

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

**NORTH CAROLINA CHILD CARE COMMISSION
2011-12 FOURTH QUARTER MEETING MINUTES**

May 8, 2012

319 Chapanoke Road, Suite, 120
Raleigh, NC
Conference Room 300

Commission Members Present

Margaret Anne Biddle	Kathryn Clark
Sue Creech	Maureen Hardin
Norma Honeycutt	Julia Baker Jones
Linda Knight	Lorrie Looper
Laurie Morin	Deanne Smith
Michael Smith	Lois Stephenson
Claire Tate	

Commission Members with an Excused Absence

Connie Harland, Janice Price, Glenda Weinert

Division of Child Development & Early Education Staff Present

Deb Cassidy, Division Director	Anna Carter, Division Deputy Director
Jani Kozlowski, Director's Office	Kamiran McKoy, Director's Office
Karen Ferguson, Director's Office	Tasha Owens-Green, Director's Office
Dedra Alston, Director's Office	Trevon Lucas, Director's Office
Mary Lee Porterfield, Director's Office	Leisa Benson, Licensing Consultant
Cecilia Ellerbe, Regulatory Services	Nicole Wilson, Licensing Enforcement
Sarah Buckner, Regulatory Services	Laura Hewitt, Regulatory Services
Lorie Pugh, Regulatory Services	Tammy Tanner, Regulatory Services
Sherri Hall, Regulatory Services	Melissa Stevenson, Regulatory Services
Ron Byrd, Subsidy Services	Kay Lowrance, Regulatory Services
Lisa Lyons, Licensing Enforcement	Lela Cross, Regulatory Services
Tammy Barnes, Regulatory Services	Andrea Lewis, Regulatory Services
Melodie Ford, Regulatory Services	Catherine Woodall, Director's Office

CALL TO ORDER

Chairperson Claire Tate opened the meeting with introductions. The Child Care Commission members reviewed the Ethics Statement. No Commission member had any conflict of interest. Roll call was taken by Kamiran McKoy. Ms. Tate invited the public to speak during the assigned times for Public Comment and Public Hearing. The sign-up sheet was placed on a table in Conference Room 300. She reminded Commissioners that there is a new tab on the DCDEE website regarding curriculum and the review process that will begin in June 2012. Ms. Tate noted that the next Child Care Commission meeting is scheduled for June 27, 2012. She then

reviewed the agenda. She asked the Commission members to verify that their information on the Child Care Commission membership list and reviewed the rule packet to be discussed. Ms. Tate welcomed a motion for the approval of the February 28, 2012 minutes.

Commission Action: **Norma Honeycutt moved that the meeting minutes be approved as presented. Margaret Anne Biddle seconded. There being no discussion, Ms. Tate called for a vote. The motion carried unanimously. Approved Child Care Commission meeting minutes from February 28, 2012, will be put on file.**

DIVISION DIRECTOR'S REPORT - DEB CASSIDY, Director

Dr. Deb Cassidy reviewed Race to the Top: Early Learning Challenge grant projects. Edna Collins has been hired to coordinate work of the DCDEE projects. Dr. Cassidy recently attended a meeting with participating states in Washington, DC. NC is the only RTTT winner with a required tiered quality rating improvement system (TQRIS); all other winning states have it as voluntary.

Dr. Cassidy attended a meeting with high ranking military leaders at Ft. Bragg in Fayetteville, North Carolina. The interest was in child care and support for military families. Most military families live off-base, blended into communities.

As of April 2012, out of a total of 381 One and Two Star Centers, 288 have applied for higher stars and 93 remain uninterested. Out of 1,274 One and Two Star Homes, 708 have applied for higher stars and 566 remain not interested. Regulatory field staff will continue their quest for quality, working with these programs and monitoring their progress. Ms. Tate requested a report from DCDEE about Montessori programs for the June meeting. Perhaps a Montessori rating scale could be created in addition to the current rating scale.

The General Assembly will reconvene on May 16, 2012 for the short session. Legislators have already been working on a budget to present. Governor Perdue's budget is expected to be released very soon. There will possibly be a discussion about the definition of "at-risk" as it relates to NC Pre-K eligibility.

The Curriculum Review Committee's first meeting was facilitated by Catherine Scott-Little on April 26, 2012. Dr. Kathryn Clark represents the Child Care Commission on this committee. Between the months of September and November 2012, the review process will take place and is projected to be completed by November 2012.

DCDEE is working with a group of stakeholders to create a child care subsidy policy that will grant priority for children in homeless families. There will be training provided for county DSS staff. The National Center on Homeless Education is providing some guidance to the group, as well.

**UPDATES ON PRE-K RULES, COMMISSION APPOINTMENTS AND QRIS
ADVISORY RECOMMENDATIONS - JANI KOZLOWSKI**

The Office of State Budget and Management gave approval yesterday afternoon, May 7, for the Child Care Commission to publish the Pre-K Fiscal Note and Pre-K rules.

Three Child Care Commission members' terms will expire effective the end of June 2012: Ms. Claire Tate, Ms. Margaret Anne Biddle and Ms. Lois Stephenson. Members whose first, second or third term is ending this June will be contacted by Jani Kozlowski to see if they are willing to be reappointed. Ms. Tate suggested adding a discussion about new Chair and Vice Chair positions to the afternoon agenda.

Ms. Kozlowski asked how the Commission members would like to approach the QRIS discussion at their June meeting. The last scheduled QRIS Advisory Committee meeting will be June 21 and 22, with a draft report and executive summary expected to be ready by June 27, 2012. A final report will be shared with agency partners in September 2012. The QRIS work groups have made approximately 200 recommendations which will be prioritized in the report. Ms. Tate reminded the Commission that the QRIS Advisory Committee is composed of stakeholders from across the state who have formulated a vision of improved quality care for the children of North Carolina. Their draft recommendations should be reviewed by the Child Care Commission, although Ms. Tate made the point that many of the recommendations are not related to rule changes. She suggested that it would be helpful to have an interactive presentation about the recommendations that looks at implementation, how to start looking at rules, and the possibility of a feasibility study. No rule making will be done during the June 27, 2012 meeting. Ms. Tate's goal is to have a process created in the June meeting for future action by the Commission. Looking at these recommendations may impact the Commission agenda for next year and how the work could be done.

THIRD HAND SMOKE - KAREN FERGUSON

A parent wrote to the Commission regarding concerns about third hand smoke. Sally Herndon, head of the Tobacco Prevention and Control Branch at DPH, sent literature regarding this issue that has been shared with the members. The Centers for Disease Control does not have a position on it at this time because the science is limited and proof of harm has not yet been documented by research. The relevant message is that it can be most dangerous to infants and toddlers, as they are in most contact to surfaces such as carpets and clothing that contain third hand smoke. At this time, evidence does not support rule-making on this issue. It was recommended that the Child Care Commission respond to the parent with this information and to assure her that the Commission has looked into her concern. In addition, information will be sent to providers in The Compass newsletter on health risks from second- and third-hand smoke.

The Commission took a break at 10:43 a.m.

Ms. Tate stated that she stood corrected in saying that there would not be rule-making at the June 27, 2012 Child Care Commission meeting, only that there will be no rule-making based on the QRIS recommendations.

UPDATE FROM RULES REVIEW COMMISSION - DEDRA ALSTON

The Child Care Commission does not have statutory authority to do rule-making regarding liability insurance. However, DCDEE may include recommendations regarding liability insurance in a handbook, on parental checklists or on the website, suggesting that providers indicate whether or not they carry liability insurance. There is some concern that in offering information regarding liability insurance, parents may assume it is in rule or law, so a disclaimer should be included. The quality checklist should also include questions about whether smoking is allowed in or around the home or center. Ms. Tate asked the Child Care Commission to look at the checklist and possibly review it in the June meeting. Ms. Alston informed the Child Care Commission that Rule .1719 is now in effect.

RULE-MAKING PETITION - ASHE DEVELOPMENTAL DAY SCHOOL (RULE .2903)- DIANE KILLEN & JANET GUYNN

Initial discussion was held to clarify the intent and specific meaning of the proposed rule language. This included some public comments along with discussion among the Commissioners. The Commission's attorney explained their options for action, which must be taken in order to meet the statutory deadline: either deny the petition or grant it. Granting the petition means it will be published in the Register, starting the rule-making process, including the public comment period and possible consideration of rewording.

Ms. Tate recommended a motion be made to grant or deny this petition.

Commission Action:

Ms. Honeycutt moved to grant the rule-making petition from Ashe Developmental Day School with the corrected language. Ms. Maureen Hardin seconded. Discussion followed, considering the impact on the child and parent. The needs of a child, not age, should guide placement. The language is confusing and Ms. Tate asked the petitioners to revise lines 19 & 20. They were granted until 1:00 p.m. to make the correction for the discussion to be continued. The motion was withdrawn by Ms. Honeycutt. Ms. Hardin seconded the withdrawal.

**EMERGENCY PREPAREDNESS AND RESPONSE FOR CHILD CARE -
JACKIE QUIRK & LAURA HEWITT**

Jackie Quirk presented a rationale for additional emergency preparedness and response child care requirements. She also presented eight recommended standards from the National Association of Child Care Resource and Referral Agencies and Save the Children document, *Protecting Children in Child Care During Emergencies: Recommended State and National Regulatory and Accreditation Standards for Family Child Care Homes and Child Care Centers and Supporting Rationale* for Commissioners to consider as they review potential emergency preparedness and response rule language. Laura Hewitt presented content for potential rules as well as possible barriers to implementation. The Commissioners were told draft rule language has been written for their review and consideration.

The Child Care Commission members decided to continue this discussion during the Rule-making Discussion scheduled for the afternoon.

The Commission took a break for lunch at 12:35 p.m. & resumed at 1:16 p.m.

The Child Care Commission was presented with a revised version of the Rule-making Petition from Ashe Developmental Day School.

Commission Action: Ms. Honeycutt moved to accept the Ashe Developmental Day School Rule-making petition. Ms. Margaret Anne Biddle seconded. In their discussion, Commission members agreed that they had not been given any information about how this affects the center or children. In lines 19 & 20 of the revised petition "...Standard Professional licensure..." did not seem to be appropriate language to the Commission. According to DPI it is all inclusive. In Line 18, "North Carolina" should be before the words "...State Board of Education..." In line 19, the Commission members stated that "...currently" should be before "...holds..." and after "...holds..." "North Carolina Standard Professional licensure..." inserted, after the word "...licensure..." "in Special Education or current provisional licensure and special education...".

Public Hearing begins at 1:30 p.m.

William “Bill” Mitchell of Primrose School in Charlotte, NC thanked the Commission for re-opening the curriculum approval process.

Because only one speaker signed-up for the Public Hearing and no one else wished to speak, the Commission resumed consideration of the rule-making petition.

Ms. Tate asked each Commission member present to state their opinion of the rule-making petition from Ashe Developmental Day School. Following this discussion, Attorney Gruber reminded the Child Care Commission of their options.

Commission Action: **Ms. Honeycutt moved to withdraw her motion and deny the petition due to ambiguous language and lack of specificity. Dr. Kathryn Clark seconded. The Commission agreed that a letter explaining the reason for the denial must be submitted to the petitioner. There being no further discussion, Ms. Tate called for a vote. The motion carried.**

UPDATE FROM RULES REVIEW COMMISSION con’t. - DEDRA ALSTON

The Pre-K Rules and the Pre-K Fiscal note have been approved by OSBM. Ms. Alston will file the rules on May 10, 2012 and have them published in the June 1, 2012 Register. The Public Hearing will be on June 27, 2012 and the comment period ends July 31, 2012. The Commission may adopt these at their September meeting. The earliest effective date would be November 2012.

Commission Action: **Ms. Lois Stephenson moved to approve the Fiscal Note and publish the rules for the NC Pre-K program. Ms. Baker Jones seconded. As for discussion, in line 14, on page 4 quotations should be inserted around “good level”. On page 5, line 25 “...at least...” should be inserted before “...one teacher...” and “...at least...” should also be inserted before “...one assistant teacher...”. Commissioners discussed acceptable grace periods for filling vacancies when a qualified NC Pre-K administrator or teacher leaves. Action on the motion was delayed until after the Public Comment period.**

As of 2:34 p.m., no more speakers were present who wanted to address the Child Care Commission members in the Public Hearing.

Public Comment

Jenna Nelson from NCAeyc thanked the Child Care Commission for their continued work. The mission of the NCAeyc is to be the voice of professionals and children from

birth to eight. They celebrated Week of the Young Child last week and heard wonderful success stories. She urged the Commission to always include consideration of teacher practices and developmentally appropriate practice as they do their work. NCAeYC offers support and resources to the Child Care Commission and invites the Commission to call on them to assist in its work.

Nancy Haddock of Wilmington Developmental Day Center stated that for the first time in years they will not be able to serve all children in their summer programs due to loss of subsidy funds. The subsidy rate is set differently for Developmental Days than for regular child care centers and has not been adjusted since it began in 2007. That rate was based on a 2005 audit, but today's revenues are way below that rate. The Division has not asked for another net cost report to demonstrate the current financial status, therefore they do not have knowledge of how Developmental Day programs are doing. She appreciates any support that the Child Care Commission can offer to review issues the Developmental Day programs face, and asked that a net cost report be implemented for Developmental Day centers as soon as possible.

Ms. Tate noted that any requests for action to be taken must be written and submitted to the Commission.

Annette Etheridge of the NC Child Care Coalition stated that fact sheets have been created to support restored child care subsidy funding, NC Pre-K funding and Smart Start funding. These fact sheets are accessible online at www.ncearlychildhoodassoc.com/.

Angela Beacham is the Director of Little Town Learning Center. Ms. Beacham asked for Developmental Day certifications to be time and calendar specific. Problems arise with hours outside of Developmental Day service, when it is too costly to maintain ratios without Developmental Day funds. She may have to give up Developmental Day certification due to cost. In Pender County, her program is the only alternative to self-contained classrooms without long commutes for families. If they close in their county, it will lessen parent choice for working families.

Linda Piper is the Director of the NC Licensed Child Care Association. Her organization is a membership organization that is representative of a broad provider perspective. She encouraged the Child Care Commission to hold focus groups, feasibility studies, and generally to seek input from providers. She asked for her organization to be a resource for the Child Care Commission.

Deborah Beddingfield was a juror on a case in Orange County of a 5 month old victim of Shaken Baby Syndrome in a family child care home. The child, now three years old, is legally blind and has developmental problems. She feels that Four and Five Star family child care homes need to be looked at more closely. She thanked the Child Care Commission for all they do and submitted rule suggestions.

Katie Crumpler of NCCAP stated that her organization focuses on after-school care. They work to strengthen connections among providers of school-age care for professional development opportunities.

Janet Sellers is a Developmental Day Center Director. She recommended to the Commission to invite the president of the Association of Developmental Day Programs (ADD) to give a presentation explaining these programs and their rules.

The Commission took a break at 3:03 p.m. & resumed at 3:12 p.m.

Ms. Beddingfield submitted a rule-making petition, but withdrew it, to be submitted for the next Child Care Commission meeting.

There was confusion among the Child Care Commission members on when and how a chair is selected for the group. The selection must be done in September which is the first quarterly meeting of the Child Care Commission.

The Child Care Commission read the letter addressed from Tracey Bennett to Lorie Pugh, regarding concerns about allowable products or ingredients in toys and food service items and about pest management practices used in child care facilities. They will discuss this further during the June meeting.

Commission Action continued: (re: NC Pre-K rules) On page 7, line 12, the letter “c” was changed to the letter “b” and the new letter “c” is to state “Long term vacancies shall not exceed 12 weeks.” Ms. Tate asked if the Commission was ready to vote to publish the fiscal note and rules as discussed. The motion carried unanimously.

The Commission resumed its consideration of the Developmental Day Rules with a presentation from Laura Snyder, Assistant Director of Exceptional Children at DPI. They administer the Developmental Day funds. She spoke in favor of removing the 75/50% portion of Rule .2904, lines 14-16. She believes it was put into the rule with a misunderstanding. Developmental Days can vary in the settings that they provide based on the child’s IEP and what is needed. The IEP assesses what the child needs, not what is available. If it is not available, the parent can file a complaint and this will be followed through by DPI. The Child Care Commission has until October 2012 to make a decision. In their discussion, members expressed concerns about inclusion for the children with IEPs when only a small amount of time is allowed with typical children.

Commission Action: Ms. Baker Jones moved to approve Rule 10A NCAC 09 .2904 as written. Ms. Laurie Morin seconded. In the discussion, DPI was asked to come to the November 2012

Commission meeting for an update. On line 17 and 18 "...opportunities to interact with children..." was changed to "...opportunities for inclusion with children...". Ms. Tate asked the Commission if they were ready to vote. The motion carried with two opposed. This will go before the RRC on June 21, 2012.

Ms. Alston stated that the Commission may vote to adopt the Nutrition Rules. Commission members reviewed the document. Ms. Tate shared with them an article from *USA Today* regarding how the obesity rate is expected to increase dramatically.

Commission Action:

Ms. Looper moved to approve and adopt the fiscal note and Rules .0901, .0902, .1702, .1706 and .1718 with modifications. Ms. Biddle seconded. As for discussion, Line 16 of Rule .0901 should be changed and inserted after line 22 to read "children shall be served only the following beverages (1) breast milk, (2) formula, (3) water, (4) whole milk, for children ages 12-24 months, (5) skim or lowfat milk for children two years old and older, (6) water, (7) 100% fruit juice, limited to 6 ounces per day." Dr. Smith offered an amendment that line 19, page 1, of Rule .0901 and line 13, page 1, of Rule .1706 should be changed to "...Food brought from home may reflect familial, cultural and ethnic preferences." Ms. Baker-Jones amended Line 20, page 1, of Rule .1706, deleting "...served as snack,...". In Rule .1706, page 2, on Line 3, insert the changed Line 16 of Rule .0901. Delete "No more than 6 ounces of 100 percent fruit juice shall be offered per day." on Line 5. Line 4 remains the same. Ms. Tate called for a vote. The motion carried.

Commission Action:

Ms. Honeycutt moved that Rule .0714 and its Impact Analysis note be approved and adopted. Ms. Baker Jones seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

Commission Action:

Ms. Baker Jones moved to adopt the amended definition of temporary care in Rule .0102 and also to approve Rules .1501-.1504, .1506 as

written and approve the Fiscal Note. Ms. Stephenson seconded. With no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

Ms. Tate informed the Commission about items for the next Child Care Commission meeting. They will address the rule-making petition from Ms. Beddingfield, and may see a rule-making petition related to Developmental Day programs. There will be a time for Public Comment and a Public Hearing will be held for the Pre-K rules to be adopted in September. Curriculum rules may also be adopted at the June 27 meeting. A work session will take place related to the QRIS Advisory recommendations. Ms. Tate asked the Commission members if they had a preference for the order of items on the next meeting's agenda. The Commission members agreed to do the work session first. Printed and/or electronic material will be provided in advance for the June 27, 2012 meeting. Ms. Tate asked of the members who were present, who would and would not be in attendance for the June 27, 2012 meeting. At the moment, it appeared that the quorum will be met.

Commission Action: Ms. Stephenson moved the meeting to be adjourned. Ms. Baker Jones seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

There being no further business, the meeting was adjourned at 5:10 p.m.

The next meeting of the North Carolina Child Care Commission was scheduled for Wednesday, June 27, 2012.