

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

NORTH CAROLINA CHILD CARE COMMISSION
Special Rules Meeting
Monday, September 26, 2016

Dix Grill
1101 Cafeteria Drive
Employee Center
Raleigh, NC 27603

Commission Members Present

Glenda Weinert, Chairperson
Zac Everhart, Vice Chairperson
Elliott Blades
April Duvall
Melanie Gayle
Elizabeth Gilleland
Lisa Humphreys

Brooke King
Kay Lowrance
Charles F. McDowell, III
Linda Vandevender
Amelie Schoel
Donnette Thomas
William Walton, III

Commission Members with an Excused Absence

Jonathan Brownlee, Sr., MD.
Kristin Weaver

Laurie Morin

Division of Child Development & Early Education Staff Present

Pam Shue, Director (by phone)
Dedra Alston, Administration/Policy
Tammy Barnes, Regulatory Services
Janice Fain, Administration/Policy
Heather Marler, Workforce
Lorie Pugh, Regulatory Services
Mary Pat Hicks, NC Pre-K

Melodie Ford, Regulatory Services
Heather Laffler, Administration/Policy
Andrea Lewis, Regulatory Services
Kimberly Mallady, Regulatory Services
Laura Hewitt, Regulatory Services
Cindy Wheeler, NC Pre-K
Rachel Kaplan, NC Pre-K

Attorney General's Office Staff

Bethany Burgon, Commission Attorney **Alexandra Gruber, DCDEE Attorney**

Welcome—Chairperson Glenda Weinert called the meeting to order at 9:09 a.m. and reviewed housekeeping items. She welcomed everyone and discussed the meeting agenda. Chairperson Weinert welcomed new members Ms. Brooke King and Ms. Amelie Schoel to the Commission. They are both appointed by the Speaker of the House with Ms. King filling the Early Childhood Education Specialist position and Ms. Amelie Schoel serving as a Citizen Member. Chairperson Weinert asked Commission members to introduce themselves to the new members. Ms. Dedra Alston performed the swearing in of Ms. King and Ms. Schoel.

Chairperson Weinert read the Conflicts of Interest statement and asked whether there were any conflicts noted for today? None were noted.

Chairperson Weinert read the Statement of Economic Interest letters received from the Ethics Commission for the following new and reappointed members: Brooke King, Amelie Schoel, Elliott Blades, April Duvall, Zac Everhart, Linda Vandevender and William Walton, III.

Chairperson Weinert called for roll call, and Ms. Dedra Alston performed that task. Chairperson Weinert noted that Elliott Blades, Jonathan Brownlee, April Duvall, and Kristin Weaver requested and received excused absences from today's meeting.

Ms. Burgon discussed that Chairperson Weinert's current two-year term as the Commission's elected Chair has expired. Therefore, the Commission needs to re-elect Chairperson Weinert for another term or make a motion to elect a new Chair.

Commission Action: **Ms. Melanie Gayle submitted a motion to reelect Chairperson Weinert as Chair; Mr. Walton seconded, and the motion carried unanimously.**

Ms. Burgon discussed that there is currently no Vice-Chairperson to serve as Chairperson in the event that the Chairperson is absent, and the Commission needs to elect a Commission member to this position, if it so chooses.

Commission Action: **Mr. Blades motioned to elect Mr. Everhart as Vice Chairperson. Ms. Duvall seconded the motion, and it carried unanimously.**

Curriculum Discussion—Pam Shue, Director; Laura Hewitt

Chairperson Weinert began the Curriculum discussion with questions regarding an email the Division sent to publishers asking them to submit curricula and formative assessments for review. Chairperson Weinert stated that it was her understanding that the Division was tasked with reviewing the curricula that are not currently on the approved list that have been waiting to be reviewed, not asking for new submissions? She thought that in the interim, the Division and Commission would be developing a permanent process by which to move forward with new curricula for review.

Director Shue, via a telephone call-in, stated that it was her understanding that the Division was moving forward with the direction from the Commission to create a committee of reviewers to review the Curricula and formative assessments. Dr. Shue discussed that funds have been set aside from the Race to the Top-Early Learning Challenge Grant to fund the curriculum review process, but these funds must be spent prior to December 31, 2016. The Division has created a rubric, outlining criteria that publishers must demonstrate, and the criteria by which the reviewers will evaluate each curriculum. She stated that the goal of the Division is to review as many curricula as possible during that timeframe prior to December 31.

Chairperson Weinert referenced a motion in the May meeting minutes that referenced reviewing a “backlog of curriculum approval,” not all curriculum? She suggested the prioritization of the curricula waiting for approval that are not currently on the approval list, and then moving to review already approved curriculum, if time allows.

Ms. Humphreys asked for clarification about the new and prior processes? Chairperson Weinert explained that the Commission had sought to develop a process by which curricula for 4 and 5 star 4-year-old and Pre-K classrooms that are not currently approved could be reviewed while a new formal approval process is developed. She stated that the Commission felt that the previous process was not sustainable, which is why a new process is being developed.

Ms. Hewitt stated that publishers expect a review process to occur approximately every three years, which was the original review period; therefore, there are publishers who are expecting to be able to submit new or revised (unreviewed) curricula for approval at this time, in addition to those that have been waiting for approval. Ms. Hewitt also stated the need for the review of both curricula and formative assessments. Ms. Humphreys asked about the previous process and how it worked? Chairperson Weinert explained the previous process and the reasons to develop a new process based on the statutory criteria of being evidence-based and incorporating a literacy component, in addition to incorporating Foundations domains of early learning.

Director Shue reiterated that the goal of the Division is to review as many curricula as possible during this time, prioritizing the curricula that have been waiting for review that are not currently on the approved list, following with remaining curricula as time permits. Once those reviews are complete, the Division will present its findings and recommendations to the Commission and the Commission will make the final determinations and determine the process going forward.

Ms. Schoel asked for clarification that a document included in Commission members’ meeting packets is an example of the rubric that will be used for publishers to submit materials and the criteria reviewers use to approve the curricula? Chairperson Weinert asked about the re-review process in terms of whether curricula already approved are going to be re-reviewed according to the new revised process? Director Shue stated that the purpose right now of the review is to develop a baseline so that all curricula should be evaluated on same rubric. Any situations, such as already approved curriculum not being approved by new process, will be handled subsequently.

Chairperson Weinert agreed with Director Shue but stated that she just wants clarity on the process and what will occur. She stated her understanding that the process will be to utilize Race to the Top funds to review the curricula waiting for review, then to review new and existing curricula as time permits. The findings and recommendations of the review group and review process will then be brought back to the Commission to determine next steps.

Ms. Hewitt stated that Division staff sent an announcement of pending review to publishers that currently have approved curricula, but they will take down that announcement from the DCDEE website. Ms. Hewitt also discussed the semi-randomly appointed committee which the Division is seeking to create. That review committee can be comprised of as many as 25 people; however, currently only one individual is confirmed.

Mr. Blades asked about this “semi-randomly selected committee” and expressed concern that the Committee will be truly representative of the child care community at large. Ms. Hewitt stated that the groups from which the Division are soliciting members include Child Care Resource and Referral (CCR&R) agencies, the Child Care Commission, Diversity, higher education, formative assessment experts, UNC Online Foundations, Early Learning Network, and child care facility administrators, and teachers.

Commission Action: Mrs. Humphreys made a motion that DCDEE move forward with the curriculum and formative assessment review process for the current list of publishers, and as time allows any other newly submitted curricula and formative assessments not awaiting review. DCDEE will follow the review process as stated in the September 26, 2016 curriculum and formative assessment packet shared with the Commission and as discussed in that meeting. This process shall be completed by December 31, 2016.

Ms. Lowrance seconded the motion, which carried unanimously.

Approval of July 25, 2016 First Quarter Meeting Minutes

Chairperson Weinert presented the July 25, 2016 First Quarter Meeting Minutes and asked if there were any requested changes? Receiving no requests for changes, the Chairperson asked for a motion for approval of July 25, 2016 Meeting Minutes.

Commission Action: Mr. Everhart motioned for approval of the July 25, 2016 First Quarter Meeting Minutes as presented. Ms. Gayle seconded that motion, which carried unanimously.

Approval of July 26, 2016 Special Rules Meeting Minutes

Chairperson Weinert presented the July 26, 2016 Special Rules Meeting Minutes and asked if there were any requested changes? A request was made to correct the adjournment time noted in the minutes, which was accepted. The Chairperson asked for a motion for approval of July 26, 2016 Meeting Minutes.

Commission Action: Chairperson Glenda Weinert asked for approval of the July 26, 2016 Special Rules meeting minutes, with the adjournment time corrected. Ms. Gilleland motioned for approval of the minutes as presented with correction of the adjourn time to 2:23 p.m. Rev. McDowell seconded the motion, which carried unanimously.

Approval of September 12, 2016 Teleconference Meeting Minutes

Chairperson Weinert presented the September 12, 2016 Teleconference Meeting Minutes and asked if there were any requested changes? Receiving no requests for changes, the Chairperson asked for a motion for approval of September 2016 Teleconference Meeting Minutes.

Commission Action: **Chairperson Glenda Weinert asked for approval of the September 12, 2016 teleconference meeting minutes as presented. Ms. Vandevender motioned for approval of minutes as presented, and Mr. Blades seconded the motion which carried unanimously.**

Review Permanent Rules to Replace Temporary Rules

After the discussion at the First Quarter meeting held on Monday, July 25 about temporary rules and their permanent replacements, DCDEE staff amended the temporary rule language, to be proposed as becoming permanent, and presented the changes to the Commission.

Ms. Gruber stated that she wanted to thank everyone who has worked on this task for their hard and timely work on the temporary rules and proposed permanent replacements. As is required, the temporary rules were submitted to the Rules Review Commission (RRC) for review along with an Administrative Rules Waiver requesting that the 210 day “recent act” limitation found in N.C.G.S. § 150B-21.1(a1) be waived. The RRC granted this request and approved the temporary rules for adoption. Ms. Gruber apologized that Division staff was not able to get the proposed permanent rule change language to the Commission earlier for review and comment, but hopes that Commission members will understand the additional work that has been going on.

Following this background discussion, individual Health and Safety rules were discussed:

- Definitions (.0102)

In the definition of bio-contaminant on page 2, line 14, information was added - (5) “Bio-contaminants” mean bodily fluids, soiled diapers and wipes, and medical waste such as syringes.”

The following rules were reviewed and discussed without notable changes:

Safety Requirements for Child Care Center (.0604 and .0608)

- .0604 Safety Requirements
- .0608 Prevention of Shaken Baby Syndrome and Abusive Head Trauma

Staff Qualifications (.0705, .0706, .0707)

- .0705 Special Training Requirements
- .0706 Health and Safety Training Requirements
- .0707 Orientation Training

Health Standards for Children (.0801)

- .0801 Application for Enrollment

Family Child Care Homes (.1701, .1702, .1705, .1730, .1719, .1721, .1726, and .1731)

- .1701 General Provisions Related to Licensure of Homes
- .1702 Applications for a License for a Family Child Care Home
- .1705 Health and Training Requirements for Family Child Care Home Operators
- .1719 Requirements for a Safe Indoor/Outdoor Environment

- .1721 Requirements for Records
- .1726 Prevention of Shaken Baby Syndrome and Abusive Head Trauma
- .1730 Activities Involving Water
- .1731 Additional Health and Safety Training Requirements

Review of New Rules—Ms. Alexi Gruber

Ms. Gruber began the discussion of all changes proposed that are relevant to CCDBG requirements for training. She stated that she will address all the included changes to language, including changes from temporary rule language. Since the temporary rule language will be going away, the Commission will be essentially required to start from the beginning to create permanent rules, although the group is able to use the temporary rules as a template, as much as the group would like.

Special Programs

- Section .1100 Continuing Education and Professional Development
- .1101 New Staff Orientation Training

Mr. Blades asked, under these new permanent rules, how many total hours are required for employees to complete during their first 6 weeks of employment? The answer is 16 hours total. Mr. Blades stated his concern that CPR and First Aid are trainings that should not be included (and cannot be completed online or provided directly by the employer) and required in orientation. DCDEE staff clarified that according to CCDBG requirements, orientation materials must be completed within 3 months of employment, not 6 weeks. Current rules state a deadline of 6 weeks, and that will be changed in the permanent rules.

In response to a question from Mr. Blades, Ms. Gruber stated that there will be detailed fiscal notes created for any change to a rule that will require a fiscal impact to providers or the public. Ms. Humphreys asked about the statewide feasibility of offering enough CPR/First Aid training opportunities for new employees to meet requirements during the required time frame? Chairperson Weinert stated her feeling that the permanent rule should allow the 3 months instead of the 6 weeks. Mr. Blades stated that CPR/First Aid trainings need to be separated from orientation, and Ms. Gruber agreed to make this change and stated that the timeframe of each of these trainings will be addressed when the Commission discusses training.

Ms. Gruber stated that Line 29 Paragraph (b) “Training topics for orientation shall include:” will be changed to “New staff orientation shall include” removing the reference to “training.” The inclusion of CPR/First Aid in the chart on page 2 will also be removed. All references to “training” that is required to be completed within the first 3 months of employment will be removed and replaced with “orientation”, e.g., line 9 “As part of this ~~training and~~ orientation, each new employee shall complete six clock hours of ~~training~~ orientation within the first 2 weeks of employment.”

Rev. McDowell asked about the reasonableness of teachers having completed CPR/First Aid prior to being hired? The response to this request was that currently, the center determines whether teachers must have CPR/First Aid training, because it was not previously a requirement for ALL staff. Although there is personal time and expense required, job candidates may now begin to present themselves to open positions with this training in place because it is mandatory for all staff.

Ms. Thomas stated that she requires that teachers at her facility have these certifications prior to being hired.

Chairperson Weinert raised an ongoing concern about being able to begin orientation tasks with teachers before their full Criminal Record Check is completed. Ms. Gruber stated that the problem with doing that on site at a facility is that the federal law states that CRC must be completed prior to employment – therefore you cannot begin ‘orienting’ someone who has not been offered and accepted employment. Ms. Tammy Barnes reiterated that the federal and state law is very clear that CRC *must* be completed prior to employment. Mr. Walton proposed trying to get State law changed during the long session to incorporate language, such as “prior to contact with children” or “off-site orientation may occur” while a new hire’s CRC is pending.

Lunch break at 11:35 a.m., meeting reconvened at 12:41 p.m.

- .1102 Health and Safety Training Requirements
(Moved from .0705 and Temporary Rule .0706)

Ms. Gruber stated that all of the required CCDBG trainings will be available online, if staff chooses to complete those requirements through technology. In-person options for training will also be made available, and some topics will require in-person training and skills demonstration. Chairperson Weinert asked about potential overlap between orientation and training requirements? Ms. Gruber stated that there is a distinction between the information received in orientation versus ongoing training materials. The hourly requirements of courses are separate from the site-specific orientation.

Ms. Gruber stated that the timeframe for First Aid and CPR trainings for new staff that are not already certified is addressed in Paragraph (c) Line 25 page 4 “The training shall be completed within six weeks of employment and Paragraph (d) Line 7 on page 5 “The training shall be completed with six weeks of employment.” Ms. Schoel asked how often CPR and First Aid trainings must be renewed, and the answer is that CPR/First Aid training must be renewed every 2 years. Mr. Walton suggested a 90-day timeframe instead of 6 weeks for both First Aid and CPR trainings.

Ms. Lowrance referenced Page 5 line 15 “The playground safety training shall not be completed online” and asked that for consistency the same language be incorporated as used for CPR and First Aid trainings on page 8 line 9 (3) “Distance learning is not permitted for Cardiopulmonary Resuscitation (CPR) and First Aid.” “Distance learning” should be used instead of “completed online”.

Chairperson Weinert referenced the playground safety training requirement in line 19 page 5 “A certificate of each staff member’s completion of this course shall be maintained in the staff member’s file in the center.” She requested that it read each “*designated*” staff member’s file, because not all staff are required to complete the playground safety training. Chairperson Weinert also referenced Line 5 page 6 Paragraph (g) “The child care administrator and all staff members shall complete *Recognizing and Responding to the Suspicions of Child Maltreatment* training within **two** months of employment” and requested that the language be changed to allow **three** months for completion to be consistent with the other training requirements.

- .1103 On-going Training Requirements

Ms. Gruber referenced that Line 22 page 6 Paragraph (b) “Coursework appropriate to job responsibilities taken at a regionally accredited college or university may be counted toward on-going training requirements”. “Accredited” will be changed to “accredited by” and the accrediting bodies will be listed.

- .1104 Professional Development Plan

Ms. Gruber stated that this Rule is a CCDBG requirement. Ms. Lowrance expressed concern about page 6 line 31-32 that reads “All center administrators and staff members shall complete a professional development plan within one year of employment and every three years thereafter.” She is concerned that teachers could potentially complete the same trainings every three years. Ms. Gruber stated that the Rule does not confine teachers to the same trainings, and, if the trainings were repeated, this would at a minimum provide reinforcement.

Ms. Gruber stated that the renewal of training in the 11 health and safety topics discussed on page 4 every three years comes from CCDBG. Paragraph (b) “The health and safety training shall include the following topic areas: (1) Prevention and control of infectious diseases, including immunization; (2) Administration of medication, with standards for parental consent; (3) Prevention of and response to emergencies due to food and allergic reactions; (4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; (5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man—caused event; (6) Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants; (7) Precautions in transporting children, if applicable; (8) Prevention of shaken baby syndrome and abusive head trauma; (9) CPR and First Aid training” as required in subparagraphs .1102(c) and (d); (10) *Recognizing and Responding to Suspicions of Child Maltreatment* as required in Subparagraph .1102(g); and (11) Prevention of sudden infant death syndrome and use of safe sleeping practices.”

Ms. Gilleland asked about whether the responsible parties could think about designing “refresher” courses to follow initial training? Ms. Gruber stated that there is currently nothing that would prohibit this. Ms. Schoel inquired how the three years was determined to be the length of time to complete trainings? Ms. Burgon and Chairperson Weinert stated that they think the three years was incorporated because of other renewal training timeframes for the sake of consistency. Ms. Vandevender discussed the importance of trainings being convertible to CEUs. Ms. Anna Carter in the audience stated that the International Association for Continuing Education and Training (IACET) is responsible for issuing CEUs and has certain criteria in order for a training to qualify for CEU credit. <http://www.iacet.org/ceus/about-the-ceu> Ms. Barnes stated that trainings received through Pro Solutions will all convert to CEUs.

- .1105 Training Approval

Ms. Gruber stated that Line 10, page 8, Item (3) “Distance learning is not permitted for Cardiopulmonary Resuscitation (CPR) and First Aid.” Needs to include playground training in the list of trainings that may not be obtained via distance learning. Mr. Blades asked for clarification about training approvals required on page 8, lines 13-16. “The Division shall

approve training based on the following factors: (a) The Trainer’s education, training and experience relevant to the training topic; (b) Best practice in adult learning principles; (c) Content that is in compliance with G.S. 110-9(11); and (d) Contact hours reasonable for the proposed content and scope of the training session.”

- .1106 Documentation of Training
These rules were reviewed and discussed without notable changes.

Staff Qualification

- .0710 Preservice Requirements for Lead Teachers, Teachers and Aides
- .0711 Preservice Requirements for Other Staff
These rules were reviewed and discussed without notable changes.

Center Rules—General Requirements (continued)

- .0604 Safety Requirements
Mr. Blades raised a question about the language on Page 4, Line 17, Paragraph (f) “Electrical cords shall not be accessible to infants, toddlers or preschool-age children.” He is concerned about the inclusion of preschool-age children in this rule, as they were not previously included; it was only infants and toddlers. He is concerned because older buildings have outlets at eye level of preschool children. Ms. Gruber stated that the addition of preschool-age children will be removed so the limitation will only include infants and toddlers.

Ms. Gruber noted that on page 4, line 22 Paragraph (h) “Smoking, including use of e-Cigarettes, by staff is not permitted on the premises of the child care center.” is where the Commission may wish to include language addressing stated concerns about individuals (enrolled families and others visiting a child care facility) smoking in their own cars and how or whether, or how, that is prohibited. Mr. Walton stated that his primary concern is that a site could be cited for the behavior of non-staff individuals in their own cars. Chairperson Weinert stated she has no problem with a rule prohibiting all use of tobacco on the premises; however, her concern is also facility operators’ ability to regulate individuals smoking in their own car. She agreed with Mr. Walton that this should not be something the site should be cited for. Ms. Humphreys stated that she thinks it is the responsibility of the Commission to put something in rule to prevent all smoking on premises, even in private cars. Ms. Schoel suggested a compromise that language be included in the rule that requires the site to post signage stating that there is no smoking allowed on the premises, and to require providers to inform parents of this policy. This would focus the rule on the effort of the site and not the behavior of the parents. Ms. Gruber read aloud from the American Lung Association recommendations and comments submitted regarding the temporary rules and proposed incorporating some of these recommendations in the language for the permanent rule. Ms. Lowrance suggested looking at the American Lung Association’s Asthma Action Plan. Ms. Barnes stated that a sample asthma action plan is on the DCDEE website.

Ms. King asked for clarification of Page 6, line 7, Paragraph (u) “In child care centers, potential bio-contaminants shall be stored in locked areas, or shall be removed from the premises or otherwise inaccessible to children.” Her question was whether a tissue with a child’s mucus would be considered a bio-contaminant according to Rule .0102(5) “Bio-contaminant” means bodily fluids, soiled diapers and wipe, and medical waste such as syringes” because mucus could be considered a “bodily fluid”? The concern is that this could lead to requiring every tissue be thrown away outside or in a secured trash can. Ms. Gruber stated that she will further investigate guidance providing a specific definition of bio-contaminants and seek guidance from CCDBG. Kelly Close, Early Childhood Oral Health Coordinator in the Division of Public Health, who was in the audience stated that for their purposes, blood is considered a bio-contaminant but saliva and mucus are not according to OSHA.

- .1000—Transportation Standards
 - .1403—Activities Involving Water
- These rules were reviewed and discussed without notable changes.

Health Standards for Children

- .0801 Application for Enrollment
 - .0802 Emergency Medical Care
- These rules were reviewed and discussed without notable changes.
- .0803 Administering Medication
- Ms. Humphreys asked for clarification about the inclusion of fluoridated toothpaste on line 8, page 6, Item (1) “No prescription or over-the-counter medication and no topical, non-medical ointment, repellent, lotion, cream, fluoridated toothpaste, or power shall be administered to any child...” She asked for and received clarification that this rule includes fluoridated toothpaste as something that requires parental permission, but not a prescription.
- .0804 Infectious and Contagious Diseases
- It was noted that in Paragraph (c), the word “Children” needed to be capitalized on Page 11, line 14 in the title *“Caring for Our Children: Appendix A.”*
- .0806 Toileting, Clothing and Linens
- Ms. Gruber stated that all rules with substantive changes will be brought back before the Commission in December. Chairperson Weinert reiterated that Commission members should review the rules themselves and send comments to her to send along to the Division.

Family Child Care Home Requirements

- .1701 General Provision Related to Licensure of Homes (Temporary)
- .1707 Building Requirements
- .1708 Pre-Licensing Requirements
- .1702 Applications for a License for a Family Child Care Homes (Temporary)
- .1709 Inspections
- .1710 Access to the Family Child Care Home
- .1711 Supervision of Children
- .1712 Written Plan of Care (Additional Staff Edits)

- .1713 Emergency Medical Care
- .1714 Emergency Preparedness and Response
- .1719 Requirements for a Safe Indoor/Outdoor Environment (Temporary)

Ms. Gruber stated that on Page 19, in Subparagraph 11 "...keep tobacco products out of reach or in locked storage when children are in care;" will be written to match whatever change is eventually agreed to in the Child Center Rule .0604(h). Ms. Gilleland pointed out that Page 20, line 21, Subparagraph (20) "...ensure that jump ropes and rubber bands are not accessible to children under five years of age. Balloons shall be prohibited for children of all ages;" should match the corresponding Child Center Rule." Ms. Gruber stated that all Family Child Care Home Rules will be written to match corresponding Child Center Rules. All other rules in this list were reviewed and discussed without notable changes.

- .1720 Medication Requirements (Additional Staff Edits)
 - .1725 Sanitation Requirements for Family Child Care Homes
 - .1705 Health and Training Requirements for Family Child Care Home Operators (Temporary)
 - .1729 Additional Caregiver and Substitute Provider Qualifications
 - .1723 Transportation Requirements
 - .1724 Safe Sleep Practices
 - .1721 Requirements for Records (Temporary) (Additional Staff Edits)
 - .1730 Activities Involving Water (Temporary)
 - .1716 Failure to Maintain Requirements
 - .1731 Additional Health and Safety Training Requirements
- These rules were reviewed and discussed without notable changes.

.2100 Religious Sponsored Child Care Center Requirements

- .2101 Centers Operating Under G.S. 110-106
Ms. Gilleland asked to clarify that Child Care Law exempts religious sponsored child care centers from staff qualifications and training requirements? Ms. Gruber confirmed that this is the case. Chairperson Weinert stated that when families choose to enroll in a religious sponsored child care facility, that issue is largely about parent choice, which is something that this Commission supports. Ms. Barnes stated that there are approximately 325 religious sponsored facilities that do not also have a star rated license and operate under a GS 110-106 certificate across the state. A large number of religiously-affiliated facilities choose to be licensed, and therefore do not qualify for religious exemptions. Ms. Gruber stated that if child care facilities choose to receive subsidy, even at a one-star level (GS 110-106), then they must comply with training requirements.
- .2102 Use of Corporal Punishment
Ms. Barnes stated that only 20-25 religious sponsored child care facilities, who have asked for and received a specific exemption to utilize corporate punishment, choose to incorporate a corporal punishment policy. Ms. Gilleland asked whether there was some rule that could be put in place requiring these centers to complete the health and safety training, and then to justify why corporal punishment does not violate maltreatment requirements? Ms. Gruber responded that DCDEE does not have an ability to put this requirement in place, however, if the programs do receive CCDBG funds, then they must also complete the maltreatment and

other health and safety training. Ms. Gruber also stated that if it is found that the use of corporal punishment does border or cross into maltreatment, the Division does then have authority to act.

Ms. Vandevender stated that she also has understood that child care centers cannot use faith-based curriculum if they receive subsidy; however, Ms. Gruber stated that this assertion is not correct. Mr. Walton asked a broader question about when child care facilities that do not receive Subsidy have to comply with Rules and when they do not?

At this point in the meeting Ms. Gruber had to excuse herself from the meeting for a family emergency and Ms. Kimberly Mallady took over the role of discussing changes to the rules. Chairperson Weinert suggested that instead, Commission members review the proposed changes to the rules, send any comments to her and the Commission will discuss the remaining Rules at the next meeting in October.

The following rules were reviewed briefly, and discussed without notable changes.

.2400 Child Care for Mildly Ill Children

- .2401 Scope
- .2402 Definitions
- .2403 Special Provisions for Licensure
- .2404 Inclusion/Exclusion Requirements
- .2405 Admission Requirements
- .2406 Staff/Child Ratios
- .2407 Space Requirements
- .2408 Staff Qualifications
- .2409 Children's Records
- .2410 Children's Activities
- .2411 Nutrition Requirements

.2500 Care for School-Age Children

- .2501 Scope
- .2502 Special Provisions for Licensure
- .2503 Building Code Requirements
- .2504 Space Requirements
- .2505 Health Requirements for Children
- .2506 General Safety Requirements
- .2507 Operating Policy
- .2508 Age Appropriate Activities
- .2509 Activities: Off Premises
- .2510 Staff Qualifications
- .2511 Other Staff Requirements

.2900 Developmental Day Services

- .2901 Scope

- .2902 License
- .2903 Staff Qualifications
- .2904 Program Requirements
- .2905 Family Services
- .0505 Developmental Day Centers

.3000 NC Pre-K Kindergarten Services

- .3001 Scope
- .3002 Facility Requirements
- .3003 Program Attendance Policy
- .3005 Child Health Assessments
- .3006 Developmental Screening
- .3007 Early Learning Standards and Curricula
- .3008 Formative Assessments
- .3009 Staff-to-Child-Ratio and Class Size
- .3010 Family Engagement
- .3011 NC Pre-K Site-Level Administrator Qualifications
- .3012 NC Pre-K Teacher Education, Licensure and Credentials
- .3013 NC Pre-K Teacher Assistant Education and Credentials
- .3014 NC Pre-K Substitute Staff
- .3015 Instructional Staff Standards
- .3016 Professional Development Requirements

Ms. Lowrance asked for clarification on page 31, line 17-18, Paragraph (b) “Administrators, Teachers, and Teacher Assistants in non-public school settings, working toward Pre-K qualifications shall participate in semester hours per year as prescribed by a Plan of Study and documents by transcripts.” Her concern was that this rule previously included a minimum of six documented hours, but that hour requirement has been struck through. Ms. Lowrance asked for clarification eliminating the number of hours was correct? Ms. Cindy Wheeler confirmed that this was correct, and the number of semester hours required for each staff person is determined by their Plan of Study.

.1900 Special Procedures Concerning Abuse Neglect in Child Care (to be repealed)

- Rules .1901 and .1903 —Ms. Mallady noted that this rule group has been entirely struck through, and these rules have been repealed due to the new child maltreatment in child care law.

Chairperson Weinert adjourned the meeting at 3:12 p.m.

Next Meeting:

Special Rules Meeting - October 24, 2016 9:00 a.m. - 3:00 p.m.