

## Early Learning Coalition of Escambia County Office Policies & Procedures

**Title: Provider Contract Eligibility Policy and Procedure**

**ELCEC 3201.1E**

**1.0 PURPOSE:** This policy is to insure consistency of practices and policy application regarding Provider eligibility for School Readiness (SR) and Voluntary Pre-Kindergarten (VPK) contracts made by the Early Learning Coalition, and to insure compliance with related Office of Early Learning, State and Federal regulations.

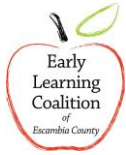
**2.0 BACKGROUND AND DISCUSSION:**

2.1 It is the charge of every Coalition to help ensure families have access to affordable, quality early care and education services. Efforts include informing and assisting parents in their efforts to choose care that provides a healthy, safe and developmentally appropriate environment for their children. Additionally, the Coalition uses a multi-prong approach to quality improvement. The Coalition School Readiness Program Quality Rating and Improvement System (QRIS) Stars Over Escambia, accreditation, VPK Provider Readiness Scores, VPK child assessments, and similar strategies are means to achieve quality improvement. However, there are Providers who may not be accredited, nor participate in SR QRIS, who pursue quality in their own way, but in choosing to do so may not achieve an acceptable level of quality.

2.2 The Florida Office of Early Learning has established eligibility requirements for contracting to provide services in the SR and VPK programs through Rules 6M-4.610 and 6M-8.301, respectively. These two Rules also publish the Statewide School Readiness Provider Contract, Form OEL SR-20, and a Statewide Voluntary Prekindergarten Contract, Form OEL-VPK 20; which further define the requirements for the SR and VPK programs. These contracts include enforcement procedures that authorize local Coalitions to act when a contracted Provider fails to deliver services that meet requirements or endangers the health and safety of children. Additionally, the Florida Office of Early Learning has issued a School Readiness Program Health and Safety Standards Handbook, 6M-4.620, to be used in conjunction with Sections 1002.82-1002.88, Florida Statutes, with standards for Coalitions and the Department of Children and Families (DCF) to enforce and procedures for Coalitions to follow in the provider fail to meet these standards.

2.3 Providers must demonstrate the capacity to meet the requirements of the contracts, Rules, statutes, and associated regulations; including their ability to meet the conditions required to maintain their legal operating status; and adherence to the licensing, accreditation and/or SR health and safety standards that are critical to the health and safety of the children in their care.

**3.0 SCOPE:** This policy covers eligibility for all service provider contracts, SR and VPK, made by the Early Learning Coalition of Escambia County.



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**4.0 CONTRACT ELIGIBILITY REQUIREMENTS:** The following are both pre-requisites for contracting as well as requisites for current contracts. Current contracts may be terminated if any of the following requirements are not met.

4.1 Effective July 1, 2018, a provider may not be eligible to contract, if they have any Class I licensing violations within 24 months of contracting; or

4.2 The provider is not eligible to contract, if they have been placed on probation by the DCF Child Care Regulation Office; or

4.3 The provider is not eligible for contracting, and they may not be eligible for continued contracting, if they are under investigation by any governmental entity.

4.4 Rules 6M-4.610 and 6M-8.301, determines School Readiness and VPK Program Ineligibility respectively. For the purposes of this subsection “individual associated with a provider” means an individual or family member of an individual who, regardless of compensation, holds a management position, oversees the operations of a provider, or is an officer, shareholder, beneficial owner or member of the board of directors of a provider. A provider shall not be eligible to contract to offer the SR or VPK program if any of the following circumstances apply:

4.41 The provider is on the United States Department of Agriculture National Disqualified List;

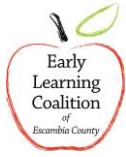
4.42 An individual associated with the provider was, or is, associated with another provider that is on the United States Department of Agriculture National Disqualified List;

4.43 The provider has been terminated from participation in the program due to fraud and is currently not eligible to participate in the school readiness program or VPK program;

4.44 An individual associated with the provider was, or is, associated with another provider that has been terminated from participation in the program due to fraud and is currently not eligible to participate in the school readiness program or VPK program;

4.45 The provider is currently ineligible to participate in the program pursuant to Section 1002.88(2), F.S. or Section 1002.67(4).

4.46 An individual associated with the provider was or is associated with another provider that is currently ineligible to participate in the program pursuant to Section 1002.88(2), F.S., or Section 1002.67(4).



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4.47 For multi-site providers, such as corporate chains or school districts, School Readiness program ineligibility identified in paragraphs (e) and (f) above, is per site and may not apply to all locations unless specifically determined otherwise by the coalition. In determining ineligibility of multi-site providers, the coalition shall consider the following factors: the severity of the provider's actions leading to the ineligibility, the health, safety and welfare of children enrolled at the provider sites, the financial impact of the provider's actions, the impact that ineligibility would have upon the local community, consistency with coalition's actions against other providers for similar violations of the Contract or program requirements, the length of time that provider provided services under the contract with the coalition, and whether the provider had previously violated the terms of the Contract and prior contracts with the coalition.

4.48 For providers removed from eligibility due to noncompliance specifically related to VPK pre- and post-assessment or VPK readiness rates under Section 1002.67(4), F.S., the removal from eligibility applies to VPK program type (school- year or summer) and therefore, in paragraphs (e) and (f) above, ineligibility to contract is per program type.

4.49 By Rules 6M-4.610 and 6M-8.301 when a provider is removed from eligibility it is not just the owner and directors that lose their eligibility, but all persons involved in operations and management; to include the facility Director, Assistant Director, or any staff listed on a provider's application Owner/Operator Information Form that were given authorization to sign contractual and financial documents on behalf of the company.

4.4.10 The definition of "family member of an individual" for the purposes of enforcement of this policy is:

*A spouse or significant other, a parent, sibling, or child, or any other individual residing in the household.*

*a. Parent includes: father, mother, father-in-law, mother-in-law, stepfather, or stepmother.*

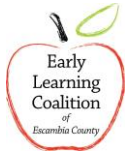
*b. Child includes: son, daughter, son-in-law, or daughter-in-law, step-son or step-daughter.*

*c. Sibling includes: brother, sister, step-brother, step-sister, half-brother, half-sister, and all spouses of these siblings (brothers-in-law and sisters-in-law).*

*d. Family also includes: grandparents, aunts, uncles, nieces and nephews, and first cousins.*

### **5.0 ASSOCIATED DOCUMENTATION:**

5.1 Florida Statutes Chapter 1002 Part V - Voluntary Prekindergarten Education Program and Part VI - School Readiness Program



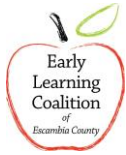
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- 5.2 Statewide School Readiness Provider Contract, Form OEL-SR 20
- 5.3 Statewide Voluntary Prekindergarten Provider Contract, Form OEL-VPK 20
- 5.4 6M-4.620 Health and Safety Checklists and Inspections; and the eight Health and Safety Standards Handbooks, Checklists and for each School Readiness provider type, Forms OEL-SR-6201-6208, that are incorporated by reference.
- 5.5 6M-4.610 Statewide Provider Contract for the School Readiness Program
- 5.6 6M-8.301 Standard Statewide Provider Contract for the VPK Program
- 5.7 Associated documents produced by the Department of Children and Families (DCF), accreditation agencies, or other governmental agencies.
- 5.8 Exhibit 2 Owner/Operator Information Form required by the Statewide School Readiness Provider Contract, Form OEL-SR 20, and Statewide Voluntary PreKindergarten Provider Contract, Form OEL-VPK 20.

### **6.0 RESPONSIBILITY / AUTHORITY:**

- 6.1 The Coalition Contracts Administrator will be responsible for reviewing information pertaining to licensing violations through the Department of Children and Families for any program interested in contracting with the Coalition; and annually as part of the application process for Providers who apply for a contract in the coming fiscal year.
- 6.2 The Executive Director shall review applications and reapplications per the procedure and is responsible for monitoring the current status of all contracted Providers and taking necessary action as required. All extenuating circumstances, past performance of the provider, and precedence in similar circumstances, shall be taken into consideration, with an emphasis placed on the health and safety of children, when determining a provider's eligibility to contract, or to continue contracting. The thresholds of paragraphs 4.1 to 4.5 are not absolutes, but minimums that trigger the requirement to evaluate the provider's performance and render a decision regarding their contracting eligibility.
- 6.3 The Program Integrity Unit shall review most recent licensing inspection during the Tier 2 On-site Review for excessive licensing violations and act if necessary as required.

**7.0 PROCEDURE:** Providers need to demonstrate the capacity to meet the required elements of the contract, including their ability to meet the conditions of legal operation and licensing standards that are critical to the health and safety of the children in their care.



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7.1 Reports and documentation from all sources, but in particular the DCF Child Care Regulation Office, will be reviewed by Coalition staff for determining eligibility for all policy requirements.

7.2 The Coalition Executive Director will determine, on a case-by-case basis, whether or not a contract may continue for the remainder of the contract period or be terminated, relative to provisions of the Provider Contract Eligibility Policy. The Executive Director shall also determine if each new contract applicant meets the Provider Contract Eligibility Policy eligibility requirements.

7.3 All extenuating circumstances, past performance of the provider, and precedence in similar circumstances shall be taken into consideration, with an emphasis placed on the health and safety of children, when determining a provider's eligibility to contract, or to continue contracting. The thresholds of paragraphs 4.1 to 4.5 are not absolutes, but minimums that trigger the requirement to evaluate the provider's performance and render a decision regarding their contracting eligibility.

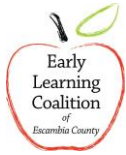
7.4 The Program Integrity Unit shall review most recent licensing inspection during the Tier 2 On-site Review for excessive licensing violations and take action if necessary as required.

7.5 For new providers, when a decision is made that they are ineligible to contract under the thresholds established in paragraphs 4.1 to 4.5 they may file an appeal in writing. The appeal must address the reason the prospective provider disagrees with the decision, an explanation for why each DCF violation in their record should not be considered in their case, and any other information that is pertinent. The Executive Committee of the Coalition Board of Directors will address any appeals and make special exceptions, when appropriate. Their decision is final.

7.6 For existing providers, when a decision is made based on the thresholds of paragraphs 4.1 to 4.5 to either terminate an existing contract, or to not re-contract in the coming year, this decision is subject to the due process procedures contained in the Statewide School Readiness Provider Contract, Form OEL-SR 20 and/or Statewide Voluntary Prekindergarten Provider Contract, Form OEL-VPK 20, as applicable.

**8.0 RECORDS RETENTION:** Previous year's records will be retained for five years in accordance with the Coalition's Fiscal Policy.

**9.0 ATTACHMENTS:** None.



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### Document Revisions

<i>Revision Date</i>	<i>Change Description</i>
<i>May 22, 2014</i>	<i>Initial approval and publication</i>
<i>April 13, 2017</i>	<i>Revision to incorporate new OEL Rules.</i>
<i>October 23, 2017</i>	<i>Revision to incorporate provisions of Rule 6M-4.610 and Rule 6M-8.301</i>
<i>June 14, 2018</i>	<i>Revision to incorporate changes to F.S. Chapter 1002 Parts V and VI and incorporate Procedure ELCEC 3201.2B into the policy</i>
<i>June 13, 2019</i>	<i>Revision to align policy with F.S. 1002.88</i>