

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

NORTH CAROLINA CHILD CARE COMMISSION

Fourth Quarter Meeting

Monday, May 11, 2015

Nature Research Center

William G. Ross Conference Center, 4th Floor

121 W. Jones Street

Raleigh, NC 27603

Commission Members Present

Chairperson Glenda Weinert

Kevin Campbell, Vice Chairperson

Elliott Blades

Jonathan Brownlee, Sr., MD

Sue Creech

Zac Everhart

Melanie Gayle

Elizabeth Gilleland

Kay Lowrance

Charles F. McDowell, III

Laurie Morin

Janice Price

William Walton, III

Linda Vandevender

Kristen Weaver

Commission Members with an Excused Absence

April Duvall

Division of Child Development & Early Education (DCDEE) Staff Present

Dedra Alston, Administration/Policy

Tammy Barnes, Regulatory Services

Janice Fain, Administration/Policy

Tammy Freeman, IT

Alexi Gruber, Attorney General

Laura Hewitt, Regulatory Services

Mary Pat Hicks, NC Pre-K

Rachel Kaplan, NC Pre-K

Rob Kindsvatter, Director

Heather Laffler, Administration/Policy

Andrea Lewis, Regulatory Services

Cindy Wheeler, NC Pre-K

Welcome—Chairperson Glenda Weinert called the meeting to order at 9:05 a.m. and reviewed housekeeping items. She expressed appreciation to the Commission and public for their attendance. Chairperson Weinert read the conflicts of interest statement and asked whether there were any conflicts noted for today, which there were not.

Chairperson Glenda Weinert asked for roll call, which Ms. Rachel Kaplan performed.

Chairperson Weinert announced that there will be no Special Rules Meetings in June or July.

Proposed future meetings dates: Chairperson Weinert discussed upcoming Commission quarterly meeting dates. As part of this discussion she proposed moving the May 2016 date to May 16, the week after Mother's Day weekend. Commission members concurred with this suggested change and Chairperson Weinert asked Ms. Dedra Alston to note this date change in the schedule.

Chairperson Weinert provided information to the Commission regarding members who have reappointed to serve by the Governor until 2017:

Dr. Jonathan Brownlee, Sr., MD – Pediatrician
Ms. Laurie Morin – Family Child Care Home Provider
Mr. Zac Everhart - Parent
Ms. Linda Vandevender – Non-Profit Provider

Chairperson Weinert also reminded those members who are interested in seeking reappointment to contact their appointing office if they have not already been contacted.

Chairperson Weinert reviewed the day's agenda and noted that the designated time for public comment would be held at 1:00 p.m.

Chairperson's Report

Chairperson Glenda Weinert asked if members had any changes or amendments to the February 9, 2015 Commission meeting minutes as circulated.

Commission Action: **Ms. Elizabeth Gilleland moved to approve the February 9, 2015 meeting minutes as presented. Ms. Kristin Weaver seconded. The motion carried unanimously.**

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

Mr. Kindsvatter provided an update on the 2015 Legislative Session. He noted several bills that staff were tracking, and whether some of the bills had met the legislative "crossover" deadline to be considered in the other legislative chamber (House or Senate).

- **SB 114 – Custodial Parent Cooperate w/ Child Support**—met crossover; requires the Department of Health and Human Services (DHHS), DCDEE and the Division of Social Services (DSS) to develop a plan requiring a custodial parent or other person with primary custody of a child receiving child care subsidy payments to cooperate with county child support services programs as a condition of receiving child care subsidy. DCDEE and DSS will submit a report on the plan, along with any recommendations, to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by than February 1, 2016. (Note: this bill was passed and became law in June 2015.)
- **SB 368 – DOD-Certified Child Care & State Subsidy**—met crossover; allows military child care facilities not to be licensed by DCDEE, and to participate in the subsidy program if they are certified by the Department of Defense and meet national standards.

- [SB 395 – Reform Medical Examiner System](#)—did not crossover; would require the medical examiner to be present any time that a death occurs in a child care facility.
- [SB 453 – Regulatory Reform \(contested cases & curriculum\)](#)— This bill would affect how civil fines are levied, and how curricula are approved through the Child Care Commission. Mr. Kindsvatter noted that DHHS generally supports the proposed curriculum approval language but additional time is needed to plan for training and successful implementation.
- [SB 578 – Transition A/N Investigations](#)— Mr. Kindsvatter explained that currently we have a dual process with regard to the completion of investigations of abuse and neglect in child care - DSS for the confirmation and protection of the child and DCDEE for violations of child care rules. This bill would transition the responsibility for these investigations to DCDEE. (Note: this bill was passed and became law in June 2015.)
- [SB 602 – Constitutional Amendment –Reserve Lottery Funds for Pre-K](#)—This is a Constitutional amendment that reserves lottery funds for the NC Pre-K program.
- [HB 474 – Healthy Out-of-School Recognition Programs](#)—This bill would require DCDEE to develop a process to certify after-school programs that meet “Healthy Out of School Time” standards related to promoting healthy eating and physical activity.
- [HB 647 – Epi Pens in Child-Serving Businesses](#)—This bill would allow businesses that serve children (including child care) to have and keep an unassigned Epi Pen on site to use in case of anaphylactic allergic reaction. A specific prescription per child would not be required, but training is required for use.
- [HB 832 – Revise Certain Policies/Child Care Subsidy](#)—did not crossover—reverses changes to child care subsidy policy that were implemented this year (ex: changing the definition of “income unit” to include nonparent relatives).

Mr. Elliott Blades asked Mr. Kindsvatter about the Department’s position on three of the bills discussed:

- [SB 368 – DOD-Certified Child Care & State Subsidy](#) - Mr. Kindsvatter responded that the Division has concerns about granting licenses to facilities without monitoring, and has been working to resolve concerns with the bill’s sponsors.
- [HB 474 – Healthy Out-of-School Recognition Programs](#) – Mr. Kindsvatter was asked about language in this bill that provides an exemption from licensure for track out care for school-age children that is provided through more than three tracks. Mr. Kindsvatter noted that the Department had not yet established an official position on this legislation.

- [HB 647 –Epi Pens in Child-Serving Businesses](#) – Mr. Kindsvatter noted that the Department had not discussed how this would be handled in licensed child care settings if this bill is approved.

Mr. Kindsvatter outlined points from the budget proposed by the Governor:

- Approximately \$700,000 in the second year of the biennium would be provided for on-going maintenance of the Early Childhood Integrated Data System (ECIDS). This system is currently being developed through the federal Race to the Top/Early Learning Challenge Grant (RttT/ELG).
- Approximately \$5 million in funding would be provided for the NC Pre-K program to make permanent last year's expansion of NC Pre-K slots.
- Current funding for DCDEE and the Subsidized Child Care Program would be sustained.
- Federal block grant funds are proposed to replace some State funds to support NC Pre-K.
- Cost-allocates additional DCDEE staff positions (no change in overall number, just in funding source).

Mr. Kindsvatter provided an update of the federal Child Care and Development Fund (CCDF) reauthorization. He noted the following areas where DCDEE would need to focus implementation efforts.

- Criminal Records Checks – there are increased requirements for national checks and special listings such as sex offender registries and Responsible Individual's Lists.
- A 12 month eligibility period for families receiving subsidized child care services is now mandatory.
- A transition period for families whose income exceed state eligibility limits but are within federal income limits (up to 85% SMI) is required.
- There is a requirement to provide increased access to subsidized child care for vulnerable populations.
- Funds to be used for activities to improve quality will be increased from the current requirement of 4% of the grant, to up to 12% over several years. DCDEE will need to develop a long-term plan for this growth in funds.

Mr. Kindsvatter gave an update on the subsidized child care program. Overall, the statewide rate of spending is approximately 99%. Three reversions/reallocations of subsidized child care funds have been completed this fiscal year. He noted that counties had done well in managing their subsidy allocations, given the new subsidy policies that were implemented this year:

- Increased market rates
- Revised income eligibility based on the child's age
- Revised definition of 'income unit'

Mr. Kindsvatter stated that the SEEK project had been discontinued, and letters were sent to providers, agencies, and parents to let them know this had occurred. DCDEE is now working with Xerox to facilitate the return of POS machines from providers. Mr. Kindsvatter explained that child care subsidy eligibility and reimbursement procedures will be incorporated into the NC FAST case management system.

Mr. Kindsvatter noted that DCDEE contracted with the NC State University's Center for Urban Affairs and Community Services to complete a mandated market rate survey. An initial analysis of the responses is expected in May. The response rates from facilities completing the survey were:

- 99% overall response rates for centers
- 98% overall response rates for family child care homes
- All counties achieved at least 88% response rate for homes and centers (contract required minimum 75% response rate)

Mr. Kindsvatter spoke of the Week of the Young Child, an annual event in conjunction with National Association for the Education of Young Children (NAEYC). This year, there were 76 volunteer DHHS readers who read to children in 90 NC Pre-K and other early childhood classrooms. This impacted 64 sites in 34 counties, and over 1600 children.

Mr. Kindsvatter provided an update on projects funded through the RttT/ELC grant – the new program measure activity and the Workforce Online Reporting and Knowledge System (WORKS). He explained that WORKS would fully replace the current Early Childhood Workforce system and would serve as an online portal to support transmission and management of provider and staff electronic education evaluation forms. The goals of WORKS are:

- Allow educators to participate in more self-directed submission and evaluation process
- Increase efficiency and improve turnaround time in evaluation
- Reduce paperwork

Vice Chairperson Kevin Campbell asked whether the new program measure activity will map onto existing quality standards, and Director Kindsvatter responded that this is the goal. He also stated his feeling that during this process the existing levels and policies for program evaluation should also be reviewed.

Vice Chairperson Campbell asked whether the Market Rate Survey results were adjusted for current market rates, which they were.

Meeting break at 10:15 a.m., reconvened at 10:25 a.m.

Ms. Mary Lee Porterfield gave an update on two RttT/ECG projects, the new quality measure and the Quality Rating and Improvement System (QRIS) Validation Study.

- QRIS Validation Study
 - Sample of participating facilities/staff is being randomly selected
 - Participation goal is 150-200 centers, 75 Family Child Care Homes
 - Plan is to have confirmed participants by June
 - Technical Assistance work planned for June-August

- New Program Quality Measure
 - Wrapping up Pilot 2
 - Testing items in observations
 - Testing document review rubrics
 - Working on scoring strategies
 - Launch in September
 - Pilot 3
 - Launch planned for September
 - Shared sample with Validation Study
 - Technical Assistance work planned for June-August

Mr. Blades asked for clarification about the two separate studies. Ms. Porterfield summarized the two studies as: 1) the Validation Study relates to a potential new model of QRIS in NC; the expectation is that by September the researchers will have a model to be tested; 2) the program quality measure to be designed in collaboration with two other states, with the goal of creating a tool to be used across the country. Ms. Porterfield acknowledged that the research group will need to crosswalk the QRIS measure and the new program quality measure to existing measures when both are concluded.

Vice Chairperson Kevin Campbell asked about the processes used to evaluate the validation study. Per the presentation, he inquired about the practice of using measures that are being replaced to validate the new measure. Ms. Porterfield replied that the new measures must be validated against something and this will allow the researchers to assess how the new measure compares as reliable and valid with past measures.

Vice Chairperson Campbell asked who will own the measure? Ms. Porterfield replied that DCDEE will own it but the Division is required to make the measure available to anyone who wants to use it due to the federal funding source of the grant.

Chairperson Campbell asked to confirm his understanding that the measure is required to be approved by the Commission at the end of the process, and Division staff confirmed that this understanding is accurate.

Ms. Janice Price shared concerns with the current ERS measure as a measure of environmental quality. Ms. Porterfield stated that the new measure is intended to address child care environmental quality in a more holistic way.

Chairperson Weinert noted that developing a measure of environment quality is very difficult because the premise of defining quality is so vast and difficult; people potentially define it in vastly different ways. Ms. Porterfield stated that she agrees and that is why the development of a valid tool takes an extraordinary amount of time.

Mr. Blades asked whether a child's family is being included in the validation or research process? Ms. Porterfield stated that a family interview is certainly part of the research and evaluation process.

Mr. Blades stated that a problem is sometimes not with the measure/tool itself but with its implementation; being used punitively vs. constructively. He asked Ms. Porterfield whether the research team is also piloting how the measure will be used? Ms. Porterfield reiterated that the current approach to the process has been holistic and strengths-based, coming from a place of what a center is doing right and not highlighting what is wrong.

Mr. Blades and Vice Chairperson Campbell both stated their belief in the importance of linking the quality measures to specific outcomes. Vice Chairperson Campbell stated that there are instances when “best practices” do not have actual effects on outcomes.

Ms. Elizabeth Gilleland asked when Commission members might be able to see a working draft of the measure because she thinks the concerns expressed by the Commission may be due to not having a sense of the measure will look like. Ms. Porterfield stated it was not available yet since items to be included in the measure had not been finalized.

Curriculum Review Update

Chairperson Weinert spoke to current status of proposed legislation regarding revising the curriculum review process to align with the *NC Foundations for Early Learning and Development (Foundations)*.

Director Kindsvatter stated concerns from DHHS regarding timeline, training, implementation, and Division monitoring if legislation is approved which requires that child care providers utilize the Foundations document to select and align their curriculum.

Chairperson Weinert noted that it is typical for legislation to be approved and then allow the Commission to create specific rules about timeframe and implementation. She and read aloud the latest iteration of proposed bill language which Mr. Jim Wellons had drafted. Chairperson Weinert noted that the new language purposely does not say that the change will implemented immediately, rather that the Commission will develop a plan for a timeline and implementation.

- Following is the bill language Chairperson Weinert read aloud:

“All child care facilities with prekindergarten classrooms-and all four- and five-star facilities that serve four-year-old children—shall use The North Carolina Foundations for Early Learning and Development (Foundations) when selecting curricula and formative assessments for use in classrooms in which four-year-old children are enrolled. Foundations can be found online at the following URL: http://nccchildcare.dhhs.nstate.nc.us/PDF_forms/NC_Foundations.pdf. At least one administrator and one teacher or instructional leader from each of the above-referenced facilities shall obtain training the use of Foundations as required by rules adopted by the Child Care Commission. The training shall be obtained from the Division of Child Development and Early Education or any other training organization identified in the rules adopted by the Commission. The Division shall monitor each facility’s compliance with the training rules and shall provide technical support when a facility needs assistance in the use of Foundations.”

Ms. Tammy Barnes asked the Commission for guidance as to how to handle the 38 publishers that are currently requesting that their curricula be reviewed. Chairperson Weinert discussed that there is currently a list of accepted curricula in place while the legislative process is occurring. Ms. Barnes stated that she will respond to the publishers that the curricula approval process is currently undergoing legislative review, so the Division is not reviewing curricula at this time.

Director Kindsvatter restated for clarification that the specific issues the Department was concerned with include: how many child care providers will need to be trained, who will conduct the trainings, the resources that will be needed and available, a needs and resource assessment of the training that is already available, criteria which will be used to evaluate curriculum implementation, and monitoring of compliance.

Ms. Alexi Gruber expressed concern about the absence of phase-in language and what will occur during the transition period (at least a year) while the rule is adopted.

Chairperson Weinert responded with her belief that it is not necessary that the phase-in be in statute, that the list of the 22 approved curricula would stay in place, but it would be understood that, moving forward, curricula must align with Foundations.

Ms. Gruber stated that the way she reads the language, all 4 & 5 Star facilities must use curricula aligned with Foundations and she sees no language stipulating a transition period that would grandfather in the existing 22 approved curricula.

Chairperson Weinert stated that she would ask Mr. Wellons to draft language addressing the issues of transition period and grandfathering in the list of existing curricula. She will email the new language to the Commission members and ask them to reply promptly whether they are in favor or if they have any change, which they should indicate in the email.

Ms. Janice Price requested that Chairperson Weinert, Mr. Wellons, and Ms. Gruber communicate and come to an agreement on the content before the revised language is sent to the Commission. Chairperson Weinert stated that this was her intent.

Director Kindsvatter stated that after receiving the revised language, he will make it a priority to share this information with Department leadership.

Fiscal Note Update (NC ADD Rule-Making Petition) — Ms. Janice Fain

This is a follow-up to the presentation that Ms. Fain made at the last quarterly meeting on February 9, 2015 concerning the Fiscal Note: Hours of Operation for Developmental Day (DD) Centers, for a rulemaking petition from the North Carolina Association of Directors of Developmental Day Centers (NC ADD) concerning Rule 10A NCAC 09 .2902. OSBM made the determination **not** to certify the originally submitted fiscal note. OSBM determined that the cost described in the initial note was too prohibitive to support changing the rule to require all Developmental Day facilities to operate 12 months per year.

Ms. Fain reviewed a potential compromise solution that had been discussed which would be for the Commission to grant the petitioner's request to propose the rule change, but to place a stipulation in the rule that if a county does **not** have a community-based Developmental Day (DD) program, the Local Education Agency (LEA) can continue to operate its public school Developmental Day program for the 10 months they are funded. The disadvantage of this compromise would be that children would only get 10 months of service in these cases and that counties with community-based DD programs would be treated differently than those without.

This compromise allows LEAs who wish to operate DD facilities to have the option to, if they can meet the 12 month requirement, and also the ability to operate for 10 months if there is no community based program in that county.

The Commission unanimously approved a motion authorizing Division staff to rewrite the language of the fiscal note to propose the compromise and submit that document to OSBM for review.

The content of the revised rule language would reflect that:

- All DD facilities will operate a minimum of 8 hours per day, 5 days per week, and 12 months per year. However, LEA-based DDCs may operate for only 10 months if there is no community-based DD program in their jurisdiction.
- The revised fiscal note is expected to reflect no *substantial* fiscal impact to LEAs.
- The fiscal impact would only be in counties where there are both public school and community based DD programs operating within a community.
- OSBM has expressed an intent to approve a revised version of the fiscal note, if it reflects these provisions.

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| Lunch break at 11:45 a.m., reconvened at 1:00 p.m. |
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1:00 p.m.-1:30 p.m. - Public Comment

Reverend Charles McDowell—Requested a proclamation of appreciation from the Child Care Commission for the NC Baptist Children's Homes in Thomasville on their 50th anniversary.

Chairperson Glenda Weinert stated on behalf of the Commission that this vote would not be an endorsement, but simply an acknowledgment of the 50 year milestone from the Commission that will be recorded in the meeting notes.

Commission Action:

Reverend Charles McDowell made a motion to approve a proclamation of appreciation and congratulations to the Baptist Children's Homes for its 50 years of service in weekday education. Ms. Sue Creech seconded the motion. The motion was approved with one abstention.

Michele Rivest—NC Child Care Coalition

- Ms. Rivest stated that she appreciates the direction the Commission is going in recommending that classroom curricula align with *Foundations*. She noted that *Foundations* is not actually a “curriculum” and does not currently provide full training for selecting and implementing a curriculum. Ms. Rivest also stated concern from the Child Care Coalition with [HB 474 – Healthy Out-of-School Recognition Programs](#) and exempting track out programs from licensure. She is concerned for specific types of child care not being required to be licensed.

Lorie Barnes—NC Association for the Education of Young Children (NCAeyc)

- Ms. Barnes distributed a sample document to the Commission regarding Curriculum Assessment and Program Evaluation which has been created and published by the National Association for the Education of Young Children. She also expressed the NCAeyc’s commitment to providing the Child Care Commission with available resources on a proactive basis.

Anna Carter—President of Child Care Services Association

- Ms. Carter had submitted a written letter which was read aloud by Ms. Rachel Kaplan as a public comment. Chairperson Weinert also requested that Division staff forward a copy of the letter to Commission members. Ms. Carter’s letter addressed a recently released report from the Institute of Medicine and National Research Council of the National Academies “Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation.”

Carol Orji—Wake County Smart Start

- Ms. Orji stated that it is important for the Commission to determine a process by which child care centers will be able to learn how to align curricula with *Foundations* and that there be a monitoring plan in place for this requirement.

Linda Piper—NC Licensed Child Care Association (NCLCCA)

- Ms. Piper expressed that collaborations/partnerships/conversations in NC are a good thing and her appreciation to the Division for reaching out to stakeholders and finding a new solution to utilizing SEEK for child care subsidy services. Ms. Piper also stated that the NCLCCA is happy to serve as resource for the Commission.

Chairperson Weinert concluded the public comment period and expressed gratitude to all of those who spoke.

Publishing Developmental Day Rule Language

Chairperson Weinert asked for a vote of the Commission to publish text for Developmental Day Rule changes. This motion will be made under acknowledgement that moving forward with publishing will be pending approval from OSBM for the rule fiscal note so that the accompanying public hearing can be scheduled.

Commission Action:

Ms. Melanie Gayle motioned to approve the Developmental Day Rule as presented on the

fiscal note pending OSBM approval. Ms. Lorie Morin seconded the motion which passed unanimously.

Update on Rulemaking Timeline—Ms. Dedra Alston

- Upon approval of the fiscal note by OSBM, the public hearing for the DD Rule will be held in August.
- The proposed effective date for this rule change is January 1, 2016.

Meeting adjourned at 1:40 p.m.

Next meeting: August 10, 2015 - First Quarter Meeting