

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**Second Quarter Meeting  
Monday, December 12, 2016**

Dix Grill  
1101 Cafeteria Drive  
Employee Center  
Raleigh, NC 27603

Commission Members Present

**Glenda Weinert, Chairperson**  
**Zac Everhart, Vice Chairperson**  
**Elliott Blades**  
**Jonathan Brownlee, Sr., MD**  
**Melanie Gayle**  
**Elizabeth Gilleland**

**Kay Lowrance**  
**Rev. Charles F. McDowell, III**  
**Laurie Morin**  
**Linda Vandevender**  
**William Walton, III**  
**Lisa Humphreys**

Commission Members with and Excused Absence

**April Duvall**  
**Brooke King**  
**Amelie Schoel**  
**Donnette Thomas**  
**Kristin Weaver**

Division of Child Development & Early Education Staff Present

**Pam Shue, Director**  
**Janice Fain, Administration/Policy**  
**Dedra Alston, Administration/Policy**  
**Heather Laffler, Administration/Policy**  
**Andrea Lewis, Regulatory Services**  
**Rachel Kaplan, NC Pre-K**

**Melodie Ford, Regulatory Service**  
**Jeanine Gatewood, NC Pre-K**  
**Elizabeth Everette, Subsidy**  
**Laura Hewitt, Regulatory Services**  
**Cindy Wheeler, NC Pre-K**

Attorney General's Office Staff

**Bethany Burgon, Commission Attorney**  
**Alexandra Gruber, DCDEE Attorney**

**Welcome**—Chairperson Glenda Weinert called the meeting to order at 9:05 a.m. and reviewed housekeeping items. She welcomed everyone and discussed the meeting agenda. She read the conflicts of interest statement and asked whether there were any conflicts noted for today.

Chairperson Weinert called for roll call and Ms. Dedra Alston performed the roll call. Chairperson Weinert noted that April Duvall, Brooke King, Amelie Schoel, Donnette Thomas and Kristin Weaver requested and received excused absences from today's meeting.

## **Chairperson's Report**

### **Approval of September 26, 2016 Special Rules Meeting Minutes**

Chairperson Weinert asked for a motion for approval of the September 26, 2016 Meeting Minutes. Ms. Humphreys' stated that there is a correction needed on page 2, paragraph 3. She was incorrectly included in the list of members that were not in attendance, and she should have been noted as being in attendance.

**Commission Action:**                    **Chairperson Glenda Weinert asked for approval of the September 26, 2016 Special Rules Meeting minutes as presented with the correction that Ms. Humphreys needs to be moved to the list of present members. Mr. Blades motioned for approval and Ms. Gayle seconded. The motion carried unanimously.**

Rev. Charles McDowell shared that his 20-year old son passed away recently. He spoke to acknowledge that all four of his son's preschool teachers reached out to the family in their grief, even though his son was now an adult, and what amazing individuals those who devote themselves to early childhood education are. Chairperson Weinert expressed condolences on behalf of the Commission.

## **Director's Report—Pam Shue, Division Director**

### Division Updates

- Curriculum and Formative Assessment Recommendations  
The curriculum review process has been completed but will be discussed at next Regular Commission meeting. Director Shue expressed her gratitude to all those who participated in the review process.
- CCDF Implementation
  - Per the CCDF Reauthorization and adoption of Child Care Commission Rules, all child care providers will now be required to complete training on 11 health and safety topics. Pro-Solutions offers free online training in many of these topics. Providers who wish to complete in person training instead should contact their local Child Care Resource and Referral agency.
  - An email providing information about training requirements was sent to all registered providers in November. Training is due to be completed by June 30, 2017.
- Legislative Report Update—4 legislatively mandated reports from DCDEE are due in the coming months.
  - **State Agency Collaboration on Early Childhood Education - Transition from Preschool to Kindergarten**—draft currently with Department and waiting for feedback, due December 15, 2016.
  - **State Agency Collaboration on Early Childhood Education - Statewide Vision for Early Childhood Education** – Due January 1, 2017 (follow-up due January 2018)

- **Study Costs and Effectiveness Associated with NC Pre-K Slots** – Due February 1, 2017
- **Study Child Care Subsidy Rate Setting** – Due March 1, 2017  
Chairperson Weinert asked if the methodology used in the rate setting reports would be discussed along with the findings; Director Shue assured her that the methodology would be discussed. Mr. Blades asked about the purpose of the State Agency Collaboration Vision report and Director Shue clarified this was to meet a request of the General Assembly.
- **Subsidy Spending – Reversion/Reallocation**  
CCDF Reauthorization changes have resulted in less natural attrition for children and families receiving Child Care Subsidy Assistance. As a result of this and current program enrollment, statewide spending is near 100%. In addition, recent State Budget provisions have required counties to spend at or above 95% of their allocation to not receive a reduced allocation, which makes counties less willing to reallocate funds to other counties who may be overspending.
- **NC FAST Update – Pilot Implementation**  
Pilot activities have begun in Durham, Orange, Lee, and Buncombe Counties. Ms. Kim Miller provided current data - As of December 1, 2016, 5,149 providers have joined the NC FAST email listserv. 410 providers are participating in the program pilot, and of those 379 have completed the enrollment process (92%). There are a number of issues being addressed on an ongoing basis, such as blended rates. Chairperson Weinert requested an update in future meetings on feedback from providers and Ms. Everette stated that by the next meeting, they will have provider feedback.
- **NC WORKS Update**  
The NC WORKS database will very soon be available to be used by individuals to register and maintain their education information. A December 19, 2016 ‘go live’ is planned. This online portal is and will be available 24/7. Individuals will have to create and maintain an NCID login in order to enter their data. Information regarding the NC WORKS rollout was shared with child care providers through a number of means—email, circular, RoboCall, etc.
- **Inclement Weather Condition Child Care Responses**
  - Hurricane Matthew--As of the end of October, 16 facilities in Eastern NC reported being closed due to weather damage. At the end of November, this number was reduced to 8.
  - Western Forest Fires--Consultants worked with providers who were required to adjust outdoor activity plans and potentially be able to relocate. Completed Emergency Preparedness Plans were useful to providers and Emergency Management personnel in both of these situations.
- **Duke University Child Care Impact Research Study**  
The Duke (University) Center for Child and Family Policy Director Ken Dodge published research from the Center showing that *North Carolina’s investment in the early childhood*

*programs Smart Start and More at Four had long-lasting benefits for children, resulting in learning gains though the end of elementary school. “What we’re learning is we really need a birth to age 8, or birth to adulthood, approach to education.” (December 3, 2016)*

- Race to the Top Grant Close Out & ECIDS – Ms. Kristen Guillory  
The federal Race to the Top grant awarded to North Carolina will close in December 2016. The program reported shared successes in that the program —(1) invested in parents, teachers and professionals that shape children’s early experiences and environments; (2) valued and prioritized families of young children; (3) supported rural communities; (4) valued outcomes; and (5) led nation through innovation to advance early learning field. The program website where information will be maintained on the program is [www.earlylearningchallenge.nc.gov](http://www.earlylearningchallenge.nc.gov) Fact Sheets on the grant and its programs will also be released.

Project highlights from the projects funded through the grant were (1) promoting professional development of the early childhood workforce; (2) supporting healthy development; (3) Building community capacity to support children’s learning and development; and (4) building capacity to use data to inform early childhood policy and programs. Chairperson Weinert stated that it would benefit all of the Commission members to visit the website and review outcomes achieved through this grant.

- NC ECIDS—NC Early Childhood Integrated Data System- Update  
The ECIDS program website is [www.ecids.nc.gov](http://www.ecids.nc.gov). This database will be the single source in NC for integrated early childhood data. It will be able to provide distinct counts of which children are being served and in which programs, and the ability to link data to answer questions that currently cannot be answered. Researchers will be able to request data to answer key policy and program questions. However, ECIDS is not a data warehouse, in that it collects data from participating programs’ already existing data systems, and it will **not** track individual children’s progress through programs.

Each child that participates in any one of the participating programs that are a part of NC ECIDS will be assigned a unique identifier (UID) which will allow the database to link to the K-12 and P-20W database systems. To maintain appropriate privacy and management of data, an ECIDS Governance Council will oversee the database and its usage.

Users of the database are expected to be members of the general public, participating, state agencies, policymakers and researchers.

**The Child Care Commission discussed and decided upon a schedule of 2017 Meeting Dates:**

Special Rules Meeting: Monday, January 30, 9:00 a.m.-4:00 p.m.  
Third Quarter Meeting: February 27, 9:00 a.m.-4:00 p.m.  
Special Rules Meeting: February 28, 9:00 a.m.-12:00 p.m.  
Special Rules Meeting (if needed): March 20, 9:00 a.m.-4:00 p.m.  
Special Rules Meeting: May 8, 9:00 a.m.-4:00 p.m.  
Fourth Quarter Meeting: June 26, 9:00 a.m.-4:00 p.m.  
Special Rules Meeting (if needed): June 27, 9:00 a.m.-12:00 p.m.

### **Corporal Punishment Discussion: Elizabeth Gilleland**

Ms. Elizabeth Gilleland addressed the Child Care Commission about her surprise that there is still a faith-based school exemption that permits corporal punishment in faith-based child care settings. Ms. Gilleland read aloud the email she sent to Chairperson Weinert expressing that, while she knows that corporal punishment and the exemption for faith-based programs is provided in Statute, rather than Child Care Rule, that she would like for the Commission to restrict corporal punishment as much as possible in Rule. She proposed requiring sites to justify the use of this policy, if they wish to claim an exemption and allow corporal punishment of children. She also asked members of the Commission to express their opinions.

Rev. McDowell expressed that he is also uncomfortable with the exemption allowed in law and supports Ms. Gilleland's proposal to restrict this practice. Dr. Jonathan Brownlee thanked Ms. Gilleland for bringing this to the Commission's attention and also agreed that research shows that corporal punishment is ineffective and harmful to children.

Ms. Alexi Gruber directed the Commission to proposed rule language that reflects DCDEE's current policy and complies with North Carolina law:

#### **10A NCAC 09 .2102 Use of Corporal Punishment**

(a) Corporal Punishment may be used in religious-sponsored child facilities in accordance with G.S. 110-91(10), if:

- (1) the religious-sponsored child care facilities files a notice with the Division stating that corporal punishment is part of the religious training of its program; and
- (2) the religious-sponsored child care facility clearly states in its written policy of discipline that corporal punishment is part of the religious training of its program.

(b) The discipline policy shall state when corporal punishment is used, what type of punishment is used and who will be administering the punishment.

(c) The discipline policy shall be shared with all parents that have children enrolled at the facility and the facility shall provide parents a copy of the policy for their records.

(d) If the facility's discipline policy changes, the new policy shall be shared with parents 14 days prior to the change becoming effective. A copy of the revised discipline policy shall be submitted to the Division within 30 days of the effective date of the revised policy.

(e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint alleging inappropriate discipline of a child or child maltreatment.

Ms. Lisa Humphreys asked how long this exemption has been in statute, and Ms. Gruber stated that the law was first established in 1983 and the last time it was revised was 1997. Ms. Gilleland proposed that the Commission petition the General Assembly to remove this exemption.

Ms. Humphreys, Dr. Brownlee and Rev. McDowell expressed their agreement with Ms. Gilleland, and Chairperson Weinert asked that Ms. Gilleland provide her with all material, including research, suggestions for language and a plan of action. Chairperson Weinert will

then compile all the information shared with her and disseminate it to Ms. Bethany Burgon and Ms. Gruber and the Commission for review.

Ms. Burgon stated that she is curious to explore how prevalent this exemption is in other states. Ms. Kay Lowrance stated that along with exploring the corporal punishment policies of other states, she would also like for the Commission to become aware of policy surrounding staff qualifications and training related to discipline. Ms. Gruber stated that to put this in perspective, there are only 12 sites in North Carolina that have policies allowing the use of corporal punishment. Director Shue will discuss this request with the Department and inquire as to whether the Division can jointly support the Commission's action.

### **Review Rules with Staff Edits and Commission Requests from the September Meeting**

#### **Child Care Centers**

Definitions (.0102)

Chairperson Weinert asked about the rule definition of "child care administrator"? Ms. Gruber stated that a 'child care administrator' is defined in Statute, but that definition could be added to Rule if the Commission desires. Chairperson Weinert stated that she would like the statutory language to be included in rule.

There was also discussion about the definition of "Health Care Professional" as defined in rule .0102 and whether that differs from the definition in rule .2402?

***Rule .0102(21) Health Care professional means: (a) a physician licensed in North Carolina; (b) a nurse practitioner approved to practice in North Carolina; or (c) a licensed physician assistant.***

It was agreed that the definition would remain the same in rule .0102, and Ms. Gruber stated that text can be added to rule .2402, if necessary, to avoid any conflict of definitions.

Chairperson Weinert asked for clarification of the "bio-contaminants" definition with the additional language.

***Rule .0102(5) "Bio-contaminant means blood, bodily fluids or excretions that may spread infectious diseases."***

Chairperson Weinert is concerned that Kleenex with children's mucus in the trash would be classified as bio-contaminants under this definition. Ms. Gruber assured her that as long as there was compliance with the disposal of the Kleenex, there would be no issue.

Ms. Gayle asked whether the definitions section is supposed to be all inclusive and Ms. Gruber explained that the definition section is intended to include only definitions that are recurring throughout the rules. If a definition only occurs once, it is defined in the text of that Rule. This is to avoid having to re-review all definitions every time a rule is revisited that contains a definition.

**Commission Action:** Chairperson Glenda Weinert asked the Commission to vote to publish rule 10A NCAC 09 .0102 - Definitions. Ms. Gilleland motioned to publish the rule with the addition of the “administrator” definition from N.C.G.S. 110-86(2a) and Ms. Laurie Morin seconded. The motion carried unanimously.

**Lunch break at 11:30 a.m., meeting reconvened at 12:30 p.m.**

**Public Comment Period**

**Kiddie Care II Albemarle (Letter)**

Chairperson Weinert read aloud a letter from Kiddie Care II describing the issue of their being unable to find and hire a site administrator that meets the education and experience requirements with the 12-week timeframe for their NC Pre-K program. The facility manager stated that they have made every effort to find a suitable candidate without success; therefore, they are requesting either an exception that would allow the current candidate to remain in the classroom as a substitute, or leniency with the timeframe to allow the current candidate to gain education and certification to meet the qualifications. Chairperson Weinert and Mr. William Walton both expressed that this is a common problem for child care sites to find staff who meet education and experience requirements and this problem needs to be addressed.

**Sheree Thaxton Vodicka, NC Alliance of YMCAs and Richard Rairigh, Be Active Kids (Rule-making Petition)**

Chairperson Weinert referenced the rule-making petition submitted by Ms. Vodicka and Mr. Rairigh in the Commission members’ packet. This petition requests that Rules .0901 Nutrition Standards and .0508(c) Requirements for Outdoor Play Time be re-reviewed. Chairperson Weinert requested that Commission members take time to read the letter, review the rules and be prepared to discuss this issue at the January meeting.

**Tova Tritt--Crème de la Crème, Inc.**

Ms. Tritt distributed a rule-making petition to the Commission stating that she would like to bring the child care program, Crème de la Crème, Inc., that is currently operating in Georgia to North Carolina.

Two rules in particular are preventing the company’s expansion to North Carolina under its current business model. In the Crème de la Crème, Inc. program model 2-year olds rotate throughout the building to different subject matter classrooms every 30 minutes. The company is seeking a review of Rules .0510 Activity Areas: Preschool Children Two Years and Older and .1401 Indoor Space to see if those would accommodate, or could be interpreted to accommodate, their model for use in North Carolina. Chairperson Weinert asked Commission members to review these rules and be prepared to discuss this request at the January meeting.

**Kevin Campbell—Smart Kids**

Mr. Campbell is petitioning the Commission to amend Rule .2809(a) Space Requirements. He feels that the current rule’s requirements for outdoor space are too demanding. Mr. Campbell

referenced a written petition to amend Rule .2809(a) that was included in each Commission member's packet along with supporting documentation of Standard 9: NAEYC Accreditation Criteria for Physical Environment Standard. The petition also includes proposed amended rule language.

***“There shall be at least 30 square feet inside space per child per the total licensed capacity and 100 square feet outside space for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children.”***

Ms. Gilleland asked if the proposed Rule calculations for square feet of outside space are based on the number of children that would actually be on the playground at one time as opposed to the total licensed capacity, and Mr. Campbell indicated that this was his understanding.

Mr. Campbell also provided documentation to the Commission referencing a requested change in Proposed Rule .2819(j).

***“If one administrator does not meet the requirements of rules .2918(b)(1), .2819(c)(1), .2819(d)(1), .2819(e)(1), .2819(f)(1) or .2919(c)(1), the administrator may share the requirements with one other individual, provided that prior to exercising responsibilities, both persons are evaluated on DCDEE Form .0173. The lowest level earned by either person will be considered equivalent to the North Carolina Early Childhood Administration Credential for the purpose of this rule.***

Chairperson Weinert stated that Mr. Campbell's request reiterates the concern in the letter from Kiddie Care II Albemarle which was read during earlier public comment. Both parties are asking not to reduce the required qualifications, but to allow those requirements to be shared across more than one individual.

Chairperson Weinert asked Ms. Cindy Wheeler for her thoughts regarding this issue? Ms. Wheeler referenced the proposed rule changes to .3011, NC Pre-K Site-Level Administrator Qualifications to illustrate the Division's attempt to provide flexibility to NC Pre-K providers in circumstances in which the site has made efforts to find a suitable candidate during the allotted time but were unable to do so.

***Rule .3011(b) “When the site administrator is unable to work, an interim director with at least a Level 1 Administrator Credential or its equivalent or a Principal's License shall be employed not to exceed 12 weeks. In determining whether to approve an extension of the 12-week vacancy, the Division shall consider reasons including, but not limited to: (1) Maternity Leave; (2) Death, disability or illness; and (3) Natural or man-made disasters.”***

Mr. Campbell stated that he believes that this rule change is a good start, and he would like for this language to extend to all child care centers, not just Pre-K. Mr. Walton stated that he agrees, and that the shared credential might actually be beneficial to both the children and the site.



**Review Rules with Staff Edits and Commission Requests from the September Meeting (Continued)**

**Child Care Centers**

.0604 Safety Requirements

Ms. Gruber discussed changes proposed to Rule .0604(h):

***“Smoking and the use of any product containing, made or derived from tobacco, including but not limited to e-cigarettes (electronic cigarettes), cigars, little cigars, smokeless tobacco, and hookah, is not permitted on the premises of the child care center, in vehicles used to transport children or during any off premise activities. All smoking materials shall be kept in locked storage.”***

Ms. Melanie Gayle and Chairperson Weinert proposed the addition of language ***“and any other smoking devices”*** to the list of forbidden items. Mr. Walton revisited the concern discussed in previous meetings that a center could be held accountable for what a parent or guardian was doing in his or her own car related to smoking and smoking materials. He asked that the rule reflect that Centers would not be cited for the activities of anyone other than staff using tobacco products, as long as the Center is in compliance with the required procedures to prevent any tobacco on the premises. DCDEE staff will incorporate language to reflect this.

Mr. Blades asked why the term “potential” is included in Rule .0604(v), ***“In child care centers, potential bio-contaminants shall be stored in locked areas, shall be removed from the premises or otherwise inaccessible to children”***? Ms. Gruber stated that with the new definition of bio-contaminants, the word “potential” is no longer necessary and will be removed.

.0608 Prevention of Shaken Baby Syndrome and Abusive Head Trauma - No changes are proposed for this rule.

Continuing Education and Professional Development (.1101-.1106)

Rule .1101 New Staff Orientation Training - Staff proposes to change the following to read as ***“Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment.”***

Rule .1102 - Health and Safety Training Requirements

Staff proposes to change ***“CPR”*** to ***“Pediatric CPR”***. Mr. Walton asked why the length of time required for completion of ITS-SIDS training differs from the 90 days allowed for trainings for .1102(f) Line 31, ***“...shall complete ITS-SIDS training within two months”***? Ms. Gruber stated that the language will be changed to 90 days.

DCDEE staff requested clarification from the Commission regarding the incorporation of the CEU language into Rule .1103(a) On-going Training Requirements. DCDEE staff proposes that the rule should state ***“After the first year of employment, all child care administrators and staff members shall complete 16 hours of on-going training activities or equivalent CEUs annually.”***

The following statements would reflect the initial hours in the rule.

- (1) 1.0 Continuing Education Unit (CEU) or 8 hours of child development related training as set forth in G.S. 110-9(11); and**  
**(2) 8 hours of health and safety training so that every three years, all of the topic areas set forth in 10A NCAC 09 .1102(b) will have been covered.”**

.1104 Professional Development Plan – No changes are proposed for this rule.

.1105 Training Approval – No changes are proposed for this rule.

.1106 Documentation of Training – No changes are proposed for this rule.

### **Special Programs**

Religious Sponsored Child Care Center Requirements (.2101-.2102) - No changes are proposed for these rules.

.2101 Centers Operating Under G.S. 110-106

.2102 Use of Corporal Punishment - Ms. Humphreys asked to clarify that these centers are not part of the star-rated licensing system, which they are not.

Care for School-Age Children (.2501-.2511) - No changes are proposed for these rules.

.2501 Scope

.2502 Special Provisions for Summer Day Camps

.2503 Building Code Requirements

.2504 Space Requirements

.2505 Health Requirements for Children

.2506 General Safety Requirements

.2507 Operating Policies

.2508 Age Appropriate Activities

.2509 Activities: Off Premises

.2510 Staff Qualifications

.2511 Other Staff Requirements

Mr. Walton asked that the Rule concerning the limitation on screen time be put back on the agenda to discuss at the next meeting.

Developmental Day Services (.2901-.2905 & .0505) No changes are proposed for these rules.

.2901 Scope

.2902 License

.2903 Staff Qualifications

.2904 Program Requirements

.2905 Family Services

.0505 Developmental Day Centers

NC Pre-Kindergarten Services (.3001-.3016)

.3001 Scope - No changes are proposed for this rule.

.3002 Facility Requirements - No changes are proposed for this rule.

.3003 Program Attendance Policy - No changes are proposed for this rule.

- .3005 Child Health Assessments - No changes are proposed for this rule.  
 .3006 Developmental Screening - No changes are proposed for this rule.  
 .3017 Children with Unique Needs and Challenging Behaviors

**When a teacher or parent has concerns about a NC Pre-K child's emotional, social, cognitive, language/communication development, sensory function, or behavior, the local school system shall be notified for assistance.**

- (1) The Site Administrator shall notify the NC Pre-K Contract Administrator and the local school system's Preschool Exceptional Children Program for assistance if documentation gathered through the developmental screening process, home visits, consultations with the family, experience working with a particular NC Pre-K child, daily recorded observations by the NC Pre-K teacher, modified instructional plans/differentiated lessons and from the NC Pre-K Program staff indicates significant concerns about the child and the program's capacity to address the child's needs.**
- (2) The NC Pre-K Contract Administrator, Site Administrator, teacher, and parent in consultation with the school system's Preschool Exceptional Children Program and other available resources, shall develop a coordinated plan to support the NC Pre-K child's placement in the NC Pre-K Program. Every effort shall be made to maintain the child's enrollment and participation.**
- (3) If efforts to develop a coordinated plan of support prove unsuccessful, the NC Pre-K Contract Administrator shall contact the Division of Child Development and Early Education for guidance.**

Chairperson Weinert expressed her belief that this rule should apply to all child care sites, not just Pre-K classrooms.

Mr. Walton also asked about incorporating language regarding the timeline of reporting problem behavior. Ms. Wheeler stated that it is difficult to impose or require a timeline in such situations, as each child's needs and response times will be unique.

- .3007 Early Learning Standards and Curricula - No changes are proposed for this rule.  
 .3008 Formative Assessments - No changes are proposed for this rule.

Mr. Blades inquired about the term "on-going" formative assessments, "***Classroom staff are required to conduct on-going formative assessments to gather information about each child's growth and skill development, as well as inform instruction***", and what is expected of staff related to this? Ms. Wheeler responded that gathering of information should occur throughout each day, every day a child is present, depending on each child's learning and development goals and across domains throughout the year.

- .3009 Staff-to-Child-Ratio and Class Size - No changes are proposed for this rule.  
 .3010 Family Engagement - No changes are proposed for this rule.  
 .3011 NC Pre-K Site-Level Administrator Qualifications -

In rule .3011(a) Vice Chairperson Everhart asked whether an administrator in a private setting would meet the required qualifications if they happen to hold a public school principal's license?

Ms. Wheeler answered yes, that they would meet requirements if they hold a principal's license, and this was also confirmed by regulatory staff.

In proposed rule language for rule .3011(b) Ms. Wheeler stated that this change would allow for the extension of the 12-week limit for an interim director for up to 36 weeks (the remainder of the school year) if there are extenuating circumstances.

**.3011(b) "When the site administrator is unable to work, an interim director with at least a Level 1 Administrator Credential or its equivalent or a Principal's License shall be employed not to exceed 12 weeks. In determining whether to approve an extension of the 12-week vacancy, the Division shall consider reasons including, but not limited to: (1) Maternity Leave; (2) Death, disability or illness; and (3) Natural or man-made disasters."**

.3012 NC Pre-K Teacher Education, Licensure and Credentials - No changes are proposed for this rule.

Ms. Vandevender expressed concerns about teacher turnover for private sites and that private centers invest in the licensure of teachers to then have those teachers leave their employment to go and work for public schools (generally for higher wages). Ms. Wheeler responded that she hopes that the findings and recommendations from the ongoing legislative cost of NC Pre-K surveys will help to draw attention to some of these concerns.

Ms. Gayle proposed that rule .0312 be added to the Developmental Day Section.

.3013 NC Pre-K Teacher Assistant Education and Credentials – No changes are proposed for this rule.

.3014 NC Pre-K Substitute Staff – add **"or equivalent"** to (a)(2) to read "...Associate Degree or equivalent...."

.3015 Instructional Staff Standards – No changes are proposed for this rule.

.3016 Professional Development Requirements – No changes are proposed for this rule.

Ms. Wheeler stated a concern that in the rules any time "parent" is used, it should also include "and/or family." Ms. Kimberly Mallady stated that "parent" is defined in the Definitions section of the rules and includes "family." Ms. Lowrance requested that "Plan of Study," "Formative Assessment," and "B-K Licensure" be included in the Definitions. Ms. Gruber stated that definitions for these terms will be included in the NC Pre-Kindergarten and Developmental Day Sections.

**Break at 3:05 p.m., meeting reconvened at 3:15 p.m.**

Chairperson Weinert proposed cancelling the Special Rules Meeting scheduled for Tuesday, December 13, 2016 (the next day) and postponing discussion of the rule sections they were supposed to have discussed in that meeting until the next meeting on January 30<sup>th</sup>. Chairperson Weinert asked for a vote on the matter and the Commission unanimously agreed to cancel the meeting. Chairperson Weinert made suggestions to the Commission to increase the efficiency and productivity of future Rules Review meetings. Chairperson Weinert asked that Commission

members submit any requests for topics or inquiries to be included on the January 30<sup>th</sup> agenda to be sent to her by January 10<sup>th</sup>.

Chairperson Weinert requested that the January 30<sup>th</sup> meeting be structured so that, after roll call, the Commission would move straight into discussion of rules. After the new rules are discussed, the Commission will move to the discussion of previously reviewed rules and vote to publish.

Chairperson Weinert requested that DCDEE provide any rules that will be discussed to the Commission 2 weeks prior to the meeting; therefore, she requested that all Rules be disseminated by January 10<sup>th</sup> for the January 30<sup>th</sup> meeting.

### **Review Rules with Staff Edits and Commission Requests from the September Meeting (Cont.)**

#### **Family Child Care Homes**

Section .1700 (**.1701, .1702, .1703, .1705, .1706, .1707, .1708, .1709, .1710, .1711, .1712, .1713, .1714, .1716, .1718, .1719, .1720, .1721, .1722, .1723, .1724, .1725, .1726, .1727, .1728, .1729, .1730, and .1731**) **Bold rule numbers indicate current Temporary Rules**

- .1701 General Provision Related to Licensure of Homes (Temporary) - No changes are proposed for this rule.
- .1702 Applications for a License for a Family Child Care Homes (Temporary)
- .1703 Caregiver Interactions - No changes are proposed for this rule.
- .1705 Health and Training Requirements for Family Child Care Home Operators (Temporary)
- .1706 Nutrition Standards - No changes are proposed for this rule.
- .1707 Building Requirements - No changes are proposed for this rule.
- .1708 Pre-Licensing Requirements
- .1709 Inspections - No changes are proposed for this rule.
- .1710 Access to the Family Child Care Home - No changes are proposed for this rule.
- .1711 Supervision of Children - No changes are proposed for this rule.
- .1712 Written Plan of Care - No changes are proposed for this rule.
- .1713 Emergency Medical Care
- .1714 Emergency Preparedness and Response - No changes are proposed for this rule.
- .1716 Failure to Maintain Requirements - No changes are proposed for this rule.
- .1718 Requirements for Daily Operations - No changes are proposed for this rule.
- .1719 Requirements for a Safe Indoor/Outdoor Environment (Temporary) - No changes are proposed for this rule.
- .1720 Medication Requirements (Temporary) - No changes are proposed for this rule.
- .1721 Requirements for Records (Temporary) - No changes are proposed for this rule.
- .1722 Prohibited Discipline
- .1723 Transportation Requirements - No changes are proposed for this rule.
- .1724 Safe Sleep Practices - No changes are proposed for this rule.
- .1725 Sanitation Requirements for Family Child Care Homes
- .1726 Prevention of Shaken Baby Syndrome and Abusive Head Trauma (Temporary) - No changes are proposed for this rule.
- .1727 Discipline Policy - No changes are proposed for this rule.

- .1728 Overnight Care - No changes are proposed for this rule.
- .1729 Additional Caregiver and Substitute Provider Qualifications
- .1730 Activities Involving Water (Temporary)
- .1731 Additional Health and Safety Training Requirements – Temporary rule set to expire. Rule language incorporated into other rules.

Chairperson Weinert noted examples that she is aware of where sites were told to implement extreme precautions in order to be in compliance with new bio-contaminant provisions e.g., elevating trash cans that contain tissues or diapers five feet off the ground. She asked that DCDEE staff be aware of these situations that occur after new rules are enacted and that requirements continue to be reasonably implemented. Mr. Blades agreed and stated that it is best to offset ambiguity from the start by making requirements clear from the beginning.

**Administrative Actions and Civil Penalties**

Schedule of Civil Penalties for Family Child Care Homes (.2214) - No changes are proposed for this rule.

Denial of a License (.2215) - Staff to bring back changes in January.

Ms. Gruber stated that this is not the entire Administrative Action Section and that the Commission would be reviewing that section in the near future.

**Commission Action:** Chairperson Glenda Weinert asked the Commission for a motion to approve rule language as presented for Sections .0600, .1100, .2100, .1700, .2214 and .2215 with minor changes. Ms. Gayle motioned to approve and Ms. Humphreys seconded. The motion carried unanimously.

**Chairperson Weinert adjourned the meeting at 3:48 p.m.**

**Next meeting:**

**Special Rules Meeting**  
**January 30, 2017**  
**9:00 a.m. - 4:00 p.m.**  
**Dix Grill, Employee Center**  
**1101 Cafeteria Drive**  
**Raleigh, NC 27603**

**Future Meeting Dates:**

- Third Quarter Meeting: February 27 - 9:00 a.m.-4:00 p.m.
- Special Rules Review Meeting: February 28 - 9:00 a.m.-12:00 p.m.
- Special Rules Review Meeting: (if needed) March 20 - 9:00 a.m.-4:00 p.m.
- Special Rules Review Meeting: May 8 - 9:00 a.m.-4:00 p.m.
- Fourth Quarter Meeting: June 26 - 9:00 a.m.-4:00 p.m.
- Special Rules Review Meeting: (if needed) June 27 - 9:00 a.m.-12:00 p.m.