



Early Learning Coalition of Southwest Florida, Inc.

Subject: Legal Verification of Eligibility of Child Care Providers		
Policy #: ELCSWF-SR0004A-08	Category: Provider Eligibility	Reference #: OEL-SR-408
Approval: 9/27/08	Effective Date: 9/27/08	REPLACES (policy # and date): ELCSWF-SR-0004-05 approved 3/17/05

- I. **PURPOSE:** To ensure that children served by the Early Learning Coalition, are enrolled in child care programs that are licensed or registered by the State of Florida; or are legally exempt from child care licensure.
- II. **REVIEW HISTORY:** This policy replaces any previous written or verbal directives on this subject.
- III. **CONTACT:** Chief Executive Officer
- IV. **PERSONS AFFECTED:** Resource and Referral and Eligibility staff.
- V. **POLICY:** Prior to enrolling a child, the Contractor will verify the legal status of the child care provider chosen by the parent. The legal status of the child care provider is determined by the local Department of Children and Families (DCF) child care licensing office.
- VI. **RATIONALE:** Parental choice allows for the placement of children in unlicensed settings. Legal exemptions from licensure can be confusing and difficult to determine. The DCF Licensing office is the licensing authority and as such, should determine the eligibility of prospective child care providers.
- VII. **CROSS REFERENCES:** Cite 45CFR98, Chapters 411.01, 402.27, 402.301-.319, 409.175, Florida Statutes, Chapter 60BB-4, F.A.C., 65C-22.008 Florida Administrative Code
- VIII. **DEFINITIONS:**

“Child Care” means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. {ss.402.302 (1), F.S.}

“Child Care Facility” includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. [402.3025](#);

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- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435. {ss.402.302, (2), F.S.}.

“**Contractor**” refers to Community Coordinated Care for Children (4C), the agency contracted by the Early Learning Coalition of Southwest Florida, to carry out the daily responsibilities for families and providers served by the Coalition.

“**School age**” refers to children who are at least 5 years of age on or before September 1 of the current year and eligible to attend school in the fall.

“**Summer Day Camp**” means recreational, educational, and other enrichment programs operated during summer vacations for children who are 5 years of age on or before September 1 and older. {ss.409.175 (l), F.S.}

IX. PROCEDURES:

1. The Contractor is responsible for establishing that any child care provider, who receives federal or state funding, is established as a legal child care provider consistent with Florida law.
2. Prior to authorizing care for to a child care provider, the Contractor will verify the legal status of the provider.
3. The Contractor will first determine if the child care provider is licensed, or registered with the Florida Department of Children and Families (DCF). If licensed or registered, a copy of the license or registration verification will be placed in the provider’s file.
4. If the provider does not meet the above category, then the Contractor will contact the local DCF child care licensing office, to verify if the provider is legally exempt from child care licensure either as a public/non-public school or religiously exempt facility.
5. Written verification of the provider’s status will be secured from the Department of Children and Families or the Department of Education and placed in the provider file. Written verification will include either copies of licenses, printed verification of status from the child care licensing website, DOE website, or email verification from the licensing office.
- 6.. When the Contractor has determined the provider is a child care provider legally able to provide child care services pursuant to Chapter 402-302-319, F.S., then the provider may be entered into the EFS System and R&R database for purposes of reimbursement.
7. Children eligible for School Readiness services may be approved for enrollment only after it has been determined that the provider is eligible for the provision of child care services and reimbursement.. 8. If a provider decides to accept a school readiness child, or expresses willingness, then the provider will be given a school readiness provider agreement and provider packet.

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8. The status of approved child care providers must be updated annually, or more frequently in cases where the facility is questionable, temporary or seasonal in nature, has provisional licensure approval, or if administrative action had been taken against the facility license by the DCF licensing office.

Summer camps

9. Licensed and license exempt child care programs who are recognized as School Readiness providers, and who advertise or claim to operate as "summer camps" during the summer months, are still subject to all the conditions of the provider agreement as long as they receive, or expect to receive, school readiness funding.

10. "Summer camps" do not meet the definition of a child care program pursuant to 402.302 F.S. and are not able to serve as a school readiness provider.

11. Any licensed foster parent of a school age "at risk" child wishing to place their foster child in a summer camp program must first be referred to Children's Network of Southwest Florida for possible funding and summer camp placement. Summer programs for children younger than school age must continue with licensed child care providers.

10. The Contractor must promptly refer unlicensed summer child care programs serving children under the age of 5 years, to the DCF licensing office for purposes of verification of licensure status.

X. EXHIBITS: None