

EARLY LEARNING COALITION OF OSCEOLA COUNTY

SCHOOL READINESS PROGRAM COMPLIANCE

ITEM: 430A.04

EFFECTIVE DATE: 12-20-07 / 6-8-26

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POLICY STATEMENT

Program monitoring/inspections are a key component in validating the provider's compliance with the law, rules and regulations of the School Readiness program, as well as the terms of the School Readiness Provider Contract. The Coalition will monitor School Readiness providers for the purpose of ensuring School Readiness program compliance and accountability and to review DCF inspections in accordance with 6M-4.630 as stated below.

PROCEDURE

I. SCHOOL READINESS PROVIDER MONITORING

- A. All early education and care providers deemed eligible to serve School Readiness (SR) children will receive the state approved *School Readiness Provider Contract*. Prior to the provision of services for each fiscal year, the provider must submit all required supporting documentation through the Division of Early Learning's Provider Portal. The Coalition will change the contract status to review, once providers have been determined to have submitted all the necessary documentation. Coalition's Chief Program Officer or its designee will certify via the portal that all required documentation has been collected and verified. Once executed, providers will be able to download a copy of their contract via the provider's online portal.
- B. The Coalition supports all legally operating providers in the provision of quality services. To that end, the Coalition will provide training and technical assistance, as well as program resources for all early learning providers serving SR children as funding is available and as providers wish to participate.
- C. SR providers must demonstrate their ability to meet and maintain requirements outlined in the contract; therefore, the Coalition shall monitor providers using the statewide monitoring tool in accordance with Rule 6M-4.630.
- D. The monitoring schedule shall be developed in accordance with the guidelines outlined in Rule 6M-4.630. Providers will be selected at random following DOE/DEL's minimum annual sample size guideline as noted on Form DEL-SR 20M (Statewide School Readiness Provider Contract Monitoring Tool).
- E. Providers will be notified by e-mail that they will be monitored. The notice will include, at a minimum, the following information:
 1. The two-week monitoring window.
 2. The following documents that will be reviewed during a desk and/or the monitoring visit:
 - a) A list of provider staff to select from it two (2) background screenings to verify and to review signed confidential agreements by provider staff at on-site monitoring visit);
 - b) Contact information for the provider's owner, officer, and/or board directors as applicable to verify whether any convictions or cases of fraud have occurred in the last five (5) years;

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- c) Discipline policy Written private pay information provided to families
 - d) List of all unusual incidents reported (for review at on-site visit).
- 3. The names of the children being sampled will also be included in the notice with a request for five-documentations that will be reviewed, including all:
 - a) Payment certificates
 - b) Daily Sign-in/sign-out documentation during the site visit
 - c) Last month of Proof of parent co-payments for the children selected
- F. Prior to the monitoring visit, Coalition staff will review the following information for each provider:
 - a) Current contract – note date signed
 - b) Review of ASQ for Compliance/Non-Compliance
 - c) Review of monthly enrollment/attendance certificates
 - d) Insurance and liability requirements
 - e) Review of any pending fraud reports on DOE/DEL SharePoint
 - f) Review of CARES portal to ensure status as legally operating is current and
 - g) for inspection reports to ensure that the provider has no Class I violations and no more than 3 of the same Class 2 violations within a two-year period per rule 6M-4.740.
 - g) Review the provider's school readiness child care slots to determine if they fall above or below the 20% of slots paid out of the provider's maximum capacity. This would determine whether the provider remains exempt along with letter (f) above as outlined in rule 6M-4.740.
 - h) Verify provider site and associated owner, staff, and directors to ensure that none have been convicted of fraud during the last five (5) years.
 - i) Verify provider and owner, officers, etc. are not on the US Department of Agriculture National Disqualified List.
 - j) Verify that informal providers (as applicable) meet state and federal requirements to be eligible.
- G. During the on-site provider monitoring, Coalition shall complete the state approved monitoring tool, verifying the accuracy of each section of the monitoring tool and obtain the provider's signature to document acknowledgement of the monitoring findings.
- H. The Coalition staff shall be responsible for documenting all monitoring contacts, attempted contacts, monitoring visits, corrective action plans issued, provider corrective action plan submissions and outcomes. All associated documentation will be kept in the Document Library Management and in the Share Folder.
- I. Once monitoring is completed, the Coalition Staff will summarize the findings and notify the provider of the findings within five (5) business days. The provider will have a timeframe of 14 days to bring the center back in compliance.

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- J. A provider who fails or refuses to take corrective action within the designated timeframe shall receive written notification of their failure to comply, and the non-compliance sanction process of this policy will be implemented.

II. DCF INSPECTIONS

The coalition is committed to ensuring the health and safety of all children enrolled in state funded SR programs in Osceola County. The Department of Children and Families (DCF) inspect all providers to ensure they are meeting state mandated standards. The Coalition will monitor reported violations by DCF and impose procedures in relation to those violations.

- A. All health and safety infractions cited by DCF during the visit will be documented on the non-compliance notice requesting a Corrective Action Plan (CAP) with clearly defined due dates. Applicable technical assistance documentation or resources shall be given to the provider.
- B. Providers who are observed by the Coalition to be either over-capacity or over-ratio, shall report the observation to the Department of Children and Families (DCF), or the applicable accrediting agency. Authorized 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 tollfree telephone number (1-800-96ABUSE) and documenting the report in the provider's profile under the Document Library Management.
- C. Authorized monitoring staff that suspect or find that a provider is not in compliance with state child care licensing standards must report their concerns to the governing child care licensing office. Any suspected or observed deficiency of non-licensed programs which pose a potential problem to the health and safety of the children in care must be immediately reported to the responsible agency, such as the health department, school district, overseeing accrediting agency, etc. and documented in the provider's file.
- D. Any violation cited in the DCF inspection report must be completed by the due date provided by DCF or the provider risks receiving a non-compliance for the SR program.
- E. The Coalition shall consider the School Readiness provider's record of as stated in Rule 6M-4.620 and described in the SR Health and Safety Standards Book, including the frequency, repetition, and seriousness of the provider's past non-compliance. Should an early learning provider accumulate three (3) or more resolved non-compliance issues related to their *Agreement* and/or three (3) or more DCF violations within a twelve (12) month period, the provider may be subject to termination of their *Agreement* and ineligible to provide the SR program for a minimum of one (1) year.
- F. A provider who fails or refuses to take corrective action within the designated timeframe shall receive written notification of their failure to comply, and the non-compliance sanction process of this policy will be implemented.

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III. NOTICE OF NON-COMPLIANCE

- A. The Coalition staff will send an initial letter notifying the provider of non-compliance. Providers shall be provided fourteen (14) calendar days to demonstrate their ability to meet legislative requirements by submitting a Corrective Action Plan (CAP). The summary will include corrective actions required, associated deadlines, and whether the provider is high-risk. Technical assistance shall be offered to help the provider come into compliance.
- B. Once the Corrective Action Plan and associated documentation has been received and reviewed, the monitoring staff may conduct a re-inspection of the SR provider to verify that the corrective action steps have been implemented as presented. Re-inspection may include an on-site visit or desk review of information submitted to confirm compliance.
- C. The re-inspection shall take place no more than sixty (60) business days from the date the corrective action plan and associated documentation is received, as applicable.
- D. If the re-inspection verifies that the provider has satisfactorily met compliance, the monitoring staff will document the compliance in the provider's file and a letter of compliance sent.
- E. If the provider does not submit their Corrective Action Plan and/or associated documentation after the subsequent fourteen (14) calendar days or if upon reinspection the monitoring staff establishes the provider has failed to comply with the corrective action submitted, the Coalition will implement the Non-Compliance Sanction Process as denoted on section X(66)(a-b) of the SR Statewide Provider Contract.

NON-COMPLIANCE SANCTION PROCESS

I. FAILURE TO COMPLY WITH THE CORRECTIVE ACTION PLAN

- A. The Coalition's Chief Executive Officer will be provided with a copy of the monitoring and/or inspection reports and any supporting documentation regarding the factors identified to ensure they have full knowledge of the SR provider's overall performance. Within three (3) business days of notification, The CEO will review the matter and consider the following factors in determining whether to place the provider on a probationary status or terminate the provider contract:
 - 1. The number of unrelated and distinct offenses (areas of noncompliance)
 - 2. Any previous violations by the provider
 - 3. The length of time since the last violation
 - 4. The length of time the provider has been providing early learning or SR services;
 - 5. Prior discipline imposed on the provider
 - 6. Corrective action or improvements undertaken by the provider to correct the violation
 - 7. Technical assistance the provider has requested and received
 - 8. Any other mitigating or aggravating circumstances.

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- B. The provider will receive a notice identifying the factors which will be taken into consideration by Coalition's Chief Executive Officer when determining whether the provider will be placed on probationary status and may subsequently be terminated from the SR program as a provider. If the Coalition's Chief Executive Officer determines that the factors support terminating the provider's contract, the procedure addressed in section III, 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:

II. PROBATIONARY STATUS

- A. Written notification must be sent within two (2) business days from the Coalition's Chief Executive Officer to the provider with the following information:
 - 1. The reasons the provider is placed on probationary status
 - 2. Areas of non-compliance and required corrective action;
 - 3. The provider's right to technical assistance
 - 4. Duration of the probationary period
 - 5. Effective date
- B. Terms of the probation, which may include, but are not limited to:
 - 1. The completion of a corrective action plan, as applicable
 - 2. A moratorium on any new enrollments during the probationary period
 - 3. The Coalition's right to extend the probationary period
 - 4. The Coalition's right to terminate the *School Readiness Provider Contract* if the provider fails to meet the requirements.
- C. Designated Coalition staff, ~~including~~—will be notified of the provider's change to probationary status.
- D. ~~Central Agency~~ Coalition staff may conduct at least one (1) or more on-site visit(s) during the probation period, as applicable, to provide technical assistance, observe and report to the Coalition the status of the provider's actions implementing necessary corrective measures.
- E. The provider's failure to comply with completing the Corrective Action Plan by the end of the probationary period may result in termination from the SR program.

III. TERMINATION OF SCHOOL READINESS SERVICES FOR CAUSE

- 1. In accordance with s. 1002.88(2)(b) If after consideration of the factors in these procedures, the Coalition's Chief Executive Officer determines that termination of the provider from the School Readiness program is the most appropriate action, the Coalition's Chief Executive Officer shall send written notification to the provider which will include: a) The reason for termination.

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- b) The effective date
 - c) The appropriate reference regarding the provider's right to appeal as described in their executed SR contract terms and conditions.
- 2. The following are reasons for termination for cause
 - (a) Action, or lack of action, which threatens the health, safety or welfare of children or citation for a Class I violation by the Department of Children and Families.
 - (b) The material failure to comply with one or more of the terms of the School Readiness Contract, including, but not limited to, failure to implement the Quality Improvement Plan, Corrective Action Plan or comply with the terms of probation as described in Section II above.
 - (c) The refusal to accept any notice described under the School Readiness Contract which the Coalition is required to send to the provider.
 - (d) Reasonable or probable cause for the Coalition to suspect that fraud has been committed by the provider as described in paragraph 74-of the School Readiness contract.

B. Emergency Termination

1. The Coalition will immediately terminate the provider's School Readiness Contract on an emergency basis upon notification by the Department of Children and Families (DCF) or local licensing agency of actions or inactions of the provider that pose an immediate and serious threat to the health, safety, or welfare of children. The Coalition will terminate the School Readiness Contract on an emergency basis by sending the provider written notice of emergency termination at least twenty-four (24) hours prior to termination. The written notice must specifically state the basis of the Coalition's determination as well as the provider's right to request a review of the determination as described in paragraph 74 76 of the Statewide School Readiness Contract.

C. Termination and Revocation of Eligibility for Program Assessment

- 1. The Provider's contract shall be terminated if the provider refuses to participate in program assessment requirements, refuses to participate in Quality Improvement Plan or fails to maintain the contract minimum threshold score on the Program Assessment, in accordance with Rule 6M-4.740, F.A.C., for a period of up to five (5) years, unless the provider has been determined essential to meeting local child care capacity needs based on the Community Assessment as listed in the Coalition SR Plan pursuant to Rule 6M-9.115, F.A.C. This is considered termination for cause and is subject to the notice requirements of paragraph ~~66(b)~~ 67 of the provider's SR contract.

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D. Termination and Revocation for DCF Class I Violations

(a) In accordance with 1002.88(2)(b) the Early Learning Coalition may refuse to contract with a provider or revoke a provider's eligibility to deliver the School Readiness Program if the provider has been cited for a Class I violation by the Department of Children and Families (DCF). However, prior to making this determination, the Coalition will consider the following:

1. Any Class 1 violations cited after January 1, 2019, will be considered based on statute 1002.88(2)(b)
2. Does the provider have more than 2 non-compliance notifications (resolved or unresolved) in reference to SR, VPK, ASQ's, attendance, or any other monitoring conducted by the ELC within the contract year or
3. If the provider has more than 3 DCF class 2 violations for the same offence within the contract year?
4. If the provider has more than 4 DCF class 3 violations for the same offence within the contract year?

(b) If a provider's contract is terminated based on the above guidelines, the Chief Executive Officer will determine if the provider's contract should be revoked for a period of no less than 5 years based on s. 1002.88(2) and ~~#70~~ paragraph 71 Revocation of Eligibility in the Statewide School Readiness Provider Contract, page 17.

E. Voluntary Termination of School Readiness Services

1. At any time, the provider and Coalition may mutually agree to terminate the *School Readiness Provider 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 shall respond in writing acknowledging the pending contract termination and final date of service.

F. Notice to Parents

1. The Coalition's Eligibility staff shall notify the parents of SR children in the provider's care by e-mail/phone call of the termination of the *School Readiness Provider Contract*, whether voluntary or involuntarily. Parents will be provided with an opportunity to make the 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 will no longer be enrolled in the SR program and that their child care subsidy will terminate.

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IV. MISREPRESENTATION OR FRAUDULENT ACTIVITY

- A. If at any time, authorized staff have reason to suspect that a SR provider has provided false, misleading, inaccurate information, failed to disclose pertinent information or has been engaged in fraudulent activity, staff must follow the procedures outlined in the Coalition's Anti-Fraud Plan.

V. DISPUTE RESOLUTION

1. Any SR provider who is placed on probation or terminated for non-compliance will have a right to grieve the action in accordance with the terms and conditions of their executed SR contract located in the exhibit 7: Due Process Procedures

VI. School Readiness Provider Monitoring Plan

A. Tier 1 Compliance Monitoring

All School Readiness (SR) providers shall receive Tier 1 compliance monitoring annually, completed no later than June 30 of each fiscal year, to verify provider eligibility, required documentation, and compliance with program requirements.

B. Tier 2 Onsite Monitoring

Annually, the Coalition shall conduct Tier 2 onsite monitoring of a representative sample of School Readiness (SR) providers. The sample shall be selected in accordance with Attachment B – Minimum Annual Sample Size.

C. High-Risk Providers

Providers identified as high risk by the Coalition shall receive additional monitoring more frequently than annually to ensure continued compliance with School Readiness program requirements.

Monitoring Type	Providers Included	Frequency/Timeline
Tier 1 Compliance Monitoring	All SR providers	Annually; completed by June 30 of each fiscal year
Tier 2 Onsite Provider Monitoring	SR providers shall be selected annually based on minimum sample size requirement	Throughout the fiscal year
High-Risk Providers	Providers identified as high risk by the Coalition	Ongoing throughout the fiscal year, as determined by the Coalition

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PARTIES AFFECTED

All private School Readiness providers with a current SR Provider Contract with the Coalition.

ASSOCIATED DOCUMENTS / FORMS

School Readiness Provider Contract Form DEL-SR 20, School Readiness Provider Contract Monitoring Tool Form DEL-SR 20M, Attachment B – Minimum Annual Sample Size, Notice of Non-Compliance