

*DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION
NORTH CAROLINA CHILD CARE COMMISSION
2011-12 SPECIAL CALLED MEETING MINUTES
August 16, 2011
Division of Child Development and Early Education
319 Chapanoke Road, Suite 120
Raleigh, NC
*Conference Room 300**

Commission Members Present

Margaret Anne Biddle	Norma Honeycutt	Deanne Smith
Julie Cardwell	Julia Baker Jones	Lois Stephenson
Kathryn S. Clark, Ph.D.	Linda Knight	Claire Tate
Sue Creech	Lorrie Looper	Glenda Weinert
Maureen Hardin	Laurie Morin	
Connie Harland	Janice Price	

Commission Members with an Excused Absence

Connie Harland

Division of Child Development and Early Education

Deb Cassidy, Division Director	Anna Carter, Division Deputy Director
Jani Kozlowski, Director's Office	Mary Lee Porterfield, Director's Office
Dedra Alston, Director's Office	Karen Ferguson, Director's Office
Tasha Owens-Green, Director's Office	Trevon Lucas, Director's Office
Cindy Wheeler, Director's Office	Alexi Gruber, Commission/Division Attorney
Kimberly Mallady, Licensing Enforcement	Lisa Lyons, Licensing Enforcement
Nicole Wilson, Licensing Enforcement	Tammy Barnes, Regulatory Services
Lorie Pugh, Regulatory Services	Andrea Lewis, Regulatory Services
Melissa Stevenson, Regulatory Services	Sally Allen, Regulatory Services
Kay Lowrance, Regulatory Services	Linda Smith, Regulatory Services
Ron Byrd, Subsidy Services	Fay Lewis, Subsidy Services
Janice Fain, Administration	Jeanne Barnes, Workforce Standards
Kathy Shepherd, Workforce Standards	Melodie Ford, Regulatory Services
Sarah Buckner, Regulatory Services	Jeanne Barnes, Workforce Standards

CALL TO ORDER

Chairperson Claire Tate issued a general welcome, and called the NC Child Care Commission meeting to order at 9:00 a.m. Members of the audience wishing to address the Commission were asked to sign-up for public comment and, if interested, to put their names on the Commission mailing list at the back table. Chairperson Tate also reminded members to complete the appropriate motion form when making motions.

Ms. Tate asked if any members had known conflicts of interest concerning today's agenda items, and none were mentioned. Nicole Wilson called the roll. Ms. Tate then asked the group to introduce themselves to one another briefly. Chairperson Tate thanked those past members of the Commission whose terms ended since the last Commission meeting, either by the end of their appointment term of service, or by resignation. They will receive a

certificate of service and a thank you letter from the Division. The Commission members who were absent from this meeting all requested, and received, excused absences.

Ms. Tate read into the record a response letter regarding the statement of economic interest for Ms. Julie Price, Ms. Maureen Hardin and Ms. Sue Creech. Letters have not been received for Ms. Julie Cardwell, Dr. Kathryn Clark and Ms. Glenda Weinert, so they will be unable to vote on official business today, though they may participate in discussion as freely as the others on the Commission. The Commission members then reviewed the agenda.

APPROVAL OF MEETING MINUTES – May 25, 2011 draft minutes were reviewed by members at this time.

Commission Action: *Margaret Anne Biddle moved that the minutes from May's meeting be approved as presented. Laurie Morin seconded. Chairperson Tate asked if there were any items for discussion. Chairperson Tate called for a vote. The motion, adding in the changes noted, carried unanimously.*

DIVISION DIRECTOR'S REPORT – DEB CASSIDY, Director

Dr. Cassidy introduced herself and welcomed the Commission back together, as well as the members of the public and staff who are present to participate today. This year two major things have been added to the scope of work for DCD (now DCDEE with "and Early Education" added to the agency name), alongside the North Carolina Star Rated Licensing System. Those are the NC Pre-K system, formerly More At Four, and the SEEK program, Subsidized Early Education for Kids. Because of new legislation, subsidized funding will eventually be limited to 3-5 star facilities. This is an incentive for 1- and 2-star programs to become 3-5 stars, improving in quality and providing more options to families who are limited in choice. Another directive given to DCDEE is the requirement for a literacy curriculum in 4 & 5 star 4-year old classrooms. The curriculum may be adapted in all classrooms across programs, and may raise quality. Because of this improvement, DCDEE has been given the authority to raise subsidy reimbursement rates for 4 & 5 star programs as well.

Dr. Cassidy said that with NC Pre-K and child care now under one umbrella, the high standards of Pre-K will continue to raise quality in child care classrooms. Care and education of children are integrally related within DCDEE. Other teachers in a child care program may benefit from the mentoring and/or mentoring model and evaluation received by the Pre-K teachers.

Dr. Cassidy discussed NC Pre-K in regard to Judge Howard Manning's order to serve all 4-year olds who are at risk, and to remove all barriers to enrollment, which included the initial plan to charge a parent co-pay that would match what subsidized parents pay. It is estimated that there are about 65,000-68,000 at-risk 4 year olds in North Carolina. NC Pre-K currently serves around 24,000. There are another 26,000 children to be served, however, and some of these children may already receive service via the Child Care Subsidy system. Dr. Cassidy explained that staff is working to build up the early care and education community to serve these children. Ms. Norma Honeycutt expressed concern that with Judge Manning's order, there will be a mass exodus of 4-year-olds who are considered at-risk, who leave 4 and 5 star programs to participate in NC Pre-K because there will be no co-pay for families. The Commission has been placed in charge of approving standards for NC Pre-K.

Governor Bev Perdue issued Executive Order 100 last week to address Judge Manning's order. A copy of this order, in its entirety, is attached to this set of minutes. [Attachment A]. DCDEE has asked the Director of DPI, June Atkinson, to appoint staff to work with our staff to align the NC Pre-K program with the public school system. DCDEE staff will be working with all previously unlicensed Pre-K programs in school systems, to get them licensed by the end of the fiscal year in June 2012. About half of the public school Pre-K programs are currently licensed.

Another change from the legislature is the expansion of the Child Care Commission to 17 members, adding in two additional positions for early education experts. The two members who serve in these positions are Ms. Sue Creech and Dr. Kathryn S. Clark, Ph.D.

Subsidy Updates:

Counties have received their subsidy allocation for State Fiscal Year 2011-12. The Total Non-Smart Start funds allocation was \$343,813,688 and the Smart Start funds allocation was \$13,326,427. The number of children served decreased to 83,291. There was also a slight decrease on the waiting list in June. The number now is 45,178 children.

The SEEK pilot began in Alexander, Cabarrus and Lee counties on August 1. If parents have not received their SEEK card, they should call their child care worker at the local department of social services. Providers must have a fully completed contract package with ACS. Providers can call the Provider Information Helpline at 866-217-1076 to confirm that ACS has received the contract and that it is not missing any documents. Providers that have not received a POS device can call this number as well. A new decision is the use of SEEK POS devices during transportation. The helpline can be reached at 877-606-2776 to find out how to make this work for facilities.

The updated handbooks for family child care homes have been completed. There is information online about how to download this for free printing at home, or to order a hard copy from the Division for a small cost.

The Division has submitted its federal CCDF biennial plan as of August 1st. Dr. Cassidy thanked policy consultant Tasha Owens-Green for her work on the plan and its submission this year.

Update on Declaratory Ruling Changes

Alexi Gruber, attorney for DCDEE and for the Commission, came to speak on this issue. She referenced Chapter 150B, the Administrative Procedure Act, specifically 150B-4. She said that a sentence was added to explain that a declaratory ruling may be issued to address the validity of a rule that has been adopted or the applicability of a rule to a set of facts, or, newly added, to resolve an inconsistency in the law or rules if one is discovered, or to help resolve a conflict in the law or rules. Also, timelines have changed for when a request for declaratory ruling is submitted. This has the potential to become problematic for the Commission because of how infrequently the group meets. In the future, there may need to be more teleconferences to work through these as they come to our attention. Ms. Gruber briefly explained the process of requesting a Declaratory Ruling and the timeline of work for the Commission. Further, she explained that more information would be provided at the official Child Care Commission Orientation.

Article 2A does not go into effect until October 1, 2011. 150B-19 is all completely new, "Requirements for agencies in the rule-making process." Most importantly in this section, the Commission will be limited to making rules which are required by State or Federal law. The Rules Review Commission has new members and will be going through some changes as well. The Child Care Commission will need to consider more information before passing rules in the future. Any rule changes that are submitted after October 1, 2011 will fall under the new law. If a rule that the Commission is going to adopt has a substantial economic impact, there will have to be two alternative rules presented as well, along with a justification as to why those are not the better option.

The Commission took a short break.

PRESENTATION

Dr. Catherine Scott-Little: Curriculum for the NC Pre-Kindergarten Program (NC Pre-K) and for 4 & 5 star classrooms that serve 4-year old children.

Jani Kozlowski shared recommendations from the Curricula Review Logistical Team. A full list of these recommendations is attached. [ATTACHMENT B] Briefly, they have recommended rule changes and a standardized curriculum review process. The Commission members took time to review these recommendations as Ms. Kozlowski shared the handout. Ms. Gloria Weinert asked if three years, as suggested by the committee, is a typical curriculum revision timeframe. Ms. Sue Creech asked if there were any teachers on the curriculum review committee that recently worked together, or anyone from the Commission. Dr. Scott-Little said no. Ms. Tate asked if a list of the

group members could be provided to the Commission. She would also like to see clarification stating that these curricula are specifically for children ages 0-5.

The Commission took a break for lunch at 12:30 p.m.

PUBLIC COMMENT

Johnna Hewitt, director at A Child's World Learning Center, a network of programs in Winston-Salem, NC spoke. She would like to see the requirement that a lead teacher must be in the classroom 2/3 of the workday changed to 2/3 of the work week instead. This would allow facilities to offer their teachers a compressed work schedule so they can work four 10-hour days, which has helped them in many areas concerning staffing. They have had very good feedback from parents as well because the same teacher is with their child from drop-off to pick-up each day. She shared that staff who cover on the alternate day off for the teachers are consistent as well.

Angela Beacham – Little Town Learning Center in Pender County – She asked if the mention of the potential for higher subsidy rates was for all classrooms, not just Pre-k classrooms. Dr. Cassidy said yes. She also asked that when DCDEE considers moving children out of preschools into Pre-Ks, to remember that if they drop to less than 25% of subsidy enrollment, they will lose CACFP funding. In addition, she expressed concern that there could be a perceived conflict of interest when a Pre-K contract administrator, who is involved in slot allocations, is also a direct service provider. She asks that local Smart Start offices become the only type of NC Pre-K contract administrators. Denying some children and family access to Pre-K because others are getting money from multiple pots of money defeats the purpose of the legislative ruling of reaching all at-risk children. She offered to provide more comments in writing. Dr. Cassidy did say that these decisions about funding are not in the purview of the Commission, but are made on the local level.

Cathy Yount with Scholastic Education spoke. She requested that the curriculum, Big Day for Pre-K, be considered in the review process for approved curricula for NC Pre-K classrooms and childcare programs. She said that they did not receive notification like other publishers did that curricula would be going through a review in North Carolina.

Deanna Randall, a former elementary school teacher who currently runs a Family Child Care Home (FCCH) program, has a big interest in the literacy component and curriculum content concerns. She has served on curriculum committees before, so she understands the big job that it is. The curriculum review group that's going to work on this needs to understand that it's a work in progress. She thinks that new curriculum requirements are too expensive for providers to do any sooner than every 5 years. Related to this, she feels that Child Care Consultants should not have the role of curriculum specialists added to their duties because they already have to do so much when they visit programs. On another topic, she feels that SEEK is a discriminatory process because it singles out families and children who have cards to scan and it causes other questions to be raised.

Mr. Arosen Randall spoke to the Commission as a concerned father. He shared that he was a former Head Start teacher in Michigan, and when he saw that there were missing pieces in his teaching lessons, he developed his own adaptations to the curriculum to help. He suggested that those in this rule making body and those who are involved in the details make sure that there is cultural sensitivity in the curricula considered, showing the reality of diverse roles and accomplishments of black men instead of what society shows them to grow up to be. He wants us to focus on children now so that when they become adults, they are strong and make an impact on society.

Cassandra Brooks, a FCCH provider, shared that she would like to see the time for public comment scheduled at a time when more teachers and families can participate in this meeting and express their concerns.

Gwen Locklear from the Hawkeye Indian Cultural Center in Hoke County spoke. She said she feels that their program has been shut out from the NC Pre-K program. They have sought some federal funding to help increase their education levels from 1 point to 5 points. The community is required to be part of the Pre-K program. They are

3 stars, but every time they meet the bar, the bar moves. She has also experienced some delay from the Workforce Education Unit at DCDEE. Staff commented that they would speak to Ms. Locklear after the meeting to check on her status for her.

Vermeche Corbitt who runs a 5 star program in Greenville, shared that her program started as a GS 110 and now is a 5-star. She explained that her consultant felt that she would be a great fit for the NC Pre-K program, but was then told that they could not participate because of the character development part of their day that is religious. She does not feel that Christian child care centers should be discriminated against because of the character development that parents choose. She indicated she is willing to adopt an approved curriculum for NC Pre-K.

Linda Piper with the NCLCCA introduced herself and her organization. She gave some history about the association and shared that they work to be sure that the providers in their association are kept aware of things going on at the Division and with the Commission. She thanked the group for their work and offered her help and assistance whenever they have questions or concerns about any of the work they're doing.

RULE-MAKING DISCUSSION

Commission Action: *Norma Honeycutt moved that the "Proposal for Review and Approval of Curricula" from the DCDEE Curriculum Planning Logistical Team be approved as written. Lois Stephenson seconded. Chairperson Tate called for discussion. Ms. Honeycutt asked about the request from Scholastic, and wanted to know how they were missed. Staff explained that after the committee was formed, notifications were sent to various publishers. When Scholastic's site was searched, there was not a comprehensive curriculum on their website. After notices were sent out, there was also a notice posted on the Division's website with a clear deadline set for curriculum submissions. Continuing with the review of the recommendations, the Commission felt it was necessary to include phrasing about diversity and differing education approaches. The statement was changed to read as:*

3. The NC Curriculum Review Committee will also include diverse representation from the following sectors: a) Higher Education, b) Infant/Toddler Teachers, c) Statewide Infant/Toddler Project Manager, d) Preschool Teachers, e) Family Child Care Home Specialist, f) Department of Public Instruction, g) NC Child Care Commission, h) Division of Child Development and Early Education.

There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

Dedra Alston explained that the next rule for the Commission's review, 10A NCAC 09 .0102, has already been to Public Hearing. The portion of the rule that is expected to be voted on to be published is paragraph 7, the addition of "Curriculum" to the list of definitions as "those curricula approved by the Child Care Commission."

Commission Action: *Julia Baker Jones moved that the change presented for Rule .0102, the addition of paragraph 7, be published as presented. Margaret Anne Biddle seconded. There being no further discussion, Chairperson Tate called for a vote, and it passed unanimously.*

Jani Kozlowski provided an updated draft version of Rule 10A NCAC 09 .2802 – Application for a Voluntary Rated License, which has the addition of paragraph (d) related to the legislature's requirement for pre-school curriculum. The paragraph reads: "Facilities that earn enough points to obtain a four or five star rated license and who are licensed to serve four-year-old children must implement a comprehensive, evidenced-based curriculum as defined in 10A NCAC 09 .0102. The requirement must be met in any licensed child care facility. The selected curriculum must

be approved by the Child Care Commission." Chairperson Tate suggested that the last sentence be removed because the definition of curriculum already says that it must be approved by the Commission.

Commission Action: *Julia Baker Jones moved that the language for rule 10A NCAC 09 .2902 section (d) read as follows: Facilities with a four or five star rated license and who are licensed to serve four year old children must implement a comprehensive, evidence- based curriculum as defined in 10A NCAC 09 /0102 with their four year olds. This requirement must be met in any licensed child care facility." Chairperson Tate asked for further discussion. Ms. Looper asked about classrooms with mixed ages, or in the case of FCCH providers, the entire program being mixed ages, but Ms. Carter explained that it doesn't specify that the curriculum has to be for only four year olds, but that it can be used across ages in the program. Concern was also raised about four year old children who may be in a younger classroom, but it was agreed that an IEP for those children would override this rule in that child's case. There being no further discussion, Chairperson Tate called for a vote. The motion carried.*

Ms. Kozlowski presented the next rule change to be reviewed, 10A NCAC 09 .2823, Quality Point Option – paragraph 2 a. The recommendation is that programs required to use an approved curriculum would not be allowed to also use the curriculum for their quality point, since it is now a requirement and not an option. Staff explained that this is a step up in standards for programs, so while it would still be allowed for programs that aren't required to use an approved curriculum (those without 4 year olds, or those that are not 4 or 5 star), it could not be used as a quality point for those who now are required to use an approved curriculum.

Commission Action: *Julia Baker Jones moved that the suggested change be disapproved, leaving rule 10A NCAC 09 .2823 to remain as previously written. Linda Knight seconded, and Chairperson Tate asked for more discussion. The topic that was raised was that programs should work to pursue higher quality and stronger programs for the children of North Carolina, so this type of change should be expected for our providers. Chairperson Tate then called for a vote. The motion was denied with a vote of 3 to 9.*

Commission Action: *Ms. Norma Honeycutt moved that the suggested change for rule 10A NCAC 09 .2823 be approved as presented which adds the following sentence to section 2a: This programmatic option shall not be available to facilities that are required to use an approved curriculum in accordance with Rule .2802(d) of this Section. Ms. Sue Creech seconded, and Chairperson Tate called for a vote. The motion passed with a vote of 9 to 3.*

Next, Jani Kozlowski brought back the list of Recommended Curricula that had been presented earlier in the day. After another review of the list, a motion was made.

Commission Action: *Laurie Morin moved to add the additional approved curricula to the original list of approved curricula that DCDEE already uses. Deanne Smith provided a second. Chairperson Tate asked for further discussion. Lorrie Looper asked if it will be written just like presented when it's added to the website. She is concerned that there is no directive that programs actually have to "use" it rather than just purchase. Others felt that the addition to the phrasing would be helpful. Ms. Morin amended her motion to approve that the additional curriculum list be added to the original list with the following changes: to add "and use" after the word "purchase" wherever it occurs. Deanne Smith still seconded the motion. There being no*

further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

The Commission spent time discussing the request from Kathy Yount on behalf of Scholastic. Staff explained that even though Scholastic did not receive a direct letter from the Division, it was posted for the public on the website. Also, other publishers missed the deadline for other reasons, so it would be difficult for the Division and Curriculum Review Committee to offer an additional opportunity to a publisher outside the regular schedule that is being set; doing so could also compromise the consistency of the review process. Laurie Morin asked that staff make sure that Scholastic is added to the list of publishers who are contacted the next time curricula is being accepted for review.

The Commission took a short break.

Jani Kozlowski said that the next rules to be reviewed are Section .3000 – NC Pre-Kindergarten Services. This is a new section of rules because of the program being moved to DCDEE. After the Commission was given some time to review them, questions were raised regarding changes from the More at Four program rules to NC Pre-K rules.

Commission members read through and discussed the rules as written. Norma Honeycutt asked for clarification on rule. 3700 (c) since her understanding of how this reads is that the Commission will be approving curricula at every meeting, but staff explained that it is written to say that the Commission will approve recommendations when they are presented. Chairperson Tate asked if page 1, line 12, should read that there is a specific date instead of the phrasing “a one-year transition period.” Julia Baker Jones asked about paragraph c in this same section regarding reassessments.

Commission Action: *Sue Creech moved that the Commission accept section .3000, NC Pre-Kindergarten Services rules with the following modifications:
.3002 Facility Requirements (b) replace the phrase “a one-year transition period” with “until July 1, 2012.”
.3002 (c) add the sentence: “Reassessment will occur in the next 12 months and a minimum of 5.0 will be achieved.” Lois Stephenson seconded. There being no further discussion, Chairperson Tate called for a vote and the motion passed unanimously.*

Commission Action: *Linda Knight moved that the meeting be adjourned. Julia Baker Jones seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

The members discussed scheduling and set the second quarterly meeting for Thursday, December 1, 2011 at 9 a.m.

There being no further business, the meeting adjourned at 5:15 p.m.

The next meeting of the North Carolina Child Care Commission is scheduled for September 27, 2011.