

Executive Committee
Early Learning Coalition of Southwest Florida
Appeals Hearing - Minutes
Lake Trafford Baptist Child Care Center

June 17, 2009 – 12:00 pm

PRESENT

Executive Committee Members:

Joe Paterno, Interim Chair
Executive Director
Southwest Florida Workforce Development Board

Gerry Poppe, Treasurer
Chief Financial Officer
Waterman Broadcasting

Donice K. Dawson, Secretary
Vice President/Banking Center Manager
American Momentum Bank

Colleen Gallagher, Chair of Outreach Committee
President and CEO 4 C

Howard Freedman, Chair, School Readiness/VPK Committee
Pediatric Ophthalmologist (Retired)

Rita Sockman, Chair, Health & Developmental Services Committee
Family of Faith Christian Academy

Jeanne LaFountain, Chair, Quality Committee
Director
District Early Childhood Services (Lee County)

Other Early Learning Coalition of Southwest Florida
Board Members Present:

Alice Parrish, Dept. of Children and Families Licensing

Board Counsel:

Gregory Ubancic, Esq.

Lake Trafford Baptist Child Care Center Staff:

Ray DeLuna, Church Officer and Spouse to Director
Kim Membry, Lead Teacher

Early Learning Coalition of Southwest Florida Staff:

Kathleen Reynolds, CEO
Jill Corbett, Assessment Coordinator
Annie Elias, Executive Administrative Assistant
Kim Gerbasio, Health and Safety Monitor
Melanie Holaway, Director of School Readiness Services
Shirley Losch, Director of Health Services
Nancy Starr, Director of Program Policy

Joe Paterno, Interim Chair of the Early Learning Coalition of Southwest Florida opened the Hearing at 12:20 p.m., and asked that each person in the room introduce him or herself.

At 12:22 p.m. Melanie Holaway, Director of School Readiness, reviewed the reasons for requesting that the Chief Executive Officer of the Coalition, Kathleen Reynolds, terminate the contractual agreement with Lake Trafford Baptist Child Care Center and also the reasons for requesting that this facility not be extended a contract for School Readiness for the FY 2009 – 2010 year.

At 12:25 p.m. Kim Gerbasio, Health and Safety Inspector, reviewed the violations that occurred at this facility over many months time, and also reviewed the extensive amount of contacts made by Early Learning Coalition of Southwest Florida staff in an attempt to have Lake Trafford Baptist Child Care Center address identified concerns. The list of Health and Safety violations is included as *Attachment 1*.

At 12:35 p.m. Shirley Losch, Director of Health and Developmental Skills, reviewed the failure of Lake Trafford Baptist Child Care Center to meet contractual requirements regarding the child screening with the Ages and Stages Questionnaire. This list is included as *Attachment 2*.

At 12:39 p.m. Jill Corbett reviewed the failure of Lake Trafford Baptist Child Care Center to meet contractual requirements regarding the administration of cc.net assessments. This list is included as *Attachment 3*.

At 12:40 p.m. Joe Paterno, Interim Chair of the Early Learning Coalition of Southwest Florida, informed Mr. DeLuna and Ms. Membry that staff had taken approximately twenty minutes to present their issues, and that they would be entitled to a similar amount of time to present their response.

Mr. DeLuna said his response would be very short. He further said that his wife was recovering from surgery and would not be able to be in attendance. Therefore, he brought the facility's Lead Teacher, Ms. Kim Membry, to the Hearing. He read a prepared note in which he apologized for shortcomings and asked for the opportunity to address the concerns. He assured the Executive Committee Members that if given the opportunity to reapply for the upcoming school year as a School Readiness provider for the Coalition, all requirements would be met.

Mr. DeLuna and Ms. Membry were asked a number of questions by Board Members. Howard Freedman asked for whatever plans were in place to insure that such violations did not occur in the future. Mr. DeLuna responded that this was a matter of mail distribution because many different people pick up their mail at the Child Care Center. While materials from the Coalition may have arrived, they did not get to the proper parties. Mr. DeLuna insured the Executive Committee that this would not happen in the future. He further explained that people's jobs were at stake and asked the Coalition not to shut him down.

Kathleen Reynolds explained that the Coalition does not have the authority to shut anyone down. The Coalition has legal and moral responsibility to insure that children supported by tax dollars are placed in safe early care facilities with a minimum standard of program quality. Children supported by Coalition funds may be removed from facilities for good cause; but, that facility may stay open with other self-funded clients.

Ms. Membry stated that she had often left telephone messages from the Coalition on the desk for Miss Angie (Mrs. Angela DeLuna, the Director of Lake Trafford Baptist Child Care,) and that she had no idea what happened to the messages after she left them.

Ms. LaFountain clarified that staff had been employed for ten months without proper Level 2 screening required for child care workers having taken place. Mr. DeLuna cited a number of issues he had incurred in getting the proper fingerprinting done, i.e., the prints were smudged and had to be redone; they failed to send in a check with another application; and still another application was rejected because the print was illegible.

At 12:44 p.m. Joe Paterno closed the Hearing, and stated that the Board would deliberate at that juncture.

Mr. DeLuna asked if it would be more comfortable for the Board if they left the room. Mr. Paterno responded that the deliberations were subject to the Sunshine Law, and, therefore, they were welcome to stay in the room. Mr. DeLuna said they preferred to leave. Mr. DeLuna and Ms. Membry then left the room.

The Executive Committee deliberated for approximately twenty minutes.

Howard Freedman made the point that he was uncomfortable terminating the contract for one year. He said that some censure should be put in place, with some guarantees of quality improvement by the provider.

Ms. LaFountain and Rita Sockman both made the statements that while they were non-voting members of the Executive Board, if they had the opportunity to vote, as early

childcare professionals they would definitely vote to uphold the decisions of the CEO of the Coalition.

Kathleen Reynolds stated that the issues at Lake Trafford Baptist Child Care Center went well beyond mail distribution. She also asked Counsel if anything had happened during the period when staff without proper screening were working with children, would the Coalition have any liability? Mr. Urbancic responded possibly. He noted that in litigation like that the usual process is to name as another defendant any source of funding.

At 1:15 p.m. Joe Paterno determined that deliberations were over. Mr. DeLuna and Ms Membry rejoined the Hearing.

Donice Dawson made a motion that the EC uphold the decision of the CEO, Kathleen Reynolds, to suspend contracting with Lake Trafford Baptist Child Care Center for the 2009 -2010 year. Gerry Poppe seconded the motion and requested an amendment. The amendment was that Lake Trafford Baptist Child Care Center be recommended to become a licensed facility certified by DCF during their year of non-contractual relationship with the Coalition. Howard Freedman then motioned that the facility be allowed to have an agreement if they submitted an Improvement Plan to the Coalition. Mr. Paterno reminded Mr. Freedman that there was a motion and an amendment already on the floor, and the amendment made by Mr. Poppe would be addressed initially. The amendment made by Mr. Poppe was seconded by Donice Dawson, and unanimously approved.

Kathleen Reynolds explained that the Early Learning Coalition did not have policy or legal authority to authorize an Improvement Plan. The process currently underway is the policy that has been authorized by the Board of Directors. Howard Freedman then withdrew his motion and the Executive Committee returned to the main motion as amended.

Joe Paterno called for the vote. He, Gerry Poppe, and Donice Dawson voted to support the motion. Howard Freedman voted not to support the motion.

The motion passed three to one.

The decision of the CEO to suspend Lake Trafford Baptist Child Care Center from contracting with the Early Learning Coalition of Southwest Florida for School Readiness Services for the remainder of the 2008-2009 year and the 2009-2010 year was upheld. It was also the recommendation of the Executive Committee of the Early Learning Coalition of Southwest Florida that the leadership of Lake Trafford Baptist Child consider becoming a licensed facility during the 2009-2010 year.