



## Early Learning Coalition of Southwest Florida

<b><u>SUBJECT:</u></b> School Readiness Provider Eligibility, Provider Agreements and Compliance Monitoring		
<b><u>Policy #:</u></b> ELCSWF-SR008A-08	<b><u>Category:</u></b> SR - Program Quality and Standards	<b><u>Reference #:</u></b> OEL-SR-420
<b><u>Approval:</u></b> 9-27-08	<b><u>Effective Date:</u></b> 9-26-08	<b><u>Replaces (policy # and date):</u></b> ELCSWF-EL-0008-05 4-25-05 ELCSWF-SR008A-05 7-26-06 ELCSWF-SR008A-07 9-25-07

- I. **PURPOSE:** To establish specific expectations for monitoring all child care providers serving School Readiness (SR) children, in Lee, Collier, Hendry and Glades counties.
- II. **REVIEW HISTORY:** This policy supports the FY 2003-04 approval action of each School Readiness Coalition Board in the four county area, the April 25, 2005 ELC-SWF board action, and supersedes any former policy revisions.
- III. **CONTACT:** Chief Executive Officer.
- IV. **PERSONS AFFECTED:** All ELC-SWF and contracted staff serving school readiness clients and providers, Early Learning Providers serving School Readiness children, including licensed, license-exempt and family child care providers.
- V. **POLICY:** This policy sets minimum standards for monitoring of all School Readiness Providers serving SR children, and the outcomes for failure to comply with those standards.
- VI. **RATIONALE:** State law requires School Readiness providers meet specific standards and responsibilities. Providers sign the Provider Agreement for School Readiness Services with the Early Learning Coalition of Southwest Florida and agree to meet those standards and responsibilities.
- VII. **CROSS REFERENCES:** Cite: 45CFR98, Chapters 402.301 – 402.319 and Chapter 411 “The School Readiness Act” of the Florida Statutes; Rule 60BB-4, 65C-22 and 65C-20 Florida Administrative Code, the “Provider Agreement for School Readiness Program”, and all policies issued by the Agency for Workforce Innovations on the SR program.

## VIII. DEFINITIONS:

**"Abeyance"** means to temporarily set aside or suspend activity.

**"Coalition"** refers to the Early Learning Coalition of Southwest Florida, Inc. (ELC-SWF) which is responsible for Collier, Hendry, Glades and Lee counties.

**"Creative Curriculum Developmental Continuum Assessment"** refers to the Assessment tool adopted by the Coalition to evaluate the children's learning development. (CCDCAS).

**"DCF"** refers to the Florida Department of Children and Families, the state agency responsible for the licensing activities related of child care providers.

**"Moratorium"** means a suspension of activity. (Webster's Dictionary)

**"Provider"** means the individual or facility responsible for the provision of School Readiness services.

**"Qualified Contractor"** means an entity performing the duties of the Coalition and is defined in Rule 60BB-8.100 (13), F.A.C. Community Coordinated Care for Children (4C) is the entity contracted by the Early Learning Coalition of Southwest Florida, to carry out the daily responsibilities for School Readiness families and providers.

**"School Readiness Application Packet (completed)"** refers to the following documents: School Readiness Child Care Provider Application, Rate Verification Form, Holiday Schedule, IRS Form W-9, School Readiness Provider Agreement, and if applicable, a current copy of DCF license, religious-exempt accreditation, other recognized gold seal or accreditation certificate.

**"Substantial compliance"** means that level of adherence, which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type that impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance. (cite 402.305 (15), F.S.)

**"SR"** refers to School Readiness Program pursuant to Chapter 411.01, Florida Statutes.

**"Technical Assistance"** refers to advice, recommendations, information, demonstrations, and materials provided to others in increase the effectiveness to use in meeting the requirements of the School Readiness early learning responsibilities addressed in Section 411.01 of the Florida Statutes.

## IX. PROCEDURES:

### PROVIDER ELIGIBILITY

1. Any private child care, public (including charter schools) or non-public school provider interested in delivering School Readiness services must complete "School Readiness Child Care Provider Application" (Form SR-1001) as well as the following documents:
  - Copy of facility license or religious exempt accreditation
  - Copy of higher accreditation or gold seal verification, if applicable

- Rate Verification Agreement (Form SR-1002)
  - Holiday Schedule (Form SR-1003)
  - IRS- W9 Tax Form
  - Provider Agreement for School Readiness Services for the current fiscal year. (Form SR-1004)
2. To be approved, all prospective School Readiness providers must meet the following criteria:
    - a. Must be a legally operating child care provider pursuant to Chapter 402.302-319 of the Florida Statutes
    - b. Must submit all required forms and supporting documentation.
    - c. Must be in good standing with the Department of Children and Families Child Care Licensing Unit, and/or the current or previous applicable accrediting agency; and the Coalition. Good standing means that within the last three (3) years, the current prospective School Readiness provider (owner/management) is free of the following specific administrative actions:
      - Denial of facility license, registration or accreditation status within the past three (3) years:
      - Revocation of facility license, registration or accreditation status within the past three (3) years
      - Suspension of facility license, registration or accreditation status within the past three (3) years
      - Accumulation of ten (10) or more administrative fines within the last 3 years.
      - Termination by any Coalition based on past poor performance, misrepresentation or fraud.
  3. All documentation must be submitted for review to the Coalition or qualified contractor. The provider's legal status and good standing will be explored and the eligibility will be determined and validated.
  4. The Coalition or Qualified Contractor will notify the Coalition of the applicant's eligibility. If recommended for approval, the original SR Provider Agreement will be sent to the Coalition. The Coalition will approve or deny the application.
  5. Approval will be demonstrated by the co-signing of SR Provider Agreement by the Coalition Chief Executive Officer. The Coalition will return a copy of the fully signed Provider Agreement to the Provider along with a notification of their approval as a School Readiness Provider for the current fiscal year, with copies to the Qualified Contractor.
  6. Applicants who do not meet the eligibility criteria will not be accepted for participation in the program. The Coalition or qualified contractor will notify the applicant in writing, within 60 days of receipt of the application, of the decision, and reason for denial of participation in School Readiness. In addition, the applicant must be advised of their right to appeal and request a hearing as outlined in policy #ELCSWF-EL0015-06 "Appeals and Hearings".
  7. Correspondence must be either hand-delivered; or sent by regular U.S. mail and by certified mail, return receipt requested, simultaneously. Copies of all correspondence must be placed in the file, and noted in the EFS system, with a copy provided to the Coalition.

8. If the applicant is the focus of pending licensing action by DCF, or under investigation with law enforcement, processing of the application will be held in abeyance pending a final determination. Child Care providers whose applications are being held in abeyance must be promptly notified in writing that the application will be processed once the pending issues are resolved.
9. Once approved as a School Readiness Provider, the application need only be resubmitted if changes occur; there is a break in service, or by request of the Coalition.
10. The School Readiness Provider Agreement must be signed and submitted annually.
11. Child Care Providers must be approved by the Coalition for School Readiness service provision prior to receiving reimbursement or accepting school readiness children with an expectation of reimbursement.
12. Once approved, the provider must be entered into the EFS computer system and identified as an approved provider of School Readiness services. The provider is also assigned a vendor number for purposes of receiving future reimbursement for the care of eligible children.
13. If a School Readiness Provider owns more than one site, the SR provider must submit separate applications for each site. However, the owner need only complete one Provider Agreement and other related forms if they apply to all facilities.
14. Charter and non-public schools will be treated the same as private child care providers.
15. Public schools systems will negotiate the SR Provider Agreement directly with the Coalition for all directly operated child care programs for submission. Only one signed copy by the superintendent or designee with School Board approval, is necessary for all applicable programs. Copies of all documentation are to be submitted by the Coalition to the Qualified Contractor to ensure proper reimbursements and documentation.
16. Licensed Public school preschool programs are monitored for programmatic standards. Public School head start and before/after school programs may be self monitored for programmatic compliance. Health and safety standards are monitored through the local county health department or internally through the Public School system.
17. Copies of self-monitoring reports, health department inspections or other internal monitoring information should be provided to the Coalition or Qualified Contractor annually to meet the requirement.
18. The Coalition or Qualified Contractor will perform annual fiscal monitoring for each School Readiness provider including public school sites.

## **GENERAL REQUIREMENTS**

19. The Coalition supports all licensed and license-exempt, public and private centers; and family child care homes and informal providers in the provision of quality services. To that end, the Coalition, in partnership with their Qualified Contractor, will ensure staff who support and/or monitor providers, are adequately trained in all areas of every

provider's responsibilities such as developmentally appropriate curricula, Florida's VPK and School Readiness Standards, Health and Safety Standards, Ages and Stages Developmental Screening, formal and informal assessments, and other related topics.

20. Resource & Referral Staff, and other designated staff, will provide information to families regarding centers and family child care homes who are offering School Readiness services. School Readiness (SR) providers will be identified on the website of the Florida Department of Children and Families.
21. School Readiness providers must demonstrate their ability to meet and maintain requirements outlined in the provider agreement. The Coalition or Qualified Contractor will visit all the SR facilities and homes to provide technical assistance as needed to help providers meet the terms of the agreement. The Coalition or Qualified Contractor will use the Coalition's approved monitoring tool to determine technical assistance needs.
22. Child care providers who provide school readiness services are subject to the requirements of Chapter 411, Florida Statutes which include, but are not limited to:
  - a. Section 411.01 (5) C 2 of the Florida Statutes which states:

"At a minimum the program must contain the following elements:

    - Developmentally appropriate curriculum
    - Character development program to develop basic values
    - An age-appropriate assessment of each child's development (The Coalition's adopted tool is the Ages & Stages questionnaire (ASQ).)
    - A pre-test administered to children when they enter a program and a post test administered to the children when they leave the program (The Coalition approved tool is Creative Curriculum for formal assessments of 4 year olds. For all children under 4 year, informal assessments are utilized. The Coalition is currently piloting formal assessments for children 0 to 3 years of age. Assessments are not applicable for school age children.
    - An appropriate staff-to-child ratio
    - A healthful and safe environment
    - A resource and referral network to assist parents in making an informed choice."
  - b. Compliance with background screening requirements for all required staff pursuant to Chapter 435, F.S. (65C-22 and 65C-20 FAC)
  - c. Compliance with the terms of the Provider Agreement for School Readiness Services.
  - d. Compliance with Health and Safety Standards adopted by the Early Learning Coalition of Southwest Florida.
  - e. Compliance with any future rules and regulations issued by the State of Florida, Agency for Workforce Innovations, or the Coalition.
23. This policy automatically incorporates any future legislative or legal changes as applicable.

24. The Coalition or Qualified Contractor are responsible for thoroughly documenting all training, technical assistance, monitoring visits, contacts, attempted contacts and annual evaluations. All documentation is to be maintained in the provider's file.
25. The Coalition or Qualified Contractor will develop, coordinate and deliver a comprehensive program of provider services in accordance with the Coalition's School Readiness Providers Agreement for Birth to Kindergarten and School Age. The approved Coalition's School Readiness Plan as amended, and Section 411.01 F.S. should include but not limited to the following:
  - a) Proper implementation of mandated program components, pursuant to Chapter 411.01, F.S. and provide technical assistance (TA) to Providers as needed.
  - b) Ensure the Florida Abuse Hotline Information Systems (FAHIS) records check is performed for all informal providers.
  - c) Conduct SR Program Evaluations for all licensed, religious exempt non-public school and registered SR Providers serving SR funded children birth to school age.

### **AGES AND STAGES (AGE-APPROPRIATE ASSESSMENT OF EACH CHILD'S DEVELOPMENT)**

26. All school readiness children birth to five (0-5) years of age shall be screened utilizing the Ages & Stages Questionnaire which will be initially administered at enrollment with parents input. Following the initial screening, all subsequent ASQ screenings must be conducted on the child's birthday or according to ASQ recommended intervals.
27. ASQ screenings are to be completed and submitted to the Coalition or Qualified Contract within 30 days of the enrollment date and/or the child's birthday or other recommended interval.
28. At each eligibility determination and redetermination, school readiness parents will be provided a "**Parent Agreement for Screening and Assessments**" (Form 1011) to sign.) This form will explain the purpose of the developmental screening and child assessments and the manner in which they are accomplished.
29. Upon initial entry into the school readiness program, the Ages and Stages questionnaire will be provided for completion to the parent or guardian of any child from birth to 5 years, but under school age. The Coalition or Qualified Contractor staff will assist parents with completing the forms as needed.
30. If a parent objects or denies permission for the screening, the Eligibility Specialist or Provider shall document the parental refusal in the child's file and notify the Coalition.
31. The programmatic administration of the Ages and Stages screening will follow the process developed by the Coalition.
32. The Coalition or Qualified Contractor will provide ASQ training and materials to all school readiness providers. Refresher training will be offered at least quarterly to ensure that all School Readiness Providers clearly understand and follow-up with the Ages and Stages screening results. Technical assistance shall be available to Providers whenever needed.

33. ASQ screenings are tracked in accordance with the Coalition-approved Early Learning Plan and reported monthly.

## **CHILD ASSESSMENTS**

34. All children participating in the SR program are assessed periodically to determine each child's level of learning in order to meet their needs and enrich their ability to learn.
35. The Coalition or Qualified Contractor will ensure all School Readiness Providers are trained in the process of ongoing child assessments. The Provider will conduct ongoing informal assessments on all School Readiness children from birth to three (0-3) including 4 year olds not eligible for Creative Curriculum Developmental Continuum Assessment (CCDCAS), using informal strategies authorized by the Coalition (e.g. portfolios, daily child reports, work samplings, progress reports, etc.)
36. The Contractor shall ensure Providers and teachers are provided technical assistance on how the curriculum can be adjusted to meet the strengths and challenges of the children, based on the child assessment data.
37. Child Care providers are expected to share each child's results with their parent or guardian, and document the child's file with specific information concerning the date, time and information shared with each parent. Providers and teachers will also be trained on the utilization of the parent report in CCDCAS.
38. The Coalition or Qualified Contractor will ensure the provision and completion of pre and post child developmental assessment to four (4) and five (5) year-old children who have not started kindergarten. Data will be entered into the CCDCAS website accurately and within the timeframes established by the Coalition. Results will be entered preferably by the child care providers whenever possible. The Coalition or Qualified Contractor will assist providers in need of support as needed.
39. The Coalition selected specific child care providers for a pilot study of infants and toddlers using the Creative Curriculum Developmental Continuum Assessment tools for Infants and Toddlers. The Coalition's goal is to expand to all remaining SR providers when sufficient funds are available.

## **APPROPRIATE STAFF TO CHILD RATIO**

40. The Coalition has adopted Chapter 402.302-319 of the Florida Statutes and Rules 65C-20 and 65C-22 of the Florida Administrative Code, as the criteria for the Health and Safety standards expected for all child care facilities serving as School Readiness children.
41. Therefore, the following staff to child ratio requirements in Section 402.305 F.S. are recognized as the "appropriate" staff to child ratio authorized in Chapter 411.01 for Child Care providers receiving school readiness funding.

### **A. CHILD CARE CENTERS**

Section 402.305 (4) Florida Statutes:

*"(4) STAFF-TO-CHILDREN RATIO.–*

*(a) Minimum standards for the care of children in a licensed child care facility as established by rule of the department must include:*

- 1. For children from birth through 1 year of age, there must be one child care personnel for every four children.*
- 2. For children 1 year of age or older, but under 2 years of age, there must be one child care personnel for every six children.*
- 3. For children 2 years of age or older, but under 3 years of age, there must be one child care personnel for every 11 children.*
- 4. For children 3 years of age or older, but under 4 years of age, there must be one child care personnel for every 15 children.*
- 5. For children 4 years of age or older, but under 5 years of age, there must be one child care personnel for every 20 children.*
- 6. For children 5 years of age or older, there must be one child care personnel for every 25 children.*
- 7. When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group with the largest number of children within the group."*

**B. FAMILY CHILD CARE HOMES**

Section 402.305 (7) F.S. states in part:

*"A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:*

- (a) A maximum of four children from birth to 12 months of age.*
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.*
- (c) A maximum of six preschool children if all are older than 12 months of age.*
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age."*

**C. LARGE FAMILY CHILD CARE HOMES**

Section 402.305 (8) F.S. states in part:

*(8) "...A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:*

*(a) A maximum of 8 children from birth to 24 months of age.*

*(b) A maximum of 12 children, with no more than 4 children under 24 months of age."*

## **HEALTHFUL AND SAFE ENVIRONMENT**

42. The Coalition requires each provider of school readiness services to provide a healthful and safe environment consistent with the rules requirements of Chapter 402.302-319 Florida Statutes and Rules 65C-20 and 22, F.A.C.
43. The Coalition is committed to working in partnership with other state agencies responsible for the provision of health and safety monitoring and does not wish to duplicate those efforts for licensed child care providers and the public schools.
44. To insure the health and safety standards of licensed SR providers are being met, the Coalition or Qualified Contractor will communicate with the Florida Department of Children and Families verbally and/or through review of the most recent inspections posted on their website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).
45. Public school before and after school programs must be willing to share documentation of Health and Safety inspections conducted through the school district and/or county health department.
46. Health and Safety standards of participating School Readiness religious exempt, registered family child care homes and non-public schools will be monitored by the Coalition or Qualified Contractor, utilizing the "**School Readiness Health and Safety Compliance Monitoring**" (Forms SR-1009 and SR-1010). Copies of all health and safety documents will be maintained in the provider file. (See also Compliance Monitoring section of this policy.)

## **RESOURCE AND REFERRAL NETWORK (R&R)**

47. The Coalition or Qualified Contractor must maintain Resource and Referral services to assist families in locating appropriate child care and any other needed service. Resource and Referral staff are expected to provide answers to questions regarding how to identify quality child care and locating a provider that meets the needs of the family.
48. Resource and Referral will identify child care providers who are approved to provide School Readiness and/or VPK service, and to ensure they are also correctly identified within the EFS system.
49. When assisting families approved for School Readiness funding, R&R must identify the approved child care providers who have signed the Coalition School Readiness Provider Agreement. Parents may select from only those eligible providers.

50. If a parent suggests a non-participating provider who has never participated in the School Readiness program, R&R staff must contact the provider to explore their interest and assist them with the application process if warranted. In all other situations, the parent should be directed to discuss their interest directly with the provider. The provider can then initiate the application process if desired.
51. Each School Readiness Child Care Provider is responsible for informing Resource and Referral of changes to their programs (i.e. fees, hours, services, etc.) and respond to requests for information.
52. Resource and Referral will ensure that all VPK providers are entered into the DCF website as an identified VPK provider. School readiness providers are also required to be identified through the checkbox on the DCF website.
53. Resource and Referral is responsible for keeping all information on child care providers within the community updated in the EFS system.

## **TECHNICAL ASSISTANCE**

54. Qualified staff providing technical assistance or monitoring are expected to:
  - Achieve a supportive working relationship with the provider;
  - Model desired practices;
  - Communicate clearly;
  - Be knowledgeable of the School Readiness Standards;
  - Understand the activities and practices associated with those standards;
  - Be knowledgeable about available community resources;
  - Demonstrate sensitivity to the provider's cultural and personal differences.
55. Each provider of School Readiness services must be offered the information and support they desire or need to assist them in attaining not only the expectations of the School Readiness program, but also their individual programmatic and professional development goals.
56. Technical assistance efforts should also include encouragement for providers to reach accreditation and Gold Seal status. Providers should be kept apprised of the educational and financial incentives or grants that could further enable these efforts.

## **COMPLIANCE MONITORING**

### **A. General Requirements**

57. Monitoring is for purposes of validating the provider's compliance with the law, rules and regulations of the program, as well as the terms of the provider agreement. It is an important step to ensuring providers are providing the safe and quality care necessary for children to learn.
58. The Coalition or Qualified Contractor will conduct monitoring visits utilizing the Coalition approved monitoring tools. These monitoring tools are identified as attachments in this policy.
59. Each provider of school readiness services must be monitored at least annually and during the time of operation, when children are present. Monitoring staff should have some form of identification as a Coalition or Qualified Contractor staff person.

60. Monitoring visits should be unannounced. The provider must permit entry to staff authorized by the Early Learning Coalition of Southwest Florida to verify the provider's compliance with the requirements.
61. School Readiness providers who refuse efforts by the Coalition or their designee to monitor their programs should be reported to the Coalition immediately. The Coalition will contact the provider to solicit their immediate compliance. In the event the provider continues to refuse to cooperate with unannounced monitoring visits, the Coalition has the authority to terminate their participation as a school readiness provider following the procedures addressed within this policy.
62. Monitoring visits must be documented on the SR monitoring forms and discussed with the SR provider, director or designee at the conclusion of the visit. Each form must be signed by all parties and copies given to the SR provider at the time of monitoring. All original records must be maintained in the provider file.
63. When using the non-numeric monitoring tools, staff should routinely signify compliance with a check mark (√) and non-compliance with an (X). Standards that are not applicable should be marked N/A.

## **B. Program Monitoring**

64. Each School Readiness Provider must be monitored a minimum of once a fiscal year for programmatic compliance. The program requirements are consistent with Chapter 411.01 of the Florida Statutes and identified in the annual provider agreement.
65. Monitoring staff will use the "**Programmatic School Readiness Compliance Monitoring Form**" (SR-1005) to identify compliance with requirements addressed in Chapter 411.01 and the School Readiness Provider Agreement.
66. Monitoring staff offer, or arrange for, any technical assistance requested or deemed necessary to improve the provider's compliance.

## **C. Health and Safety Monitoring**

67. The Coalition or Qualified Contractor will monitor Health and Safety compliance for school readiness programs who are legally exempt from licensure. These facilities include religious exempt, private schools, registered family child care, and informal providers. The public schools are monitored internally through the school district and sometimes the public health department.
68. Monitoring will be conducted utilizing the **Health and Safety School Readiness Compliance Monitoring Forms** (SR-1009 & SR-1010) a minimum of once during a fiscal year. If deficiencies are observed, corrective action will be required. Follow-up monitoring may be warranted depending on the nature of the deficiency.
69. During the Health and Safety monitoring, the Coalition or Qualified Contractor will:
  - a. Review copies of environmental health inspection conducted during the fiscal year, if applicable.
  - b. Review nursing inspections conducted by the local health department during the fiscal year, if applicable.

- c. Review the most recent fire inspection, if applicable.
  - d. Conduct an inspection utilizing the Health and Safety SR Monitoring form.
  - e. If there is an absence of immunization record checks by a county or state entity, the Coalition or Qualified Contractor shall monitor the immunization records on the School Readiness children in attendance. The number of records reviewed will be consistent with the sample process used for fiscal monitoring (See Policy# ELCSWF-SR-0012A).
70. The Coalition or Qualified Contractor will evaluate each SR provider the last quarter of each fiscal year to assess the overall compliance of each provider in the SR program. **The SR Annual Compliance Checklist** (Form SR-1008) will guide staff to ensure that all elements of the providers' compliance are considered in making a recommendation for their continued participation for the next fiscal year.

#### **D. Fiscal Monitoring**

71. School Readiness fiscal monitoring will be conducted consistent with Policy # ELCSWF-SR0012A.

#### **NOTICE OF NON-COMPLIANCE**

72. The Coalition or Qualified Contractor Monitoring staff are responsible for immediately reporting knowledge or reasonable suspicion of abuse, neglect or exploitation of a child, aged person, or disabled adult to the Florida Abuse Hotline to the statewide toll-free telephone number (1-800-96Abuse.)
73. The Coalition or Qualified Contractor monitoring staff who suspect or find that a licensed provider is not in compliance with state child care licensing standards, must report their concerns to the governing child care licensing office.
74. 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. A violation of background screening in unregulated cites are referred to the Child Care Licensing unit for follow up.
75. The priority of the Coalition or Qualified Contractor is to identify the provider's compliance with the requirements of the school readiness program responsibilities found in Section 411.01 (5) (c), Florida Statutes. Primary responsibilities include:
- i. Developmentally appropriate curriculum
  - ii. Character development program to develop basic values
  - iii. An age-appropriate assessment of each child's development (Ages & Stages questionnaire.)
  - iv. A pre-test administered to children when they enter a program and a post test administered to the children when they leave the program (i.e. Creative curriculum assessments for 4 and 5 year old children.)
  - v. An appropriate staff-to-child ratio
  - vi. A healthful and safe environment

Providers are given a reasonable opportunity to demonstrate their ability to meet the expected standards before any threat of administrative action or disenrollment is

made. Monitoring staff should always recognize that the ultimate goal is compliance. The monitor should try to establish the reasons for the non-compliance and assist them in every way possible to come into compliance. However, it is ultimately the provider's responsibility to comply with all requirements.

76. Before citing deficiencies on the "**Initial Notice of Non-Compliance**" Form SR-1006 addressed in the following paragraph, monitoring staff must make every effort to educate and assist the provider in complying with the standards. Monitoring staff will assign "corrective action" dates and discuss the rationale of the standards during inspection or technical assistance visits.
77. Initial notices of non-compliance and subsequent "**Final Ten (10 day) Warning of Non-Compliance**" (Form SR-1007) should be offered only after documented reasonable measures have been taken (i.e. training, technical assistance or other types of support) and failed to achieve the provider's continued compliance. If one or more of the areas remain in violation after concerted efforts for compliance, the provider will be verbally advised at the time of the observation and given a written "Initial Notice of Non-Compliance" (SR-1006). The "Initial Notice of Non-Compliance" will identify the areas of non-compliance, the statute, rule or regulation violated information on how to remedy the non-compliance and a reasonable time period for correction.
78. A reasonable time frame will be established for correction of deficiencies, with input from the provider when appropriate. The expected date of final correction shall not exceed 21 business days. The date of expected correction is based on "business days" and should begin with the day after the monitoring visit. The actual expected date of correction must be written on the corrective action statement. Any extensions beyond the 21 day deadline must be approved by the Coalition.
79. The Initial Notice of Non-Compliance must be signed by the person issuing the notice and the SR provider. In the event the SR provider refuses to sign, the monitor will document the provider's refusal directly on the form and leave a copy with them. A copy of the Initial Notice of Non-Compliance will be provided to the Coalition Chief Executive Officer within 24 hours of the on-site visit.
80. The Coalition or Qualified Contractor shall re-inspect each School Readiness provider that has been issued an Initial Notice of Non-Compliance. The re-inspection shall take place no fewer than 21 business days and no more than 30 business days from the date the provider received the notice of non-compliance.
81. If the re-inspection verifies that the provider has satisfactorily met compliance, then monitoring staff will document the compliance. A copy of the re-inspection report will be sent to the Coalition Chief Executive Officer within 24 hours of the on-site visit.
82. Deficiencies which have been cited previously and corrected; or a new deficiency in an area not previously cited, will be provided an Initial Notice of Non-Compliance before a Final Ten (10) Day Warning is issued.
83. When the monitor observes a pattern of repeated violations in the same areas, the provider must be advised in writing by the Coalition or Qualified Contractor that an accumulation of repeated offenses, whether corrected or not, could result in administrative sanctions including termination from the SR program. When violations

are cited, steps will be taken by the Provider to remedy the concerns to ensure no further deficiencies will be repeated.

#### **FINAL TEN (10) DAY WARNING OF NON-COMPLIANCE**

84. If upon re-inspection, the monitoring staff establishes the provider has failed to comply with the corrective action, a "Final Ten (10) Day Warning of Non-Compliance" (SR-1007) will be issued.
85. The "Final Ten (10) Day Warning of Non-Compliance", serves as official notice by the Coalition that the provider has ten (10) business days from receipt to comply. This document will identify the area of non-compliance, and will notify the provider of the potential ramifications if compliance is not achieved by the end of the 10 business days. The notice will also identify the factors that will be taken into consideration by the Coalition Chief Executive Officer when determining whether the provider will be placed on probationary status or terminated from the SR program as a provider.
86. The Chief Executive Officer will be provided a copy of the re-inspection report within 24 hours of the re-inspection, and the monitor will provide sufficient information to ensure the Coalition Chief Executive Officer has full knowledge of the SR provider's overall performance.

#### **FAILURE TO COMPLY WITH "TEN DAY" REQUIRED CORRECTIVE ACTION**

87. The Coalition Chief Executive Officer will, within three (3) business days of notification, review the matter and consider the following factors in determining whether to place the provider on a probationary status or terminate the provider contract:
  - The number of unrelated and distinct offenses (areas of noncompliance)
  - The financial impact to a parent, coalition, or the state
  - Any previous violations by the provider
  - The length of time since the last violation
  - The length of time the provider has been providing early learning or SR services.
  - Prior discipline imposed on the provider
  - The effect of the penalty on the provider's livelihood
  - The willfulness of the provider pertaining to any violation
  - Corrective action or improvements undertaken by the provider to correct the violation
  - Technical assistance the provider has received
  - Any other mitigating or aggravating circumstances

88. If the Coalition Chief Executive Officer determines that the factors support terminating the provider's contract, the procedure addressed in paragraph B below will be followed. If the Coalition Chief Executive Officer determines that the factors support placing the provider on probationary status, the following must occur:

#### **A. Probationary Status**

1. A written notification must be sent within two (2) business days from the Coalition Chief Executive Officer to the provider with the following information:

- The reasons the provider is placed on probationary status
- Areas of non-compliance and required corrective action
- The provider's right to technical assistance
- Duration of the probationary period which will be (30) thirty calendar days from date of provider's receipt
- Effective date
- Terms of the probation including, but not limited to:
  - A moratorium on any new enrollments during the probationary period
  - The Coalition's right to extend the probationary period one time by 30 days
  - The Coalition's right to terminate the Statewide Provider Agreement if the provider fails to meet the requirements.

2. Coalition or Qualified Contractor staff, including Resource & Referral, Eligibility, Education and SR program staff, will be notified of the providers change to probationary status.

3. Coalition or Qualified Contractor staff will conduct at least one on-site visit during the probation period to provide technical assistance, observe and report to the coalition the status of the provider's actions. Corrective measures will be implemented if necessary. A second on-site visit will be conducted if the probationary time is extended.

4. Coalition or Qualified Contractor staff shall monitor the provider within three (3) business days at the end of the probation period to determine if the corrective action was completed.

5. The provider's failure to comply with corrective action by the end of the probationary period will result in automatic termination.

#### **B. Termination of SR Services**

##### **1. Involuntary Termination**

If, after consideration of the all factors described above, the Coalition Chief Executive Officer determines that termination of the provider from the SR program is the most appropriate action, the Coalition Chief Executive Officer shall send written notification to the provider, which will include:

- The reason for termination

- The effective date
- The SR providers right of appeal as described in policy #ELCSWF-EL0015 "Appeals and Hearings".

## 2. **Voluntary Termination of School Readiness Services**

At any time the Provider and Coalition may mutually agree to terminate the contract. The provider must give written advance notice of the termination at least thirty (30) calendar days in advance so that alternative arrangements for uninterrupted services may be made for students enrolled with the provider in the SR program. The Coalition must respond in writing acknowledging the pending contract termination and date of final day of service.

## 3. **Notice to Parents**

Coalition or Qualified Contractor staff will notify the parents in writing of the SR children in the provider's care, of the termination of the provider agreement, whether voluntary or involuntarily. Parents will be provided an opportunity to make a choice to continue their child in care of another provider. In some circumstances, the parent may choose to remain with the existing provider, however the parent must be advised that their child is no longer enrolled in the SR program and funding will stop.

## **MISREPRESENTATION OR FRAUDULENT ACTIVITY**

89. If at any time, staff of the Coalition or Qualified Contractor have reason to suspect that a SR 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-EL0014-06, "Administrative Sanctions: Overpayments, Misrepresentations, Fraudulent Activity and Provider Non-Compliance".
90. Providers under suspicion of fraud will temporarily be suspended from accepting any new enrollments of SR children until a determination has been made by the investigating entity. Once the investigation is complete, appropriate action will be taken consistent with the findings.

## **DISPUTE RESOLUTION**

91. Any SR provider who is placed on probation or terminated for non-compliance will have a right to appeal the action in accordance with Policy #ELCSWF-EL0015-06 "Appeals and Hearings".

92. **COMPLAINTS – Please see policy # ELCSWF-EL0013-08**

**EXHIBITS:** School Readiness Child Care Provider Application (SR-1001)  
 Programmatic School Readiness Compliance Monitoring (SR-1007) Form  
 Health and Safety SR Compliance Monitoring – Centers & SA Programs (SR-1009)  
 Health and Safety SR Compliance Monitoring – Family Child Care Home (SR-1010)  
 SR Initial Notice of Non-Compliance – (SR-1006)  
 SR Final Ten (10) Day Warning of Non-Compliance (SR-1007)  
 SR Readiness Annual Compliance Checklist (SR-1008)