

# EARLY LEARNING COALITION OF OSCEOLA COUNTY

## VPK COMPLIANCE ENFORCEMENT

ITEM: 510A.05

EFFECTIVE DATE: 10-27-11

REVISED: 12-5-17 / 2.2.26

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### POLICY STATEMENT

The Early Learning Coalition of Osceola County (Coalition) is required by the State of Florida to ensure that providers participating in the State funded Voluntary Prekindergarten (VPK) program meet legislative, contractual, and policy requirements associated with the operation of the VPK program. Failure to meet any of these legislative or Coalition requirements may result in corrective action, loss of payment, or termination of a provider's eligibility to participate in the VPK program.

### PROCEDURE

#### A. Compliance Monitoring

Compliance monitoring is conducted yearly by the Coalition based on the minimum annual sample size (attachment B) provided by DEL Provider compliance-related concerns brought to the attention of the Coalition by outside sources are reviewed for validity and may result in additional review and/or monitoring to determine compliance. The following outlines the areas that are reviewed for compliance associated with participation in the VPK program.

1. All facilities must be legally operating within the state statutory guidelines and documented on Form DEL- VPK 10.
2. Facilities participating in the VPK program must be delivering appropriate instructional hours during the VPK instructional time outlined on Form DEL- VPK 11B. Instructional hours are determined appropriately as defined by F.S. 1002.55. Failure to provide appropriate instructional time may result in loss of payment for any time deemed non-instructional time.
3. Facilities participating in the VPK program must have a director with the required credentials and documented on Form DEL- VPK 10.
4. VPK teaching staff must be documented on Form DEL-VPK 11A by type (i.e. Lead, Assistant, Substitute). All teaching staff must have the required credentials for the teaching position they hold in addition to a current Level 2 background screening and Affidavit of Good Moral Character documented in the. VPK-APP.
5. VPK teaching staff must be documented on Form VPK 11A by classroom.
6. Children must attend the VPK classroom they were designated as documented on the classroom roster.
7. Curriculum used must be documented on Form DEL-VPK 11A by classroom.
8. Any of the following information must be submitted in the EFS-MOD in accordance with the following timelines:
  - a) Completed VPK Child Certificates must be uploaded in the Document Library Management within five (5) calendar days of enrollment in EFS-MOD.
  - b) Dismissal of a VPK child(ren) within fourteen (14) calendar days.
  - c) Class transfers of a VPK child(ren) at the same provider location within fourteen (14) calendar days.

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- d) Attendance must be submitted no later than the 3<sup>rd</sup> business day of each month for the preceding month for payment. Attendance submitted late may result in a delay in payment.
  - e) Attendance verification-Child Attendance and Parental Choice Certificates (OEL-VPK 03LONG FORM or DEL-VPK 03SHORT FORM with corresponding SIGN IN/OUT SHEETS) must be uploaded to the document library no later than the 3<sup>rd</sup> business day of each month for the preceding month. Forms uploaded late may result in a delay in payment.
  - f) Requests for VPK pre-payment must be submitted in accordance with the pre-payment calendar.
  - g) Requests for underpayment or overpayment due to discrepancies in attendance must be reported to the Coalition within sixty (60) calendar days of transmission of the reimbursement summary.
9. In cases where improper child ratios and/or health and safety violations are verified, a report will be submitted to DCF, and the infraction will be noted in the provider's file. Profile.
- B. Notifying changes in the VPK-APP
- In accordance with the *VPK Statewide Voluntary Prekindergarten Provider Contract* (Form DEL-VPK 20), providers must report any change of information to their DEL-VPK 10, VPK 11A, or VPK 11B to the Coalition using the VPK-APP, within fourteen (14) calendar days of the change occurring. Coalition has established the following process for submitting required documentation associated with the VPK program using the VPK-APP:
- 1. Any and all changes to a provider's Forms DEL-VPK 10, VPK 11A, or 11B must be updated in the system and submit it to the Coalition, within fourteen (14) calendar days of the change occurring.
- C. Notice of non-compliance
- 1. In the event a VPK provider is found to be out of compliance in any area of the *VPK Statewide Provider Contract* or Coalition policy, a Notice of Non-Compliance will be issued stating the area and non-compliance and the timeline given to comply. The Coalition's Chief Executive Officer shall have the authority to make exceptions to the following process on a case-by-case basis based on the circumstances. The following are the standard timelines given for the associated area of non-compliance:
    - a) Failure to notify the Coalition or its designee of all VPK program changes as required..... 14 days
    - b) VPK director or ~~director~~ without required credentials ..... 14 days\*
    - c) Teaching staff without required credentials, background screening, or Affidavit of Good Moral Character..... 14 days
    - d) Teaching staff in classroom not the same as listed on DEL-VPK-11A.....14 days
    - e) VPK children in the classroom not listed on the classroom roster..... 14 days
    - f) Different curriculum being used than listed on DEL-VPK-11A.....14 days

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g) Failure to submit paperwork within the required timeline.....14 days  
*\*Providers are required to submit a 6-month provisional license within thirty (30) calendar days of the loss of their director. The Coalition will only honor one (1) provisional license during any twelve (12) month period due to the loss of a director.*

2. The timeline for compliance is not applicable to any non-compliance issues that result in forfeit or reduction of payment for non-instructional time or not notifying the Coalition in a timely manner regarding attendance discrepancies. In the event a reduction in payment occurs due to time deemed not allowable as VPK instructional hours, the provider will receive a notice outlining the reason and timeframe deemed disallowed as well as the total reduction amount.
3. Follow-up monitoring will be conducted for all non-compliance within the timeline specified above to ensure proper compliance. If proper compliance is not met within the designated timeframe, the Coalition will proceed with VPK Termination as in Section D below.

### D. Recurring Non-Compliance

The Coalition has established the following procedure for addressing recurring non-compliance issues by the same provider within any 12-month period. The Coalition's Chief Executive Officer shall have the authority to make exceptions to the following process on a case-by-case basis based on the circumstances. The following process shall be followed for recurring noncompliance:

1. First Occurrence: The first occurrence of non-compliance will have no other remedial consequences as long as the provider complies with the notice of non-compliance.
2. Second Occurrence: The second occurrence of non-compliance will result in the provider being required to participate in technical assistance, as applicable.
3. Third Occurrence: The third occurrence of non-compliance will result in the Coalition implementing the VPK Contract termination procedure as outlined in Section E below.

### E. VPK Termination

In the event a provider fails or refuses to abide by the policies and procedures set forth herein, the Coalition shall enforce termination of the provider's statewide VPK Provider Contract. The process below establishes the procedure for a VPK provider that either does not comply with the notice of non-compliance within the designated timeframe or has three (3) occurrences of non-compliance within the same program year. In accordance with this policy, once it has been determined that a provider's statewide VPK Provider Contract will be terminated, the following will occur:

1. The provider will receive an email indicating that a written notice of termination was uploaded in the Document Library Management and the information will be sent at least five (5) business days before termination.
2. All current VPK families will receive a phone call and an email notifying them that the provider has lost their eligibility to provide VPK services.
3. Families will be requested to obtain a VPK transfer certificate and referrals for alternate VPK programs in the area, if needed.

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4. A provider terminated from the participation in the VPK program for non-compliance may be ineligible for future participation in the VPK program for a period of up to five (5) years.
5. Re-application restrictions apply to the provider who's statewide VPK Provider Contract was terminated and also applies to the non-exclusive list of the following persons: the provider's owner, the provider's director, or any relative or spouse of the provider's owner. A change of the provider's operating name or physical address does not excuse compliance with the established procedures and is not grounds for exception to the Coalition policy and procedures contained herein.
6. The provider has the right to appeal any action or decision made by the Coalition in accordance with the Exhibit 2, Due Process Procedures of the Statewide Voluntary Prekindergarten Provider Contract Form DEL-VPK 20.

### **PARTIES AFFECTED**

VPK providers in Osceola County

### **ASSOCIATED DOCUMENTS / FORMS**

Statewide Provider Contract (DEL-VPK 20), VPK Provider Monitoring Tool.