



Early Learning Coalition of the Nature Coast
Serving Citrus – Dixie – Gilchrist – Levy – Sumter Counties

Provider Alert #77

Date: January 4, 2010
Subject: ELPOP Revisions: School Readiness Provider Non-Compliance

On December 2, 2009, the Board approved an amendment to the Early Learning Program Operating Procedures.

Background Information:

On January 9, 2008, revisions to the ELPOP were approved by the Board which outlined consequences for noncompliance with the School Readiness Provider Agreement. Additional revisions have become necessary to clarify some sections and modify others.

The following sections of the ELPOP have been revised:
Chapter 3 School Readiness Requirements, Section 3.1 General Services (C)

The Early Learning Program Operating Procedures are available on the Coalition's website at www.elc-naturecoast.org.

Additional Information:

To assist providers with understanding of consequences applied by the Coalition to a variety of non-compliance areas, the Contracts & Compliance Department developed a *Non-Compliance Quick Reference Guide*. It is included in this Provider Alert. Also, the revised section of the ELPOP is attached.

Please note that the *Non-Compliance Quick Reference Guide* provides a brief overview of School Readiness provider requirements. Providers should review the appropriate section of the ELPOP to obtain the detail necessary to maintain compliance with state and Coalition requirements of the School Readiness program.

If you have any questions, please contact your local Program Manager or the Assistant Contracts & Compliance Manager, Lynne Coughlin.



Early Learning Coalition of the Nature Coast

SCHOOL READINESS PROVIDER NON-COMPLIANCE QUICK REFERENCE GUIDE

This guide is a quick reference guide only as what issues and areas of concern would result in a School Readiness provider being placed either At-Risk, on Probation, or possible Termination. This guide should be used in conjunction with the Early Learning Program Operating Procedures (ELPOP), which is available on the Coalition's website at www.elc-naturecoast.org.

At-Risk = Attention is needed in this area Probation = A state of serious non-compliance Termination = Termination of the School Readiness agreement

Non-Compliance Areas	At-Risk Status	Probationary Status	Termination
Provider meetings	two missed meetings in fiscal year	three missed meetings in a fiscal year	four missed meetings in a fiscal year
Late submission of attendance rolls and documentation	NA	1 st late submission = Probation 2 nd late submission = Probation plus 10% penalty	3 rd late submission
Attendance audit issues	NA	Error rate 6-9%	Over 9% error rate
Abuse of enrollment or attendance requirements	NA	NA	Fraudulent activity
Provider quarterly report	Late submission (up to 30days)	Continued non-submission	Non-submission of three reports
Collection of parent fees	Less than 85%. Must submit a plan within ten working days for collection of parent fees.	2 nd time less than 85%. Must submit a plan within ten working days for collection of parent fees.	Failure to complete corrective action plan while on probation
Unlimited parental access	NA	NA	With documentation of denial
Failure to report non-compliances noted by DCF Licensing representatives according to policy - licensed providers	1 st = remainder of fiscal year unless follow up indicates issues resolved	2 nd = remainder of fiscal year unless follow up indicates issues resolved	Imminent danger to a child
Non-compliance noted on the Coalition's Health & Safety Inspection – license-exempt providers	Less than 100% compliance. If follow up results in full compliance, the At-Risk is lifted.	Continued non-compliance until next inspection. If full compliance achieved, probation is lifted.	Non-compliant for two consecutive inspections
Provider observations	Composite score 95.00%-96.99%. At-Risk is lifted if a score of 97.00% or above is achieved on follow up.	Composite score of 85.00%-94.99%. If the follow up score is 95.00-96.99%, status will change to At-Risk. If the follow up score is 97.00% or above, the Probation is lifted.	Below 85%. Coalition discretion

Please note that the Board approved changes to the policy and procedure for reporting Health and Safety non-compliances noted by DCF Licensing. The following procedures must be implemented:

- School Readiness providers are required to notify the Coalition **within one hour of the inspection by telephone** of any non-compliances noted by the Licensing Counselor. This includes non-compliances that were corrected during the visit.
- School Readiness providers are required to notify the Coalition of any non-compliances noted by the Licensing Counselor **in writing by the close of business on the day of the inspection**. The preferred method is to fax a copy of the inspection report to the appropriate Program Manager.
- School Readiness providers are required to submit to the Coalition any follow up reports generated by Licensing **within three business days**, to document correction of the non-compliance, if applicable.

If you have questions or concerns regarding any action you are unsure of, please contact your local Program Manager.



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Early Learning Program Operating Procedures (ELPOP)

Chapter 3

School Readiness Requirements

3.1 General Services (C)

1. School Readiness providers are required to maintain compliance with a variety of mandates, as outlined in the School Readiness Provider Agreement & Attachments. Consequences of non-compliance may range from being placed on at-risk status, probationary status, or contract termination. This document is designed to help providers to better understand the consequences of non-compliance in a variety of areas, as well as how to go about addressing non-compliance issues.

At-risk status indicates to a School Readiness provider that attention is needed in this area. The duration of the at-risk status may vary. There are no immediate consequences to being placed on at-risk status.

Probationary status indicates that a School Readiness provider is in a state of serious non-compliance. The duration of the probationary status may vary. The consequences of probationary status include:

- o The School Readiness program is ineligible to participate in any Coalition grant opportunities, such as the Accreditation Mini Grant Program, the Inclusion Grant Program, the Provider Recruitment/Expansion Program, and the Quality Initiatives Mini Grant Program, as well as any other grant programs that may be implemented.
- o The School Readiness program's owner is ineligible to participate in the Professional Development Reimbursement Program and the Teacher Incentive Payment (TIP) Program.

Immediate termination of a School Readiness Provider Agreement may occur if a condition or situation exists that poses imminent danger to children of injury or death. This condition or situation may be identified by the Coalition, the Department of Children & Families, and/or a law enforcement agency. Also, immediate termination will occur if the School Readiness provider fails to submit appropriate insurance and licensing documentation, as outlined in the School Readiness provider agreement and attachments.

If a non-compliance issue is noted, the appropriate staff member will complete an ELCNC-22 School Readiness Provider Non-Compliance Report and submit it to the Contracts and Compliance Department. The Contracts and Compliance Manager or designee will update the Coalition's tracking system and notify the provider of the at-risk or probationary status. Upon resolution of the non-compliance issue (if applicable), the staff member that submitted the original ELCNC-22 School Readiness Provider Non-Compliance Report will submit an additional ELCNC-22 School Readiness Provider Non-Compliance Report indicating an "issue resolved date", along with any appropriate documentation. The Contracts and Compliance Manager or designee will update the Coalition's tracking system and notify the provider of the lifting of the at-risk or probationary status.

a. **Provider Meeting Attendance**

School Readiness providers are required to attend or send a representative to provider meetings facilitated by the Coalition. Meetings are held every other month (six meetings per year) in each

region served. The opportunity to phone in to a meeting is offered to the greatest extent possible. Absences may be excused by the Program Managers, at their discretion. Requests for excused absences must be submitted in writing to the Program Manager.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Assistant Contracts and Compliance Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
Two missed provider meetings within a fiscal year (unexcused).	Three missed provider meetings within a fiscal year (unexcused).	Four missed provider meetings within a fiscal year (unexcused).

Any School Readiness provider that was placed on probationary status for this non-compliance area will have that status lifted on July 1st of the next fiscal year.

b. Submission of Attendance Rolls and Documentation

School Readiness providers are required to submit their monthly attendance rolls no later than the second (2nd) working day of the month following the service month, by 5:00 pm. Sign in/out sheets must be submitted no later than the seventh (7th) working day of the month following the service month, by 5:00 pm. Rolls and sign in/out sheets must be submitted to the appropriate Coalition office for their county.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Finance Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
At-risk status does not apply to this area of non-compliance.	<p>At the first instance of late submission of attendance rolls or sign in/out sheets, probationary status will be imposed for the remainder of the fiscal year.</p> <p>The second instance of late submission of attendance rolls within the same fiscal year results in continued probationary status and a 10% penalty fee assessed on the total monthly reimbursement amount.</p> <p>Late submission of sign in/out sheets will result in the revoking of the reimbursement payment.</p>	The third instance of late submission of attendance rolls within the same fiscal year results in termination of the School Readiness provider agreement.

The Executive Director may waive this policy on a case by case basis where unusual circumstances caused the late submission of attendance rolls. The provider must submit a written extension request or letter of appeal explaining the reason for late submission.

c. School Readiness Provider Quarterly Report

School Readiness providers are required to submit quarterly reports to the Coalition each quarter, according to deadlines established and outlined on the form itself.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Assistant Contracts and Compliance Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
Late submission of the report results in at-risk status. If the provider submits the report within thirty (30) days of the notification of the at-risk status, the at-risk status will be lifted.	If the provider does not submit the quarterly report within thirty (30) days after notification of the at-risk status, probationary status is imposed. Probationary status will continue until the end of the fiscal year.	If a provider does not submit three (3) quarterly reports within a fiscal year, the provider agreement will be terminated.

Late/non-submission of the Provider Quarterly Report by the due date implies non-reporting of parent fees. If the provider does not submit the Quarterly Report within thirty (30) days from the date of the at-risk status notification, the provider will be placed on probation. The provider will be required to implement a parent fee collection policy plan within ten (10) working days of the notification of probationary status.

d. Collection of Parent Fees

School Readiness providers are required to collect a minimum of 85% of assessed parent fees from families participating in their programs. Parent fee collection is reported on the quarterly reports.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Assistant Contracts and Compliance Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
The first instance of collection of less than 85% of assessed parent fees results in at-risk status. In addition, the provider is required to submit to the Coalition a plan for implementation of a parent fee collection policy within ten (10) working days. The plan must clearly state the date that parent fees are due (daily, weekly, monthly), a notice of delinquent account sent to the parent the day after parent fees become late including a statement to parents that the provider is required to notify the Coalition if the fees become more than thirty (30) days past due. This is considered to be a	The second instance of collection of less than 85% of assessed parent fees results in probationary status. In addition, the provider is required to submit to the Coalition a plan for implementation of a parent fee collection policy within ten (10) working days. The plan must clearly state the date that parent fees are due (daily, weekly, monthly), a notice of delinquent account sent to the parent the day after parent fees become late including a statement to parents that the provider is required to notify the Coalition if the fees become more than thirty (30) days past due. This is considered to be a	If the provider fails to submit a corrective action plan while on probationary status or fails to meet the requirements of a corrective action plan developed during the probationary status the School Readiness agreement will be immediately terminated.

corrective action plan. The Coalition will monitor the implementation of the plan within forty-five (45) days of submission, and if the system is working well, the at-risk status will be removed. If the plan is not submitted or is not implemented satisfactorily, probationary status will be imposed.	corrective action plan. The Coalition will monitor the implementation of the plan within forty-five (45) days of submission, and if the system is working well, the probationary status will be removed at the end of the fiscal year.	
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e. Unlimited Parental Access

School Readiness providers are required to allow parents/caregivers unlimited access to their child during the hours of care. Providers submit a copy of their “open door policy” to the Coalition as an exhibit to the School Readiness provider agreement. Providers must keep on file any legal documentation showing that a particular parent or other person has restricted access to the child, to ensure child safety.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
At-risk status does not apply to this area of non-compliance.	Probationary status does not apply to this area of non-compliance.	Upon documentation of denial of unlimited parental access, the School Readiness provider agreement will be terminated.

f. Health and Safety Issues – Licensed Providers

School Readiness providers are required to maintain early learning environments which are safe and healthy for the children in attendance. Compliance with applicable state law is monitored by the Department of Children and Families. Providers are required to report non-compliances noted by Department of Children and Families Licensing Counselors to the Coalition by telephone within one (1) hour of the inspection and in writing by the end of that business day. It is preferable to fax the licensing inspection report to the local Coalition office, along with any corrective action plan developed by/with the Licensing Counselor. *Providers are required to report all non-compliances noted by Child Care Licensing, even if the issue was corrected immediately.* The provider must also submit to the Coalition a copy of the follow up inspection report to document that compliance has been achieved, within three (3) working days of the re-inspection, if applicable. Providers are required to follow the timelines established by the Licensing Counselor for compliance.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Program Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
The first instance of non-reporting of non-compliance identified by DCF will result in at-risk status for the remainder of the fiscal year. If the re-inspection indicates that the	The second instance of non-reporting of non-compliance identified by DCF will result in probationary status for the remainder of the fiscal year.	The third instance of non-reporting of non-compliance identified by DCF may result in termination, depending on the severity and duration of the non-compliances found.

<p>non-compliance issue or issues have been resolved, the at-risk status will be lifted.</p> <p>NOTE: Non-compliance issues which pose imminent danger to a child will result in the immediate termination of the School Readiness provider agreement.</p>	<p>If the re-inspection indicates that the non-compliance issue or issues have been resolved, the probationary status will be lifted.</p> <p>NOTE: Non-compliance issues which pose imminent danger to a child will result in the immediate termination of the School Readiness provider agreement.</p>	<p>NOTE: Non-compliance issues which pose imminent danger to a child will result in the immediate termination of the School Readiness provider agreement.</p>
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g. Health and Safety Issues – Non-licensed Providers

School Readiness providers are required to maintain early learning environments which are safe and healthy for the children in attendance. Compliance is monitored by the Coalition utilizing the approved Health and Safety Checklist, which mirrors Department of Children and Families Child Care Licensing requirements as stated in Florida law. The Coalition will conduct at least two inspections each fiscal year of all non-licensed providers (faith-based exempt, registered homes, school-based sites, and any other type of facility which is not regulated by the Department of Children and Families). Providers are required to comply with 100% of the applicable items on the checklist.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Program Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
<p>Failure to achieve 100% compliance will result in at-risk status. A corrective action plan will be developed, with timelines developed that are applicable to the area of non-compliance. A follow up inspection will be completed at the close of the corrective action period. If full compliance has been achieved, the at-risk status will be lifted.</p> <p>NOTE: Non-compliance issues which pose imminent danger to a child will result in the immediate termination of the School Readiness provider agreement.</p>	<p>If the follow up inspection shows continued non-compliance, probationary status will be imposed. The provider will remain on probation until the next regularly scheduled inspection. If compliance is achieved at that time, the probationary status will be lifted. If compliance is not achieved, another corrective action plan must be developed and implemented.</p> <p>NOTE: Non-compliance issues which pose imminent danger to a child will result in the immediate termination of the School Readiness provider agreement.</p>	<p>If a provider remains on probationary status for health and safety issues for two full inspection cycles, the Coalition will consider termination of the agreement for the health and well-being of children.</p> <p>NOTE: Non-compliance issues which pose imminent danger to a child will result in the immediate termination of the School Readiness provider agreement.</p>

h. Provider Observations

School Readiness providers are required to offer quality early learning environments to meet the requirements of the School Readiness Program as set forth in Florida Statute, as well as the requirements of the School Readiness provider agreement. The Coalition's approved provider observation tool will be utilized to monitor compliance with these requirements. The observation will be completed at least twice per fiscal year. Scoring percentages are developed at the program

and classroom levels, as well as developing a composite score. Scores are evaluated to determine the level of compliance achieved.

The ELCNC-22 School Readiness Provider Non-Compliance Report will be submitted by the Program Manager or designee.

Consequences of non-compliance with this requirement are:

At-risk status	Probationary status	Termination
<p>If a provider achieves a composite score of 95.00% – 96.99%, the program is placed on at-risk status. A corrective action plan will be developed and implemented, and the areas of non-compliance re-evaluated after approximately thirty (30) days.</p> <p>When the corrective action items are re-evaluated, a new composite score will be developed. If the score is 95.00% - 96.99%, the at-risk status will remain until the next provider observation is completed. If the score is 97.00% or above, the at-risk status will be lifted.</p>	<p>If a provider achieves a composite score of 85.00% - 94.99%, the program is placed on probationary status. A corrective action plan will be developed and implemented, and the areas of non-compliance re-evaluated after approximately thirty (30) days.</p> <p>When the corrective action items are re-evaluated, a new composite score will be developed. If the score is 85.00% - 94.99%, the probationary status will remain until the next provider observation is completed. If the score is 95.00% - 96.99%, the status will be raised to at-risk. If the score is 97.00% or above, the probationary status will be lifted.</p> <p>If a provider is on probationary status for low scores on the provider observation for a period longer than one year, the Coalition will consider termination of the School Readiness provider agreement, depending on the potential negative impact on the well-being and safety of the children. A review will be conducted by the appropriate Advisory Council, which will make a recommendation to the Board, as needed.</p>	<p>If a provider achieves a composite score below 85.00%, the School Readiness agreement may be terminated immediately.</p> <p>At the Coalition’s discretion, the provider may be offered a thirty (30) day corrective action period with intensive technical assistance. At the end of the thirty (30) days, an additional full provider observation will be completed. A second composite score will be developed. If the score is below 85.00%, the School Readiness provider agreement will be terminated immediately. If the score is 85.00% - 94.00%, the provider will be placed on probationary status. If the score is 95.00% - 96.99%, the provider will be placed on at-risk status. If the score is 97.00% or above, the provider will be considered to be performing appropriately.</p>

i. Multiple Probationary Issues

If a School Readiness provider is identified with more than two unresolved non-compliance issues and has been placed on probationary status for two separate infractions, the provider will move to termination status. The Program Manager will make a written recommendation to the Executive Director regarding the implementation of termination procedures based on the severity of the probationary issues and their potential impact on children, providing documentation as appropriate. The Executive Director will determine whether or not there is good cause to terminate the School Readiness agreement. The Executive Director may waive this policy on a case by case basis where the non-compliances were caused by unusual circumstances. If termination occurs, the provider may submit a letter of appeal explaining the reason for the probationary issues and

outlining the provider's plan to resolve the issues. The Executive Director will review the letter of appeal and will determine whether or not to make any recommendation to the Advisory Councils and/or the Board regarding the provider's eligibility for a School Readiness agreement. If the Executive Director determines that termination is in order, the provider may refer to the procedures below pertaining to the reinstatement of the School Readiness agreement if desired.

Example: Probation + Probation = Possible termination of School Readiness agreement

j. Reinstatement of a School Readiness Agreement

In the event a School Readiness provider is interested in reinstating their School Readiness agreement after it was terminated by the Coalition the following action must be taken. If the School Readiness provider agreement was terminated due to a violation of and/or non-compliance with the school readiness agreement and the violations and/or non-compliance issues are corrected and documented appropriately, Coalition shall submit a recommendation to the local Advisory Council for reinstatement. The Coalition will not consider reinstatement earlier than three (3) months after the original termination. The recommendation will be considered if the provider is in full compliance with local licensing agency and Coalition-approved policy and procedures. If the recommendation for reinstatement by the Advisory Council is approved by the Coalition Board, the School Readiness agreement will be reinstated and the School Readiness provider will be placed on probation. Probationary periods will range from three (3) to twelve (12) months based upon Coalition Board recommendation. School Readiness provider agreements terminated due to fraud are not eligible for reinstatement. The classifications of the probationary periods are as follows:

Three (3) months: Violation was a result of non-compliance with the School Readiness agreement requirements not related to Health and Safety issues (i.e. not attending required School Readiness provider meetings, not submitting the ELCNC-28 School Readiness Provider Quarterly Report or similar area of non-compliance)

Six (6) months: Violation was a result of non-compliance with a Health and Safety issue as documented by the Department of Children and Families Licensing Inspection or the Coalition Health and Safety Assessment, non-compliance with the Provider Observation Tool.

Twelve (12) months: Violation was a result of non-compliance in multiple areas documented on the Health and Safety Assessment and/or the Department of Children and Families Licensing Inspection, Provider Observation Tool and the School Readiness agreement requirements.