



# Minutes

Board of Directors Meeting  
November 1<sup>st</sup>, 2010; 8:00 am  
ELC Board Room

**Board Attendees:** Octavio A. Verdeja Jr. (Chair); Yvonne T. Johnson, M.D. (Vice Chair); Yesenia Perkins (Treasurer); Gerald K. Schwartz, Esq. (Secretary) (attended via conference call); Modesto E. Abety; Magaly Abrahante, Ed.D. (attended via conference call); Daniel Armstrong, Ph.D. (attended via conference call); Rick Beasley; Connie Chapell; Jacqui B. Colyer; Gina Cortes-Suarez, Ed.D.; Alan Eckstein, Esq. (attended via conference call); Shaleen Fagundo; P. Morgan Hill (attended via conference call); David Lawrence, Jr.; Harve Mogul; The Hon. Natacha Seijas; Ann Karen Weller, R.N., B.S.N.; David Williams, Jr.

**Board Absentees:** The Hon. Cindy S. Lederman; Jane McQueen; Lucy C. Piñeiro, Esq.

**Staff Attendees:** Evelio C. Torres, CEO; Leana Pena; Angelo Parrino; Blythe Robinson; Tabatha Cullen; Jackye Russell; Mary Williams (attended via conference call); Fred Hicks; Milton Silvera; Melody Thelwell; Sandra Gonzalez; Nicole Bardin; Jose Hernandez; Aileen Martinez; Bethany Sands

**General Attendees:** Santiago D. Echemendia (Board Counsel) (attended via conference call); Bob De La Fuente, Tew Cardenas; Doug Blomberg, Wesley House (attended via conference call); Linda Carmona-Sanchez, AECE; Dabney Park, Performance Executive Search; Marie Woodson, Miami-Dade County; Gladys Montes, United Way; Brian Sheaffer, YMCA; Paul Zamek, Performance Executive Search; Maritza Alonso, Miami-Dade County; Marisel Elias Miranda, Miami-Dade County Public Schools; Meagan Drudcer, United Way; Gail Gregg, Florida International University; Jesse Leinfelder, The Children's Trust; Lisa Pittman, The Children's Trust; Isis Garcia Martinez, Reagan Academy

## I. Welcome and Introductions

Octavio A. Verdeja, Jr., Chair

- Chairman Octavio A. Verdeja, Jr. called the meeting to order and welcomed everyone.
- Leana Pena called roll and a quorum was established with 14 voting members.
- D. Lawrence presented the PSA that will be running for the Children's Movement of Florida. He stated they have hired 4 organizers around the state and they will be at legislation delegation meetings coming in November and December.
- O. Verdeja stated they will be scheduling a half day strategic planning meeting in the future. They will have an opportunity to hear feedback from the listening



sessions and will be able to start discussing funding and other priorities. The Board Strategic Planning Committee will be meeting after the board meeting. He asked if anyone could stay to participate, it would be greatly appreciated. D. Park presented the agenda for the Board Strategic Planning Committee. He mentioned that at this point they are gathering a lot of data, and conducting listening sessions and interviews. The Committee needs to deal with the after school care issue and figure out what they will do about minimum standards for providers. There are also issues relating to reimbursement rates. The Committee will review all of the issues in more detail at the committee meeting.

- O. Verdeja stated that listening sessions for the community have been scheduled in North Miami-Dade, South Miami-Dade and the Keys. Dates will be sent via email.
- N. Seijas recommended scheduling another community listening session in the northwest part of the county.
- O. Verdeja commented on the Wesley House annual report. He commended Doug Blomberg and his staff for their accomplishments and the great work they do on behalf of children throughout the keys.
- D. Blomberg thanked O. Verdeja for the opportunity to address the Board. He thinks the ELC has been very supportive to the unique challenges they have in the Keys. The unique circumstances that children and their families face are very prevalent in Wesley House. Without the collaboration of the Wesley House staff and local ELC staff, many things would not have been accomplished. They were able to reduce their waitlist down to zero and manage it a bit differently. They still have a lot of parents coming in for resource and referral. Providers are doing relatively well. If he could send any message out, it's that they will need to work more and more closely with parents to ensure that children grow up in a better world.
- E. Torres took a moment to thank Wesley House. They have a great relationship not only on the childcare side but on the child welfare side. It is a great partnership. Wesley House also makes the most out of the other partnerships they have as well.
- O. Verdeja stated the Program Strategy Committee and the Provider Services Committee would be discussing a policy to address providers with licensing violations and how to move forward. After discussion, it was decided to defer action on the two pending cases until that policy is completed.

<b>II. Approval of Minutes</b>	<b>Octavio A. Verdeja, Jr., Chair</b>
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- O. Verdeja called for a motion to approve the October 4<sup>th</sup>, 2010 minutes.
  - N. Seijas moved to approve the minutes.
  - Motion seconded by D. Williams.
  - Motion unanimously passed.



### III. Executive Committee Report

Octavio A. Verdeja, Jr., Chair

- Motion to ratify the Executive Committee's decision to approve Resolution 092910-01 to authorize the President and CEO to execute the First Amendment to contracts PSA10-175 with Teaching Strategies, Inc. to provide additional curricula and training sessions to early care and education providers participating in the Curricula Learning Community Program in Miami-Dade County.
  - D. Lawrence moved to approve the motion.
  - Motion seconded by R. Beasley.
  - Motion unanimously passed.
  
- Motion to ratify the Executive Committee's decision to approve Resolution 092910-02 to authorize the President and CEO to execute the First Amendment to contracts PSA10-165 with High/Scope Foundation to provide additional curricula and training sessions to early care and education providers participating in the Curricula Learning Community Program in Miami-Dade County.
  - D. Lawrence moved to approve the motion.
  - Motion seconded by R. Beasley.
  - Motion unanimously passed.
  
- Motion to ratify the Executive Committee's decision to approve Resolution 092910-03 to authorize the President and CEO to release Request for Proposals (RFPs) for the services listed within the background section of this resolution.
  - D. Lawrence moved to approve the motion.
  - Motion seconded by R. Beasley.
  - Motion unanimously passed.
  
- Motion to ratify the Executive Committee's decision to approve Resolution 092910-04 to authorize the President and CEO to execute the Amendment to the Coalition's Procurement Policy, approved by the Board of Directors in April 2006. The Amendment will increase the President and CEO's purchasing threshold from \$25,000.00 to \$35,000.00, which is aligned with the recently updated Chapter 287, Florida Statutes.
  - D. Lawrence moved to approve the motion.
  - Motion seconded by R. Beasley.
  - Motion unanimously passed.

### IV. Finance Committee Report

Yesenia Perkins

- Y. Perkins reviewed the financial statements.
  
- Motion to approve Resolution 102710-01 to authorize the President and CEO to release Request for Proposal (RFP) for the Provider Portal Hosting and Enhancement services.
  - H. Mogul moved to approve the motion.
  - Motion seconded by J. Colyer.
  - Motion unanimously approved.
  
- Y. Perkins stated there has been a decrease of 238 children being served from last month. The waitlist is at 23,139. The number of children enrolled in VPK as of October 25 is 19,987.
  
- J. Colyer asked for a breakdown on the waitlist for ages zero to three.



- E. Torres stated the last time he checked; there were 14,700 children ages zero to five. They will send out information on the breakdown of ages zero to three.
- Y. Perkins continued with Monroe County. There are 699 children enrolled as of September. The waitlist is zero. There are 399 children enrolled in VPK as of October 22 and actual paid of September is 422.

#### **V. Provider Services Committee Report**

**Gina Cortes-Suarez, Ed.D.**

- A short Channel 4 Video Clip was shown on the Safety of South Florida Daycares.
- Motion to approve Resolution 102110-01 to authorize the President and CEO to adopt the School Readiness Child Safety Licensing Policy, with an effective date of July 1, 2011.
  - D. Lawrence motioned to approve the resolution.
  - No second was made.
- N. Seijas stated DCF does great work and has wonderful employees. She does not agree with the newscast as they did not specify what the violations made by the centers were. It's a disservice to all the childcare providers. Everyone is being looked at as if they are wrong and that is not fair. She asked the Board to study and listen to what everyone has to say before making this decision. There are things that need to be considered first.
- Y. Johnson asked about the unlicensed providers in the background of the resolution as she thought all providers had to be licensed.
- E. Torres stated that some providers are exempt like the karate and ballet schools that have afterschool care programs. The policy that the Board had discussed was a result of a couple of providers that have significant licensing violations. A request was made to create a system that was fair to everyone. The Board is considering disqualifying providers from the school readiness program due to serious licensing violations. This rule system would only impact providers that are licensed. The providers that are not licensed would have the same type of situation but there would be no record of it and that is how this policy came about.
- H. Mogul asked if research has been done to segment violations according to types of providers.
- E. Torres stated the providers in the video are religious providers but they elected to be licensed although it is not required.
- H. Mogul asked if they are becoming enablers if ELC is funding those organizations that have a child running out on the road.
- S. Echemendia stated in our contract, religiously exempt providers that do not have licensure but do need to comply with health and safety standards provided in the Florida Statutes. This new policy provides a grace period and a lot of it is in our existing contract. Through the course of the two proposed to be suspended, a number of issues arose. The idea was to clarify what is currently in the contract relative to suspension if you have a class one or two class twos. It went beyond that in the Program & Strategy and Provider Services Committees where they said, starting in July 2011, they can't have a provider agreement unless you are licensed or you are one of the three that are



exempt. Rather than suspend a provider upfront, they would be allowed to go through the grievance procedure, go through the Provider Services Committee, and then to the Board. If the Board finds there is no substantial evidence to sustain the suspension or otherwise there is a valid justification, then the board would decide not to suspend or to suspend. If found guilty, they would have 30 days notice. It isn't that different from what is currently in their contract. It just clarifies that they will sit out for a year without payment if found guilty. It also clarified that those exempt from licensure do need to comply with health and safety standards that are in our contract. The only thing it goes beyond is that a provider must be licensed to get money from the ELC besides the 3 exempt types.

- H. Mogul asked if health and safety violations are being tracked.
- E. Torres stated that DCF tracks the reports for licensed providers but they are not being tracked for non-licensed providers. A new requirement coming about is that ELC is going to be required to develop an infrastructure to conduct health and safety inspections for all of the unlicensed providers. The more providers that are licensed, the fewer providers they would have to go out and perform these inspections on.
- G. Schwartz asked about the expense of performing these inspections.
- E. Torres stated it would be about half a million a year to create the infrastructure required for the number of unlicensed providers ELC currently has.
- S. Fagundo stated when they had the Provider Services Committee; the original recommendation was to have the policy be effective January 1, 2011. Staff took that back and revised it to July 2011. It was a really important change to the Commissioner's point that there is a lot to evaluate here. She thinks there is a lot of room for unintended consequences because there is a lot of variation in the violations, especially in the class two violations. In the interim until this policy takes effect, E. Torres stated he could begin getting the reports from DCF as far as which providers are getting which class of violations to look at trends and their causes. Many providers will say they contacted their local municipality or county to come out and update and they don't do it. It's not for a lack of trying, but the fire agencies don't come and providers end up getting a violation. There is some room these nine months to be more efficient at committee meetings and be fair to providers. There is a discrepancy in the licensed versus the unlicensed. It's not just that they aren't getting inspections, but there are requirements on licensed providers for ratios. For an unlicensed provider, there is nothing specifying a student to teacher ratio.
- G. Cortes-Suarez stated that with this policy, there would be less unlicensed providers that the Coalition would be giving money to.
- M. Abety asked if all providers come under the inspection of ELC and/or DCF, why do we continue to exempt religious and informal providers. Why aren't they included in the policy?
- S. Echemendia stated they don't have the authority to go beyond the State statute. They have simply made it consistent with what is being done today.
- O. Verdeja asked what if they have many religiously exempt that are licensed.



- E. Torres stated most are already licensed.
- O. Verdeja asked what if they decide to give up their license since they fall into the exempt category.
- J. Russell stated if they elect to serve children 3 years old and younger, then they are required to be licensed. Most of them do serve that age group therefore they are licensed. Once they make an election to be licensed, they cannot choose to become exempt at a later time.
- D. Armstrong asked if they are going to be the organization that certifies those non-licensed religious providers; do they need to purchase an insurance policy to cover any expenses that might come? If they certify safety and there is an injury or death, the liability could easily run into the millions. He thinks ELC needs to think about the liability as they go down this road. The second issue comes back to the way the decision about the Board's review process is handled. He thinks it makes sense to review the decisions of the Provider Services Committee. One of the concerns he has is that it will be very expensive to ELC if they make a decision to suspend or not suspend a provider. If they don't have something very clear to guide decision-making they may end up in court. He is very concerned about how they protect themselves and how they reduce the likelihood of frivolous and costly involvement in court regarding the policy.
- Y. Perkins asked if the policy could be extended to VPK dollars and if the background could be worded to include non-licensed providers.
- E. Torres answered that is the problem, that they cannot include unlicensed providers. In regards to VPK, they have their own set of standards and are funded by the Department of Education. He stated his understanding was that the idea was never that providers would be disqualified from serving school readiness children for the simple type violations. These are only for the serious violations like what happened in Palm Beach County where a child was left in a van and died as a result. That Board had a very difficult time suspending that provider from school readiness services since there was no clear-cut policy.
- S. Echemendia stated it would be their legal position that they could terminate and/or suspend payment. The language should be refined a little bit. The policy does provide a little bit more due process. To answer D. Armstrong's earlier question, he stated that is why they chose the July 2011 date in part because AWI is going through rule making as to what ELC's requirements will be regarding health and safety certification. They are hoping that rule will be made before July 2011 and will provide some guidance.
- D. Armstrong asked if that would give them as an agency, sovereign immunity protection.
- S. Echemendia stated not only do they have sovereign immunity; there are about three different layers of coverage. They just have to see what this rule is going to impose in terms of requirements and possible liability.
- C. Chapell asked for the religiously exempt, do they get a report stating the center's previous violations if they are up for re-accreditation?



- E. Torres stated they do not have that report but do get the numbers on who gets reaccredited.
- Y. Johnson asked if they have to have all these policies in one vote. There seems to be two issues. One is whether or not we are going to contract with non-licensed providers and the other is the policy we are going to have with whoever we are contracted with. It seems they need more time to determine the issues of compliance.
- D. Lawrence stated if they mandate licensing for other than religious exempt institutions and schools, would DCF do the monitoring? In that case, it will become a burden on DCF. He really supports the principle of what they are trying to do here.
- J. Colyer stated she thinks they need to work on this a little bit more. She would like to have her staff work with it and look at it and attend the meetings to draft some policy that will work for all of them. This will be a challenge to take on 400 new inspections. Additionally, they need to figure out how to streamline all of the inspections. None of them would tolerate the amount of inspections childcare centers have to have just to stay in business. Also, the Department of Health is not doing those food and safety inspections anymore and DCF is not doing them. Now, no one is inspecting or looking at it. She suggests taking a step back to look at this further.
- N. Seijas encouraged the Board to do the right thing by looking at the policy more and expanding it. There are others like YMCA and YWCA that are missing from it.
- G. Cortes-Suarez stated the major thing behind this policy is that the Coalition is not to fund providers that are not licensed. In the future, we are not to provide school readiness funds to un-licensed providers. If some things are too generic and the policy needs to be more specific, maybe they need to take the policy back to the committees.
- O. Verdeja stated they need to give themselves a timeframe to make a decision. Additionally, they need to look at and define what all the exceptions are.
- H. Mogul asked if the Board can approve the principle and assign responsibility to perhaps the Executive Committee to work out the details.
- E. Torres also commented that February would be too late if the intent is to implement the policy on July 1<sup>st</sup>. They need to provide notice, train the providers and set some realistic expectations.
- D. Lawrence stated he is in favor of voting for the general principle. Between now and December, they answer the questions that have been raised and present what they know about it.
- D. Lawrence withdrew his original motion to approve Resolution 102110-01.
  - H. Mogul moved to agree on the principle for licensing and then come back with a revised policy.
  - Motion seconded by D. Lawrence.
  - Motion unanimously passed.

**VI. Program & Strategy Committee Report****David Williams, Jr.**

- Motion to approve Resolution 102610-01 to authorize the President and CEO to adopt the recommendation to place a one year moratorium on new providers entering the School Readiness Program.
- D. Lawrence asked what the consequences of this are.
- E. Torres stated it would prevent any new provider from coming into the School Readiness Program until the policy is settled and until the strategic planning process is settled.
- D. Lawrence asked how many providers enter our system within a year.
- J. Russell stated about 100 or so.
  - D. Lawrence moved to approve the motion.
  - Motion seconded by H. Mogul.
  - Motion unanimously passed.
- D. Williams asked to correct the date to July 2011.
- M. Abety asked to restate this motion and inspect centers before they disallow someone from starting.
- E. Torres stated that would need to go back to the Program and Policy Committee but not be included in this particular policy.

**VII. CEO Report****Evelio C. Torres**

- E. Torres stated he sent out something to the Board regarding the funding formula. They will be restoring the budget to the 2007-2008 levels before deciding to do with any new dollars. It also addresses the challenge of the reimbursement rates for childcare providers. That is very much on the radar statewide.

**VIII. Public Comments****Octavio A. Verdeja, Jr., Chair**

- L. Carmona-Sanchez thanked the Board for being so sensitive to issues of providers. The policy they are talking about is a very delicate balance. It's interesting that the center featured on the news is nationally accredited and meets high quality standards. So there is more than just licensing and accreditation that lead to high quality services. She agrees with coming up with clearer standards and perhaps apply progressive enforcement to give them a chance to correct their weaknesses if they are minor.

**IX. Adjourn****Octavio A. Verdeja, Jr., Chair**