

<p style="text-align: center;">Early Learning Coalition of Orange County School Readiness Provider Non-Compliance Policy Revised March 29, 2010</p>

The Early Learning Coalition of Orange County (ELCOC) is committed to ensuring equitable treatment for all providers. To that end, ELCOC has established a Non-Compliance Policy which is applicable to all School Readiness providers. This policy is put into place to ensure uniform and consistent practices when situations present that warrant ELCOC action.

The scope of our policy applies not only to the ELCOC School Readiness Agreement, but to any and all School Readiness laws and rules in statute, the Agency for Workforce Innovation (AWI) and Department of Children and Families (DCF) rules, to which the Provider is expected to adhere. The purpose of the policy is for the orderly resolution of problems as they occur and to provide for the best possible outcomes for the children.

Problems, situations and circumstances differ in intensity, impact and severity and this policy is written to recognize and respond likewise. To that end, ELCOC has established a tiered non-compliance matrix through which issues of non-compliance are handled.

Zero Tolerance

Zero Tolerance non-compliance conditions are those which will result in the immediate termination of the School Readiness Agreement for a period of no less than 1 year without eligibility for probationary status.

Zero Tolerance non-compliance conditions include:

1. Any DCF confirmed "not legally operating" issue (i.e. continued operation after license or registration is revoked or expired)
2. Caring for children in location other than the site indicated on the School Readiness Agreement.
3. Failing to maintain required commercial liability insurance or, if transporting children, automobile insurance.
4. Failing to maintain current business information including telephone and email address with the Coalition and 4C.
5. Failing to maintain working land line telephone that is not power-dependent within the home/facility.

Level One Non-Compliance

Level One non-compliance conditions are those which, **if not resolved or a corrective action plan is not accepted by COALITION within 24 hours (1 business day)**, will result in termination of the School Readiness Agreement for a period of no less than 1 year without eligibility for probationary status. Further, the accumulation of three (3) resolved Level One non-compliance conditions in a twelve (12) month period will result in the termination of the School Readiness Agreement for a period of no less than 1 year without eligibility for probationary status.

Level One non-compliance conditions include:

1. A DCF Class I violation either reported by DCF or observed by COALITION, Devereux or Orange County Health Department staff.
2. Failing to cooperatively allow COALITION staff, Devereux, 4C or Orange County Health Department unannounced and timely access to all parts of the home and premises or all parts of the child care facility, as applicable to provider type, to perform a service outlined in

the School Readiness Agreement. **Timely access is defined as a wait time of 3 minutes or less.**

3. Failing to respond to any request from COALITION, Devereux, 4C or Orange County Health Department for further information needed to clarify any suspected non-compliance condition or issue related to the School Readiness Agreement.
6. Failing to produce complete and verifiable attendance records within thirty (30) calendar days of request.
7. Additionally for Family Childcare Homes and Informals
 - a. missing a 2nd on-site visit with COALITION staff, Devereux, 4C or Orange County Health Department after prior confirmation of availability.
 - b. allowing children to be cared for by a person or person(s) other than individuals listed on the license/registration or the substitute of record.

In cases where the condition is confirmed, the steps for processing non-compliance conditions will begin immediately. The COALITION CEO will be alerted immediately in all Level One situations for consultation about the involvement of other agencies.

Level Two Non-Compliance

Level Two non-compliance conditions are those which, **if not resolved or a corrective action plan is not accepted by COALITION within 72 hours (3 business days)**, will result in an enrollment suspension for a period of no less than 1 year. Further the accumulation of two (2) Level Two non-compliance conditions within a six-month period or three (3) Level Two non-compliance conditions within a twelve (12) month period will result in an enrollment suspension for a period of one (1) year and an **automatic Level One Non-Compliance**.

Level Two non-compliance conditions include:

1. A DCF Class II violation either reported by DCF or observed by Coalition, Devereux or Orange County Health Department staff
2. Failing to place infants under 1 year of age on their backs to sleep following American Academy of Pediatrics guidelines.

In cases where the condition is confirmed, the steps for processing non-compliance conditions will begin immediately.

Level Three Non-Compliance

Level Three non-compliance conditions are those which, **if not resolved or a corrective action plan is not accepted by COALITION within ten (10) business days**, will result in an enrollment suspension for a period of no less than 6 months. Further the accumulation of two (2) Level Three non-compliance conditions within a six-month period or three (3) Level Three non-compliance conditions within a 12-month period will result in an enrollment suspension for a period of 6 months and an **automatic Level Two Non-Compliance**.

Level Three non-compliance conditions include:

1. Any DCF Class III violation either reported by DCF or observed by Coalition, Devereux or Orange County Health Department staff.
2. Failing to perform or return a child's screening and/or assessment results OR cooperate with pre/post assessment sampling procedures established by the Coalition.
3. Failing to implement a developmentally appropriate curriculum.
4. Failing to respond to CCR&R market rate survey request.

In cases where the condition is confirmed, the steps for processing non-compliance conditions will begin immediately.

Payment Forfeiture

In addition to the penalties outlined above, the following conditions will result in non-payment for services provided on the day the non-compliance is identified until compliance is determined:

1. Any Zero Tolerance condition.
2. Ratio or capacity violations.
3. Incomplete or expired background screens.
4. Failing to cooperatively allow unannounced and timely access to all parts of the home and premises or all parts of the child care facility, as applicable to provider type, to inspect for compliance under the School Readiness Agreement.
5. Allowing children to be cared for by a person or person(s) other than individuals listed on the license/registration or the substitute of record.
6. Failing to perform or return a child's screening and/or assessment results OR cooperate with pre/post assessment sampling procedures established by the Coalition.
7. Failing to implement a developmentally appropriate curriculum.

Appeals

Non-compliance as outlined in this policy is a contract violation and, as such, DOES NOT QUALIFY as appealable to the Coalition Appeals Committee under the Coalition's Provider Appeal Policy.

Procedures for Action Relative to Zero Tolerance Findings

Action to be Taken	Responsible Person/Department	Timeframe
Zero Tolerance issue is identified and confirmed	ELCOC staff who identified non-compliance	Report to respective supervisor within 1 hour of confirmation
<p>CEO is notified and non-compliance letter is prepared and hand-delivered to Provider location including 24-hour notice of intent to terminate SR Agreement.</p> <p>4C is copied on correspondence.</p> <p>Parents are notified of agreement termination and offered immediate transfer option.</p>	Director of Provider Services (DPS)	Before end of business day during which the non-compliance was confirmed

Procedures for Action Relative to Level One Findings

Action to be Taken	Responsible Person/Department	Timeframe
Level One non-compliance issue is identified and confirmed	ELCOC staff who identified non-compliance	Report to respective supervisor within 1 hour of confirmation
CEO is notified and non-compliance letter is prepared and hand-delivered to Provider location demanding immediate contact with COALITION. Letter includes 24-hour notice of intent to terminate SR Agreement and, if no response, 4C notified same day and payment is terminated immediately.	Director of Provider Services (DPS)	<ul style="list-style-type: none"> ▪ if incident is confirmed before 12 Noon, contact is to be made with COALITION NLT 9AM the following business day ▪ if incident is confirmed after 12 Noon, contact is to be made with COALITION NLT 12 Noon the following business day
<p>If incident is not immediately correctable, Provider corrective action plan is due within allowable timeframe.</p> <p>If corrective action plan is accepted, DPS sets a schedule for checking compliance. Failure to adhere to the corrective action plan will result in immediate application of the applicable sanction.</p>	DPS	Provider is given 12 clock hours from time of contact to submit corrective action plan
If Provider is non-responsive or plan for corrective action is not acceptable to COALION, CEO is provided copy of all documentation on the situation to verify violation occurred. Additional information to include relevant QRIS data and, if VPK, history of Readiness Rates for consideration.	DPS	Within 60 minutes of received plan or within 30 minutes of non-responsiveness
<p>If violation upheld and no extenuating circumstances, Non-compliance letter #2 is prepared and hand-delivered to Provider location advising of Agreement termination and 12-month penalty for non-compliance.</p> <p>4C is copied on correspondence.</p>	CEO or designee	Within 60 minutes of presentation by DPS

Letters and calls to parents – parents have 10 calendar days to complete transfer	4C	Within 24 hours of receipt of correspondence.
Ensure that transfers have been completed or children are no longer eligible for funding. Coding and notations entered into EFS. Send written verification to COALITION.	4C	NLT 10 calendar days from receipt of correspondence
Verification at next reimbursement that no payment was made.	4C	NLT 15 th of month following month of termination
Provider under penalty with COALION – not eligible for funded children for 12 months	4C and COALITION	

Procedures for Action Relative to all other Non-Compliance Conditions

Action to be Taken	Responsible Person/Department	Timeframe
Level Two or Three non-compliance issue is identified and confirmed.	Staff identifies and reports to supervisor	Report to respective supervisor within 1 hour of confirmation
Supervisor (DPS) determines non-compliance level and previous occurrences and takes appropriate action according to policy.	DPS	<p>Within 12 hours if violation does not result in Level One status.</p> <p>If violation results in Level One status, refer to Procedures for Action Relative to Level One Findings</p>
<p>Non-compliance letter is prepared and hand-delivered to Provider location giving 24-hours to contact COALITION to discuss remedies for the non-compliance.</p> <p>If not immediately correctable, a corrective action plan must be put into place within the grace period constraints of the level of non-compliance listed in the policy.</p> <p>DPS sets a schedule for checking compliance. Failure to adhere to the corrective action plan will result in immediate application of the applicable sanction.</p>	DPS	Within 24 hours of determination of compliance level.
<p>If Provider is nonresponsive or plans for corrective action are not accepted by COALITION, 4C is notified of intent to take action against agreement.</p> <p>All documentation on the situation is sent to CEO for evaluation and action.</p>	DPS	Within 24 hours after the end of the grace period.

<p>If violation is upheld, Non-compliance letter #2 is prepared and hand-delivered to Provider location advising of enrollment suspension based on non-compliance level.</p> <p>4C is copied on correspondence.</p>	<p>CEO or designee</p>	<p>Within 24 hours of notification by DPS</p>
<p>Ensure provider is listed as DNR.*</p> <p>Send written verification to COALITION.</p>	<p>4C</p>	<p>Within 24 hours of notification by CEO or designee</p>

*Under some circumstances, the CEO may lift an imposed sanction and place a provider on probation for the balance of the sanction period when:

- the violation(s) resulting in the sanction could not be remedied by the provider within the allotted time but the provider continued to work in good faith to remedy the violation(s);
- the provider has attended a Coalition-sponsored health and safety workshop and/or other appropriate workshop as relevant to the violation(s); and,
- the provider has subsequently demonstrated full compliance with health, safety, and program standards.

While on probation the provider will be subject to unannounced monitoring. Failure to adhere to health, safety, and program standards will result in the termination of the School Readiness agreement and a one-year suspension not subject to probation.