~~ divided by .8;

or

2. The hours the student is enrolled in the class for the month.

(b) The total program payment ~~must shall~~ be equal to the sum of the following calculation for each student who has attended the VPK class, except that the school district's payment ~~must shall~~ be rounded in accordance with Section 1002.71(3)(d), F.S.: the county's allocation per full-time equivalent student divided by the number of hours for the VPK program type (540 hours for school-year or 300 for summer) multiplied by the lesser of:

1. The sum of all ~~the~~ hours the student attends ~~the program with~~ the VPK provider divided by .8; ~~or -~~

2. The hours the student is enrolled with the VPK provider for the program type.

(c) If the sum of the monthly payments made to the VPK private provider or school district under paragraph (2)(a) is:

1. Less than the total program payment to the private provider or school district, the early learning coalition must shall make a final reconciliation payment to the provider equal to the total program payment minus the sum of the monthly payments.

2. Greater than the total program payment to the private provider or school district, the difference must shall be deemed an overpayment.

(d) If a VPK private provider or school district disputes the calculation of the total program payment based on inaccurate attendance or absence reporting or calculation, the provider # must submit a request for an adjustment of a prior payment no later than the last day of the month following the calendar month in which it receives payment.

(3) Establishing VPK Class Schedules. To ensure that VPK private providers or school districts receive accurate payment for a student's attendance and absences when permissible under this rule, a private provider must or school district shall submit a VPK class schedule for each VPK class to its early learning coalition in the Provider Portal at writing no later than the time the provider submits its class application. Private Providers and school districts are not eligible to receive payment for hours of services provided outside the scheduled unless the services are rendered during hours indicated on their approved the VPK class schedule. A provider's VPK class schedule must indicate the dates and times instructional hours are offered and shall:

(a) For school-year programs: Be comprised of 540 hours for the school year VPK program and 300 hours for the summer VPK program.

1. Comprise 540 total instructional hours for the program; and

2. Begin instruction on or after the uniform district start date established in Section 1001.42(4)(f)1., F.S., and complete instruction by June 30.

(b) For summer programs: Indicate the dates and times which instructional hours will be offered.

© For the school-year program:

1. Comprise 300 instructional hours for the program; and

Not begin instruction more than 14 days before Labor Day or, if the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a

~~county more than 14 days before Labor Day, a school year program in the county may not begin instruction before the uniform date.~~

~~2. Begin instruction on or after May 1, per Section 1002.61(2)(b), F.S., and complete instruction before the date established in Section 1001.42(4)(f)1. Complete instruction by June 30.~~

~~(d) For the summer program, not begin instruction before May 1 and complete instruction before the date established in Section 1001.42(4)(f)1. The uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.~~

~~(4) Modifying VPK Class Schedules Due to Temporary Closures. A closure is temporary if the VPK provider or class resumes instruction following the closure.~~

~~(a) Temporary Closures Due to a Declared State of Emergency. A closure is due to a declared state of emergency when a federal, state, or county official for the area in which the VPK provider is located declares a state of emergency. Such closure must result in the complete closure of the provider's physical location or the closure of one or more VPK classes.~~

~~1. A student is considered to have attended all VPK program hours offered during such closure for a combined total of five (5) instructional days, or the number of total days authorized by the Florida Department of Education (Department) if the provider submits the notification described in paragraph (5)(a). A provider may revise its class schedule to restore the VPK instructional days lost as a result of such closure instead of accepting payment for the closure.~~

~~2. For lost VPK instructional days exceeding five (5) or the number of total days authorized by the Department, a provider must revise its class schedule as described in paragraph (5)(b).~~

~~(b) A temporary closure not due to a declared state of emergency as described in paragraph (4)(a) is not payable.~~

~~(5) Modifying VPK Class Schedules Following a Temporary Closure.~~

~~(a) A provider may modify its schedule as frequently as necessary to restore VPK instructional days lost as a result of a temporary closure due to a declared state of emergency. No later than two (2) business days following resumption of VPK instruction, the provider must submit a resumption notification to the early learning coalition indicating the provider's name and address, the VPK class(es) resuming instruction, the date(s) which each VPK~~

class did not offer instruction as previously scheduled, and a revised class schedule which indicates the date(s) and times added to the schedule as revised to restore the hours lost as a result of the closure.

(b) When a closure is beyond the control of the VPK provider and is not due to a declared state of emergency or is a partial closure, a provider may modify its class schedule up to three (3) times. A provider must revise its class schedule to receive payment for VPK instructional days it restores following all other temporary closures.

1. On the provider's first closure day and before the early learning coalition's close of business, the provider must submit an initial notification indicating the provider's name and address, the date(s) of the closure, the VPK class(es) affected by the closure, and, if available, an estimate of the date upon which the affected class(es) will resume instruction.

2. No later than two (2) business days following resumption of VPK instruction, the provider must submit a resumption notification as described in paragraph (5)(a).

(c) If a VPK provider fails to modify its class schedule, or provide timely written notification as required in this rule, the provider will forfeit the opportunity to revise its class schedule to restore the lost VPK instructional hours and will be ineligible to receive payment for those closures.

(4) Modifying VPK Class Schedules.

(a) A private provider or school district may modify its schedule up to two times for any reason other than a temporary closure caused by emergency circumstances as described in subsection (5). A private provider or school district may modify its schedule as frequently as necessary to restore instructional days lost as a result of a temporary closure caused by emergency circumstances.

(b) To modify a VPK class schedule, a private provider or school district shall submit notice in writing to the coalition.

1. If the modification of the class schedule results from a closure other than a temporary closure caused by emergency circumstances, as described in subsection (5), a private provider or school district shall submit:

a. An initial notification of the closure before the coalition's close of business on the first day of the closure. Initial notification shall indicate the provider's name and address, the date(s) of the closure, the VPK class(es) affected by the closure, and, if available, an estimate of the date upon which the affected VPK class(es) will resume instruction.

~~b. A notification of schedule modification no later than two business days following resumption of VPK instruction. Notification of schedule modification and resumption of instruction shall indicate the provider's name and address, the class(es) resuming instruction, the date(s) which each VPK class did not offer instruction as previously scheduled, and a revised class schedule which indicates the date(s) and times added to the schedule as revised to restore the hours lost as a result of the closure.~~

~~2. If the modification of the class schedule results from a temporary closure caused by emergency circumstances, the private provider or school district shall submit a notification of schedule modification as described in sub-subparagraph (4)(b)1.b.~~

~~(e) If a private provider or school district fails to modify a VPK class schedule as required in this rule or fails to comply with the deadlines established for submission of notifications, the private provider or school district shall be ineligible to receive payment for those closures and shall forfeit the opportunity to revise its class schedule to restore the lost instructional hours for those closures.~~

~~(5) Closures.~~

~~(a) Temporary Closures Caused by Emergency Circumstances.~~

~~1. A student is considered to have attended all VPK program hours offered during a temporary closure caused by emergency circumstances for a combined total of five (5) instructional days for each VPK class if the private provider or school district submits notification in writing to the coalition the dates which the provider was closed.~~

~~a. A closure is temporary if the provider resumes instruction following the closure.~~

~~b. A closure is caused by emergency circumstances when a state of emergency is declared by federal, state or local officials for the area in which the provider is located.~~

~~2. A temporary closure caused by emergency circumstances is not payable for any student who does not attend a VPK instructional day following the closure.~~

~~3. A private provider or school district shall revise its class schedule to restore VPK instructional days which are lost due to temporary closures caused by emergency circumstances in excess of a total of five (5) instructional days for a VPK class.~~

~~4. A private provider or school district may revise its class schedule to restore the instructional days lost as a result of a temporary closure caused by emergency circumstances instead of accepting payment for a temporary closure.~~

~~(b) Temporary Closures Caused by Other Circumstances. A temporary closure is not payable unless it is caused by emergency circumstances. A private provider or school district shall revise its VPK class schedule and receive payment for days it restores in accordance with subsection (4) following a closure.~~

(6) Overpayment.

(a) If the early learning coalition determines that a VPK ~~private provider or school district~~ received payment in an amount greater than the amount earned by the provider, resulting in a negative reconciliation payment calculation, the coalition ~~must~~ shall make reasonable efforts to collect the overpayment from the provider. Reasonable efforts may include, but are not limited to, informing the provider of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, ~~or~~ and offsetting the overpayment against any future payments for early learning programs.

(b) If the early learning coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the VPK provider has received an overpayment, and after making a reasonable effort to collect the overpayment, as determined by the Department Agency, the early learning coalition ~~must~~ shall provide all information necessary for the Department Agency to act to collect the overpayment. The Department Agency retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or to consider the overpayment to be a disallowed expenditure of the coalition.

Rulemaking Authority 1001.02(2)(n) ~~1001.213(2)~~, 1002.79 FS. Law Implemented 1002.71(6)(d) FS. History--New 8-17-06, Amended 5-24-07, 9-14-09, Formerly 60BB-8.204, Amended