

# Early Learning Coalition of Florida's Heartland, Inc.

## ELCFH Executive Committee Meeting Joint Meeting with ELC Southwest Florida Board Wednesday, May 5, 2010 @10:00 a.m.

**Members Present:** Ed Osborne, Alan Grimes (Conference Call), Sheila Nobles, Deb DeKeulenaere  
**Staff:** Anne Bouhebert, Anna Brookbank, Marjie Bateman, Arvilla Brito  
**ELC-Southwest Florida Members Present:**  
**ELC-Southwest Florida Staff:**

---

### 1. **Call to Order (Ed Osborne)**

Ed Osborne called the meeting to order at 10:13 a.m.

### 2. **Public Input (John Remington, Chair, ELC of SWFL)**

John Remington, ELC SWFL Chair referred to an article published on May 4<sup>th</sup> with reference to the Marion County property appraiser's office rescinding Kingdom Kids Zone's exemption from property taxes. This was due to the owner granting her own business the gold seal status required to avoid paying property tax. John stated there were 150 children affected and quoted the article, "the coalition must provide the funding since DCF formally recognizes Kingdom Kids Zone as a religious day care."

Ed Osborne, ELCFH Board Chair stated DCF has been aware of this issue for many years and it is disconcerting that it continues to go on. He further stated the timing of this article brings it more to light and the ELCFH Board members.

Kathleen Reynolds, CEO, ELC of SWFL, stated the article states DCF opened its investigation of this agency in March of 2010, however, the coalition has documentation of notifying DCF that this agency was not an accrediting agency in January 2009.

Sheila Nobles, ELCFH Board Secretary and Child Care Licensing Supervisor for Department of Children and Family Services responded to a question raised about whether DCF certifies who they say can offer the accreditation. Sheila stated the accrediting agency submits documentation of health safety requirements to the DCF home office in Tallahassee. The documentation is reviewed and the accrediting agency is verified. There are a lot of loopholes with the law and requirements as to what it takes to be an accrediting agency. It is possible for one to become an accrediting agency, charge \$500-\$600 dollars for a facility to be accredited and yet not have met the F.S. 402.306. DCF is very limited in authority within Florida statute. Sheila further stated however that there are many facilities that DCF cannot go into the facility unless it is a background screening requirement under FS 402. DCF has gone to legislature asking for changes since 2006.

Joe Paterno, Vice Chair of ELC SWFL Board asked Sheila what the legislature's response was to this request. Sheila stated what was discussed was that the legislature stated the facilities are allowed to be religious exempt and that is why they would not allow DCF to go into the facilities for inspections (with the exception of issues pertaining to background screenings). Sheila stated in 2006 some licensed facilities were closed by DCF due to child safety issues. Afterwards, DCF started receiving religious exempt annual statements and certificates (required of religious exempt by DCF) from some of these same facilities. Once this information is received by DCF the facility is added to the website. Sheila received some different legal opinions. Some legal opinions have agreed that more information

was needed. FS 402.316 says in part that once they become licensed they cannot go religious exempt and that was the trend that DCF started to see.

Kathleen Reynolds added that this is a very difficult subject to approach in Tallahassee as well as EDC's collectively; however, things are starting to happen by this joint meeting as well as the ED Association writing a position paper which has now been accepted by George Sheldon as well as joint task force. It is important we look at what we are proposing at today's meeting. She further stated many states refuse to allow child care facilities unless they are licensed - Florida is not one of them.

A discussion ensued and it was suggested to have the licensed exempt facilities involvement in reviewing concerns of license exempt facility oversight, acknowledging that there are many facilities who provide high quality services for young children. Another suggestion was to come up with a dollar amount for legislature to see how much money is being received fraudulently by these facilities. The suggestion was to obtain the total number of licensed exempt facilities in the state of Florida for each coalition counties and then using R&R to determine the dollar amount that is being paid out by the state.

The property tax appraisers of individual counties is also a good source as they have different set of laws to determine exemptions.

**3. ELC of SWFL – Statement of Concerns (Kathleen Reynolds, CEO, ELC of SWFL)**

Kathleen Reynolds stated the issue of license exempt facilities has been a serious and very challenging issue. Kathleen further stated the ELC SWFL believes DCF has been a wonderful partner, however, in terms of the issue that needs to be addressed stated DCF is understaffed and lacks legislative authority to pursue some of the issues. Kathleen distributed a copy of a newspaper article sent to coalitions by AWI (Agency for Workforce Innovation) entitled, Day Care's Tax Exemption Rescinded. She further stated it is the same accrediting agency that the coalition has had issues with for a long time. The property tax appraiser of Marion County chose to seek real estate taxes from this accrediting agency when they could not reach the "Gold Seal" operators. Kathleen stated when you have a gold seal provider you get a real estate tax exemption. One of the questions the coalition raised yesterday with AWI is that this accrediting agency has been identified as no longer being accredited – so is there a real estate tax implication? They are still awaiting an answer to this question from AWI. She further stated that the property appraiser in Marion County clearly thought this to be true as made suggestions to DCF for tightening its review process.

Kathleen stated there are three items for discussion:

1. Common penalties for licensed and unlicensed facilities with violations.  
Kathleen stated currently it is an unlevel playing field and it is as if facilities were being discouraged from being licensed because they can get class 1, 2 and 3 violations with separate penalties whereas unlicensed facilities cannot.
2. Common approaches to removing gold seal payments in School Readiness programs (for licensed and unlicensed).
3. Common approaches to inspections in all child care facilities including VPK only sites.

**4. ELCFH - Statement of Concerns (Anne Bouhebert, Executive Director, ELCFH)**

Anne Bouhebert stated the ELCFH is very concerned about the lack of oversight by the applicable licensing or accrediting agencies and believes strongly that it is putting children at risk. Anne stated the packet contains ELCFH documentation and timelines of recent communications regarding three

license exempt, contracted School Readiness facilities with continuous non-compliance issues directly impacting the health and safety of children. Anne stated the conclusions based on the review of these cases were the following:

1. Laws and rules that apply to licensed facilities do not apply to licensed exempt. A penalty imposed on a licensed facility typically does not apply to licensed exempt.
2. Agencies responsible for the licensure of license exempt facilities are not required to be responsive to issues regarding quality of child care service provided to young children.
3. The validity of some accrediting and licensing agencies is highly questionable. Statewide rules and process to ensure each agency actually exists and has the capacity for accountability of child care facilities is necessary.

5. **Review of Back-up Materials Related to Concerns:**

- ELC of SWFL (Shirley Losch, Director of Health & Development Services)

The ELC of SWFL prepared a chronology of the coalitions' attempts to address concerns relating to licensed exempt facilities. Of particular note is an email sent to DCF inquiring where to obtain the accrediting agencies published standards published and if these standards ever have to be updated. The response from DCF was that published can mean just about anything i.e., written down on paper someplace. It could be in their office and they don't have to remit a copy of it if they don't choose to. Kathleen stated if the coalition cannot get a hold of the standards then they have no way to determine if the standards are higher than licensing standards.

Shirley Losch, Director of Health & Development Services for ELC of SWL reviewed the major highlights and noted the Gold Seal allows a provider to have increased rates for school readiness as well as allows a license exempt provider to provide VPK.

- ELCFH (Anne Bouheben, ELCFH Executive Director)

Anne briefly summarized that the chronology provided in the packet served as evidence supporting the concerns and conclusions originally stated earlier in the meeting.

6. **Proposed Actions:**

- Kathleen stated the ELC SWFL Board adopted policy that ELC SWFL will have common approaches to sanctions for licensed and unlicensed. The ELC SWFL is requesting the ELCFH to adopt the same policy.

- Create consistency in documenting violations (Kim Gerbasio, Health & Safety Monitor)

The ELC SWFL has purchased the same software as DCF (Sans Write). A demonstration of the software was provided. The ELC SWFL would like to encourage all coalitions to use the same software in order to have a common way of identifying violations. A discussion ensued and it was suggested the software company contact all coalitions and offer a 90 day trial.

- A letter to the Chair of ELAC and to DCF was drafted and, if approved, would be signed by both Board Chair. The letter requests that this issue to be placed on June ELAC agenda.

- The Association of Early Learning Coalitions (AELC) position paper to be endorsed by both coalition boards. One of the recommendations is to form a task force. AWI and DCF will be meeting to

**Sheila Nobles made a motion to endorse the AELC white paper as well as approval of a letter to**

**the Chair of ELAC and to DCF jointly signed by Chairs of both ELCs. Deb DeKeulenaere seconded. The motion carried.**

7. Public Input (John Remington, Chair, ELC of SWFL)  
Anna Brookbank, ELCFH Associate Director, Contracts and Compliance stated helping staff standardization on compliance issues is good, however, there is concern about doing DCF's job. Sans Write is good for short term, however, there needs to be a long term goal that will work for the children the coalition services.
8. Adjournment (John Remington Chair, ELC of SWFL)  
The meeting adjourned at 11:40 a.m.