



Minutes

Board of Directors Meeting
December 6, 2010; 8:00 am
ELC Board Room

Board Attendees: Octavio A. Verdeja Jr. (Chair); Yvonne T. Johnson, M.D. (Vice Chair); Yesenia Perkins (Treasurer); Gerald K. Schwartz, Esq. (Secretary) (attended via conference call); Charles Auslander on behalf of Modesto E. Abety; Magaly Abrahante, Ed.D.; Daniel Armstrong (attended via conference call), Ph.D.; Rick Beasley; Connie Chapell; Jacqui B. Colyer; Gina Cortes-Suarez, Ed.D.; Alan Eckstein, Esq. (attended via conference call); Shaleen Fagundo; P. Morgan Hill (attended via conference call); The Hon. Cindy S. Lederman; David Lawrence, Jr.; Harve Mogul; Lucy C. Piñeiro, Esq.; The Hon. Natacha Seijas; Ann Karen Weller, R.N., B.S.N.; David Williams, Jr.

Board Absentees: Jane McQueen

Staff Attendees: Evelio C. Torres, CEO; Leeana Pena; Angelo Parrino; Blythe Robinson; Tabatha Cullen; Jackye Russell; Mary Williams (attended via conference call); Fred Hicks; Milton Silvera; Melody Thelwell; Sandra Gonzalez; Nicole Bardin; Jose Hernandez; Aileen Martinez; Bethany Sands

General Attendees: Santiago D. Echemendia (Board Counsel); Yamildis Urquiola, International Gymnastics; Shanilo Smith, Fit Kids of America; Alexia Tejeda, Thumbelina, LLC; Maurice Brazier, Liberty Academy; Yolaysi Gil, Kids Zone; Milays Rick, Kids Zone; Carmen Franco, Bamby's Daycare; Zoraida Villanueva, A+ Tutoring & Educational Services; Phyllis Tynes-Saunders, Miami-Dade County; Miriam Rodriguez, New Aladdin; Eliux Valezquez, Wonderful Paradise; Sherray Cato, Carans Learning Nest; Jacqueline Sierra, Growing Treasures; Armando Guerra, AECE; Ana Sejeck, The Children's Trust; D. Care, AECE; Lisa Pittman, The Children's Trust; Amanda Wheeler; Livan Concepcion, SE North American Sport Karate; Amaury Amarante, Kayleen's Learning Center; Terry Rutherford, TOUCCH; Isis Garcia Martinez, City of Hialeah; Solorro De Leon, Wayside Baptist Preschool; Osiris Fernandez, Lil Pirates Learning; Brittani Walker, Sheyes of Miami; Isabel Perez, Just Kids; Newton James, Bag I Karate; Mariana Cardona; Maria R. Esteban, Kids Paradise; Cynthia Hereford, Shining Light Childcare; Irela Suarez, Watch Me Grow; Rick Signori, Miami-Dade County; Connie Sootin, Fit Kids of America; Gail Seibert, Wayside Baptist; Yandis Urquiola, International Gymnastics; Maritza Alonso, Miami-Dade County; Jeannifer Bonnet, Our Little Ones; Alina Machin, Lil Pirates; Marisel Elias Miranda, MDCPS; Rossana Velasquez, Sanran Corp; Maria Alcazar, Great Discoveries; Linda Carmona Sanchez, AECE; Vic Ferrante, Miami-Dade County; Bill De La Sierra,



Kidsworks USA; Meagan Heller, United Way; John Lana, United Way Kenpo Federation; Cesar Sandoval, United Way Kenpo Federation; Dabney Park, Performance Strategies; Scott Feinswog, DJ's Fitness Station; Valeria Nale, City of Hialeah; Manuel Reyes, Hialeah School of Self Defense; Edith Valle Boona, Fantasy World; Ardene Estrada, Miami-Dade County; Jennifer Park, AWI; Maria Elena Delgado, AECE; Daisie Overman, Miami Shores Baptist Academy; Edith Humes-Newbold, Miami-Dade County; Wendy Soloman, Family Central; Doug Blomberg, WHFS; Sigfredo Rosado, Hardcore Boxing & Fitness; James Warring, Warring's World Champion; Jacqueline Chavarria, My Little Angels II; Cynthia Gracia, Dade City Public School; Lourdes Ramos, Little Promises, Tania Diaz, Little Promises; Rose Marie Inserni, Children's Forum; Brian Sheafer, YMCA; Delia Campuzano, Small Wonders of Miami; Juanita Walker, Sheyes Learning Center; Cary Valdes, Carmel Learning Academy; German Briceno, International Karate

I. Welcome and Introductions Chair	Octavio A. Verdeja, Jr.,
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- Chairman Octavio A. Verdeja, Jr. called the meeting to order and welcomed everyone.
- Leana Pena called roll and a quorum was established with 16 voting members.
- O. Verdeja stated that their next Strategic Planning Process Session will be held on Saturday, February 26th from 10:00am to 2:00pm. They will announce the exact location at a later date. Many important decisions will be made then. They will also receive a document with details later. A number of the community listening sessions have been held.
- D. Park stated they have had about five or six listening sessions, two of which were in the Keys. They are wrapping up that process. They would like to meet with the Board Members at the February meeting for about an hour or so regarding the legislative event and the mission and vision. They are in pretty good shape.
- O. Verdeja stated the Audit Committee would be taking place after the Board Meeting for anyone who wants to attend. The auditors had asked the ELC to give out conflict of interest forms. If anyone needs one, please ask. He asked the Board to review the meeting dates that were in the packets and asked if they had any comments.
- S. Fagundo commented that providers usually have a significant conflict to attend Board meetings on the first Monday of the month since School Readiness providers have to work on their billing since it is due the same time.
- O. Verdeja stated he thinks that would be a hard change to make as everyone has gotten used to the Board meetings being held on the first Monday of the month.
- N. Seijas stated today is her last day as she is resigning from the Board.



- O. Verdeja stated A. Eckstein is being appointed to the Provider Services Committee. Also, L. Piñeiro is being appointed as Chair of the Legislative Committee. The Committee needs additional members; so if anyone is interested in joining, let them know.
- O. Verdeja asked D. Lawrence to say a few words about the new Children's Movement video.
- D. Lawrence stated they are using this video to talk about the legislative agenda. These are legislative goals for the next session. D. Lawrence believes fundamentally that you cannot use a \$2.5 billion shortfall as an excuse to not fund anything for children. He also commented that he met last Friday with Carlos Lopez Cantera who is the majority leader in the State House.
- O. Verdeja recognized D. Williams and J. Colyer who will be recipients of the Catalyst Award presented by the Human Services Coalition. O. Verdeja also recognized C. Lederman for receiving an award on National Adoption Day in November. It is impossible to quantify the impact Judge Lederman has had on families and children. O. Verdeja stated it's also important to recognize the Coalition's own staff. They really go above the call of duty sometimes. He congratulated Trina Rodriguez and thanked her for everything she does.
- O. Verdeja continued with a letter from Just Kids Center Inc. He congratulated them on their recent accreditation by NAEYC. O. Verdeja stated that N. Seijas, who has served on the ELC Board from almost day one, is retiring today from the Board and will pass on the baton to another commissioner. As the chair of the Provider Services Committee, she met providers throughout the County to address their concerns. Aside from her work on the ELC Board, she served on the County Commission. In 2010, she spearheaded groundbreaking legislation that became a national first: Miami-Dade County wage theft ordinance. This policy allows residents to report when they are not paid or only paid partial wages that were promised to them. They will miss Commissioner Seijas on the Board. He thanked her personally as she has always been very supportive throughout his five years as chair.
- N. Seijas voted for the budget and voted with honor and grace, believing social services were necessary. She is being recalled. It is up to the people in her district to make a decision. If she does get recalled she will walk away with her head up and very proud of her accomplishments with social services. She has participated here since the first day they started. It's been more than 12 years. She walks away with regrets. She is still available if needed and hopefully still a friend. She thanked them for allowing her to participate. N. Seijas was recognized with an award.

II. Approval of Minutes Chair	Octavio A. Verdeja, Jr.,
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- O. Verdeja called for a motion to approve the November 1st, 2010 minutes.
 - C. Lederman moved to approve the minutes.
 - Motion seconded by N. Seijas.
 - Motion unanimously passed.

III. Finance Committee Report

Yesenia Perkins

- Y. Perkins began with page 13 of the financials. The variance for School Readiness will balance out at the end of the year. The VPK variance will also balance out at the end of the year.
- Motion to approve Resolution 120110-01 to authorize the President and CEO to participate in the State of Florida's State Term Contracts for services and commodities when it is cost effective.
 - R. Beasley moved to approve Resolution 120110-01.
 - Motion seconded by C. Lederman.
 - Motion unanimously passed.
- Y. Perkins continued with page 17, which states their numbers on enrollment. For Dade County in the month of October they have 25,089 children. That is a decrease of 370 from the previous month. As of November, they have 20,432 children on the waitlist. For Monroe County, they have 713 children served. It is an increase of 14 from the previous month and there is no waitlist. The school age percentage is 30.19.
- Y. Perkins stated page 19 is there for informational purposes. Last year, they approved a motion for rate alignment in both counties. More than 95% were on board, sending in their surveys, etc. for implementing the alignment. This year, there are a small percentage of providers that have not come on board with this. This impact is \$393,449.40. They have anticipated and budgeted for this.

IV. Provider Services Committee Report Ed.D.

Gina Cortes- Suarez,

- G. Cortes-Suarez presented the motion to approve Resolution 112310-01 to authorize the President and CEO to adopt the School Readiness Funded Provider License Policy, with an effective date of July 1, 2011.
- Y. Perkins asked if this has any fiscal impact on the ELC Budget.
- E. Torres stated DCF would become responsible for licensing and monitoring the providers.
- J. Colyer confirmed.
- G. Cortes-Suarez stated the intent is to have everyone they fund be licensed. This policy requires all providers to be licensed.
 - C. Lederman moved to approve Resolution 112310-01.
 - Motion seconded by L. Piñeiro.
 - Motion unanimously approved.
- V. Jones stated there are two stances that he has observed in reference to the community. One issue is time and the other is adequate technical assistance. For many of them, to become licensed they already have existing leases. Many of them are willing to comply. There are those who don't wish to become fully licensed. For those that do, there are additional challenges. July 1 is just not happening. O. Verdeja asked what an



appropriate time frame is. V. Jones stated at least a year. It's very difficult if they are left on their own to figure this out.

- J. Wearing stated he has a martial arts school. Some martial arts schools don't have a big space. They have a place inside for kids to play in and do their workouts in. It would be hard to have to move their location somewhere else.
- V. Jones stated if they get a license and move their business to another spot where there is already a licensed day care, they could be kicked out. Many of them are zoned as IB1. If they stay in Miami-Dade County, by DCF law, the only chance for them to get licensed is for them to get some form of documentation from an elected official stating their location is considered urban. From there, they would have to go to DCF to tell them it's ok.
- E. Torres stated there is a difference between being licensed as a child care center and being licensed as an afterschool care program. The state regulates the licensing for both.
- J. Colyer stated the three major issues relating to licensing had to do with ratios, directors without licenses and issues relating to fall space. What that means is, if a child falls off equipment, there has to be a safe space for them to fall on. It's not related to this thing about not being able to pass the fire inspection. That was not true. Even if they did find it, they were willing to come up with a type of waiver where they could get licensing if they went through an alternative fire inspection. A lot of what they are saying is just not true about what's happening in licensing. There is such a thing as an urban license. But that urban license is something they waive all the time. In regards to the issue of having more than one child care center in a strip mall; they have a strip malls in Hialeah with three or four licensed centers. If they are talking about technical assistance, DCF will send the checklist as soon as you email them. Some of those things will not be required. For those that do, you have to; you have to have someone with their director's certification, you have to have the ratios and most of them meet the square footage.
- R. Smith from Fit Kids of America stated they are licensed by The Children's Trust. The Children's Trust has hired NOVA and they were visited a week ago. The lady stayed approximately six hours and her determination was that the only thing that was missing was a petting zoo. They embrace anything that's good for the children. Her concern is that they have an old building. They just don't want an interruption of service. The work they do is from their heart and passion. However, she doesn't want the little ones to have to suffer.
- O. Verdeja asked what else the karate school doesn't agree with. The Karate School stated that many of them are willing to be licensed but six months may not be realistic. The other thing is that Health and Safety was an issue. In Dade County, any of these should be licensed by the Department of Health. Most of the centers already meet the fire and safety standards. The difficulty is the timeframe, especially for those that have alternate things to meet.
- O. Verdeja stated if they put this off, no one will react until July 1 and then they will have to start all over again.
- G. Cortes-Suarez stated that one of the things they could do as a Coalition is take into consideration providers that are already enrolled in a CDA program. They have to start somewhere.



- D. Lawrence asked what the ELC opinion is about this. They clearly need to push harder on the subject of quality. They also want to be fair to people so they can succeed as an enterprise.
- E. Torres stated he thinks with some technical assistance from DCF and staff they can assist these providers in getting licensed. They need to look at individual situations where that is impossible and they really have made their best effort and bring that to the Provider Services Committee. Part of the concern about not having a level playing field is that there are a number of licensed providers that have expressed they go through a great expense and effort to have the entire necessary requirements and they feel there is another set of providers that don't have the same guidelines. He feels they can accomplish this by July 1 if they put forth their best effort.
- J. Colyer stated that DCF has already started working with the larger early learning centers that want to become licensed and they are moving and working towards becoming licensed by January 30. Just take a deep breath and go through those criteria on the checklist. She doesn't want them to get stuck on saying "another year, another year" because they are pressured. Part of what she would like to have them do is a phased approach. The real bulk of this is going to be on her little department of childcare licensing. She will be reaching out for a support team. She has additional staff on board that can help with this.
- D. Lawrence stated they would offer as much help as possible on technical assistance.
- O. Verdeja stated in March they would have a status update on the licensing of providers.
- Motion to approve Resolution 112310-02 to authorize the President and CEO to adopt the Child Safety Licensing Policy with an effective date of July 1, 2011.
- L. Piñero stated usually when a provider is issued with a class 1, 2 or 3; they have a right to a Chapter 120 hearing to appeal it. Her only concern would be to tweak this to provide for whatever final action they take, that it occurs after that provider exhausts all of their administrative appeals. She could see a situation where the ELC takes action and an appeal is still pending; the provider wins the appeal and then what happens with the ELC? The only modification she would make is that final action be determined after exhaustion of their administrative appeals.
- O. Verdeja asked how long the appeal process takes.
- L. Piñero stated after the provider receives a Class 1 violation, they have 30 days to submit their appeal. It's not going to delay the ELC a significant amount, but from a risk management perspective and a legal perspective, they have due process.
- G. Cortes-Suarez stated what she understands from this policy is a provider is found in violation of their policy. That provider receives a letter addressing their violation and the matter will go to the Provider Services Committee and then after the Committee addresses the violation, it will come to the full Board. There is a lot of time involved.
- N. Seijas stated it seems to her they should just add a sentence stating not before procedures in order to alleviate concern for providers.



- S. Echemendia stated the ELC's grievance procedure has already been instituted for awhile. The issue being raised is going through an administrative hearing with DCF and then going through a second administrative hearing at the ELC. Do they defer to DCF and wait until their final agency action or does ELC do their own? There was a lot of discussion and it was decided that the ELC would pursue their administrative procedure. There is due process. It works like an administrative hearing.
- E. Torres commented that the revised policy will be effective July 1st and will not be retroactive.
- I. Perez from Just Kids stated she goes back 20 years in this business. She walked with Mr. Torres when they went to fight the bill to cut dollars. She is not a bystander; she takes a very strong stand for her children. She has three sites and over 200 children. In all these rules and regulations, she wants to bring knowledgeable people into our field to be the regulators of their program. DCF needs help. They need technical people to see what we do. Most of the time they don't know and they are not as seasoned. She really wants the Board to help them and do this right. They need the people who go and see them to know what quality means.
- R. Velasquez from Lagomar Preschool I and II stated she has also been in this business for 19 years and has seen so many changes. This administration has been so transparent--the fact that there is so much open communication without fearing consequences. They are so much better because of accreditation. They are in this business to serve children. In her case, she had a Class 2 violation because she forgot to document a violation. The punishment of 12-months means shutting down because the majority of their enrollment is based on CDS. They lose accreditation and they lose their children. Parents would not bring children back to the school if they had to move them to another one. She has had five separate counselors in one year. There is no follow-up or technical support; it is just an immediate violation without discussion. What do they do then? They are looking at 60 different things on that checklist. They also have to rely on other agencies to provide paperwork on top of everything else. They ask for the ELC's compassion and support.
- M. Elena Delgado stated they need some definition in the violations. To her knowledge, when you get a violation, you get a technical first, an administrative warning and then the fine. That's when it becomes the violation. But when going through the list, there are some violations for not washing hands, not having a water fountain. If that is the case, that is not the way it was done. There were 130 people on the list that were given a violation the first time DCF went there. She wants the Coalition to help them and she hopes they can work with DCF for the same purpose.
- L. Carmona Sanchez recommended looking into broadening the grievance committee membership. In the last committee there were only two people. If they are going to follow due process, they need to make it work better.
- T. Rutherford stated they are thankful for their collaboration in making them better at what they do.
- N. Seijas stated when they put out the list of Class 1 and Class 2 they should put violations, and resolved to make people feel comfortable with it. Perhaps incorporate in the procedure to find verification and how to address the violations.



- J. Colyer stated she thinks many providers think DCF is out to get them. When a child dies, or a child is hurt, the first person that is on the news is DCF. She hears what they are saying. DCF is willing to really begin to have a conversation about these violations. They are not going to become so lenient that these violations will not be taken into account. She is willing to listen to them. She has brown-bag lunches on a quarterly basis with providers. If they have the conversations, they all have to listen to each other, have respect for each other and come to an agreement that there are some things that are not tolerable.
- N. Seijas stated that J. Colyer is different. She has changed the whole structure of what DCF was, but providers have to get used to it. There is a wall that has been dividing them. It has been turning into an open door. She commends her for what she has done and is pleasantly surprised.
- L. Piñeiro stated DCF is moving towards trying to change the language to Chapter 402 and moving to make amendments to 65C22 which would have even more impact on providers. They really need to define what constitutes a Class 1, Class 2 or Class 3 violation.
- G. Cortes-Suarez stated the Provider Services Committee struggled with this whole concept of violations. S. Fagundo brought a lot of insight. At the end of the day what they felt responsible for was to address them. A Class 1 violation or Class 2 violation may seem like a trivial thing until a child is hurt or until a child dies. That is the responsibility of the Board. They also talked about trends with the violations. For now, they need to have a policy in place and it needs to address Class 1 and Class 2 violations.
- D. Lawrence interpreted the passion here to be very healthy. They are not going to get to the Promised Land but they are going to get closer. They are going to do better at communication and customer service. He is not just talking about the Coalition, but DCF, the legislative system and everyone else. It's amazing how much progress they have made. It's a lot better conversation than what they had years ago. They didn't listen to providers years ago.
- Motion to approve Resolution 112310-02 to authorize the President and CEO to adopt the Child Safety Licensing Policy, with an effective date of July 1, 2011.
 - N. Seijas moved to approve Resolution 112310-02.
 - Motion seconded by C. Lederman.
 - Motion approved with L. Piñeiro opposed.
 - Motion was passed.

V. Program & Strategy Committee Report

Lederman

David Williams, Jr.
The Hon. Cindy S.

- D. Williams stated they didn't really have anything to report on, but just that they agree with the Provider Services Committee.
- O. Verdeja stated he agrees with everything that has been said here. There is passion on all sides and they are in it for the same reason. They just need to keep that in mind and thanked everyone for coming to the meeting.



**VI. Florida System Improvements
Ph.D.,**

Jennifer Park,

Learning

AWI Office of Early

- E. Torres stated that the Provider Rate Alignment is effective January 1st up to the maximum rates approved by the Board and is based on the last surveys that were submitted to the Coalition.
- E. Torres stated J. Park has been doing a lot of work around the State in terms of systems improvement.
- Please refer to www.elcmdm.org for the presentation.
- S. Fagundo asked, how does all this tie in with Quality Counts and relate to NAEYC and Apple standards?
- J. Park stated that the model looks at all the data points that are available. You can pick and choose from those so you can have multiple analyses. When you have all the different data points you can then build a model based on that. You would have the ability to do analysis at the local and also statewide level. The sample is the complicated piece because they are looking for a representative sample to assess across the state. When they start using a very high science way of measuring outcomes, there is that temptation to use it to measure the effectiveness of a program. They are deliberately going to sample and assess as few children on what works and what does not.
- O. Verdeja thanked J. Park for her presentation.
- O. Verdeja stated they are going to postpone the Audit Committee Meeting.

**VII. CEO Report
Torres**

Evelio C.

**VIII. Public Comments
Jr., Chair**

Octavio A. Verdeja,

IX. Adjourn

Octavio A. Verdeja, Jr., Chair