



Title: Provider Contract Non-Compliance Policy
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SR Plan Document # Attachment

Provider Contract Non-Compliance Policy

The Early Learning Coalition of the Emerald Coast (ELC-EC) is responsible for monitoring and assisting providers with improving the quality of childcare in Okaloosa and Walton Counties. ELC-EC seeks to provide contracted childcare programs with the information they need to operate in compliance with all applicable laws, regulations, and contractual authority. This is accomplished through proactive training, monitoring, technical assistance, and corrective action. If violations are not remedied by the Provider, non-compliance can reach the Board Program Committee which may result in contract termination.

We want to ensure all providers are treated fairly and given ample opportunities to maintain a healthy and safe environment for children and teachers while maintaining contractual compliance and obligations. This Non-Compliance Policy models the progressive enforcement Class Violation System of DCF. The Coalition has taken contractual requirements and added them in as additional Class I, II, III or IV violations for non-compliance. We have aligned the severity of the non-compliance with the DCF rubric that the most egregious are Class I and things like missing/late paperwork or child screenings are Class IV.

The ELC-EC team wishes for providers to be successful and will offer technical support, education, and guidance to providers as needed to address violations. When the Coalition determines that a childcare program is not in compliance with childcare standards set forth in the Florida Statutes, the Florida Administrative Code or the SR/VPK Contract, it shall make a reasonable attempt to discuss the violation with the owner/director/operator of the program, document the violation(s) in writing, and, if applicable, establish the time frame within which the owner or director shall correct the violation(s).

Some violations, however, due to their severity or frequency, require more impactful consequences such as a formal corrective action plan, temporary withholding of reimbursement, ELC-EC Leadership, and/or Board Program Committee level intervention, and/or could result in contract termination.

- Providers with Class I violations will be required to attend a mandatory meeting with ELC Leadership to discuss potential consequences, including, but not limited to, a formal corrective action plan, temporary withholding of reimbursement, a due process hearing and/or termination of the contract.
- Providers with habitual violations will be required to attend a mandatory meeting with ELC Leadership to discuss a formal corrective action plan. Continued violations or failure to carry out the corrective action plan may lead to further action, including, but not limited to, temporary withholding of reimbursement, a due process hearing and/or termination of the contract. "Habitual" includes any of the following during the contract year:

- 6 or more class IV violations,
- 5 or more class III violations,
- 4 or more class II violations; or
- If the class of violations are varied, a total of 6 violations from Classes II through IV.

If a due process hearing becomes necessary, at least 1 Board or Program Committee member and 2 ELC-EC staff members must be present.

For this Non-Compliance Policy, there are four (4) classes of violations:

Class I Violations

- **What does “Class I Violation” mean for DCF?** For Licensing, this is the most serious Class of Violation and *requires immediate correction*. This category of violations shall refer to those conditions or occurrences *constituting negligence related to the operation and/or maintenance of a childcare facility* that DCF has determined present an *immediate danger to the children in care or personnel* at the facility that could or does cause serious physical or emotional harm.
- **What does “Class I Violation” mean for ELC-EC?** The Coalition has defined the following to be Class I violations of Non-Compliance Policy:
 1. Failure to come into compliance with DCF Class I violation within required timeline as defined by DCF report.
 2. Violation of Unusual Incident Notification as defined by ELC Contracts
 3. Failure to report child absences as defined by contract pursuant to FL Statute/ Rilya Wilson Act F.S. 39.60.
 4. Failure to allow ELC-EC staff or parents access to children/facility.
 5. Failure to complete SR Quality Improvement Plan (QIP), VPK Provider on Probation (POP), or similar corrective action plan required by DEL Contract.
 6. Failure to maintain **coverage** as required in any of the following that result in a lapse of coverage:
 - a. DCF Exemption letter or license
 - b. General liability insurance
 - c. Worker's compensation insurance (if applicable)
 - d. On site SR/VPK Director

Class II Violations

- **What does “Class II Violation” mean for DCF?** For Licensing: “Class II Violation” refers to those conditions or occurrences related to the operation and/or maintenance of a childcare

facility that the local licensing agency has determined *threatens directly or potentially the physical or emotional health, safety, or security of the children.*

- **What does “Class II Violation” mean for ELC-EC?** The Coalition has defined the following to be Class II violations of the Non-Compliance Policy:
 1. Failure to communicate incidents or changes timely - notification of incident that does not affect children’s immediate health and safety but would impact contract and/or operations. Examples: Changes in operations (director, staff, location, closure) or an incident that requires professional medical attention for staff.
 - a. School Readiness and VPK Notification sections in the Contracts list required timeframes for notification.
 2. Failure to complete a corrective action plan within the timeline listed in the action plan for any non-compliance addressed by this policy.

Class III Violations

- **What does “Class III Violation” mean for DCF?** For Licensing, “Class III Violations” pose a low potential for harm to children in care. This category of violations shall refer to those conditions or occurrences related to the operation and/or maintenance of a childcare facility that the local licensing agency has determined *threatens indirectly or potentially the physical or emotional health, safety, or security of children.*
- **What does “Class III Violation” mean for ELC-EC?** The Coalition has defined the following to be Class III violations of the Non-Compliance Policy:
 1. Failure to **submit** required documents within timeframe noted (but they did exist contemporaneously):
 - a. DCF exemption letter or license – within 14 calendar days of expiration.
 - b. General liability insurance – requires 10 day written advance notice for cancellation or changes to coverage.
 - c. Worker's compensation insurance (if applicable) – within 14 calendar days of expiration.
 - d. Child terminations in EFSM – within 14 calendar days.
 2. Failure to maintain a properly credentialed teacher in a VPK funded classroom.

Class IV Violations

- **What does “Class IV Violation” mean for ELC-EC?** The Coalition has defined “Class IV Violations” as those conditions or occurrences related to the operations and/or contractual compliance for the program.
 1. Failure to complete and submit required paperwork items when due:
 - a. Child Ages and Stages Questionnaire (electronic submission in EFSM).
 - b. Provider Attendance Roster (electronic submission in EFSM) and/or Provider Sign in/out (for child’s attendance), VPK long/short forms, and/or VPK substitute

