



CLASS 1 VIOLATION ENFORCEMENT POLICY

FOR VOLUNTARY PREKINDERGARTEN (VPK) & SCHOOL READINESS (SR) PROGRAMS EARLY LEARNING COALITION OF HILLSBOROUGH COUNTY (ELCHC)

I. INTRODUCTION

In accordance with sections 1002.55(5)(b) and 1002.88(2)(b) of the Florida Statutes, if a provider has been cited for a Class 1 violation the Early Learning Coalition of Hillsborough County (ELCHC) may refuse to contract with the provider or revoke the provider's eligibility for the School Readiness or VPK programs for 5 years. The ELCHC monitors Class 1 violations and receives notification of Health & Safety non-compliances through the Childcare Administration Regulation & Enforcement System (CARES). Any action taken under this policy shall be documented by the ELCHC. This policy is used in conjunction with the ELCHC SR Monitoring Plan and Procedures as well as the Health & Safety requirements of the SR program (Rules 6M-4.610 and 6M-4.620, of the Florida Administrative Code), as applicable. Below you will find the ELCHC's policy regarding the enforcement of this law.

II. GENERAL STANDARDS

1. The ELCHC may refuse to contract with the provider or revoke the provider's eligibility for 5 years if they have been cited for one or more Class 1 violations pursuant to this policy.
2. The provisions of this policy do not supersede the ELCHC's discretion to terminate a provider's contract and revoke eligibility based on their action, or lack of action, which threatens the health, safety or welfare of children per the Statewide Provider Contracts for VPK and School Readiness.
3. All VPK & SR providers shall be subject to the terms of this policy for Class 1 violations that have occurred in the last 2 years.
4. New providers that did not have a VPK or SR contract for the previous program year that have been cited for a Class 1 violation within the last 2 years shall not execute a VPK or SR contract with the ELCHC. Special circumstances may be considered with the criteria in section 3.
5. Providers with 3 or more Class 1 violations within 2 years will have their contract terminated for cause and eligibility will be revoked for 5 years.
6. The ELCHC will notify the provider at least 14 calendar days prior to terminating a contract with children actively enrolled, except for severe violations that pose an immediate threat to the health & safety of children.



III. CONSIDERATIONS

1. In determining whether to revoke a provider's eligibility and/or determining whether to contract with a provider, the ELCHC will consider the following factors:
 - a. Severity of the provider's actions (or inaction) that led to the Class 1 violation.
 - b. Whether the Class 1 violation was self-reported.
 - c. The impact that the revocation would have upon the local community.
 - d. Whether the provider had previously violated the terms of the Statewide Provider Contract.
 - e. The provider's overall record of licensing violations.

IV. DUE PROCESS

2. A provider may appeal any ELCHC decision regarding this policy as follows:
 - a. A provider may opt for the decision to have a secondary review by ELCHC Executive Leadership in which the provider submits any relevant documentation that demonstrates that the circumstances that led to the violation(s) have been resolved and measures have been taken to prevent future violations.
 - b. A provider may additionally request a review hearing appeal per the Statewide Provider Contract (Forms OEL-VPK 20 and OEL-SR 20).