

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION/6

NORTH CAROLINA CHILD CARE COMMISSION

Teleconference Meeting

Monday, September 12, 2016

Division of Child Development and Early Education
820 South Boylan Avenue
Conference Room 130
Raleigh, NC 27603

Commission Members Present on phone

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

Kay Lowrance
Charles F. McDowell, III
Laurie Morin
Linda Vandevender
William Walton, III
Kristin Weaver

Commission Members with an Excused Absence

Jonathan Brownlee, Sr., MD
Donnette Thomas

Division of Child Development & Early Education Staff Present

Pam Shue, Director	Andrea Lewis, Regulatory Services
Heather Laffler, Administration/Policy	Laura Hewitt, Regulatory Services
Dedra Alston, Administration/Policy	Mary Pat Hicks, NC Pre-K
Lorie Pugh, Regulatory Services	Rachel Kaplan, NC Pre-K

Attorney General's Office Staff

Bethany Burgon, Commission Attorney
Alexi Gruber, DCDEE Attorney

Welcome—Chairperson Glenda Weinert called the meeting to order at **10:00 a.m.**

- Chairperson Weinert called for roll call, Ms. Rachel Kaplan performed roll call.

Approval of August 9, 2015 Temporary Rules Public Hearing Meeting Minutes

Chairperson Glenda Weinert motioned for approval of August 9, 2016 Meeting Minutes.

Commission Action: Chairperson Glenda Weinert asked for approval of the August 9, 2016 Temporary Rules Public Hearing meeting minutes as presented. Ms. Kaplan called on each Commission member if they agreed; they unanimously agreed.

Temporary Rules**0604 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

Temporary Rule-making Discussion

- Chairperson Weinert asked for clarification of the timeline of the approval for the temporary Rules.
- Ms. Alston stated that they must be adopted and submitted today because they must be reviewed and approved by the Rules Review Commission on September 15 in order to meet the deadline of having them effective by September 30. If not, there is the risk of losing funding.
- Chairperson Weinert expressed concern about being able to adequately review the large amount of information the Commission members received during the timeframe.
- Mr. Blades clarified that the changes that needed to be addressed were made in red; the change in red were changes made after the Commission voted to approve at the last meeting.
- Mr. Blades expressed that the changes made in Rule .0604(a) and (c) were subtle and not substantive, and he did not understand why these changes were made now during the temporary rules process. He inquired whether these changes were a direct reflection on CCDF Requirements, and, if not, why any changes would be made that were not in direct response to the CCDF requirements.
- Chairperson Weinert stated that it was her understanding that the changes would be just result of federal requirements and no other substantive changes were supposed to be made.
- Ms. Gruber stated that this was her understanding as well; however, the Commission approved the rules that included these changes. Ms. Gruber later stated that the Commission and Division previously agreed to scale back the rule language in rules regarding training to include the minimum amount necessary to be compliant with CCDF regulations.

- Ms. Burgon stated that it is important that the Commission remember that the purpose of the meeting is to review the changes since they approved the temporary rules at the last Commission meeting and review the public comment of those rules.
- Ms. Alston clarified that the temporary rules are in place for 270 days, and, if permanent rules have not been adopted to replace them and submitted to the Rules Review Commission within that timeframe, the temporary rules will expire and the rules will return to the original text.
- Ms. Burgon clarified for the Commission that there was no need to wait to proceed with permanent rule-making after the adoption of the temporary rules; they could proceed immediately in making any changes.
- Ms. Alston stated that anytime a rule is amended, the entire rule is open to review by the Rules Review Commission.
- Ms. Vandevender stated that the Commission can start having these permanent rules discussions at the September 26 meeting.
- Chairperson Weinert agreed with Ms. Burgon's statement; however, she wanted to address the language in Rule .0604(h) regarding the concern that the way the rule is currently written would allow for Centers to be cited if a parent was smoking in her/his own car.
- Paragraph (h) - Smoking, including use of e-Cigarettes, is not permitted in space used by children when children are present on the premises of the child care center. All smoking materials shall be kept in locked storage or out of the reach of children.
- Mr. Walton also had concern with this language, as he was concerned that a center could be cited.
- The Commission agreed to add the words "by staff" in Paragraph (h) so that it reads "Smoking, including use of e-Cigarettes, is not permitted by staff"
- Other concerns were raised by Commission members (e.g., Mr. Walton raised a concern with Rule .0604(o) balloon accessibility for all children), but Ms. Burgon reminded the Commission that, while these issues were important to address, there was not time in the current meeting to adequately discuss these concerns. Therefore, if there are no major concerns, then these issues can wait until the permanent rule-making discussion.
- Chairperson Weinert proposed that the meeting move to a consent agenda and the Commission should approve the temporary rules and then revisit the individual rules for permanent rule-making.
- Chairperson Weinert asked for each individual member to vote to agree with the consent agenda; however, before the vote, Mr. Walton raised another concern about the CPR/First Aid training requirement in Rule .0707 that within the first six weeks of employment training topics for orientation include successfully completing CPR and First Aid training. The concern was that centers would be out of compliance if they could not get all employees training within six weeks. The previous rule only maintained that an employee with the training be on the premises at all times, but now all staff have to receive the training according to the CCDF requirements.
- Ms. Pugh clarified that the six weeks provision only applies to **new** employees; only new employees will have to complete the training in the six week timeframe, while all other employees have until June 20, 2017 to meet the requirement.
- Mr. Blades continued to express concern about the six week provision for new employees; however, Ms. Burgon reiterated the importance of adopting these temporary rules today and that discussion should resume during permanent rule-making. The temporary rules

have already been agreed to and **voted on** for publication and the purpose of this meeting is the expedited **adoption** of the rules by the Commission.

- Chairperson Weinert again asked for a vote to adopt the temporary rules presently and make any corrections in two weeks at the September 26 Child Care Commission meeting.
- Ms. Gilleland motioned to adopt the temporary rules with the change of Rule .0604(h) to include “by staff”. Rev. McDowell seconded the motion.

Votes of individual Commission members:

Elliot Blades—No
April Duvall—Yes
Zac Everhart—Abstain
Melanie Gayle—Yes
Elizabeth Gilleland--Yes
Lisa Humphreys—Yes
Kay Lowrance—Yes
Charles F. McDowell III—Yes
Laurie Morin—Yes
Linda Vandevender—Yes
William Walton, III—Abstain
Kristin Weaver—Yes
Glenda Weinert—Abstain

Motion Carries with the Final Count:

Yes: 9
No: 1
Abstain: 3

Commission Action: Chairperson Glenda Weinert asked for motion to approve the Temporary Rules Safety Requirements for Child Care Centers (.0604 and .0608), Staff Qualifications (.0705, .0706, .0707), Health Standards for Children (.0801), and Family Child Care Homes (.1701, .1702, .1705, .1719, .1721, .1726, .1730, and .1731) as with addition of “by staff” to .0604(h). Ms. Gilleland motioned for approval. Rev. McDowell seconded. The motion carried with majority approval: 9 yes; 1 no; 3 abstain.

Adjourn