

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

NORTH CAROLINA CHILD CARE COMMISSION

Second Quarter Meeting by Teleconference

Monday, December 11, 2017

820 South Boylan Avenue, Room 130

Raleigh, NC 27603

Commission Members Present

Glenda Weinert, Chairperson

Zac Everhart, Vice Chairperson

Melissa Burroughs

Susan Butler-Staub

J. Lanier DeGrella

Sharon Foster

Melanie Gayle

Elizabeth Gilleland

Mitchell Gold

Kimberly J. McClure

Charles F. McDowell, III

Rhonda Rivers

Amelie Schoel

William Walton, III

Nina Whitley-Artis

Commission Members with an Excused Absence

Brooke King

Donette Thomas

Division of Child Development & Early Education Staff Present

Anna Carter, Director

Heather Laffler, Administration/Policy

Dedra Alston, Administration/Policy

Rachel Kaplan, Administration/Policy

Tammy Barnes, Administration/Policy

Lorie Pugh, Regulatory Services

Laura Hewitt, Regulatory Services

Attorney General's Office Staff

John Green, Commission Attorney

Mercedes Restucha-Klem, DCDEE Attorney

Alexi Gruber, DCDEE Attorney

Chairperson Glenda Weinert called the meeting to order at 9:05 a.m. and reviewed housekeeping items. Ms. Weinert called for roll call and Ms. Dedra Alston conducted roll call. Mr. John Green indicated that there is a quorum present, participating in the phone conference. Chairperson Weinert listed the Commission members who were absent from this meeting who requested and received excused absences.

Ms. Weinert reviewed the Agenda and discussed the materials provided to Commission members. Chairperson Weinert recognized the new Commission attorney, John Green, and asked him to introduce himself. Chairperson Weinert noted that there would be no public comment at this teleconference meeting however, there will be time set aside for public comment during the Third Quarter meeting that will be held on February 12, 2018. Chairperson Weinert read the conflicts of interest statement and asked whether there were any conflicts noted for today. There were no conflicts stated.

Approval of September 25, 2017 First Quarter Meeting Minutes

Commission Action: Chairperson Weinert asked for approval of the September 25, 2017 First Quarter Meeting Minutes. Ms. Amelie Schoel motioned for approval and Ms. Melanie Gayle seconded the motion. Ms. Kimberly McClure abstained from voting because her Statement of Economic Interest had not been approved at the September meeting. The motion carried unanimously.

Approval of September 26, 2017 Special Rules Meeting Minutes

Commission Action: Chairperson Weinert asked for approval of the September 26, 2017 Special Rules meeting minutes. Ms. Melissa Burroughs motioned for approval and Ms. Schoel seconded the motion. Ms. McClure abstained from voting. The motion carried unanimously.

Curriculum Sub-Committee Report and Approval of Curriculum List—Laura Hewitt

A Curriculum subcommittee meeting was held on November 29. This meeting was facilitated by Laura Hewitt, DCDEE staff, and she reported on the groups activities. The subcommittee completed two full reviews of new curricula and 9 re-reviews. The *Read It Once Again* curriculum was also reviewed by Mr. Perry Flynn, a speech language pathologist with UNCG, upon request of its publisher; however, since the curriculum had several “not meets” the sub-committee is re-reviewing this one on their own and Sharon Spigner is reviewing it to see if aligns with NC Foundations for Early Learning and Development, before it can be approved.

Another publisher, Robert-Leslie Publishing, asked the Commission to remove the stipulation from its Investigator Club’s curriculum approval. Because Robert-Leslie created a NC edition which does not use the performance assessment cards in the Pre-Kindergarten Assessment and Intervention System, the Curriculum sub-committee agreed to remove the stipulation requiring that the original performance assessment cards not be used, and rather stated that the NC edition of the curriculum should be used, which does not include the assessment cards.

After the proposed curriculum list suggested today is approve, the sub-committee is interested in allowing the following publishers to submit their curriculum or formative assessment for review:

- *NC Early Learning and Development Progressions*
- Goddard Schools
- *Family Child Care Curriculum Complete Set /Redleaf*
- *Focused Portfolios: A Complete Assessment for the Young Child/Redleaf*
- *A to Z Ready for K: A Complete 35 Week Preschool Curriculum/Redleaf*

The subcommittee will plan to meet in the Spring of 2018 to decide on recommendations for these five curricula. Ms. Hewitt indicated that in future meetings the subcommittee will discuss allowing

automatic approval of corporate curriculum which are regularly updated, and not listing a copyright date specific to the approval. The subcommittee will also discuss allowing new editions of approved curricula/formative assessments to automatically be approved.

The Curriculum Sub-Committee of the Commission recommends approval of the following Curricula. Stipulations for the curricula are shown in parentheses where applicable:

- ❖ Early Foundations (Approved for use in Kindercare early childhood programs)
- ❖ Fire Flies, Funshine Express
- ❖ GEE Whiz (Approved for use in Family Child Care Homes)
- ❖ Kids R Kids (Approved for use in Kids ‘R’ Kids early childhood programs)
- ❖ Learn Everyday
- ❖ The Creative Curriculum for Family Child Care 3rd Edition (Approved for use in Family Child Care Homes)
- ❖ The Learning Experience (Approved for use in The Learning Experience early childhood programs)

Chairperson Weinert stated that approval of these curriculums is the recommendation from the Curriculum subcommittee; therefore, a vote on accepting the recommendations is needed, but a motion is not necessary.

Dr. Sharon Foster asked about including ACE (Adverse Childhood Experience) research on resiliency in developing continuing education requirements or suggestions for child care providers. Chairperson Weinert stated that this topic is interesting and important, but not relevant to the present discussion on curriculum approval. This topic would be relevant for the continuing education discussion. As such the Chairperson asked that it be tabled for next meeting.

Commission Action: Chairperson Weinert called for a vote to approve the recommendations for curriculum approval submitted by the curriculum review sub-committee. The vote to approve carried unanimously with Ms. McClure abstaining.

Rulemaking Discussion

Ms. Alston reminded the Commission that at its previous meeting, the group voted to publish the rules regarding Administrative Actions and Civil Penalties, and the Criminal Records Checks, and the Commission will now need to vote to approve the accompanying fiscal note.

Overview of Fiscal Note for Administrative Actions and Civil Penalties (Section .2200 Rules .2201-.2209, .2213, .0401, and .1904); and Criminal Records Checks Rules (Section .2700 Rules .2701-.2714) Vote to Publish — Rachel Kaplan

Adoptions:

.4001 - Administrative Actions for Child Care Trainers

Readoptions:

- .2201 - Administrative Penalties: General Provisions
- .2202 - Written Reprimands
- .2203 - Written Warnings
- .2204 - Probationary License
- .2205 - Suspension
- .2206 - Revocation
- .2207 - Summary Suspension
- .2209 - Amount of Penalty
- .2213 - Schedule of Civil Penalties for Child Care Centers
- .2216 - Amount of Civil Penalties for Child Care Facilities
- .2217 - Schedule of Civil Penalties for Child Care Centers
- .2701 - Scope
- .2702 - Definitions
- .2703 - Criminal History Record Check Requirements for Child Care Providers
- .2704- Criminal History Record Check Requirements for Non-Licensed Child Care Providers

Repeals:

- .2208 - Civil Penalties: Scope and Purpose
- .0401- Provisional Licenses for Facilities
- .1904 - Administrative Sanctions

NO Fiscal Impact

- 2202 - Written Reprimands
- .2208 - Civil Penalties: Scope and Purpose
- .2213 - Schedule of Civil Penalties for Child Care Centers
- .2216 - Amount of Civil Penalties for Child Care Facilities
- .0401- Provisional Licenses for Facilities
- .1904 - Administrative Sanctions

Substantive Impact

- .2201 - Administrative Penalties: General Provisions
- .2203- Written Warnings
- .2204 - Probationary License
- .2205 - Suspension
- .2206 - Revocation
- .2207 - Summary Suspension
- .2209 - Amount of Penalty
- .2217 - Schedule of Civil Penalties for Child Care Centers

Most of the changes to rules .2201, .2203, .2204, .2205, .2206, .2207, .2209, and .2217 provide clarification to the language with the intention of setting clear expectations for providers regarding how Administrative Actions and Civil Penalties will be administered, with the ultimate goal of increasing compliance and decreasing the number of actions issued over time.

The fiscal impact of these rule changes is expected to be minimal, but it is important to acknowledge that any action to any individual provider may be costly for that provider. Administrative actions can be disruptive to a business because actions are posted on the DCDEE website for parents to see when they are making decisions about child care and also at the facility. The amount a provider's business is affected by an action is not-quantifiable, but that does not mean it cannot be significant.

It is important to note that administrative actions are relatively uncommon, with a total of 344 administrative actions issued last year for 6,000 providers (5.7%). It is also important to note that the proposed clarifying language will not necessarily result in a change in the number of actions issued, but rather a clarification of the process. Some of the rule changes do include additional criteria for provider compliance; however, while this could result in an increase in actions, myriad factors are considered when determining the issuance and details of administrative actions, so additional criteria do not automatically result in an increase in the number of actions.

.4001 - Administrative Actions for Child Care Trainers

While there is probable fiscal impact to the disqualified trainer in the form of lost wages and cost of retraining for a new vocation, that is not quantifiable. This rule is expected to protect child care operators from investing administrative time, staff time and money with a trainer that is providing unacceptable information to child caregiving staff.

Criminal Record Checks

.2701 - Scope

.2702 - Definitions

.2703 - Criminal History Record Check Requirements for Child Care Providers

.2704 - Criminal History Record Check Requirements for Non-Licensed Child Care Providers

These changes include a type of facility that operates in a personal residence but was not previously noted in this rule. This change is not expected to result in an increase in summary suspension issuances. While not explicitly stated in the rules for Centers in a Residence, the enforcement practice already existed. Also, only 10 summary suspensions are estimated per year in Family Child Care Homes (n=2000; .005%); consequently, it would be expected that there would only be an estimated 1-2 for the 300 licensed centers in residence.

Commission Action:

Chairperson Weinert asked for a motion to publish the fiscal note for the Administrative Actions, Civil Penalties and Criminal Records Check rules. Rev. Charles McDowell motioned to publish, and Ms. Lanier DeGrella seconded. The motion carried unanimously. Ms. McClure abstained.

Follow-up Discussion Regarding Professional Development Committee—Anna Carter

As part of the public comment on the set of rules that the Commission recently adopted, a letter was received from the Institute for Child Development Professionals. This letter was related to annual in-service training requirements for teachers and staff and requested that the Commission

consider expanding the definition of what activities and topics count for professional development. For example, some technical assistance activities or time spent being coached or mentored may be considered as training activities. However, the letter did not contain suggested language to be incorporated into that set of rule adoptions.

Based on this information, the Division is recommending that the Commission convene a workgroup to review this concept that would include those on the Institute's committee as well as additional members. This workgroup was also discussed during the September Commission meeting. The workgroup would be a short-term group and would discuss what parameters would need to be in place to expand this rule to include other activities that can be counted as training.

The current Institute workgroup members are listed below. Two Commission members are already part of this committee and DCDEE and the Institute are requesting that 1 or 2 additional Commission members who would be interested join this workgroup.

Participant Name:	Organization Representing:
Katura Jackson-Co-chair	Work Family Resource Center
Victoria Vample-Co-chair	Guilford Child Development
Susan Butler-Staub (Commission Member)	Central Piedmont Community College
Sharon Spigner	NC Pre-K EESLPD-DCDEE
Kara Lenhardt	NC Partnership for Children
Wendy Price	Down East Partnership for Children
Carroll Worrell Barnes	Beaufort Hyde Partnership for Children
Okeyma Wright	Child Care Networks Regional Manager
Kim Shaw	A Safe Place
Jeannie Reardon	NC Health and Safety Resource Center
Lanier DeGrella (Commission Member)	Infant Toddler Expert
Jani Kozlowski	Volunteer
Norma Honeycutt	Partners in Learning

Chairperson Weinert asked whether anyone else on the Commission has interest in joining this Committee? Ms. Rhonda Rivers expressed interest. Dr. Foster expressed interest in participating on the Committee to add knowledge of incorporating Adverse Childhood Experience (ACE's) in professional development. Chairperson Weinert noted that the Committee is less about specific topics than how professional development is delivered and what activities count toward required goals. Ms. Schoel asked to clarify that the Committee will not be discussing additional topics for continuing education, but the group will be discussing how professional development is delivered; e.g., Technical Assistance, Coaching, Mentoring.? Ms. Carter agreed with Ms. Schoels' characterization.

Chairperson Weinert stated that Ms. Rivers will be the additional Committee member representing the Commission. Ms. Carter stated that she expects that any recommendations from this committee will be presented at the February (or a later) Child Care Commission meeting. Dr. DeGrella thanked Ms. Carter for bringing this opportunity to the Commission to be included in this important topic discussion.

Chairperson Weinert referenced the North Carolina State Board of Elections and Ethics Enforcement Holiday Newsletter that Ms. Alston shared with all Commission members; Chairperson Weinert asked all members to review the newsletter for information on gift-giving, gift bans and exceptions during the holiday season and throughout the year.

Chairperson Weinert wished everyone happy holidays and expressed heartfelt thanks for all of the work devoted to the Commission.

The meeting adjourned at 9:51 a.m.

The next meeting of the North Carolina Child Care Commission is scheduled for February 12, 2018, from 9:00 a.m. – 4:00 p.m. (Third Quarter Meeting)

Future Meeting Dates: TBD