



**PROVIDER SERVICES COMMITTEE MEETING**  
**November 23<sup>rd</sup>, 2010**  
**2:00 p.m.**  
**ELC Board Room**

I.	Welcome & Introductions	Gina Cortes-Suarez, Ed.D. , Committee Chair
II.	Approval of Agenda	Gina Cortes-Suarez, Ed.D.
III.	Approval of Sept. 30 <sup>th</sup> and Oct. 21 <sup>st</sup> Minutes	Gina Cortes-Suarez, Ed.D.
IV.	Child Safety Licensing Policy	Gina Cortes-Suarez, Ed.D.
V.	Provider Suspension Policy	Gina Cortes-Suarez, Ed.D.
VI.	School Age Providers Repayment	Jackye Russell
VII.	Summer Camps	Evelio C. Torres, CEO
VIII.	2011 Committee Schedule	Gina Cortes-Suarez, Ed.D.
IX.	New Business	Gina Cortes-Suarez, Ed.D.
X.	Public Comment	Gina Cortes-Suarez, Ed.D.
XI.	Adjourn	Gina Cortes-Suarez, Ed.D.

Mission: To promote high-quality school readiness, voluntary pre-kindergarten and after school programs, thus increasing all children's chances of achieving future educational success and becoming productive members of society. The Coalition seeks to further the physical, social, emotional and intellectual needs of Miami-Dade and Monroe County children with a priority toward the ages before birth through age 5.



# Minutes

Provider Services Committee Meeting  
 September 30, 2010; 3:00 p.m. – 5:00 p.m.  
 Early Learning Coalition of Miami-Dade/Monroe  
 Board Room  
 2555 Ponce De Leon Blvd Suite 500  
 Coral Gables, FL 33134

**Committee Attendees:** Gina Cortes-Suarez; Shaleen Fagundo; Dr. Daniel Armstrong (via conference call); Santiago Echemendia (Board Counsel)

**Staff Attendees:** Evelio Torres (CEO; via conference call); Blythe Robinson (via conference call); Angelo Parrino (via conference call); Tabatha Cullen (via conference call); Jackye Russell; Mary Williams (via conference call); Nicole Bardin; Carol Brogan; Kerry Allen; Milton Silvera; Leana Pena; Kristina Alonso

**General Attendees:** Linda Carmona (AECE); Edith Humes-Newbold (MDC); Dr. Yvonne Johnson (board member); Geisy Paez (Precious Years Christian Preschool); Armando Paez (Precious Years Christian Preschool); Doug Melamed (attorney for Precious Years Christian Preschool); Luis Davila (AHCA-Florida Medicaid); Barbara Paredes (New Sunrise I); Yannet Parrondo (New Sunrise I); Elizabeth Bezos (AECE); Erika Goitezolo (Precious Years); Aura Gutierrez (Precious Years)

## I. Welcome and Introductions

Gina Cortes-Suarez

- G. Cortes-Suarez welcomed the committee, staff and attendees.

## II. Approval of Agenda

Gina Cortes-Suarez

- G. Cortes-Suarez called for the approval of the agenda.
  - S. Fagundo moved to approve the agenda
  - D. Armstrong seconded the motion.

## III. Approval of May 21<sup>st</sup> Minutes

Gina Cortes-Suarez

- G. Cortes-Suarez called for the approval of the minutes from the May 21<sup>st</sup> meeting.
  - D. Armstrong moved to approve the minutes.
  - S. Fagundo seconded the motion.

\*At the October 21, 2010 meeting S. Fagundo requested that the above second for approval of the May 21<sup>st</sup> minutes be removed as she did not attend the May 21<sup>st</sup> meeting.

## IV. Medicaid Presentation

Luis Davila, Agency for  
 Healthcare Administration



- Luis Davila of the Agency for Healthcare Administration presented an overview of how the Medicaid program functions.
  - The objectives of the Medicaid program are to provide broad healthcare coverage to lower income populations, offer special community based coverage for certain disabled and elder populations and offset the high costs of institutional care for lower and moderate income Americans.
  - Applications for public benefits are processed by either the Department of Children and Families (DCF) or the Social Security Administration (SSA.) The screening process evaluates eligibility based on family situation, medical necessity, income, assets and liabilities.
  - DCF determines eligibility for families with children, and medically and financially eligible persons who are aged, blind or disabled and receiving benefits from the SSA.
  - SSA determines eligibility for all initial applicants who are aged blind or disabled.

#### V. New Sunrise Grievance

- J. Russell discussed the details related to the grievance received from New Sunrise.
  - The coalition received notification from the Department of Education (DOE) regarding New Sunrise's status as a VPK Low Performing Provider (LPP) for the fourth year in a row. As a result of that finding, the DOE decided that New Sunrise would no longer be able to provide the VPK program.
  - New Sunrise submitted an appeal to DOE for a good cause exemption. That exemption was also denied as a result of a number of DCF licensing violations that New Sunrise had acquired in the previous two years. As a result of the termination of VPK and the Class 2 licensing violations, and since the children in the center served by VPK are also served by School Readiness, the Board of Directors made the determination to suspend New Sunrise from the School Readiness program as well.
- S. Echemendia requested that J. Russell read the DCF class 2 violations that DOE was referring to. S. Echemendia cited a letter from Melinda Webster to New Sunrise listing the various violations and a confirmation that those instances violate the portion of the agreement that states that if a provider is a state licensed childcare provider, the provider agrees to comply with all the requirements 62C-22 and 402.302-319 of the Florida Statutes.
- J. Russell stated the violations in question:
  - The DCF licensing inspection report dated March 31, 2009, lists the non-compliance restriction as: verification of employment history for the past two years was not on file for those employed. The due date was April 17, 2009. The violation level was Class 2.
  - The DCF licensing inspection report dated May 5, 2009 lists the non-compliance restriction as: the facility is licensed to serve 30 children and a total of 31 children were counted at the center and/or were on a field trip. The violation level is Class 2.
  - The DCF licensing inspection report dated August 4, 2009 lists the non-compliance restriction as verification of employment history for the past two years was not on file for those employees identified on the supplemental report. The due date was August 5, 2009. The violation level is Class 2.



- The DCF licensing inspection report dated August 20, 2009 states the non-compliance restriction is the facility is licensed to serve 30 children and a total of 32 children were counted at the center and/or were on a field trip. The violation level is Class 2.
- The last violation is from the DCF licensing inspection report dated April 8, 2010. The non-compliance restriction is verification of employment history for the past two years was not on file for the employees listed on the supplemental report. The due date was April 12, 2010. The violation level is Class 2.
- J. Russell stated that the aforementioned are all violations of the DCF licensing requirements and as a result, violations of the School Readiness provider agreement.
- S. Echemendia asked if the provision on page 12, paragraph 27 of the School Readiness provider agreement that related to suspension of payment is the provision being relied upon to determine non-compliance, to which J. Russell responded that it was.
- S. Echemendia asked if the recommendation to the committee is to proceed with giving New Sunrise notice of payment suspension based on this provision to which J. Russell replied that it is.
- G. Cortes-Suarez asked the petitioner, New Sunrise, to share any remarks or statements.
- Y. Parrondo introduced herself as representing her mother, B. Paredes, the owner of New Sunrise. Ms. Parrondo shared details about the center and situation in question.
  - New Sunrise is small center in business for the last 12 years. Things have changed since the business first opened and because of the language barrier B. Paredes faces, it has been difficult to keep up to date with the changes.
  - New Sunrise put together a quality improvement plan explaining their intentions to get NAEYC accreditation and their contract with educational specialists that will come in five times a week to train the teachers and share strategies for improvement. In addition, although not Quality Counts participants, they are currently registered for a Quality Counts Course, "The Foundations of Language Learning and Literacy Components." New Sunrise will be taking courses from board members of the Alliance for Early Care and Education. All of these steps are to help improve the quality of the center and keep up to date with all the requirements.
  - New Sunrise respectfully requests to be put on the fast track to acceptance into the Quality Counts program. With the guidance of Quality Counts, they can achieve their goals for improvement.
- G. Cortes asked Y. Parrondo how many children were in the VPK program and how many were in School Readiness to which Y. Parrondo responded that there were previously seven children enrolled in VPK and eighteen enrolled in School Readiness.
- S. Fagundo asked if all the children enrolled at the center were in School Readiness to which Y. Parrondo replied that all but four children were.
- S. Fagundo asked if the violations in question were remedied by the due dates to which J. Russell responded that they were. S. Fagundo also asked when New Sunrise's license was renewed to which Y. Parrondo responded that it was renewed September 1<sup>st</sup>.
- S. Echemendia asked if the fact that DCF renewed New Sunrise's license changes the recommendation of staff to which J. Russell responded that it did not change



the Board's recommendation to suspend them because the determination for suspension of School Readiness was based on the fact that they were low performing as a VPK provider for four consecutive years and they had multiple Class 2 violations in the previous 2 years.

- S. Fagundo stated that while the provider agreement does contain sections referring to having a license in good standing and advising the Coalition if there is action taken against a license, it does not mention anything related to performance in a separate contract for a separate population of students.
- S. Echemendia stated that staff is acting based on the School Readiness provider agreement which states that if a provider is a licensed childcare provider, they agree to comply with all the requirements of 62C-22 and 402.302-319 of the Florida Statutes. Staff's determination is that there has been a failure to comply with those requirements over the course of the two-year period and is therefore, recommending the suspension of payment based on a violation of that provision.
- S. Fagundo responded that what J. Russell had said was that this was the Board's recommendation and that staff was following board direction. What was heard at the last meeting was that the LPP status prompted the look at these providers which was aggravated by the licensing violations. In the provider agreement, it says that the provider will abide by licensing requirements and in the instance of New Sunrise their licensed was renewed. Is there anything in the contact that says that if they remedy the non-compliance issues we would still take this action?
- J. Russell responded that the cure provision would be related to the policy that they would be suspended for a year and then have the opportunity to reapply at that time.
- G. Cortes-Suarez asked how many times the school has lost their license to which J. Russell responded that they have never lost their license. They have had licensing violations that have been remedied.
- S. Fagundo stated that what we are doing in this grievance process is setting the precedence for all providers who have School Readiness contracts. In this case, there was a history of low performance that brought to light these issues before the board. Do we have any knowledge of how many providers end up having licensing violations that are remedied within 24 hours? How would we be able to enforce this precedent and are we going to be suspending payment across the board for all providers who end up having these remedied violations? While their consecutive LPP status is not an indicator of high quality, from a contracting basis, you cannot enforce this across the board in a standardized way.
- Y. Parrondo commented that if the Board does decide to take away their School Readiness program, being a small center whose main source of income is funds from School Readiness, they would not survive and would have to shut down if payment ceased for one year. Y. Parrondo stated that New Sunrise does have a quality improvement plan and is trying to get everything up to date to increase the quality of the center.
- S. Fagundo asked J. Russell if it was her assessment that since the provider agreement essentially states that providers will follow DCF licensing procedures, in remedying the violations, can it be said that they followed procedure.
- J. Russell clarified that the agreement states they will be in compliance with DCF licensing. At the time that this determination was made, they were not in compliance with DCF licensing.
- S. Fagundo stated that she feels that the state gives providers varying amounts of time to correct violations. We are following a different set of requirements that are not explicitly stated in the agreement. She believes that we should be following the same set of requirements as the state. The provider was out of



compliance and the state gave them time to remedy the non-compliance issue which they did. She stated that she is not comfortable with terminating a contract or suspending payment when the provider followed the procedures from the state. If we are going to have a different set of expectations for providers, we need to be explicit about it in the agreement.

- G. Cortes-Suarez asked for a copy of New Sunrise's quality improvement plan. After reviewing, G. Cortes-Suarez suggested that work was needed on the plan.
- S. Fagundo added that she appreciates that the provider is looking to identify areas of improvement. This is exactly what we should have in what would normally be a cure period. She feels that the provider would certainly benefit from mentoring from Quality Counts.
- E. Torres added that while it is a good idea to place all providers with quality issues, this is not the purpose of the Quality Counts program, nor does the capacity exist to accept them all without any additional funding.
- S. Echemendia stated that though the agreement does provide for a 30-day cure period for some types of violations, it explicitly excludes these very types of violations from the cure period.
- D. Armstrong stated that he shares the concern that even an hour of non-compliance can be something that can create a dangerous situation. D. Armstrong stated that while he has empathy and sympathy for the situation the provider is in, he is concerned that their improvement plan was created not when the first or second violation occurred, but when the notification that the funding would cease was received.
- D. Armstrong moved to continue with the staff and Board recommendation.
  - G. Cortes-Suarez seconded the motion
  - S. Fagundo opposed.
  - Motion was passed by majority.

## VI. Precious Years Christian Preschool Grievance

- J. Russell stated the nature of the non-compliance occurrences of Precious Years Christian Preschool.
  - Documentation of level 2 screening was missing for a staff member. The due date was November 17, 2008. The violation level is Class 2.
  - Verification of employment history for the last two years was not on file for the staff member indicated on the supplemental report. The due date was November 21, 2008. The violation level is Class 2.
  - Documentation of level 2 screening was missing for a staff member. The due date was June 26, 2009. The violation level is Class 2.
  - Monthly fire drills were not conducted. The due date is March 19, 2010. The violation level was technical support.
- D. Melamed, attorney representing Precious Years, stated his concerns over the rights of his clients, and what he feels is an arbitrary process that does not follow the letter and spirit of what the law is supposed to be. He expressed the following points:
  - A letter dated September 13<sup>th</sup>, 2010, stated that on Tuesday, September 7<sup>th</sup>, the Board of Directors made a decision to stop providing School Readiness funding to centers that can no longer provide the VPK Program. D. Melamed asked what gave the board the right to make that decision. That is a rule changing authority and a decision that cannot be arbitrarily applied at a given point in time.
  - There is Florida law that discusses if there is rule making that affects the private interest, you have to go through the rule making procedure as set



forth in the Florida Administrative Procedure Act, which is Chapter 120 of the Florida Statutes. There were no notices of hearings provided regarding the decision to stop providing School Readiness funding to centers no longer receiving VPK funding.

- There is an explicit procedure that has to be followed including publication of notice, in the Florida Administrative Weekly, giving a timeframe and open to the public, granting them an opportunity to respond. This was not complied with.
- The letter states that School Readiness is being taken away because of the removal of VPK funding and, very generally, because of health and safety violations. The School Readiness provider agreement does not mention tying School Readiness funding to VPK funding.
- The provider agreement between Precious Years and the Early Learning Coalition (ELC) was signed April 5<sup>th</sup> and approved on April 14<sup>th</sup>. Part of the responsibilities in the provider agreement, on page 9, section III, paragraph 13 states, "The Coalition, or its designee, will review the provider information attached herein and determine that the provider is eligible to receive School Readiness funding." It is the job of the ELC to understand and know what all of the health and safety violations that have been cited by DCF are, and take action based on that. The ELC determined Precious Years as eligible and has already provided School Readiness funding. And now, by some arbitrary process it is being taken away. It violated constitutional rights as well as Florida law.
- The termination of VPK funding aside, based on only health and safety violations, the ELC approved the agreement knowing of the violations. DCF issued the Child Care Facilities license effective July 23, 2010 through July 22, 2011, having had an understanding of what all of the prior violations were; violations that were quickly remedied.
- Looking at the violations that were read into record, the Class II violations dated back to November 2008. The only other class II violation was in June of 2009. The November 2009 inspection was in perfect compliance. The violation in March of 2010 was considered a technical assistance violation. This is not a class I nor a class II violation. The violation regarding the fire drills was in fact an oversight on the part of DCF.
- Paragraph 61 on page 15 of the agreement states, "Depending on the degree of the noncompliance, the timeline for corrective action may extend to 60 days. And failure to make appropriate corrections may result in termination of this agreement," not *shall*. If the coalition wants to look at taking away School Readiness funding based on health and safety violations, it must establish a hardcore line of how many violations of a certain class and what timeframe to give corrective action. If corrective action is not taken immediately, then there might be a case to withdraw School Readiness funding.
- S. Echemendia clarified that the September 13<sup>th</sup> letter has been abated. What is taking place is the process of staff making a determination to suspend payment based on the licensing violations, which is clear in the contract that the provider must comply with. The provider is being afforded the due process by going through the grievance procedure. Coming before this committee affords the provider an opportunity to be heard and to sway the committee who is in turn going to make a recommendation to the full Board. This addresses the due process issue. This is not an issue of rule making, but an issue of enforcement of the contract provisions, rather than whether or not the ELC adopts rules. The



adoption of rules is done through AWI, DCF, etc. The action being taken is not based on VPK, but rather on the contract provisions of School Readiness.

- E. Torres stated that the provider is still receiving payments and the children are still placed at the center for now. The provider has just been placed on notice that this action may take place depending on what happens at the next board meeting and the recommendation of the Provider Services Committee today.
- D. Melamed stated he does not think it is right to make up the rules as you go, so to speak. If School Readiness funding is being taken away because of health and safety violations, there has not been a violation to the point, without corrective action to where the coalition has the right to make that determination. Where is the time limitation in 65C-22 and Chapter 403.309-31 that says if corrective action is not taken, funding will be withdrawn? Relying on the fact that a provider is a state licensed childcare center, the provider agrees to comply. The ELC signed the agreement based on what is supposed to be its own investigation into whether the provider met all the requirements. DCF also issued a renewed license since it was never suspended nor has any reprimands on it.
- A. Paez of Precious Years clarified the details of the violation regarding fire drills. When the inspector came in on 3/4/2010, she stated that the last posted documented fire drill was on 1/25/10. It was explained to her that the last fire drill on 2/26 was done but documented in the Apple accreditation book. Assuming the inspector came on 3/4/10, the next fire drill would have been scheduled 30 days apart which would have been 3/25 or 3/26. The rule says "During the facility licensed year, fire drills should be conducted a minimum of ten times."
- S. Fagundo asked J. Russell if all of the violations were corrected to which J. Russell replied that she would think so since they were issued a renewed license.
- D. Melamed added that they were corrected and he provided documents supporting this.
- S. Fagundo stated that she is not making light of the severity of the Class 2 violations and the contract does state on page one that "Provider agrees to notify the Coalition if action is taken against their license." However, she does agree that the contract does not say that a center will notify the coalition the moment they have a class 2 violation and then have their payment suspended.
- S. Echemendia clarified that the contract states that if there is one of those violations, the provider will give the ELC notice. What the board is ratifying as a policy is that if you have one Class 1 or two Class 2 violations during any consecutive twelve-month period, you will be suspended for one year. This policy was memorialized based on the Board action that was taken and now has a draft policy that is coming back for ratification.
- S. Fagundo further clarified that what she was referring to was the statement on page one referring to the state taking action against a license, which to a provider would not be interpreted as having their school readiness funding terminated.
- D. Melamed added that there are plenty of schools that do not have anything to do with VPK who receive School Readiness funding, that have health and safety violations and do not have funding terminated. D. Melamed stated that he has evidence of other centers with Class 2 violations who have school readiness funding and would like to know if their school readiness was terminated as well.
- S. Fagundo moved to have School Readiness payments be continued, based upon evidence that the provider has satisfied DCF's licensing requirements, sufficient to maintain and/or remain their license.
  - D. Armstrong seconded the motion,
  - G. Cortes-Suarez opposed.



- Motion passes by majority.
- D. Armstrong added that his second was based on the ambiguity of the policy. However, he has significant concerns about the safety of children in centers with Class 1 and 2 violations. It is not appropriate to be in a position where children are placed at risk because of technicalities in the way the contracts are written.
- G. Cortes-Suarez stated that the recommendation would go to the board at the next meeting.

#### **VII. Katina Thompson Grievance**

- J. Russell read the grievance from parent K. Thompson who is filing a grievance as part of the appeal process that states that she is in danger of losing her job because she cannot afford to pay \$100.00 every week for child care. She states that she did not receive her redetermination packet and was unable to complete the documentation in a timely manner. She was under the impression that when she changed her son's school the six-month eligibility period would start over. She has been in the program for years and feels that everyone should be entitled to one mistake. She is a single parent and needs this assistance until she can get her child into VPK or kindergarten.
- J. Russell stated that this is a case of a parent who did not turn in their eligibility documentation timely, and as a result her child care funding was terminated. K. Thompson is asking for reconsideration of this decision. Based on her grievance, there was no information that indicated extenuating circumstances that prevented her from turning in her documentation.
- G. Cortes-Suarez reiterated that K. Thompson has been a recipient of this program for a number of years. One of her statements included that she thought her son's eligibility would start over when she changed his school. J. Russell added that if the parent has been in the program for several years, she knows that the rules state that she must redetermine eligibility every six months. And when she goes in for her redetermination appointment she is given documentation that tells her the date that she needs to come back for redetermination.
- E. Torres explained some key points of what happens when there is a lapse in service.
  - We are not allowed to determine eligibility retroactively.
  - If there is a loss of eligibility, the children may still remain at the child care center, but we are not allowed to pay the provider for that ineligible period.
- E. Humes-Newbold added that included in the redetermination package is a Rights and Responsibilities Form that is given to parents which clearly indicates the authorized period beginning and end dates. This form is also given to the provider. In many instances, the staff highlights the date in yellow so that it brings to their attention when that last date of service is. In addition, the provider receives a monthly list of children who will be terminated from the program that month. Additionally, providers who use the County website can see the status of the children 24 hours a day, seven days a week.
- S. Fagundo moved to support staff's findings and conclusion with regard to the grievance of K. Thompson
  - D. Armstrong seconded the motion
  - Motion passes unanimously

#### **VIII. Velouse Rock Grievance**

- V. Rock, who had called in earlier in the meeting, was not on the conference line during this portion of the meeting.
- G. Cortes-Suarez asked for background information on this grievance.



- E. Humes-Newbold explained that the parent’s case was terminated because she did not redetermine by the last day of service. What is normally done if the parent contacts CDS within 10 days of termination, is that they are reinstated. However, payment cannot be issued for the unauthorized period.
- J. Russell added that the parent did not contact CDS until September 3<sup>rd</sup> which was nearly a month after services were terminated. The parent filed an appeal and the decision to terminate was upheld by CDS. The parent also contacted J. Russell and the decision was also upheld.
- E. Humes-Newbold added that all communication with parents and providers is noted electronically and the parent was reminded by the provider.
- S. Fagundo moved to accept the staff’s findings and recommendations with regard to the grievance of V. Rock.
  - D. Armstrong seconded the motion.
  - Motion unanimously passes.

#### **IX. Public Comment**

- E. Bezos expressed that in light of what took place here, as an active participant in the development of the School Readiness contract, she encourages board members to look at the current agreement and make the necessary changes for it to be clear and to ensure a level playing field. E. Bezos clarified that not all providers are monitored by DCF. Providers such as license exempt and enrichment providers do not get monitored and would have no way of having violations flagged. In the spirit of partnership, she urges the Board to look over the process and consider the recommendations that the attorney for Precious Years made regarding rule changes. As a provider, and one who participated in writing the agreement, it is very ambiguous and she did not interpret that we had no give in compliance. E. Bezos interpreted “Follow DCF licensing procedure” as meaning that the time frame for remedy granted by DCF would also apply. E. Bezos stated that she highly doubts there are providers that do not have one violation or one technical assistance issue. There are several centers that have had violations due to the transient population of teachers which makes it very difficult to create a consistent environment as far as compliance goes.
- L. Carmona stated that one of the concerns she has about the actions taken today is that not always are we totally informed about the processes we are making decisions about. The majority of the people sitting at the table do not operate centers. A level 2 background screening includes several components including a 2-year employment history. The remaining components include a DCF clearance letter, FDLE screening and Local background check. It is possible to still have a letter from DCF stating that you meet the criteria for working with children, even though you might not have the employment history form. You might also be an individual without a previous employer for 2 years. Many providers struggle to receive the DCF clearance letter. L. Carmona stated that as an owner of a center, several times she has had to call Cal Marshall to get copies of a clearance letter and still do not receive them in time.

#### **X. Adjourn**

- E. Torres thanked the committee members, providers in attendance, staff and the board attorney for their attendance and participation.
- G. Cortes-Suarez adjourned the meeting.



# Minutes

Provider Services Committee Meeting  
 October 21, 2010; 3:00 p.m. – 5:00 p.m.  
 Early Learning Coalition of Miami-Dade/Monroe  
 Board Room  
 2555 Ponce De Leon Blvd Suite 500  
 Coral Gables, FL 33134

**Committee Attendees:** Gina Cortes-Suarez; Shaleen Fagundo; Santiago Echemendia (Board Counsel)

**Staff Attendees:** Evelio Torres; Jackye Russell, Angelo Parrino; Pamela Hollingsworth; Blythe Robinson; Leana Pena; Kristina Alonso; Milton Silvera; Mary Williams (via conference call)

**General Attendees:** Linda Carmona (AECE); Edith Humes-Newbold (MDC); Susan Neimand (Miami-Dade College); Jim Sullivan (Miami-Dade College); Marie Woodson (MDC); Ardene Estrada (MDC); Ian Fleury (DCF) (via conference call)

<b>I. Welcome and Introductions</b>	<b>Gina Cortes-Suarez</b>
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- G. Cortes-Suarez welcomed the committee, staff and attendees.

<b>II. Approval of Agenda</b>	<b>Gina Cortes-Suarez</b>
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- Due to no quorum motion was tabled.

<b>III. Approval of Sept. 30<sup>th</sup> Minutes</b>	<b>Gina Cortes-Suarez</b>
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- G. Cortes-Suarez called for the approval of the minutes from the May 21<sup>st</sup> meeting.
  - S. Fagundo requested that a second to approve the May meeting minutes be removed since she did not attend that meeting.
  - Due to no quorum, motion was tabled.

<b>IV. Provider Suspension Policy</b>	<b>Gina Cortes-Suarez</b>
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- A CBS4 investigative report regarding day care centers with excessive licensing violations was shown.
- S. Echemendia gave an overview of the draft policy regarding sanctions on providers who have had action taken on their licenses.
  - The Early Learning Coalition (ELC) would provide thirty (30) days notice that payment for School Readiness (SR) services will be suspended for twelve (12) months. During this thirty-day period the provider would have the ability to invoke the ELC grievance procedure which goes through the Provider Services Committee.
  - Parents of children receiving SR services will be contacted and given assistance to locate an approved provider.
- J. Russell gave examples of Class I and Class II violations.



- G. Cortes-Suarez asked if this committee would then recommend to the Board that this policy be implemented and entered into the policies and procedures of the ELC and then added to the provider agreement.
- S. Echemendia clarified that after consideration and agreement with the policy that the committee would recommend to the Board that it adopt this policy statement which clarifies the provisions that currently exist in the provider agreement.
- S. Fagundo stated that there is one paragraph that discusses the violation type and the number and frequency of the violations. This has not been laid out this way in the provider agreement and adding these parameters to the agreement would clarify.
- S. Echemendia added that the agreement does speak of Class I and Class II violations. While it does not indicate what the ramifications are it does state that the ELC has the ability to enforce the suspension provision. Legally it is already in the provider agreement, although it does not indicate time frames. This draft policy would clarify this.
- S. Fagundo asked, since the policy could be enforced based on retroactive violations, if a new owner enters in an agreement with SR and the center had violations prior to the new ownership, would this apply.
- E. Torres stated that it was recommended that a provision be added to the policy that states it would not apply to a new owner.
- S. Echemendia stated that for purposes of consistency we are imposing the same standards for unlicensed providers. There is not currently the checks and balances for unlicensed providers that exist for licensed providers. There is also no one to monitor them to evaluate whether they have had any Class I or II violations. How do we address that in order to have a consistent policy?
- E. Torres stated that there was a discussion about this at the last board meeting. There are a number of providers that who are license exempt who might have the same violations existing in their centers but are not documented. We would have to consider whether this policy is fair and consistent across the board. We also have to consider whether the Board wants to adopt a policy that requires most providers to be licensed.
- G. Cortes-Suarez asked for clarification on what types of providers would not be required to have a license.
- J. Russell clarified that faith based providers are license exempt. Unlicensed providers include afterschool programs, child enrichment centers and Miami-Dade County Public Schools (MDCPS).
- G. Cortes-Suarez asked if we required licensure for these types of providers would the burden be on DCF.
- E. Torres responded that the burden would be on the providers to request licensure from DCF and go through the process.
- J. Russell added that across the state, several coalitions require providers who contract with them be licensed with the exception of public schools.
- S. Fagundo also added that some faith based centers do attain licensure.
- G. Cortes-Suarez if the YMCA in Monroe County would need to be licensed.
- E. Torres stated that at the request of the Monroe Advisory Committee, both counties are addressed separately.
- C. Cortes-Suarez asked if as a coalition we could require licensure as a condition for receiving SR funding.
- E. Torres responded that we were within our right to do so, and could also say that the policy would not be in effect for a year.



- In response to a request for the number of unlicensed providers from G. Cortes-Suarez, J. Russell stated that there were fewer than 400 providers that fit this category.
- E. Torres added that a statewide workgroup that included the Children's Services Council, provider organizations and AWI discussed the issue concerning providers across the state that go through the expense of getting licensed and insured and are held to a different standard than unlicensed providers, despite receiving the same reimbursement rate.
- E. Torres added that there are a few unlicensed providers that are operating as child care centers because they are caring for children under five. They are essentially breaking the law and will be receiving notification that they cannot provide services to these children. This is an example of an unlicensed provider going against regulations who would not have been cited by DCF.
- S. Echemendia stated that the issue is not whether or not they are licensed since they are required to be fingerprinted but rather, if we would have the staff to monitor these providers for violations of health and safety standards, regardless of license status.
- E. Torres disagreed and stated that background screening is one issue, however there are other violations that could happen with any of these providers that DCF would not be involved in unless it was reported. DCF provides a regulatory function.
- E. Torres added that the other concern is that we continue to request that providers elevate their level of quality and is yet another reason that it is more difficult for licensed providers. We have created a dual system that an unlicensed provider can operate with very few rules and are taking children away from providers who are licensed and operating reasonably.
- J. Russell stated that the provider agreement speaks to the different categories of providers in that licensed providers are responsible for being in compliance with DCF licensing, religious exempt are responsible for being in compliance with their accrediting bodies and unlicensed providers are required to be in compliance with certain rules including background screening.
- E. Torres expressed that the challenge is creating a system that is consistent without having two sets of standards.
- S. Fagundo stated that it certainly helps to move as many providers as possible to the licensed category in order to maintain health and safety standards.
- S. Echemendia stated that a closer look at the provider agreement is necessary so that it parodies the language relative to the Class I and II violations for those that are licensed to health and safety standards for those that are unlicensed.
- J. Russell stated that what is unclear and nebulous is trying to match up a Class I violation for a licensed provider with an unlicensed provider. For instance, a teacher to child ratio is clearly indicated for licensed providers but there are none for unlicensed.
- In response to S. Echemendia's statement which expressed that health and safety requirements are defined in the provider agreement for unlicensed providers, J. Russell responded that this was in the agreement but could only be held to the honor system.
- E. Torres stated that we are able to place requirements to address these types of violations at unlicensed centers but they would be no good without an infrastructure to monitor it. The honor system does not function as well as a regulating process.
- S. Fagundo stated that the committee had discussed adding mention of an effective date to the policy as well as referencing the retroactive 12-month period prior to the effective date.



- G. Cortes-Suarez stated that the Board needs to close the gap and look at the whole world of unlicensed providers and make a decision to only contract with licensed providers with the exception of MDCPS.
- E. Torres added that as a point of clarification we would be relying on DCF inspectors to provide a report of Class I and II violations. It is up to the coalition to take action but we need to clarify that we would be taking action without the provider going through the hearing process that DCF affords them.
- S. Echemendia agreed that this clarification is necessary if this is what the committee decides.
- E. Torres added that what could happen is if there is a finding and it is then overturned by the hearing officer, at that point the ELC has already suspended the provider.
- S. Echemendia stated that we do have our own grievance procedure but we could define a probationary period or we can refrain from taking action during an appeal until there is a final action by the board.
- S. Fagundo asked E. Torres if the coalition would have the burden of getting the information from DCF.
- E. Torres replied that the ELC meets with DCF bimonthly and information is shared that would include violations. If there was something serious in nature, DCF would advise the ELC right away.
- S. Echemendia asked I. Fleury if DCF suspends the provider and then goes into the administrative process or is there an investigation prior to suspension.
- I. Fleury responded that depending on the severity of the incident, the department can impose an administrative action and the provider would have the right to appeal.
- E. Torres asked if the children would remain in the center to which I. Fleury responded that the center remains operational and children remain enrolled until the provider is afforded due process. One example of a center closing immediately was an incident in Palm Beach County where a child passed away.
- In response to statements from E. Torres and S. Echemendia recommending potential effective dates for the policy, J. Russell stated that implementing a policy for one group of providers but not another and it might be an issue that the attorneys of licensed providers will bring up.
- B. Robinson added that if we do not have a mechanism to monitor unlicensed providers we are leaving an entire group of providers unregulated.
- G. Cortes-Suarez asked if this same policy statement addressing only licensed providers could have a second section that indicated that effective January 1, 2011, all providers must be licensed in order to draw school readiness dollars.
- S. Echemendia replied that it is a possibility if it is the desire of the committee to recommend it.
- E. Torres added that we would need to discuss further because of the several different kinds of providers that participate.
- J. Russell explained the different categories of providers which include religious exempt, child enrichment providers, afterschool programs. J. Russell suggested that if we would require licensing we might want to exempt afterschool programs that are located on public school property.
- I. Fleury stated that DCF is currently considering the exempt and aftercare programs that operate on school property which the YMCA is primarily described as. Issues to consider include the age groups of the children being served and whether the program is staffed by YMCA or MDCPS employees. There are YMCA programs that are staffed by YMCA employees only. If these programs choose to serve children under five they would need to be licensed, regardless of whether they are operating on public school grounds or not.



- J. Russell stated that we also need to consider the informal provider category as well. Informal providers are generally family members such as grandparents that care for children in their families. Funding requires us to accept that type of provider. The ELC's Quality Assurance staff currently monitors these providers as there are very few. Monitors also provide technical assistance when needed.
- In response to S. Echemendia's question on what the next steps for this policy are, E. Torres stated that we need to decide on who is exempted or not prior to drafting the final paragraph.
- L. Carmona stated that the policy, as written, does not allow for corrective action. DCF often gives, depending on the severity, thirty days to remedy certain violations. MDCPS for many years was required to be licensed. They chose to no longer do so because it became a burden and because many schools did not meet licensing standards. L. Carmona suggested that for afterschool programs, perhaps whether they are accredited with FAN (Florida Afterschool Network) might be considered.
- E. Torres stated that we would still end up with the same issue, since there would be no way of determining whether these types of centers would have Class I or II violations.
- G. Cortes-Suarez stated that the committee is making a recommendation that the discussion that took place at this meeting is drafted into policy to be presented to the Board for adoption.

#### V. Public Comment

- L. Carmona shared the details of some new projects taking place in the provider community.
  - Through the Early Childhood Initiative Foundation a meeting with Shared Services Network produced a plan to launch an HR hub for child care centers. A contract with South Florida Fingerprinting who offers LiveScan service, has been executed to provide fingerprinting at a reduced cost.
  - A substitute pool is being created of teachers who have been screened in order for schools to have adequate substitutes available to their centers if need be.
  - In partnership with MDCPS, several members of the Alliance for Early Care and Education have voluntarily chosen to give preferred rates to MDCPS teachers. As of now 63 providers offer a discount to teachers for childcare

#### VI. Adjourn

- G. Cortes-Suarez adjourned the meeting.

## CHILD SAFETY LICENSING POLICY STATEMENT

**PURPOSE:** 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 one (1) Class I licensing violation\* or two (2) Class II licensing violations\*\* during any consecutive 12 month period (or determines that there has been a health and safety violation for license exempt and unlicensed programs), the Coalition will promptly take the following actions which shall be applied prospectively and retroactively to July 1, 2010:

- a. Place a moratorium on new enrollments of School Readiness children for 12 months if Final Agency action is taken adverse to the Provider; and
- b. Notify the Provider, in writing, 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

- 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/Wesley House Family Services 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.

\* 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 an individual Class II standard. 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.

Draft

**65C-22.008 School Age Child Care.**

(1) Definitions.

(a) “School-Age Child” means a child who is at least five years of age by September 1st of the beginning of the school year and who attends kindergarten through grade five.

(b) “School-Age Child Care Program” means any licensed child care facility serving school-aged children as defined in paragraph (1)(a), above or any before and after school programs that are licensed as a child care facility defined in Section 402.302, F.S., and serve only school-aged children as defined in paragraph (1)(a), above.

(2) Licensure Requirements.

(a) An after school program exempted under subparagraph (2)(c)1. or 3., below may become licensed if they choose to meet all of the applicable licensing standards in subsection (3) below.

(b) After school programs that choose to expand their program beyond the parameters in subparagraphs (2)(c)1. through 4., below must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school-age child as defined in paragraph (1)(a) above, must be licensed.

(c) An “After School Program” serving school-age children is not required to be licensed if the program meets one of the following criteria, and complies with the minimum background screening requirements provided in Sections 402.305 and 402.3055, F.S.:

1. Program is located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school-age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional and tutorial/academic activities of that program and cannot serve or prepare meals. The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to, computer class; ballet; karate; gymnastics; baseball, and other sports; or

3. Program meets all of the following criteria:

a. Operates for a period not to exceed a total of four hours in any one day; however, the program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and

b. Allows children to enter and leave the program at any time, without adult supervision; and

c. Does not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and

d. Does not serve or prepare any meals or snacks. The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration; or

4. Provides after school care exclusively for children in grades six and above.

(d) Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5017, March 2009, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department’s website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

1. Each completed CF-FSP Form 5017 must be submitted with the licensure fee.

2. The completed CF-FSP Form 5017 must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation, and must include submission of background screening documents for the owner/operator, and approved fire and environmental health inspections.

3. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

4. A completed CF-FSP Form 5017 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5017 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-22.010(2)(d), F.A.C.

(e) License. A school-age child care license is issued in the name of the owner. The owner may be an individual, partnership, association, or corporation, and the license must be posted in a conspicuous location where the school-age child care program is operating.

(3) School-Age Child Care Standards. The following school-age child care standards apply to “School-Age Child Care Programs” as defined in paragraph (1)(b), above. These programs must meet the following licensing standards:

(a) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the school-age child care program and on the premises at all times.

(b) Ratios. For children five years of age and older, there must be one child care personnel for every 25 children.

(c) Supervision. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

1. No person shall be an operator, owner, or employee in a school-age child care program while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.

2. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one additional adult must be present on all field trips away from the school-age child care program to assist in providing direct supervision.

3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

4. If a school-age child care program uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the school-age child care program must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the school-age child care program provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (c)2., above.

(d) Access. A school-age child care program must provide the custodial parent or legal guardian access, in person and by telephone, to the program during the program’s normal hours of operation or during the time the child is in care.

(e) General Requirements.

1. All school-age child care program facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children. It is the responsibility of the director/owner that all areas of the facility are free from fire hazards, such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

2. All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials.

3. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives, sharp tools, and other potential dangerous hazards, shall either be stored in a locked area or must be inaccessible and out of a child’s reach.

4. No firearms or weapons, as defined in Section 790.001, F.S., shall be allowed within any building or upon any person located on the premises, excluding federal, state, or local Law Enforcement Officers.

5. No narcotics, alcohol, or other impairing drugs shall be present on the premises.

6. Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority.

7. Pursuant to Chapter 386, F.S., smoking is prohibited within the school-age child care facility, all outdoor areas, during field trips, and in vehicles when being used to transport children. Owner/operators are to notify custodial parents and legal guardians, in writing that smoking is prohibited on the premises of the child care facility.

8. Design and construction of a new child care facility or modifications to an existing facility must meet the minimum requirements of the applicable local governing body.

(f) Rooms Occupied by Children.

1. An inside temperature of 65 to 82 degrees Fahrenheit must be maintained at all times.

2. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of

the daily routine.

3. Pest control shall not take place while rooms are occupied by children.

(g) Napping and Sleeping Space. For the purposes of this standard, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably as described in paragraph (3)(i), below.

(h) Toilet and Bath Facilities.

1. Each school-age child care program shall provide and maintain toilet and bath facilities that are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed, with impervious surfaces that can be easily cleaned and sanitized or disinfected.

2. For facilities having from one to fifteen children, there shall be at least one toilet and one wash basin. There shall be one additional toilet and basin for every 30 children thereafter. For design and construction of a new child care facility or modification to an existing facility, subparagraph (3)(e)8., above shall apply.

3. Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

4. Running water, soap, trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained shall be available and within reach of children using the toileting facility.

5. Each basin and toilet must be maintained in good operating condition, cleaned and sanitized or disinfected as needed, at least once per day.

(i) Indoor Floor Space.

1. A school-age child care program that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A school-age child care program that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a school-age child care program, must have a minimum of 35 square feet of usable indoor floor space for each child.

2. Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

a. The capacity, as calculated by the licensing authority for each room, must be posted in a conspicuous location within the room.

b. When common or multi-purpose areas are used for dining or occasional large group assembly activities and special events, the applicable 20 or 35 square feet requirement of usable space for each child does not apply for that period of time only; however, the facility must maintain minimum square footage per child in accordance with the requirements of the local fire authority.

4. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

5. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to usable indoor floor space as specified in paragraph (3)(i), above. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather.

(j) Outdoor Play Area.

1. There shall be a minimum of 45 square feet of usable, safe and sanitary outdoor play area per each school-age child. A minimum outside play area shall be provided for one-half of the licensed capacity.

2. Based on the outdoor square footage, the total number of children using the play area may not exceed the outdoor capacity.

3. The outdoor play area shall be clean and free from litter, nails, glass, and other hazards.

4. The outdoor play area shall provide shade.

5. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision can be provided.

6. The facility's outdoor play area shall be fenced in accordance with local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

7. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, and be free from erosion or build-up to prevent inside or outside access by children or animals.

8. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to outdoor floor space as specified above. The written request must include an explanation of why the exception is necessary as well as an alternate plan for inclusion of fine and gross motor skills opportunities. If not requesting an exemption to the outdoor play area, the school-age child care program may operate without a fence if all the following provisions are met:

- a. The children using the outdoor play area are in five year old kindergarten and grades one or above;
- b. In addition to the established staff-to-child ratios, for the purpose of safety, an additional staff member is present at all times during outdoor activities, to assist in providing direct supervision;
- c. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and
- d. The licensing authority has provided written authorization to the program to operate without a fence.

(k) Health and Sanitation.

1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

2. Employees, volunteers, and children shall wash their hands with soap and running water, dry thoroughly and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards.

(l) Equipment and Furnishings.

1. Indoor Equipment.

a. A school-age child care program shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity suitable for each child to be involved in activities.

b. Toys, equipment and furnishings must be safe and maintained in a sanitary condition, and shall be cleaned and sanitized or disinfected immediately if exposed to bodily fluids, such as saliva.

2. Outdoor Equipment.

a. A school-age child care program shall provide and maintain equipment and play activities suitable to each child's age and development.

b. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include inspections, at least every other month, of all supports above and below the ground and all connectors and moving parts. Documentation of maintenance inspections shall be maintained for one year.

c. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience, and is maintained to reduce the incidence of injuries to children in the event of falls.

d. All equipment, fences, and objects on the program's premises shall be free from sharp, broken and jagged edges, and shall be properly placed to prevent overcrowding or safety hazards in any one area.

e. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage, and shall be maintained in a safe and sanitary condition.

(m) Health Related Requirements.

1. Communicable Disease Control.

a. Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the school-age child care program suspected of having a communicable disease shall be removed from the program or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. A child's condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

- (I) Severe coughing, causing a child to become red or blue in the face or to make a whooping sound;

- (II) Difficult or rapid breathing;
- (III) Stiff neck;
- (IV) Diarrhea (more than one abnormally loose stool within a 24 hour period);
- (V) Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;
- (VI) Pink Eye;
- (VII) Exposed, open skin lesions;
- (VIII) Unusually dark urine and/or gray or white stool;
- (IX) Yellowish skin or eyes; or
- (X) Any other unusual sign or symptom of illness.

b. A child identified as having head lice shall not be permitted to return until the following day, only if treatment has occurred and has been verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred. The child care facility must treat areas, equipment, toys, and furnishings with which the child has been in contact.

c. Isolation Area. Each school-age child care program shall have a designated isolation area for a child who becomes ill while in care of the program. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot, and materials that can be cleaned and sanitized or disinfected easily. Linens shall be changed after each use and used linens shall be kept in a closed container in the isolation area until cleaned. Disposable items shall be kept in a closed container in the isolation area until thrown away. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

d. Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control and must follow the health department's direction. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in sub-subparagraphs (3)(m)1.a., above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

## 2. First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

a. Each school-age child care program must have at least one staff member with current and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures. One staff member satisfying these training requirements shall be present at all times that children are in care at the program, both on-site and on field trips. A field trip includes all activities away from the program excluding regular transportation to and from the program, i.e., pick-up and drop-off.

b. Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. CPR courses must include an on-site instructor-based skill assessments by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority. Documentation that identifies staff members have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the school-age child care program facility.

c. At least one first aid kit must be maintained on the premises of the school-age child care program at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid." The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must at a minimum include:

- (I) Soap,
- (II) Band-aids or equivalent,
- (III) Disposable non-porous gloves,
- (IV) Cotton balls or applicators,
- (V) Sterile gauze pads and rolls,
- (VI) Adhesive tape,
- (VII) Thermometer,
- (VIII) Tweezers,
- (IX) Pre-moistened wipes,
- (X) Scissors, and
- (XI) A current resource guide on first aid and CPR procedures.

### 3. Emergency Procedures and Notification.

a. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit and the address and directions to the facility, including major intersections and local landmarks, must be posted on or near all school-age child care program telephones and shall be used to protect the health, safety and well-being of any child in day care.

b. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the school-age child care program owner will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

c. All accidents and incidents which occur at a school-age child care program or while a child is in the care of program staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of program staff and custodial parent or legal guardian. The documentation must be maintained for one year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

4. Medication. School-age child care programs are not required to give medication; however, if a program chooses to do so, the following shall apply:

a. The school-age child care program must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the program personnel who gave the medication.

b. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with staff and posted with stored medication.

c. Prescription and non-prescription medication brought to the school-age child care program by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

d. In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written authorization from the parent or legal guardian to do so.

e. Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.

f. The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four months after the last day the child received the dosage.

g. All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child's reach.

h. Medication that has expired or that is no longer being dispensed shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled at the school-age child care program.

#### (n) Child Discipline.

1. Verification that the school-age child care program has provided, in writing, the disciplinary policy used by the program shall be documented on the enrollment form with the signature of the custodial parent or legal guardian.

2. All child care personnel must comply with the school-age child care program's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

3. A copy of the school-age child care program's current written disciplinary policies must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(o) Attendance. Daily attendance of children shall be taken and recorded by the school-age child care program personnel,

documenting the time when each child enters and departs a child care facility or program. The custodial parent or guardian may document the time when their child(ren) enter and depart the child care facility or program. However, child care facility personnel are responsible for ensuring that attendance records are complete and accurate. Such records shall be maintained for a minimum of four months. Attendance forms used for School Readiness may be used if applicable.

(p) Nutrition.

1. If a school-age child care program chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Pyramid, April 2005, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two and older. Using the USDA My Pyramid, breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA My Pyramid may be obtained from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov).

2. If a school-age child care program chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

3. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's file. If the parent or legal guardian notifies the school-age child care program of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

4. Meal and snack menus shall be planned, written, and posted at the beginning of each week. Any menu substitution shall be noted on the menu. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and USDA requirements.

(q) Food Preparation Area.

1. All licensed school-age child care programs approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

2. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards, specified in Chapter 64E-11, F.A.C., Food Hygiene, as it pertains to the food preparation area defined above.

(r) Food Service.

1. School-age child care programs shall provide sufficient age appropriate seating so that children are seated at tables for meals.  
 2. Children shall be supervised during all meals and snacks and offered foods appropriate for their ages.  
 3. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils and cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(s) Fire and Emergency Safety.

1. Unless statutorily exempted, all school-age child care programs shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority. If the school-age program is granted a fire inspection exemption by the local fire inspection office, the exemption must be documented and maintained on file at the program.

2. There shall be at least one corded telephone in the school-age child care program facility that is neither locked nor located at a pay station that is available to all staff during the hours of operation.

3. The child care facility must properly maintain fire extinguishers at all times.

4. The operator shall prepare and post the emergency evacuation plan in each room of the program, including a diagram of safe routes by which the personnel and children may exit in the event of fire or other emergency requiring evacuation.

5. During the facility's licensure year, fire drills shall be conducted a minimum of 10 times and be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:

a. One fire drill using an alternate evacuation routes, and

b. One drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

6. The operator shall maintain a written record of fire drills showing the date, number of children and staff in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Each record shall be maintained for a minimum of one year from the date of the fire drill.

7. When the school-age program's fire alarm is activated, all adults and children must evacuate the facility.

8. The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the child care facility during a fire, lockdown, and inclement weather (tornadoes).

9. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

10. The operator shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.

11. Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

12. After a fire or natural disaster, the operator must notify the licensing authority within 24 hours as to their operational status in order for the licensing authority to ensure health standards are being met for continued operation.

(t) Transportation. For the purpose of this section, vehicles refer to those owned, operated, or regularly used by the school-age child care program, and vehicles that provide transportation through a contract or agreement with an outside entity. Parents' personal vehicles used for transporting during field trips are excluded from meeting the requirements in subparagraph 65C-22.001(6)(a)2. and paragraphs (b) and (c), F.A.C.

1. When any vehicle is regularly used by a school-age child care program to provide transportation, the driver shall have the following:

a. A valid Florida driver's license,

b. An annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.

2. All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S.

3. All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic shall be maintained in the vehicle.

4. The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

5. Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint unless the vehicle is excluded from this requirement by Florida Statute.

6. When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio.

7. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of four months. The log shall include each child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle.

8. Prior to transporting children, the driver's log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.

9. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the children depart the vehicle;

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and

c. Record, sign, and date the driver's log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.

10. Upon arrival at the destination, a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and

b. Sign, date and record the driver's log immediately, verifying that all children were accounted for, and that the log is complete.

11. Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.

12. Planned Activities.

a. Each group or class must have a written and followed plan of scheduled activities posted in a conspicuous location accessible to parents. The written plan must meet the needs of the children being served and include scheduled activities that:

(I) Include both indoors and outdoor play, if applicable; and

(II) Include meals, snacks, and the times the children are in care.

b. Parents must be advised in advance of each field trip activity. The date, time, and location of the field trip must be posted in a conspicuous location at least two working days prior to each field trip. Written parental permission must be obtained in the form of a general permission slip. If special circumstances arise where notification of an event cannot be posted for two working days, individual permission slips must be obtained from the custodial parent or legal guardian for each child participating on the field trip. Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

(u) Record Keeping.

1. General Requirements.

a. Each of the records described in this section shall be maintained at the school-age child care program and shall be available during the hours of operation for review by the licensing authority.

b. A copy of all background screening clearance documents for the director and owner must be provided to the department to be included in the department's official licensing file.

c. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

2. Health Records. School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school-age child care program as such records are on file at the school where the child is enrolled.

3. Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Child Care Application for Enrollment, which is incorporate by reference in subsection 65C-22.006(3), F.A.C., or an equivalent form that contains all the information required by the department on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. Enrollment information shall be kept current and on file.

b. The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians.

c. There shall be signed statements from the custodial parents or legal guardian that the school-age child care program has provided them with the following information:

(I) The department's child care facility brochure, CF/PI 175-24, Know Your Child Care Facility, which is incorporate by reference in subparagraph 65C-22.006(3)(a)1., F.A.C. This brochure may be obtained from the licensing authority or by going to the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Local licensing agencies may use an equivalent brochure approved by the department.

(II) The school-age child care program's written disciplinary practices.

(III) Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the the influenza virus. To assist providers the department developed a brochure, CF/PI 175-70 , June 2009, Influenza Virus, Guide to Parents, which may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

4. Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

a. An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

b. Position and date of employment.

c. CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements, which is incorporate by reference in paragraph 65C-

22.006(4)(c), F.A.C., must be signed annually by all child care personnel.

d. Prior to beginning volunteering in a school-age program, a CF-FSP 5217, March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare), must be completed and on file at the facility for the volunteer.

e. Initial Screening. Screening information must be documented on CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(d), F.A.C., screening includes the following:

(I) Level 2 screening as defined in section 435.04., which includes at a minimum, FBI, FDLE, and local law enforcement records checks.

(II) An employment history check must include the previous two years, which shall include the applicant's job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file and include date, time, and the reason the information was not obtained.

(III) CF Form 1649A, January 2007, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. CF Form 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

f. Re-Screening. A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted.

(I) The five year re-screen is required for the all child care personnel.

(II) The five year re-screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement (FDLE) and a local criminal records check.

(III) CF 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. A copy of the CF 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(IV) A copy of all background screening clearance documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate local licensing agency requirements.

g. Break In Employment. Child care personnel must be re-screened following a break in employment in the child care industry as outlined in sub-subparagraph (3)(u)4.e. above that exceeds 90 days.

h. Leave of Absence. If child care personnel take a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five year re-screen has come due during the leave of absence.

i. Copies of training information and credentials as described in subsection 65C-22.008(4), below.

j. Driver's license and driver physical examination documentation. A copy of the driver's license and the physician certification or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

5. Summary of Records. In addition to the documentation outlined in subparagraphs (3)(u)1., 2. and 3., above, the following is a list of records that shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority.

a. Driver's log. Must be retained for the previous four months as referenced in subparagraph (3)(t)7., above.

b. Facility's written disciplinary policies as referenced in subparagraph (3)(n)3., above.

c. Written record of fire drills. Must be maintained for a minimum of one year as referenced in subparagraph (3)(s)4., above.

d. Documentation of staff members who have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement as referenced in sub-subparagraph (3)(m)2.b., above.

e. Posted emergency telephone numbers, the facility address and directions to the facility as referenced in sub-subparagraph (3)(m)3.a., above.

f. Documentation of accidents/incidents. Must be maintained for one year as referenced in sub-subparagraph (3)(m)3.c., above.

g. Emergency evacuation plan and preparedness plan as referenced in subparagraph (3)(s)9., above. Documentation must be maintained for one year from the date of each drill.

h. Record for each child receiving medication. Must be maintained for a minimum of four months after the last day the child received the dosage as referenced in sub-subparagraph (3)(m)4.f., above.

i. Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in subparagraph (3)(p)3., above.

j. Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in subparagraph (3)(p)3., above.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for four months as referenced in subparagraph (3)(p)4., F.A.C.

(4) School-Age Child Care Personnel Training Requirements.

(a) Definitions.

1. "Active" is the status of a candidate's awarded credential or certification signifying requirements have been successfully met.

2. "Before-School and After-School site" refers to a program, regardless of location, that provides child care for children who are at least five years old, are enrolled in and attend a kindergarten program, or grades one and above during a school district's calendar year. This is limited to programs that provide care only before and after the recognized hours of a district's school day and on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

3. "Begin training for child care personnel" refers to a candidate's commencement of at least one of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida school-age child care program. The child care facility is responsible for obtaining documentation from child care personnel.

4. "Continuing Education Unit (CEU)" is a standard unit of measure of coursework used for training and credential purposes. The department will accept CEUs from education institutions accredited and recognized by the U.S. Department of Education, or nationally affiliated state professional organizations.

5. "Director" means "operator" as defined in Section 402.302(11), F.S., is the on-site administrator or individual who has the primary responsibility for the day-to-day operation, supervision and administration of a child care facility.

6. "Director Credential" is a department-approved comprehensive credential that consists of educational and experiential requirements as referenced-in paragraph (4)(i), below.

7. "Foster Grandparents" are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department's training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions."

8. "High School Diploma, GED and/or College Degree" means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

9. "Inactive" refers to the status of a candidate's awarded credential or certification that is no longer active; however, remains eligible for renewal.

10. "Professional contribution," for the purpose of Director Credential renewal, demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.

11. "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training Transcripts may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

12. "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

13. "Year of experience" is equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.

(b) Child care personnel must begin training within 90 days of employment and successfully complete the department's training

within 12 months from the date training begins. Training completion may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care facility.

(c) Child care personnel must successfully complete 40 hours of child care training by completing the following department's training as evidenced by successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better. School-age child care personnel must complete:

1. Child Care Facility Rules and Regulation;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse and Neglect; and
4. School Age-Appropriate Practices.
5. The remaining hours must be met by completing any combination of training identified in sub-subparagraphs a. and b. below.
  - a. Successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better for any of the following courses:
    - (I) Child Growth and Development (6 or 10 hours),
    - (II) Behavioral Observation and Screening (6 or 10 hours),
    - (III) Infant and Toddler Appropriate Practices (10 hours),
    - (IV) Preschool Appropriate Practices (10 hours),
    - (V) Special Needs Appropriate Practices (10 hours),
    - (VI) Basic Guidance and Discipline (5 hours online),
    - (VII) Early Literacy for Children Ages Birth Through Three (5 hours online),
    - (VIII) Early Childhood Computer Learning Centers (5 hours online),
    - (IX) Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or
  - b. Completion of specialized school-age training, provided by the department, a national organization or affiliates of a national organization, that requires demonstration of competencies through passage of examination(s), or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).
6. School-age child care personnel in compliance with paragraph 65C-22.003(2)(a), F.A.C., shall be considered in compliance with the school-age child care personnel training requirements.
7. Child care personnel who left the child care industry in compliance with training requirements, upon returning, shall be granted 90 days to comply with any new mandated training requirements. Completion of such training may be counted toward the annual in-service training requirement.
8. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.
9. Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.

(d) Documentation of Training. Effective October 1, 2010, the department's Training Transcript will be the only acceptable verification of successful completion of the department's training. Training completion documented on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous versions. Form CF-FSP 5267 is provided to participants upon completion of a department approved training course. A copy of the department's Training Transcript may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

1. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript must be maintained at the school-age child care program.
2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript for the director of a school-age child care program must be maintained in the department's licensing file.
3. Training documented on CF-FSP Form 5267 that is not included on the Training Transcript must be sent to the department or designated representative prior to October 1, 2010, to be documented on the individual's Training Transcript.
4. As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid, requiring that the course(s) be retaken. Until the coursework is retaken and completed, child care facilities will be out of compliance with the mandated training standard.

(e) School-age child care personnel are exempt from the training requirement of five clock-hour early literacy and language

development of children from birth to five years of age, under paragraph 65C-22.003(2)(b), F.A.C.

(f) School-age child care programs are exempt from the staff credential requirement as outlined in subsection 65C-22.003(7), F.A.C.

(g) Exemptions from the Introductory Child Care Training.

1. Competency Examination Exemptions. Child care personnel have one opportunity, if they choose, to exempt from one or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. Exemption examinations are not available for the department's online Part II specialized training courses.

2. Educational Exemptions.

a. The department or its designated representative shall exempt child care personnel from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one of the following educational qualifications:

(I) Associate's degree or higher with six college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

(II) An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).

b. The department or its designated representative shall exempt child care personnel with a Bachelor's degree or higher in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

c. The department or its designated representative shall exempt child care personnel with a Bachelor's degree or higher in Elementary Education from the School Age Appropriate Practices course.

d. The department or its designated representative shall exempt child care personnel with a Bachelor's degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.

e. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses or from the department's online training courses.

(h) Annual In-Service Training.

1. All child care facility personnel must complete a minimum of 10 clock-hours or one CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

2. The annual 10 clock-hours or one CEU of in-service training concentrating on children ages birth through 12 must be completed in one or more of the following areas (college level courses will be accepted):

a. Health and safety, including universal precautions;

b. Child CPR;

c. First Aid (may only be taken to meet the in-service requirement once every three years);

d. Nutrition;

e. Child development – typical and atypical;

f. Child transportation and safety;

g. Behavior management;

h. Working with families;

i. Design and use of child oriented space;

j. Community, health and social service resources;

k. Child abuse;

l. Child care for multilingual children;

m. Working with children with disabilities in child care;

n. Safety in outdoor play;

o. Literacy;

p. Guidance and discipline;

q. Computer technology;

r. Leadership development/program management and staff supervision;

s. Age appropriate lesson planning;

- t. Homework assistance for school-age care;
- u. Developing special interest centers/spaces and environments; or
- v. Other course areas relating to child care or child care management.

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, which is incorporated by referenced in paragraph 65C-22.003(6)(c), F.A.C., and included in the child care facilities' personnel records. CF-FSP Form 5268 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the school-age child care program for review by the licensing authority.

4. Mandated 40-clock-hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.

5. All child care personnel continuously employed or hired between July 1 and June 1 of the state's fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.

6. Child care personnel continuously employed or hired between July 1 and June 1 of the state's fiscal year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

(i) Director Credential.

1. Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., a child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application which is incorporated by reference in paragraph 65C-22.003(8)(a), F.A.C. Application. CF-FSP Form 5290 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). All applications and documentation will be verified, and if complete, the credential will be issued by the department or designated representative on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, which is incorporated by reference in paragraph 65C-22.003(8)(a), F.A.C.

a. An individual may not be the director of child care facilities that overlap in the hours of operation.

b. Each school-age child care program must have a credentialed director that is on-site a majority of hours that the facility is in operation.

c. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

d. School-age child care program owners must notify the licensing authority within five working days of when the facility loses a credentialed director or when there is a change of director.

(I) The licensing authority will then issue a provisional license for a period not to exceed six months for any facility without a credentialed director.

(II) The provisional license will have an effective date of the first day the facility was without a credentialed director.

e. CF-FSP Form 5252, Florida Director Credential Certificate, must be maintained at the school-age child care program for review by the licensing authority.

2. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included four year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts that serve four year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(7)(a), F.A.C., in order to accommodate the four year-old children.

d. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:

(I) Be at least 21 years of age;

(II) Have completed the approved 40 clock-hour Introductory Child Care Training approved by the department; and

(III) Have completed the department's Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight hours of in-service training in serving children with disabilities; or

(IV) Have completed the department's School-Age Appropriate Practices specialized training module.

### 3. Director Credential Renewal.

a. To maintain an active Director Credential at either level, complete the renewal section of the CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application which may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

b. A Director Credential renewal, as documented on CF-FSP Form 5252, Florida Director Credential Certificate is active for five years from the date of issuance. The completed renewal application, including all required documentation, may be submitted to the department for review, and issuance of a Director Credential Renewal Certificate no earlier than one year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

c. If a renewal application is received after the end of the active period for the Director Credential, the Director Credential Renewal Application will be reviewed and, if approved, a certificate will be issued with a renewal date of five years from the date the completed renewal application was processed.

### 4. Director Credential Training Providers.

a. The department is responsible for reviewing and approving "Overview of Child Care Management" courses offered through vocational-technical schools, community colleges and universities to determine if the requirements for the Director Credential coursework are met. Applications for new coursework will no longer be accepted by the department. A list of approved "Overview of Child Care Management" courses may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

b. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

(I) Child Care and Education Organizational Leadership and Management;

(II) Child Care and Education Financial and Legal Issues; and

(III) Child Care and Education Programming.

### 402.3025 Public and nonpublic schools.

For the purposes of ss. 402.301-402.319, the following shall apply:

#### (1) PUBLIC SCHOOLS.--

(a) The following programs for children shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319:

1. Programs for children in 5-year-old kindergarten and grades one or above.
2. Programs for children who are at least 3 years of age, but who are under 5 years of age, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.
3. Programs for children under 3 years of age who are eligible for participation in the programs under the existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.

(b) The following programs for children shall be deemed to be child care and shall be subject to the provisions of ss. 402.301-402.319:

1. Programs for children who are under 5 years of age when the programs are not operated and staffed directly by the schools.
2. Programs for children under 3 years of age who are not eligible for participation in the programs under existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457.

(c) The State Board of Education shall adopt rules to implement this subsection, including standards for programs in subparagraphs (a)2. and 3., which recognize the vulnerability of children under 5 years of age and make special provisions to ensure their health and safety. Such rules shall include, but not be limited to, facilities, personnel staffing and qualifications, transportation, and health and safety practices. In preparing such rules, the Commissioner of Education shall review the standards already existing in the state and the recommendations of appropriate professional and accreditation agencies.

(d) The monitoring and enforcement of compliance with age-appropriate standards established by rule of the State Board of Education shall be the responsibility of the Department of Education.

#### (2) NONPUBLIC SCHOOLS.--

(a) Programs for children under 3 years of age shall be deemed to be child care and subject to the provisions of ss. 402.301-402.319.

(b) Programs for children in 5-year-old kindergarten and grades one or above shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319.

(c) Programs for children who are at least 3 years of age, but under 5 years of age, shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319 relating to child care facilities, provided the programs in the schools are operated and staffed

directly by the schools, provided a majority of the children enrolled in the schools are 5 years of age or older, and provided there is compliance with the screening requirements for personnel pursuant to s. 402.305 or s. 402.3057. A nonpublic school may designate certain programs as child care, in which case these programs shall be subject to the provisions of ss. 402.301-402.319.

(d)

1. Programs for children who are at least 3 years of age, but under 5 years of age, which are not licensed under ss. 402.301-402.319 shall substantially comply with the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.

2. The department or local licensing agency shall enforce compliance with such standards, where possible, to eliminate or minimize duplicative inspections or visits by staff enforcing the minimum child care standards and staff enforcing other standards under the jurisdiction of the department.

3. The department or local licensing agency may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

a. To protect the health, sanitation, safety, and well-being of all children under care.

b. To enforce its rules and regulations.

c. To use corrective action plans, whenever possible, to attain compliance prior to the use of more restrictive enforcement measures.

d. To make application for injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of ss. 402.301-402.319. Any violation of this section or of the standards applied under ss. 402.305-402.3057 which threatens harm to any child in the school's programs for children who are at least 3 years of age, but are under 5 years of age, or repeated violations of this section or the standards under ss. 402.305-402.3057, shall be grounds to seek an injunction to close a program in a school.

e. To impose an administrative fine, not to exceed \$100, for each violation of the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.

4. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

a. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or

b. Use information from the criminal records obtained under s. 402.305 or s. 402.3055 for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections.

5. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under s. 402.305 or s. 402.3055 for any purpose other than screening for employment as specified in those sections or to release information from such records to any other person for any purpose other than screening for employment as specified in those sections.

(e) The department and the nonpublic school accrediting agencies are encouraged to develop agreements to facilitate the enforcement of the minimum child care standards as they relate to the schools which the agencies accredit.

(3) INSPECTION FEE.--The department shall establish by rule a fee for inspection activities performed pursuant to this section, in an amount sufficient to cover costs. However, the amount of such fee for the inspection of a school shall not exceed the fee imposed for child care licensure pursuant to s. 402.315.

History.--s. 3, ch. 88-391; s. 1, ch. 89-296; s. 35, ch. 90-347; ss. 1, 2, ch. 93-115; s. 94, ch. 2000-349.

#### **402.3054 Child enrichment service providers.**

(1) For the purposes of this section, "child enrichment service provider" means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children during a specific time that is not part of the regular program in a child care facility.

(2) The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the child care facility. A child enrichment service provider receives compensation from the child's parent or from the child care facility and shall not be considered a volunteer or child care personnel.

(3) A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a child care facility. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel.

History.--s. 18, ch. 2000-253; s. 59, ch. 2004-267.

#### **402.316 Exemptions.**

(1) The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.

(2) Any county or city with state or local child care licensing programs in existence on July 1, 1974, will continue to license the child care facilities as covered by such programs,

notwithstanding the provisions of subsection (1), until and unless the licensing agency makes a determination to exempt them.

(3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

History.--s. 16, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 14, ch. 84-551; s. 31, ch. 85-54; ss. 1, 2, ch. 93-115.

## Child Care Facility Standards Classification Summary

### Classes I & II

#### Florida Statute and Administrative Code Section

<b>Specific Child Care Licensing Standard</b>	
Class Violation Level	Description of the Licensing Standard Violation

#### General Requirements ss. 402.3125, 402.318, F.S.

<b>Licensed Capacity ss. 402.305(6), rule 65C-22.001(2) &amp; 65C-22.002(3)(f) &amp; (g), F.A.C.</b>	
2	The facility is licensed to serve [ ] children. A total of [ ] children were counted at the center and/or were on a field trip.
2	The facility failed to maintain the required 20 or 35 sq. ft. per child in areas occupied by children.
2	The facility failed to post the room capacity in each room of the facility.

<b>Minimum Age Requirements ss. 402.305(2)(c), F. S. &amp; rule 65C-22.001(3), F.A.C.</b>	
2	A person under the age of 16 years was employed at the facility and not directly supervised.

<b>Ratio Sufficient rule 65C-22.001(4)(a)(b) &amp; 402.305(4), F.A.C</b>	
2	A ratio of [ ] staff for [ ] children is required. There were [ ] staff for [ ] children observed.

<b>Supervision rule 65C-22.001(5)(a)-(d), 65C-22.001(6)(f), 65C-22.002(4)(c)2. &amp; 65C-22.007(2), F.A.C.</b>	
2	Direct supervision of children in the [ ] group was inadequate in the [ ].
2	Staff were not within sight and hearing of all the children during nap time.
2	There were insufficient personnel readily accessible to meet ratio requirements during nap time.
2	Children in the outdoor play area were not adequately supervised in the [ ].
1	A child was unknowingly left behind in a vehicle, at the facility or on a field trip.

1	A child was not adequately supervised and left the facility premises without the knowledge or awareness of staff.
2	In addition to the staff required to meet staff-to-child ratios, an additional adult was not present during a field trip.
1	The operator, employee or substitute was observed supervising children while under the influence of narcotics, alcohol or other drugs that impair the individual's ability to provide safe child care.
1	The facility provided a water activity using a swimming pool that exceeds three feet in depth or a beach or lake area and did not have a person with a certified lifeguard certification or equivalent present.
2	The individual(s) responsible for children on a field trip did not have a telephone or other means of instant communication available.
2	During evening child care hours, staff did not stay awake at all times.
1	An unscreened individual was left alone to supervise children in care.
1	One or more children were not adequately supervised in that [ ], which posed an imminent threat to a child, or could or did result in death or serious harm to the health, safety or well-being of a child.
2	One or more children were not adequately supervised in that [ ], which was anticipated as posing a threat to the health, safety or well-being of a child, but the threat was not imminent.

**Drivers License, Physician Certification & First Aid/CPR Training rule 65C-22.001(6)(a), 65C-22.002(6)(a)1., 65C-22.006(4)(g), F.A.C.**

2	The facility's driver did not have documentation of a valid Florida driver's license
2	The facility's driver did not have a certificate of course completion for first aid and/or infant and child CPR.
2	The facility's driver did not have the appropriate driver's license endorsement.
2	The facility failed to obtain the proper documentation for driver's endorsement.

**Vehicle Insurance and Inspection rule 65C-22.001(6)(b)(c) & 402.305(10), F.A.C.**

2	The operator did not have the required insurance coverage on all vehicles used to transport children in care.
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**Seat Belts/Child Restraints rule 65C-22.001(6)(d)(e), F.A.C.**

1	The vehicle had seat belts and/or safety restraints for [ ] children and [ ] children were transported at one time.
1	The facility's use of seat belts was not age appropriate for children being transported who required safety restraints.
1	The number of children transported exceeded the manufacturer's designated seating capacity.

<b>Transportation rule 65C-22.001(6)(f),(g), F.A.C.</b>	
2	The facility did not have evidence that a log was maintained for all children transported.
2	Upon arrival at the destination, it was determined that the driver of the vehicle failed to mark each child off the log as children departed the vehicle.
2	The driver of the vehicle failed to drop the child off at the appropriate location.
1	The driver of the vehicle failed to drop the child off at the appropriate location resulting in serious harm to health, safety or well-being of a child.
2	Upon arrival at the destination, the driver of the vehicle and second adult failed to conduct a physical inspection and visual sweep of the vehicle to ensure that no child was left in the vehicle.
1	A child was left unattended in the vehicle without staff awareness when returning from a field trip.
2	The required staff-to-child ratios were not maintained when transporting children.
2	Emergency care plans, supplies, and/or medication was not available for children being transported with chronic medical conditions.

<b>Child Discipline rule 65C-22.011(8)(a)(b), F.A.C. &amp; 402.305(12), F.S.</b>	
2	A staff member did not comply with the facility's written discipline policy.
1	A method of discipline was used at the facility that was severe, humiliating or frightening to children in that [ ].
2	The facility's discipline practices included the use of spanking or other form of physical punishment.
1	A form of discipline used by staff was associated with food, rest and/or toileting.

## **Physical Environment 65C-22.002, F.A.C.**

<b>Facility Environment rule 65C-22.002(1)(a)(b) &amp; (7)(e)(f), F.A.C.</b>	
2	An area of the facility was observed to be a serious health hazard to children in care.
2	An area of the facility was observed to be a serious safety hazard to children in care.
2	During the facility's operating hours, an activity occurred which endangered the health and/or safety of children in care.
2	Furnishings, equipment or plumbing were not clean and maintained in good repair, which pose a threat to the health, safety or well-being of the children in care.
2	Fire hazard, such as [ ], was observed in the facility.

<b>Toxic Substances and Hazardous Materials rule 65C-22.002(1)(d)(f)(g) and (i), F.A.C.</b>	
2	A toxic substance was accessible to children.
2	A hazardous material was accessible to children.
2	A flammable product was accessible to children.
2	A cleaning supply was accessible to children.
2	Smoking was observed in the facility, outdoor area, during a field trip or in a vehicle used to transport children, while children were in care.
1	A firearm or weapon was observed on the premises.

<b>Supplies Labeled/Stored rule 65C-22.002(1)(f), F.A.C.</b>	
2	A potentially harmful item, [ ], was not labeled as required.
2	Harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials were accessible to children in care.
2	The storage of potentially harmful items such as knives and/or sharp tools allowed access by children in care.
2	Knives and/or sharp tools were accessible to children in care

<b>Indoor Floor Space ss.402-305(6)F.S., rule 65C-22.002(3)(a)-(e) and (g), &amp; rule 65C-22.007(3)(a), F.A.C.</b>	
2	The facility that held a valid license on October 1, 1992, did not have 20 square feet of usable floor space per child for the number of children observed in care. The facility had a capacity of [ ] based on 20 square feet per child, and [ ] children were observed in care.
2	The facility did not have 35 square feet of usable floor space per child for the number of children observed in care. The facility had a capacity of [ ] based on 35 square feet and [ ] children were observed in care.
2	The facility did not have the required usable floor space available per child in the [ ] room/area.

<b>Outdoor Area/Square Footage ss.402.305(6), F.S. &amp; rule 65C-22.002(4)(a)(b), F.A.C.</b>	
2	The facility's outdoor space calculated at 45 square feet per child allows [ ] children to use the space at one time and [ ] children were observed using the space.

<b>Outdoor Play Area rule 65C-22.002(4)(c) and (h), F.A.C.</b>	
2	The facility's outdoor play area was observed to pose a threat to the health, safety or well-being of the children due to the presence of hazardous items.

<b>Fencing rule 65C-22.002(4)(d)(e), F.A.C.</b>	
2	The facility's outdoor play area was not fenced to prevent children's access to a water hazard.

1	The facility's outdoor play area was not fenced to prevent children's access to a water hazard
2	The facility's outdoor play space was not enclosed with fencing or walls a minimum of 4 feet in height.
2	The facility's fencing walls or gate area had gaps that could allow children to exit the outdoor play area.

**Individual Bedding rule 65C-22.002(5)(a)(c), 65C-22.002(8)(c) & rule 65C-22.008(3)(g), F.A.C.**

2	The bedding available was not safe and poses a threat to the health, safety or well-being of a child in care.
2	The bedding available was not sanitary and poses a threat to the health, safety or well-being of a child in care.

**Nap/Sleep Space Requirements rule 65C-22.002(5)(b), F.A.C.**

2	The nap/sleep space was under furniture or against furniture that created a hazard.
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**Exit Area Clear rule 65C-22.002(5)(b)2., F.A.C.**

2	Exit areas were blocked off and inaccessible in an emergency.
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**Crib Requirements rule 65C-22.002(5)(c)(d), F.A.C.**

2	The facility used cribs that did not meet federal guidelines as the bar spacings exceeded the maximum two and three-eighths inches.
2	An infant was observed in a crib with the crib sides down.
2	A napping or sleeping infant that is not capable of rolling over on their own was observed not positioned on their back and on a firm surface.

**Toilets and Basins rule 65C-22.002(6)(a)(b)1(c) & (g), F.A.C.**

2	The facility did not adequately keep the toilet and bath facilities used by the children clean and sanitized or disinfected posing a threat to the health, safety or well-being of the children.
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**Potty Chairs rule 65C-22.002(6)(b)2, F.A.C.**

2	The cleaning and sanitizing of potty chairs did not take place between use by different children posing a threat to the health, safety or well-being of the children.
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**Bath Facilities and Supervision rule 65C-22.002(6)(d)(e), F.A.C.**

2	Children did not receive adequate supervision while toileting or bathing.
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<b>Operable Phone rule 65C-22.002(7)(b), F.A.C.</b>	
2	The facility staff did not have a working corded telephone within the building in the event of a power outage.

<b>Fire Drills &amp; Emergency Preparedness rule 65C-22.002(7) &amp; rule 65C-22.006(5)(e), F.A.C.</b>	
2	Fire drills were not conducted and/or did not include one drill during napping/sleeping times, one drill using alternate evacuation routes, or one in the presence of the licensing authority.
2	The facility operator did not have a current fire safety inspection by the local fire authority.
2	All adults and children failed to evacuate the facility when the fire alarm was activated.
2	The facility operator/staff failed to possess a current attendance record during a fire drill, emergency preparedness drill or an actual emergency.
2	The operator failed to conduct emergency preparedness drills.

<b>Proper Handwashing rule 65C-22.002(8)(a)2 &amp; 4,(b)1, F.A.C.</b>	
2	A staff member was observed to not wash their hands appropriately after assisting a child with toileting.
2	A staff member was observed to not wash their hands appropriately after assisting a child with diapering.

<b>Drinking Water Available rule 65C-22.002(8)(a)3, F.A.C.</b>	
2	Drinking water available to children was not safe in that [ ].
2	Drinking water was not available to all children.

<b>Sanitary Diapering rule 65C-22.002(8)(b)1-8, F.A.C.</b>	
2	Children were left unattended while being diapered or when changing clothes.

<b>Diaper Disposal rule 65C-22.002(8)(b)8., F.A.C.</b>	
2	The container for storage of soiled disposable diapers was accessible to children.
2	Soiled cloth diapers were not placed in a securely covered container that was inaccessible to children.

<b>Indoor Equipment rule 65C-22.002(9)(a), F.A.C.</b>	
2	Toys, equipment and/or furnishings were not safe and pose a threat to the health, safety or well-being of the children in care.

<b>Outdoor Equipment rule 65C-22.002(9)(b), F.A.C.</b>	
2	The play equipment was not safe for the children to use in that [ ].
2	A resilient surface was not provided beneath and within the fall zone for [ ].
2	Sharp, broken and/or jagged edges were observed on the [ ] that pose a threat to the health, safety or well-being of the children in the play area.

### Training 65C-22.003

<b>Credentialed Staff rule 65C-22.003(7) &amp; rule 65C-22.003(8), F.A.C.</b>	
2	All owners or operators responsible for the daily operation of the program must have a Director Credential. This standard is not currently met due to [ ].

### Health Requirements Rule 65-22.004, F.A.C.

<b>Communicable Disease Control rule 65C-22.004(1), F.A.C.</b>	
2	A child placed in the isolation area was not within sight and hearing of a staff person.
2	A child identified as having head lice was permitted to return to the facility before treatment had occurred.

<b>First Aid Requirements rule 65C-22.004(2)(a)-(c), F.A.C.</b>	
2	The facility did not have at least one staff member with a current and valid certificate of course completion for first aid training.
2	The facility did not have at least one staff member with a current and valid certificate of course completion for first aid training present at all times that children are in care.
2	The facility did not have an adequate number of staff appropriately trained in first aid to maintain coverage both on-site and on field trips.
2	The facility did not have a first aid kit available on the premises at all times.

<b>CPR Requirements rule 65C-22.004(2)(a)(b), F.A.C.</b>	
2	The facility did not have at least one staff member with a current and valid certificate of course completion for infant and child cardiopulmonary resuscitation (CPR).
2	The facility did not have at least one staff member with current and valid infant and cardiopulmonary resuscitation present during all hours of operation.
2	The facility had an inadequate number of staff appropriately trained in CPR to maintain coverage of both on-site and on field trips.

2	The online CPR training did not include an on-site instructor-based skills assessment and is invalid for the individual.
---	--

<b>Accident/Incident Notification and Documentation rule 65C-22.004(2)(d)2-3, F.A.C.</b>	
2	The facility failed to immediately notify the child's custodial parents or legal guardians of a serious illness, accident, injury or emergency to their child.
2	The facility failed to provide a copy of the accident or incident form to the individual authorized to pick up the child on the date of occurrence.

<b>Medication rule 65C-22.004(3), F.A.C.</b>	
1	Written instructions for dispensing medication, [ ], were not followed in that [ ].
2	Medication was not stored in either a locked area or must be inaccessible and out of a child's reach.
2	A prescription or non-prescription medication, specifically [ ], was dispensed without written authorization from the custodial parent or legal guardian.
2	A non-prescription medication, specifically [ ], was dispensed and the custodial parent or legal guardian was not notified on the day it occurred.
1	A child was given the wrong medication in that [ ].

### **Food and Nutrition Rule 65C-22.005, F.A.C.**

<b>Meals and Snacks rule 65C-22.005(1)(a)(b)(c)(d), F.A.C.</b>	
2	A child was given [ ] after the facility was notified of a food allergy by the custodial parent or legal guardian.

<b>Bottles Sanitary and Labeled rule 65C-22.005(3)(c)(d)(e), F.A.C.</b>	
2	Heated foods or bottles were not tested before feeding

### **Record Keeping Rule 65C-22.006, F.A.C.**

<b>Background Screening Documents ss. 402.3054(3), 435.04(1), &amp; 435.05(1)(a)(c) F.S., &amp; rule 65C-22.006(4), F.A.C.</b>	
2	Documentation of Level 2 screening was missing for staff
2	A fingerprint card for the purpose of conducting state/federal criminal records check was not on file for the employees.

2	A CF-FSP Form 5131, Background Screening and Personnel File Requirements, was not on file for the employees.
2	The fingerprint card had been completed but was never submitted to FDLE for the employees.
2	Verification of employment history for the past 2 years was not on file for the employees.
2	Background screening was not completed every five years after the initial screening for the individuals.
2	The personnel record for the individual indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment.
1	The personnel record for the individual indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment and the owner/operator failed to take appropriate action
2	The child enrichment provider was missing level 2 screening.
2	The child enrichment provider did not meet the screening requirements prior to providing services.

### Enforcement 65C-22.001(11)

<b>Access/Child Abuse or Neglect/Misrepresentation ss. 402.319, F.S. &amp; rule 65C-22.001(9), (11), F.A.C</b>	
1	The owner, operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes.
1	As a mandated reported, the owner, operator, employee or substitute failed to report suspected child abuse or neglect as required in section 39.201, Florida Statutes.
2	The owner, operator, employee or substitute failed to grant access to the child care facility during the hours of operation to the licensing authority or parent/legal guardian.
1	Child care personnel misrepresented information, impersonated, or provided fraudulent information related to the child care facility to a parent/guardian, licensing authority, or law enforcement.

## Provider Type Definitions

### **402.316 Religious Exemptions.--**

**(1)** The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.

**(2)** Any county or city with state or local child care licensing programs in existence on July 1, 1974, will continue to license the child care facilities as covered by such programs, notwithstanding the provisions of subsection (1), until and unless the licensing agency makes a determination to exempt them.

**(3)** Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

**Informal Providers:** unregulated care that includes relative care and care in the child's own home.

**School Age Care: 65C-22.008:** School-Age Child" means a child who is at least five years of age by September 1st of the beginning of the school year and who attends kindergarten through grade five.

"School-Age Child Care Program" means any licensed child care facility serving school-aged children as defined above or any before and after school programs that are licensed as a child care facility defined in Section 402.302, F.S., and serve only school-aged children.

**Child Enrichment Providers: 402.3054:** For the purposes of this section, "child enrichment service provider" means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children during a specific time that is not part of the regular program in a child care facility.

**(2)** The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the

regular program of the child care facility. A child enrichment service provider receives compensation from the child's parent or from the child care facility and shall not be considered a volunteer or child care personnel.

**(3)** A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a child care facility. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel.

sun-sentinel.com/news/palm-beach/fl-felons-homeless-kids-20101114,0,1905237.story

## South Florida Sun-Sentinel.com

### Sex offender, felons have operated summer camps for poor children

#### Background checks are not required

By Michael LaForgia, The Palm Beach Post

10:55 AM EST, November 15, 2010

[Palm Beach County](#) paid a convicted child molester and other people with criminal records nearly half a million dollars to run summer camps for homeless and foster children during the past three years.

More than 10 years before his camp opened, one operator pleaded guilty to 10 counts of attempted sexual battery on a 6-year-old girl. Another was convicted of fraud in 2005 for cheating women out of thousands of dollars.

Both ran companies that received tax dollars to watch over poor children. None was required, or even asked, to pass background checks, a Palm Beach Post investigation has found.

Every summer, the [Palm Beach County](#) Division of Human Services hands out about \$1.2 million to subsidize camp tuition for the county's poorest children. Parents or guardians selected for the scholarship program choose from a list of camps compiled by a county employee. This past summer, the flagging economy led more people than ever to apply for slots in the summer programs.

The Post screened the 101 private summer camp companies most recently approved to receive county scholarship money, examining corporate filings, criminal and civil court documents, police reports and jail records, and found:

Roughly one in eight companies was run by at least one person with a criminal conviction or arrest history. One camp operator was convicted of nearly two dozen felonies during a 28-year stretch.

Since 2007, 617 homeless, foster or disadvantaged children have attended camps run by people with criminal records. During that period, the county paid these camps \$473,059.50, or about \$767 per child, in tax dollars, grants and contributions.

Day-to-day responsibility for administering the scholarships falls to a single county employee who spends part of her time on the program. She ensures camps meet basic requirements, such as providing access to bathrooms and drinking water, but stops far short of screening camp operators' backgrounds.

No state agency runs background checks on camp operators because laws meant to protect the vulnerable don't apply to children in summer camps. Although the Department of Children & Families

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screens owners and operators of day-care centers and other child-care providers, an exemption in Florida statutes effectively allows anyone, even a registered sex offender, to open a summer camp and gain unsupervised access to children.

Presented with this information, county officials disagreed with some of the findings. They also revised specific explanations of how they monitor camp locations and operators.

Claudia Tuck, director of the county's human services division, initially claimed, incorrectly, that a law that took effect this year would allow the DCF to run checks on camp owners and operators who previously weren't subject to screening. In fact, the law strengthened provisions that had been in place at least since 1999.

Tuck, who said her office has advocated stricter state background screening rules "for several years," said camp operators stated on their applications that they had completed background checks and suggested that small camps' corporate officers weren't necessarily coming into contact with children.

Asked for lists of camp employees who interacted with children, Tuck couldn't provide them. The reason: No one is tasked with keeping track of who's caring for children in summer camps.

[Palm Beach County](#) Commissioner Priscilla Taylor, whose district is home to many camp locations, said the situation demanded action. "I think it's something that the county needs to address," Taylor said. "I feel that those kids deserve the same as any other children in the county."

State lawmakers said The Post had identified a major problem and vowed to act during the coming regular legislative session.

"One of the primary responsibilities of government is to guard the safety and welfare of our most vulnerable citizens, and who's more vulnerable than children away from home with strangers?" said state Rep. William Snyder, R-Stuart, vice chairman of the House Committee on Homeland Security and Public Safety. "We owe it to them to make that environment as safe as humanly possible."

[Palm Beach County](#)'s Community Action Program started the summer camp scholarship fund in 1995, as a way of sweetening the summer days of the county's poorest children. The county's Division of Human Services took over administering the fund in August 2006. The program has grown to include more than 150 camps with spots for about 2,550 children.

Parents or guardians are eligible to apply for scholarships only if they're among the most impoverished in [Palm Beach County](#). To qualify this past summer, families of four could earn no more than \$27,562.50 a year. Special preference goes to homeless and foster children. This past summer, 3,400 people applied.

The bulk of funding for the camp scholarships comes from county taxpayers. Last year, county commissioners chipped in \$461,700. The [Palm Beach County](#) Children's Services Council, a special taxing district, contributed \$520,000. The rest came from grants and private donations, which usually amount to about \$12,000 annually.

Fifty-three organizations approved to run camps this year included the county itself, municipalities, after-school programs and well-known nonprofit organizations such as Catholic Charities or Boys and Girls Clubs. Tuck said the majority of scholarship recipients choose these camps. The remaining 101 camp providers were small, private companies. "We make sure that we have camps out there that parents can select from that are high quality," said Maria Watson, the county employee who administers the scholarship fund.

Before he was convicted of trying to rape a 6-year-old girl, Ronnie Green enjoyed the trust of her mother and was left alone with the girl.

Prosecutors filed 15 charges of capital sexual battery of a child. Green pleaded guilty in January 1994 to 10 counts of attempted sexual battery of a child younger than 12.

After he was convicted and locked away for more than four years, Green found God and got out of prison, he wrote in a letter to a circuit judge in Miami-Dade County. He became a pastor in West Palm Beach and now preaches in a shopping center church at 4047 Okeechobee Blvd.

When [Palm Beach County](#) readied to dole out payments this year to a new group of summer camp operators, Green's church, J.I.T.A. Outreach Ministries, got in line.

On a form dated November 2009, a church representative, Ushae Lewis, wrote that six full-time church employees were ready to watch over as many as 100 children ages 5 to 16. Corporate records list six people as officers and directors of the church. One of them — the president — is Green. The county approved the camp and added it to its provider list.

Parents or guardians of 15 children sent their kids to Green's church this past summer. The county paid Green's company \$12,000 to run the camp, called the Nu-Attitude Development Center.

Reached by telephone, Lewis declined to talk about the church camp. She described herself as an independent consultant hired by the church and said she has since moved to another organization. "I'm not affiliated with it anymore, so I can't answer any questions," Lewis said.

Repeated efforts to reach Green over three weeks were unsuccessful.

Court documents filed in Miami-Dade County show he is fighting to overturn the sex crime convictions. In a series of filings between 2008 and September, Green argued that the victim, now grown, has recanted and offered a sworn statement saying her grandfather pressured her into lying. His efforts have proved unsuccessful.

Green was taken into custody 30 times between 1981 and 2007, state records show, on charges including burglary and cocaine possession. His most recent arrest three years ago resulted in another felony conviction for failure to register as a sex offender.

Artie Williams was a car salesman. At Braman Honda dealerships in 1998, Williams gained customers' confidence and then ripped them off. His victims claimed he took thousands of dollars for cars he never delivered. He was arrested, charged with running an organized fraud scheme and convicted in November 1999.

Four years later, Williams and his sister, Angela, formed a nonprofit group called Mothers Against Murderers Association Inc., stating the organization's purpose was "educating youth and families that violence is not the answer to peer pressure and criticism from others."

Eight months after he was named vice president of the group, Artie Williams again was working at a car dealership. As a salesman at Drive Away Motors near Lake Worth, he scammed four women out of \$3,500. He was arrested, again charged with felony fraud and convicted in May 2005.

Angela Williams said her brother got involved with their group to help kids avoid trouble.

"That's his way of giving back for what he has done in his past," Angela Williams said, and added: "He has nothing to do with the summer camp whatsoever."

In 2007, the county's human services division approved their group to run a subsidized summer camp. Since then, the county has paid his company \$56,240 to watch over 61 children. In an application filled out last year, Angela Williams wrote that five full-time staff members could watch over as many as 65 children. Tax records list five people, including Artie Williams, as officers and employees of the group.

Green, Williams and other operators could run summer camps because state laws meant to protect the vulnerable don't apply to the summer camps. For at least the past 11 years, one law has required owners and operators of summer camps to submit to state background checks. But another exempts camps from definition as "child care facilities," which means they aren't regulated by the DCF.

Although the DCF has for the past decade had the power to "adopt rules relating to the screening requirements for summer day camps and summer 24-hour camps," the agency has yet to do so.

"We are reviewing the statutes to determine the correct course of action," said DCF spokeswoman Pat Smith. "Our commitment, and we're sure the commitment of the Legislature, is to provide the best oversight of these camps as possible so parents and families can have confidence when choosing."

When it comes to summer camps, lawmakers so far have fallen down on that commitment, said state Rep. Ari Porth, D-Coral Springs, who is an original sponsor, with Snyder, of last year's background screening bill.

"The first job of government is to keep people safe, especially our most vulnerable, our children," Porth said. "It needs to be one of our top priorities as we enter our next legislative session."

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## Top lawmakers promise to close loophole that allows felons to run summer camps

By **MICHAEL LAFORGIA AND DARA KAM**

Palm Beach Post Staff Writer

Updated: 5:43 a.m. Wednesday, Nov. 17, 2010

Posted: 7:20 p.m. Tuesday, Nov. 16, 2010

Top state lawmakers on Tuesday pledged to close a loophole in Florida law that allows summer camp operators to care for children without undergoing background checks.

Senate President Mike Haridopolos, R-Merritt Island, said a Palm Beach Post investigation published on Sunday exposed a regulatory problem that demanded action.

"We need to quickly close that up," Haridopolos said, "whether it be by rule-making or by changes we'll make during the legislative session."

Among the people running Palm Beach County summer camps for homeless and foster children were a convicted child molester, thieves and drug dealers, the Post found. Current provisions of law require background checks for camp owners and operators but exempt camps from oversight by the state Department of Children and Families, effectively canceling each other out. DCF has for at least the past decade had the power to make rules for summer camps, but it hasn't done so.

State Rep. William Snyder, R-Stuart and chairman of the House Judiciary Committee, said he already has approached the office of House Speaker Dean Cannon about a bill to amend a background screening law he sponsored last year. "I'm starting the ball rolling," Snyder said of an amendment. "The background for getting that ready is already in process."

State Sen. Ronda Storms, R-Valrico, called the loophole "appalling" and vowed to work to fix it.

"After all the trauma we have been through ... why are we still having these kinds of inexplicable things happening?" said Storms, chairwoman of the Senate Committee on Children, Families and Elder Affairs. "It's irresponsibility. I want to grab somebody by the lapels and shake them."

State Sen. Dennis Jones, R-Seminole, suggested Gov.-elect Rick Scott could issue an executive order requiring DCF background screenings when Scott takes office in January. But that might not be possible after the legislature acted Tuesday to limit state agencies' rule-making ability.

During a special legislative session, lawmakers overrode a number of vetoes by Gov. Charlie Crist, including one that kills a measure stripping agencies of the power to make rules costing more than \$1 million over five years.

If screening camp operators costs more than \$200,000 a year, the legislature would have to pass the rules in a regular- or special-session vote.

Haridopolos said it wasn't clear whether the measure would affect a possible change in DCF rules. "It's one of the issues we'll take up. We need to find out what it would cost," he said. "The whole idea is to remove red tape."

Members of Palm Beach County's legislative delegation on Tuesday said closing the loophole should be a priority.

54

"This year we need to focus on the kids. We need to focus on children in child care centers, we need to focus on children in these camps," said state Sen. Maria Sachs, D-Boca Raton. "We talk about jobs. We can't bring high-tech companies here if this is the way we treat our kids."

The Post's investigation also revealed that Palm Beach County's human services division paid nearly half a million dollars in summer camp scholarship money to people with criminal records. More than 600 homeless, foster or disadvantaged children attended camps run by people with criminal convictions or arrest records during the past three years.

At a Palm Beach County commission meeting Tuesday, Commissioner Burt Aaronson said the county should look harder at camp operators before cutting checks. "We should investigate anybody working and having anything to do with children," Aaronson said. "We should not be going ahead and giving money for camps without investigating these people."

Staff writers George Bennett and Jennifer Sorentrud contributed to this story.

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<http://www.palmbeachpost.com/news/top-lawmakers-promise-to-close-loophole-that-allows-1052773.html>

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## South Florida Sun-Sentinel.com

### Top lawmakers promise to close loophole that allows felons to run summer camps

By Michael LaForgia and Dara Kam, The Palm Beach Post

9:56 PM EST, November 16, 2010

TALLAHASSEE —

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*Palm Beach Post staff writers George Bennett and Jennifer Sorentroue contributed to this story.*

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## **SCHOOL READINESS FUNDED PROVIDER LICENSE POLICY**

**PURPOSE:** To establish a standardized policy statement requiring licenses for providers in Miami-Dade County who participate in the School Readiness program and receive funding from the Early Learning Coalition of Miami-Dade/Monroe (the “Coalition”).

**POLICY STATEMENT:** With an effective date of July 1, 2011, this policy statement sets the policy in Miami-Dade County for Providers applying to contract with the Coalition to provide School Readiness funded services. All Providers must be licensed by the Department of Children & Families (“DCF”) in order to be eligible to enter into School Readiness contracts with the Coalition, except for: (i) Religiously-exempt faith-based organizations under ss. 402.316, F.S. (“Religiously-Exempt, Faith-Based Organizations”); (ii) Miami-Dade County School System programs, provided the programs are operated and staffed directly by the schools and meet all other requirements under ss. 402.3025, F.S. (“Miami-Dade County School System Programs”); and (iii) Informal providers, defined as unregulated child care arranged by the child’s parent, either in the child’s home or elsewhere, provided by relatives, friends, or neighbors (“Informal Providers”). Providers must satisfy eligibility requirements as set forth in the Provider Agreement for School Readiness Funded Services.

**RATIONALE:** To ensure a system of accountability for the health and safety of children and the accountability and management of tax payer funded services.

**PROCEDURES:** Effective July 1, 2011, the Coalition will accept School Readiness Provider Agreement contracts only from providers who are licensed by DCF. This requirement applies to after-school programs and school-age programs that are not operated and staffed directly by the school system; child enrichment providers; and summer camps. This requirement shall not apply to (i) Religiously-Exempt Faith-Based Organizations; (ii) Miami-Dade County School System Programs; and (iii) Informal Providers..

Unlicensed providers submitting a contract will have the contract returned to them unprocessed and notified in writing of the Coalition’s decision. The provider will also receive notice of the right to appeal the decision. Appeals will be governed by the Coalition’s Grievance Policy. 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.

Once the provider receives a valid license from DCF, it is eligible to reapply to provide School Readiness Funded Services. Coalition funds will not be used to reimburse any unlicensed provider who is not exempt pursuant to the terms set forth in this Policy Statement. Non-exempt unlicensed providers serving children do so at their own risk and expense.

A licensed provider whose license is revoked, suspended, or otherwise rendered invalid will not receive reimbursement for any period of time during which its license was revoked, suspended, or otherwise rendered invalid.

Parents of children enrolled with non-exempt unlicensed providers will be notified that the provider is not approved to provide school readiness services and will be given Child Care Resource & Referral (CCR&R) assistance to locate an approved provider. Any parent who wishes to maintain their child in the identified program may continue with the unlicensed program at their own expense and without benefit of funding from the Coalition.

DRAFT

# School Age Programs

Name	Total Sites	Total School Based
MDCPS	127	127
YMCA	60	60
YWCA	20	20
South Florida Afterschool All Stars	10	10
Cool Kids Learn	3	3
Family and Faith Coalition	8	0
FCAA	11	11
City of Hialeah	11	0
City of Miami Gardens	10	0
City of North Miami Beach	4	0
Concerned African Women, Inc.	1	0
Other	90	0
<b>TOTAL</b>	<b>355</b>	<b>231</b>

Facility_HomeName
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DJ's Fitness Stations, Inc. DBA The Fitness Station
Fit Kids of America Corp.
Hardcore Boxing & Fitness After School Program
International Gymnastics Training
International Karate Do Kuro-Do Dojo Inc
Jay's Afterschool Enrichment Center
Knowledge Builders of Florida, Inc
Kwon, Jae Hwa Taekwon-Do
Lotz of Luv Aftercare, Inc.
MG Martial Arts & Sport Center
Nisei Goju Ryu Karate and Ju-Jitsu Southern Region Youth Pac Program
South Florida After School All Stars, Inc.
South Florida After School All Stars, Inc./Bunche Park Ele
South Florida After School All Stars, Inc./Edison Park
South Florida After School All Stars, Inc./Poinciana Park Ele
Teen Up Ward Bound Inc
United States Kenpo Federation
Vernon M. Jones, Jr/BLAM Karate
YMCA / Carol City Ele
YMCA / Ethel F. Beckford/Richmond Ele
YMCA / Fulford Ele
YMCA / Gertrude K Edelman/Sabal Ele
YMCA / Gratigny Ele
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YMCA / Little River Ele
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November 19, 2010

Freddie Woodson, Deputy Superintendent  
Miami-Dade County Public Schools  
1450 N.E. 2<sup>nd</sup> Avenue  
Miami, FL 33132

Dear Mr. Woodson:

During a recent quality assurance review, Early Learning Coalition staff discovered that some programs that have an affiliating agreement with the school system to provide before and after school care are providing services to children younger than 5. These programs are ineligible to receive school readiness funding for those children and as the result 1) the programs have been notified that payments for children younger than 5 are disallowed; 2) as per a directive from the state Agency for Workforce innovation, we have begun the process to recover funds paid to these programs; 3) the Department of Children and Families licensing department has been notified. DCF is in the process of contacting these providers to explain child care licensing requirements and exemption regulations.

Chapter [402.3025](#), Florida Statutes, creates an exemption for these programs as long as they are "...operated and staffed directly by the schools...". Specifically, the statute states:

(1) PUBLIC SCHOOLS.—

(a) The following programs for children shall not be deemed to be child care and shall not be subject to the provisions of ss. [402.301](#)-402.319:

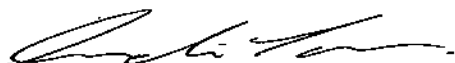
1. Programs for children in 5-year-old kindergarten and grades one or above.
2. Programs for children who are at least 3 years of age, but who are under 5 years of age, provided the programs are operated and staffed directly by the schools and provided the programs meet age- appropriate standards as adopted by the State Board of Education.

3. Programs for children under 3 years of age who are eligible for participation in the programs under the existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.
- (b) The following programs for children shall be deemed to be child care and shall be subject to the provisions of ss.402.301-402.319:
  1. Programs for children who are under 5 years of age when the programs are not operated and staffed directly by the schools.

I wanted to ensure that you and the superintendent were aware of this situation since it involves organizations who have an agreement with MDCPS to use school property to provide their services. The inability of these providers to continue to provide services to children younger than five may have special ramifications for schools which have Voluntary Prekindergarten (VPK) because some of the children in the VPK classrooms may also be participating in the subject programs.

We are currently working with the Miami-Dade County Department of Human Services to make sure the parents of the affected children are notified of this finding and provided assistance to identify and transfer their children to approved after school providers. Our hope is that we can do this with the least amount of disruption to the affected children and families. If you have questions or desire additional information, please do not hesitate to contact me.

Sincerely,



Evelio C. Torres, M.P.A.  
President and CEO

cc: Jacqui B. Colyer, Regional Director, Department of Children and Families  
PhyllisTynes-Saunders, Director, Department of Human Services  
Dr. Magaly C. Abrahante, Assistant Superintendent, Board Member