

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 1 of 10

POLICY STATEMENT

Monitoring is for purposes of validating the provider's compliance with the law, rules and regulations of the program, as well as the terms of the provider agreement. It is an important step to ensure a safe environment and the quality of care necessary for children to learn. The Coalition will monitor private School Readiness and VPK providers for the purpose of ensuring School Readiness and VPK program compliance and accountability in accordance with the minimum standards set forth by the Coalition as stated below.

PROCEDURE

SCHOOL READINESS PRIVATE PROVIDER MONITORING

1. All early education and care providers deemed eligible to serve School Readiness (SR) children, will receive the *School Readiness Provider Agreement*. Prior to the provision of services for each fiscal year, the approved provider must sign the agreement and submit either the original copy, or first and last page with original signature, to the Osceola office of Community Coordinated Care for Children (4C) located at 1328 E. Vine Street, Kissimmee, FL 34744.
2. 4C will submit all provider contracts to the Coalition's Executive Director for signature and will provide a fully signed copy of the agreement to the provider, along with a "Certified School Readiness Provider" certificate. Original contracts and copies of the associated certificates will be kept in the provider's file.
3. The Coalition supports all legally operating providers in the provision of quality services. To that end, the Coalition, in partnership with 4C, will provide training and technical assistance, as well as program resources, for all early learning providers serving SR children.
4. Resource & Referral staff, and other designated staff, will provide information to families regarding centers and family child care homes who are offering SR services. SR providers will be identified on the website of the Florida Department of Children and Families.
5. SR providers must demonstrate their ability to meet and maintain requirements outlined in the provider agreement. 4C will visit all SR facilities and homes to provide technical assistance as needed to help providers meet the terms of the agreement. SR providers must maintain an 80% score in each area of the School Readiness Program Evaluation and/or a 3.0 in the Environment Rating Scale Evaluation. 4C will use the provider's initial or most current SR Program and/or Environment Rating Scale (ERS) evaluation results to determine technical assistance needs.
6. Early education and care providers who provide SR services are subject to the requirements of Chapter 411, Florida Statutes which includes, but is not limited to:
 - A. Section 411.01 (5)(c)2, Florida Statutes requires that, at a minimum, the program must contain the following elements:
 - I. Developmentally appropriate curriculum,
 - II. Character development program to develop basic values,
 - III. An age-appropriate assessment of each child's development (Ages & Stages questionnaire),
 - IV. A pre-test administered to children when they enter a program and a post test administered to the children when they leave the program (i.e. Creative curriculum assessments for 4 and 5 year old children),

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 2 of 10

- V. An appropriate staff-to-child ratio,
 - VI. A healthful and safe environment, and
 - VII. A resource and referral network to assist parents in making an informed choice;
- B. Compliance with Level 2 background screening requirements for all required staff pursuant to s. 402.301-402.319, F.S.;
- C. Compliance with the terms of the Provider Agreement for School Readiness Services;
- D. Compliance with Health and Safety Standards adopted by the Early Learning Coalition of Osceola County; and
- E. Compliance with any future rules and regulations issued by the State of Florida, Agency for Workforce Innovations, or the Coalition.
7. 4C is responsible for documenting all training, technical assistance, monitoring visits, contacts, attempted contacts and annual evaluations. All associated documentation will be kept in the provider's file.

DEVELOPMENTALLY APPROPRIATE CURRICULUM

1. All legally operating providers receiving SR funding are required to select and adhere to a Coalition approved research-based developmentally appropriate curriculum that follows the appropriate Florida School Readiness Standards for each respective age group.
 - a. Florida Birth to Three Learning and Developmental Standards for infants and toddlers;
 - b. Florida School Readiness Performance Standards for 3, 4 and 5 year old children.
2. The SR provider attests, in the *School Readiness Provider Agreement* that their selected curriculum is a Coalition approved research-based developmentally appropriate curriculum. Ongoing monitoring and technical assistance visits shall be conducted by 4C staff to ensure that providers are following their agreement and are implementing developmentally appropriate programs.
3. In addition, parents, providers, or monitoring staff who question the developmental appropriateness of observed classroom teaching or activities may also request a formal review to determine whether or not the curriculum is being properly used by the provider to meet approved curriculum criteria.
4. If an early education and care provider chooses not to select a curriculum on the Coalition's Approved Curriculum List, then the provider must complete and submit a Curriculum Exception Request to the Coalition for review and approval of their curriculum. The completed Curriculum Exception Request will be reviewed by a designated workgroup and will then render a written decision to the requestor within 45 days of submission for review.

PROGRAM COMPLIANCE MONITORING

1. 4C staff will conduct monitoring visits utilizing the SR Program Evaluation and/or ERS Program Evaluation for all SR funded licensed, registered and licensed-exempt providers; and the Health and Safety Checklist for all informal providers.
2. Each provider of SR services must be monitored at least annually and during the time of operation, when children are present.
3. Monitoring visits may be announced or unannounced. The provider must permit entry to staff that may be verified on the Approved Field Staff List authorized by the Coalition to make on-site visits and to verify the provider's compliance with the requirements.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 3 of 10

4. SR providers who refuse efforts by the Coalition or their designee to monitor their programs shall be reported to the Coalition immediately. The Coalition will contact the provider to solicit their immediate compliance. In the event the provider continues to refuse to cooperate with monitoring visits, the Coalition has the authority to terminate their participation as a SR provider pursuant to the *School Readiness Provider Agreement* in accordance with this policy, once approved.
5. Monitoring visits must be documented on the appropriate monitoring tool and discussed with the SR provider, director or designee at the conclusion of the visit. Each form must be signed by all parties and copies given to the SR provider at the time of monitoring. All associated documentation must be maintained in the provider's file.

PROGRAM MONITORING

1. Each SR provider must be monitored a minimum of once per fiscal year for programmatic compliance. The program requirements are consistent with Section 411.01 of the Florida Statutes and identified in the annual *School Readiness Provider Agreement*. Primary responsibilities include, but is not limited to, the use of *developmentally appropriate curriculum*; a character development program to develop basic values; an age-appropriate assessment of each child's development (Ages & Stages Questionnaire); a pre-test administered to children when they enter a program and a post-test administered to the children when they leave the program; an appropriate staff-to-child ratio; and a healthful and safe environment.
2. Monitoring staff will either offer, or arrange for, any technical assistance requested or deemed necessary to improve compliance.

HEALTH AND SAFETY MONITORING

1. The Coalition is committed to working in partnership with other state agencies responsible for the provision of health and safety monitoring and does not wish to duplicate those efforts for licensed education and care providers.
2. To ensure the health and safety standards of licensed SR providers are being met, 4C will communicate with the Florida Department of Children and Families (DCF) through review of the most recent inspections posted on www.myflorida.com/childcare, agency correspondence regarding administrative actions, and personal contact as necessary. Copies of these documents will be maintained in the provider file. Authorized monitoring staff witnessing a health and safety violation while conducting Coalition business shall report the violation to the DCF for additional follow up and document the report in the provider's file.
3. Health and safety compliance monitoring for SR programs that are legally exempt from licensure (religious exempt, public and private schools, registered family child care homes, and informal providers) will be conducted by 4C in accordance with the School Readiness Provider Health and Safety Inspections (#220A.01) and the Provider Health and Safety Non-Compliance (#220A.02) policies a minimum of once per fiscal year.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 4 of 10

COMPLAINTS

1. Any complaints received by authorized staff concerning possible licensing violations of licensed programs must be referred immediately to the governing licensing unit (DCF) for investigation and documented in the provider's file.
2. Level I complaints concerning alleged SR violations must be investigated by 4C staff and/or DCF within 24 hours of receipt. Level II complaints must be investigated by 4C staff and/or DCF within 48 hours of receipt. All other complaints must be addressed by 4C staff and/or DCF within 72 hours of receipt.
3. 4C staff and/or DCF must conduct an on-site visit within the timeframes specified for all Level I and II complaints. An on-site visit is preferred for all other complaints; however, in some minor circumstances phone contact may be sufficient depending on the nature and extent of the allegation. However, in all cases the matter must be addressed within the specified time frame. Findings must be documented in the provider's file and appropriate action taken as addressed in this policy. (For purposes of clarity, observations of non-compliance reported by DCF licensing staff, are not to be taken as a "complaint" but rather are considered valid, and corrective action should be taken as appropriate.)

NOTICE OF NON-COMPLIANCE

1. Authorized monitoring staff are responsible for immediately reporting knowledge or reasonable suspicion of abuse, neglect or exploitation of a child, aged person, or disabled adult to the Florida Abuse Hotline to the statewide toll-free telephone number (1-800-96ABUSE) and documenting the report in the provider's.
2. Authorized monitoring staff that suspect or find that a licensed provider is not in compliance with state child care licensing standards, must report their concerns to the governing child care licensing office. Any suspected or observed deficiency of non-licensed programs which pose a potential problem to the health and safety of the children in care must be immediately reported to the responsible agency, such as the health department, school district, overseeing accrediting agency, etc. and documented in the provider's file.
3. Before citing deficiencies on the *Notice of Non-Compliance* addressed in the following paragraph, monitoring staff must make every effort to educate and assist the provider in complying with the standards. Monitoring staff may assign "corrective action" dates and discuss the rationale of the standards during inspection or technical assistance visits.
4. Providers must be given a reasonable (i.e., 5-7 days) opportunity to demonstrate their ability to meet the expected standards before any threat of administrative action or disenrollment is made. Staff should also make every effort to educate the provider and identify potential resources to assist them in meeting the standards (i.e. mini-grants, etc.) Monitoring staff should always recognize that the ultimate goal is compliance and every effort should be made to achieve that through education and technical assistance before any punitive measures are imposed. For example, if the monitor discovers the provider does not have a fire extinguisher, they should discuss the importance and benefits of having a fire extinguisher on the premises and refer the provider for possible support services. The monitor should try to establish the reasons for the non-compliance and assist them in every way possible to come into compliance. For example, if the provider has limited available funds, then assisting the provider with locating available resources or mini-grants should be explored.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 5 of 10

5. Imposition of the formal *Notice of Non-Compliance* and subsequent 10 day warning should be offered only after documented reasonable measures have been taken (i.e. training, technical assistance or other types of support) have failed to achieve the provider's continued compliance.
6. If one or more of the areas above are in violation after efforts for compliance have been unsuccessful, the provider will be verbally advised at the time of observation and given a written *Notice of Non-Compliance*. The *Notice of Non-Compliance* will identify the areas of non-compliance, the statute, rule or regulation violated and how to remedy the non-compliance and a reasonable time period for correction.
7. A reasonable time frame will be established for correction, with input from the provider; however the expected date of final compliance shall not exceed 21 business days. The date of expected correction is based on "business days" and should begin with the day after the monitoring visit. The actual expected date of correction must be written on the corrective action statement.
8. The *Notice of Non-Compliance* must be signed by the person issuing the notice monitoring and the SR provider. In the event the SR provider refuses to sign, authorized staff will document the provider's refusal directly on the form and leave a copy with them. A copy of the *Notice of Non-Compliance* will be provided to the Coalition's Executive Director within 24 hours of the on-site visit.
9. Monitoring staff shall re-inspect each SR provider that has been issued a *Notice of Non-Compliance*. The re-inspection shall take place no fewer than 21 business days and no more than 30 business days from the date the provider received the *Notice of Non-Compliance*.
10. If the re-inspection verifies that the provider has satisfactorily met compliance, then monitoring staff will document the compliance in the provider's file and forward the Coalition's Executive Director a Re-Inspection Report within 24 hours of the verified compliance..

WARNING OF NON-COMPLIANCE

1. If upon re-inspection, if the monitoring staff establishes the provider has failed to comply with the corrective action, a *Final Warning of Non-Compliance* will be issued.
2. The *Final Warning of Non-Compliance* serves as official notice by the Coalition that the provider has 10 business days to comply. This document will identify the area(s) of non-compliance, and will notify the provider of the potential ramifications if compliance is not achieved by the end of the 10 business days. This notice will also identify the factors which will be taken into consideration by the Coalition's Executive Director when determining whether the provider will be placed on probationary status or terminated from the SR program as a provider.
3. The Coalition's Executive Director will be provided a copy of the Re-Inspection Report within 24 hours of the re-inspection, and the monitoring staff will provide sufficient information and supporting documentation regarding the factors identified in the paragraph below to ensure the Coalition's Executive Director has full knowledge of the SR provider's overall performance.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 6 of 10

FAILURE TO COMPLY WITH "10 DAY" REQUIRED CORRECTIVE ACTION

1. The Coalition's Executive Director will, within 3 business days of notification, review the matter and consider the following factors in determining whether to place the provider on a probationary status or terminate the provider contract:
 - A. The number of unrelated and distinct offenses (areas of noncompliance);
 - B. The financial impact to a parent, the Coalition, or the State;
 - C. Any previous violations by the provider;
 - D. The length of time since the last violation;
 - E. The length of time the provider has been providing early learning or SR services;
 - F. Prior discipline imposed on the provider;
 - G. The effect of the penalty on the provider's livelihood;
 - H. The willfulness of the provider pertaining to any violation;
 - I. Corrective action or improvements undertaken by the provider to correct the violation;
 - J. Technical assistance the provider has received; and
 - K. Any other mitigating or aggravating circumstances.
2. If the Coalition's Executive Director determines that the factors support terminating the provider's contract, the procedure addressed in paragraph B below will be followed. If the Coalition Executive Director determines that the factors support placing the provider on probationary status, the following must occur:

A. Probationary Status

1. Written notification must be sent within 2 business days from the Coalition's Executive Director to the provider with the following information:
 - A. The reasons the provider is placed on probationary status;
 - B. Areas of non-compliance and required corrective action;
 - C. The provider's right to technical assistance;
 - D. Duration of the probationary period which will be 30 calendar days from date of provider's receipt;
 - E. Effective date; and
 - F. Terms of the probation including, but not limited to:
 - i. A moratorium on any new enrollments during the probationary period;
 - ii. The Coalition's right to extend the probationary period one time by 30 days; and
 - iii. The Coalition's right to terminate the *School Readiness Provider Agreement* and/or *Statewide Provider Agreement* if the provider fails to meet the requirements.
2. Designated 4C and/or Coalition staff, including Resource & Referral, Eligibility, provider consultant staff, will be notified of the providers change to probationary status.
3. 4C staff shall conduct at least 1 on-site visit during the probation period to provide technical assistance, observe and report to the Coalition the status of the provider's actions implementing necessary corrective measures. A second on-site visit will be conducted if the probationary time is extended.
4. 4C staff shall monitor the provider within 5 business days at the end of the probation period to determine if the corrective action was completed.
5. The provider's failure to comply with corrective action by the end of the probationary period will result in automatic termination from the SR program.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 7 of 10

B. Termination of School Readiness Services

1. Involuntary Closure

If after consideration of the factors in these procedures, the Coalition's Executive Director determines that termination of the provider from the School Readiness program is the most appropriate action, the Coalition's Executive Director shall send written notification to the provider which will include:

- A. The reason for termination;
- B. The effective date; and
- C. The SR provider's right of appeal as described in the Non Employment Related Grievances Policy (#206A.02).

2. Voluntary Termination of School Readiness Services

At any time the provider and Coalition may mutually agree to terminate the *School Readiness Provider Agreement*. The provider must give written advance notice of the termination at least 30 calendar days in advance so that alternative arrangements for uninterrupted services may be made for students enrolled with the provider in the SR program. The Coalition must respond in writing acknowledging the pending contract termination and date of final day of service.

3. Notice to Parents

4C staff shall notify the parents in writing of the SR children in the provider's care, of the termination of the *School Readiness Provider Agreement*, whether voluntary or involuntarily. Parents will be provided an opportunity to make a choice to continue their child in care of another provider. In some circumstances, the parent may choose to remain with the existing provider; however the parent must be advised that their child will no longer be enrolled in the SR program and that their child care subsidy will stop.

FISCAL MONITORING

1. School Readiness fiscal monitoring shall be conducted in accordance with the _____ policy (being developed).

MISREPRESENTATION OR FRAUDULENT ACTIVITY

1. If at any time, authorized staff have reason to suspect that a SR provider has provided false, misleading, inaccurate information, failed to disclose pertinent information or have been engaged in fraudulent activity, staff must follow the procedures outlined in the Suspected Fraud Policy (#206A.04).

DISPUTE RESOLUTION

1. Any SR provider who is placed on probation or terminated for non-compliance will have a right to grieve the action in accordance with the Non Employment Related Grievances Policy (#206A.02).

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 8 of 10

VPK PRIVATE PROVIDER MONITORING

1. A valid targeted sample of private VPK providers offering a school year program will receive an unannounced, on-site monitoring visit during the school year. All VPK classrooms will be subject to monitoring at each VPK provider site using the *VPK Program Evaluation Tool* to observe the provider's compliance regarding VPK legislation. VPK providers shall also receive technical assistance at this visit as needed.
2. Priorities for selecting VPK providers within the targeted sample to be monitored during the fiscal year include:
 - A. 1st priority – providers receiving Level I or II DCF infractions within the last year
 - B. 2nd priority – providers new to the VPK program
 - C. 3rd priority – providers out of compliance during monitoring from previous years
 - D. 4th priority – providers receiving parent complaints
 - E. 5th priority – providers who have received a post attendance audit by 4C who have not been captured in the other four priorities.
3. If the VPK provider is in compliance, a copy of their VPK program monitoring report will be sent to them and the original will be maintained in the provider's file.
4. If the VPK provider is non-compliant, the following steps shall be taken:
 - A. The VPK monitoring form shall be checked for accuracy to verify non-compliance.
 - B. A review with the VPK director shall be conducted to explain the areas out of compliance and given the following timeline to comply:
 - I. No director or director without credential; 30 days
 - II. Teachers without complete paperwork (including current level screening results) on file; 10 days
 - III. Teacher(s) in classroom is/are not the same teacher listed on their VPK application; 10 days
 - IV. Children in classroom not listed on proper class roster; 10 days
 - V. Different curriculum being used in classroom than listed on VPK application; or 10 days
 - VI. Failure to notify 4C, on behalf of the Coalition, of all VPK program changes as required by the *VPK Statewide Provider Agreement*. 10 days
 - C. In cases where improper child ratios and/or health and safety violations are verified, a report will be submitted to DCF and the infractions will be noted in the provider's file.
 - D. Follow up monitoring will be conducted with the provider within the specified timeline to ensure proper compliance.
 - E. If proper compliance is not met within the designated time line, the Coalition will notify the provider that all payments may be suspended effective immediately. If the provider wishes to continue with the VPK program, they will need to provide proof of compliance within the designated timelines as outlined in Section 5b or may risk termination from the VPK program. All VPK payments may be suspended from the time of non-compliance discovery until compliance is met. If compliance is not met within the specified time, VPK payments may be deemed disallowed costs and therefore, not reimbursable to the provider.

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 9 of 10

VPK LOW PERFORMING PROVIDERS (LPP)

VPK providers not meeting state readiness rates for one year must submit and implement an improvement plan to the Florida Department of Education (DOE). Providers not meeting state readiness rates for two years will be placed on probation, must follow a corrective action plan, and must use a State Board of Education approved curriculum package. Providers not meeting state readiness rates for three years will become ineligible to provide VPK program services. The Coalition shall monitor low performing providers to ensure that the requirements for procedures are completed as follows:

1st Year VPK Low Performing Provider (LPP)

1. A VPK provider has 21 days from the date the readiness rate is published to acknowledge its status as a LPP by using the VPK Provider Kindergarten Readiness Rate website (www.ImproveVPK.org). DOE monitors the provider's compliance with this requirement.
2. A provider has 30 calendar days from the date of its acknowledgement to submit a VPK Program Improvement Plan using the online template. The Coalition or school district has 10 days to approve or not approve the plan. If the Coalition or school district does not approve the provider's VPK Improvement Plan, the provider will have 30 calendar days to re-submit a plan for consideration.
3. If a VPK LPP does not complete their VPK Program Improvement Plan by the 30 calendar day deadline, the VPK provider will not be eligible to deliver services for the upcoming VPK program type (school-year or summer).
4. A VPK LLP must submit their quarterly progress reports through the www.ImproveVPK.org website unless it is approved in writing by the Agency for Workforce Innovation to submit paper reports using Form AWI-VPK 31. Providers needing more information about this process should be referred to OEL-PG-0046-07 at: <http://www.floridajobs.org/earlylearning/documents/File530.01VPK%20ImprovementPlanProcess.pdf>
5. If a VPK LPP does not submit their periodic progress report by the established deadline, the Coalition will implement the following corrective measures:
 - A. Quarterly Progress Report Deadline missed the first time – the VPK LPP will be given 1 notice of extension to complete their report within 10 calendar days and will be notified that the consequence of missing this extended deadline may result in the termination of their *VPK Statewide Provider Agreement* and transfer of VPK children.
 - B. Quarterly Progress Report Deadline missed the second time – unless extenuating circumstances exist, the LPP's *VPK Statewide Provider Agreement* will be terminated and their children will be transferred.
 - C. The Coalition shall notify the provider of the corrective action plan, timeframe for compliance, and applicable consequences by certified mail return receipt.
6. If the Coalition terminates a LPP's *VPK Statewide Provider Agreement* for non-compliance, the Coalition shall ensure that:
 - A. Parents are given adequate notification of the provider's non-compliance and termination from the VPK program;
 - B. Parents are given a list of VPK providers who are currently accepting children into the VPK program for the coalition's service area;
 - C. Inform parents that they may be entitled to another FTE under "Extreme Hardship" as outlined in [OEL-PI-0035-06\(6\)\(c-d\)](#); and

EARLY LEARNING COALITION OF OSCEOLA COUNTY

PROVIDER MONITORING

ITEM: 530A.01

EFFECTIVE DATE: 12-20-07

REVISED: N/A

Page 10 of 10

D. Providers are given 10 days notice of intent to terminate the *Statewide Provider Agreement* as outlined in #57 of AWI-VPK-20.

2nd Year VPK Low Performing Provider (LPP)

1. VPK LPPs in their second consecutive year must utilize a DOE VPK approved curriculum package. The Coalition will provide the list of approved curriculum VPK LPP packages to the LPPs within the first week of the release of the final state readiness rates.
2. In accordance with the guidelines set forth by the State, VPK LPPs will be required to purchase a curriculum package from the approved list and provide an acceptable form of proof of purchase (i.e., receipt, bill of sale, invoice, etc.) before they can be verified as eligible to provide VPK program services.
3. VPK LPPs can request technical assistance from authorized staff to support them in successfully implementing the curriculum package they choose to use for their VPK program.
4. The Coalition shall notify the provider of the corrective action plan, timeframe for compliance, and applicable consequences by certified mail with return receipt.

3rd Year VPK Low Performing Provider (LPP)

1. Providers not meeting the state readiness rate for 3 consecutive years will become ineligible to provide VPK program services.
 2. If the Coalition terminates a VPK LPP contract for ineligibility, the Coalition shall ensure that:
 - A. Parents are given adequate notification of the provider's non-compliance and termination from the VPK program;
 - B. Parents are given a list of VPK providers who are currently accepting children into the VPK program for the coalition's service area;
 - C. Inform parents that they may be entitled to another FTE under "Extreme Hardship" as outlined in [OEL-PI-0035-06\(6\)\(c-d\)](#); and
 - D. Providers are given 10 days notice of intent to terminate the *Statewide Provider Agreement* as outlined in #57 of AWI-VPK-20.
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PARTIES AFFECTED

All private School Readiness and VPK providers in Osceola County.

ASSOCIATED DOCUMENTS / FORMS

School Readiness Provider Evaluation Tool

Environment Rating Scale Evaluation Tool

VPK Provider Evaluation Tool

Health and Safety Check List

School Readiness Provider Agreement

Statewide Provider Agreement (AWI-VPK 20)

Notice of Non-Compliance

Final Warning of Non-Compliance