ELC Provider Services Committee Meeting  
November 24th, 2015, 2:30 p.m.  
ELC Board Room

I. Welcome & Introductions
   Rick Beasley

II. Approval of Minutes
   Rick Beasley
   
   A. Motion to approve September 29th, 2015, Providers Services Committee Meeting Minutes.

III. ELC Review Hearing Committee
   
   A. Children’s Academy Preschool #1
      Cindy Lozada

IV. Public Comments
   Rick Beasley

V. 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.
Provider Services Committee Meeting
September 29th, 2015; 2:30 PM
ELC Board Room

Committee Attendees: Shaleen Fagundo; Abilio Rodriguez; Mara Zapata, Rick Beasley

Staff Attendees: Evelio Torres (via conference call); Angelo Parrino (via conference call); Lisa Sanabria; Lisney Badillo; Cindy Lozada; Natalie Cabrera; Vanessa Soto; Jennifer Hernandez

General Attendees: Santiago Echemendia (via conference call), Gwendolyn Parker; Jeff Hurst

I. Welcome and Introductions
   Rick Beasley

II. Approval of Minutes
    Rick Beasley
    o Motion to approve by M. Zapata.
    o Motion seconded by A. Rodriguez.
    o Motion was unanimously passed.

III. Little Angels Christian Academy
    Rick Beasley
    • On August 14th 2015 the Coalition received notification from the Office of Early Learning stating that Provider had been placed on the USDA Disqualified list.

    • The Hearing Committee’s is recommending to terminate contract for a period of 5 years.

    o Motion to approve by A. Rodriguez
    o Motion seconded by M. Zapata.
    o Motion was unanimously passed.

IV. Public Comments
    Rick Beasley
    o Tutor Me Daycare, owner Jenny Espinosa presented new documentation in the attempt to reverse the termination decision made at the September 11th committee meeting. S. Echemendia stated that the documentation presented did not change the staff recommendation and termination will not be reversed.

V. Meeting Adjourned
   Rick Beasley
October 16, 2015

VIA EMAIL & HAND DELIVERY

Ms. Julianne Politesse, Director
Children’s Academy Preschool # 1,
13801 Memorial Highway
Miami, FL. 33161

RE: Notice of Emergency Termination
Voluntary Pre-Kindergarten Contract (FY 2015-2016)
School Readiness Contract (FY 2015-2016)
Provider License # C11MD0670

Dear Provider,

Pursuant to the terms of your School Readiness Contract (“SR Contract”) and Voluntary Pre-Kindergarten Contract (“VPK Contract”), you agreed to provide a healthy and safe environment for children in your care in accordance with s. 402.305(5), (6), and (7), F.S., as applicable, and as verified pursuant to s. 402.311, F.S.

The Florida Department of Children and Families (“DCF”) has notified the Coalition that your facility received licensing violations that posed an immediate and serious danger to the health, safety or welfare of the children in your care. The licensing violations were discovered during a renewal inspection conducted on September 25, 2015 and a follow-up inspection conducted on October 1, 2015. During the follow-up inspection conducted on October 1, 2015, DCF found that conditions previously noted had not been corrected, but had worsened. A copy of the DCF notice is enclosed for reference.

Section 58 of the SR Contract and Section 53 of the VPK Contract provide that the Coalition must immediately terminate your SR and VPK Contracts on an emergency basis upon a notification by the Department of Children and Families (“DCF”) or local licensing agency that actions or inactions of a pose an immediate and serious danger to the health, safety, or welfare of children

Based upon your licensing violations, the notification from DCF, and as required by the terms of your SR and VPK Contracts, please be advised that the Coalition is terminating your SR and VPK Contracts on an emergency basis, effective twenty-four (24) hours from your receipt of this letter. You are also notified of the Coalition’s intent to revoke your eligibility to deliver SR and VPK program services for a period of five (5) years.

Please be advised that you have an opportunity to request a review hearing of the Coalition’s determination as described in the SR Contract at Section 64 and Exhibit 5: Due
Process Procedures, and as described in the VPK Contract at Section 58 and Exhibit 2: Due Process Procedures. You must respond in writing requesting a review hearing within five (5) business days of your receipt of this notice. Please reference the Due Process Procedures set forth in above mentioned Exhibits to your SR and VPK Contract with respect to the required information that must be included in your written request for a review hearing. The request for a review hearing must be submitted in written form: electronic to RequestReview@elcmdm.org or by mail to the Coalition.

If you have any questions related to the VPK and SR Contract, please contact your provider relationship manager: Cindy Lozada, Provider Relationship Manager: CLozada@elcmdm.org, Phone number: (305)646-7220 ext.577

Thank you for your cooperation.
Sincerely

Angelo Parrino
Senior VP & Chief Administrative Officer

Enclosure: DCF Notice
CC: Jose Hernandez, Director of Provider Payments
    Mercy Castiglione, Controller
    Jackye Russell, Chief of Program Policy & Community Relations
    Lisney Badillo, Director of Contracts and Procurement
    Ana Rodriguez, Fiscal Review Manager
    Sandra P. Gonzalez, Interim Director for SR & VPK
    Michelle Meilan, Interim Quality Assurance Manager
    Fiorella Altare, Director of Quality Counts
STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

In re: CHILDREN'S ACADEMY PRESCHOOL INC.
d/b/a CHILDREN'S ACADEMY PRESCHOOL I

CASE NO. 15-
RENDITION NO. DCF-15-___-EO

_____________________________________

EMERGENCY SUSPENSION ORDER

This cause is before me for entry of an Emergency Suspension Order pursuant to Section 120.60(6), Florida Statutes. The order is based upon the following:

1. The Department has jurisdiction over the operation of licensed family child care facilities under Section 402.301–402.319, Florida Statutes, and Chapter 65C-22, Florida Administrative Code.

2. The Department issued license number C11MD0670 to Children’s Academy Preschool Inc. d/b/a Children’s Academy Preschool I (“Children’s Academy”) to operate a child care facility located at: 13801 Memorial Highway, Miami, FL 33161. The current license was issued on October 3, 2014; and Children’s Academy Preschool I has continued to operate under this license since its issuance.

3. A renewal inspection was conducted on September 25, 2015. The child care facility was cited violations for the following licensing standards: 14-Facility Environment, 21-Outdoor Play Area, 28-Toilets and Sinks, 34-Food Preparation Area, 40-Outdoor Equipment, 59-Personnel Records and 60-Background Screening Documents (Affidavit of Good Moral Character was not completed prior to the date of hire).

4. During the renewal inspection, Licensing Counselor, Gabrielle Derice found throughout the child care facility, including the food preparation area, holes in the walls and ceiling causing the facility structure to be compromised, active infestation of roaches and vermin droppings causing serious concerns for the health and safety of the children being cared for. See photographs attached hereto as Exhibit A.

5. A follow-up inspection was conducted on October 1, 2015, and the conditions previously noted had not been corrected and instead had persisted and worsened.

6. The Department is contemporaneously notifying the provider of its intent to deny its renewal license as well as issuing the provider an Administrative Complaint for a Class I violation.
7. The factual allegations referred above are in violation of Chapter 402, Florida Statutes and Chapter 65C-22, Florida Administrative Code, as follows:

“All child care facilities must be clean, in good repair, free from health and safety hazards and from vermin infestation. During the hours that the facility is in operation, no portion of the building shall be used for any activity which endangers the health and safety of children.” Rule 65C-22.002(1)(a)(b), Fla. Admin. Code

“The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility. The standards shall be designed to address the following areas: The health, sanitation, safety, and adequate physical surroundings for all children in child care. Minimum standards shall include requirements for building conditions.” Section 402.305(1)(a)1(5), Fla. Stat.

8. The issuance of an emergency order immediately suspending Children’s Academy Preschool operation of its child care facility is necessary to protect children who might otherwise be cared for in the facility pending the denial of Children’s Academy Preschool’s license. The incidents described above and in the Petition filed in support of this Order show that Children’s Academy Preschool Inc. d/b/a Children’s Academy Preschool I, has demonstrated a deliberate disregard for Chapter 402, Florida Statutes and the Chapter 65C-22, Fla. Admin Code governing child care facilities as well as a deliberate disregard for the health, safety and welfare of the children attending this child care facility. This constitutes an immediate serious danger to the public health, safety, and welfare as contemplated in section 120.60(6), Florida Statutes. No action less restrictive than immediate suspension of Children’s Academy Preschool I license and closure of the child care facility will protect the public.

9. The issuance of an emergency suspension order is fair under the circumstances of this case.
Accordingly, it is hereby ORDERED that the license # C11MD0670 issued to Children’s Academy Preschool Inc. d/b/a Children’s Academy Preschool I to operate a child care facility is SUSPENDED effective immediately, pursuant to Section 120.60(6), Florida Statutes. The Department shall hand-deliver this order to Children’s Academy Preschool I and document such delivery. If Children’s Academy Preschool Inc. d/b/a Children’s Academy Preschool I is providing child care as defined in Section 402.302(1), Florida Statutes, at the time this Emergency Suspension Order is served, the Department staff shall notify the parents of the children to pick them up immediately.

DONE and ORDERED in Tallahassee, FL, this 5th day of October, 2015.

Mike Carroll, Secretary

APPEAL RIGHTS

A PARTY WHO IS ADVERSELY AFFECTED BY THIS EMERGENCY ORDER IS ENTITLED TO JUDICIAL REVIEW AS PROVIDED IN SECTION 120.60(6)(C), AND SECTION 120.68, FLORIDA STATUTES, WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW IN THE DISTRICT COURT OF APPEAL WHERE A PARTY RESIDES, OR IN THE FIRST DISTRICT COURT. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA RULES OF APPELLATE PROCEDURE. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished:

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