

3.1.6 School Readiness Child Safety Licensing Policy

Date approved: 12/06/2010

Purpose: It is the intent of the Coalition to establish a standardized policy statement for administrative sanctions against School Readiness providers in Miami-Dade County who have action taken against their license or approval status as provided herein.

Policy Statement: With an effective date of July 1, 2011, this policy statement sets the process in Miami-Dade County when Providers are the subject of disciplinary action against their license, registration or approval status for failure to maintain acceptable standards to operate a School Readiness funded program in violation of applicable rules and obligations.

Rationale: To ensure a system of accountability for the health and safety of children.

Procedures: The Department of Children and Families (DCF) has the authority, pursuant to Chapter 402.302-319, F.S. and 65C-22, F.A.C., to take progressive disciplinary measures against any licensed or registered child care provider who fails to maintain licensing standards which meet the health and safety needs of children.

Equivalent overseeing entities of child care programs exempt from licensure pursuant to sections 402.316 or 402.3025 F.S., are responsible for ensuring compliance with the health and safety standards set forth in ss. 402.302-319 F.S. and 65C-22, F.A.C., with the exception of 65C-22.001(1) and (2)(a), FAC, and may impose disciplinary actions for child care programs under their auspices.

Where the provider has no equivalent overseeing entity and is funded by the Coalition, the Coalition shall ensure compliance with the health and safety standards of Chapter 402.302-319 F.S. and Rule 65C-20, FAC, and may impose similar disciplinary actions for child care programs under its auspices.

In the event DCF, the Coalition, or an equivalent overseeing entity, initiates action against a program's license or determines that the program has received the following violations, the Coalition may suspend payment to a provider as follows: (i) If a provider has received one (1) Class I licensing violation* during any consecutive 12 month period, the Coalition may suspend payment for up to twelve (12) months, or; (ii) if a provider has received three (3) Class II licensing violations** of the same Class II standard during any consecutive 12 month period, the Coalition may suspend payment for up to six (6) months. Additionally, the Coalition may suspend payment if it determines that there has been a health and safety violation for license exempt and unlicensed programs. In determining the appropriate disciplinary action to be taken for a violation, the following factors shall be considered:

1. The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provider fails to maintain standards which meet the health and safety needs of children.
2. Actions taken by the provider to correct the violation or to remedy complaints.
3. Any previous violations of the provider.

If any of the foregoing occurs, the Coalition will promptly take the following actions which shall be applied prospectively beginning July 1, 2011:

- a. Notify the Provider, in writing, of Notice of Intent to suspend participation in the School Readiness program and that all funding will cease if Final Agency Action is taken adverse to the Provider. Funding will then cease at the end of thirty (30) business days or when alternate child care arrangements are found for School Readiness children, whichever is sooner; and
- b. Place a moratorium on new enrollments of School Readiness children for 12 months if Final Agency action is taken adverse to the Provider; and
- c. Give the Provider written notification of the Coalition's actions and rationale, along with notice of the provider's right of appeal. Appeals shall be governed by the Grievance Policy. If the Board of Directors of the Early Learning Coalition of Miami-Dade/Monroe grants the appeal and finds that the action: (i) Was not based on competent substantial evidence; or (ii) Did not comply with the essential requirements of law, no further action will be taken against the Provider pursuant to the alleged violations; and
- d. If Final Agency Action is taken against the Provider, ensure parents of School Readiness children actively enrolled with the provider are contacted and apprised of the situation. Parents will be given Child Care Resource & Referral (CCR&R) assistance to locate an approved provider; and
- e. If Final Agency Action is taken against the Provider, ensure parents are provided a maximum of thirty (30) business days to locate another approved SR provider if they wish to continue with Coalition funding. Parents will be offered Child Care Resource & Referral (CCR&R) assistance to locate an approved provider.

Miami-Dade County will update the EFS system to reflect the moratorium for School Readiness child placements.

Any parent who wishes to maintain their child in the identified program, may continue on their own expense and without benefit of funding from the Coalition.

If the Provider fails to appeal the action within 30 business days from receiving written notification of the Coalition's actions, the action becomes final.

The EFS and DCF system will be updated to reflect the child care provider is no longer eligible to provide School Readiness services.

The provider is able to reapply to be a participating School Readiness provider after the 12 month moratorium has expired and the program has cured the health and safety condition to the satisfaction of DCF, the Coalition, or equivalent overseeing entity, or the provider has regained licensure or a satisfactory status with DCF, the Coalition, or its equivalent overseeing entity.

The Coalition will work with DCF to provide technical assistance and training to providers regarding the DCF licensing process.

* Class I Violation: An incident of noncompliance with a Class I standard. Class I violations are the most serious violations in nature, pose an imminent threat to a child including abuse or

neglect, and which could or does result in death or serious harm to the health, safety, or well-being of a child.

** Class II Violation: The second or subsequent incident of noncompliance with the same individual Class II standard within a 12 month period. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety, or well-being of a child, although the threat is not imminent.