

**Amended and Restated  
Bylaws**

**of**

**The Early Learning Coalition  
of  
Flagler and Volusia Counties, Inc.**

**Approved by the Board**

**January 24, 2017**

**Approved by OEL**

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**ARTICLE I  
ORGANIZATION**

- Section 1. Name  
The name of the organization shall be The Early Learning Coalition of Flagler and Volusia Counties, Inc. hereinafter referred to as the Coalition.
- Section 2. Authority  
The Coalition is authorized by the provisions of Chapter 1002.53, Florida Statutes (F.S.); Voluntary Prekindergarten and Section 1002.84, F.S., School Readiness Programs or other such Florida Statutes as stated or updated.
- Section 3. Location  
The Coalition may have offices within Volusia and Flagler Counties as the members may determine necessary to fulfill the mission of the organization.
- Section 4. Members  
The Coalition shall have no "members" as that term is defined in Section 617.01401(12), F.S.
- Section 5. Government in the Sunshine  
The Coalition is committed to ensuring that the deliberations of its business are conducted openly and the actions of the Board are taken openly in accordance with the Government-in-the Sunshine Law, Florida Statute Chapter 286. Accordingly, in the event of a conflict between a provision of these Bylaws and a section of the Government in the Sunshine Law, the Government in the Sunshine Law shall prevail.

**ARTICLE II  
PURPOSE**

- Section 1. Purpose of the Coalition  
The purpose of the Coalition shall be to implement the provisions set forth in the School Readiness Program, Florida Statute 1002.89, as amended, and the Voluntary Prekindergarten Program, created under Chapter 1002.79 F.S. and in Chapter 617.0202, F.S. The Coalition recognizes the primacy of parents as their children's first teachers and the importance of children entering the education system ready to learn, and seeks to assist parents by providing opportunities for the at-risk birth-to-kindergarten population to enhance their chances for educational success by participating in quality school readiness programs that can better prepare them for school.
- Section 2. Intent of the Coalition  
The Coalition recognizes that the School Readiness and Prekindergarten programs increase children's chances of achieving future educational

success and becoming productive members of society. As such, the Coalition subscribes to the following legislative intent:

- a) It is the intent of the Legislature that the School Readiness and Prekindergarten programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at-risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each program shall provide the elements necessary to prepare at-risk children and eligible 4-year olds for school, including health screening and referral to an appropriate educational program.
- b) It is the intent of the Legislature that the School Readiness programs for the eligible low-income birth to kindergarten population are to operate on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.
- c) It is the intent of the Legislature that the School Readiness and Prekindergarten programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated and funding integrated to achieve full effectiveness.

Section 3. Responsibilities of the Coalition

The Coalition shall develop and oversee a plan for implementing the School Readiness and Voluntary Prekindergarten programs that meet the requirements of applicable Florida Statutes and the performance standards and outcome measures established by the State. The Coalition Plan shall include its goals and values. In fulfilling these responsibilities, the Coalition will exercise all authorities not otherwise reserved by statute or other rule of law. The plan shall be reviewed annually and revised as appropriate.

Section 4. Mission

Enhance children's school readiness by providing opportunities for quality early learning while strengthening family stability for a healthy community.

**ARTICLE III  
MEMBERSHIP**

Section 1002.83, F.S., requires Florida's Office of Early Learning to adopt standards establishing the minimum and maximum number of members that may be appointed to an early learning coalition. The Coalition Board appoints coalition members consistent with the following criteria:

Section 1. General

- a) Number of Members — Each coalition must be composed of a least 15 members but not more than 30 members.
- b) Quorum must still be established on the day of the board meeting with active participants.
- c) Each member shall have one vote, unless otherwise noted.
- d) The Coalition's membership must be geographically representative of each county served by the coalition and must, at a minimum, include one member from each county within the Coalition's service area.
- e) Including the Governor appointed members, more than one-third of the members of each early learning coalition must be private sector business members, either for-profit or nonprofit, who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the school readiness program.
- f) As a member of the Coalition Board, each voting member is considered a local public officer who must abstain from voting when a voting conflict exists (s. 112.3143(3)(a)).
- g) A member's term shall begin the date the membership is ratified by the Board.

Section 2. Member Types

- a) Governor Appointed - The Governor shall appoint the chair and two other members of the board, who must each meet the same qualifications as private sector business members appointed by the coalition (F.S. 1002.83(3)).
- b) Ex officio Members - In accordance with statute 1002.83(4), the Coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If more than one member represents the same entity, only one of such members may serve as a voting member:
  - 1) A Department of Children and Families regional administrator or his or her permanent designee who is authorized to make decisions on behalf of the department.
  - 2) A district superintendent of schools or his or her permanent designee who is authorized to make decisions on behalf of the district.
  - 3) A local workforce development board Chief Executive Officer or his or her permanent designee.
  - 4) A county health department director or his or her designee.
  - 5) A children's services council or juvenile welfare board chair or Chief Executive Officer, if applicable.

- 6) An agency head of a local licensing agency as defined in s. 402.302, where applicable.
  - 7) A president of a Florida College System institution or his or her permanent designee.
  - 8) One member appointed by a board of county commissioners or the governing board of a municipality.
  - 9) A Head Start director.
  - 10) A representative of private for-profit child care providers, including private for-profit family day care homes.
  - 11) A representative of faith-based child care providers.
  - 12) A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.
  - 13) A central agency administrator, where applicable.
- c) Private Sector Business Members - To meet the requirement of more than one-third of the board members being private sector business members, either for-profit or nonprofit, the Board may appoint additional members (F.S. 1002.83(5)).

Criteria for appointing private sector business members. Including the members appointed by the Governor, private sector business members can represent either for-profit or nonprofit entities. Neither the members nor any of their relatives, as defined in Section 112.3143, F.S., may have a substantial financial interest in the design or delivery of the VPK or SR programs.

- 1) Prospective members must meet the definition of a private sector business member as defined in paragraph (1)(c) of FAC 6M-9.110. If the prospective member does not meet the definition, the early learning coalition may not make the appointment.
- 2) The coalition shall determine whether a prospective member has any interest in a business entity involved in designing or delivering the VPK or SR Program. A business entity is involved in designing or delivering the VPK Education Program or the coalition's SR Program if it:
  - a. Receives SR, VPK or Gold Seal Program funds directly or indirectly from the state or federal government as a recipient, subrecipient or vendor
  - b. Is an accrediting child care organization or any association or member thereof
  - c. Is a vendor of education books, curricula, equipment, supplies or materials
  - d. Is an organization designed to represent any of the individuals or organizations listed above
- 3) If a prospective member has any interest in the design or delivery of the VPK or SR program, the early learning coalition shall determine if the interest is a substantial financial interest as defined in paragraph (1)(d) of FAC 6M-9.110. If the interest is substantial, the prospective member has a prohibited substantial financial interest and the coalition may not make the appointment.



- 4) If a prospective member meets the private sector board member definition and does not have a prohibited substantial financial interest, the coalition may make the appointment.
- d) Other Members - Coalition boards may choose to approve community members from sectors not currently represented in statute and whose membership would be beneficial to the Coalition and the community. Memberships of this nature shall not impact required memberships as designated in statute.

**Section 3. Membership Terms**

- a) Section 1002.83(11), F.S., requires that each early learning coalition establish terms for all Board appointed coalition members, that the terms must be staggered and be of a uniform length that does not exceed four years per term, and that appointed coalition members serve a maximum of two consecutive terms.
  - 1) Governor Appointed Member - The term for these positions is determined by the Governor and is typically four years.
  - 2) Ex officio Member -
    - a. The term for these positions is four years.
    - b. After a membership has been held by an individual(s) representing a single county for two consecutive years, rotation of the membership position to the other county served is provided.
  - 3) Private Sector Business and Other Members - The term for these positions is four years.
- b) Members absent from two of the Board meetings within a 12-month period may be notified by the Chair that their membership is not in good standing, and asked to resign; an ex officio member entity appointee, may be asked to appoint a designee to serve in the original appointee's stead. Members of the Board of Directors who cannot attend the Board Meeting may elect to attend the Executive Committee meeting in the same month in order for their membership to remain in good standing.
- c) Any member may resign by giving written notice to the Chair. Such resignation shall take effect at the time specified in the notice and the acceptance of such resignation shall not be necessary to make it effective. A required member who wishes to resign shall appoint a designee to serve in their stead.

**Section 4. Vacancies**

Section 1002.83(11), F.S., requires that the Coalition advertise any vacancy that occurs in an appointed position. The coalition will advertise the vacancy utilizing print or electronic media available to the general public, in the coalition's service delivery area until the vacancy is filled.

**Section 5. Fees and Compensation**

Members of the Coalition's Board will not receive any compensation for their services as a Board member and are considered volunteers.

- Section 6. Ethics Provisions  
Members of the Coalition's Board are required to comply with Sections 112.313, 112.3135 and 112.3143, F.S. regarding ethics.

#### **ARTICLE IV MANAGEMENT**

- Section 1. Powers and Duties  
Authority, management and control of the Coalition and all of its affairs, shall be vested in the Board as outlined in The School Readiness Program and of Chapter 1002, Part V, F.S. relating to the Voluntary Prekindergarten Program. Members of the Coalition are subject to all ethics provisions in Chapter 112, Part III, F.S.

- Section 2. Voting and Non-Voting Requirements Among Members  
All members of the Coalition shall have equal voting rights, unless specified by law, and equal privileges. The act of a majority of the members present at the meeting at which a quorum is present shall be the act of the voting members.
- a) Fifty-one percent (51%) of the voting members shall constitute a quorum for the transactions of the business at any Board or Executive Committee meeting of the Coalition. If less than fifty-one percent (51%) of the members are present at a Board or Executive Committee meeting, a majority of the members present may schedule another meeting or adjourn the meeting without further notice. A quorum is not required for committee meetings (other than the Executive Committee) and Task Force meetings, as their purpose is advisory in nature. A quorum may be established through use of telecommunications and/or videoconferencing.
  - b) A voting member other than a required member may not appoint a designee to act in his or her place. A voting member may have a representative at meetings, but that representative shall not have voting privileges. When a required member appoints a designee, the designee is the voting member, and any individual attending in the designee's place, including the required member, does not have voting privileges. If an ex officio member position has been filled with multiple individuals, only one may serve as a voting member and all others may serve as nonvoting members. The Coalition will consider the general principles of fairness in determining which individual will serve as a voting member, will regularly rotate the voting privilege among the individuals filling the ex officio member position, and will ensure, to the extent possible, an equitable division of voting members among the counties within the Coalition's service area.
  - c) All voting members in attendance at a meeting must vote on each matter for which a vote is taken unless they have a conflict of interest which requires they abstain from voting.
  - d) Each voting member, for the purposes of Section 112.3143(3)(a), is considered a local public officer and must disclose, in accordance with the provisions of Section 112.3143(3)(a), the nature and extend of any conflict

of interest and abstain from voting or participating when a conflict of interest exists. Furthermore, other than the exceptions enumerated in Section 2 e), f) and g) below, no voting member shall participate in the selection, award and administration of a contract if a real or apparent conflict of interest would be involved (45 C.F.R. (Code of Federal Regulations) s. 74.42). Each member of the Coalition Board is subject to Sections 112.313, 112.3135 and 112.3143, F.S.

- e) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by subsection f of the statute. No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity of subsection g of

this statute. No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

- 1) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
- 2) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
- 3) The term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

**Section 3. Meetings**

Regular meetings of the Board, its committees and special committees shall be held at a time and place to be decided by the members of each respectively.

- a) The Board will hold meetings in Flagler or Volusia County.
- b) Special meetings of the voting members of the Board and Executive Committee may be called by or at the request of the Chair or a majority of the voting members.
- c) The agenda and order of business at all meetings shall be prepared by the staff of the Coalition and approved by the Chair or Vice Chair.
- d) Minutes of all meetings shall be kept. These minutes shall be provided to members prior to the next scheduled meeting.
- e) Notice of all Board, committee and task force meetings will be provided in a manner designed to provide reasonable and actual notice to members and the public, or as otherwise required by law.

- f) All business communication between board members shall be made only in accordance with the Government in the Sunshine Law, Florida Statutes Chapter 286. The making of phone calls, text messaging and emails via cell phone or other devices that could be considered disruptive is disallowed during meetings and workshops. All such devices should be placed on vibrate, silent or turned off. Board members may excuse themselves by leaving the room if communication to those outside of the room is necessary.

Section 4. Parliamentary Authority

All meetings of the Coalition shall be conducted in accordance with Robert's Rules of Order. Nothing in Robert's Rules of Order shall supersede any right or requirement of the Articles of Incorporation or these Bylaws. Failure to strictly comply with the provisions of Robert's Rules of Order shall not affect the validity of any action taken by the Coalition unless it can be affirmatively demonstrated that the failure to follow Robert's Rules of Order directly resulted in a lack of understanding of the action being proposed or other injustice occurred.

**ARTICLE V  
OFFICERS**

Section 1. Officers

Officers of the Coalition shall consist of a Chair, Vice Chair, a Secretary and a Treasurer and other officers as the Coalition may elect.

Section 2. Appointment of Chair

The Governor will appoint the Chair of the Coalition unless otherwise stated by legislation.

Section 3. Election of Officers

A voting Coalition member in good standing shall be eligible for nomination and/or appointment to the office of this Coalition.

- a) Nominations shall be made to the Chief Executive Officer who will obtain prior consent from the nominee to nomination and election as an officer.
- b) The Executive Committee shall convene for the purpose of certifying the eligibility of candidates for office and to prepare an official slate of nominees, which must be ratified at the next board meeting for which there is a quorum.
- c) Each elected officer shall take office at the end of the annual meeting where they will be installed and shall serve for a term of two (2) years or until a successor is duly qualified and elected. Elected officers may serve in the same position for a maximum of four (4) consecutive terms.
- d) For the purpose of conducting business when the Chair has resigned the position, the Vice-Chair shall become Interim Chair, or if the Vice

Chair is unable to serve in the capacity of Interim Chair, an Interim Chair shall be named by the Executive Committee members and voted upon by a majority of the members in attendance at the next board meeting for which there is a quorum. The Interim Chair will assume all of the duties of the position of Chair until the Governor has appointed a Chair. Once the newly appointed Chair is in place, the Vice-Chair will return to their position as Vice-Chair.

- e) If an office is vacated prior to the completion of a two (2) year term, a voting member in good standing may be appointed by the Chair and approved by the voting members to fill the vacancy until the term ends.

**Section 4. Duties of the Officers of the Coalition**

At a minimum, the duties of each officer are as follows. Other duties may be added as deemed appropriate by the Board.

- a) Chair: The Chair shall preside at all meetings of the Coalition and exercise and perform other powers and duties as assigned by the Bylaws. The Chair will appoint chairpersons of all committees and task forces and work closely with the Chief Executive Officer to carry out the Board policies of the Coalition.
- b) Vice Chair: In the absence of the Chair or Interim Chair, the Vice Chair will exercise the duties of the Chair and perform other duties as assigned by the Chair or the Coalition.
- c) Treasurer: The Treasurer shall provide oversight over the financial transactions, accounting and financial reporting of the Coalition.
- d) Secretary: The Secretary shall keep the minutes of the meetings of the Coalition, shall see that all notices are given in accordance with the provisions of the Bylaws, or as required by law, be custodian of the Coalition's records.

**ARTICLE VI  
COMMITTEES**

**Section 1. Committee Membership**

Standing and/or special committees may be established by the members as deemed necessary.

- a) The Chair of each committee shall be a voting member and shall be appointed by the Chair of the Coalition, and approved by the voting members of the Board. Chairs may serve in the same position for a maximum of four (4) consecutive years.
- b) With the exception of the Executive Committee, committee authority is limited to making a recommendation to the Board based on the consensus of the members in attendance at a meeting of the committee.
- c) Each voting member is expected to participate in at least one (1) standing committee and/or special committee.
- d) The Coalition may appoint Members and Non-Members to its standing or special committees.

Section 2. Standing Committees

The committees will function in investigative and informational capacities, reporting regularly to the Board with recommendations for improving the effective operation of the Coalition. The Executive Committee can assume the role and functions of a standing committee if for some reason that standing committee is unable to do so.

- a) Executive Committee: The Executive Committee shall, at a minimum, consist of the four officers of the Board and the Chairs of standing committees. The purpose of the Executive Committee shall be to provide executive leadership of the Coalition. The Executive Committee may take action that would otherwise require approval of the Board if a meeting of the Board cannot reasonably be convened prior to the time action is required in the sole discretion of the Executive Committee. The Executive Committee shall have and exercise all the powers and obligations of the Coalition subject to the limitations of the laws of the State of Florida or in accordance with these Bylaws. All decisions of the Executive Committee must be ratified by a majority of the Coalition Board in attendance at the next board meeting at which there is a quorum. The Chair and Vice Chair of the Coalition shall be Chair and Vice Chair respectively of the Executive Committee.
- b) Quality Committee: This committee shall ensure compliance with the Coalition Plan in regard to the quality of early learning opportunities. The Committee shall oversee monitoring of Voluntary Prekindergarten programs and the measurement of quality in School Readiness early learning programs. This Committee shall oversee activities to further improve program quality through mentoring, technical assistance, training and an early childhood educator's conference. The Committee shall work with OEL in the development of a statewide Quality Rating Initiative System and an outcomes-based Professional Development Initiative to enhance program quality. The Committee shall work in collaboration with providers to help educate parents on the importance of skill building, as established in the Birth to Age Five Developmental Standards with a focus on early math and literacy.
- c) Finance Committee: This committee provides financial oversight for the organization. Tasks include budgeting & financial planning, financial reporting and the creation and monitoring of internal controls and accountability policies. They might also report to the Board and/or Executive Committee the financial condition of the organization. This Committee shall recommend the frequency of selection and selection of an independent auditor, shall review the independent auditor's report and oversee any corrective actions deemed necessary as a result of any audit review.

Section 3. Special Committees

The Board may create, modify and eliminate special committees as the Board deems necessary.

- a) Review Hearing shall meet as needed and in accordance with the Due Process Procedures to assess claims made by providers disputing an action taken by the Coalition, pursuant to the terms of the Statewide School Readiness and VPK Provider Contracts. A Board Member shall represent the Board of Directors at each hearing and shall report to the Board.
- b) Legislative - This committee exists to offer advice, counsel and action regarding appropriate responses to possible legislative and regulatory developments affecting Florida's early learning environment.
- c) Family Engagement - This committee exists to better our community by walking beside families to foster strength by providing opportunities for their voices to be heard, educational interactions and quality pursuits of childcare within our community.
- d) Operations - This committee exists to offer advice, counsel and recommendations for operational functions that support quality and programmatic activities in effective and efficient manners.
- e) Fundraising - This committee exists to assist ELCFV staff in match and other fundraising efforts. This will include assistance in planning and implementing of current and future fundraising events.
- f) Community Engagement - This committee exists to offer advice and assistance in reaching community members and increasing marketing efforts. This committee will help to facilitate opportunities to build new relationships in the community as well as improve marketing efforts.
- g) Bylaws - This committee exists to offer advice and modifications to the corporate by-laws and Articles of Incorporation.

**ARTICLE VII  
RECORDKEEPING**

Section 1. Recordkeeping

All records will be kept and maintained in accordance with Coalition policy at the office of the Coalition or at the Coalition's off-site storage. All records will be subject to the inspection of any member of the Coalition or the public according to the Section 119.01, F.S.

**ARTICLE VIII  
FINANCIAL MANAGEMENT**

Section 1. Fiscal Year

The fiscal year of the organization shall begin on July 1 and end on June 30.



Section 2. Audit

An independent audit of the Coalition's books and records shall be conducted annually, in accordance with the Single Audit requirements contained in Section. 215.97, F.S. and the provisions of the OMB (Office of Management and Budget) Uniform Guidance. The audit report shall be presented to the Board at the next meeting for which there is a quorum following the delivery of the independent auditor's report.

Section 3. Checks and Drafts

All checks, drafts, and other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Coalition shall be signed by such officer(s) and/or agent(s) of the Coalition as determined by resolution of its members.

Section 4. Deposits

All funds of the Coalition shall be deposited within five (5) working days to the credit of the Coalition in such banks, savings and loans, and other depositories as the members may select.

**ARTICLE IX  
BYLAW GUIDANCE**

Section 1. Implementation

These Bylaws shall become effective and adopted upon approval of the Coalition. The Coalition's interpretation of the Bylaws shall be considered the correct interpretation when reached by majority vote at a Board or Executive Committee meeting at which there is a quorum.

Section 2. Amendments

These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a majority of the members present at any regular meeting or at any called meeting of the members, provided that notice of the meeting at which such alteration, amendment, or repeal of the Bylaws to be considered has been provided to each member of the Coalition at least five (5) days prior to such meeting and further provided that copies of the proposed amendments, alterations or deletions shall have been forwarded with notice of such meeting. All proposed amendments shall be submitted to Florida's Office of Early Learning for approval and assurance of compliance with applicable law.

## **ARTICLE X DUE PROCESS**

### **Section 1. Due Process Procedures**

It is the policy of the Coalition to provide a method for staff members and Providers to reach a satisfactory solution for grievances.

- a) Employee Due Process Procedure - Employees must submit any unresolved grievance to the Chief Executive Officer for resolution by the Chief Executive Officer other than a grievance involving sexual harassment by the Chief Executive Officer. If a grievance is not resolved to the satisfaction of the employee the employee may appeal the resolution of the Chief Executive Officer by submitting to the Board Chair or their designee, within ten (10) days of such resolution, a written account of the nature of the grievance containing sufficient information to permit an informed decision to be made on its merit. The Chair or their designee will convey a decision on the appeal to the employee in a timely manner.
  - 1) Within ten (10) days of receipt of the decision of the Chair or their designee the employee may request a hearing on the grievance before the Executive Committee which may be granted or denied in the complete discretion of the Executive Committee. Any designee of the Chair must be a Board member. The Executive Committee will convey a decision on the request to the employee in a timely manner. If the Executive Committee agrees to a hearing of the grievance, then the hearing will be held within forty-five (45) days of the date of receipt of the request. If the employee desires to have legal representation at the hearing they must advise the Executive Committee at the time of making the request for hearing. Following the hearing, at the next convened meeting of the Board, the Executive Committee will report to the Board on the nature of the grievance, the substance of the hearing and their recommendation for a resolution. The Board will accept, with or without modification, or reject, the recommendation of the Executive Committee at that same meeting and the employee or, if applicable, their legal counsel, will be notified of the decision within ten (10) days.
  - 2) Any grievance involving sexual harassment by the Chief Executive Officer shall be handled in the same manner as any other grievance involving the Chief Executive Officer except the time for making such a grievance shall be as soon as reasonably possible following any conduct of the Chief Executive Officer they believe constitutes sexual harassment.
  - 3) Appeals to the Board Chair or designee shall be limited to appeals regarding alleged illegal acts by the Chief Executive Officer, acts of the Chief Executive Officer contrary to the best interests of the Coalition or acts of the Chief Executive Officer involving demotion, termination or other serious terms or conditions of employment.

- b) Provider Due Process Procedure - Early Learning Coalitions are responsible for the local implementation of early learning programs funded with state and federal funds, such as the School Readiness Program and Voluntary Prekindergarten Education Program. Providers of such early learning programs may request a review of determinations made by an Early Learning Coalition in accordance with the due process procedures described below.
- 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, the provider may request a review hearing in writing by sending it to the contact person listed in the Coalition's action. 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-contractor 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: the name and contact information of an individual authorized to provide information and binding responses on behalf of provider; the specific action by the Coalition that the provider disputes, the specific reasons for the provider's belief; and 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. Three of the members must be a mandatory member as set forth in

section 1002.83(4) with at least one provider representative member.

- 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.
- e. **Notice of Review Hearing Conclusion.** 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 Review Hearing Committee must also appoint a Review Hearing Committee member or a Coalition staff person to prepare a written notice of the review hearing conclusion. (If the

notice is developed by a Coalition staff person, the notice must be reviewed by the Review Hearing Committee in a subsequent public meeting and approved before being sent to the provider.) 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. Finally, if the majority of the Review Hearing Committee determines•

- i. That no part of the determination made by the Coalition was correct, the notice must state provider is not required to take further action.
- ii. That any part of the determination made by the Coalition is correct, the notice must identify the portion(s) determined to be correct. As applicable, the notice must also state:
  - 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);
  - B. If the provider's School Readiness Contract or eligibility to offer the School Readiness Program will be terminated, the date of termination.

The decision of the Review Hearing Committee is final.

**THESE BYLAWS** were adopted at a duly scheduled and noticed meeting of the Coalition:

On the 24<sup>th</sup> day of January, 2017.

ATTEST: Heidi L Rand

WITNESS: Benny E White