



PROVIDER SERVICES COMMITTEE MEETING

July 28th, 2015, 2:30 p.m.

ELC Board Room

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|-------|---|------------------|
| I. | Welcome & Introductions | Rick Beasley |
| II. | Approval of Minutes | Rick Beasley |
| | A. Motion to approve April 16 th , 2015, Providers Services Committee Meeting Minutes. | |
| III. | Bright Stars | Ana Rodriguez |
| IV. | Grievance Procedure | John Ervin |
| V. | Inclusion | Christine Hughes |
| VI. | Status Reports | |
| | A. Pending cases | Lisney Badillo |
| | B. VPK providers | Michelle Meilan |
| VII. | Public Comments | Rick Beasley |
| VIII. | Adjourn | Rick Beasley |

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.

Ms. Delgado Owner/Director has been receiving School Readiness dollars as a parent/client falsifying/omitting information regarding employment and household income since August 2010. Estimated amount owed to the SR Program is \$37,407.40 for the child care services of: Jazlyn Valencia, Jaziel Rodriguez and Jazniel Rodriguez. (Services rendered 04/03/12 until 04/07/15)

- Client has been established since August 2010 on Sunbiz as President/Owner of "The Bright Stars Learning Center".
- Client was claiming to work as a teacher on EFS misrepresenting the Coalition, her household income and employment.
- Client submitted Verification of Employment claiming: Teacher, 40hrs week, \$8.00hr.
- DCF has reported client as receiving Food Stamps and Medicaid for all 3 of her children. Client dropped the Food Stamps case with DCF when the Coalition investigation started.
- For Fiscal Year 2014, the Federal Food Program reported sending the Provider/Client a total amount of **\$48,451.05**.
- For Fiscal Year 2013/2014 the Coalition has reported sending the client a total amount of **\$94,843.90**
- For Fiscal Year July 2014/2015 to present the total amount has been **\$70,916.20**

Final Determination: Loss Prevention has reason to believe that Ms. Delgado received the SR Program for services that she was not entitled to. Recommendation is to terminate the contract in accordance to the policy and procedures of the ELC.

Provider Contract page 10 (10)
Florida Statute 1002.91
Florida Statute 414.39
Florida Statute 414.41
Florida Statute 414.411

Revocation of Eligibility to Contract with Coalition

Under the new Contract, the Coalition may (under appropriate circumstances) revoke a provider's eligibility to contract with the Coalition for a period five (5) years. Prior to revoking a Provider's eligibility to contract for five (5) years, the Coalition must (as part of its recommendation to the Board), comply with the following:

1. Notify the Provider of the Coalition's intent to revoke the Provider's eligibility simultaneously with providing notice of intention to terminate the Provider's contract;
2. Consider the severity of the Provider's actions leading to the termination of the Contract;
3. Consider the health, safety and welfare of the children enrolled in Provider's program;
4. Consider the financial impact of the Provider's actions;
5. Consider the impact that the revocation would have upon the local community;
6. Consider the consistency of the Coalition's actions with respect to actions taken against other Providers for similar violations;
7. Consider the history of the contractual relationship with the Coalition; and
8. Consider the Provider's violation history and performance under the Contract and prior contracts with the Coalition.

59. Revocation of Eligibility. In accordance with s. 1002.88(2), F.S., if PROVIDER's Contract is terminated under paragraph 56., 57., or 58., COALITION may revoke PROVIDER's eligibility to deliver the school readiness program for a period of five (5) years. In determining whether to revoke PROVIDER'S eligibility, the COALITION shall consider the following factors: the severity of the PROVIDER'S actions leading to the termination of the contract, the health, safety and welfare of children enrolled at the PROVIDER, the financial impact of the PROVIDER'S actions, the impact that the revocation would have upon the local community, consistency with COALITION'S actions against other PROVIDERS for similar violations of the Contract or program requirements, the length of time that PROVIDER provided services under contract with the COALITION, and whether the PROVIDER had previously violated these terms of this Contract and prior contracts with the COALITION. COALITION shall provide notice of its intent to revoke PROVIDER'S eligibility at the same time that it provides written notice of intent to terminate the contract to PROVIDER.

Due Process Procedures.

The Coalition must follow the new due process procedures as set forth on Exhibit 5 of the new Contract whenever a Provider disputes any action taken by the Coalition under the Contract. Based upon my review, the new due process procedures conflict with the terms and provisions of the existing grievance policy. Due to the conflict, it is recommended that the existing grievance policy be discontinued in lieu of the due process procedures set forth in the new Contract.

Summary of Due Process Procedures

1. Providers may dispute any action taken by the Coalition pursuant to the new Contract by requesting a review hearing in writing to the Coalition.

- “A Review Hearing” is a meeting for purposes of the Sunshine law and is subject to public notice
- At the hearing, the Provider will have a reasonable opportunity to be heard and to address Coalition staff regarding the Coalition action and to present evidence before the Review Hearing Committee
- An attorney may be present to advise the Provider at the hearing

2. Written Request for Review Hearing:

- Provider must make written request for Review Hearing
- Written request must contain:
 - i. Name and contact info of individual authorized to provide information and binding responses on behalf of provider;
 - ii. specific action by Coalition that Provider disputes;
 - iii. specific reasons for the Providers belief;
 - iv. whether or not Provider will be represented by an attorney or another at hearing.

3 Time Frame for Providing Written Notice

- Within five (5) business days of receipt of notice of the determination which the Provider disputes/believes to be incorrect

4. Documents/Exhibits/Supporting Materials

- Provider must send copies of supporting documentation supporting its claims to Coalition (if any are to be used at Review Hearing).

5. Action by Coalition upon Receipt of Written Request

Upon receipt of a request of a review hearing, the Coalition must

- Within three (3) business days of the receiving the written request, assign a Review Hearing Committee to complete the review
- Three (3) but not more than (5) members of Coalition Board
- Three (3) Members of the Review Hearing Committee must be “mandatory members” (see §1002.83(4) -- with at least one (1) “provider representative”
- The Chair of the ELC shall appoint the Review Hearing Committee and shall name a chair of the Review Hearing Committee

6. Coalition Response to Written Request – Notice to Provider

- Within five (5) business days, Coalition must respond to Provider in writing, return receipt requested
- Notice must provide three (3) proposed dates, and times within 45 days of the date of receiving the request for the Review Hearing
- Notice must state that meeting may be conducted in-person or conducted telephonically as long as the public is given a reasonable notice, opportunity to access, observe and participate (if applicable).
- Notice must state whether or not all Coalition staff that Provider requests to be present will attend or be available at Review Hearing. If staff are unavailable, equivalent substitute staff qualified to address issues raised by Provider must be furnished in their place.

7. Date and Location Selection

- Provider must select a date and time within five (5) business days of receiving the written response from Coalition regarding the Review Hearing.
- Response must state whether Provider will attend by phone or in-person

- If unable to attend any of the dates --- Provider must submit written notice to Coalition within the 5 (business) day period –in which even the parties shall mutually select a convenient time.
- Failure to respond within five (5) business days will result in denial of request of Review Hearing and the process is considered complete.

8. Conduct of Review Hearing

- The Coalition must:

- Assess all claims of Provider
- Review and examine all information
- Afford Provider with reasonable opportunity to question staff regarding determinations
- Allow Provider to present evidence
- Coalition shall have reasonable opportunity to rebut any claims of Provider and respond to claims.

9. Notice of Review Hearing

- Upon completing review hearing, Review Committee will vote reading each of Provider's claims
- One member of the Review Committee will prepare a written notice of the Review hearing conclusion
- -Notice must state outcome of vote on each claim and-state reasons for supporting the Review Committee's conclusions
- If Majority of Review Hearing Committee determines:

1. No part of Coalition action was correct, the Notice must state that Provider is not required to take any further action.

2. That any part of the Coalition action was correct, the Notice must identify the action that was correct ---- AND:

A. Any corrective action that Provider must take in regard to such correct portions, and the deadlines for completing the such corrective actions;

B. If the Provider's SR Contract or eligibility to offer the SR program will be terminated, the date of termination.

The decision of the Review Hearing Committee is FINAL.

Feds Call For Greater Inclusion in Preschools

By [Michelle Diamant](#)

May 19, 2015



Federal officials say that young children with disabilities should be receiving educational services in inclusive settings in greater numbers. (Antonio Perez/Chicago Tribune/TNS)

The Obama administration wants to see more kids with disabilities — no matter how significant — participating in classrooms alongside their typically-developing peers.

The U.S. Departments of Education and Health and Human Services are jointly seeking public comment this week on a draft policy statement encouraging greater inclusion for young children with disabilities.

While the majority of preschoolers with disabilities attended general early childhood programs as of 2013, more than half of these children received their special education and related services in segregated environments, the Education Department said.

Four decades after the passage of the Individuals with Disabilities Education Act, the Obama administration is calling the current state of affairs “troubling” and is looking for change.

“Children with disabilities and their families continue to face significant barriers to accessing inclusive high-quality early childhood programs and too many preschool children with

disabilities continue to receive special education services in separate settings,” reads the statement which is up for public comment through Friday.

Specifically, the federal agencies are urging states to create task forces focused on early childhood inclusion, implement policies and allocate funding to facilitate such programs and set and track goals for expanding inclusive learning opportunities.

Meanwhile, early childhood providers are encouraged to enhance professional development, work with families and ensure specialized supports are available, among other steps, to increase inclusion.

HHS and the Education Department are soliciting feedback before issuing a final version aimed at sparking change at the state and local level. Though the statement itself will not be legally binding, it references requirements under IDEA, the Education Department said.

“Though this policy statement focuses on including young children with disabilities, it is our shared vision that all Americans be meaningfully included in all facets of society throughout the life course. This begins in early childhood programs and continues into schools, places of employment and the broader community,” the agencies said.

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