

*DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT
NORTH CAROLINA CHILD CARE COMMISSION
2008-09 FOURTH QUARTER MEETING MINUTES*

April 23, 2009

*Division of Child Development
319 Chapanoke Road, Suite 120
Raleigh, NC
Conference Room 300*

Commission Members Present

Margaret Anne Biddle – by phone	Donna Rascoe
Magdalena Cruz	Mary Roberts
Penny Davis	Lois Stephenson
Lorrie Looper	Claire Tate
Lynn Policastro – by phone	

Commission Members with an Excused Absence

Vickie Ansley
Margaret Anne Biddle (?)
Connie Harland
Dr. Mary-Cassie Shaw

Division of Child Development (DCD) Staff Present

Anna Carter, Regulatory Services Section	June Locklear, Regulatory Services Section
Melissa Stevenson, Regulatory Services Section	Kimberly Mallady, Licensing Enforcement
Heather Laffler, Director's Office	Nicole Wilson, Director's Office
Kathy Shepherd, Workforce Standards Section	Fay Lewis, Subsidy Services Section
Trevon Lucas, Workforce Standards Section	Andrea Lewis, Regulatory Services Section
Mary Lee Porterfield, Workforce Standards Section	Kimberly Mallady, Licensing Enforcement
Tammy Barnes, Licensing Enforcement	Susanna Cox, Division Attorney

CALL TO ORDER

Chairperson Donna Rascoe issued a general welcome and called the third quarter NC Child Care Commission meeting to order at 9:09 a.m. Members of the audience wishing to address the Commission were asked to sign-up for public comment and, if interested, on the Commission mailing list at the back table. Chairperson Rascoe also reminded members to complete the appropriate motion form when making motions. Ms. Rascoe asked if any members had known conflicts of interest concerning today's agenda items, and none were mentioned. Nicole Wilson called the roll. The Commission members who were absent from this meeting had requested and received excused absences.

Chairperson Rascoe shared that there are two members of the Commission who are ending their terms, with today being their last quarterly meeting. Both of these members have served the limit of 4 terms, or 8 years of service. Mary Roberts thanked the Division staff and shared that she is grateful for the opportunity to serve. Donna Rascoe is the other members who will be leaving. Ms. Rascoe shared that she has been delighted and has enjoyed her time here, and agreed that the Division staff has really been a great support.

Ms. Rascoe reminded the audience that there is time for public comment at 11:30, so those wishing to address the Commission should sign up at the back of the room. There are two presentations scheduled for today. One of those is by Erin Speer Smith who will come to speak about the NC Community College Curriculum Improvement Project. Also, there will be a presentation by Linda Foxworth on Developmental Day programs.

Ms. Rascoe reviewed the member packets and the handouts that were provided to the commissioners. She mentioned that various pieces of legislation that are of interest to the Commission would be discussed briefly during the Director's Report.

APPROVAL OF MEETING MINUTES – February 12, 2009 draft minutes were reviewed by members with no comments or revisions.

Commission Action: Mary Roberts moved that the meeting minutes be approved as presented. Claire Tate seconded. There being no further discussion, Chairperson Rascoe called for a vote. The motion carried unanimously.

DIVISION DIRECTOR'S REPORT – HEATHER LAFFLER

Heather Laffler addressed the Commission on behalf of Janice Fain, Acting Director, who could not be present for today's meeting. Ms. Laffler thanked Mary Roberts and Donna Rascoe for their work on the Commission and presented a certificate of appreciation to each of them from the Division. Ms. Laffler shared that the FCCH provider position is still vacant. The Division has been successful in receiving responses for this position, and has submitted information on applicants to the Governor's office, the appointing body for this position. The two positions coming vacant in June will be a parent member, appointed by the Governor's office, and a non-profit provider, appointed by the Speaker of the House. When final appointments are made, the rest of the Commission will be notified. The Division staff anticipate that the FCCH position will be finalized very soon.

Ms. Laffler shared that DCD has had a change in leadership. Ms. Cyndie Bennett moved to a position at the Department and has since retired from State employment. Janice Fain, who also serves as the Administration Section Chief, is currently serving as the Acting Director. Ms. Fain has been with the Division for almost 15 years. Ms. Laffler shared that Ms. Fain was unable to attend today because of a meeting at the legislature this morning. Commission members are invited to attend a retirement party for Ms. Bennett being held at the Division on May 1st.

Concerning the state budget, the Governor's budget has been released and the Senate has developed their budget, which is in the hands of the House of Representatives. In the Governor's plan, there was a 4% or \$80,000 allocation for Subsidy administration at the county level. Also included in this is \$67 million dollars in federal recovery money from ARRA (American Recovery and Reinvestment Act) for childcare activities. Ms. Rascoe asked if we know how DCD will be able to spend this money. Ms. Laffler shared, in response, that the Governor allocated \$53.9 million to remove children from the wait list, \$2 million for administration of subsidy funding, and \$11.5 million for quality funding, while the Senate suggested different usage. Claire Tate asked about the \$53.9 subsidy money and would it follow our same formula to the individual counties. Ron Byrd explained that DCD would distribute those dollars through the current formula, but also allows for reallocation of monies to counties who need them. Ms. Tate asked regarding the administration money whether or not it goes through the formula to the counties as well or if it's to be used by Division staff for administrative costs. Mr. Byrd said that this money would go to the counties. Ms. Laffler shared that there would be more detail given after the Director's Report regarding the CCDF "quality initiative" monies. Ms. Rascoe shared that it was her understanding that the Governor had shared her desire to limit cuts to services to children and education funding and programs, and has this idea fallen by the wayside? Ms.

Laffler shared that as the Division understands, the Governor did adhere to that as much as she could, it seems, and DCD has not suffered as badly as some agencies and programs.

Ms. Laffler also shared that in the Governor's Budget, in addition to the ARRA recovery dollars, the More At Four program would remain with the Department of Public Instruction. In the Governor's budget, Smart Start funds were cut by \$8.8 million. One vacant position at DCD was eliminated. Child care licensing fees would increase. There was a \$3.7 million swap of state money to Federal TANF money.

In the Senate's version of the budget, there was an allowance of 5% or \$80,000 for county services support. Of the same \$67.4 million in ARRA funding, the Senate would allocate \$37.2 to support 4-year-olds, \$16.7 million for a market rate increase for subsidy, \$2 million for administration, and \$11.5 million in quality funding. In the senate plan, More At Four would move to DCD, and the Senate would cut Smart Start funding by \$15 million, increase licensing fees and eliminate 3 vacant positions at DCD. The House appropriations committees have begun working on their version of the budget. These appropriations committees are holding a public hearing tomorrow night.

Ms. Laffler shared that there were in fact a number of bills that would affect DCD, and some would require rule changes. These bills have been included in the Commission packets. The main one of these would be the merger of Smart Start and More At Four. Ms. Laffler explained what each of the other bills were that had been included in the packets.

Ms. Tate asked, based on questions she received, if DCD has discussed SB 1030 that would define playgrounds as a part of public schools and would exempt school playgrounds from rules for playground safety. She asked how many licensed school public playgrounds in NC have been inspected by our procedure and found to be out of compliance. Ms. Laffler shared that there are 280 public school playgrounds that have restrictions on their use for school age before or after school care. This bill refers to both public and private schools. Ms. Laffler shared that HB 1472 is a result of a DPH task force on preventing childhood obesity. Ms. Rascoe asked if these bills of interest are currently in committee? Ms. Laffler shared that the majority were in committee and that the bill crossover date is May 14th, so if any of the bills do not cross over, they die.

Subsidy Services: DCD has been required to submit significant amounts of funding to help with state budget shortfalls. The current waitlist is 19931 children. Existing service levels have remained fairly constant for the last few months. DCD has implemented a policy to allow counties to issue time limited vouchers. These would provide assistance to families, but with the understanding that the assistance is limited to a certain time period stated. Beginning July 1st, as a result of recovery funding, DCD expects to implement a new policy that would allow a 6 month extension for new graduates or for those who have lost their jobs and were already receiving funding to continue to receive subsidy support while they seek employment.

Regulatory Services: At a previous Commission meeting, it was mentioned to commissioners that DCD has changed the compliance history score calculation process. This has been implemented, and so far, there have not been any issues. The problem was a statistical mathematical issue, so DCD worked with NC State University statisticians on how to fix it. The calculation is taken per visit now, instead of as cumulative total of visits.

Workforce Standards: This group at DCD has continued to streamline their evaluation process. Currently, the turn around for evaluations has been reduced by about 4 weeks. We are still using temporary staff to help with the influx of mail and data entry. There has also been another change; the Workforce and Regulatory sections have discontinued the use of Staff Info Sheets. This will affect efficiency and speed of

processing. There has not been any feedback received yet, but the information has been disseminated. If anyone has any questions about the change, please contact a member of the Workforce Standards section. Regarding the Criminal Records Unit, as of May 1st, they will adopt a third round of live scan approvals. This brings our total to 80 law enforcement agencies in 67 counties. As of July 1st, we will add 15 more agencies, bringing the total to 95 agencies in 81 counties.

New DCD Updates: The National Association of Child Care Resource and Referral Agencies (NACCRRA) has released their annual report. Information from this report has been included in the commissioner packets.

Currently, DCD is in the process in submitting the biennial CCDF plan to the federal government.

Linda LaRue asked about the idea of the 6-star rated license that is floating around. The bill that references this is currently in the House. The idea is to study having a 6th star (a MAF designation for 4 year old programs).

Presentation / CCDF Update: - by Heather Laffler – This plan will cover the 2010-2011 FFY. Ms. Laffler shared a brief explanation of the requirement for filing a CCDF plan and some explanation of the sections of the plan. Claire Tate asked in regards to contracts how individuals can know what the contractor is expected to do. Ms. Laffler shared that over the course of the past two-year cycle, the federal government has increased their focus on deliverable outcomes. Anyone who is interested can download the current plan and read about these, but also there the Program Management Database on the DHHS website where one can find out what the outcomes are for these contracts. The new CCDF plan is in draft form, and staff expect it to be completed within the next month. DCD will hold a public hearing on June 2, 2009 for the plan.

Mary Roberts asked Ms. Laffler to explain what T.E.A.C.H. Health Insurance is. Ms. Laffler explained that it is a medical insurance program for individuals in the child care field. A portion of the premium is paid by the individual and the provider and the final third is paid for by the T.E.A.C.H. program. Linda LaRue expressed that she feels this is an excellent program and helps to reduce turnover.

Presentation: - Erin Speer Smith, from the NC Community College Systems Office, presented to the Commission an update on the Early Childhood Programs Curriculum Improvement Project.

PUBLIC COMMENT

Chairperson Rascoe moved the meeting to a time of Public Comment at 11:42 a.m.

Debra Townsend from Cottonwood Pre-Elementary School addressed the Commission regarding the Environment Rating Scale (ERS) assessments. She shared that she's been participating in the assessments since it began and was one of the first one to be assessed in Robeson County. After her first assessment, and receiving 4 stars, she's maintained a 5 star license ever since. Ms. Townsend expressed that she understands there are pros and cons, but many people she has talked to lately, including providers and DCD staff, are not satisfied with the program and how it is carried out. Ms. Townsend said that the consensus she has received is that people want to see the ERS program eliminated, not the scales, but the program, and that DCD be given the duties of the assessors. She is concerned that assessments are done once every 3 years by program staff who are unfamiliar with center staff, the individual child care programs and their procedures. Currently, DCD Consultants visit every year, and can come even more if necessary, if they would like, throughout the year. Ms. Townsend feels that DCD consultants can recognize changes that a center may go through, such as enrollment, increases in subsidy vouchers, etc., all of which may mean staff reassignments and classroom rearrangements. Unfortunately, assessors cannot grasp that idea and therefore often have to ask for clarification. The field consultant then becomes the middle man. This 3rd

party communication continues on even after the scoring takes place. Communication would always be direct if the consultants were the assessors. Another reason for the desire to end the ERS program is because Ms. Townsend feels that services are being duplicated. There are informal observations that are being reviewed by both consultants and ERS assessors. The likelihood of mistakes would be lower if left up to the consultants who know the programs, and if the ERS is objective, then it would not matter who is doing the assessment. The consultant could stay at the center all day and do assessing when the kids are awake, and do other duties during naptime and continue to complete existing duties. When attendance requirements aren't met, there is money spent in salary and mileage for services not rendered, and this takes time away, and is happening all over the state. Ms. Townsend also feels that ERS scoring is not consistent between assessors. She feels that the ERS program should be eliminated and the task of assessing by these scales should be given to the field consultants assigned to each child care program.

Linda Piper, Director of the North Carolina Licensed Child Care Association, addressed the Commission on several items. The first thing she addressed was trends in pre-requisites for teacher education. Teachers are constantly being asked to adapt, with great personal commitment and sacrifice. Also, she feels that there is a shortage of BSAC trainers. BSAC is a required training and she feels that it is rarely available when you need it in a place that is close to you. Providers, however, will be cited if DCD comes in and a program has not had the training, even if the training has not been offered or been available. There are situations where staffing changes in just one day, so when trainings are not available, a program may get behind in their trainings. Another trend she wanted to bring up is the automation processes. When a new rule passes and something else has to be automated, there is a lag because when more things are added, it takes time – so a 6th star or a plus system will take “forever” to implement. Ms. Piper believes that public comment should be at the beginning of the rule making process. Ms. Piper said regarding rules and laws, sometimes these are just bandages for a larger problems, just like in the case of the playground bill – it's not truly addressing what the issue really is.

Ms. Ronetta Pearsall from Little Hands and Feet child care center in Raleigh addressed the comments made by Ms. Townsend and Ms. Piper regarding the ERS. She feels that it is a wonderful tool and has helped provide quality, but she thinks lots things should be considered. One thing is the length of turn around time for reports. Private facilities are affected when things are not done in a timely manner. Ms. Pearsall had her ERS assessment completed on March 19th. The scores were completed on April 1st. She did not receive them until April 7th, via email, from her consultant. Her assessment was fully completed and her scores explained to her on April 21st. She feels that it is such a lengthy process and impacts her greatly, especially since 98% of her center is subsidy. Evaluation turn around reporting is 4-5 months for workforce, yet how can we continue on if someone qualifies but their education is not yet in the system. She shared that when she needs to hire a staff person with a degree, she has to wait until the education update to qualify for it comes though the evaluation process. Ms. Pearsall would like for DCD to consider that this does impact centers in a great way. Finally, she expressed that she cannot understand why DCD does not require community colleges to implement courses that include ERS training. Before programs started using the ERS, we had to consider that staff have been in for a long time, and they had to complete a 2-hour training that actually lasted for 35 minutes. She decided for her staff that that was not enough, so they had to have meetings later which meant overtime and commitments from staff to keep going through the training.

<p><i>The Commission recessed for lunch from 12:22 – 1:48</i></p>

Chairperson Rascoe noted that the commission members received a letter of thanks from the Child Care Association from Caldwell County Children's organization.

No rule making update at this time.

Committee Reports:

Rules Committee – During their meeting yesterday, the Rules committee dealt with a review information from a prior meeting where the committee received information from the Outdoor Learning Alliance, and also reviewed legislation that might impact the rules committee. HB 1046 involves developmental day programs and moves responsibility for these programs from the Division of Mental Health to the Child Care Commission. HB 1315 regards safe sleep policy provisions and the specific professions who can provide a waiver for the state's safe sleep policy. HB 1472 deals with having DHHS consider incorporating healthy eating and physical activity as quality indicators in the licensing system. The committee looked at information from around the country regarding healthy eating as well as breastfeeding. Also, the committee talked about rulemaking limiting media use and considering specific amounts of time for use of computer screens, including the possibility of requiring parental permission and having a defined educational objective, and prohibiting for children less than two years of age from such exposure. There was discussion about rule making for the amount of outdoor time and physical activity required in each day. The committee is going to complete further study on nutrition and have someone from DPH talk to the group at the next meeting. We have invited DCD staff to work on language that the committee will consider at its next meeting regarding breast feeding.

School Age Care Committee – Ms. Tate shared that the committee's charge is to review basic rules for school age licensing. The committee has a chart of the things to investigate, including track out programs, and safety in programs. Mandatory ratios were discussed as well as aquatic activities and changes in structure for rules. The committee would also like to change the rules to require BSAC training or an equivalent. At this time, the committee does not wish to recommend what the equivalent is, but to allow for flexibility. The committee discussed the issue of activities in school age care. There were recommendations for revisions of that section to provide guidance. What is important to understand is that school age child care has similarities to preschool, but the framework is different. Ms. Rascoe said it seemed appropriate to discuss provisions in SB 1030 to change SA rules around the use of private and public school buildings. After reading the bill, the intent is that the playground be included with the building, but the Child Care Commission does not do that. There are over 700 programs on public school properties, and over 600 are run by school systems. The others are usually operated through a contract. Of the 718 programs, 280 of them have a restriction from using playground equipment, typically due to surfacing. This does not, however, prevent children from using all outdoor spaces, or that a program cannot obtain a 5-star license. Restrictions may be temporary, due to equipment that needs to be fixed. There are 45 private schools with licensed after school programs, and 2 of those have restrictions on equipment. Ms. Tate said that she has spoken with the lobbyist for SB 1030's originators, and is concerned about issues going to the legislature, instead of coming before the Commission. DPI has guidelines but not requirements for schools to meet on playgrounds. Heather shared that related to the education evaluation process section of the bill, Kathy Shepherd, Workforce Standards Section Chief and a representative from YMCA met yesterday after the committee meeting.

Consumer Outreach – This committee has decided to take a break of three months. Jenn Miller who had been working with the committee from DCD has left the Division and her position is currently frozen.

Presentation: - Ms. Linda Foxworth, Director of KidScope in Orange and Chatham County shared a presentation on developmental day programs.

NEW BUSINESS: Melynda Swindells informed the Commission that Mecklenburg County has agreed to process Live Scan Fingerprinting.

The Commission would like to schedule additional committee meetings and an additional Commission meeting for early summer.

Margaret Anne Biddle made a motion to set dates for these meetings as follows, a second was provided by Mary Roberts. The School Age and Rules Committees will meet on May 14th, 2009 from 9:30 a.m. – 3:30 p.m. (10-12:30 and 12:30-3:30).

The School Age and Rules Committees will also meet on Monday, June 22nd, 2009 from 1:00-6:00 p.m. (1:00-3:00 p.m. and 3:00-6:00 p.m.).

The full Commission will meet on Tuesday, June 23rd from 10:00 a.m. – 1:00 p.m.

Commission Action: Mary Roberts moved to adjourn the meeting. Claire Tate seconded the motion. There being no further discussion, Chairperson Rascoe called for a vote, and the motion carried.

<i>There being no further business, the meeting adjourned at 2:55 p.m.</i>
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The next meeting of the North Carolina Child Care Commission is scheduled for Tuesday, June 23, 2009.