

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**Special Rules Meeting**

**Monday, May 8, 2017**

Dix Grill

1101 Cafeteria Drive

Employee Center

Raleigh, NC 27603

Commission Members Present

**Glenda Weinert, Chairperson**

**Zac Everhart, Vice Chairperson**

**Melanie Gayle**

**Elizabeth Gilleland**

**Lisa Humphreys**

**Brooke King**

**Kay Lowrance**

**Charles F. McDowell, III**

**Amelie Schoel**

**Linda Vandevender**

**William Walton, III**

Commission Members with an Excused Absence

**Elliott Blades**

**Laurie Morin**

**Donnette Thomas**

Division of Child Development & Early Education Staff Present

**Tammy Barnes, Acting Director**

**Dedra Alston, Administration/Policy**

**Heather Laffler, Administration/Policy**

**Rachel Kaplan, Administration/Policy**

**Branda Watford, Administration/Policy**

**Melissa Stevenson, Regulatory Services**

**Kimberly Mallady, Regulatory Services**

**Alison Keisler, Regulatory Services**

**Lorie Pugh, Regulatory Services**

**Andrea Lewis, Regulatory Services**

**Jenine Gatewood, NC Pre-K**

**Heather Marler, Workforce**

**Mary Pat Hicks, NC Pre-K**

Attorney General's Office Staff

**Bethany Burgon, Commission Attorney**

**Alexi Gruber, DCDEE Attorney**

**Letitia Echols, DCDEE Attorney**

**Mercedes Restucha-Klem, DCDEE**

**Attorney**

**Welcome**—Chairperson Weinert called the meeting to order at **9:01 a.m.** and reviewed housekeeping items. Weinert read the conflicts of interest statement and asked whether there were any conflicts noted for today. No conflicts were noted.

Chairperson Weinert asked for roll call which Ms. Dedra Alston performed. Chairperson Weinert listed the Commission members who were absent from this meeting who requested and received excused absences and notified the group that Dr. Jonathan Brownlee has resigned from the Commission effective immediately. She thanked him for his service and reviewed the meeting agenda.

**Approval of March 20, 2017 Third Quarter Meeting Minutes -**

**Commission Action:** Chairperson Weinert requested review and approval of the March 20, 2017 Third Quarter meeting minutes. Ms. Melanie Gayle motioned for approval and Rev. Charles McDowell seconded. The motion carried unanimously.

**Approval of April 17, 2017 Declaratory Ruling Teleconference Meeting Minutes -**

**Commission Action:** Chairperson Weinert requested review and approval of the April 17, 2017 Declaratory Ruling teleconference meeting minutes. Ms. Amelie Schoel motioned for approval and Ms. Kay Lowrance seconded. The motion carried unanimously.

**Declaratory Ruling Discussion—Crème de la Crème**

Chairperson Weinert summarized the Commission’s vote to approve the petition for a Declaratory Ruling during its April 17, 2017 teleconference meeting, and thus, the Commission’s issuance of a letter to the petitioners stating: “The North Carolina Child Care Commission has reviewed your written request for a declaratory ruling received on March 29, 2017. Pursuant to N.C. General Statute 150B-4(a1), the Commission hereby grants the request and will issue a written ruling on the merits within 45 days of this letter.”

Ms. Burgon discussed that the next step for the Commission is to decide whether to grant or deny the relief requested by the petitioner. Ms. Bethany Burgon discussed the language she has drafted for the Commission’s review presenting a clarification of the law (the actual Declaratory Ruling) with a broader interpretation of what are considered ‘developmentally appropriate activity areas’ and ‘primary space’.

Ms. Lowrance expressed her trepidation over reinterpreting the model to allow for moving the children to different activity areas. Chairperson Weinert responded to note that parents always have a choice if they would prefer a center with a more traditional, all activities in one room model.

**Commission Action:** Chairperson Weinert asked for approval to grant the Declaratory Ruling as presented. The motion passed with majority vote of 7 yes (Mr. Everhart, Ms. Gayle, Ms. Humphreys, Ms. King, Ms. Schoel, Ms. Vandevender, and Mr. Walton) and 2 no (Mr. McDowell, and Ms. Lowrance), with 1 abstention (Ms. Elizabeth Gilleland).

**Public School Issues Related to Rule Changes in Licensed Programs -  
Emergency Preparedness Requirements (EPR)-**

Ms. Lorie Pugh presented a summary of issues that have been brought to the Division's attention from several public school systems related to EPR requirements and meeting the health and safety training requirements for public school programs.

Regarding EPR training/plan, the concern is that there is a duplication of efforts with DCDEE EPR requirements and what is required by DPI. DCDEE completed a comparison between the DCDEE and DPI requirements related to EPR. DCDEE recommended the Commission consider amending the EPR rules to allow public schools to be exempt from the child care requirements related to EPR training in child care and using the EPR template if (1) the school completes Critical Incident training. This could be a school administrator or staff member working in the licensed classroom(s). And, (2) accept the school plans if they are completed in the School Risk Management Plan tool and if they include in the School Risk Management Plan all the components of the EPR Plan required in the Child Care Rules. DCDEE plans to submit recommended rule changes to support these recommendations.

**Potential Exemptions for staff Health and Safety Training -**

Ms. Pugh also discussed the concern in the public schools that paid daily substitutes are included in the group of teachers, caregivers or directors that are required to complete requirements for Health and Safety Training by June 30, 2017 and ongoing. Ms. Lisa Humphreys asked what the reason would be as to why substitute caregivers who are responsible for children would *not* be required to have the Health and Safety Training? Ms. Pugh stated that the public schools are concerned that there will not be enough substitutes willing or able to complete this training, generally on their own time, to meet the needs of the schools. Ms. Humphreys asked about the cost of the training, whether the training is available online and how long the training takes? The answer is that some of the training is available online and overall it takes approximately 24 hours to complete.

Ms. Schoel stated that she is not concerned with substitutes not being required to complete training, as they would be surrounded during their time with children by many other permanent school staff members, who will have completed the training. Ms. Humphreys countered that she does not understand why substitutes would not be required to have the Health and Safety Training just like any other staff member responsible for the care of the students.

Ms. Humphreys asked whether a substitute is currently allowed to supervise preschool children in a public-school classroom without completing health and safety training? The answer is that that ability varies by school, but there is no current child care rule that requires that substitute teachers must meet training requirements. Chairperson Weinert stated her concern that it would be difficult to establish a group exemption for only public school substitutes because it would be difficult for that exemption wording to differentiate a "floater" or substitute in a center from a "substitute" in a public-school classroom.

Ms. Schoel stated her belief that the financial impact of the rule (hours of time required for training) should be balanced with the number of trained individuals who would be present in a classroom/area. Chairperson Weinert agreed that the fiscal impact needs to be examined along with the necessity of the training in terms of maximizing the benefits of the training without excessive fiscal impact. Ms. Pugh stated the Division

does not currently have a recommendation for an alternative policy, but is to answer any questions from the Commission or accept suggestions regarding this topic.

### **Discussion of Renewing the Corrective Action Plan (CAP) for Health and Safety Training**

Ms. Gruber stated that the Division is seeking a waiver from its federal government partner that would extend the completion date for training and CRC requirements for the regulated public from June, 30, 2017 to September 30, 2018. This would allow the regulated public (teacher and facility) deadlines to be extended by the Commission. The deadline to complete the health and safety training in the current temporary rule will expire on June 30, 2017 however, the proposed permanent rule does not specify a specific date deadline.

Ms. Gruber stated that a complicating issue of the waiver, though, is that states' applications are not due until after the current June 30th deadline. This will create an issue of Regulatory enforcement for the Division. The Division would have to agree to not enforce the June 30th deadline in anticipation of hopefully receiving an extension. It is likely the extension will be granted, but we will not technically have a ruling until after the rule goes into effect September 1, 2017.

Ms. Gruber proposed that as a result of all this, after the public comment period has ended, that the Commission put the September 2018 deadline into rule, knowing the waiver would likely be granted. Ms. Tammy Barnes also noted that the September deadline would include several months for monitoring, so the training deadline would need to be established as January 2018. Chairperson Weinert stated again that the fiscal impact and maximized benefits of the training need to be weighed by the Commission.

Ms. Gruber stated that the earliest date for the proposed permanent rules is September 1, 2017 and it is unclear whether adding a deadline in the rule would be considered a substantive change. If that change would be considered 'substantive', there is a procedure that would delay the effective date for the rule going into effect, but would not necessitate having to start over entirely in the process. Ms. Burgon stated her belief that she does not think changing a date is considered a substantive change.

### **Review of New Rules**

Ms. Gruber discussed the proposed changes in the child care rules which were meant to simplify and create consistency in the rules. Specific criteria were included for each type of action and a general provisions overview section was created and more discretion was provided to the Division.

Section .2200—Administrative Actions and Civil Penalties (.2201-.2209, .2213, .0401, .1904)

- **.2201 Administrative Penalties: General Provisions**

Chairperson Weinert stated her concern that even if a center self-reports an incident and proactively implements corrective action, the Division will still issue an administrative action to the facility. Ms. Gruber stated that the Division is required by law to issue an administrative action even if a facility self-reports because a violation has occurred. The Division must be concerned with liability issues if future incidents were to occur; however, Ms. Gruber stated that the self-report and proactive corrective action response of the Center are considered when the Division chooses what type of action to issue regarding the violation or incident.

Ms. Barnes also noted that administrative actions are not a frequent occurrence in the big picture of child care - last year there were 423 actions issued for 7000 facilities. The majority (250) of these actions were written warnings, and 16 were written reprimands.

Mr. Walton added that the problem from a provider's perspective is the public nature of the written warnings and written reprimands, which can negatively affect a business. Ms. Barnes stated that CCDBG (Child Care Development Block Grant) rules require that actions be posted publicly on the Division website. Ms. Schoel stated her concern that responses should be posted along with administrative actions if transparency is the goal, and Ms. Gruber stated that the Division could possibly consider including the response of the facility in the administrative action.

Chairperson Weinert stated her concern that the website reporting of information is not balanced; it only states an administrative action is taken without any information about response or seriousness. Ms. Gruber responded that a provider has 30 days to appeal an administrative action. If they choose to appeal, then until that appeal is resolved the information is not posted on the website.

- .2202 Written Reprimands

Chairperson Weinert stated that Section .2202 is the area she was referring to with her earlier statement regarding why there is a need to post this type of administrative action on the website when it is stated that there was no child maltreatment, no corrective action needed and the violation is not likely to reoccur.

- .2203 Written Warnings
- .2204 Provisional License or Provisional Notice of Compliance (moved from .0401)
- .2205 Probationary License or Probationary Notice of Compliance
- .2206 Suspension
- .2207 Special Provisional License or Special Provisional Notice of Compliance (moved from .1904)
- .2208 Civil Penalties: Scope and Purpose
- .2209 Revocation of a License or an Order to Cease Operation
- .2213 Summary Suspension
- .2216 Amount of Civil Penalties
- .2217 Schedule of Civil Penalties for Child Care Centers
- .0401 Provisional Licenses for Facilities

The Commission requested staff to make changes to the rules after their initial discussion regarding Sections .2203-.0401. These changes will be shared with the Commission after their June meeting that's TBD.

- .1904 Administrative Sanctions

Ms. Gruber stated that this is the first proposal of the language for rule .1904. The Division would like to receive input from the Commission on the proposed language, and a revised version will be presented after the June meeting.

Ms. Schoel asked to clarify that all violations do not necessarily result in a written reprimand? Ms. Gruber stated that is correct, not all violations result in a written reprimand.

Chairperson Weinert stated that her questions for Ms. Gruber are not intended to minimize necessary administrative actions; however, she thinks there should be consideration on how the Division will issue an administrative action that includes both what occurred at the facility and what the provider did as corrective action in response to a violation or incident. Ms. Barnes stated that different wording can be implemented on the Division's website to provide more detail beyond that there has been an administrative action within the past 18 months, to include the type of action, as well as any corrective action that was required. Staff will pursue this issue with DHHS-IT.

Ms. Gruber described what is currently part of an administrative action: 1) a cover page that contains the type of administrative action and the rule or statute that was violated; 2) a narrative about the situation that occurred; and 3) the violation list, which contains both the rule that was violated and customized violation information, specifically how the rule was violated by this facility.

#### **Commission Member Inquiry: Providing Responses to Questions from the Public**

Rev. Charles McDowell shared with the Commission that a citizen had asked to meet with him about her opinions and concerns about Commission/child care matters. Rev. McDowell asked Chairperson Weinert and the Commission for guidance about how inquiries and responses should be handled when someone asks to speak with members about Commission issues?

Chairperson Weinert stated that Commission members that are approached individually should instruct the person to put their comments in writing so that they can be shared with the full Commission and they will respond with an official response, if necessary. The Commission acts collectively and publicly, not individually. If a Commission member acts individually in any way, he/she is not acting in the capacity of a Commission member, nor representing the Commission's position but as themselves – an individual.

**Chairperson Weinert recognized and congratulated new Division Director, Anna Carter who was observing the meeting as a member of the audience.**

**Lunch break at 11:45 a.m., meeting reconvened at 1:00 p.m.**

Chairperson Weinert resumed the meeting and stated the purpose and format of the Public Hearing that was publicly noticed and scheduled for this meeting. She stated for the audience that the public hearing is a time for members of the public to have their comments and concerns regarding the published rules heard by the Child Care Commission. Comments will be received and documented, but there will be no action taken on any rules until the meeting in June.

#### **1:00 p.m. Public Hearing (Rules Related to Child Care Centers, Family Child Care Homes, and Special Programs)**

##### **Child Care Centers**

- Section .0100 Definitions (.0102)
- Section .1300 Building Requirements (.1301-.1304)

- Section .0200 General Requirements (.0201, .0301, .0403, .0302, .1401, .1402, .0304, .0204, .0205, .2318)
- Section .0500 Schedules and Activities (.0508- .0511)
- Section .0700 Staffing Requirements (.0712-.0714)
- Section .0600 Safety Requirements for Child Care Centers (.0601-.0608)
- Section .0800 Health Standards for Children (.0801-.0804, .0806)
- Section .0900 Nutrition Standards (.0901-.0903)
- Section .1000 Transportation Standards (.1001-.1005, .1403)
  - o (Renumbered rule: .0512 to .1005)
- Section .0700 Staff Qualifications (.0701-.0705, .0707, .0710-.0711)
- Section .1100 Continuing Education and Professional Development (.1101-.1106)
  - o (Renumbered rules: (.0705 and .0706 to .1102; .0708 to .1105, .0709 to .1106)
- Section .1800 Appropriate Staff/Child Interactions (.1801-.1804)
  - o (Renumbered rules: .0501 to .1802, .1801 to .1803)

### **Family Child Care Homes**

- Section .1700 Family Child Care Home Requirements (.1701-.1703, .1705-.1714, .1716, .1718-.1730)

### **Special Programs**

- Section .1900 Special Procedures Concerning Abuse/Neglect in Child Care (.1901-.1903)
- Section .2100 Religious Sponsored Child Care Center Requirements (.2101-.2102)
- Section .2200 Administrative Actions and Civil Penalties (.2214 and .2215)
- Section .2400 Child Care for Mildly Ill Children (.2401-.2411)
- Section .2500 Care for School-Age Children (.2501-.2510, .2512)
  - o (Renumbered rule: .0505 to .2512)
- Section .2900 Developmental Day Services (.2901-.2905)
- Section .3000 NC Pre-Kindergarten Services (.3001-.3003, .3005-.3017)

### **Public Comments:**

**Angela Beacham - Little Town Learning Center** - Ms. Beacham requested that the Commission consider providing a definition of what ‘Developmental Day Services’ entail. Beyond providing healthy/safe and enriching child care, what services above and beyond that are required for a program to be providing ‘Developmental Day’ services, aside from the qualifications and certification of their staff members. Ms. Beacham requested consideration for Developmental Day Services during the two additional summer months in which no additional funds are provided. Specifically, she is requesting the lowering of required staff educational requirements and an exception to the 1:6 staff ratio.

Ms. Beacham also asked the Commission to consider the private child care facility – as well as public school - perspective and the difficulty of employing substitute staff when considering requiring substitute teachers to complete the full Health and Safety Training. Ms. Beacham suggested that when reporting administrative actions on the website, that “self-reported”, “self-corrected” and “no injury to child” language should also be included, where applicable, with violation reports.

**Santea Bullock - Child Care Home Alliance—Family Child Care Home Provider Advocate** - Ms. Bullock began to speak on behalf of Family Child Care Home Provider rights concerning the DCDEE policy that indicates that the entire house shall be inspected for annual FCCH monitoring visits.

Chairperson Weinert stated to Ms. Bullock and others wishing to speak on this topic that this public hearing is not the appropriate venue to discuss a policy matter which is not a part of the published rule packet, and she/they should speak during the time set aside for Public Comment at the June 26<sup>th</sup> meeting.

**Monife Balogun - Mama Bee's Day Care** - Ms. Balogun was also present to speak on behalf of Family Child Care Home Providers and asked Chairperson Weinert for clarification of what can be voiced during Public Comment on June 26<sup>th</sup> and what the process will be aside from that or once comments have been presented?

Ms. Barnes stated that in addition to the June Public Comment time with the Commission, there will be listening sessions hosted by the DCDEE Regulatory Services Section staff across the state where Family Child Care Home Providers will be invited to voice their concerns. The dates/times/locations for these have not yet been established, but providers will be contacted when those details are available. Information regarding the listening sessions will also be posted on the DCDEE website.

**Vic Coffenberry - Pitt County NC Pre-K Program** - Mr. Coffenberry stated that he is encouraged by the previous statements of the Division regarding the public-school EPR training being accepted in place of Division requirements. Mr. Coffenberry inquired about whether and how reimbursement for operators could be provided for the Health and Safety training that cost \$2500 to meet requirements? Mr. Coffenberry also stated that he does not feel that the ProSolutions training is appropriate for public schools and that public schools have their own trainings e.g., Safe Schools, which is better suited for public school staff.

Ms. Barnes responded to Mr. Coffenberry that providers are not required to use ProSolutions training and other equivalent trainings may meet the requirements. Mr. Coffenberry stated that substitutes cost a lot of money for public schools and it is not feasible for him to train all of Pitt County's potential teacher substitutes in Health and Safety Training. Mr. Coffenberry also asked that the website provide space for positive remarks along with the place for administrative actions and notations of program violations.

**Jeanne Huntley - Carteret Public Schools** - Ms. Huntley asked that the Commission provide clarification of the oversight of staff qualifications? Ms. Huntley stated that if substitute teachers are required to have completed the entire Health and Safety Training to serve in public school classrooms, this past year when a particularly difficult flu situation struck her staff, she would have been forced to close her classrooms for two weeks because she could not staff them with qualified teachers.

Ms. Huntley also stated that OT/PT Staff delivering services to students should not need to have completed all child care Health and Safety Trainings because they will never be acting in a capacity to need it or be alone with a classroom of children. Ms. Huntley also stated her concern that Rule .0705 needs clarification because there appear to be conflicting sentences within the rule. Ms. Huntley also asked that the Division provide clarification about the requirements and implementation of rules because she does not feel that information is disseminated equally across the state.



**Zalonda Purcell - Guilford County Schools** - Ms. Purcell read the letter she also submitted to the Commission concerning requirements for substitute teachers to meet the Health and Safety Requirements.

Ms. Humphreys asked about the current requirements for substitutes in the Guilford County School System and what training they are required to have? Ms. Purcell responded that there is an orientation, CRC and health check required. Ms. Schoel asked Ms. Purcell to estimate how many substitutes are typically needed, and Ms. Purcell responded that 30-40 substitutes are typically needed across 56 schools in Guilford County. Ms. Humphreys asked to clarify the validity of her understanding that school systems centralize substitute pools? Ms. Purcell stated that she could not answer for all school systems but there was a pool of substitutes in Guilford County that could work at any level. Ms. Gilleland asked if there are DPI requirements for teacher substitutes? The answer was that there was no training specific to substitutes.

**Rich Rairigh - Be Active Kids - Sheree Vodicka - NC Alliance of YMCAs** - Mr. Rairigh proposed changes to Rule .0508(c) Outdoor Plan and Learning Time. He proposed that Rule .0508 as it is currently written reduces the minimum essential time children spend outdoors and that the minimum time children in programs more than five hours in length be 60 minutes and not reduced to 45 minutes for programs between 5 and 6.5 hours in length. For programs more than 6.5 hours, minimum outdoor time should be 60 minutes; 45 minutes for programs 5-6.5 hours; 30 minutes for programs less than 5 hours and for programs for children under 2 years.

Mr. Rairigh also proposed changes to Rule .0901(i) General Nutrition Requirements. He proposed that based on the wording in Rule .0901(a) “Meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA)...”, it is his recommendation to remove section .0901(i) that allows food that does not meet nutritional specification in Rule .0901(a) during special occasions from the General Nutrition Requirements and continue to support that **all** meals and snacks meet the Child and Adult Care Food Program (CACFP) requirements.

**Linda Piper – NCLCCA (NC Licensed Child Care Association)** - Ms. Piper stated that the NCLCCA requests that Rule .0201 Inspections of Child Care Facilities be phrased to allow the Division to conduct unplanned visits upon discovery of an unlicensed center.

Ms. Piper stated that the NCLCCA recommends adding a clarifying phrase to Rule .0205 Parental Access “if the center has knowledge of the person’s criminal history.”

Ms. Piper stated that the NCLCCA recommends clarification in Rules .0102(1) Definitions and .0510(a)(1) Activity Areas that items comprising an activity area are permitted to be mobile.

Ms. Piper stated that the NCLCCA recommends clarification to Rule .0601(b) Safe Environment regarding what items this relates to and whether electronic copies of instructions are acceptable and whether it would be a single or multiple violations if more than one piece of equipment were found without instructions on file?

Ms. Piper stated that the NCLCCA recommends more detail in the wording for Rules .0102(5) Bio-Contaminant and .0604(w) Safety Requirements. NCLCCA recommends these references be explored in

greater detail because there is confusion with the Division as to what our federal funders are looking for related to the definition of a ‘bio-contaminant’.

Ms. Piper stated that the NCLCCA recommends additional language for Rule .0606(10) Safe Sleep Practices to include “earliest time possible that does not interfere with another child’s immediate needs.”

Ms. Piper stated that the NCLCCA recommends Rule .1101 New Staff Orientation Requirements include language that allows employees to receive on-site orientation prior to working with children or within the first six weeks of employment, so that staff orientation is allowed to occur without centers being in violation for having teachers out of ratio in classrooms or non-oriented teachers working in classrooms.

Ms. Piper stated that the NCLCCA recommends Rule .1103(a) On-Going Training Requirements reduce the number of annual training hours from 8 to 12.

Ms. Piper stated that the NCLCCA does not support the language in Rule .1104 Professional Development Plan that a new plan must be completed every three years when edits could be made to existing plans instead.

Ms. Piper stated that the NCLCCA does not support the language in Rule .1104(3) that an individual is responsible for completing the on-going training within 3 years; it should be recommended or a suggestion, not a requirement.

**Betsy Vetter - American Heart Association (AHA)-** Ms. Vetter stated that the AHA recommends that the language in Rules .0901 General Nutrition Requirements and .1706 Nutrition Standards Clarifications clearly state that the meals and snacks served to children in a child care center shall comply with the Child and Adult Care Food Program (CACFP). Ms. Vetter also stated that the AHA recommends that Rules .0901(f) and .1706(v) strengthen the language to recommend that all food offered in child care facilities meet the nutrition standards of CACFP and that during special occasions healthy snacks should be served.

Ms. Vetter stated that the AHA recommends clarification for Rules .0508(b)(2) Activity Schedules and Plans and .1718(8)(a)(ii) Requirements for Daily Operations to include “health and physical development, including physical activity.” Ms. Vetter stated that the AHA recommends clarification for Rule .0508(c) to simplify the minimum outdoor play/learning time to be for programs less than 5 hours, a minimum of 30 minutes of daily outdoor time, and for programs more than 5 hours, a minimum of 60 minutes of daily outdoor time.

Ms. Vetter stated that the AHA recommends further clarification for Rules .0604(h) and .1719(11) to align these standards with the tobacco-free public schools requirements in North Carolina. Rule .0604(h) should state that all centers are tobacco-free environments and clarify that smoking and the use of any product containing, made or derived from tobacco is not permitted on the premises of the child care center, on vehicles used to transport children or during any off-premises activities.

Ms. Vetter stated that the AHA recommends that for Rules .0802 Emergency Medical Care, .1102 Health and Safety Training Requirements, .1705 On-going Requirements for Family Child Care Home Operators, and .1708 Pre-licensing Requirements where ‘pediatric’ CPR training is currently referenced, it should be amended to state adult **and** pediatric training is required due to the cut off at age 8 for ‘pediatric’ CPR training.

**Morgan Gramann - NC Alliance for Health** - Ms. Gramann stated the NC Alliance for Health's support for no sugar drinks, prioritizing healthy snacks during special occasions, a completely tobacco-free environment and the simplification of the outdoor play minimum requirements in child care.

**Norma Honeycutt - Childhood Development Center Provider** - Ms. Honeycutt asked for revision to the proposed rule that forbids the use of trampolines; she believes there are instances in which they are necessary, safe and helpful for therapeutic sensory integration and part of a therapeutic plan.

Ms. Honeycutt also asked for revision to the proposed rule that forbids activities involving water because this Rule currently prohibits activities in creeks. Ms. Gilleland stated that the Commission has visited this issue before and the problem is the exclusion required by this rule falls under the Division of Environmental Health, Sanitation Rules 15A NCAC 18A .2800. Ms. Honeycutt also stated that she is not in favor of reducing the minimum requirements for outdoor time.

**Deborah Howell - Partners in Learning child care center** - Ms. Howell asked for a revision to Rule .0205-Parental Access that currently prohibits those who have a reportable criminal act from being allowed on the premises, to allow with supervision because often providers have no idea whether parents or caregivers may have criminal histories, but those visitors are never alone with children.

Ms. Howell also asked for a clarification for Rule .0606 Sleep practices that currently states that sleeping infants must be moved from sitting devices when they are/fall asleep to at the earliest possible time, to be more specific.

**Emily Scharf - Partners in Learning child care center** - Ms. Scharf requested that revisions be made to Rule .1101 New Staff Orientation to allow for new staff orientation prior to CRC (criminal record check) completion. She also requested that the list of activities in Rule .0511 Activities for Children under 2 years of age should be added back into the Rule.

### **Fiscal Note Discussion**

Ms. Schoel asked about when the fiscal note that was presented related to the published rules will be discussed? A discussion ensued about the best way to address the different types of training (CPR, Health and Safety and Child Development), the number of training hours that should be required and the frequency of training requirements/renewal, while still meeting federal requirements.

The Division proposed that, instead of adopting the proposed Rule .1103, the Commission revert to Rule .0707(c) regarding the range of training that will exist, but the rewritten rule will incorporate language that will stipulate that all 10 ongoing Health and Safety Required topics in Rule .1102 shall be completed over five years. The CPR training will remain separate. A discussion ensued about Rule .1101 New Staff Orientation regarding whether there was any way that orientation could occur prior to CRC completion; however, Ms. Gruber reminded the Commission that the requirement of a completed CRC prior to employment is in statute.

**Commission Action:**                      **Chairperson Weinert asked for a vote to approve the revisions to the ongoing training and Professional development plan rules. The motion carried unanimously.**

Chairperson Weinert requested a change to Rule .1105(2)(a) which currently requires that ongoing training approval forms must be completed and submitted to the Division at least 20 business days prior to the training event, to reduce that requirement to 15 business days. Ms. Gruber stated that the Division will examine the existing turnaround time required and determine if the reduction in submission time is possible.

### **Action Items**

Chairperson Weinert requested that the Division email revised rule language to Commission members as early as possible prior to the June 26<sup>th</sup> meeting. In addition to this, Ms. Kimberly Mallady offered at the June 26<sup>th</sup> meeting to type changes onto the screen as the Commission discussed them so that those could be reviewed immediately.

Chairperson Weinert also offered to create a document of all the public comments and the rules each one addressed and send that to Commission to determine which rules will be focused on for potential revision at the June 26<sup>th</sup> meeting.

Chairperson Weinert asked that Commission members be prepared to discuss the next year's meeting dates at the June meeting.

**The meeting adjourned at 3:37 p.m.**

**The next scheduled meetings of the North Carolina Child Care Commission are as follows:**

**June 26, 2017, 9:00 a.m. – 4:00 p.m. (Fourth Quarter Meeting)**

**June 27, 2017, 9:00 a.m. – 12:00 p.m. (Special Rules Meeting)**