

*DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT
NORTH CAROLINA CHILD CARE COMMISSION
2010-11 SECOND QUARTER MEETING MINUTES*

November 4, 2010

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

Commission Members Present

Margaret Anne Biddle	Laurie Morin
Angela Boyce Davis	Lois Stephenson
Julia Baker Jones	Claire Tate
Linda Knight	Dr. Mary-Cassie Shaw
Lorrie Looper	Deanne Smith

Commission Members with an Excused Absence

Penny Davis, Jennifer Svenstrup, Norma Honeycutt, Magdalena Cruz, Connie Harland

Division of Child Development (DCD) Staff Present

Deb Cassidy, Division Director	Anna Carter, Division Deputy Director
Jani Kozlowski, Director's Office	Karen Ferguson, Director's Office
Mary Lee Porterfield, Director's Office	Dedra Alston, Director's Office
Trevon Lucas, Director's Office	Nicole Wilson, Director's Office
Sarah Lewis, Workforce Standards	Ron Byrd, Subsidy Services
Melissa Stevenson, Regulatory Services	Bev Moore, Regulatory Services
Janice Fain, Administration	Tammy Tanner, Regulator Services
Lorie Pugh, Regulatory Services	Melodie Ford, Regulatory Services
Heather Laffler, Administration	Laura Hewitt, Regulatory Services
Sherrie Koonce, Workforce Standards	Kathy Shepherd, Workforce Standards
Connie McAdams, Subsidy Services	Deanna Hoxworth, Regulatory Services
Tasha Owens-Green, Regulatory Services	Andrea Lewis, Regulatory Services
Kay Lowrance, Regulatory Services	Kimberly Mallady, Licensing Enforcement
Ila Teague, Regulatory Services	Tammy Barnes, Regulatory Services
Pam Hauser, Regulatory Services	Jinx Kenan, Regulatory Services
Ebony Strickland, Regulatory Services	

CALL TO ORDER

Chairperson Claire Tate issued a general welcome, and called the NC Child Care Commission meeting to order at 8:20 a.m. Members of the audience wishing to address the Commission were asked to sign-up for public comment and, if interested, to put their names on the Commission mailing list at the back table. Chairperson Tate also reminded members to complete the appropriate motion form when making motions.

Chairperson Tate read Executive Order 70 from the Governor's Office (Attachment A) as well as the Governor's Press Release that came out at the time of the Executive Order (Attachment B). She also reviewed the packet of materials provided for the group to use today. Ms. Tate explained that the Commission will need to have a conference call before November 17, 2010 to discuss some business

regarding the Executive Order. This is scheduled for Tuesday, November 16, 2010 at 1:00 p.m. The Division staff will send the information to the Commission to review before the afternoon of the call.

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 expressed concern for Jennifer Svenstrup, and shared an update on her condition and her battle with cancer.

APPROVAL OF MEETING MINUTES – September 23, 2010 draft minutes were reviewed by members with no comments or revisions.

Commission Action: Deanne Smith moved that the meeting minutes be approved as presented. Julia Baker Jones seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

DIVISION DIRECTOR'S REPORT – DEB CASSIDY, Deputy Director

Dr. Cassidy shared an update on the budget. Reductions are currently being considered for the current fiscal year. While the Division is unsure if this will be good or bad news, we do know that the budget crisis is not letting up. DCD expects to find out more soon. For 2011-2012, agencies have been asked to prepare for 5%, 10%, and 15% reduction options to this budget for state funding. DCD state funds are used primarily for Smart Start and Child Care Subsidy.

The NC Child Care Health and Safety Resource Center received an award for the North Carolina Child Care Health and Safety Bulletin, a project funded by the Division that is published bi-monthly in English and Spanish and is available by mail or online.

MAF Monitoring – In partnership with the Office of Early Learning, a draft check list has been developed for our licensing consultants to use when monitoring MAF classrooms in private settings. Details for implementation are still in discussion. We think this may be implemented around the first of the year.

Regulatory – Staff have been doing a lot of work toward increased consistency on monitoring visits. Dr. Cassidy was pleased to share that Tammy Barnes's report on this topic for her Certified Public Managers course won an award. Training for field staff on the new rules and guidance for implementation, and an ERS training conducted by UNCG to increase general knowledge about the scales and understanding of specific indicators, are some of the things happening. Director's meetings have been conducted with the Developmental Day directors to review the new rules and plan for implementation. We have completed the pilot project to determine if DCD should assume all responsibility for A/N investigations in child care. Both agencies, DCD and DSS, play a critical role and are responsible for different aspects of the process. DCD would need additional staff, training and extensive legislation for this change. No formal decision has been made at this time, but DCD and DSS continue to find ways to streamline investigations.

Division of Public Health Nutrition Forums – Forums were conducted in October. DCD ensured that at least one staff member attended each forum. There is a report due to the Obesity Task Force on December 1, 2010. The Commission is requesting to receive the report when it is finalized.

Early Educator Certification Agreement – To ensure that system alignment is in place, DCD is working with the Institute for Child Development Professionals to create an agreement that will clarify agency responsibilities related to:

- Ongoing communication
- Collaboration
- Data Sharing
- Policy Change

EEC Individual Licensure/ Commission Rules – The Commission will be asked at their February meeting to take a look at pre-service requirements for criminal background checks, Responsible Individuals List, and verification of certification level, first aid and CPR. On another note, the State Board of the Community College System recently approved the new school age care certificate. The Certificate will prepare individuals to work with school-age children in diverse learning environments and is specifically designed for students planning to work in public or private school-age care environments.

Subsidy – Dr. Cassidy provided an update on the Child Care Attendance Reporting and Payment Delivery System (noting that the Division is taking suggestions for a name). This was formerly known as the EBT system. A proposal has been reviewed and evaluated and is now in the negotiation phase. DCD is hopeful the negotiation will result in a contract being signed soon. There is a possibility of a phase-in with some of the project components, so that some of the financial benefits could be realized this fiscal year. The Division welcomes Chesteen Lancaster, Child Care EBT Project Manager. Ms. Lancaster will work with the Division through state-wide implementation of the system. Unfortunately, the waiting list continues to grow as well. Over 49,000 children are on the waiting list. Approximately 5,000 families were added in September which is an unprecedented growth. Dr. Cassidy explained that we are still waiting to hear about an increase to the Federal CCDF Grant. The increase amounts have varied between the House and the Senate, but there's a possibility that we could get up to \$52 million.

Dr. Cassidy then shared information about a few new contracts that the Division has in process:

- NC State University – Outdoor Learning Environments for DCD licensing consultants and NCRLAP assessors
- University of NC Wilmington – Development of an online training for TA providers and licensing consultant on the Art of TA
- NC A&T University – Engage stakeholders in a Collaborative Learning Community process that will lead to the development of a framework on culturally responsive care to guide policy and decision-making.
- Wake Technical Community College – Create and pilot an online learning module to support the efforts of the CSEFEL initiative in NC
- University of NC Greensboro – Pilot project to support inclusive practices through parent involvement training and technical assistance.

QRIS Advisory Committee - The committee has set a goal to have recommendations ready by July, 2011. There is a framework for making decisions about which recommendations to include and considerations and fiscal impact with a consideration of long-term and short-term recommendations. The next meeting is on December 10th at DCD, and we will review recommendations from the Education/Professional Development work group and preliminary recommendations from the Assessment work group.

Professional Development Advisory Committee - The first meeting will be next week. This group has been formed as a follow-up to the regional professional development focus groups. There will be a review of regional plans. We hope to gain insight and feedback from the field to guide decision making and resources allocation. All 14 CCR&R regions will be represented.

Deanne Smith asked about the waiting list and any updates on what's making this grow so much. Vivian Eto from the North Carolina Child Care Resource and Referral Council shared information they've seen over the last couple of years about enrollment. The Commission wants to be sure they are kept up to date on this information. Janice Fain added that there will be a market rate study done with providers soon, and there will be some questions added about economic impact. There will also be a Workforce Study, and the RFA has been posted. This hasn't been done since 2003 in NC, so this is going to help us learn about what the wages are around the state, where we are with education qualifications as well as a variety of other questions that we have recommended.

Julia Baker Jones asked about the decline in licensed FCCH, and whether or not this decline could mean that children are being placed in illegal care. Staff noted that we would have no way of knowing, but we aren't receiving any more additional reports than we have in the recent past.

Chairperson Tate commented that because of the outcome of voting around the state this week, things will look a bit different in the legislature, so as information is released and alerts and news articles are published, she feels it would be important to keep the Commission in the loop. Dr. Cassidy agreed.

PRESENTATION

Jim Wellons, Commission Attorney, spoke to the Commission about the implication of the Governor's Executive order. He said he feels that the press release that came out with the order would be helpful to look at. He explained that his comments today are his opinion and do not represent those of the Attorney General or the Governor's Office. He commented that he thinks amending existing rules to simplify them is okay. He thinks the problem may come if the Commission moves forward with adopting new rules from scratch.

Chairperson Tate asked if the Commission members could be "fired" from their appointment. Mr. Wellons said a member could be removed for cause, failure to perform duties, performing outrageously, for being disrespectful, impeding progress, or things of that nature. The board itself cannot make the decision to remove someone. Ms. Tate also commented that she feels she operates under the same General Statute that Governor Purdue does, as she took an oath for her role as well. She asked that Executive Order No. 70 as well as the press release be provided as part of the official minutes for today's meeting. She shared with the audience that these can be found on the Governor's website.

The Commission took a short 15 minutes break.

PRESENTATION

Debra Torrence with the NC Institute for Child Development Professionals, along with Dr. Lanier DeGrella from CCSA, shared information about activities occurring to support continuing education and recertification in the Early Educator Certification program.

The Commission took a break for lunch at 12:00 p.m.

PUBLIC COMMENT

Ms. Isabel Taylor from Fletcher, NC spoke regarding staff/child ratios in programs. She shared a personal story about a teacher who became burnt out from lack of support. She said that ratios should reflect NC professionalism and standards. She feels that the current ratios stress staff out and lead to staff depression and emotional detachment, damaging both children and teachers. Deanne Smith asked what ratios she recommends. For two year olds, she notes, voluntary 4-point standards are 1 to 9 and 2 to 18. High standards are 1 to 8. However, her staff member has 5, and it's all she can do.

Gloria Pinson from Greensboro, who has been providing care for 33 years in her home, came to share a complaint. For the first 5 years she had no problems, felt professional and her business ran smoothly. This was before licensing was required. She feels that her problems started when she got licensed. She doesn't feel respected and she can't make her own regulations for her program. She doesn't think consultants should make unannounced visits; they should make appointments so that you can have time to prepare the paperwork. She was a small home, and then moved to become a large home daycare center. Then she had to go to the rules for a center, which she does not agree with. Rules for centers shouldn't be the same

for large home centers. She works 24 hours a day, with young uneducated parents. The consultants know providers better than anyone does and should share the complaints of the providers to the Commission.

Sarah Norris, speaking as a private provider in Wilmington shared that she recently found her 1977 handbook. She was surprised at how small it was and how few rules there were. She understands that licensing consultants are going to take more of a TA and consulting role, to be more the helpers they were in earlier times. Both she and her teachers consider them helpers instead of regulators. She thanked the other providers who spoke. She agrees with enhanced standards but knows that quality has costs; she has lost a number of children by going to enhanced standards. She's been in the red for the last 4 years and is thankful that her husband can support her family so that she can still keep her business open and serve these children. She asked the Commission to keep in mind the cost to providers of tougher standards.

Linda Piper, president of the NC Licensed Child Care Association, shared that she was thankful for the providers who come up and speak to the Commission and share their concerns. She said she is really thankful that the rules discussion comes during the main meeting. She asked that the Commission members keep in mind that a lot of people who are in the room are providers. She suggested that they ask for input when doing rule making. She applauds that the conclusion of the A/N pilot indicates there are parts that are appropriate for DCD and parts that need to stay with DSS. Regarding rulemaking and getting public comment, she feels that the public hearings should be held at night so providers can come and speak. She said that she was grateful to receive the agenda for today's meeting ahead of time, and staff explained that this was a feature added to the regular mailing list for Commission notices. She asked, in regards to the process of rules that the Division will consider in reference to Executive Order No. 70, that we think about provider documentation load as well as items that impact children in small centers verses large centers. She asked that when reviewing rules for the first time today, not to rush in making decisions. She shared that the pre-service requirements that have been proposed make providers nervous. They need teachers in a classroom now, so they are already paying for the TB skin test and physical, etc. Some owners and directors feel that they don't have time to enjoy the classroom or their children because of all the work that takes place in running the centers. Until the market rate comes up, providers can't afford to make changes. She noted, lastly that she feels that there should be an ITERS and ECERS class in colleges.

Deanne Smith shared that she went to one of the forums held by DPH regarding childhood obesity and nutrition. While she was there, she talked with a provider who was stressed about outdoor time vs. time spent playing in the centers. Sarah Norris, a provider in the audience, shared that she had that problem and described the accommodations she made to meet the substantial portion of the day requirements while spending more time outdoors. Laurie Morin added that there is also the issue of having soft items outside. Another member of the audience noted that there are free webinars available on the NCRLAP website that can help providers with some of these issues.

RULEMAKING UPDATE/ACTION AND DISCUSSION

The Commission was provided proposed rule language to incorporate certification levels as equivalency options for education point levels in the star rated license. The group took time to review the rule text as presented. Julia Baker Jones asked if the Division could list equivalencies in a different way. Anna Carter explained that the rule intent is to add an additional option for providers to meet education standards.

Commission Action: *Lorrie Looper moved to publish text for comment for rules .2819, .2820, and .2822. Margaret Anne Biddle seconded. As discussion for the motion, Julia Baker Jones asked for clarification on the percentages listed in these rules. Staff shared that before the rules go to the NC Register, they go to the Office of State Budget and Management (OSBM), and then to print in the NC Register. After this print, a public hearing will be held and the 60*

days for public comment will begin. Jim Wellons, attorney for the Commission, noted in reference to Ex. Order No. 70, that the Commission is voting to adopt a new rule to implement a new statute. A rationale will go ahead with this set of rules to OSBM including a note that there will be no fiscal impact. Julia Baker Jones moved to amend the motion to remove paragraph B on page 4 of .2819. Both Ms. Looper and Ms. Biddle disagreed with this, so the original motion stays. There being no further discussion, Chairperson Tate called for a vote. The motion carried with a vote of 9 to 1.

Regarding Rule .0102 – Definitions: Page 4 shows the proposed change, adding number 20, the definition of certification.

Commission Action: *Julie Baker Jones moved to publish text for comment for rule .0102 as written. Laurie Morin seconded. As discussion for the motion, Ms. Morin would like the rule language to be amended to include a published date being when the certification law came into effect: October 1, 2010, as effective for providers. Anna Carter with DCD noted that staff would be sure to add this in the appropriate place in the rule text. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Regarding Rule .2101 for Religious Sponsored Programs: Anna Carter explained the small technical changes.

Commission Action: *Lorrie Looper moved to publish text for comment for rule .2101 as written. Lois Stephenson seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Dedra Alston explained to the Commission that due to a technical change request for Rules .0302 and .1702 by the Rule Review Commission, the word “may” was changed to “shall”, however, this amendment made the rules more stringent and does not allow any leeway on whether to deny an application for a center or home. This was discussed during the September Commission meeting as well. Changing the word back to “may” meant we needed to also give some stipulations for why the Division may allow for licensure in these circumstances. These new standards are listed in paragraph (h) of each rule. Division staff provided this language for the Commission’s review today.

Commission Action: *Deanne Smith moved to publish text for comment for rules .0302 and .1702 as written. Dr. Mary-Cassie Shaw seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Regarding Rule .0604 – General Safety Requirements – Language was added, in reference to recommendations by NACCRRRA, regarding access to small appliances in family child care homes. After some discussion, the phrase “when in use” was removed from the rule presented.

Commission Action: *Margaret Anne Biddle moved to publish text for comment for rule .2101 as written. Dr. Mary-Cassie Shaw seconded. After some discussion about what items should possibly be considered in the list of small appliances, Chairperson Tate called for a vote. The motion carried with a vote of 9 to 1.*

The General Safety Requirements Rule for Centers, Rule .1719 was discussed next. Paragraph 10 was discussed, and the phrasing "when in use" was recommended for removal, as the group agreed upon for home programs.

Commission Action: Deanne Smith moved to publish text for comment for rule .1719, paragraphs 10 (with the removal of "when in use), 14, 15 and 16 as written. There was no second provided for this motion. Chairperson Tate asked for further discussion. Julia Baker Jones moved to publish text for comment for rule .1719 with the following changes: removing the phrase "electrical cords are not accessible to infants and toddlers" and "when in use," and taking out paragraph 16. The motion was seconded by Deanne Smith. Chairperson Tate called for a vote. The motion carried with a vote of 6 to 4.

Commission Action: Lorrie Looper moved to publish text for comment for rule .1719 paragraphs 14 and 15 as written. Laurie Morin seconded. With no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

Before dismissing the group, Chairperson Tate recommended that members of the Commission make time before the next quarterly meeting to visit a FCCH, preferably two (one Two-Star program and one Five-Star program) if possible, in anticipation of continued work on FCCH rules.

Commission Action: Dr. Mary-Cassie Shaw moved that the meeting be adjourned. Julia Baker Jones seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

<i>There being no further business, the meeting adjourned at 3:55 p.m.</i>
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The next meeting of the North Carolina Child Care Commission is scheduled for Thursday, February 10, 2010.