



## PROGRESSIVE ENFORCEMENT PROCEDURES FOR NON-COMPLIANCE WITH PROGRAM REQUIREMENTS VOLUNTARY PREKINDERGARTEN (VPK) PROGRAM

### INTRODUCTION

This document establishes the Early Learning Coalition of Hillsborough County's (ELCHC) standardized progressive enforcement procedures to be implemented if a Voluntary Prekindergarten (VPK) Program Provider fails to comply with the VPK program requirements outlined in Chapter 6M-8 of the Florida Administrative Code (F.A.C) and Chapter 1002, Part V, of the Florida Statutes (F.S). The ELCHC reserves the right to take any action deemed in the best interest of the ELCHC and the public based upon the severity of the violation or the number of violations. In addition, pursuant to Form DEL-VPK 20, Rule 6M-8.301, F.A.C., the ELCHC may terminate a provider's contract for cause at any time due to the failure to comply with one or more of the terms of the VPK Provider Contract. This includes action or lack of action that threatens the health and/or safety of children, failure to implement corrective action and reasonable or probable cause to suspect fraud.

Before termination or revocation is deemed a necessary action, considerations for the termination & revocation of eligibility will be completed by the ELCHC. These considerations will address (1) the severity of the provider's actions leading to the termination consideration; (2) the health, safety and welfare of children enrolled (including a review of its licensing history); (3) the financial impact of the actions, if applicable; (4) the impact that the revocation would have upon the local community (child care capacity in the provider's service area); (5) consistency with coalition's actions for similar contract violations; (6) the length of time that provider provided VPK services; and (7) whether the provider had previously violated the terms of the VPK Provider Contract. These considerations for termination & revocation of contract will be submitted to ELCHC executive leadership for final determination. The ELCHC considers all health & safety non-compliances related to child abuse/neglect, inappropriate discipline and inadequate supervision severe in nature.

Under the Due Process Procedures, Form DEL-VPK 20, the provider may request a review of determinations made by the ELCHC under the VPK contract. A request for a review hearing may be requested by the provider by submitting such request in writing to the ELCHC within five business days of receipt of notice of the determination. This is defined in Form DEL-VPK 20, Exhibit 2: Due Process Procedures.

## TIMEFRAME

Consequences for non-compliance occurrences noted in the table below are based on a two-year period. If providers have more than three non-compliances in a two-year period for the same requirement, the 3rd non-compliance consequence applies. In these cases, the ELC will review all non-compliances and may choose to terminate the Provider Contract and/or revoke the provider's eligibility to deliver the VPK program and revoke eligibility for a period of two (2) to five (5) years.

## DEFINITIONS

**Coordinated Screening and Progress Monitoring Program:** The statewide, standardized program implemented in all VPK programs as required by Section 1002.68, F.S. The assessment results shall be used to identify student learning gains, index development learning outcomes upon program completion relative to the performance standards in early literacy and mathematics established in Section 1002.67(1)(a), F.S., representative norms, and inform a private prekindergarten provider's and public school's performance metric.

**Corrective Action Plan (CAP):** Corrective Action Plan as defined by Rule 6M-8.301, Form DEL-VPK 20, which states that corrective action means implementation of specific action(s) designed to correct the failure to meet a specific requirement and specifies specific elements. Providers must successfully complete corrective action due to noncompliance determinations from prior Contracts, as applicable.

**Disallowed Costs:** This is an action taken by the ELCHC, per Form DEL-VPK 20, in which expenditures submitted for reimbursement shall be disallowed if the provider did not adhere to the provisions governing the VPK Program.

**Intensive Corrective Action Plan:** If the provider has received a corrective action notice for the same violation two or more times or has had multiple corrective action plans within the contract year or if the corrective action plan is not completed within the prescribed timelines, the provider shall be placed on an Intensive Corrective Action Plan for a period up to six (6) months. This may include, but is not limited to, one or more of the following conditions: training or staff development, monitoring or technical assistance by ELCHC, or submission of documentation related to the violation.

**Provider Support Plan:** Support and guidance offered by the ELCHC are designed to facilitate a better understanding of the requirement and implementation of best practices. This may include coaching or technical assistance visits, referral to ELCHC quality initiatives, referral to community programs/resources, required training, or additional on-site visits.

**Termination:** The ELCHC may terminate a provider's VPK Provider Contract as defined by Form DEL VPK-20

**Progress Monitoring One (PM1):** **Fall** – The first thirty (30) instructional days of the VPK class schedule, beginning with the first VPK instructional day. **Summer**– The first 10 days of the VPK class schedule, beginning with the first VPK instructional day.

**Progress Monitoring Two (PM2):** **Fall and Summer** PM2 timeline – The period of time in a VPK class schedule where at least

40% of the instructional hours have been completed and no more than 60% of the instructional hours have been completed. Progress Monitoring Three (PM3): **Fall** – The last thirty (30) instructional days of the VPK class schedule, ending with the last VPK instructional day. **Summer**– The last 10 days of the VPK class schedule, ending with the last VPK instructional day.

Provider on Probation: is a VPK private provider or public school whose readiness rate or performance metric is below the minimum level established by the Division of Early Learning and s. 1002.68, F.S.

Revocation of Eligibility: The ELCHC may revoke a VPK provider’s eligibility to deliver the VPK in accordance with Rule 6M-8.301, F.A.C. and Form DEL VPK-20, paragraph 57. For providers that have received Class 1 licensing violations, the ELCHC may refuse to contract with the provider or revoke eligibility in accordance with the ELCHC’s Class 1 Enforcement Policy.

#	REQUIREMENT	CITATION	CONSEQUENCE FOR NON-COMPLIANCE
1	<p>The lead instructor(s) in the VPK Class(es) meet the minimum credential and background screening requirements <u>and are listed on Form OEL-VPK 11A.</u></p> <p><i>Enforcement: Failure to staff a lead instructor(s) that meet minimum credential and background requirements. This may be observed during on-site monitoring visits, substantiated complaints, licensing notifications, or from a review of the OEL-VPK 11A</i></p>	<p>1002.55, F.S. 1002.61, F.S. 6M-8.300, F.A.C.</p>	<p>Extension will be considered for Providers actively recruiting new qualified employees and have not exceeded the allowable hours for an approved substitute</p> <p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance, which will include on-site monitoring</p> <p>3<sup>rd</sup> non-compliance: Failure to comply may result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring. Extended VPK lead instructor vacancies will be considered for contract termination</p>
2	<p>The VPK Director meets the minimum credential and background screening requirements and is listed on Form OEL-VPK 10, unless a 6-month provisional period has been approved by ELC.</p>	<p>1002.55(3)(g), F.S. 6M-8.300, F.A.C.</p>	<p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into</p>

	<p><i>Enforcement: Failure to staff a VPK Director that meets minimum credential and background requirements. This may be observed during on-site monitoring visits, substantiated complaints, licensing notifications, or from a review of Form OEL-VPK 11A</i></p>		<p>compliance, which will include on-site monitoring</p> <p>3<sup>rd</sup> non-compliance: Failure to comply may result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring. Extended VPK Director vacancies will be considered for contract termination for the remainder of the contract term</p>
3	<p>The VPK Class Schedule follows the dates and times listed on Form OEL-VPK 11B.</p> <p><i>Enforcement: Failure to follow VPK Class Calendar as reported on Form OEL-VPK 11B (VPK APP). This may be observed during on-site monitoring visits, updates to Form OEL-VPK 11B, or substantiated complaints</i></p>	<p>6M-8.300, F.A.C.</p>	<p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance, which will include on-site monitoring</p> <p>3<sup>rd</sup> non-compliance: Failure to comply may result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring. Substantial variation from VPK Class Schedule will be considered for contract termination for the remainder of the contract term.</p>
4	<p>The curriculum in use in the VPK class is listed on the approved Form OEL-VPK 10.</p> <p>Enforcement: Failure to show evidence of approved curriculum implementation during on-site monitoring visits (lesson plans, materials, training certificates, etc.)</p>	<p>1002.67(2), F.S. 6M-8.300, F.A.C.</p>	<p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Failure to comply may result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>

5	<p>All changes to any information listed on Forms OEL-VPK 10, OEL-VPK 11A, or OEL-VPK 11B is reported to ELCHC via the OEL Provider Services Portal within 14 calendar days of the change.</p> <p><i>Enforcement: Failure to report changes to information as reported on Form OEL-VPK 11A and/or Form OEL-VPK 11B (VPK APP). This may be observed during on-site monitoring visits, updates to Forms OEL- VPK 11A OEL-VPK 11B, or substantiated complaint.</i></p>	<p>6M-8.300, F.A.C. 6M-8.301, F.A.C. DEL-VPK 20</p>	<p>Note: If change results in the provider's ineligibility to offer VPK, the provider is subject to disallowed cost from the date the change occurred</p> <p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
6	<p>All instructors including aides and substitutes meet the minimum background screening and Good Moral Character requirements. Substitutes must meet the minimum credential requirements.</p> <p><i>Enforcement: Failure to staff a VPK classroom with instructors, aides, and substitutes that meets minimum credential, background, and Good Moral Character requirements. This may be observed during on-site monitoring visits or substantiated complaints</i></p>	<p>1002.55, F.S. 1002.61, F.S. 6M-8.300, F.A.C. 6M-8.301, F.A.C. DEL-VPK 20</p>	<p>Note: If change results in the provider's ineligibility to offer VPK, the provider is subject to disallowed cost from the date the change occurred</p> <p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Failure to comply may result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring. Extended VPK staff vacancies will be considered for contract termination for the remainder of the contract term</p>

7	<p>School-Year VPK classes do not exceed 11 children with an approved lead. If an approved secondary instructor is present, then they do not exceed 20 children. This number includes non-VPK children in the class.</p> <p>Summer VPK classes do not exceed 12 children with an approved lead instructor. This number includes non-VPK children in the class.</p> <p><i>Enforcement: Maintain VPK ratios and group sizes during VPK instructional hours. This may be observed during on-site monitoring visit, attendance processing, or substantiated complaints.</i></p>	1002.55 F.S.; 1002.63, F.S.; DEL-VPK 20	<p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider. An unannounced on-site visit will occur following the observed non-compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to submit a written policy/process the ELCHC. An unannounced on-site visit will occur following the observed non-compliance</p> <p>3<sup>rd</sup> non-compliance: Failure to comply may result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
8	<p>Provider maintains a record of the time any substitute spends in a VPK classroom</p> <p><i>Enforcement: Failure to maintain a substitute log. This may be observed during on-site monitoring visits, virtual monitoring, or substantiated complaints.</i></p>	6M-8.410, F.A.C	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>

9	<p>The total amount of time that a Provider assigns a substitute to a VPK Class does not exceed 30 percent of the total VPK hours.</p> <p><i>Enforcement: Failure to maintain a substitute log or failure to report instructor changes within 14 calendar days on Form OEL-VPK 11A. This may be observed during on-site monitoring visits or substantiated complaints.</i></p>	<p>6M-8.410, F.A.C. 6M-8.301, F.A.C. DEL- VPK 20</p>	<p>1<sup>st</sup> non-compliance: Technical Assistance given to change a substitute to a lead teacher, if qualifications for lead teacher have been met. 2<sup>nd</sup> non-compliance: Will result in a Corrective Action Plan and disallowed costs.</p>
10	<p>A substitute is assigned to the VPK classroom when the credentialed lead instructor is on the premises.</p> <p><i>Enforcement: Credential Lead Teacher is on the premises but the substitute is in the VPK classroom during VPK instructional hours. This may be observed during on-site monitoring visits, licensing notifications or substantiated complaints.</i></p>	<p>6M-8.410, F.A.C. 6M-8.300, F.A.C. 6M-8.301, F.A.C. DEL- VPK 20</p>	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance 2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance 3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
11	<p>Provider maintains daily attendance of the VPK class(es).</p> <p><i>Enforcement: Failure to maintain daily attendance for each VPK classroom. This may be observed during on-site visits or attendance processing.</i></p>	<p>6M-8.305, F.A.C. 6M-8.301, F.A.C. DEL- VPK 20</p>	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance 2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance 3<sup>rd</sup> non-compliance: Failure to comply will result in disallowed costs The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
12	<p>Provider maintains and submits to the ELCHC Monthly Attendance Verification on the Form</p>	<p>6M-8.305, F.A.C.</p>	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into</p>

	OEL-VPK 03S or Form OEL-VPK 03L. <i>Enforcement: Failure to maintain monthly attendance for each VPK classroom. This may be observed during on-site visits or attendance processing.</i>	6M-8.301, F.A.C. DEL- VPK 20	compliance 2 <sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance 3 <sup>rd</sup> non-compliance: Failure to comply will result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring
13	Provider and Parent accurately complete Form OEL-VPK 02 (COE) for each child enrolled in the VPK program. Provider maintains this record on file for 5 years <i>Enforcement: COEs are not completed correctly. This may be observed during on-site visits, virtual monitoring or enrollment processing.</i>	6M-8.201, F.A.C. 6M-8.301, F.A.C. DEL- VPK 20	1 <sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance 2 <sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance 3 <sup>rd</sup> non-compliance: Failure to comply will result in disallowed costs. The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring
14	Progress Monitoring (PM1, PM2, PM3) windows is completed within the required timeframe. <i>Enforcement: Failure to complete Progress Monitoring (STAR/FAST assessment) in Renaissance within the required windows</i>	6M-8.620, F.A.C	Failure to comply will result in considerations for termination and revocation of eligibility in accordance with DEL's Policy. 1 <sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance 2 <sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance 3 <sup>rd</sup> non-compliance: Considerations for termination and revocation of eligibility in accordance with DEL's Policy
15	Provider notifies ELCHC immediately if Licensure and/or Accreditation changes	1002.55(3), F.S.	Immediate termination of contract. If provider regains the licensure and/or accreditation to provide VPK, Provider must



	<p>which results in ineligibility to offer the VPK program. <i>N/A for Public Schools</i></p> <p><i>Enforcement: Failure to notify ELCHC when there have been changes with licensure and/or accreditation status.</i></p>	<p>6M-8.300, F.A.C. 6M-8.301, F.A.C. DEL- VPK 20PP</p>	<p>implement CAP for 1 year and participate in on-site monitoring.</p>
16	<p>Provider maintains required workers' compensation insurance under Chapter 440, F.S. <i>N/A for Public Schools</i></p> <p><i>Enforcement: Failure to maintain required workers' compensation insurance.</i></p>	<p>1002.55(3)(k), F.S. 6M-8.301, F.A.C.</p>	<p>1<sup>st</sup> non-compliance: CAP that includes disallowed cost for days not covered by insurance. Provider has 5 business days to submit proof of insurance, which must be prepaid for the remainder of the term of the policy 2<sup>nd</sup> non-compliance: Disallowed cost for days not covered by insurance. Termination for Cause for the remainder of the Contract term. 3<sup>rd</sup> non-compliance: Considerations for contract termination and revocation of eligibility for 2 to 5.</p>
17	<p>Provider maintains required reemployment assistance or unemployment compensation coverage under Chapter 443, F.S</p> <p><i>Enforcement: Failure to maintain reemployment assistance or unemployment compensation coverage.</i></p>	<p>1002.55(3)(k), F.S. 6M-8.301, F.A.C.</p>	<p>1<sup>st</sup> non-compliance: CAP that includes disallowed cost for days not covered by insurance. Provider has 5 business days to submit proof of insurance, which must be prepaid for the remainder of the term of the policy 2<sup>nd</sup> non-compliance: Disallowed cost for days not covered by insurance. Termination for Cause for the remainder of the Contract term 3<sup>rd</sup> non-compliance: Considerations for contract termination and revocation of eligibility for 2 to 5</p>
18	<p>Provider maintains liability insurance, as required, including transportation of children if VPK children are transported by the Provider. <i>N/A for Public Schools</i></p>	<p>1002.55(3)(j), F.S. 6M-8.301, F.A.C</p>	<p>1<sup>st</sup> non-compliance: CAP that includes disallowed cost for days not covered by insurance. Provider has 5 business days to submit proof of liability insurance, as required, which must be prepaid for the remainder of the term of the policy 2<sup>nd</sup> non-compliance: Disallowed cost for days not covered</p>

	<i>Enforcement: Failure to maintain liability insurance.</i>		by insurance. Considerations for contract termination for the remainder of the Contract term 3 <sup>rd</sup> non-compliance: Considerations for contract termination and revocation of eligibility for 2 to 5.
19	<p>Provider does not require a child to enroll for, or require payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the VPK program.</p> <p>Enforcement: Provider requires parent to pay for additional services in order for the child to be enrolled in the VPK program</p>	1002.71(8)(b), F.S. 6M-8.301, F.A.C. DEL-VPK 20	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Considerations for contract termination and revocation of eligibility for 2 to 5</p>
20	<p>Provider does not require payment of a fee or charge for services provided for a child enrolled in the VPK program during VPK hours.</p> <p><i>Enforcement: Provider charges parents for VPK services</i></p>	1002.71(8)(a), F.S. 6M-8.301, F.A.C. DEL-VPK 20	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Considerations for contract termination and revocation of eligibility for 2 to 5</p>
21	<p>Provider reports any unusual incidents to the ELCHC by the next business day of the unusual incident and provides a written report of the incident within 3 business days. See Form DEL-VPK 20 for the description of an unusual incident.</p> <p><i>Enforcement: Failure to report unusual incidents. This may occur during monitoring, substantiated</i></p>	6M-8.301, F.A.C. DEL-VPK 20	<p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance with submitting requested documents from the ELCHC.</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance, with a sample of their unusual incident reporting policy and procedures submitted to the ELCHC.</p> <p>3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include</p>

	<i>complaints, etc. The progressive enforcement for this requirement will match the severity of the incident that was not reported</i>		additional supports and possible on-site monitoring
22	<p>Provider maintains all VPK records for audit purposes for a period of 5 years from the date of the last reimbursement request for that fiscal year or until the resolution of any audit findings or any litigation related to the Contract, whichever occurs last. If files are maintained electronically, the records are back-up on a regular basis to safeguard against loss.</p> <p><i>Enforcement: Failure to produce VPK records during a five (5) year period. This may occur during a monitoring visit or auditing request.</i></p>	6M-8.301, F.A.C. DEL-VPK 20	<p>Failure to produce five (5) years of VPK records during a provider closure or change of ownership will result in a postponement of final payment until records have been submitted to the ELCHC</p> <p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance with submitting requested documents from the ELCHC</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance, with a sample of their internal record keeping policy and procedures submitted to the ELCHC</p> <p>3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
23	<p>If the provider is a provider on probation, the provider is required to successfully complete their Improvement Plan.</p> <p><i>Enforcement: Failure to completed Improvement Plan</i></p>	6M-8.700, F.A.C.	Failure to successfully complete the Improvement Plan will result in the development of considerations for contract termination and revocation of eligibility for 2 to 5 years.
24	Provider uses the DEL Provider Portal (statewide information system). This includes but is not limited to: updating Provider Profile, contracting, monitoring enrollment request, ending enrollment,	6M-8.301, F.A.C. DEL-VPK 20	<p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into</p>

	<p>submitting attendance, submitting adjustments and uploading current contracting documents.</p> <p><i>Enforcement: Failure to maintain current documents in the DEL portal, failure to submit attendance, failure to report changes in the provider profile such as a change in director or contact information, required workers' compensation insurance, required reemployment assistance or unemployment compensation coverage, liability insurance, as required.</i></p>		<p>compliance</p> <p>3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
25	<p>Provider registers with and uses the E-Verify system to verify the work authorizations status of all newly hired employees.</p> <p><i>Enforcement: This may occur during a monitoring visit, contracting period, or formal complaint by a member of the substantiated complaints</i></p>	<p>F.S. 448.095 DEL VPK-20</p>	<p>Failure to comply with this requirement may result in termination contract per Form DEL-VPK 20</p> <p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance with submitting requested documents from the ELCHC</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance, with a sample of their onboarding policy and procedures submitted to the ELCHC</p> <p>3<sup>rd</sup> non-compliance: The provider will be placed on an Intensive Corrective Action Plan for up to six (6) months, which will include additional supports and possible on-site monitoring</p>
26	<p>Provider agrees to implement minimum standards for child discipline practices that are age-appropriate and consistent.</p>	<p>DEL VPK-20</p>	<p>Non-compliance with this requirement may result in termination of the VPK contract and/or disallowed cost.</p>

	<p><i>Enforcement: Failure to provide an environment in which children are not subjected to discipline that is severe, humiliating, or frightening. Discipline must not be associated with food, rest, or toileting. Spanking or any form of physical punishment is prohibited. Children may not be denied active play as a consequence of misbehavior. Issue of a violation from the Department for Children and Families or Local Licensing.</i></p>		
27	<p>Provider adheres to governing health &amp; safety requirements</p> <p><i>Enforcement: ELCHC becomes aware of action or lack of action and makes determination. In some cases that are considered less severe in nature, contract consequence is not issued until licensing violation is finalized</i></p>		<p>Any action, or lack of action, by the provider which threatens the health, safety or welfare of children will lead to ELCHC completing considerations for contract termination and revocation of eligibility for 2 to 5. For providers that have received Class 1 licensing violations, the ELCHC may refuse to contract with the provider or revoke eligibility in accordance with the ELCHC's Class 1 Enforcement Policy.</p>
28	<p>All VPK providers must annually participate in a program assessment of each VPK classroom. VPK providers must meet the contract minimum threshold to be eligible to participate in the VPK Program</p> <p><i>Enforcement: Provider does not meet the contract minimum threshold requirements or refuses to participate</i></p>	<p>6M-8.621, F.A.C. DEL VPK-20</p>	<p>Enforcement for this indicator is specified in s. 1002.68, F.S. and Rule 6M-8.621, F.A.C.</p>

29	<p>The provider does not discriminate against children, families and staff on the basis of race, national origin, ethnic background, sex, religious affiliation, or disability. The ELCHC measures this by receipt of formal complaints.</p> <p><i>Enforcement: This may be determined during a monitoring visit or substantiated formal complaint</i></p>	DEL VPK-20	<p>1<sup>st</sup> non-compliance: A provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance with submitting requested documents from the ELCHC</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider</p> <p><b>3<sup>rd</sup> non-compliance:</b> The provider will be placed on probationary status for up to six (6) months, which will include on-site monitoring</p>
30	<p>Provider did not have a qualified test administrator administer the assessment to students.</p>	6M-8.620, F.A.C	<p>Failure to comply will result in considerations for termination and revocation of eligibility in accordance with DEL’s Policy.</p> <p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Considerations for termination and revocation of eligibility in accordance with DEL’s Policy</p>
31	<p>Provider does not have internet connection to administer the assessment.</p>	6M-8.620, F.A.C	<p>Failure to comply will result in considerations for termination and revocation of eligibility in accordance with DEL’s Policy.</p> <p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Considerations for termination and revocation of eligibility in accordance with DEL’s Policy</p>

32	Provider did not administer the assessment on the dedicated VPK website (URL).	6M-8.620, F.A.C	<p>Failure to comply will result in considerations for termination and revocation of eligibility in accordance with DEL's Policy.</p> <p>1<sup>st</sup> non-compliance: A Provider Support Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>2<sup>nd</sup> non-compliance: Corrective Action Plan will be issued to the provider and will be given five (5) business days to come into compliance</p> <p>3<sup>rd</sup> non-compliance: Considerations for termination and revocation of eligibility in accordance with DEL's Policy</p>
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