

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

**NORTH CAROLINA CHILD CARE COMMISSION
2012-13 SPECIAL SESSION MEETING MINUTES**

June 27, 2013
319 Chapanoke Road, Ste. 120
Raleigh, NC

Commission Members Present

Julia Baker Jones	Angela Beacham
Kevin Campbell	Sue Creech
April Duvall	Elizabeth Gilleland
Norma Honeycutt (on phone)	Robin Kegerise
Laurie Morin	Janice Price
Richard Rairigh	Glenda Weinert
William Walton	

Commissioners Members with an Excused Absence

Kathryn Clark, Ph.D.	Dr. Michael Smith
Vicky Narron-Warren	

(One Commissioner vacancy due to Maureen Hardin's resignation)

Division of Child Development & Early Education Staff Present

Rob Kindsvatter, Director	Jennifer Johnson, Education & Quality
Janice Fain, Administration	Dedra Alston, Program & Policy
Karen Ferguson, Program & Policy	Alexi Gruber, Dept. of Justice
Tammy Barnes, Regulatory Services	Andrea Lewis, Regulatory Services
Mary Lee Porterfield, Program & Policy	Shantell Disla, Program & Policy
Ron Byrd, Subsidy Services	Letitia Echols, Dept. of Justice
Fay Lewis, Program & Policy	Kathy Shepherd, Workforce Standards
Sherri Koonce, Criminal Records	Laura Hewitt, Regulatory Services
Sherri Hall, Program & Policy	Pat Andrews, Criminal Records
Sarah Buckner, Program & Policy	Connie McAdams, Program & Policy
Barbie Anderson, Regulatory	Branda Watford, Administration
Deanna Hoxworth, Regulatory	Marjorie White, Regulatory

Guest

Dr. Catherine Scott-Little

CALL TO ORDER

Chairperson Julia Baker Jones called the meeting to order at 9:05 a.m. and reviewed housekeeping items. She welcomed everyone and explained the Public Hearing on specific rules and the Public Comment period. Some Commissioners have terms expiring; they should continue to attend until advised otherwise. Some have been contacted to be reappointed. She discussed the agenda, emphasizing the importance of taking action on curriculum recommendations today and need to discuss Criminal

Records Check (CRC) issues under the new statute. She invited any additions or clarifications; none were offered. Ms. Dedra Alston called the roll. It was mentioned that Billy Walton may join the Commission meeting by phone at some point in the day.

Ms. Sue Creech said the minutes were excellent but noted a number of points indicating the Commission would revisit or take action at a later time and she doesn't see these on the agenda. These were itemized and it was determined that all have been considered and will be addressed. Ms. Creech moved accepting the minutes as written; Ms. Angela Beecham seconded.

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

Mr. Rob Kindsvatter summarized his background with DCDEE and DHHS since 1994. His report covered updates on agency organizational changes, the status of legislation, Criminal Record Checks (CRC), Curriculum Review, and Subsidized Early Education for Kids (SEEK). Other updates addressed Smart Start's 20th anniversary; a planned longitudinal study of NC Pre-K; finalizing of 2012-13 Market Rate Survey; and the submission of the biennial CCDF plan. New federal CCDF regulations have been proposed that may impact DCDEE but it appears we're already meeting many of the expectations and standards.

Commissioners asked questions and made observations about how to expedite the CRC process. Mr. Kindsvatter welcomed feedback and suggestions. The Commission's attorney, Alexi Gruber, clarified that the new CRC law requires preservice local checks, including time-consuming manual checks of the AOC database. This process is more comprehensive than federal checks alone.

Discussion of SEEK emphasized that the cards are the biggest problem; the question was asked if biometrics might be considered as an alternative. Clarification was requested on how the Market Rate Survey is conducted and used.

Curricula Appeal Process Discussion

Chairperson Baker Jones reviewed the S.L. 2011-145, Section 10.7(b) and (d), that establishes the Commission's role and obligation to approve curricula for four year old classrooms. Discussion brought up these questions: What is meant by 4 year olds? When are programs being cited for not using an approved curriculum? What criteria address the expectation of a reading component?

Ms. Baker Jones used chart paper to capture discussion under Concerns with Process and Our Charge:

Our Charge – comprehensive, evidence-based, reading component

Concerns with Process –

- Must consider supplementary material (how programs are using curricula vs. stand-alone curricula being comprehensive)
- Clarity – curriculum committee looks at written curriculum vs. how it is used. There is a disconnect for people submitting as to what the committee is looking for.
- Block system vs. point system – all or nothing
- Capacity to approve partial curriculum
- Process may not fit proprietary curricula

Considerations –

- How can/should we address accreditation – NAEYC & others?
- Can we consider endorsements or who developed it, such as nationally recognized curriculum?
- Parent choice
- What's best for children (essential skills)

Dr. Catherine Scott-Little was asked to review the charge and process of the Curriculum Review Committee. Consistency with the earlier process used for More at Four was key to this; allowance for “partially met” recognized that many curricula were not fully meeting all of the high standards/criteria originally established. She addressed “what do they look at?” The huge volume submitted for review in 2007 made it necessary to set criteria to look only at full curricula, those that address all domains, and not supplemental curricula. The committee also looks for what the teacher and director would have in their hands if they purchase a curriculum. This would not include supplemental materials, alignment charts, etc. that would not be in the publicly available product that lands in the teacher's hands. She agreed that there could be improvements, necessitated by the move to more programs with an interest since the law expanded use of approved curriculum in 4- and 5-star programs.

Ms. Baker Jones suggested that the legislature used curriculum as a proxy for quality. Since the expansion of curriculum requirements from More at Four to a broader population, this may not be a good fit. Mr. Kevin Campbell feels the state has a role in NC Pre-K standards, but for the broader population, parental choice should prevail.

S.L. 2011-145, Section 10.7(d) requires 4- and 5-star facilities to teach from the Commission's approved curricula: does this mean there must be only one approved list (aligning with the original More at Four list), or may there be more than one list? Attorney Alexi Gruber believes the legislature intended there be only one list, but explained that the Commission does have authority to remove pieces from the review process that don't fit under “comprehensive, evidence-based, with a reading component” and put them into programmatic standards.

Formative Assessment Recommendations from the Curriculum Review Committee

Dr. Catherine Scott-Little presented committee recommendations and answered questions (*see Powerpoint presentation*). Chairperson Julia Baker Jones reviewed the options for action. It was noted that publishers are waiting on results. There was consensus to wait to take action after today's Public Comment period.

Meeting breaks for lunch at 12:10 p.m. and resumed at 1:00 p.m.

Public Hearing

Chairperson Julia Baker Jones welcomed everyone to the public hearing and provided the following information regarding the public hearing.

Rules 10A NCAC 09 .0302, .1702, and .2701 through .2704:

The NC Child Care Commission proposes to adopt and amend child care rules to effectuate changes to N.C.G.S. § 110-90.2 enacted during the 2012 session of the

General Assembly. New amendments to the statute became effective January 1, 2013. The amendments changed the existing statutory requirements to include: pre-service qualification for all child care providers, a more comprehensive federal fingerprint check for providers (prior law only required some providers to obtain a federal fingerprint check), and allocated the cost of the federal check to child care providers while shifting the cost of the local and state level criminal record checks to DHHS.

Rule 10A NCAC 09 .2506:

The Commission is also proposing to amend rule 10A NCAC 09 .2506 regarding supervision for school-age children. This amendment will align with rules for pre-school children and will allow for school-age children to be heard “or” seen instead of heard “and” seen.

Rule 10A NCAC 09 .2903:

As the result of a rule-making petition submitted by Ms. Diane Killen and Ms. Jan Guynn, the Commission is proposing to amend rule 10A NCAC 09 .2903. The proposed amendment will serve children in developmental day programs in a way that is more cost effective and attainable for the service provider. The proposed rule change would relax the requirement that children three-years or older to be served by a Birth-through-Kindergarten (B-K) teacher, limiting its application only to children with an Individualized Education Plan (IEP). Children without an IEP would have to have turned three before the start of the school year to require a B-K teacher. The rule change would reduce the expenses of centers related to B-K certified staff. **NOTE:** This rule was submitted as a rule-making petition and the NC Child Care Commission wishes to solicit comments regarding the potential impact of the proposed rule language. The Commission has not taken a position as to whether the rule should be adopted.

The Commission will not be taking any action on these rules today, as the public comment period has not ended. The Commission will have the opportunity in September to adopt the rules as published or adopt the rules with changes, or to not adopt the rules.

Criminal Records Check Rules (Pre-service background check -10A NCAC 09 .2701, .2702, .2703, .2704, .1702 & .0302)

- Jennifer Austin: Center Director, Angier Migrant Head Start. The CRC process has caused great hardship for teachers in their programs. Please look at the process and how it affects programs, find ways to streamline it, for the ultimate benefit of children.
- Jamie Reckhammer – Child Care Networks. Concern isn’t with intent of law but with process/infrastructure and its impact on providers. As the economy recovers, more parents are seeking care but they can’t staff up as quickly as needed to meet families’ needs. She offered possible solutions, including introducing this process at high school and community college level for students and referencing the requirement as part of the job posting with link to DCDEE website. She suggested reviewing the implementation process that other states with a preservice requirement went through and learn from it.

- Nancy Simpson – director of Greensboro center. Hired first employee in 2013 recently but has waited over 5 weeks for CRC; need to correct system before requiring compliance. It is a hardship on employees who can't work when they don't have a qualification letter. Creates unsafe environment if they can't staff it.
- Vernon Mason – owner of centers, President of NCLCCA –3-year recheck should not result in penalty (employee sent home) because of DCDEE backlog. Cannot bring someone in for orientation and put them on payroll. Lost summer camp employee day before it started. Asks Commission to write a letter to the legislature to express the problems. Glad to hear that directors may contact DCDEE for results.
- John Cumbo – Learning Experience – referenced the delay in the CRC process pertaining to when the SBI has peak busy periods for handling records – it will take longer to get results.
- Ron Kohler, owner Brookhaven Country Day School – agrees on the focus on safety for children; in eight years of criminal background checks (hundreds), only two individuals were disqualified. Suggested a probationary period while waiting for the CRC.
- Crystal Felton, Primary Beginnings – current employees having to pay for check is difficult– neither staff nor centers can afford it. Recommends the qualification letter be sent to the center as well as to individual. Concerned that the new process takes so long; the previous process worked better.
- Mr. Irving – Noted the star rating renewal is done every 3 years, and the window for this to occur is more difficult with the CRC issues.
- Supervision Rule (10A NCAC 09 .2506)
 - *(No individuals spoke on this rule.)*
- Developmental Day Rule (10A NCAC 09 .2903)
 - Jan Guynn – Easter Seals UCP, speaking in favor with this rule – puts them more in line with what happens in public school. Affects only typically developing children.
 - Diane Killen – Ashe Developmental Day – began process of requesting this rule 16 months ago. This will serve their programs well, and allow them to continue to survive.
 - Jessica Carter – Director of small center in same county. Mid-cycle transition (by age) isn't best for kids or programs.

Public Comment – on issues impacted by the Commission

- Dr. Lauren Starnes – concerns about curriculum review process (*see submitted document*). Feels curriculum was unfairly and inadequately reviewed.
- Dr. Gloria Julius with Primrose Schools – have met 4 & 5 star standards for many

years, but now may not be an approved program due to curriculum review, which they feel didn't recognize their quality. Feels the limited list of approved curricula limits parental choice.

- Kathy Yount – Scholastic, early education – Surprised that 'Big Day for Pre-K' was not approved. Referenced its notable authors, research, and advanced technology. Provided correlations for NC, based on national standards. Asked for this to be reconsidered.
- Kimberly Allen – Brooks Publishing Co. in Maryland – AEPS curriculum – concerns about the curriculum review process. Would welcome chance to participate and refute the results. Indicated this curriculum aligns with standards and best practices of respected organizations, and is designed to be used by both generalists and specialists. Found across the country.
- Bill Mitchell – Noted the Commission's work on curricula review. The review process has been cumbersome and resource-intensive. Seems pointless to go through re-review if there will be new standards in 15 months. Supports accreditation being considered as option. Thanked the Commission for their work.
- Lee Scott (Goddard Schools) – Will share suggestions of ways to get to goal in writing. Concerned this process requires a wait of years; things change so rapidly, can't sync with the process. Need respect for research.
- Terri Anderson, Kids R Kids director – Questions the process, with only 3 of 16 being recommended. Suggests that everything submitted is also given to teachers – the complete curriculum. Concerned about flaws in the process, requests grandfathering.
- Elliott Blades – owns and operates 2 Primrose schools. Suggests the need to review in open forum. Suggested taking a broader view of how these fit in: accreditation, approaches to learning, parent choice. Suggested revised criteria needed if a re-review is completed.
- Jenna Nelson – CCR&R system. Noted that a .5 CEU course on choosing and using a curriculum and formative assessment tool is being offered, at least 4 times annually. Please find and encourage this training.
- Deborah Obern – VP for The Learning Experience –has nine centers in NC, more to open. Eight have 5 stars, newest has 4 stars. Survey of families showed curriculum was the top reason they chose this program. Literacy is very important to them. Uncertain about process now and encourages the Commission to get it worked out; it impacts so many. As they move forward, feels some TA along the way would have benefitted them.
- Van Hogen – owner of Kids R Kids in Morrisville, with 250 students, 40 teachers. Hard to believe so few curricula have been approved. Has had 5 stars since they opened and feels their curriculum exceeds those standards and supported by parents. There is economic impact of changing over and purchasing new

curriculum.

- Laurie Shepherd (comments read, had to leave) – asked why accreditation was not recognized. Noted the Division recognizes SACCS for colleges, why not for early childhood programs?
- Robin Serene – Bright Horizons (20 children, 3000 children in NC). Their curriculum is based on Creative Curriculum (approved) with their own additional components. Wants clarification across the board so that using approved curriculum with corporate branding will still meet requirements.
- Lorie Barnes, NCaeyc – Noted the importance of teachers in implementing curricula and encouraged commitment to professional development for the workforce to be able to implement curricula. Urged the focus to be on early childhood professionals in the process, not just materials and books.
- Mike Radway, Knowledge Universe/KinderCare – curriculum in revision, wasn't ready for review this cycle. Supports taking the time needed to get the process right. Need dynamic process to encourage all to succeed; consider a flexible, revolving review cycle instead of static.
- Frank Gevarra, provider in NC (5 stars) – Consider whether evidence-based, correlation with child outcomes. Dichotomy between NC Pre-K and 4 & 5 star classrooms: consider separate categories (FCCH category already exists). Need transparency for consumers.

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

<p>Public Comment closed at 2:30 p.m.</p>
--

Discussion regarding what action to be taken in relation to the Criminal Record Check situation

Chairperson Julia Baker Jones invited discussion. A question was raised as to what happens if someone hasn't been qualified: per Attorney Alexi Gruber, they will be sent home and facility cited. There is no flexibility in statute – prequalification is a mandate from the legislature.

It was noted that the local check takes the most time because of the many codes for various offenses that must be reviewed by hand. Rechecks can be done up to six months before they expire; need to get word out to start early. Ms. Gruber explained that not all crimes are fingerprinted. Statute requires check for convictions which aren't fingerprinted: child abuse and child neglect (found in AOC database).

One Commissioner recommended the Commission communicate with legislators regarding the unintended consequences from this law.

Ms. Norma Honeycutt asked why school systems don't have the difficulties that DCDEE experiences; noted that providers are having a very difficult time. Ms. Gruber responded by saying she wasn't sure if the statute that requires criminal record checks in public schools require the same checks be done as in child care. Also, most people working or volunteering in public schools know they'll have to be cleared and do so proactively, while in child care the preservice requirement is new.

Mr. Kevin Campbell suggested that, since the legislature is still in session, it was worth trying to get the law amended or changed. Discussion followed regarding the Commission drafting a letter to legislators regarding clarifying the CRC statute. Ms. Angela Beacham addressed support of immediate safety of children and intent to protect; this could be accomplished if provisional status created (not to be left alone with kids) but counted in ratio. Discussion followed on what must be done to start the process to be for a provisional status. The hiring process is critical – need provisional option, because the delays are crippling the industry. Also need outreach to educate providers to get approved ahead of job search. Ms. Glenda Weinert volunteered to draft the letter and send it out. Ms. Weinert suggested that DCDEE consider not citing violations for lack of the preservice check until the checks can be accomplished within reasonable timeframe.

These points should go into letter (*Chairperson Baker Jones used whiteboard to capture discussion points*):

- Law issue:
 - Sacrificing one area of safety for another.
 - Safety of children: red shirts/provisional, not left alone with children.
 - Prove that they've started the process.
 - Complete SBI first (48 hours)
 - Impact – lack of adequate staffing, burn-out.
- Process issues:
 - Optimizing process – automation; issue of mailing in & errors
 - Outreach – Providers think ahead, Job seekers
 - Providers don't directly receive letter of qualification – DCDEE can share where they are in the process (this point may go into Law Issues for letter to legislature)

Fiscal Note approval delayed for the following rules:

- Emergency Preparedness Rules (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)
- Cell Phone Use (prohibits Centers and FCCH providers to talk on cell phones when driving - .1003 & .1723)
- Temperature Taking (Delete the option for taking temperatures rectally – .0804 & .2404)

Approval of Formative Assessment Recommendations from the Curriculum Review Committee

Ms. Elizabeth Gilleland moved approval of recommended formative assessments, Ms. Laurie Morin seconded. Motion passed.

Identify next steps for curriculum review process

- Discuss lessons learned from this first cycle of the curriculum review cycle
- Identify potential changes that could improve the process
- Agree to a timeframe for the change
- Identify next steps required to work towards the change

Mr. Campbell doesn't see point of re-reviewing previously submitted curricula because the criteria should be changed. He suggested the Commission grandfather those not approved while revising criteria, then they may resubmit. He said it was not an issue of fairness, but an issue of getting it right.

Ms. Robin Kegerise agreed, also wants clarity on July 1 timeframe. Per Ms. Baker Jones and Attorney Gruber – July 1 is not mandated. Ms. Glenda Weinert noted it doesn't make sense to hold people to something that we don't think is the best process.

Dr. Scott-Little was asked to elaborate on possible changes. She does believe in the process, but acknowledges the complications. Consistency has been valued; opening it up may introduce lobbying, which has been kept separate from the process. A group of volunteers has worked hard to keep it fair and consistent. Changing the criteria is a process and there may be some already on the list that would need to go through review again.

Chairperson Baker Jones said that while process may have fit the original purpose, it may not still fit the broader application. If any change is to be made, that needs to come from the Commission. A question about grandfathering or allowing provisional status: does it mean keep current stars for a certain period until a new process is in place? Attorney Gruber pointed out that NC Pre-K programs need resolution of the formative assessments because some use assessments under exception or not previously approved.

Ms. Baker Jones clarified the two choices: a re-review may mean meeting the current criteria, or being reviewed against revised criteria. Ms. Sue Creech asked members who are child care directors about their curriculum choices. Discussion of the fact that many programs say they're using a particular curriculum but don't actually do so. Consultants ask what curriculum is used and check the criteria to determine if it's being implemented, but this is a new process for everyone. Training is underway. Agreed that having and using curriculum are two different things.

Ms. Baker Jones captured discussion points on whiteboard:

Goals: Get people out of limbo

Options:

1. Communication – transparency and clarity about process.
2. Since process needs significant revisions – don't re-review before update.
3. Don't enforce until system is clear.

Question about continuing the NC Pre-K list of required curricula, but not applying the same list to 4 & 5 star centers. Ms. Baker Jones sees the difference between proprietary curriculum and one from publisher, in that proprietary curriculum training is part of how the company orients and onboards staff, but what an independent publisher sells needs to contain all the training. Per Attorney Gruber, there's no timeline in this statute, so the Commission has room for implementation, especially considering that NC Pre-K came so

rapidly to DCDEE with the necessity of a good deal of rulemaking. She encourages the Commission to establish a timeline as they move forward. Consider having a re-review for curricula that are very close and want to get onto the list.

Mr. Kevin Campbell made an oral motion to permit all users of non-approved curricula to continue to use that curricula until the Commission decides on a new approval process that all approved curriculum as of June 27, 2013. Ms. Angela Beecham seconded.

Ms. Weinert feels the accountability lies with the Commission and shouldn't harm users of non-recommended curricula.

Further discussion followed on the Commission's options. The issue of appearing to endorse non-approved curricula, even if holding them harmless, was a concern. The timeframe for resolution was also considered; it is possible the review process would not be completed for several months, so the July 1 deadline which was suggested to DCDEE for implementation may not be appropriate. There was discussion on whether to revise standards and wait to implement; or revise criteria/process before applying it to any curricula. Asking the Curriculum Review Committee to bring back a proposal was considered.

Mr. Kevin Campbell withdrew his original motion. Ms. Glenda Weinert moved: Curricula submitted for the 2012-13 review process may continue to be used until the curriculum review process is reviewed, refined and completed. Ms. Angela Beacham seconded. The motion was passed unanimously.

Formative assessments that were not recommended will impact a large number of NC Pre-K programs. At this point there was not a quorum. To allow time for sufficient discussion, it was suggested to hold harmless programs using non-recommended assessments for the coming school year. Two members joined by phone for a quorum. Ms. April Duvall moved that formative assessments currently under advisement may be used for the upcoming school year or until the review process is complete, whichever is later. Ms. Glenda Weinert seconded.

Mr. William Walton **made a motion** to adjourn. Mr. Kevin Campbell seconded.

There being no further business, the meeting was adjourned at 5:00 p.m.
--