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*The Coalition's Mission is to provide leadership and advocacy that builds a community  
where all children are prepared for success in school*

## Special Called Executive Committee Meeting

Friday, April 30, 2010

11:15am – 11:45am

Early Learning Coalition of the Big Bend Region

325 John Knox Road, Building L, Suite 201, Tallahassee, FL 32303

### **Committee Members Present:**

Larry DiPietro, Chair  
Ed Feaver  
Rodney Reams  
Dr. Elsie Burton  
Maureen Daughton

### **Staff Present:**

Chris Duggan, Chief Executive Officer  
Lauren Faison, Chief Operating Officer  
Sam Sweazy, Vice President of Program Services  
Kathy Hayes, Controller  
Carrie Pafford, Director of Provider Services  
Megan Gocs, Executive Assistant

### **Committee Members Absent:**

Willy Gamalero

### **Guests Present:**

n/a

#### **1. Welcome and Roll Call**

Larry DiPietro, Chair, welcomed committee members and staff. Roll call was taken and quorum was established at 11:17am.

#### **2. Approval of Agenda**

The motion to approve the agenda for this meeting was made by Dr. Elsie Burton. This motion was seconded by Ed Feaver. This motion was approved.

#### **3. Approval of Minutes**

As this was a special called meeting, minutes were not put before the committee for approval.

#### **4. Public Comment**

There was no public comment.

#### **5. Action Items**

##### **a. Approval to Rescind Motion Made by Executive Committee to Extend the Current 2009 – 2010 Provider Network Agreement**

Each fiscal year, all providers participating in the School Readiness program must sign a Provider Network Agreement which serves as the contract between the Early Learning Coalition of the Big Bend Region and each provider. The agreement clearly states all program requirements, expectations, and funding terms and conditions for participation in the School Readiness Program as defined by Florida Statute, the Office of Early Learning,

and the Early Learning Coalition of the Big Bend Region Board of Directors. Each year the agreement is reviewed and revised to include new requirements, provide clarification, and encompass any new Board policies.

On March 15, 2010, a draft of the *2010 – 2011 Provider Network Agreement* was presented to the Board for approval after being recommended for approval by both the Program Policy and Strategy Committee, and the Executive Committee. When the Action Item was presented to the Board for approval, Ed F. presented concerns regarding the section of the agreement entitled ‘Suspension of Payment’. He was concerned that the section did not address the potential of appeals or dispute resolution concerning the suspension of payments. The Board approved the draft of the *2010 – 2011 Provider Network Agreement* on the proviso that this particular section would be reviewed by staff.

At the Executive Committee Meeting on April 9, 2010, the committee discussed the approved *2010 – 2011 Provider Network Agreement*. After reviewing the agreement in light of Ed F.’s comments, staff proposed that the committee consider extending the current *2009 – 2010 Provider Network Agreement* for such a time as when the statewide agreement is ready to be piloted. The Association of Early Learning Coalitions, in conjunction with the Agency for Workforce Innovation, is working to create a uniform Provider Network Agreement to be utilized by each of the thirty-one Coalition’s around the State. Staff have been informed that this agreement could be ready for piloting within the next few months.

At this meeting Maureen Daughton made a motion for staff to continue gathering policies and procedures and to allow staff to extend the current *2009 – 2010 Provider Network Agreement* for an amount of time to be determined, but not to exceed twelve months. This motion was seconded by Ed F. This motion was approved.

Subsequent to this Executive Committee Meeting on April 9, 2010, staff asked the Coalition’s Board counsel, Hopping Green and Sams, to review this change. Vinette Godelia of Counsel recommended that the Coalition not extend the current *2009 – 2010 Provider Network Agreement* on the proviso that the Statewide Agreement will be available to pilot in the coming months. Counsel was concerned that the new statewide agreement may not be ready for piloting in the proposed timeline. Instead, counsel recommended that the language at *Section 6.J. Suspension of Payment* of the *2010 – 2011 Provider Network Agreement* be amended to address concerns by the Board.

In this meeting of April 30, 2010, the Executive Committee was asked to pass a motion to return to the original Board action, Action Item #2010-4, where the Board unanimously approved the draft *2010 – 2011 Provider Network Agreement*. The motion to rescind the action made by the Executive Committee to extend the current *2009 – 2010 Provider Network Agreement* was made by Ed F. This motion was seconded by Elsie B. This motion was approved. The Board will be asked to ratify this item at the June 15, 2010 Board Meeting.

**b. Approval to Amend Section 6.J. Suspension of Payment of the Approved 2010 – 2011 Provider Network Agreement**

Per counsel’s recommendation to amend the language at *Section 6.J. Suspension of Payment* of the *2010 – 2011 Provider Network Agreement* to address concerns by the

Board, the Executive Committee was presented with the following paragraph with included added language;

*Suspension of Payment.* The PROVIDER understands that if an action is taken against the PROVIDER'S license or accreditation, such as denial, revocation, or suspension; the Department of Children and Families issues a notice to cease operations; or the COALITION determines the PROVIDER is out of compliance with the requirements set forth in this Agreement, the COALITION may suspend School Readiness payments to the PROVIDER'S program even if the PROVIDER appeals the action. The PROVIDER may appeal the COALITION'S decision to suspend School Readiness payments pursuant to this subsection by filing a complaint or grievance pursuant to the Dispute Resolution process provided in Section 8 (eight) of this Agreement. A written appeal must be filed with the COALITION within 10 days of the COALITION'S decision to suspend payments. If the PROVIDER prevails in its appeal, the COALITION shall reimburse the PROVIDER for School Readiness payments withheld during the appeal process. Upon resolution, a decision will be made by the COALITION regarding continued participation in the School Readiness program.

Maureen Daughton questioned whether this section needs to include language on where a grievance needs to be filed and whether a provider needs to file their grievance within ten business or calendar days. She also questioned whether appeals needed to be put in writing and whether the Coalition has an appeal form.

The committee agreed that this section needed to define ten days as ten business days, that appeals needed to be in writing, and presented to the office of the Chief Executive by the tenth business day after the decision to suspend payment. This section also needed to clarify that if a provider prevails in whole or in part of their appeal that they will be reimbursed in whole or in part where they prevailed.

The committee discussed the issue of discretion by the Chief Executive Officer in extenuating circumstances. Maureen cautioned against using discretion because this opens the Coalition up to litigation. Staff would need to be careful when using discretion. Larry D. told the committee that there are circumstances that warrant discretion.

Maureen D. requested a copy of the Coalition's dispute resolution policy. Chris D. said that this policy will be provided to the Board at the June 15, 2010 Board Meeting.

The Executive Committee was asked to approve the addition to *Section 6.J. Suspension of Payment* of the 2010 – 2011 Provider Network Agreement, including language on the appeal and dispute resolution process if a provider's payments are suspended. The motion to amend Section 6.J. Suspension of Payment of the approved 2010 – 2011 Provider Network Agreement was made by Elsie B. This motion was seconded by Ed F. This motion was approved. The Board will be asked to ratify this item at the June 15, 2010 Board Meeting.

The committee was informed that staff proposed to start rolling out the 2010 – 2011 Provider Network Agreement during the month of May, with the goal of having all agreements submitted for signature by June 15, 2010.

Meeting adjourned at 11:47am.

Minutes recorded by: \_\_\_\_\_  
Megan Gocs, Executive Assistant

Minutes Approved: Friday, June 4, 2010

Committee Chair's Initials: \_\_\_\_\_

Board Secretary Initials: \_\_\_\_\_

*A digital recording of this meeting is available at the office of the Early Learning Coalition of the Big Bend Region.*