

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

NORTH CAROLINA CHILD CARE COMMISSION

**Special Rules Meeting
Monday, January 12, 2015**

Nature Research Center
William G. Ross Conference Center, 4th Floor
121 W. Jones Street
Raleigh, NC 27603

Commission Members Present

Glenda Weinert, Chairperson

Kevin Campbell, Vice Chairperson

Sue Creech

April Duvall

Zac Everhart

Melanie Gayle

Charles McDowell

Elizabeth Gilleland

Kay Lowrance

Janice Price

Linda Vandevender

William Walton, III

Kristin Weaver

Commission Members with and Excused Absence

Elliott Blades

Jonathan Brownlee, Sr., MD

Lorie Morin

Division of Child Development & Early Education Staff Present

Dedra Alston, Administration/Policy

Tammy Barnes, Regulatory Services

Janice Fain, Administration/Policy

Andrea Lewis, Regulatory Services

Alexi Gruber, Attorney General

Jim Wellons, Attorney

Mary Pat Hicks, NC Pre-K

Carleton Jones, IT

Rachel Kaplan, NC Pre-K

Rob Kindsvatter, Director

Heather Laffler, Administration/Policy

Lorie Pugh, Regulatory Services

Welcome—Chairperson Glenda Weinert called the meeting to order at **9:14 a.m.** and reviewed housekeeping items. She expressed a thank you to the Commission for the extra effort of attending extra meetings to review rules. 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, Ms. Dedra Alston performed roll call, and members who were absent from this meeting who requested and received excused absences were noted.

Chairperson Weinert asked for approval of November 18, 2014 special rules meeting minutes

Commission Action: **Chairperson Weinert moved to approve the November 18, 2014 meeting minutes as presented. The motion carried unanimously.**

Ms. Heather Laffler asked the Commission to specifically review Page 5 after the meeting break concerning the motion to reconsider the November 17th vote regarding Rule .1718(a)(4) to assure that members were satisfied with what was captured. There were no concerns stated.

Chairperson Weinert asked for approval of the December 8, 2014 special rules meeting minutes

Commission Action: **Chairperson Weinert moved to approve the December 8, 2014 meeting minutes as presented. The motion carried unanimously.**

Presentation of DCDEE Rule Review Groupings Suggestions—Ms. Alexi Gruber, Assistant Attorney General

Ms. Alexi Gruber presented a proposed revised grouping of the Child Care Rules for the rules review process, a document in the Commission’s packet, “Rules Review Grouping Revised 1-7-15.” The revised document would address rule sections as follows:

I. Child Care Centers

Building code requirements for child care centers

- .1301 Building Code Requirements in Operation Prior to 4/1/72
- .1302 Building Code Requirements for Child Care Centers
- .1303 Building Code Requirements for Small Group Facilities Licensed Prior to 7/1/88
- .1304 Requirements for Child Care Centers Licensed in a Residence

General requirements

Space requirements

Schedules and activities

Staffing requirements

Appropriate staff-child interactions

Safety requirements

Transportation standards—including off premise activities and aquatic activities

Staff Qualifications

Health standards for children

Nutrition standards

Ms. Gruber noted that a Child Care Center in a Residence is evaluated the same as a Child Care Center and fits under Child Care Center rules.

II. Family Child Care Homes—For all sections following Child Care Centers, if the Commission approves of the proposed groupings, DCDEE staff will create a list organizing individual rule sections.

III. Rated Licenses

IV. Special Programs

- Religious Sponsored
- Child Care for Mildly Ill Children
- Care for School-Age Children
- Developmental Day
- NC Pre-K

V. Criminal Records Checks

VI. Abuse/Neglect Investigations

VII. Rulemaking, Administrative, & Legal Actions

- Rulemaking and contested case procedures
- Administrative actions and civil penalties

Discussion of Grouping of Rules for Rules Review

Chairperson Weinert opened up the floor for any questions or comments about this proposed new grouping of Rules. Ms. Kay Lowrance raised a question about starting with the beginning of the process—pre-licensing. Ms. Gruber stated that arranging the rule review in this order would be difficult due to the lack of general requirements, and responded that the problem is that the process for pre-licensing is different for Child Care Centers and Family Child Care Homes. She noted that unless the Commission opts to change the rules so they are more uniform, right now the pre-licensing processes are separate for each facility type.

Chairperson Weinert questioned the placement of aquatic activities under transportation because some child care facilities have pools on site. Providers who want information about aquatic activities might not know to look under transportation if they have their pool on site. Ms. Tammy Barnes proposed grouping aquatic activities under safety requirements.

Ms. Gruber stated that if the Commission tentatively approves this revised grouping, DCDEE can look at Family Child Care Homes to try to mirror Child Care Centers in the rule ordering. Ms. Gruber also described the need to create and use a cross walk document when reorganizing rules to document where the rules came from and possibly avoid having to republish and submit as many fiscal notes.

Mr. Wellons explained the cross walk document as a document that contains original rule numbers in one column, another column listing how the rule was renumbered (could have several places it will be referenced because of rule regrouping) and text referencing the rule content. This crosswalk can also be used to make sure that all rules are accounted for. Mr. Wellons recommended that renumbering occur at the end of process, and if a rule is broken up into multiple parts, the original number would be kept until the final renumbering.

Mr. Wellons stated that while this process may help to make the case to avoid having to publish and write fiscal notes, it is ultimately the Office of State Budget and Management (OSBM) and

the Rules Review Commission (RRC) who will determine whether to require publishing a fiscal note.

Commission Action: Ms. Janice Price made a motion to accept the “Rules Review Groupings Revised 1-7-15” as a working document. Ms. Elizabeth Gilleland seconded the motion which was approved unanimously.

The Commission broke for lunch at 11:30 p.m., resumed at 12:30 p.m.

Following the lunch break, discussion resumed regarding the proposed rule grouping and various specific sections of interest.

Section .0200 General Provisions Related to Licensing

- .0201 Inspections

Chairperson Weinert directed Commission members to comments in the document that was distributed to all members including feedback from the NC Licensed Child Care Association (LCCA). The feedback related to providers’ desire for clarification regarding the number of announced and unannounced visits, the frequency of visits, and the purpose of visits from DCDEE consultants to facilities. Following discussion, staff was asked to draft potential language for the Commission to review and discuss at the next rules review meeting. Ms. Barnes noted that there is nothing currently in rule requiring annual compliance visits to family child care homes, but that it is policy for all facilities to have at least one visit per year. She would like to establish this requirement specifically in rule for all types of child care facilities, to reflect what is current practice.

Pre-Licensing Requirements

Section .0300 Procedures for Obtaining a License

- .0301 Pre-Licensing Requirements
- .0302 Applications for a License for a Child Care Center
- .0304 Ongoing Requirements for a Permit
- .0305 Requirements for a One-Star Rated License for a Child Care Center

Vice Chairperson Kevin Campbell commented on confusion about the language referring to the individual who owns or runs a child care center-owner/applicant/licensee/operator, and how that person is referenced in different places, e.g., Rules .0204 and .0302(a). Ms. Gruber stated that there is a definition in statute of “operator” that cannot be changed. Despite this statutory requirement, Mr. Wellons agreed that this issue needs to be examined, in hopes of achieving greater consistency. He asked Chairperson Weinert to appoint a committee of the Commission to address this issue.

Ms. Gilleland asked about what the language would be for individuals in non-profit settings where there are no “owners”? Mr. Wellons stated that the ideal would be to find a word that would act

as a substitute for the role of responsible individual in all of these settings. Chairperson Weinert asked for volunteers and Vice Chairperson Campbell, Mr. Billy Walton, Mr. Wellons, Ms. Gruber, and Ms. Linda Vandevender were selected to meet and discuss this issue.

Ms. April Duvall pointed Commission members to Rule .0301(b) Pre-Licensing Requirements and asked for clarification of the statement, “The Division shall furnish the forms required to be completed and submitted...” She expressed concern that the first part of the statement made it seem as if the Division will provide the application, which seems to contradict the latter point of the statement. Ms. Lorie Pugh clarified that the statement is meant to inform the potential applicant that the application forms in question can be found and are provided on the DCDEE website.

Mr. Jim Wellons offered that the first sentence should be omitted “The Division shall furnish the forms required to be completed.” The following sentence should state specifically that the applicant must download and complete the application, and submit the forms to the Division, at which time a pre-licensing visit will be scheduled.

Mr. Campbell asked about whether one has to complete a pre-licensing workshop for every license applied for, e.g., if an owner/operator/Director has already completed the pre-licensing workshop to open a center, is that person is required to complete the workshop again? Ms. Pugh replied that if an existing site is opening up another site, the expectation is that the owner/operator/Director is not required to complete the pre-licensing workshop again.

Per this and following discussion regarding pre-licensing activities, proposed changes to Rule .0301(c) include: “The Division shall provide regularly scheduled pre-licensing workshops for potential applicants. A schedule of these workshops may be found on the Division’s website at http://ncchildcare.nc.gov/pdf_forms/prelicworkshop.pdf. An operator who has not previously operated a child care center in North Carolina shall complete the pre-licensing workshop prior to the Division scheduling a pre-licensing visit.”

Additional proposed changes to Rule .0301(a) include: “Anyone who wishes to obtain a license to operate a child care center shall first complete the pre-licensing workshop; upon completion of the pre-licensing workshop, a prospective applicant shall request a pre-licensing consultation with the Division.”

.0403 Temporary Licenses for Centers

Mr. Walton asked Commission members about Paragraph (c): “The temporary license shall expire after six months, or upon the issuance of a license or provisional license to the operator, whichever is earlier.” He stated that it was his understanding that a star-rated license cannot be issued prior to the temporary license expiring, so why does it state “or upon the issuance of a license”? Ms. Barnes replied that Mr. Walton is correct, that currently a star-rated license cannot be issued prior to the six months’ timeframe. Once the six months has expired, either a star-rated or provisional license is issued. Temporary licenses are issued for no more than six months.

Following the discussion of temporary licenses it was decided to adjourn the meeting and continue further discussion at the next special rules meeting. Chairperson Weinert reminded members that the next meeting, a regular business meeting, would be held Monday, February 9, 2015 from 9:00 a. m.- 4:00 p.m. at the same location.

Chairperson Weinert adjourned the meeting.

<p>The meeting adjourned at 2:55 p.m.</p>
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