

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**Second Quarter Meeting**  
**Monday, December 9, 2019**  
DCDEE  
333 East Six Forks Road  
Raleigh, NC 27609

Commission Members Present

**Zac Everhart, Chairperson**

**Rhonda Rivers, Vice Chairperson**

**Sheresa Blanchard**  
**Melissa Burroughs**  
**Susan Butler-Staub**  
**Victor Coffenberry**  
**J. Lanier DeGrella**  
**Sharon Foster**  
**Elizabeth Gilleland**  
**Mitchell Gold**

**Kimberly J. McClure**  
**Charles F. McDowell, III**  
**Perry S. Melton**  
**Beth Messersmith**  
**Amelie Schoel**  
**Iheoma Iruka Thompson**  
**Janie R. Truesdale**

Commission Members with an Excused Absence

**None**

Division of Child Development & Early Education Staff Present

**Kristi Snuggs, Interim Director**  
**Heather Laffler, Administration/Policy**  
**Arlette Lambert, Administration/Policy**  
**Dedra Alston, Administration/Policy**  
**Branda Watford, Administration/Policy**  
**Kylie Bezdek, Administration/Policy**  
**Laura Hewitt, Administration/Policy**

**Tammy Barnes, Regulatory Services**  
**Alison Keisler, Regulatory Services**  
**Andrea Lewis, Regulatory Services**  
**Lorie Pugh, Regulatory Services**  
**Jeff Gaster, Regulatory Services**  
**Lorena Gonzalez, Early Education**  
**Rachel Kaplan, Administration/Policy**

Attorney General (DOJ) Staff

**John Green, Commission Attorney**

**Amber Davis, DCDEE Attorney**

**Welcome**

Chairperson Zac Everhart called the meeting to order at 9:02 a.m. and reviewed housekeeping items.

**Roll Call**

Chairperson Everhart read the conflicts of interest statement and asked whether there were any conflicts noted for today. All Commission members were in attendance. Ms. Rachel Kaplan conducted roll call. Chairperson Everhart reviewed the agenda and discussed the materials provided to the Commission members.

**Chairperson's Report****Approval of September 23, 2019 First Quarter Meeting Minutes**

**Commission Action:** Chairperson Everhart asked for approval of the September 23, 2019 First Quarter Meeting Minutes. Ms. Amelie Schoel motioned for approval and Dr. Lanier DeGrella seconded the motion, which carried unanimously.

**Director's Report—Dr. Kristi Snuggs****Federal Update****CCDF – Quality Performance Report (QPR)**

The annual Quality Performance Report is a report completed by state CCDF lead agencies for the federal Office of Child Care (OCC) which describes how each state has used CCDF funding to improve the quality of care. Reporting period is October 1, 2018, to September 30, 2019 – Submission due December 31, 2019

**CCDF Monitoring**

On-site visits to CCDF lead agencies conducted by the Office of Child Care. This is the first time that lead agencies for the CCDF block grant have had onsite monitoring by OCC staff for compliance with CCDBG Final Rule requirements.

- Onsite visit dates: April 21-23, 2020
- Monitoring in 11 areas
  - Disaster Preparedness, Response, and Recovery
  - Consumer Education: Dissemination of Information to Parents, Providers, and General Public (focusing on the posting of Monitoring Reports and Annual Aggregate Data)
  - Twelve-Month Child Care Subsidy Eligibility
  - Child:Staff Ratios and Group Sizes
  - Health and Safety Requirements for Providers (11 Health & Safety Topics)
  - Pre-Service/Orientation and Ongoing Training for Providers
  - Inspections for CCDF Licensed Providers
  - Inspections for License-Exempt CCDF Providers
  - Caseload Ratios for Licensing Inspectors
  - Child Abuse and Neglect Reporting
  - Program Integrity and Accountability

DCDEE is currently in the preparation phase for OCC's monitoring visit. NC had an onsite pre-visit by an OCC team in 2019 where the Division provided an overview of the how the state operates its child care regulatory and subsidy programs. The OCC team visited Child Care Services Association (CCSA), a resource and referral (R&R) agency, to learn about R&R activities. There are also 3 preparatory state calls planned, and completion and submission of a monitoring compliance demonstration packet is required, in advance of the monitoring visit.

Amelie Schoel asked if the Commission could be of any assistance with this monitoring visit? Interim Director Kristi Snuggs stated that she appreciates the offer and wanted the Commission to be aware of the dates, in case the Division needs to contact any member(s) for any reason.

**Supplemental Appropriations for Disaster Relief Act 2019**

The federal Supplemental Appropriations for Disaster Relief Act of 2019 allocated \$30 million to State, Territory, and Tribal CCDF Lead Agencies to pay for expenses which were directly related to the effects of Hurricanes Florence and Michael that occurred in calendar year 2018. North Carolina was allocated approximately \$7M of these funds.

DCDEE had to apply for these funds by submitting an amendment to its CCDF Plan. DCDEE requested the maximum amount of funds available, which was a little over \$7M.

Funds will be used to pay (reimburse) for the following activities and expenditures from calendar year 2018:

- In November 2018, DCDEE waived parent fees for service months November 2018 through January 2019 for an additional 3 disaster designated counties added after October 2018.
- A 120-day transition period was also legislatively mandated for Hurricane Florence in 2018, which required DCDEE to continue child care subsidy payments for families for an additional 30 days (120 days v. 90 days).
- DCDEE extended re-certification deadlines for September 30 through October 31 recipients until November 30. Child care subsidy payments in 34 counties were continued during this timeframe.
- Due to flooding in September 2018, providers in affected counties were given full payment for a child, if a child attended at least one day during the month of September prior to Hurricane Florence's landfall.
- Due to the timing of the weather events, the subsidy efforts DCDEE was already implementing for Hurricane Florence also assisted families during Tropical Storm Michael.

#### **DCDEE Allowable Activities**

- **Direct services (Subsidy)**  
DCDEE made efforts during these storms to ease the financial burden for both families and child care programs. As a result of these efforts, overspending occurred in the Subsidized Child Care Assistance program. Supplemental Disaster Funds will allow DCDEE to recoup expenditures during the disaster events.
- **Materials, supplies and equipment**  
The other allowable activity stated in the disaster funding amendment was CCR&R replacement of equipment, materials, and supplies in impacted areas and programs. Each time a disaster is declared, DCDEE and child care resource and referral agency staff assess programs to determine damage and estimated costs. (See assessment form on pages 21-24 of the DCDEE Disaster Plan). CCR&R agencies use quality dollars to provide grants to assist programs with the cost of repairing damages.

Ms. Schoel inquired about how much money was actually spent by DCDEE to respond to these disaster events? Interim Director Snuggs stated it was around \$4 million that the Division would be able to recoup with these funds.

#### **Preschool Development Grant (PDG)**

NC received \$4.5M for 12 months' activities. There are five required activities: Needs Assessment, Strategic Plan, Family Engagement, Advancing Local Best Practices, and Quality Improvement. All five required activities are being implemented.

For planning year 1 all recipient states received a 2-month no cost extension. As a result of this, most Year 1 projects have extended their end dates, and a few projects were able to add some new activities.

Year 1 Accomplishments: ACF approved NC's Needs Assessment (Activity 1), which is currently being prepared for publication. The strategic plan has also been submitted (Activity 2) and is awaiting formal federal approval.

Future Opportunities for Years 2-4: NC submitted an application for additional implementation funds on November 5, 2019. The funding announcement is scheduled to be no later than December 31, 2019

Ms. Janie Truesdale asked about the total amount that could be awarded? Interim Director Snuggs stated that NC is eligible for up to \$15.4 million a year for three years (total \$46.2M).

### **North Carolina Update**

#### **Early Childhood Action Plan (ECAP)**

The North Carolina Early Childhood Action Plan outlines a cohesive vision, sets benchmarks for impacts by the year 2025, and establishes shared stakeholder accountability to achieve statewide goals for young children from birth through age 8. The plan centers on three themes: that North Carolina's young children are healthy, grow up safe and nurtured, and are well-supported to be learning and ready to succeed. It presents a bold vision, focusing on improving outcomes related to children's health, safety and well-being, and developmental and academic readiness.

The plan provides a framework for galvanizing coordinated action across public and private stakeholders throughout North Carolina and centers around making measurable changes in early childhood outcomes. It includes 10 data-informed goals and will continue to grow and develop over time. Work on drafting the plan began in August 2018, when Governor Roy Cooper issued an [executive order](#) that [directed](#) DHHS to develop the plan.

DHHS worked extensively with over 350 stakeholders from across the state to develop the Early Childhood Action Plan, including the Governor's Early Childhood Advisory Council (ECAC). More than 1500 people provided feedback on the plan and provided valuable input as the plan was drafted.

Through the ECAP, county level early childhood data was launched November 12, 2019 and is now available. New reports provide local data regarding issues such as:

- infant mortality
- food and housing security
- emergency room visits
- child health
- foster care
- early learning and early literacy

<https://www.ncdhhs.gov/early-childhood-action-plan-county-data-reports>

Dr. Iheoma Iruka Thompson asked how the ECAP project aligns with the PDG application? Interim Director Snuggs stated that they are very much aligned, as ECAP guided the PDG application.

#### **Criminal Background Checks (CBC)**

CBC Provisional Qualification has allowed additional time for many applicants to gather out-of-state background check information. This Provisional qualification was implemented in January 2019. 583 applicants (as of 9/30/19) have been provisionally qualified. 144 applicants have been shown to be later disqualified through this process, in July – September, mostly due to a failure to submit required out-of-states background checks. 7 applicants provisionally qualified applicants were later disqualified for being on a Child Abuse and Neglect Registry, and 1 applicant became disqualified due to a criminal record from another state.

Dr. Thompson asked about whether disqualified applicants can re-apply, and Ms. Tammy Barnes answered yes-every 6 months.

Public school classrooms with licensed classrooms must now adhere to all DCDEE Child Care Regulatory Rules and Criminal Background Check requirements. This includes NC PreK, Title I, & Developmental Day classrooms. To allow time to fully complete the evaluation of public school staff statewide, a waiver was granted by Office of Child Care; however, this waiver officially expired September 30, 2019. Including those of public school staff, in August 2018 – 7,000 applicants were processed, and in August 2019 – 17,000 applicants were processed, showing a sharp increase.

An additional currently requested extension of the CBC waiver would allow more time for NC to become fully compliant with one area of the final federal rule - licensed child care classrooms in public schools. North Carolina's 2019-21 plan was approved; however, the state received a waiver for year one, 2018-19, which granted more time for public schools to complete the CBC requirements. NC is requesting a second 1-year waiver for 2019-20 and waiting on the federal government to approve that waiver. NC fully expects the waiver to be approved; however the formal approval has yet to be received.

Mr. Victor Coffenberry asked if county school systems pay the costs of the CBC, or whether NC Pre-K covers the cost for those classrooms? Interim Director Snuggs stated that the law requires that the LEAs pay CBC costs; the NC Pre-K contractor is allowed to utilize NC Pre-K administrative funds to pay. Mr. Coffenberry asked whether admin funds could be used for this purpose for both public and private sites? Interim Director Snuggs replied that yes, both types of classroom are allowed to use admin funds to pay for criminal background checks. Ms. Schoel asked how many LEAs used admin funds for this purpose and Interim Director Snuggs stated that not many utilized the admin funds for this purpose.

Mr. Coffenberry inquired about why fingerprint checks must be submitted every three years as opposed to keeping them on file? Interim Director Snuggs stated that the NC State Bureau of Investigation (SBI), which processes the checks, does not currently have electronic storage space to retain all submitted fingerprints on file.

The Child Care and Development Block Grant Act is the grant that funds and authorizes the CCDF program, including most of the Subsidized Child Care program, DCDEE's quality initiatives and most staff salaries. In order to receive this funding (\$293M), DCDEE must submit a Child Care and Development Fund Block Grant Plan every three years, which tells the Office of Child Care how the state will use its money. This report is available to federal legislators as well as the public.

### **Legislative Update**

#### **Update on the Status of the North Carolina State Budget**

DCDEE and all other State agencies are currently operating under a "continuation" of the 2018-2019 budget. The most recent action on the budget is that the House voted to override the Governor's veto on September 11, 2019 and the Senate failed to take up the vote to do the same. As such, the General Assembly moved forward with a series of mini budgets to fund additional activities and State employee raises.

The General Assembly adjourned October 31, 2019 and reconvened November 13, 2019, specifically to discuss redistricting. At this time several bills remain on the Governor's desk and the legislature is scheduled to return briefly in January, and then in the spring of 2020 for their 'short' session.

## North Carolina General Assembly 2019 Long Session

<u>Ratified</u>	
HB 886	Required to study the challenges child care facility operators face in participating in NC Pre-K program

- Contracted with FPG
  - Survey of 4&5 Star providers who do not currently have NC Pre-K (25% response rate)
  - Survey of programs who have NC Pre-K (41% response rate)
  - Survey of NC Pre-K contractors (85% response rate)
  - Due to Division December 16, 2019, due to Legislature by February 1, 2020

## Bills to Watch

<u>Bill Number</u>	<u>Bill Title</u>	<u>Summary</u>
S212 / S634 / H882	Early Childhood Recommendations	Act to enhance the early childhood workforce

- Conference Committee appointed July 15, 2019. No further action has been taken. Eligible for discussion during the short session.

Ms. Truesdale asked if there are conversations going on about centers in-a-residence being eligible to have NC Pre-K classrooms? Interim Director Snuggs stated that she would be open to having discussions surrounding this topic with Regulatory staff and center in a residence operators.

Ms. Schoel stated that she would like to see the Commission work with the staff in an effort to accomplish the intention of SB212 (Teacher Qualifications) in rule making, as opposed to legislatively. She believed during the Rule revision process, the Commission demonstrated a willingness to take input from all stakeholders and review the fiscal impact to make most informed decisions for all involved. She stated that she would hope those same principals would be applied to discussion surrounding teacher qualifications.

Commission members discussed how they individually, and as a body, can communicate with their legislators and appointing bodies/members to move forward issues of interest. Chairperson Everhart reminded members that all Commission members may communicate *individually* with the officials who appointed them to the Commission and communicate their ideas. For members to speak 'on behalf of the Commission,' that would need to be agreed upon by the body as a whole and agreed to be communicated.

## Subsidy Update

### **Freeze on new enrollment of children receiving Child Care Subsidy Assistance**

In March 2019 a 'subsidy freeze' was implemented because expenditures were at 105 % statewide. DCDEE asked counties not to remove children from their waiting lists and to only serve priority populations, including children experiencing homelessness, children with special needs, children in foster care and children involved in child protective services (CPS) cases. At this point, families and children in Work First

cases could not be served. The freeze was recently lifted – October 1, 2019 – due to statewide child care subsidy assistance spending decreasing to around 92% for past two months.

Effective October 1<sup>st</sup> families who are enrolled in Work First who need child care should be served in all counties. Counties spending less than 100% of their allocation can also begin contacting families from their waiting lists to receive services. Counties spending at or over 100% should maintain their waiting lists and only serve priority need populations.

### **Subsidy Monthly Spending Report:**

October services paid in November (preliminary) show that:

- 96.2% of subsidy providers submitted attendance rosters for payment
- \$32M total statewide payment to providers
- Statewide spending coefficient = 92%

Effective October 1<sup>st</sup> eligible families who are enrolled in Work First who need child care should be

### **Subsidy Provider Compliance Report:**

#### **For July 1-October 31 (provider visits)**

- 153 random visits were conducted
- 31 visits were based upon referrals
- 21 visits were to provide technical assistance
- Remaining visits were based upon random selection of providers
- 20 corrective action plans resulted from these visits

#### **For July-September 2019 (county visits)**

- 11 monitoring visits were completed
- 9 of the 11 LPAs were found to be in compliance
- Average score- 96.09%
- Range of scores- 92%-99%
- Average number of errors per visit- 9

### **Regulatory Update**

#### **New Rule -- 15A NCAC 18A .2816**

This rule change is a result of action by the Public Health Commission, which voted to adopt rules for testing water at child care centers effective October 1, 2019. The rule requires that all licensed child care centers must test all drinking water faucets and food preparation sinks for lead contamination within one year. New centers must test water for lead upon application for a license. Following their initial inspection all child care centers are required to test their water once every three years.

To be in compliance with the new requirement in 15A NCAC 18A .2816, child care operators will need to provide documentation of lead level testing in tap water during periodic sanitation inspections for review by the local health department. The sanitation inspection grade sheet will be modified to capture this information; however, no changes to the current inspection process will occur prior to October 1, 2020, except for new centers, which are required to test for lead prior to licensure.

If a child care center finds elevated concentrations of lead in the center's water, the facility will be required to take immediate action. Lead is highly toxic to young children's developing brains. Depending on the level of lead reported, the action might include:

- No-cost methods, such as discontinuing use of the tap if sufficient other drinking water faucets are available

- Low-cost methods, such as replacing an old faucet with a new one; or
- Installing and maintaining a certified water filter on the tap.

Mr. John Green inquired as to whether there are any regulations designating what time of day the water is to be tested (e.g., after running for 30 minutes or first thing in the morning after a weekend because water that sits in a pipe all weekend may show more contaminants than running water)? Interim Director Snuggs stated that these are questions that would need to be asked of environmental health inspectors and the Division of Public Health.

Ms. Truesdale asked whether these new lead testing regulations apply to FCCHs? Ms. Barnes stated that these requirements do *not* currently apply to FCCHs--only to child care centers.

### **Vaccinations for Child Care Providers**

To avoid disease transmission & staff exclusions from work and care, DHHS *recommends* that child care operators obtain documentation of staff immunizations or proof of immunity for measles, mumps, pertussis, and varicella (chicken pox/shingles). In addition, DHHS recommends that all staff receive an influenza vaccination each year.

### **Annual License Fees**

Invoices were mailed to all providers who are required to pay an annual licensing fee on November 1, 2019. Payment is due December 15. Providers can submit payment online at <https://www.thepayplace.com/northcarolinadhhs/dcdee/licfee/challenge.aspx>

### **Early Education Branch Update**

#### **Electronic Transcripts**

DCDEE officially began accepting electronic transcript submissions to document child care staff education on May 1, 2019. Since then the Division has processed over 700 electronic transcripts. DCDEE staff will continue to monitor the process, as submissions are received, and will make informed decisions and process changes, as appropriate.

#### **Teacher/Administration Credentials**

The DCDEE Workforce Unit is currently processing teacher and child care staff education credential evaluations and approvals within a week. Due to the short processing time, requests for expedited assessment are not needed. This improvement has helped to make hiring of teachers easier for child care providers.

### **NC Pre-K Teacher Residency License Update**

As of December 2019, there were 830 total NC Pre-K teachers licensed through DCDEE. These teachers hold Residency, Emergency, Lateral Entry, Initial or Continuing licenses. A new law adopted by the NC General Assembly created the Residency License (which was previously the Lateral Entry license). A Residency License is a one-year license with an option to renew no more than twice within a 3-year period. Eligibility for a Residency License is determined by the Educator Preparation Program (EPP) in conjunction with the Local Education Agency (DCDEE). The Department of Public Instruction (DPI) reviews, approves and issues all licenses. The Early Educator, Support, Licensure and Professional Development Unit within DCDEE is responsible for supporting NC Pre-K teachers through the licensure process. Individuals must meet a minimum GPA of 2.7 and have successfully completed 24 semester hours according to the licensure area as determined by the Educator Preparation Program (EPP).

### **NC Pre-K (NCPK) budget update for 2019-2020**

In a previous year's budget the General Assembly provided \$9.35 million for expansion of NCPK slots. The Division of Child Development and Early Education has arranged with local contractors to create these

slots. The Division had sought a rate increase for providers and an increase in the percent amount that is allowed for administrative costs, but because no State budget was approved – where this request was included – these increases were not been provided and no new rate exceptions have been allowed.

The 2019-2020 budget for NCPK is approximately \$174.5 M, including the \$9.35M additional funds. This includes TANF (Temporary Assistance for Needy Families) - \$6.2M and Child Care Development Fund (CCDF) - \$3.2M, in addition to State appropriations and lottery funds provided.

Mitchell Gold asked if there is any way to find out who was responsible for keeping a budget from being approved and their reasons why, so that the Commission members can know who to influence? Interim Director Snuggs stated that this is not necessarily easy to discern. Dr. Sharon Foster stated that she would be more than happy to sit down with legislators to discuss these issues and Ms. Schoel agreed.

Vice Chairperson Rhonda Rivers thanked Interim Director Snuggs for such a valuable, thorough report.

Ms. Amber Davis, the new DCDEE Attorney, who is an employee of the NC Department of Justice, was introduced to the Commission. Ms. Davis will be filling the position vacated by Alexi Gruber upon her retirement in December.

### **New Business**

- **Upcoming Curriculum Review**

Chairperson Everhart noted to Commission members that by Rule the Commission is charged with approving a list of curricula that may be used in 4 and 5 star 4-year-old-classrooms and NCPK classrooms at least every 3 years. No immediate action by the Commission is needed, but members should be aware that a plan of action for this review process will need to be developed. In previous cycles a subcommittee was created and assigned to review curricula.

Ms. Alison Keisler stated that there are currently 23 curricula and 13 formative assessments approved; and there are 12 new requests for curricula to be reviewed. Dr. Elizabeth Gilleland asked if revised editions of already approved curricula must be reviewed? Ms. Keisler stated that in previous years this has been the requirement, as individual curriculum versions are listed as approved.

- **Prohibition of Corporal Punishment**

Per N.C.G.S. 110-106 Religious Sponsored child care facilities are currently not prohibited from using corporal punishment for discipline in their facilities, although this policy must be disclosed to the Division if it is utilized. In previous meetings members of the Commission have expressed their desire to work to have this permission removed, so that like in all other regulated child care facilities, corporal punishment would be prohibited in religious sponsored facilities. Previous discussions surrounding corporal punishment in religious sponsored facilities have included requests to compose a letter from the Commission to members of the General Assembly because the allowance is included in NC Statue, and to be removed would require a change in law.

Initial discussion centered around whether the current session – with the General Assembly at odds within itself and not scheduled to return in the spring – would be a ‘good’ time to try and achieve this goal; and Mr. Gold stated his opinion that there may never be a ‘good’ time, but that it is more important to get the issue in active discussion. Dr. Thompson stated that research supports the negative outcomes of corporal punishment on children’s health and well-being, and the sooner it is prohibited, the better things will be for children. Ms. Beth Messersmith noted that NC Child has made the elimination of corporal punishment a fundamental issue in public schools and achieved that restriction in state policy, and perhaps the Commission could use that experience working with child care. Dr. Foster stated her belief that the more voices that speak up, the more likely is success. Ms. Schoel noted her feeling that

the Commission needs to be prepared for those who operate facilities with religious exemption to object to this change, especially if their policies currently allow corporal punishment. Mr. Green advised that the appropriate focus is the health, care, and safety of children.

Dr. Gilleland noted that the statute describing religious exemption allowances encompasses more than just corporal punishment. Mr. Green read the full Statute aloud to provide information regarding all of these allowances. Dr. Gilleland stated her belief that the entirety of this exemption should be the beginning of establishing a discussion where the Commission can address the General Assembly about seeking to change the current law. Rev. Charles McDowell stated that as a religious leader, he will support any initiative to ban corporal punishment in all child care facilities, and Ms. Messersmith noted to the Commission that they also should be aware that there is no age exemption – either minimum or maximum - to the use of corporal punishment, so that it could potentially be used with an infant.

Ms. Schoel confirmed with Interim Director Kristi Snuggs that the Division would support the Commission in seeking to achieve this change in law.

Chairperson Everhart stated that it would appear that there is consensus among the Commission in support of pursuing a change in the current religious exemptions, and he suggested forming a subcommittee to compose a letter from the Commission to members of the General Assembly, and also to develop a strategic plan to achieve this change.

The subcommittee volunteer appointees are as follows:

- |   |                         |
|---|-------------------------|
| - Lanier DeGrella                         | - Iheoma Iruka Thompson |
| - Sharon Foster                           | - Charles McDowell      |
| - <b>Elizabeth Gilleland, Chairperson</b> | - Kimberly McClure      |
| - Mitchell Gold                           | - Beth Messersmith      |

Mr. Green reminded Commission members that this subcommittee must abide by Public Records Law, just as the full Commission is required to do, and advised to save emails and documents. The committee will present draft recommendations and communicate to the full Commission as soon as possible.

### **Rulemaking Update**

- **Timeline for Rules/Fiscal Note – Dedra Alston**

Ms. Alston provided out a handout of the proposed timeline for the publication and adoption of rule changes in 10A NCAC 09. These rules have not been published.

- **10A NCAC 09 .2828 Enhanced Program Standards for a Rated License for Family Child Care Homes (FCCH) – Alison Keisler**

Ms. Keisler spoke to the proposed changes that would add additional language in the chart for three through seven points to clarify FCCH operators must meet the two-point requirement of the self-study, before moving on to additional points. An example of the language at the three-point level was provided: “Provide documentation of the 3-month self-study AND have” a score of 4.0 or higher on the Family Child Care Rating. This language is repeated for point levels three through seven. A discussion ensued surrounding using the word “and” vs. “AND”.

#### **Commission Action:**

**Chairperson Everhart asked the Commission to present a motion to vote to publish Rule .2828 with the proposed changes discussed, including the word “AND”.**

**Dr. Sharon Foster made the motion to publish this rule and Vice Chairperson Rhonda Rivers seconded the motion, which was approved unanimously.**

### **Public Comment**

#### **Jacquie Simmons/Lisa Shifflett-The NC Child Care Health and Safety Resource Center**

Ms. Simmons read a letter that she is submitting to the Commission including recommendations for revisions to current child care rules from the NC Child Care Health and Safety Resource Center, a program of the UNC Gillings School of Global Public Health. The recommendations were developed by a collaborative group which included two registered nurses and the Child Care Nurse Consultant at the NC Division of Public Health.

The recommendations included changes to 4 sections.

- Safe sleep practices
- Application for enrollment
- Requirements for records
- Requirements for daily operations

Ms. Simmons and Ms. Shifflett also read their letter in person to reiterate their recommendations and answer any questions that may be asked. Ms. Davis, DOJ attorney, asked that it be noted in meeting records that the rules Simmons and Shifflett are addressing are a part of the package of rules that have already been voted upon to be published and are currently under review with OSBM. Ms. Alston noted that if the Commission wishes to make any of the changes being proposed that changes can be made during the comment period on these rules.

#### **Sheila Gooden-Cadence Education**

Ms. Gooden stated that her center received a notice on October 14, 2019, that they were to immediately cease any after-hours operations or special events which take place outside of normal licensed operating hours, until the center receives approval from DCDEE to operate a second shift. Ms. Gooden stated that the facility received this notice without any appeal process listed, any warning, or any explanation. The notification stated that rules regarding teacher:child ratios, mixed age groupings, and screen time limitations that are enforced during operational hours would also be required to apply to after-hours activities such as Halloween and Christmas family activities, and, therefore, now prohibit festivities currently offered by the facility such as hot chocolate with families and viewing of the feature-length movie 'The Polar Express.'

Ms. Gooden requested that the facility be allowed to continue to offer special activities, under the rules of special events, as they operated prior to receiving the notice. She also requested that the requirement being enforced be opened to a process of public comment.

Dr. DeGrella inquired as to what precipitated this notice? Vice Chair Rivers stated that there was an incident in which a child was harmed (sexual abuse) during an after-hours activity that was not being regulated appropriately during that after-hours time, and as a result, DCDEE is enforcing stricter requirements on after-hours activities. Ms. Messersmith asked to clarify that there is no new rule or legislation resulting in this change, but rather a change in enforcement of current rule? Ms. Tammy Barnes, DCDEE Assistant Director for Regulatory Services, confirmed that yes, the offending incident highlighted that existing rules were not being implemented during after-hours activities and have resulted in the Division changing its operating requirements.

Commission and staff discussion determined that this is a complicated issue which warrants further discussion.

**Chairperson Everhart adjourned the meeting at 12:30 p.m.**

**The next meeting of the North Carolina Child Care Commission is scheduled for  
February 10, 2020, 9:00 a.m. - 3:00 p.m. (Third Quarter Meeting)**