



<b>Policy:</b> <b>ELCPC-10.1A</b>	<b>Title:</b> Provider Grievance and Due Process Policy	
	<b>Review Date:</b> <del>June 2017</del> <u>July 2018</u>	<b>Next Review Date:</b> <del>June 018</del>

**References:** Coalition Plan  
Anti-Fraud Plan  
OEL SR and VPK Grant Agreement  
Chapter 1002 Parts V and VI  
Rule 6M.4.610, F.A.C.  
School Readiness Provider Contract/Agreement  
VPK Provider Contract/Agreement

**Purpose:** To establish a procedure for providers to appeal a Coalition decision to impose a corrective action, funding sanctions, payment adjustments, contract termination or non-renewal of a contract for fraudulent activities non-compliance of program requirements outlined in the Provider Contracts/Agreements, Coalition Policies, and State and Federal guidelines.

**Background:** All Coalitions are required to have a process for providers and clients/recipients to dispute decisions made by Coalition staff.

**Policy:**

- I. The following procedures must be followed when a **Provider** desires to appeal a decision made by Coalition staff:
  1. **Request for Review Hearing.** If a provider disputes any action taken by the Coalition pursuant to the terms of the Statewide School Readiness Provider Contract or Statewide VPK Provider Contract, the provider may request a review hearing in writing using the Provider Appeal Form (G-10F-19). The form is available at [www.elcpinellas.net](http://www.elcpinellas.net) or by request. The form must be submitted to the Coalition via certified mail, fax, or hand delivery to:

Early Learning Coalition of Pinellas County, Inc.  
2536 Countryside Blvd., Suite 500  
Clearwater, FL 33763  
Or  
Fax: (727) 400-4472

Due to confidentiality, the Coalition does not accept emailed responses.

A review hearing is a “meeting” for the purposes of the Sunshine Law which is subject to public notice. During a review hearing, the provider will have a reasonable opportunity to address Coalition staff-persons or sub-contracted staff regarding the Coalition’s action and to present supporting evidence before a Review Hearing Committee. Provider may have an attorney present at the review hearing to represent or advise the provider.

- a. **Content of Request for Review Hearing.** The request for review hearing must state:
    - 1) the name and contact information of an individual authorized to provide information and binding responses on behalf of provider;
    - 2) the specific action by the Coalition that the provider disputes, the specific reasons for the provider’s belief; and
    - 3) whether the provider will be represented by an attorney or another individual during the review hearing.
  - b. **Request Time.** The provider’s request for a review hearing must be submitted in writing to the Coalition within five (5) business days of receipt of notice of the determination which the provider believes to be incorrect.
  - c. **Supporting Documentation.** The provider must send copies of any written documentation supporting the claims of the provider. Examples of relevant documentation may include, but are not limited to, attendance documentation, notarized attestations from parents, documentation from licensing or accrediting bodies, documents demonstrating dates of information submission, and a proposed corrective action plan.
2. **Implementation of Review.** If the Coalition receives a request for review hearing from the provider, the Coalition must address the request by taking the following steps:
- a. **Assignment of Review Hearing Committee.** Within three (3) business days of receipt of a request for review hearing, the Coalition must assign a Review Hearing Committee to complete the review. The Review Hearing Committee must be composed of at least three but no more than five members of the Coalition Board. The Chair of the ELC shall appoint the Review Hearing Committee and shall name the chair of the committee. At least one of the members must be a mandatory member as set forth in section 1002.83(4)

and at least one other member shall be one of the provider representative members. If no provider representative is available to participate, a waiver is possible if documented in the deliberations of the review hearing committee.

- b. **Response to Request for Review Hearing.** Within five (5) business days of receipt of the request for review hearing, the Coalition must respond to the provider in writing, return receipt requested. The notice must include at least three (3) proposed dates and times for the review hearing which must be within forty-five (45) days of the date of receipt of the request for review hearing. The notice must also state that the review hearing may be conducted in person at a location designated by the Coalition or via any method of telecommunications, as long as the public is given reasonable access to observe and, when appropriate, participate. Finally, the notice must state whether or not all of the Coalition staff persons or sub-contractor staff whom the provider wishes to have present during the hearing will be made available. If any individual who the provider requested to have present is not available, the Coalition must make available an individual who is qualified to address the subjects the provider wished the individual to address.
- c. **Date and Location Selection.** Within five (5) business days of receipt of the response to a request for review hearing, the provider must inform the Coalition of the date and time which it selects for the review hearing and whether the provider will attend the meeting in person or via a method of telecommunication. Within five (5) business days of receipt of the response to a request for review hearing, if the provider is unable to attend any of the proposed dates and times for the review hearing, the provider must submit written notice which states the specific reasons that provider is unable to attend and must contact the Coalition to select a mutually agreed upon date for the review hearing. If the provider does not inform the Coalition of the date and time within the required time period, then the process is considered complete and the request is denied.
- d. **Conducting the Review Hearing.** The Review Hearing Committee shall assess the claim(s) the provider made in its request for review by examining all information and documentation submitted by the provider. The provider must be given a reasonable opportunity to question Coalition staff-persons or sub-contractor staff regarding the determinations of the Coalition and to present evidence before the Review Hearing Committee. The Coalition will also be provided a reasonable opportunity to submit evidence to rebut any claims made by the provider.

Any witnesses testifying will be required to declare that he or she will testify truthfully, by taking an oath or affirmation before a notary in substantially the following form: "Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?" The witness's answer shall be noted in the record.

- e. **Review Hearing Committee Decision.** Following completion of the presentation by the provider and the Coalition, the Review Hearing Committee will vote regarding each of the provider's claims. The decision of the Review Hearing Committee is final. In its' deliberations, the Review Hearing Committee must determine:
- i. If the determination made by the Coalition was correct, in whole or in part, or incorrect.
  - ii. If no part of the determination made by the Coalition was correct, then provider is not required to take further action.
  - iii. If any part of the determination made by the Coalition is correct, the Committee must identify the portion(s) determined to be correct. and as applicable, decide:
    - A. If corrective action is necessary, that the provider must take corrective action in regard to the part(s) which the Review Hearing Committee determines to be correct; and the revised deadlines for completion of the corrective action(s); or
    - B. If the provider's School Readiness Contract or eligibility to offer the School Readiness Program will be terminated, the date of termination.
- f. **Notice of Review Hearing Conclusion.** The Chair of the Review Hearing Committee shall ensure a written notice of the review hearing conclusion is prepared. The written notice must state the outcome of the Review Hearing Committee's vote regarding each of the provider's claims. In addition, the notice must specifically state the reasons supporting the Review Hearing Committee's conclusions. The dates for either corrective action to be completed, or termination of eligibility to offer the School Readiness and/or Voluntary Prekindergarten Programs shall be included in the notice. The Chair of the Review Hearing Committee shall approve the notice and ensure it is made public within ten (10) business days of the conclusion of the Review Hearing.