

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

NORTH CAROLINA CHILD CARE COMMISSION

First Quarter Meeting
Monday, September 23, 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
Charles F. McDowell, III
Perry S. Melton
Beth Messersmith
Amelie Schoel
Iheoma Iruka Thompson
Janie R. Truesdale

Commission Members with an Excused Absence

Kimberly J. McClure

Division of Child Development & Early Education Staff Present

Kristi Snuggs, Interim Director
Heather Laffler, Administration/Policy
Arlette Lambert, Administration/Policy
Dedra Alston, Administration/Policy
Rachel Kaplan, Administration/Policy
Branda Watford, Administration/Policy
Laura Hewitt, Administration/Policy
Theresa Rhoedersheimer, Administration/Policy

Lorena González, Early Education
Tamiah Pittman, Early Education
Andrea Lewis, Regulatory Services
Lorie Pugh, Regulatory Services
Jeff Gaskins, Regulatory Services
Donna Lipscomb, Subsidy Services

Attorney General's Office Staff

John Green, Commission Attorney
Alexi Gruber, DCDEE Attorney

Welcome

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

Introduction of Commission Members

The Commission members went around the room and introduced themselves. Chairperson Zac Everhart read the conflict of interest statements for the new commission members. For each new member, no conflict of interest was found but potential conflict of interests were found that do not prohibit serving on this commission.

Roll Call

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

Swearing in of New Commission Members—Ms. Dedra Alston conducted the swearing in of the new members.

- Sheresa Blanchard
- Victor Coffenberry
- Perry S. Melton
- Iheoma Iruka Thompson
- Janie R. Truesdale

Ms. Alston discussed the contents of the notebooks for the Commission members.

Chairperson's Report

Approval May 6, 2019 Fourth Quarter Meeting Minutes

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| Commission Action: | Chairperson Everhart asked for approval of the May 6, 2019 Fourth Quarter Meeting Minutes. Dr. Lanier DeGrella motioned for approval. Dr. Elizabeth Gilleland seconded. The motion carried unanimously. |
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The Commission agreed on the following meeting dates for 2020 as follows:

Schedule 2020 Meeting Dates

February 10, 2020

April 20, 2020

August 31, 2020

Director's Report—Dr. Kristi Snuggs

Interim Director Snuggs conveyed a message from former Director, Anna Carter, thanking the Commission for their service.

DCDEE Updates

Staffing Changes at DCDEE

- **Director's Office**
 - Departure of Anna Carter
 - Kristi Snuggs, Interim Director

- **Attorney General's Office**
 - Retirement of Alexandra Gruber
 - Addition of Amber Davis
 - Addition of Sarah Tackett

Federal Updates

Child Care and Development Block Grant Act of 2014

Criminal Background Check Waiver

- Allow more time to become compliant with 1 area of final rule
 - Licensed child care in public schools
- NC requesting a second 1-year waiver

Ms. Amelie Schoel asked what will happen if NC is not awarded the waiver. Interim Director Snuggs stated she is confident NC will receive the waiver and proceed as planned.

Preschool Development Grant

- Federal grant provided to 46 states and territories, Awarded December 31, 2018
- NC received \$4.5M for 12 months' activities
- Five Required Activities
 - Needs Assessment
 - Strategic Plan
 - Family Engagement
 - Advancing Local Best Practices
 - Quality Improvement
- Accomplishments
 - The Family Engagement and Leadership Coalition developed a framework and action guide. Ms. Beth Messersmith mentioned that parents that participated expressed appreciation of the opportunity to have a voice.
 - Continuing NC Pre-K to Kindergarten Transition Pilot in 18 communities throughout the state. Ms. Schoel asked for a list of school districts participating and the transition plan template.
 - Ms. Janie Truesdale asked for a list of the expenditures for each of the PDG activities.
- Future Opportunities for Years 2-4
 - August 15, 2019 -- Brainstorming/planning meeting
 - Funding announcement under review
 - Application will be due end of October
 - Funding to be awarded by December 31, 2019

Dr. DeGrella clarified this grant applies to birth-through-five even though it is called the "Preschool" Development Grant.

North Carolina Updates

Paid Parental Leave

- Executive Order No. 95
- To support healthy families and strengthen our economy

- Promote wellness by & providing time parents need:
 - to recover from childbirth and bond with a new baby
 - to attend regular medical checkups and
 - to manage family caregiving responsibilities.
- Effective September 1, 2019
- State employees of any North Carolina department, agency, board or commission under the oversight of the governor
- Receive
 - eight weeks of paid parental leave after giving birth or
 - four weeks of paid parental leave after a partner gives birth or to bond with and care for a child in the event of adoption, foster care, or other legal placement of a child
- Parents will receive 100 percent of their regular pay while on parental leave.

Ms. Truesdale clarified that this does not apply to NC Pre-K preschool staff.

Legislative Updates

Update on the Status of the North Carolina Budget

- H966- House voted to override the Governor's veto on September 11, 2019. Senate has yet to take a vote in an attempt to override the veto; Moving forward with a series of "mini-budgets" so as to ratify the less controversial pieces of the budget

Ms. Messersmith asked about the implications if the budget is not passed. Interim Director Snuggs stated that the prior budget will be in place until new budget is passed.

- Subsidy Co-Pay Reduction- Effective October 1, 2019, fees for families who are required to share in the cost of care are established based on nine percent (9%) of gross family income.
- Subsidy Increase—There was a small increase.
- Smart Start
- Smart Start Funding
 - Allocation of \$2,000,000 – non-recurring
 - Child Care Related Activities -- \$1,400,000
 - Family Support Activities -- \$300,000
 - Health Related Activities -- \$300,000
- Move to Granville County
 - The Department of Administration shall select land located in Granville County suitable for the relocation of the Department of Health and Human Services facilities at the Dix Campus in Raleigh.
 - Other counties mentioned as relocation possibilities as a part of budget negotiations -- Cumberland, Harnett and Wayne
 - Appears Forsyth & Guilford are "out of the running"
- Cuts to DHHS Administrative Funding-- Budget cut \$42 million + to the administrative funding for DHHS, which the Department is working to get added back in (either via budget or another bill)

Ms. Schoel inquired as to how much of this cut would come from DCDEE. Deborah Landry with the Fiscal Research Division at the North Carolina General

Assembly stated that this is not known yet and that DHHS would have discretion as to those cuts.

- Reach out and Read
- NC Pre-K
 - Raise base reimbursements for child care centers participating in Pre-K by 2% in 2019-2020 & another 2% in 2020-2021
 - Intent is to raise the pay of Pre-K teachers in child care centers to make them more commiserate with Pre-K teachers in public schools

NC Pre-K for 2019-2020

- \$9.35 million expansion
- Slots in contract
- Rate increase pending

North Carolina General Assembly 2019 Long Session

| <u>Ratified</u> | |
|------------------------|--|
| Session Law 2019-71 | Modified teacher license requirements |
| Session Law 2019-87 | Required to study the challenges child care facility operators face in participating in NC Pre-K program |
| Session Law 2019-32 | Reconstitute several boards and commissions including the Child Care Commission |

Bills to Watch

| <u>Bill Number</u> | <u>Bill Title</u> | <u>Summary</u> |
|---------------------------|---------------------------------------|--|
| S212 / S634 / H882 | Early Childhood Recommendations | Acts to enhance the early childhood workforce |
| H613 | Essential Services for Homeless Youth | An act expanding access to child care services for minors with children *Among other things |
| S553 | Regulatory Reform Act | An act requiring NC Pre-K programs to provide parents/guardians a list of all public & private school options *Among other things |

Proposed Bills, No Action Taken

| <u>Bill Number</u> | <u>Bill Title</u> | <u>Summary</u> |
|---------------------------|--|---|
| S175 | Funds/Eliminate NC Pre-K Waitlist Statewide | An act appropriating funds to eliminate the waitlist for the NC pre-kindergarten (NC pre-k) program statewide. |
| S336 / H535 | Smart Start Funds | Acts to promote young children's healthy development through continued investment in Smart Start Program |
| S635 | B-3 Interagency Council Changes | An act to make changes to the composition of the B-3 Interagency Council |
| H367 | ApSeed Pilot Project / Funds | An act to establish the “ApSeed” pilot project & appropriate funds |
| H485 | Virtual Early Learning Pilot Program | An act to establish a virtual early learning pilot program for preschool-age children |
| H948 | Funds for Universal Pre-K | An act to appropriate funds to allow access to any child in the state seeking to participate in NC Pre-K |
| H386 | Ensure Safety of School Drinking Water | An act to require certain public schools and child care facilities in NC to test drinking water for the presence of lead. |

New Rule -- 15A NCAC 18A .2816

- Public Health Commission
- Voted to adopt rules for testing water at child care centers
 - August 7, 2019
- Pending review & approval by the Rules Review Commission

Subsidy Updates**Subsidy Spending**

August Services paid in September

- 95.3% of subsidy providers submitted rosters
- \$35.2M total payment
- Statewide spending coefficient = 99.1%
- Statewide waiting list remains in effect.

Ms. Schoel asked how many remain on the waiting list. Interim Director Snuggs estimated around 30,000.

Provider Compliance

- 96 random visits
- 21 referrals
- 16 TA visits
- 11 corrective action plans

Ms. Schoel asked how many corrective action plans were from random visits versus referrals. Interim Director Snuggs stated she would find out that information for her and distribute to the Commission members.

Regulatory Updates

Vaccinations for Child Care Providers

- To avoid disease transmission & staff exclusions
- DHHS recommends that child care operators obtain documentation of immunizations or proof of immunity
 - Measles
 - Mumps
 - Pertussis
 - Varicella
- DHHS recommends that all staff receive an influenza vaccine each year

Ms. Schoel asked if there are plans in place to go into child care centers to provide flu shots. Interim Director Snuggs stated that there are local practices in place but none statewide at this point.

DCDEE Happenings**Governor Cooper's 3rd Annual School Supply Drive**

- Donations collected at DCDEE Central Office or any State Employees Credit Union
- Benefitted many schools, including NC Pre-K classrooms

Professional Development Opportunities

Resilience: The Biology of Stress & The Science of Hope-- Screening to be held at DCDEE Office on October 8, 2019 at either 10 a.m. or 1:30 p.m.

"The child may not remember, but the body remembers." The original research was controversial, but the findings revealed the most important public health findings of a generation. RESILIENCE

is a one-hour documentary that delves into the science of Adverse Childhood Experiences (ACEs) and the birth of a new movement to treat and prevent Toxic Stress. Now understood to be one of the leading causes of every- thing from heart disease and cancer to substance abuse and depression, extremely stressful experiences in childhood can alter brain development and have lifelong effects on health and behavior. However, as experts and practitioners profiled in RESILIENCE are proving, what's predictable is preventable. These physicians, educators, social workers and communities are daring to talk about the effects of divorce, abuse and neglect. And they're using cutting edge science to help the next generation break the cycles of adversity and disease.

No Small Matter-Screening to be held at DCDEE Office on **October 10, 2019**, at either **10 a.m.** or **1:30 p.m.**

No Small Matter is a feature-length documentary film and national engagement campaign that brings public attention to this vital question by sharing powerful stories and stunning truths about the human capacity for early intelligence and the potential for quality early care and education to benefit America's social and economic future. This multifaceted project reveals how our country is raising its youngest citizens, why making the most of this time in their lives is so crucial, and most importantly, what we can do to change the perception of when learning begins. The first major theatrical documentary to tackle this topic, *No Small Matter* is designed to kick-start the public conversation about early care and education. The ultimate goal: to produce an entertaining, accessible, and inspiring film that redefines the audience's understanding of the issue and helps drive it to the top of the political agenda. Or, as one advocate put it, "not just to make a documentary about early childhood education, but to make the documentary about early childhood education."

Fall Regulatory Regional Meetings

- October 9-10, 2019
 - North Central Region
 - Guilford County Sheriff's Office in Greensboro
- October 15-16, 2019
 - Western Region
 - First United Methodist in Morganton
- October 22-23, 2019
 - South Central Region
 - Montgomery County Board of Elections in Troy
- October 29-30, 2019
 - Eastern Region
 - Martin County Economic Development Corporation in Williamston

Presentation: Dr. Linda Hestenes and Ms. Lia Rucker, NC Rated License Assessment Project

Comparing ITERS-3 & ECERS-3 with ITERS-R & ECERS-R
 NCRLAP-conducts Environment Rating Scale Assessments

- Assessments are required to earn 3 or more points in the program standards component of NC's Star Rated License

Key differences between ECERS-R/ITERS-R AND ECERS-3/ITERS-3

- Fewer items and does not include parent/staff
- Observation hours capped at 3
- No teacher interviews
- Ages changed from 2.5-5 years and B-2.5 years to 3-5 years and B-3 years
- Less focus on counting materials, more focus on use of materials
- New items and indicators
- Some previous indicators at different quality levels

The Comparison studies

- Both studies compared overall score, subscale scores and low scoring items
- Both studies explored whether structural indicators of quality (teacher education, teacher experience, group size, teacher/child ratio) related to scores
- The ECERS-3 study examined test-retest reliability of the ECERS-R/3
- The ITERS-3 study asked if age level differences impacted ITERS-R/3 average scores

Study Results and Findings

- Significant differences between ECERS-R and ECERS-3; average scores are lower, greater dispersion for ECERS-3; Significant score differences on scale stability
- No significant differences between ITERS-R and ITERS-3 on average scores
- No difference for ECERS-R relating teacher education but significant differences for ECERS-3
- Significant differences for both for ITERS-R and ITERS-3 relating to teacher education
- Teacher: Student Ratios are significant for both ITERS-3 and ECERS-3; but not for ITERS-R or ECERS-R

Considerations

- The scores were quite different, the versions do different jobs
 - Programs have different needs
 - Long history/familiarity with revised versions
 - NC Has a strong foundation on focusing on high quality childcare
- Making sure Rated License assessments reflects daily practices
 - Maintaining day to day quality
 - Continuous quality improvement

New Business

NC Developmental Day and Pre-K Rule Change Recommendations – Lorena González, Senior Manager for Early Education Branch

Ms. Lorena González and Ms. Tamiah Pittman outlined the changes to the Developmental Day and NC Pre-K Rules referencing Teacher Licensure in response to changes in Licensure education requirements issued through DPI.

10A NCAC 09 .2903 Staff Qualifications

10A NCAC 09 .3012 NC Pre-K Teacher Education, Licensure and Credentials

Chairperson Everhart asked Ms. Alston to explain to the new Commission members the process of rule approval after the initial vote to publish.

Commission Action: Chairperson Everhart asked for a motion to vote to publish Rules .2903 and .3012 with the change discussed from “maternity” to “parental” on page 4 line 21 of the rules packet. Ms. Amelie Schoel motioned to publish. Dr. Sharon Foster seconded. The motion carried unanimously.

Temporary License for Centers—Alexi Gruber

10A NCAC 09 .0403 Temporary Licenses for Centers

Ms. Alexi Gruber discussed the language changes proposed to address the unintended problem of a time limit on a temporary license potentially leading to a license expiring while waiting for an outcome.

10A NCAC 09.1702(c)(5) Application for a License for a Family Child Care Home

Commission Action: Chairperson Everhart asked for a motion to vote to publish Rules .0403 and .1702. Dr. Elizabeth Gilleland motioned to publish. Ms. Rhonda Rivers seconded. The motion carried unanimously.

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| Lunch break at 12:00 p.m., meeting reconvened at 1:00 p.m. |
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Public Comment—Nobody signed up to speak during the public comment time.

Two letters were included in the Commission’s packet that were sent prior to the meeting.

1. Christy McCawley—Director, Hawfields Child Care and Development Center

Ms. McCawley expressed concern over the proposed changes of the child care rules related to the amount of indoor space required per child, which, if implemented would require her center to remove 22 children and drop to a 3-Star rating.

2. Stacie Poulin—Executive Director, Pender County Schools Preschool Program

Ms. Poulin expressed concern with proposed changes to Rule .3013 NC Pre-K Teacher Assistant Education and Credentials, which would require 100% from 50% of teacher assistants in NC Pre-K classes to have or be working towards an Associate degree in Early Childhood Education. She suggested either to have a time frame in which to adhere to the new rule or have an “unless hired before” clause to grandfather in already-hired staff.

Lead Hazards – Alexi Gruber

Ms. Alexi Gruber discussed the changes to the rules pertaining to Lead Poisoning Hazards. She explained that these changes resulted from an issue surrounding DPH Environmental Health reports revealing that there are cases of lead poisoning hazards found in centers where a concern is identified, but a provisional sanitation classification is not issued; therefore, DCDEE currently does not have the authority to do anything until a center has a provisional sanitation classification.

The rules that are affected and potentially need to be amended related to this issue are:

10A NCAC 09 .0601(f) - Safe Environments

10A NCAC 09 .1707(2) - Building Requirements

10A NCAC 09 .2204 - Provisional Child Care Facility License or Provisional Notice

10A NCAC 09 .2206 - Suspension

10A NCAC 09 .2209 - Revocation of a Child Care Facility License or an Order to Cease Operation

Commission Action:

Chairperson Everhart asked for a motion to vote to publish Rules .0601(f), .1707(2), .2204, .2206, and .2209 with typographical corrections. Ms. Amelie School motioned to publish. Ms. Beth Messersmith seconded. The motion carried unanimously.

Criminal Background Checks – Alexi Gruber

Ms. Gruber discussed the problem with the existing language surrounding the provisional status for out-of-state applicants for the federally mandated criminal background check. The problem is that there are individuals who are failing to take the required steps to complete their out-of-state criminal background checks during the 6 month provisional time. The federal law requires a background check, and this has become a loophole. The new language will require individuals to take the necessary steps upon threat of disqualification.

Mr. Melton asked for clarification as to what the employer is obligated to do when an employee's criminal background check is out of date, due to a lapse in review (failure to complete a timely review). Ms. Gruber stated what DCDEE is concerned with is if an employee is working, on premises at a facility with an expired CBC.

10A NCAC 09 .2703 - Criminal History Record Check requirements for Child Care Providers

Commission Action:

Chairperson Everhart asked for a motion to vote to publish Rule .2703. Ms. Rhonda Rivers motioned to publish. Rev. Charles McDowell seconded. The motion carried unanimously.

Rulemaking Discussion

Substantial Rule Changes – Alexi Gruber

10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER
 10A NCAC 09 .0606 SAFE SLEEP PRACTICES
 10A NCAC 09 .0607 EMERGENCY PREPAREDNESS AND RESPONSE IN CHILD CARE CENTERS
 10A NCAC 09 .0801 APPLICATION FOR ENROLLMENT
 10A NCAC 09 .0802 EMERGENCY MEDICAL CARE

Mr. Coffenberry discussed issues that he has with the required content of child incident reports, the number of reports required (one for each incident), the complexity of the incident report template, who must sign the report, and the requirement that the center must provide parents with the report.

Alexi Gruber suggested adding as a new Subparagraph .0802(e)(2) to the rule requiring “the child’s name” be included. It was decided that the proposed language in Paragraph .0802(e) on page 9, line 21, should be changed from “...a copy given to the parents by the person completing it” to “...a copy given to the parents” so that it reads “This report shall be signed by the person completing it and by the parent, a copy given to the parents, and the report shall be maintained in the child’s file. This amendment is to clarify that a copy of the completed report must be given to the parents and it does not have to be given to the parent by the person that completed the report.

A discussion ensued about medical or other noteworthy events that may not be the result of injury (for example, asthma attack or allergic reaction or medication administration) and whether those incidents would be captured by the completion of an incident report? In Rule .1721 it was suggested that Part (e)(3)(B) be added to require “the child’s name.” It was suggested to keep existing language in Subparagraph (e)(3), page 27, line 22 “or when a child receives medical treatment by a health care professional, community clinic, or local health department” and add the words “if applicable” to Parts (e)(3)(F), and (H), page 27, lines 31-33. Language will be added to Part (e)(3)(G), page 27, line 32 to read as “description of injury or incident.” The same changes will be made in the Family Child Care Homes rules.

10A NCAC 09 .1403 ACTIVITIES INVOLVING WATER IN CHILD CARE CENTERS
 10A NCAC 09 .1703 ON-GOING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS
 10A NCAC 09 .1706 NUTRITION STANDARDS
 10A NCAC 09 .1714 EMERGENCY PREPAREDNESS AND RESPONSE
 10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS
 10A NCAC 09 .1721 REQUIREMENTS FOR RECORDS
 10A NCAC 09 .1724 SAFE SLEEP PRACTICES
 10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS
 10A NCAC 09 .2318 CHILD CARE CENTER RECORD RETENTION
 10A NCAC 09 .2408 STAFF QUALIFICATIONS
 10A NCAC 09 .2410 CHILDREN’S ACTIVITIES

10A NCAC 09 .2509 ACTIVITIES: OFF PREMISES

10A NCAC 09 .2817 ENHANCED PROGRAM STANDARDS FOR CHILD CARE
CENTERS

Commission Action: Chairperson Everhart asked for a motion to vote to publish Rules .0302, .0606, .0607, .0801, .0802, .1403, .1703, .1706, .1714, .1718, .1721, .1724, .1729, .2318, .2408, .2410, .2509, and .2817 with changes specified in the minutes. Dr. Iheoma Thompson motioned publish the rules. Mr. Mitchell Gold seconded. The motion carried unanimously.

Chairperson Everhart asked Mr. John Green to update the Commission on the request for a declaratory ruling that was received by the Child Care Commission from Wilmington Christian Academy Preschool, a ministry of Grace Baptist Church of Wilmington, Inc. Wilmington Christian Academy Preschool, a ministry of Grace Baptist Church of Wilmington, Inc., requested a declaratory ruling as to the applicability of 10A NCAC 09 .0513, .0514, and .0515 to a religious child care center operating under G.S. 110-106. The conclusion was there was no statutory authority to require these three Rules to apply to religious sponsored childcare facilities. Upon receipt of the letter from DCDEE, the request for summary judgement was withdrawn. The Commission discussed the ruling. Both Dr. Gilleland and Ms. Schoel expressed concern about exemption regarding the prohibition of use of corporal punishment. Chairperson Everhart asked that a discussion of writing a letter to the legislature about this law be added to the agenda for the December 9th meeting.

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| <p>Chairperson Everhart adjourned the meeting at 3:16 p.m.</p> |
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The next meeting of the North Carolina Child Care Commission is scheduled for December 9, 2019 9:00 a.m. - 3:00 p.m. (Second Quarter Meeting)

Future Meeting Dates for 2020: February 10 (Third Quarter Meeting)
April 20 (Fourth Quarter Meeting)
August 31, 2020 (First Quarter Meeting)