

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

**NORTH CAROLINA CHILD CARE COMMISSION  
2013-14 SECOND QUARTERLY MEETING MINUTES**

December 16, 2013  
319 Chapanoke Road, Ste. 120  
Raleigh, NC

**Commission Members Present**

Elliot Blades	Elizabeth Gilleland
Jonathan Brownlee, Sr., MD	Kay Lowrance
Sue Creech	Laurie Morin
Kevin Campbell	Janice Price, via telephone
April Duvall	Richard Rairigh
Zac Everhart	William C. Walton, III
Melanie C. Gayle	Glenda Weinert

**Commissioners Members with an Excused Absence**

Robin Kegerise	Rev. Charles F. McDowell, III
----------------	-------------------------------

**Division of Child Development & Early Education Staff Present**

Tammy Barnes, Regulatory Services Section Chief	Alexi Gruber, Attorney General
Melissa Stevenson, Licensing Enforcement	Lorie Pugh, Regulatory Services
Letitia Echols, Attorney General	Connie McAdams, NC Pre-K
Sarah Buckner, Education & Quality	Nicole Wilson, Licensing Enforcement
Lisa Lyons, Licensing Enforcement	Dedra Alston, Administration/Policy
Laura Hewitt, Regulatory Services	Jennifer Johnson, Education & Quality
Melodie Ford, Regulatory Services	Robert Kindsvatter, Director
Mary Lee Porterfield, Education & Quality	Cindy Wheeler, NC Pre-K
Heather Laffler, Administration/Policy	Janice Fain, Administration/Policy

**CALL TO ORDER**

Vice Chairperson Glenda Weinert called the meeting to order at 9:07 a.m. and reviewed housekeeping items. She welcomed everyone and discussed the agenda. Ms. Melanie Gayle recused herself from the Rule-Making Petition on this afternoon's agenda. Ms. Norma Honeycutt addressed the Commission from the audience to share that she had not been reappointed to the Commission for a new term, and she thanked the Commission and the DCDEE staff for her time on the Commission. Ms. Nicole Wilson called the roll. An introduction of new Commission members took place. Ms. Stephanie Graham, staff member for the Division, officially swore in new Commission members Mr. Elliot Blades, Mr. Zac Everhart, Ms. Kay Lowrance and Dr. Jonathan Brownlee, Sr., MD. Vice Chairperson Weinert shared the NC State Board of Ethics statements for new Commission members. No conflict of interests were found.

**Approval of September Commission Meeting Minutes** – Mr. Richard Rairigh moved to accept the minutes with a name correction on page 6. Elizabeth Gilleland seconded this motion. After a unanimous vote, these minutes were approved.

The Child Care Commission nominated Ms. Glenda Weinert as the new Chairperson and Ms. Sue Creech as the new Vice Chairperson for the SFY 2013-14. Ms. Creech motioned that this nomination be approved. A second to the motion was provided by Ms. Janice Price. After a unanimous vote, this motion carried.

The Commission discussed the schedule for future meetings. It was agreed upon that Mondays would be the best day to continue scheduling the meetings. The following dates are scheduled for the 2014 calendar year:

Monday, February 24, 2014 (March 10 would be make-up date if weather is bad)

Monday, May 12, 2014

Monday, August 11, 2014

Monday, November 17, 2014

#### **Division of Child Development and Early Education Report – Rob Kindsvatter, Division Director**

Mr. Robert Kindsvatter, Division Director, introduced himself to the Commission and welcomed the new members, sharing a brief background of his time with DHHS and DCDEE. Mr. Kindsvatter shared a Federal budget update. An \$85B deal would avoid a January shutdown, which we are hoping for following the October shutdown which furloughed many of our employees. This would also restore some Sequester cuts in discretionary programs. Regarding the Subsidized Child Care Program, we are currently spending 90% for the program. This is lower than normal, but many counties were affected by the federal shutdown. DCDEE has legislative authority to reallocate any unspent funds. Recently, we have been working closely with the Office of State Budget and Management (OSBM) to update them on our programs. There has been a really specific interest in NC Pre-K. Classroom visits were conducted in Halifax and Wake Counties in order to talk with teachers, program administrators, and staff. The information gathered will be presented to OSBM and the Commission. Mr. Blades asked how the sites for the visits were chosen. Mr. Kindsvatter said that we wanted to see a public school as well as a local, private location.

DCDEE is working together with several other agencies on a child care emergency preparedness and response plans initiative. A central, web-based tool for Emergency Preparedness and Response (EPR) plans will be created and available. There will be many advantages using this system including GIS mapping for child care locations for assistance during emergencies.

DCDEE is relocating to the Dorthea Dix campus, occupying three floors of the McBryde South building. The first group of our staff will begin moving in early January, completing the move by the end of February 2014. The 2014 Commission Meetings will be held on the Dix campus. DCDEE will be communicating with partners about our new contact information as soon as possible.

Mr. Kevin Campbell asked if there are any changes with SEEK, and regarding NC Pre-K, is there any information regarding slots, etc. Mr. Kindsvatter said that we are about to receive roll-out information about time/attendance pilot for counties. There will be 6 pilot counties.

#### **Race to the Top Activities Update – Jennifer Johnson, Education and Quality Section Chief**

Jennifer Johnson introduced herself and shared a history of the Race to the Top Early Learning Challenge grant. This was a collaboration of the Federal Dept. of Education and Federal Department of Health and Human Services. NC was one of 9 states who were awarded this grant, and received nearly \$70M. This grant will last through December 2015. There are four areas of focus.

Transformation Zone – This is where we've targeted counties to implement services in highest need counties. The T-Zone Counties are in Region 1 and Region 2. Bertie, Beaufort, Hyde and Chowan are the counties. Two major areas of focus are Healthy Social Behaviors and Infant-Toddler Care.

Program Quality – UNC-Greensboro is working with a team of researchers from NC, Delaware, and Kentucky to develop a new child care program quality measure specifically for use in a QRIS (Quality Rating Improvement System). The new measurement tool will include a self-study component as well as observational items, and will be grounded in Early Learning & Development Standards as well as current research to ensure that it assesses best practices that are tied to important developmental outcomes.

The new measure is moving away from counting materials in programs (how many blocks do you have?), although materials are important, and trying instead to look at the experiences of children in the program (how does the teacher spend time with children?). This new assessment also intends to look more closely at teacher effectiveness along a continuum of quality and program support for teacher growth and improvement.

The intent of the measure is to deliver a review system of early childhood program performance and quality that provides a program portrait based on continuous assessments, information from observations, document review and self-study, surveys, and interviews. This portrait can be used in varying ways within a QRIS and help identify pathways for programs to achieve higher level practices. More information will be provided as DCDEE pilots various aspects/ dimensions of the measure in the coming months.

QRIS Validation Study – This is required in the grant and provides the opportunity to test QRIS Advisory Committee recommendations for next iteration of star-rated license system.

There are additional DCDEE projects, so a handout was provided and more information will be provided as work through the Grant progresses.

Ms. Weinert asked about the sustainability plan. Ms. Johnson shared that Lucy Roberts and the Early Childhood Advisory Council (ECAC) are working on that. Not all of the projects will need a plan, but it is being worked on. Ms. Mary Lee Porterfield shared that while we know some may not be feasibly sustained, the work to show how important these things are and the lessons learned is what will be sustained. Ms. Weinert asked about the full list of over 300 recommendations that came from the QRIS group. Ms. Johnson shared that since these were prioritized, we are working down the list, right now with the top 11. When these are worked on, they will come forward to the Commission. Mr. Rairigh asked if the Commission members could see the list, and Ms. Johnson stated it would be sent out.

#### **Overview of the Regulatory Reform Act (S.L. 2013-413/HB 74) – Alexi Gruber and Dedra Alston**

Alexi Gruber and Dedra Alston shared some historical information regarding the Regulatory Reform Act. Ms. Gruber explained that the legislature amended the North Carolina Administrative Procedure Act, and that the amendment will affect the Child Care Rules. Until this act, rules had no expiration date. Now, every 10 years, the rules need to be reviewed to make sure the rules are still necessary and within the agency's authority. There are categories of rules: 'Necessary with Substantive Public Interest'; 'Necessary without Substantive Public Interest'; and 'Unnecessary'. Ms. Gruber explained each of these to the Commission. She shared the steps that the Commission and the Division will take to handle this process of review. The timeline was then discussed, including the involvement of the Rules Review Commission (RRC). Dedra received the schedule from the Rules Review Commission. The first deadline for the Child Care Commission is July 2014. The rules have to be placed into the three categories by this date. The Division will do this first, and then present the lists to the Commission to approve.

#### **Commissioner Comment Regarding the Regulatory Reform Act – Kevin Campbell**

Mr. Campbell shared that if this process had not been required, the Commission may have wanted to start looking at rules anyway. If it's a year before the Commission gets the breakdown, but there are things within the rules we want to act on, Mr. Campbell asked how the Commission would go about making changes or creating new rules? Ms. Alston explained that the Commission can still move forward with the rule-making process and that there is no reason to wait. Any new rules/changes to rules will still be affected by the new legislation; however the discussion for those particular rules may be shortened because

of work on the Regulatory Reform review. Ms. Elizabeth Gilleland asked regarding the RRC: since the RRC can take into consideration an entire rule, even if we submit a change to one tiny part, are we facing that with this reform act? Ms. Gruber said that each part of the rules will need to be considered. Ms. Weinert encouraged the Commission members to do some homework and begin to familiarize themselves with the detail of the child care rules.

#### **Adopt Rules and Fiscal Notes – Dedra Alston**

The rules being discussed now have been published and the public review/comment period has ended. These can be adopted and would be sent forward to the Rules Review Commission. Ms. Alston shared a brief reminder of each rule being brought forward for adoption.

*See or Hear (Supervision- .2506)*: Elizabeth Gilleland motioned to adopt the rules as written. Kay Lowrance seconded this motion. After a unanimous vote, this motion carried.

#### *Criminal Records Check Rules (Pre-Service background check - .2701, .2702, .2703, .2704, .1702 & .0302)*

Ms. Weinert shared a letter that was sent to the Commission regarding this change, sent by Ashe County Partnership for Children. Ms. Weinert said that the Commission tried to address these concerns mentioned during rule-making, but were bound by the legislative mandate in law. She asked Tammy Barnes, Regulatory Services Section Chief, what the turn-around time is for CRC checks right now, and Ms. Barnes said 6-8 days. Ms. Janice Price shared that she has seen an improvement in her checks in her program, and she thanked DCDEE for their work on that. Ms. Gruber reminded the Commission that these rules are required because of the law set. Ms. Sue Creech moved to adopt the rules as written. Ms. Lorie Morin seconded this motion. With a vote of nine (9) in the affirmative and five (5) abstaining, the motion carried.

#### *Developmental Day (Typically developing children - .2903) – Cindy Wheeler and Lorie Pugh*

Ms. Gruber explained the changes with this rule language that's gone through the rule-making process. The Commission would like the wording to change from "August 31" to "Public School Kindergarten admission birthday deadline." With this change in place, Ms. Kay Lowrance motioned that this rule should be adopted. Mr. Richard Rairigh seconded the motion. After a unanimous vote, this motion carried.

**Meeting breaks for lunch at 12:00 p.m. and resumed at 1:00 p.m.**

#### **Public Comment**

Each Commenter Bulleted:

- Bill Mitchell, owner of a 5-star center in Charlotte, NC: Mr. Mitchell asked that a rule be written that states that accredited schools have their curriculum approved by DCDEE. There was a legislative mandate passed that 4 and 5 star programs that serve 4-year-olds use a curriculum approved by the state of NC in those classrooms. The Commission has allowed schools newly affected by this mandate, to have their curricula reviewed by a standing committee, the NC Curriculum Review Committee. This review involves a lengthy process, but the outcome was that the committee chose to recommend none of the curriculum for approval. The Commission seemed to be uncomfortable and decided to review the review process to make sure it's right. Mr. Mitchell shared that Commission Member Gilleland, in the last meeting, suggested that we use the NAEYC standards and or Advanced Ed. The accrediting agencies review the same things that the DCDEE committee does. When a school becomes accredited, they have to provide documented evidence that they have met the standards set, then go through a detailed observation. If we adopt accreditation as an alternative to curriculum review, then we will have a more holistic view. We have the opportunity to improve education of our children. He stated that he would provide rule language at the next meeting for DCDEE to review.
- Jonathan Kotch, MD: Dr. Kotch introduced himself and thanked the Commission for their consideration of the Emergency Preparedness Rules. These changes were initiated by Jackie Quirk because a discrepancy was found with NC rules for Emergency Preparedness and a national

standard that was being initiated. Child Care Health Consultants are specially trained to be a resource to child care providers in centers and homes across the state.

- Janice Price asked that the Commission read the letter that was sent over the weekend from the NC Child Care Coalition. Ms. Weinert shared this letter.
- Linda Piper, Executive Director for NC Licensed Child Care Association: Ms. Piper shared that the rule making information shared by Mr. Mitchell is a good thing. She thanked Commission members for participating in their meetings and conferences in order to reach out to providers in a different setting.

Speakers were thanked by members of the Commission for making the effort to attend and providing constructive suggestions and insight.

Public Comment closed at 1:30 p.m.
------------------------------------

**Emergency Preparedness Rules (EPR)** *(Requires Centers and FCCH providers to complete EPR training and develop procedures around emergency preparedness and response - .0102, .0302, .0604, .0607, .0707, .1701, .1705, .1720, .1721, .2318 & .2829) – Laura Hewitt and Alexi Gruber*

Ms. Laura Hewitt shared that because the fiscal note came back from OSBM with an over \$3M impact, the Commission might want to consider changes to the rule text. She shared what a few of the suggested alternatives could be. Mr. Walton suggested that maybe this training could be used as a quality point for programs. Ms. Lowrance asked if the Emergency Management office is still going to work with providers regardless of whether or not rules are put into place. Ms. Hewitt confirmed that this is the case and referred back to Mr. Kindsvatter's presentation about DCDEE's work now with Emergency Management. Dr. Jonathan Brownlee asked whether this training includes incidents that involve more than one-child and stretch to larger emergencies, even natural disasters. Ms. Hewitt affirmed that the training is primarily about emergencies that affect the whole program. The 'Ready-To-Go Kit' referenced, should include First Aid Kits, EpiPens, as well as the food/water for disaster, even if everything isn't stored in the same place. The group discussed the different alternatives and the impact on providers.

Dr. Brownlee said he feels that this training is something that we need to invest in. Safety of children is important. Ms. Morin asked what is being checked in programs by child care consultants now during their visits, and Ms. Barnes explained that because there are no rules governing emergency preparedness, consultants are not looking for this information during visits. Ms. Gilleland stated that she feels strongly that child care providers who have already worked through this idea and have a plan in place should not be required to do this all over again. Mr. Blades stated that he would be in the same situation since his program is part of a corporate franchise, and they already have a plan in place.

Ms. Hewitt directed the Commission members to page 24 of the rule language packet so they could begin looking at the rule language to make changes. Once edits are made to the rule text, she can change the fiscal note to reflect the changes.

On line 10, of .0607(a), Mr. Richard Rairigh proposed alternative 1, changing the phrase "and one additional person on staff" to say "or designee." Dr. Brownlee motioned that no "Ready-To-Go" kit should be required. This motion was seconded by Mr. Kevin Campbell. Ms. Gilleland asked the group to consider adding an exemption for programs that have already completed and prepared this plan, regardless of attending the training. In .0607(a), the plan is required and it should be on the template provided by the Division, but this can be developed on your own or through the training. Ms. Sue Creech stated she felt strongly that the required training should stay in the child care rule.

Mr. Rairigh motioned that the emergency preparedness training remain required; however there should be a removal of the requirement to have a “Ready-To-Go” kit. This was seconded by Ms. April Duvall. With three voters abstaining, and eleven (11) members voting in approval, the motion carried.

**Rule-making Petition from the NC Association of Directors of Developmental Day Services (NC ADD) – 10A NCAC .2903**

Robin Maynard, Easter Seals, President of NC ADD, presented a request for rule change. The petition presented asks that there be an addition to the beginning of rule .2902. This addition is not new; it was part of the rules before Developmental Day rules came to DCDEE. Ms. Nell Barnes, a member of the public representing NC ADD spoke about this topic as well.

Tracy Riddle from the Department of Public Instruction shared that a letter sent to the Commission along with this petition leaves out that there are twenty-four (24) classrooms/centers who do not have community-based Developmental Day services available for their 667 children, and therefore may be at risk of losing services or the funding for their services if this change in the rule is made. Nancy Haddock, representing a Developmental Day center in Wilmington, NC, commented. She shared the concern that Developmental Day is not just for the 3-5 year olds in these school classrooms that Ms. Riddle is referring to, but also birth-three year olds.

Mr. Campbell asked if this concern about placement of Developmental Day children parallels the NC Pre-K placement concerns involving public school systems where children leave enrollment in private facilities to be served instead through publicly funded facilities (i.e. public schools). He asked whether the placement of children in public school slots affected the capacity and operation of private programs? Ms. Barnes shared that she believes that this enrollment shift has affected private programs. Ms. Riddle stressed that whole IEP Teams make the placement for a child, not just the public schools, and again stated that she has concern about the children in the public school classrooms and how this change in the rule would affect them, service availability or the funding for their classrooms.

Ms. Alston explained that the Commission does not have to make a decision about the petition today and that there is a 120-day deadline for the Commission to respond to this petition.

***The Commission allowed for a brief meeting break from 3:20 p.m. – 3:40 p.m.***

Ms. Alexi Gruber addressed the Commission regarding the Rule-Making petition. She recommended that unless there is a problem with the petition itself, you can publish it for the public so they can make comments about the rule. A statement will be added to the published text stating that the Commission is not taking an official position on the requested rule change.

The petition requests that a rule be added to the beginning section 10A NCAC 09 .2902 License that reads:

- (a) Developmental Day services shall be available for preschool children for a minimum of eight (8) hours per day, five (5) days per week, and twelve (12) months per year.

Mr. Walton moved to publish the text without the Commission taking any official position on the request in order to receive public comment. This motion was seconded by Ms. Creech. With one vote in opposition, and one abstention, and twelve (12) votes in agreement, the motion carried.

Mr. Bill Mitchell officially withdrew his petition previously shared during public comment.

Dr. Donna James, NC Director for AdvanceED attended today’s meeting in support of Mr. Mitchell. She believes that accreditation does validate the work of programs and feels that additional curriculum requirements are a duplication of efforts. Mr. Blades asked if other states have done what Mr. Mitchell is proposing. Dr. James said yes; Florida, Georgia and Wisconsin are all considering the accreditation

process in their TQRIS. Ms. Lorie Barnes, from NCAEYC, shared that twenty-four (24) states have rated license systems, and only three (3) do NOT currently, in some form or fashion, included NAEYC accreditation in their standards, North Carolina being one of those three.

The meeting's agenda completed, Ms. Morin motioned to adjourn. Ms. Creech seconded this motion. There being no further business discussed, the meeting was adjourned at 4:07 p.m.