

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT
NORTH CAROLINA CHILD CARE COMMISSION
2009-10 SECOND QUARTER MEETING MINUTES

March 11, 2010

Division of Child Development
319 Chapanoke Road, Suite 120
Raleigh, NC
Conference Room 300

Commission Members Present

Vickie Ansley	Julia Baker Jones – via telephone	Lois Stephenson
Margaret Anne Biddle	Lorrie Looper	Claire Tate
Magdalena Cruz	Laurie Morin	
Angela Boyce Davis	Dr. Mary Cassie Shaw	
Connie Harland	Deanne Smith	

Commission Members with an Excused Absence

Penny Davis, Lynn Policastro, Jennifer Svenstrup

Division of Child Development (DCD) Staff Present

Dedra Alston, Director's Office	Ron Byrd, Subsidy Services Section
Mia Caballero, Workforce Standards Section	Anna Carter, Director's Office
Deb Cassidy, Director's Office	Janice Fain, Administration Section
Andrea Lewis, Regulatory Services Section	Fay Lewis, Subsidy Services Section
Sarah Lewis, Workforce Standards Section	June Locklear, Regulatory Services Section
Mary Lee Porterfield, Workforce Standards Section	Lorie Pugh, Regulatory Services Section
Kathy Shepherd, Workforce Standards Section	
Melissa Stevenson, Regulatory Services Section	
Nicole Wilson, Director's Office	

CALL TO ORDER

Chairperson Claire Tate issued a general welcome and called the NC Child Care Commission meeting to order at 11:00 a.m. Members of the audience wishing to address the Commission were asked to sign-up for public comment and, if interested, on the Commission mailing list at the back table. Chairperson Tate also reminded members to complete the appropriate motion form when making motions. Ms. Tate asked if any members had known conflicts of interest concerning today's agenda items, and none were mentioned. Nicole Wilson called the roll. The Commission members who were absent from this meeting all requested and received excused absences.

Ms. Tate briefly reviewed the agenda and the member's meeting packets. She reminded the members of the Commission about updating Ethics information.

APPROVAL OF MEETING MINUTES – November 4, 2009 draft minutes were reviewed by members with no comments or revisions.

Commission Action: Margaret Anne Biddle moved that the meeting minutes be approved as presented. Laurie Morin seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

DIVISION DIRECTOR'S REPORT – DEB CASSIDY

Dr. Deb Cassidy welcomed the Commission back to DCD for their meeting. She began by sharing a few staff changes at the Division. First, Anna Carter is the new Deputy Director. Also, Jani Kozlowski has been hired as the new head of the Policy Unit in the Director's Office. Tammy Barnes will be the new Regulatory Section Chief, beginning March 15th as June Locklear is retiring at the end of March. Letita Echols has been added as an additional attorney at the Division alongside Alexi Gruber. Alexi Gruber briefly explained the role of the lawyers at DCD, who are assigned to the Division from the Attorney General's office.

Dr. Cassidy began her update with some information on the Legislative Task Force on Consolidation of Early Care and Education Programs. Lots of hard work has been going on including the Governor putting forth her plan for consolidation, which seems to have the support of the members of the task force, Governor Purdue is developing an Early Childhood Advisory Council (ECAC). In order for our state to qualify and apply for Federal money through the Head Start grant, the state has to have an ECAC set up. This additional money would be about three million dollars. The proposal will be submitted by June 1, although the latest date to submit is August 1. Only 2 other states have ECAC's and are drawing down the funding. We are eager to move forward with that proposal. DCD would likely be represented on this Council by Lanier Cansler, the DHHS Secretary. Also to serve would likely be the chair of State Board of Education, a representative of the University system, the President of the Community College system, a representative from the North Carolina Partnership for Children, a representative from the NC Pediatric society, a local school superintendent, a local Smart Start Partnership representative, the Director of the NC Head Start Collaboration Project, an expert in child development, a representative of someone who supports the work such as a director of a program, a parent, philanthropist, someone from an advocacy organization, and possibly others. It doesn't seem at this point in time that there would be any development on a single Department for Early Care and Education in the state government system. There are still members of the task force who would like to see that happen down the road, but the creation of a new Department would be too costly at this point.

At yesterday's meeting of the Task Force, a group representing the Division, More At Four, Smart Start, the Resource and Referral system, Head Start, and Child Care Services Association, gave a presentation that offered suggestions for efficiencies that would minimize duplication of services. The intent is to save resources so that these savings can be reinvested back into the early care and education system in our state. We all know we have no power to make that happen, but we do get a lot of support from this Task Force as well as from the Secretary of DHHS and the State Board of Education President.

One efficiency that Dr. Cassidy wished to mention is that all funding in Child Care Subsidy could flow through the EBT system. This could include, for example, CCDF funds, all Smart Start dollars, and all the private scholarships for subsidy from R&R's. This has the potential to save us millions of dollars.

Another efficiency that would affect DCD is for our consultants to monitor licensed More at Four classrooms for the More at Four standards. Our staff visit these classrooms already each year. Our consultants would receive training on the MAF which would include evaluating that there was curriculum implementation in the classroom for these programs. You will recall that in licensing, there is one quality point offered regarding curriculum.

Claire Tate asked, regarding some of these efficiencies and ideas, if there is support from other groups or are these still just recommendations. Dr. Cassidy said that we do have the support of DHHS as well as the State Board of Education. The Task Force seemed very supportive, as well.

One other idea that Dr. Cassidy shared is having a unified system of evaluating education credentials. Right now, teachers in the workforce have to submit official transcripts to WAGE\$, The Institute for Professional Development for the Education Certification program, to DCD, to TE.A.C.H., as well as DPI when necessary, and proposed is a single portal of entry for the workforce. This would be a huge efficiency. It won't save millions of dollars, but it will save some money, and the efficiency for providers will be huge.

Dr. Cassidy shared that we would also be able to pull down Medicaid money to fund 20 new health consultants. Right now, they are not statewide in their service. There are about 56-58 child care health consultants in NC. With new funding from Medicaid, the state could increase the number of Health Consultants by about 20 consultants.

Next, Dr. Cassidy shared a press release from this morning by NACCRRRA regarding family child care homes (FCCH) and the monitoring that happens around the country for these programs. She shared that the good news for North Carolina is that we ranked 15 out of 52 states/territories for monitoring. However, North Carolina scored only 59 points out of 140. We know that we have a lot of work to do. DCD does plan to use this information because while we appreciate the strengths, we need to take a look at the weaknesses.

As an update to the QRIS Advisory committee: The group has still been meeting, and will reconvene as a large group on Monday, March 15. There have been multiple work group meetings, and those will continue to meet throughout this process. At the meeting on the 15th, the large group will hear from the Infant-Toddler workgroup who has come up with some preliminary recommendations on what we as a state might want to consider in order to improve infant-toddler standards in care.

Dr. Cassidy shared that there are Professional Development planning groups meeting across the state. These groups are funded by quality ARRA federal dollars through the R&R system. Focus groups in these regions have been meeting to determine Professional Development priorities for the field. This effort will help inform our state CCDF plan. The final report from these groups is due in August.

Regarding Subsidy, currently 43% of children in centers are receiving subsidy. 10,971 have one time vouchers from stimulus money, but as of May 31st, those vouchers will expire and the children will go back on the waiting list. If President Obama's proposed increase to CCDF of 1.6 billion comes through to replace the ARRA dollars, the cliff effect will be decreased. We are serving 6,000 more children now than we were in October of 2009. We would be doing much better if we had not experienced reversions this past year. The plan is also to use Subsidy funding to pay for the EBT System, but the return on this investment will be tremendous.

Regarding the Workforce Standards Section, Dr. Cassidy shared that the numbers have been reduced for the education unit/transcript queue dramatically. Claire Tate asked what the final goal would be to be considered "caught up". Kathy Shepherd and Dr. Cassidy agreed that by summer, we think we will be in great shape. The unit is hoping to have a 4-6 week turnaround timeframe for review of education documents. In addition, a policy was set up to allow for programs that are in danger of losing stars for an upcoming licensing visit, to be prioritized so that their education documents are evaluated immediately.

PUBLIC COMMENT

Roz Savitt, lobbyist for NC Child Care Coalition, came to speak on two items. First, regarding the Legislative Obesity Task Force, she provided the website for the North Carolina General Assembly, www.ncleg.net, and encouraged the Commission members to go there and familiarize themselves with the various committees and their presentations. Second, regarding the Task Force on Consolidation, she expressed that she felt the last meeting was terrific. She spent the day there monitoring some other groups,

but the Task Force was incredibly complimentary to the early care and education leadership in our state. The comments she heard on the presentation that was given were wonderful. She did prepare a summary and shared that with the members. As a brief overview of her summary, she said that since 2007, millions of dollars have been lost in the early care system. However, More At Four has had an increase. She also mentioned that the same amount of funding from the state that goes into all of early care and education each year, is roughly the same amount that the state spends for kindergarten alone in a given year.

Linda Piper, President of the North Carolina Licensed Child Care Association, also spoke to the Commission regarding the Task Force on Consolidation. She said that there were some significant comments about not having a new state government Department to combine efforts. There were fears that this would add another level of bureaucracy in the mix. The term "administrative home" was used, allowing each of the offices to focus on what they do best. Smart Start, for example, would still oversee the Health Consultants. Ms. Piper also wanted to speak briefly about the rules that are being discussed today. She said that during the Rules Committee, there were two changes that were looked at regarding separating screen time and computer usage, which takes care of an area of concern that providers expressed about the rule. Secondly, she is concerned that the "weather permitting" definition reviewed today will not have a chance to go through the public comment process. She is also concerned that it references something that another state has done, but background information is not provided. Providers would have to go to the website to access the Iowa weather chart affecting child care providers. Anytime they make changes to their weather chart, it will automatically impact child care centers. She feels that there is a misunderstanding about providers. They are not, in fact, opposed to children playing outside for an hour, but are concerned about the monitoring of this. She would suggest that the Commission think about taking out the phrase completely, so if authors do a revision, the public will have a chance to see what changed. Lastly, in reference to emergency updates for children that providers have to get from parents, it is not the possibility of the requirement being labor intensive, the issue is regarding how it's going to be cited and the possibility of inconsistency with consultants who might be more of a stickler for the date details on updated records. Lastly, regarding staff-child interactions, these are key and she feels that these were probably written because when consultants go into a center and hear or see things that are inappropriate, they want to have a way to mark these as violations. She would suggest that the Commission considers the list of "1's" in the Environment Rating scales, which are all practices that we do not want for children. She expressed concern about monitoring practices like making eye contact, when a consultant is only in a classroom for a few hours once a year.

Dr. Jonathan Kotch, Director of the NC Childcare Health and Safety Resource Center, spoke to reiterate the importance of the proposed regulations for outdoor activity and that getting children active is important for gross motor skill development and learning. Dr. Kotch travels a lot for his job and is always proud to be from NC because of the standard that we've set with the star rating system as well as services offered through the R&Rs. Right now, we are seeing about 24% of preschoolers that are overweight or obese. This is the number one childhood health epidemic in the States. We know that future adult health is affected by their early childhood obesity. Lastly, regarding weather permitting, he believes that "there is no bad weather, only bad clothes."

Jamie Reckhammer, a trainer with Child Care Network in the Charlotte area shared that she is thrilled to hear about the work with professional development of providers and education evaluation. She said that this is a constant battle for programs, which are consistently hiring and working to retain staff who meet the requirements. She feels that directors need access to information quickly about new staff, to prepare for compliance visits and conduct self assessments. The system is complicated, so staff members do not understand how important these things are. She asked that the Commission consider the role of the director/owner/operator as the license holder and grant them the authority to confirm and validate that information for their program.

Deirdre Hoffman, with the Guilford County Partnership for Children said that she shares the excitement that outdoor time is being discussed more. She provides technical assistance in Guilford County, and is a big advocate for setting up and designing spaces for outside play.

Marge Akins, the Director of A Child's World in Jamestown, NC shared that they have recently received the Preventing Obesity by Design Grant so that they can redesign their playground to include elements of nature. She doesn't believe that an hour is enough time for children to be outside. She feels that learning experiences are being taken away from children when they are not allowed to play outside everyday. The Commission expressed that they would like to hear from her after her redesign project and learn about the changes in her center.

The Commission took a break for lunch at 12:30 p.m.

Chairperson Claire Tate called the meeting into order at 1:40 and into a session of Public Hearing on the Developmental Day rules. The Commission does not plan to take action on these rules today. Ms. Tate also reminded the audience that there is a sign up at the table at the back of the room for anyone wishing to address the Commission. She also mentioned that written comments will be accepted on the Developmental Day rules until March 16, 2010.

PUBLIC HEARING

Janet Sellers, the Director at Frankie Lemon School in Raleigh, came to share a statement from Susan Deans. In a letter, Ms. Deans expressed that the NC Association of Developmental Day Center Directors supports the request for a reasonable amount of transition time for centers that are not in compliance with the new rules.

Other Business

Chairperson Tate suggested that the members collaborate to schedule the next two Commission meetings. These would be for the first and second quarter of the 2010-2011 state fiscal year. After some discussion, the next two meetings were set for Thursday, September 30, 2010 and Thursday, November 4, 2010. Also, it was decided that instead of breaking out into separate meetings for committees to work, these discussions would be embedded in the main meeting. The group will also begin discussing committee work regarding Family Child Care Homes and their rules and improvements. Each Commission meeting will be scheduled from 8 a.m. – 5 p.m.

Committee Reports

School Age Committee: Lois Stephenson thanked the group for attending the meeting and participating in the discussion. This morning, the first focus was asking for clarification on BSAC Training and the new equivalency that is allowed. Kathy Shepherd presented that the equivalency hasn't all been fully determined yet because the rule hasn't passed yet. She shared her understanding of the fact that the lack of clarity will be difficult for provider planning, so resolution is needed quickly. The committee also received an update on part of the implementation of SB 1030. The group discussed the potential for a school age handbook. There is no clear designation on when this can happen, so it is still a work in progress. The committee will also be looking for more information from the QRIS Advisory Committee and their work on school age care.

Rules Committee: Claire Tate shared that the committee discussed proposed language changes in direct response to comments that had been received from across the state regarding the phrasing "weather permitting" in reference to children's outdoor play. Also, they discussed a modification of the screen time rule to include some clarification in computer usage for education as opposed to other screen time. The group also discussed the frequent opportunities that are provided to facilities by outside sources for children to participate in alternative activities while in care. There is no policy or language for these outside

activities. For example, if there are outside computer classes, does this use up the children's allotted screen time? This issue would need to be discussed so that language can encompass these optional activities for programs. The committee also briefly discussed the Criminal Records Check process for three year rechecks on providers. DCD staff will be getting some statistics together regarding these rechecks and their outcomes for the committee.

Chairperson Tate called the Public Hearing to its official close at 2:10 p.m.

RULE MAKING UPDATE AND ACTION

Dedra Alston passed out the current timeline for the rules to be discussed. These rules were filed with OAH on September 24, 2009 for publication in the NC Register. There was a public hearing held on November 4, 2009, and December 14, 2009 was the close of the comment period. These rules can be voted on today for adoption. (This covers the outdoor learning rules, screen time, and the repeal of the three component rules: 10A NCAC 9 - .0102, .0302, .0304, .0501, .0508-.0511, .0604, .0701, .0702, .0802, .0901, .1403, .1702, .1703, .1718, .1721, .1724, .2201, .2501-.2506, .2508, .2510, .2801, .2802; and the repeal of .1505, .2803, and .2810-.2816) Today, the Commission can vote to adopt the rules, and then they would be filed with the Rules Review Commission by March 20, 2010 in order to be considered during the April Rules Review Commission meeting. They would meet before the Child Care Commission on April 29, so Ms. Alston would be able to bring any objections before our Commission at that time.

Commission Action: Deanne Smith moved to make the approved rules effective July 1 along with the Developmental Day rules. Angela Boyce Davis seconded the motion. There being no further discussion, Chairperson Tate called for a vote, and the motion carried.

Ms. Alston explained that the Commission members had asked that the paragraph including the phrasing "if weather conditions permit" be separated out in the rules, so this change has been made, breaking it out into two parts, showing that there are two conditions that have to be met. Ms. Tate asked the members for feedback. There was verbal agreement that it was the preferred layout. Ms. Alston explained that due to a lot of the public comments received, providers recommended adding a definition for "weather permitting." The determination was made to use the Iowa Weather Chart for Child Care, which is a standard measure across the country. Also, in paragraph B, the Department of Environment and Natural Resources Air Quality Forecasts and Information web page was referenced. Julia Baker Jones asked if this is what is being used universally. Anna Carter shared that the Rated License Assessment Project assessors do use these two guides when they go out to programs. Ms. Jones asked if the wording on the rules could be changed to just say that providers should use whatever current guides for weather and air quality that the assessors are currently using. Ms. Carter said that this wasn't something that was in the scales, actually. It's just a tool that the evaluators use. The Rated License Assessment Project would not, however, change to a different guide without first seeking approval from the Division.

Ms. Tate asked if the Division could pursue having the link be on our website instead, so that we wouldn't have to change what's in the rule. Providers would be directed to the Division's website where we have Iowa's chart as well as the air quality information from DENR. Also, there was a brief discussion regarding precipitation and outdoor time for children when there is active precipitation.

Commission Action: Lois Stephenson made a motion to table this discussion until April's 4th Quarter Child Care Commission meeting so that more language can be drafted to include precipitation and that the Commission take no action on section 16 regarding the definition of "if weather conditions permit" today. This motion was seconded by Laurie Morin. There being no further discussion, Chairperson Tate called for a vote, and the motion carried.

The next item to discuss was on page 13 of the rule packet, regarding removing computer usage from the list of screen time activities. Based on comments received, it was removed from the list and sectioned as its own activity, with the limitation of no more than thirty minutes per child per day. Variations of the rule text were discussed in order to clarify the separation of computer usage and other screen time.

Commission Action: *Angela Boyce Davis made a motion on the wording for lines 1-11 of rule 10A NCAC 09 .0510 (f) and (g) to read as follows:*

(f) Each center shall provide materials and opportunities for music and rhythm, science and nature, and sand and water play for each group of children at least weekly, indoors or outdoors.

(g) When screen time, including, but not limited to, television, videos, video games, and computer usage is provided, it shall be:

- (1) Offered only as a free-choice activity,*
- (2) Used to meet a developmental goal.*
- (3) Limited to no more than a total of two and a half hours per week, per child, which does not include an additional allowed 30 minutes per day, per child, of computer usage.*

Usage time periods may be extended for specific special events, projects, or occasions such as a current event, holiday, or birthday celebration.

This motion was seconded by Vickie Ansley. There being no further discussion, Chairperson Tate called for a vote. With the majority of votes in the affirmative, the motion carried.

The discussion continued among members on the wording of the rule and it was decided that one or more members were not clear on the previous vote.

Commission Action: *Connie Harland, who voted in the affirmative for the previous vote, called for a revote on the previous motion to help clear up any miscommunication among the Commission members. The wording of the motion was reviewed again and a revote was taken. With the majority of votes in the affirmative, the motion still carried.*

In further discussion of the rules, other sections that include language on screen time were mentioned.

Commission Action: *Laurie Morin made a motion to have the language of 10 NCAC 09 .1718 (14) to read the same as the new wording for rule 10A NCAC 09 .0510 (f) and (g). Lorrie Looper seconded the motion. With the majority of votes in the affirmative, the motion still carried.*

Commission Action: *Lorrie Looper made a motion that screen time rules for school age children, included in 10A NCAC 09 .2508 be adjusted to match the language for younger children, as previously voted on, but adding a fourth notation to read as follows:*

(4) When children are in care for four (4) hours or less per day, screen time shall be limited to a maximum of thirty minutes of screen time daily.

Connie Harland seconded the motion. With the majority of votes in the affirmative, the motion carried.

Commission Action: Lois Stephenson made a motion to add phrasing to the language of Rule 10A NCAC 09 .0508 (a) (1) (D) to include "When children are in care for four hours or less per day, the center shall provide a minimum total of thirty minutes of outdoor time daily, if weather conditions permit." Deanne Smith seconded the motion. With the majority of votes in the affirmative, the motion carried.

Commission Action: Vickie moved to adjourn the meeting. Deanne Smith seconded the motion. There being no further discussion, Chairperson Tate called for a vote, and the motion carried.

<i>The meeting adjourned at 3:50 p.m.</i>

The next meeting of the North Carolina Child Care Commission is scheduled for Thursday, April 29, 2010.