



Early Learning Coalition of Southwest Florida

<u>Subject:</u> School Readiness and VPK Providers Compliance Policy		
<u>Policy #: 220.10</u> ELCSWF-EL0008-09	<u>Category:</u> Program Quality and Standards	<u>AWI Reference #:</u> OEL-EL-220
<u>Approval:</u> May 20, 2009	<u>Effective Date:</u> May 20, 2009	<u>Replaces (policy # and date):</u> ELCSWF-SR008A-08 9-27-08, 3-18-09

Policy:

Providers under contract with the Early Learning Coalition are expected to comply with laws, rules and regulations and the Provider Agreements (SR and/or VPK) as it relates to, but not limited to:

- Health and Safety,
- Programmatic Responsibilities,
- Fiscal Reporting

Support and technical assistance are available to assist each provider in achieving and maintaining compliance.

Technical assistance and an official notice of non-compliance will be given to providers as needed. Failure to comply will result in sanctions which may include, but are not limited to, non-payment of funds and/or terminating the Provider Agreement without opportunity to reapply for a time period to be determined by the CEO, but not to exceed three (3) years.

Any notice of non-compliance or other sanctions against Child Care Providers must include notification of their right to appeal pursuant to policy 220.6 –ELCSWF-EL0015-08 “Appeals and Hearings”.

Associated Documents:

- Provider Agreement for SR Services
- VPK Statewide Provider Agreement
- Operating Procedure: Compliance of SR/VPK Providers
- Monitoring forms

Citation History: Cite: 45CFR98, Chapters 402.301 – 402.319, Chapter 411.01 and Section 1002.55-79, Florida Statutes; Rule 60BB-4 and 8, 65C-22 and 65C-20 Florida Administrative Code.

Review date: April 2013



SR/VPK Provider Non Compliance Procedure

220. 10 - Policy Reference (ELCSWF-EL0008-09)

1. GENERAL INFORMATION

- a. Monitoring: Child Care Providers are routinely monitored for their compliance with the rules and regulations of the School Readiness and/or VPK Programs as addressed in the Coalition Provider Agreements and Coalition policies.
- b. Reporting abuse: Coalition or designee staff are responsible for immediately reporting knowledge or reasonable suspicion of abuse, neglect or exploitation of a child or disabled adult, to the Florida Abuse Hotline (statewide toll-free telephone number 1-800-96Abuse).
- c. Health or Safety Concerns: Any suspected or observed deficiency of licensed, religious exempt, registered, or school-based programs that pose a potential problem to the health and safety of the children in care are reported to the responsible agency, such as health department, school district, overseeing accrediting agency, licensing unit, etc. for follow-up.
- d. Licensing violations: Coalition or designee staff, who believe a Provider is not in compliance with state child care licensing standards, must report their concerns to the governing child care licensing office.
- e. Background Screening: Violations of background screening of any SR and/or VPK Provider, will be referred to DCF Child Care Licensing unit.
- f. Technical Assistance: Coalition or designee staff will identify and document the areas of concern and relate it to the provider's statutory or contractual requirement. A reasonable time frame will be established for correction of deficiencies, and education or other assistance will be provided by the Coalition or designee staff.
- g. Actions by other Agencies: Notice of Non-Compliance may be issued by the Coalition or designee, based on actions taken by DCF, Health Department, School District or the overseeing religious or educational accrediting agency. Final Notices of Non-Compliance will be issued by the Coalition.
- h. Non-payment of Coalition funding: The Coalition will not authorize payments to providers for any VPK classrooms that are found out of ratio or without properly credentialed or screened teachers or secondary staff, for the day and any day going forward until it is corrected. This action is in addition to the issuance of Notices of Non-Compliance.
- i. Copies of all issued Notices of Non-Compliance must be provided to the appropriate Coalition Program Director.

2. NOTICE OF NON COMPLIANCE:

- a) The **Notice of Non-Compliance (Form SR 1006)** is used when a provider fails to correct areas of concern previously identified, within an agreed upon timeframe and/or immediately in areas of concern. It establishes a formal **Notice** from the Coalition with deadlines for corrective action. It includes a summary of the problem, efforts made to date and remaining unresolved issues.
- b) The Coalition or designee completes the **Notice of Non-Compliance** and forwards it to the provider by mail or in person.
- c) Copies of the "**Notice of Non-Compliance**" will be provided to the appropriate Coalition Program Director, along with any follow-up activity. Copies of all materials must also be placed in the provider file.
- d) The date of expected correction is based on "business days" and should begin with the day after the monitoring or observation visit.
- e) The "**Notice of Non-Compliance**" must be signed and dated by the person issuing the notice, and provided to the Provider, either in person, by fax; or by regular and/or certified mail sent simultaneously.
- f) In some circumstances, the Provider may be able to demonstrate compliance by submitting specific documentation to the Coalition or designee. Once received by the person who issues the **Notice**, the Provider's file must be appropriately documented.
- g) If necessary, the Coalition or designee shall re-inspect the facility to validate compliance and send a copy to the responsible Coalition Program Director.
- h) The Coalition may choose, if circumstances warrant, to notify parents of the SR/VPK children when a **Notice of Non-Compliance** has been issued.
- i) All notifications to the parent will be verbally and in writing with a copy to the Provider. Documentation of contacts must be included in client and provider files.

3. FINAL NOTICE OF NON-COMPLIANCE

- a. The **Final Notice of Non-Compliance (Form SR-1007)** is utilized when the provider fails 1) to correct areas of concern within time frames of the Notice; 2) Demonstrates a pattern of repeated violations in the same area(s) or 3) when an area of concern places a child in imminent danger of harm. The **Final Notice** identifies timeframes for compliance and consequences up to and including termination of agreement with the Coalition.
- b. The **Final Notice** is issued by the Coalition Program Director responsible for the areas of concern, following receipt of documentation of the provider's failure to comply with the previous **Notice** or demonstrates a pattern of repeated violations in the same area(s) or an area of concern placing a child in eminent danger of harm.

- c. Coalition staff or designee may notify parents of the SR and/or VPK children that a **Final Notice** of Non-Compliance has been issued, and the reason for its issuance.
- d. All notifications to the parent will be verbally and in writing with a copy to the Provider. Documentation of contacts must be included in client and provider files.
- e. Parents may choose to remain with the existing provider, however the parent must be advised verbally and in writing, that their child is no longer funded through the SR and/or VPK program.

4. FAILURE TO COMPLY WITH REQUIRED CORRECTIVE ACTION - CONSEQUENCES

- a. If a provider fails to comply with the **Final Notice**, the appropriate ELC Program Director will summarize the situation (i.e. concern, TA, plan, inaction) and forward this to the Coalition CEO along with recommended action.
- b. Possible consequences may include, but are not limited to:
 - A moratorium on new enrollments.
 - (Moratorium means the suspension of new enrollments of SR/VPK children)
 - Notification to parents of children currently enrolled of Provider's non-compliance(s).
 - Termination as a SR or VPK provider without opportunity to re-apply for a time to be determined by the CEO, but not to exceed 3 years.
- c. The Coalition CEO will inform the Provider in writing of the decision, effective date and right of appeal.
- d. Coalition staff, including Resource & Referral, Eligibility, and VPK staff will be notified of consequences affecting children in care and new enrollment.
- e. The Coalition reserves the right to immediately terminate a provider's contract without warning if deemed in the best interest of the children.

5. TERMINATION

- a. Upon determination by the Coalition that action should be taken to terminate a Provider Agreement, The Coalition shall establish if the Provider is a current SR and/or VPK Provider, and the current number of children currently enrolled in the respective programs.
- b. The Coalition Program Director will notify the Provider in writing, of the reason for termination of the Coalition's contract and the terms related to the termination. The letter will include a right of appeal to the Coalition CEO.
- c. Coalition staff or designee will notify the parents of the children in the provider's care, of the termination of the provider agreement. The parents will be told the reason the Coalition has terminated the agreement and the date funding ceases. Every SR/VPK parent affected will be provided the opportunity to transfer their child to another Provider.
- d. Parents may choose to remain with the existing provider; however the parent must be advised verbally and in writing, that their child is no longer funded through the SR and/or VPK program.
- e. All notifications to the parent will be verbally and in writing with a copy to the Provider. Documentation of contacts must be included in client and provider files.

- f. The EFS and DCF system must be updated to reflect that the Provider is no longer a SR and/or VPK participating child care provider.
- g. The Coalition will notify DCF and all Contractors (i.e. 4C, Health Dept., Devereux) of the termination of the Provider's SR and/or VPK agreement.
- h. Prior to requesting a hearing, the appellant must have exhausted the complaint resolution process addressed in Coalition policy #ELCSWF-EL0013.
- i. The appellant will have 10 business days from receipt of the final notification of the action from the Coalition CEO, to file a written appeal requesting a hearing before the Coalition Board Executive Committee as described in ELCSWF-EL0015.

6. MISREPRESENTATION OR FRAUDULENT ACTIVITY

- a. If at any time, Coalition or designee staff have reason to suspect that a SR and/or VPK provider has provided false, misleading, inaccurate information, failed to disclose pertinent information or have been engaged in fraudulent activity, staff must follow the procedures outlined in Policy # ELCSWF-EL0029-08, "Administrative Sanctions: Suspected Fraud and Misrepresentations".
- b. Providers under investigation by the Florida Department of Law Enforcement (FDLE) or other law enforcement entity will be suspended from accepting any new enrollments of SR children until a determination has been made by the investigating entity. If evidence warrants, children currently served may be transferred to another provider in an expeditious manner.
- c. Pursuant to Rule 60BB-4.503 FAC, if a school readiness provider, after investigation and adjudication by a court of competent jurisdiction, has been determined to have fraudulently misrepresented enrollment or attendance for funds related to the school readiness programs, the coalition shall permanently disengage services of that provider.
- d. Paragraph c shall also apply to VPK providers.

FORMS

Health and Safety SR Compliance Monitoring – Centers & SA Programs (SR-1009)
 Health and Safety SR Compliance Monitoring – Family Child Care Home (SR-1010)
 Notice of Non-Compliance – (SR-1006)
 Final Notice of Non-Compliance (SR-1007)

Approved by: *Kathleen Reynolds*, CEO Date April 8, 2009

Revisions approval: Nov. 24, 2009