

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

NORTH CAROLINA CHILD CARE COMMISSION

Second Quarter Meeting

Monday, November 17, 2014

Nature Research Center
William G. Ross Conference Center, 4th Floor
121 W. Jones Street
Raleigh, NC 27603

Commission Members Present

Glenda Weinert, Chairperson	Melanie Gayle
Kevin Campbell, Vice Chairperson	Elizabeth Gilleland
Elliott Blades	Kay Lowrance
Jonathan Brownlee, Sr., MD	Laurie Morin
Sue Creech	Janice Price
April Duvall	Linda Vandevender
Zac Everhart	William Walton, II

Commission Members with an Excused Absence

Blake Fricks	Robin Kegerise
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Division of Child Development & Early Education (DCDEE) Staff Present

Dedra Alston, Administration/Policy	Rob Kindsvatter, Director
Tammy Barnes, Regulatory Services	Heather Laffler, Administration/Policy
Janice Fain, Administration/Policy	Andrea Lewis, Regulatory Services
Tammy Freeman, IT	Lorie Pugh, Regulatory Services
Alexi Gruber, Attorney General	Sharon Spigner, NC Pre-K
Laura Hewitt, Regulatory Services	Jim Wellons, Attorney General
Mary Pat Hicks, NC Pre-K	Cindy Wheeler, NC Pre-K
Rachel Kaplan, NC Pre-K	

Welcome—Chairperson Glenda Weinert called the meeting to order at 9:02 a.m. and reviewed housekeeping items. Chairperson Weinert noted that the designated time for public comment for this meeting is at 1:00 p.m.

Chairperson Weinert read the conflict of interest statement and asked whether there were any conflicts noted for today.

Chairperson Weinert called for roll to be called, which Ms. Dedra Alston completed. Chairperson Weinert listed the Commission members who were absent from this meeting, having requested and received excused absences. Chairperson Weinert reviewed the day's agenda.

Chairperson's Report

Chairperson Weinert asked if Commission members had any changes or amendments to the minutes for the September 26, 2014 Commission meeting as circulated.

Commission Action: **Mr. Billy Walton moved to approve the September 26, 2014 meeting minutes as presented. The motion was seconded by Ms. Laurie Morin. The motion carried unanimously.**

Discussion took place regarding selection of a new vice-chair for the Commission, following Ms. Sue Creech's resignation from that position at the previous meeting. Ms. Janice Price nominated Ms. Kay Lowrance; Mr. Elliott Blades nominated Mr. Kevin Campbell.

Chairperson Weinert asked Mr. Campbell and Ms. Lowrance to step out of the room while discussion and voting took place. Chairperson Weinert opened the floor for any discussion regarding the nominations of Ms. Lowrance and Mr. Campbell. Chairperson Weinert asked Commission members to write their preference for vice-chair elect on paper and to pass those to her. Mr. Campbell was chosen as the Commission's new Vice-Chair, effective immediately.

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

Director Rob Kindsvatter discussed that the new environmental rating scale (ECERS 3) is now available. He stated that providers should continue to use the ECERS-R, since DCDEE staff are in the early stages of evaluating the new tool, and are participating in ECERS 3 training events to gain information. Mr. Blades asked if a timeline had been established for adopting the ECERS 3 as the evaluation tool for facilities; Mr. Kindsvatter replied that the Division will provide advance notice of any plans to begin using the ECERS 3. Mr. Campbell asked if there will be a presentation comparing differences between the ECERS-R and ECERS 3. Mr. Kindsvatter agreed this information would be provided in the future.

Mr. Kindsvatter informed the Commission that significant policy changes for the Subsidized Child Care Program began to be implemented in October, per legislative mandate. Eligibility guidelines and parent fees were changed, as well as the definition of the subsidy 'family unit.' Additional changes will be implemented in January, including an increase in county child care market rates.

Mr. Kindsvatter provided an update on counties' subsidized child care spending. Counties are currently four months into the current State Fiscal Year (SFY) and the statewide spending level is at 101%. He explained that at the county level, some counties are spending above 100% and some below, so there has been a reallocation of subsidized child care funds. In this way, funds that were not expected to be utilized were reverted from some counties and reallocated to others to sustain service levels.

Mr. Kindsvatter stated that DCDEE is currently in the planning and preparation process for the legislative long session which will begin January 2015. Division staff are preparing information for the biennial budget as well as any other data requested.

Mr. Kindsvatter noted a federal preschool expansion grant opportunity that would potentially expand Pre-K services. North Carolina is eligible for up to \$20 million dollars over four years to build upon the existing NC Pre-K program. Mr. Kindsvatter noted that DCDEE had submitted its

application for this grant, along with 35 other states and Puerto Rico. The grant will be awarded sometime in December 2014. Ms. Creech asked if this grant would potentially fund new projects, focus on existing projects, or address the waiting list? Mr. Kindsvatter confirmed it could be used for all these purposes, and while it could significantly expand NC Pre-K services, it would not eliminate the waiting list.

Mr. Walton asked if plans have already been made as to what will be funded if the grant is awarded. Mr. Kindsvatter explained that through the competitive application process, states earned points for meeting criteria in certain areas. He noted that NC is very well positioned to serve additional children very quickly through the existing NC Pre-K program, but depending on what was approved in the proposal, we do not know specifics on how the additional funds might be allocated, at this point. Mr. Campbell asked if the grant was recurring, and Mr. Kindsvatter explained that the grant could be renewed for a potential of four years of funding.

Mr. Kindsvatter noted that Congress would be voting today to approve changes to the federal Child Care Development Fund (CCDF) block grant reauthorization. He stated that there are significant new requirements for states, although NC is already meeting many of them. Some of these new requirements include mandatory pre-service background checks, annual provider inspections, required health and safety education for child care providers, required emergency preparation and response plans, and increased state accountability for the expenditure of federal funds.

Mr. Kindsvatter explained that the block grant was reauthorized with level funding for the first year, but funding will increase in subsequent years. It is expected that there may be an increase in funding for quality activities. Once reauthorization is finalized and information is provided to DCDEE from the federal government, a presentation about the new requirements will be provided.

Chairperson Weinert called for a five minute break from 9:45 a.m. - 9:50 a.m. to prepare for a presentation from the NC Division of Emergency Management.

Chairperson Weinert resumed the meeting at 9:50 p.m. and introduced Mr. Michael Sprayberry, Director of the NC Division of Emergency Management.

Emergency Preparedness and Response Rules and Online Tool Discussion

- Mr. Michael A. Sprayberry, Director, NC Department of Public Safety, Division of Emergency Management (DEM), provided a PowerPoint presentation on the Child Care Facility Risk Management Plan (CCFRMP) which is currently under development.
 - CCFRMP provides an emergency planning template for licensed child care facilities.
 - DEM is lead agency for hazard risk management; maintains a clearinghouse for various types of EM data; has IT infrastructure to access and analyze data for emergency response and recovery; maintains county emergency management plans; is nationally known for creating mitigation strategies in emergency situations such as hurricanes, flooding and earthquakes using the EM data systems.
 - Risk Management Portal maintains Risk Management Tools for various entities; including Licensed Care Facility Risk Management Plan; Emergency Action Plans for Dams; and Flood Risk Management Plan.

- Ms. Laura Wilson, Manager, Application Development, ESP Associates, P.A., discussed the Emergency Preparedness and Response (EPR) Online Template.
 - Provides a secure website
 - Simplifies plan creation
 - Allows users to update plans and track review
 - Provides a standard plan format for all facilities

Chairperson Weinert asked about the estimated time frame for complete implementation. Ms. Wilson said that the goal is to have the test site available by the end of this year (2014) or the first quarter of 2015. DEM and ESP Associates are coordinating with DCDEE regarding the rollout schedule and content for train-the-trainer training which will be provided for utilization of the site. Mr. Campbell asked about the possibility of integrating emergency medical plans for individual children with this online tool so all emergency information is in one place. Ms. Laura Hewitt, from DCDEE, said that the group had considered this and they will speak to why they decided not to do this in the very next presentation.

- Ms. Mary Cleary, Training Specialist, NC Child Care Health and Safety Resource Center (NC CCHSRC) spoke on Emergency Preparedness and Response (EPR) Train the Trainer training. Staff have been working with a group to update the EPR training course.
 - The training course is faithful to the planned template and Child Care Rules and it stresses best practices being implemented in facilities.
 - The Train the Trainer course is an online training course and an outline of its content was provided to Commission members.

Dr. Jonathan Brownlee asked what emergency preparedness and response includes, and re-iterated the question as to why the group is not planning on merging medical emergency preparation and response with this. Ms. Jackie Quirk, of NC CCHSRC, said that in considering merging the two types of emergency information, because plans are sometimes already in place for individual medical emergencies, and only need small level response compared with disaster response, the group did not want to confuse situations. Individual medical emergencies are more frequent and there is already a facility medical plan in place and a requirement to have medical information for each child on file. Dr. Brownlee asked about titling the activities ‘emergency preparedness’ instead of ‘disaster training’ to differentiate from medical emergencies. Ms. Cleary clarified that the use of ‘emergency preparedness’ vs. ‘emergency response’ reflected what is put in place in order to prevent disasters from occurring.

Ms. Laurie Morin asked about including facilities’ medical emergency plans online and Ms. Quirk responded that facilities could choose to upload their emergency plan, but not individual children’s medical information, due to potential HIPPA violations.

Ms. Quirk summarized the medical/emergency discussion by saying that the planning and implementation group would provide information about uploading the one-page facility medical emergency plan document. In the training, the facility medical emergency plan document would be noted and that each facility will be expected to meet the individual needs of each child and any medical emergency needs they might have. Ms. Cleary spoke to the training plan timeline, of how enough teachers would be trained within the two year implementation time period. The train-the-trainer component is done online, but the actual individual staff training (from trainer to staff

person/student) is completed in person. The timeframe for completing train-the-trainer package is by April 1st.

Ms. Linda Vandevender asked how all of the staff in each facility would receive the necessary information. Ms. Cleary noted that one person is trained for every site and that person, in turn, orients the staff at their facility. Ms. Elizabeth Gilleland asked how this training requirement applies to sites that are not licensed because of exemption (e.g., religious-sponsored, part day, drop off). Ms. Lorie Pugh, DCDEE staff, said at this point this requirement for training and the web port is only for regulated child care facilities. However, individuals, even if they have not had the EPR in Child Care training, will be able to access the tool by asking for an NCID upon entry. The system will forward the request to the Division for approval. Once the Division gives approval, the program will receive an NCID and can update their program's template at any time.

Ms. Dedra Alston referred the Commission to the Emergency Preparedness and Response packet, and explained that DCDEE has met with Attorney General staff. As a result, some amendments were made to Rules .0607 and .1705 as follows:

- EPR Rule Discussion— Ms. Laura Hewitt, Regulatory Services Section

Ms. Hewitt reviewed changes made since last meeting

- Rule .0607(a) p. 9 - changed 'each' to 'existing' to read "Existing child care facilities shall...."
- Rule .0607(b) p. 10 - changed "designated" to "trained" to read "....the trained staff shall...."
- Rule .0607(d)(1) reads as "...accounting for all in attendance..."
- Rule .0607(d)(10) "accounts for all children, staff, and volunteers". Delete "in attendance"
- Rule .0607(e) reads "...during orientation..." and "...Documentation of the review...."
- Rule .0607(f) Line 33 added "...and volunteers counted in ratios"; "...shall be informed" instead of receive orientation; "Documentation of this notice shall be maintained in the individual personnel files."
- Rule .1705 p. 16, line 2 delete the word "verification;"
- Rule .1705 added definition of EPR Plan; make same changes as earlier rule
- Rule .1705 p. 17; format change that moved Paragraph (c) to Sub-paragraph (b)(8)
- Rule .1720 p. 17 line 30; added "...as defined in 10A NCAC 09 .0102 at least..."

The next step is to file the rules with the Rules Review Commission, for a June 1, potential effective date.

Commission Action:

Ms. Creech moved to adopt the EPR rules as amended. The motion was seconded by Ms. Lowrance and was approved unanimously.

The meeting was adjourned for lunch at 11:50 a.m., reconvened at 12:50 p.m.

Public Comment

- Ms. Michele Rivest, NC Child Care Coalition – expressed the Coalition’s concern about implications of the new selection and review criteria for curricula on the quality of statewide child care system.
- Ms. Norma Honeycutt, child care provider and former Child Care Commission member – shared her concern about the Commission’s decision to change requirements for curricula approval/review from eleven criteria to two criteria. She stated concern about curricula that have now been approved that may not utilize best practices.
- Ms. Katherine Genereaux, child care provider, Rowan County – asked that the Commission consider cultural competence information when reviewing curricula.
- Ms. Nancy Haddock, Executive Director, Child Development Center – shared her concern that the NCADD Petition for rulemaking had been delayed.
- Ms. Nell Barnes, Executive Director of Learning Together – noted the urgency for completion of the Developmental Day fiscal note; she felt that centers are in jeopardy of closing classrooms and facilities.
- Ms. Donna Small, President of NC ADD (NC Association of Developmental Day Directors) – expressed concern regarding the completion of the Developmental Day fiscal note.
- Ms. Linda Piper, Executive Director, NC Licensed Child Care Association – shared that the NC LCCA is developing an option on their website for public/providers to comment on rules.

Curriculum Review Discussion

Curriculum Review Discussion

Laura Hewitt, DCDEE staff, shared information from the review form of two curricula the Commission would be considering for approval. The Funshine Express, Fireflies Curriculum review form states, “The curriculum incorporates literacy activities; however it does not address, explain or discuss early literacy in general nor does it address the individual literacy emphases...”. From the Assessment, Evaluation and Programming System review form she noted the intent of this curriculum was to provide activities that can be used to help individual children with developmental disabilities rather than the specifics for a group of children.

Ms. Sharon Spigner, DCDEE staff, spoke to the Commission about her review of the following curricula: Mother Goose Time and Kids R Kids. She was asked to provide feedback on the literacy emphases of these curricula, since this element had not been assessed during the most recent curricula review process. Ms. Spigner shared the curricula did meet the literacy emphases; however, the approach to teaching literacy did not align with the approach in *NC Foundations for Early Learning and Development*. Child Care Rule NCAC 09 .3007 requires NC Pre-K programs to use *NC Foundations for Early Learning and Development*. If the curricula are approved, this will cause a conflict between what *NC Foundations for Early Learning and Development* is telling a teacher to do in the NC Pre-K classroom and what the curriculum is telling them to do. She noted this concern in Scholastic Big Day for Pre-K, another curriculum the Commission was considering for approval, as well.

Ms. Elizabeth Gilleland, who was not in attendance at the previous meeting, asked for clarification as to the decision made by the Commission at the last meeting regarding the criteria for approving

curricula. The motion from the September 26, 2014 meeting was reviewed from the approved minutes.

Chairperson Weinert explained the motion was based on the legislation that authorized the Commission to approve evidenced-based curricula with a literacy component. Therefore, it was determined that criteria 1 and 3 of the comparison document that reflected these criteria (evidence-based and areas of children's development and learning) would be used in determining approval. Chairperson Weinert noted that the Commission discussed how the most widely used approved curriculum, Creative Curriculum, only scored "partially met" for the evidence-based standard. Therefore, it was determined that "partially met" for criteria 1 and 3 would be allowable for the curriculum to be approved. Though it was not put in the motion, the Commission had noted in the meeting that 23 of 26 curriculum met or partially met these criteria and that this action to approve the criteria was approving these curricula. This was confirmed in reviewing the minutes from the September 26th meeting.

Chairperson Weinert asked the Commission whether they would like to revisit the motion from the September 26th meeting. Mr. Campbell recommended that the Commission should allow the motion to stand. Ms. Gilleland questioned not asking the staff to review each curriculum with the Commission, which could have provided more information prior to being approved.

Mr. Jim Wellons stated that it would require a motion to re-open the conversation.

Mr. Wellons stated that the motion to reopen this discussion would need to come from a Commission member who voted for the motion when it passed at the September 26th meeting. This disqualified Ms. Gilleland and Ms. Creech from making and/or seconding a motion to revisit the discussion.

Those who were present and voted for the previous motion were asked if anyone wanted to move to re-open the discussion related to the curricula approval criteria. There was no motion, so the motion approved in the September 26th meeting minutes stays in effect. Therefore, all 23 curricula previously approved remain approved.

Mr. Wellons advised that the audio record of the last meeting be preserved to document the vote on this issue.

Curriculum Review Process

Chairperson Weinert reviewed information provided by DCDEE staff (Curriculum Review Revised Appeal Draft 2; approval/disapproval letters) and asked the Commission to consider an appeals process for curricula approval. She asked the Commission to consider the frequency of curricula review; the make-up of the review committee; the date of the next review and the process by which curricula are to be reviewed in the future.

Mr. Campbell suggested that any appeals could be handled on a one-on-one basis, and the process could be developed going forward. Chairperson Weinert tabled this appeals process discussion for another meeting but asked the Commission to consider how this will be handled.

Ms. Dedra Alston stated that Kiddie Academy Educational Child Care - Ready, Set, Go curriculum had written a letter, found in Commission members' packets, that states they will be revising their curriculum and submitting it to the Commission to be reviewed again.

Ms. Hewitt distributed letters for the Commission to review that would be sent to companies noting whether the curriculum they submitted would be approved or disapproved.

Ms. Vandevender asked if there was a model of other states' processes for curricula review. Ms. Hewitt stated that other states conduct review processes. She does not have the information. The Commission could ask for a review of other state review processes. The Commission did not request for a review at this time.

Mr. Wellons stated that DCDEE had received 35 letters interested in when next curricula approval process will be, demonstrating the necessity for timely action in developing a review process.

Chairperson Weinert stated that developing the curriculum review process will be an agenda item at the Commission's next regular action meeting.

Commission Action: **Ms. Janice Price moved that the three curricula that were not approved given the new criteria, will be given 120 days to resubmit their curricula and needed updates. At the end of the 120 days those Commission members that were part of the curricula sub-committee will have the opportunity to evaluate the resubmitted information for further evaluation. Ms. Laurie Morin seconded the motion and it was approved unanimously.**

Rulemaking Petition from Generations Preschool and Childcare

The petitioner stated that Generations Preschool and Childcare has been in operation for 17 1/2 years and is now faced with a requirement that they cannot have mixed enrollment of infants with their siblings. Ms. Alexi Gruber replied on behalf of the Division that Rule .0712 establishes the staff/child ratios for centers with fewer than 30 children: children 0-12 years old requires a 1:5 ratio; maximum group size 10. She explained that since these requirements were in NC General Statutes, the Commission does not have the authority to alter the child/staff ratios in the rules.

Mr. Wellons noted the Commission had the option discuss a legal issue in a closed session. Chairperson Weinert requested the closed session. After the closed session, the following action was taken resulting in the denial of the petition.

Commission Action: **Chair Glenda Weinert motioned that in regards to Generation's rulemaking petition it is not within the Commission's authority to change G.S. 110-91(7) as it is law. This motion was seconded by Ms. Elizabeth Gilleland and was approved unanimously.**

Chairperson Weinert requested a break, the meeting resumed at 3:23 p.m.

Rulemaking Report and Discussion

See and Hear Rules Discussion for Family Child Care Homes

Ms. Laurie Morin referenced a rule for child care centers that had recently been adopted that would allow for staff to be able to see **or** hear children that they were supervising, rather than see **and** hear them. She recommended that similar language be considered for school-age children enrolled in family child care homes, in order for those children to be able to participate in age-appropriate activities when different age groups are enrolled. Ms. Tammy Barnes, DCDEE Regulatory Services Section Chief, agreed that DCDEE does not oppose this change if the same language from 10A NCAC 09 .1718(4) 'Requirements for Daily Operations' is used for the Family Child Care Home rules.

Commission Action:

Ms. Laurie Morin motioned to amend the family child care home rule 10A NCAC 09 .1718(a)(4) to include the “hear or see” language the same as it is in the center rule .0714(f). School age children would be allowed into another room so that age appropriate activities can happen where they can be seen or heard by the provider. Kay Lowrance seconded the motion and the motion was approved unanimously.

Fiscal Note Update (NCADD Rulemaking Petition)

Ms. Janice Fain, DCDEE staff, provided an update about the fiscal note which is required to be approved for the NCADD rulemaking petition to move forward. Mrs. Fain stated that this fiscal note has been more complicated to develop because there is a necessity to assess the potential impact of the rule change on Developmental Day programs in community-based organizations and also those in public school classrooms. The Division has collected data as requested by the Office of State Budget and Management (OSBM), who would be reviewing the fiscal note. She noted that the OSBM analyst has reviewed multiple versions of the fiscal note and has requested additional information and changes. The OSBM analyst has advised the Division to focus on three specific areas of impact: (1) the impact on public schools or LEAs; (2) the impact on community based Developmental Day programs and (3) the impact on children and families served by these programs.

Ms. Fain noted that DCDEE has asked a series of follow-up questions to both NCADD and the Department of Public Instruction and has received responses from both groups. The Division is now working on incorporating this information into the fiscal note format, with a final document to be approved by OSBM and the Department of Health and Human Services.

The meeting was adjourned at 3:50 p.m.

The Child Care Commission will hold its Special Rules meeting on November 18, 2014.

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Tuesday, November 18, 2014**

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Glenda Weinert, Chairperson	
Kevin Campbell, Vice Chairperson	Elizabeth Gilleland
Elliott Blades	Janice Price
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April Duvall	Linda Vandevender
Zac Everhart	

Commission Members with an Excused Absence

Kay Lowrance	Melanie Gayle
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Division of Child Development & Early Education Staff Present

Dedra Alston, Administration/Policy	Rachel Kaplan, NC Pre-K
Tammy Barnes, Regulatory Services	Rob Kindsvatter, Director
Janice Fain, Administration/Policy	Heather Laffler, Administration/Policy
Tammy Freeman, IT	Andrea Lewis, Regulatory Services
Alexi Gruber, Attorney General	Lorie Pugh, Regulatory Services
Laura Hewitt, Regulatory Services	Jim Wellons, Attorney General
Mary Pat Hicks, NC Pre-K	Cindy Wheeler, NC Pre-K

Welcome & Chairperson's Report—Chairperson Glenda Weinert called the meeting to order at 9:03 a.m. and reviewed housekeeping items. She expressed a thank you to the Commission for the extra effort of meeting for this second day. She welcomed everyone and discussed the meeting agenda. She read the conflicts of interest statement and asked whether there were any conflicts noted for today. Chairperson Weinert called for roll call, which Ms. Dedra Alston performed, and Chairperson Weinert listed the Commission members who were absent from this meeting who requested and received excused absences. Chairperson Weinert discussed the review of comments procedure as the day's agenda:

Periodic Review of Existing Rules

Mr. Jim Wellons discussed the process for the Commission to begin its review of all child care rules. The Commission began its review process by examining all public comments that were received as a part of the rule ‘bucketing’ process. Only comments opposing the bucket designation of a rule (Necessary With Substantive Public Interest, Necessary Without Substantive Public Interest and Unnecessary) by the Commission are required to be addressed at this point. It was noted that specific recommendations for rule changes in the comments could be considered when the rule was re-adopted, i.e., the rules are not open for any specific action yet.

The Commission reviewed an electronic and paper copy of the public comments and provided their response to each, as noted below.

Review of Comments

- 10 A NCAC 09 General Comment—Gerry Cobb, State Services Director BUILD Initiative

Ms. Cobb thanked the Commission for their work and review of the rules, and urged the Commission to maintain commitment to high quality early care and education as a standard for decision-making.

Commission Response: The Commission appreciates your comment. Thank you for your interest.

- 10A NCAC 09 .0102 Definitions—Sheree Vodicka, YMCA of the Triangle—NC Alliance of YMCAs

Ms. Vodicka commented on the licensing requirements for programs serving school-age children during breaks from school. She noted that some NC counties have year round school calendars, with students tracking out during the year rather than having a summer vacation period. Ms. Vodicka recommended that track out programs be treated the same as summer day camps for licensing purposes.

Commission Response: The Commission is not certain that it has authority to make the requested change. The Commission will investigate this issue during the re-adoption process.

- 10A NCAC 09 .0206 Capacity of the Center—Norma Honeycutt, Partners in Learning

Ms. Honeycutt noted the importance of this rule in addressing staff-child interactions.

Commission Response: The rule referenced (10A NCAC 09 .0206) has been documented as unnecessary because it duplicates NCGS 110-91(6).

- 10A NCAC 09 .0508, Activity Schedules and Plans for Centers—Norma Honeycutt, Partners in Learning
10A NCAC 09 .0509, Activities: General Requirements for Centers—Norma Honeycutt, Partners in Learning

10A NCAC 09 .0510 Activity Area: Preschool Children Two Years and Older
 10A NCAC 09 .0511, Activities for Children Under Two Years of Age

Ms. Norma Honeycutt, Partners in Learning, commented on these rules. She thanked the Commission for their service and asked them to consider the rule impact and current research when reviewing each rule. Ms. Honeycutt commented on how these rules are important for providing opportunities for intentional learning and engagement.

Commission Response: The Commission appreciates your comment. Thank you for your interest. These rules are already marked Necessary with Substantive Public Interest.

- 10A NCAC 09 .0510, Activity Areas: Preschool Children Two Years and Older—Jane Meyer, Executive Director Smart Start of Mecklenburg

Ms. Meyer recommended adding “non-interactive” to the portion of the rule pertaining to requirements for screen time for children. She noted this would differentiate non-interactive (television, videos, video games, computers) screen time from interactive media. She referenced a position statement from the National Association for the Education of Young Children (NAEYC) and the Fred Rogers Center for Early Learning and Children’s Media that supported the use of interactive media.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .0713 Staff/Child Ratios for Centers with a Licensed Capacity of 30 or more Children—Norma Honeycutt, M.Ed.

Ms. Honeycutt compared the staff/child ratios and maximum group size by age group in this rule to those recommended by the NAEYC. Ms. Honeycutt recommended the Commission consider lowering the ratios especially for infants and toddlers. If that was not possible, she requested the Commission not raise the ratios or group sizes.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .0901 General Nutrition Requirements—Tammie Martin, Partners for Children & Families

Ms. Martin commented that the rule was contradictory, noting that the USDA Child and Adult Care Food Program allows flavored milk to be served. She commented that she has administered the CACFP for 18 years and has not witnessed a child care provider abusing flavored milk.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .0901 General Nutrition Requirements—Kathy Duncan, FFES Site Coordinator

Ms. Duncan is a site coordinator of an after school program and recommended that the use of flavored milk be allowed. She noted the USDA requirements do not say that milk cannot be flavored. Ms. Duncan requested that if the requirement could not be changed for pre-school age children, to consider changing it for school age children.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .1003(l), Safe Procedures—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson recommended that the rule establish a set time period for how long documentation of the seating chart/list of children being transported during routine or field trip travel must be kept.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .1403(b), Aquatic Activities—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson commented on the term “body of water” used in this rule – there is not a list of what this encompasses or excludes. He noted the rule does not give a depth for what is a “body of water.” He recommended a minimum water depth of natural bodies of water be defined to allow school age children to participate in science and nature activities.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .1403(f), Aquatic Activities—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson noted an incorrect paragraph reference within the rule and recommended that the terms “water” and “pool” were used inconsistently. He recommended that the term “water” be used, since aquatic activities can take place in other bodies of water in addition to a pool.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .1403(f), Aquatic Activities—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson noted the rule requires staff to be able to hear and see at all times, in order to respond to children. He recommended that this be changed to “hear or see” for accessibility of staff, to align with other rule changes that have been made.

Commission Response: The Commission appreciates your comment. In this case the Commission is unlikely to make the requested change because this requirement is important for safety concerns. Thank you for your interest.

- 10A NCAC 09 .1718(a)(4)(A), Requirements of Daily Operations—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson noted the rule requires the ability of staff to be able to hear and see children. He recommended that this be changed to “hear or see” for accessibility of staff, to align with other rule changes that have been made.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

Meeting Break at 10:20 a.m., resumed at 10:30 a.m.

Following the break, upon request of Commission Counsel, Chairperson Weinert raised a question to clarify the previous day’s motion concerning a proposed change to the FCCH “see or hear” rule and whether the motion was adopted as it was intended. As a result of this discussion it was determined that further discussion of the proposed motion should take place at the next regular (non-Rules Review) meeting of the Commission.

Commission Action:

Ms. Linda Vandevender moved to reconsider the vote taken on November 17th, 2014 regarding Rule .1718(a)(4) pertaining to supervision in a family child care home. Mr. Zac Everhart seconded the motion. Motion was unanimously approved.

For the record: The original motion was made by Ms. Laurie Morin and seconded by Ms. Kay Lowrance; neither of which were present at this meeting.

The Commission resumed with the Rules review comment review process.

- 10A NCAC 09 .2506(b), General Safety Requirements—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson noted a reference in this rule to Rule .1403, Aquatic Activities. He noted the aforementioned rule only referred to swimming pools and not all bodies of water.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .2510(b)(2), Staff Qualifications—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson noted the requirement of two semester credit hours in child and youth development and noted that coursework focused on center-based care for children ages 0-5. Mr. Wilson recommended including teacher licensure as an option for program coordinator qualification.

Commission Response: The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

- 10A NCAC 09 .2703(e), Criminal History Record Check Requirements for Child Care Providers—Ryan P. Wilson, YMCA of Western North Carolina

Mr. Wilson recommended allowing an exemption from the criminal record check requirement if the individual is employed by an organization that provides a national background check comparable to the DHHS criminal record check.

Commission response: The Commission appreciates your comment. In this case the Commission is unlikely to make the requested change because this requirement is important for safety concerns and is highly regulated by Statute. Thank you for your interest.

Following the Commission lunch break, the document listing all the submitted public comments and the Commission’s responses will be available for review. The Commission will vote to approve the entire document with all comments.

The Commission broke for lunch at 11:30 p.m., resumed at 12:15 p.m.
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Follow up Discussion

The Commission reviewed the document showing all public comments with responses.

Commission Action:

Ms. Elizabeth Gilleland motioned to approve the Commission's responses to public comment, viewed and approved during the morning session on November 18, 2014 in response to comments submitted as part of the periodic review of rules. Billy Walton seconded the motion. The motion passed unanimously.

The Commission will meet next on December 8th, 2014 to start looking at rules and continuing the re-adoption process. Chairperson Weinert requested that the Commission bring their rule books and any comments in preparation for the December 8th meeting.

Mr. Jim Wellons suggested having rules being reviewed projected on screen so they can be edited in session, and a public meeting (or multiple) devoted to reviewing rules **without** public comment initially. Public comment will be formally invited when the text is published; therefore, there is no need to solicit comments during Commission discussion meetings.

Chairperson Weinert adjourned the meeting.

<p>The meeting adjourned at 12:45 p.m.</p>

Next meeting December 8th, 2014 9:00am-4:00pm