

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**Second Quarter Meeting  
Monday, December 7, 2020  
Teleconference**

Commission Members Present

**Zac Everhart, Chairperson  
Rhonda Rivers, Vice Chairperson**

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

**Mitchell Gold  
Kimberly J. McClure  
Perry S. Melton  
Beth Messersmith  
Amelie Schoel  
Iheoma Iruka Thompson  
Janie R. Truesdale**

Commission Members with an Excused Absence

Division of Child Development & Early Education Staff Present

**Ariel Ford, Director  
Kristi Snuggs, Deputy Director  
Heather Laffler, Administration/Policy  
Arlette Lambert, Administration/Policy  
Dedra Alston, Administration/Policy  
Laura Hewitt, Administration/Policy  
Rachel Kaplan, Administration/Policy**

**Tammy Barnes, Regulatory Services  
Lorie Pugh, Regulatory Services  
Andrea Lewis, Regulatory Services  
Alison, Keisler, Regulatory Services  
Regina Brooks, IT  
Tammy Freeman, IT**

Attorney General's Office Staff

**John Green, Commission Attorney  
Amber Davis, DCDEE Attorney  
Sarah Tackett, DCDEE Attorney**

**Welcome**

Chairperson Zac Everhart called the meeting to order at **9:01 a.m.** and reviewed housekeeping items. Chairperson Everhart thanked the DCDEE staff for allowing the Commission to be able to continue to meet during the pandemic.

**Roll Call**

Chairperson Everhart read the conflicts of interest statement and asked whether there were any conflicts noted for today. He reviewed the agenda and discussed the materials and the processes by which the meeting will run via WebEx. Ms. Dedra Alston conducted roll call. "Counsel John Green announced that there is a quorum."

## **Chairperson's Report**

### **Approval of October 5, 2020 Special Meeting to Adopt Temporary Rules WebEx Meeting Minutes**

**Commission Action:** Chairperson Zac Everhart asked for approval of the October 5, 2020, Special Meeting to Adopt Temporary Rules WebEx Meeting Minutes. Ms. Amelie Schoel motioned for approval. Dr. Lanier DeGrella seconded. The motion carried unanimously.

Chairperson Everhart expressed his workforce concerns that were addressed at the last meeting, and he stated that he and Vice Chairperson Rhonda Rivers are scheduled to meet with the Division to try to find short-term solutions to the crisis of a lack of workforce during this time.

Ms. Amelie Schoel asked if these conversations will involve the entire Commission. Chairperson Everhart stated that this meeting will just be an initial conversation and any information will be divulged to all Commissioners.

Chairperson Everhart expressed gratitude to the Division for the teacher bonuses that are being disseminated, as well as their timeliness.

### **Director's Report-Ariel Ford**

Director Ford expressed the Division's gratitude to the teacher workforce, especially during this tumultuous time, as well as gratitude to all who support teachers.

### **Update on COVID-related supports**

#### **October Operational Grants**

- For providers open in October, they will receive 25% of the amount received in previous months. This will be awarded in mid-December.
- Final awards will be based on:
  - Days open (prorated for programs reopening)
  - Total number of children served in February 2020
  - Star rating
  - Infant and toddler enrollment
  - Serving subsidy children\*

#### **Emergency School Age Family Support Program**

- Emergency School-Age Family Support Program operated for the service months of October and November 2020.
- Licensed child care facilities and unlicensed community-based organizations (CBO) that were registered with DCDEE participated in this program.
- Eligible families attested that their school-age child attended a child care facility or CBO remote learning and the family's monthly household income was at or below 200% of Federal Poverty Level.
- Payment rates for this short-term program were \$870 for licensed child care centers, \$645 for licensed family child care homes, and \$516 for unlicensed CBOs.
- Final data is coming in now, but it was an incredibly popular program--mostly utilized by licensed homes and centers.

#### **Commission Comments and Questions**

- Deputy Director Kristi Snuggs stated that \$6M in supports were provided during both October and November.

- Ms. Amelie Schoel asked if she could be provided a list of CBOs across the state.
- Ms. Beth Messersmith asked if the Division will provide any follow-up with those children that received support. Deputy Director Snuggs stated that the Division will continue to work with licensed child care centers to provide support to these children and families.
- Deputy Director Snuggs stated that operational grants will begin being deposited December 9<sup>th</sup>; school-age programs will begin being deposited December 10<sup>th</sup> and bonuses will be starting to deposit December 14<sup>th</sup>.

#### **Changes in Provider Data Collection—moved from daily survey collection**

- Beginning in October 2020, providers began entering service status, capacity, and vacancy information on a weekly basis into the CCR&R [Provider Profile Portal](#), a new secure web portal (powered by WorkLife Systems) for child care providers.
- 90% of programs open
- Programs are averaging ~ 60% enrollment, significant variation  
Staffing is a primary barrier.  
COVID cases are increasing as community spread increases.

#### **Public Health Toolkit for Child Care-What's New Section at the bottom of the Table of Contents, identifies the changes in each edition**

- Monthly edits are being made to the [ChildCareStrongNC Public Health Toolkit](#) to reflect changes in guidance, clarify language, and align with the [StrongSchoolsNC Public Health \(K-12\) Toolkit](#)
- November:  
A section was added explaining PPE, including information on how and when PPE should be used, including face shields.  
The section on cleaning and hygiene procedures was revised to include changes to cleaning and hygiene procedures for facilities, especially cleaning and disinfection recommendations for high-touch surfaces.  
Also included was revised guidance on screening and exclusion from child care, for individuals with COVID-19.
- December:  
Updates include a requirement for all 5-year-olds in care to wear a mask, per Governor's Executive Order  
Changes in CDC guidelines for quarantine when exposed to COVID, without symptoms or a positive test

#### **November & December Staff Bonuses-For staff working at the same place of employment for both months we were able to add a retention amount, so DCDEE added an additional amount to recognize their continued service.**

- Bonus payments will again be provided in November and December.
- Funds will pay for the employer portion of payroll taxes.
- Available to all programs serving children in person.
- Staff attendance for the month of November 2020 should have been entered and submitted by December 5, 2020, through the [Emergency Provider Portal](#)
- Bonus payments for November will be paid in mid-December; bonus payments for December will be paid in late December 2020.
- All payments will be made via direct deposit; no paper checks will be issued.

#### **Update on DCDEE Activities**

##### **Licensing Fee Due Date Extension**

- DCDEE annual license fee invoice mailing was delayed due to technical difficulties.
- Invoices were mailed on December 3, 2020, and should be arriving at the mailing address for facilities soon. DCDEE apologizes for any inconvenience this delay has caused.
- Due to the delay in mailing the invoices, the deadline for paying the license fee has been extended from December 17, 2020, to February 1, 2021.

### COVID Impact Survey

- DCDEE is planning to request, as is allowed, in the CCDF plan submission, to postpone the typical Market Rate Survey (MRS) for 1 year (October 2021)
- A COVID Impact Survey for 2020 will be conducted.
- Letters will be mailed to all providers January 1, 2021.
- Report summarizing responses is planned by Spring 2021.
- All providers (except NCPK only, Developmental Day and Head Start only) will receive a paper letter providing information about the Survey and be asked to respond to the survey online, if at all possible

### CCDF Activity Monitoring – 6/29-7/2

Administration for Children and Families staff “greatly appreciated the flexibility and responsiveness of the Lead Agency staff and partners. The Monitoring Team particularly appreciated the conversations with the local licensing staff and local eligibility staff. We valued their openness and willingness to provide us with the opportunity of virtual guided case file reviews and walking us through the information. The collaboration and strong relationships between the Lead Agency and multiple partners was evident during our virtual monitoring visit.”

- Monitoring visit was conducted June 29 – July 2, 2020, to determine compliance with Child Care and Development Fund (CCDF) requirements.
- The monitoring cycle for FY2019-FY2021 focuses on 34 regulations within 11 topical areas of the CCDF regulations.
- Based on the information gathered during North Carolina’s monitoring visit, OCC has determined that North Carolina is in compliance with 31 of 34 regulations.
- DCDEE is sharing this with you as an important form of transparency, but it is not indication that it agrees with the findings. DCDEE is working with the legal team to develop a strong strategy, and to determine the path forward with the response. Of the three, two are administrative, and one, depending on the final outcome, would ask that to partner with you.
- For each CCDF requirement listed as “Unmet,” notice is provided of possible non-compliance. Failure to implement any of the provisions of the Act, regulations, or North Carolina’s approved Plan may be subject to a penalty.
- The Office of Child Care will consider any written responses received from the State of North Carolina to address the non-compliance **within 60 days** (or such longer period if agreed upon) prior to rendering a final determination of compliance.
- Consumer Education – Posting Monitoring and Inspection Reports in accordance with 45 CFR 98.33(a)(4). The Lead Agency does not post all monitoring reports online.
- 12-Month Eligibility Determination and Re-Determination in accordance with 45 CFR 98.21(a)(1). The Lead Agency does not consider time-limited changes that do not exceed 90 days to be temporary changes.
- SBS, Head Trauma, and Maltreatment requirement in accordance with 45 CFR 98.41(a)(1)(vi). The Lead Agency does not have child maltreatment standards for license-exempt religious sponsored child care programs.

### Commission questions and Comments

- Ms. Schoel asked if there are examples in other States regarding how corporal punishment in religious-sponsored child care programs are handled. Director Ford stated that the Division intends to perform an examination of other States’ policies and any findings will be disseminated to the Commission.
- Dr. Sharon Foster stated that the Commission met about this issue several times over the years and that it was determined that a legislative change is necessary in order for the Commission to address this.

- Ms. Amber Davis stated that the CCDF requirement is not stating that corporal punishment cannot be utilized but they want clear standards to be drawn between what is corporal punishment and what is maltreatment.
- Ms. Schoel stated that this requirement is a good place to start the conversation and publicly state the Commission's stance on this issue before moving to a legislative change.
- Ms. Schoel asked if the 5-year old face mask requirement includes public schools. Director Ford responded yes. Ms. Schoel inquired if this new requirement was based on any research.
- Dr. Foster stated that the older the child, the more receptors there are in the nasal passage, so 5-year olds are more likely to transmit the virus than toddlers.
- Deputy Director Snuggs stated this requirement already existed for kindergarteners; this requirement just extended it to 5-year olds in early childhood programs.
- Ms. Schoel stated that tracking closures with the COVID-19 Market Rate Survey is important. Director Ford agreed and stated that closures are being tracked.
- Dr. Iheoma Iruka Thompson asked if the COVID-19 Market Rate Survey findings will be provided. Director Ford stated the market rate survey's findings will be provided to the Commission.
- Vice Chairperson Rhonda Rivers asked when the 5-year old mask requirement went into effect. The Executive Order 180 went into effect November 25, 2020.

#### **Licensing Data Report-Assistant Director Tammy Barnes**

**Regulatory Requirements for Child Care**-There are over 1000 different requirements related to child care. Many of the rules have several components. During a monitoring visit, depending on the type of facility and the star rated license, consultants can be assessing 400-500 individual items in the requirements. Customizing the rule violation is very important.

#### **Regulatory Data**

The Commissioners received a document with the 10 most cited violations cited in the past 6 years for centers and homes. The center info is on the first three pages and FCCH's are on the last three pages. DCDEE uses this data to help inform partner agencies about the TA and training that is needed across the state for child care providers. DCDEE also uses the data to inform prospective providers during prelicensing workshops and consultation to assist with achieving and maintaining compliance with the child care requirements. In addition to the data shared at this meeting, DCDEE keeps data on the most cited paperwork violations so that the child care consultants can provide TA to providers about record keeping.

YEAR	CENTER	FCCH
2019-2020	18,875	3,458
2018-2019	28,357	6,605
2017-2018	23,457	5,382
2016-2017	23,515	5,264
2015-2016	20,215	5,880
2014-2015	18,376	6,164

This chart on the powerpoint shows the total number of violations cited each year in centers and homes. This past year is low because we did not conduct monitoring visits from April 2020 through July 2020. 2018-19 was high because it was the first year that DCDEE started citing violations related to the new federal requirements around health and safety. The most frequently cited violations for 2018-19 were mostly around training related to recognizing/responding to child maltreatment and CPR/First Aid. There were new federal requirements in each of these areas. For example, prior to the new federal requirement, only one person had to be onsite at all times during operating hours with CPR/First Aid. Now all staff must have CPR/First Aid.

**Violation Corrections**—Corrections to a violation should be made immediately. However, DCDEE recognizes that time may be needed to correct some violations-example, if mulch is needed. A provider must submit written documentation to the consultant stating how the violation was corrected and how the requirement will be maintained. A list of the visits conducted and whether there were violations cited at the visit is posted on the DCDEE website.

- A provider must correct violations immediately or as soon as possible.
- A provider must submit written documentation to the consultant within 14 days stating how the violation was corrected and how the requirement will be maintained in the future. This document remains in the public master file in Raleigh.
- Once violations are corrected, the consultant documents the information in the regulatory system which is downloaded each day to the public website.

When analyzing the data, there were **4 requirements for centers that were consistently in the top 10 violations cited all six years.** The first 3 on this list are specifically related to safety in a child care center-all under child care rule 10A NCAC 09 .0601. Storage of hazardous items-CCR rule .0604(a)- In child care centers, potentially hazardous items, including power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene, whether or not intended for use by children, shall be stored in locked areas, removed from the premises, or otherwise inaccessible to children. Safe indoor/outdoor environment (.0601) is a rule that has several components-and can be anything from sturdy or broken equipment to the furnishings just not being the appropriate size for a child.

**Centers- 4 requirements consistently cited annually:**

- Storage of hazardous items
- Electrical outlets not covered
- Safe indoor/outdoor environment
- Activity plans not current or available to parents

**There were also 4 requirements for FCCH's that were consistently cited all six years.** Storage of hazardous items-CCR rule .1719(a)(1)-keep all areas used by the children, both indoors and outdoors, clean and orderly and free of items that are potentially hazardous to children. Potentially hazardous items including but not limited to, power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene whether or not intended for use by children, shall be stored in locked areas, removed from the premises, or otherwise inaccessible to children. This includes the removal of items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment. Summary of the law is in Statute and is a requirement for all child care providers. Variety of violations related to CBC-not getting 3-year check, household members not getting CBCs.

**FCCH- 4 requirements consistently cited annually:**

- Storage of hazardous items
- Summary of law not provided to parents/signed
- Electrical outlets not covered
- Criminal background checks



**Grievances**-Violations alone are not appealable because they do not change the status of the provider's license. When a provider disagrees with a violation that was cited, they can file a written grievance with the DCDEE supervisor. The supervisor/manager reviews the concern. Sometimes this escalates to the assistant director for Regulatory Services so that she may be involved in the decision, or legal assistance may be sought. Typically, the supervisor/manager are able to resolve the issue. They can decide to remove the violation or just help the provider better understand why the violation is cited. Many times, the provider just wants the customization written more clearly, but often times the supervisor/manager will agree to remove the violation.

In accordance with the **Administrative Procedures Act**, violations alone are not appealable. DCDEE does have a grievance policy related to violations cited:

- The provider contacts the Supervisor and submits the concern in writing.
- The Supervisor/Manager reviews the concern

**Administrative Actions**- Just citing a violation does not mean an administrative action will be pursued. In fact, most violations never lead to an administrative action. But here are the general reasons why DCDEE takes administrative actions. Section .2200 of the child care rules provide detailed information regarding administrative actions. The Child Care Commission reviewed/revised these rules very thoroughly during the periodic review of existing rules a few years ago so that DCDEE was more transparent about why and when administrative actions are taken.

**Administrative Actions** are mostly taken for the following reasons:

- A child maltreatment substantiation
- A substantiated licensing complaint
- More than 16 violations cited at a single visit
- Repeat violations at two consecutive visits
- Pattern of violations over an 18-month period
- Sanitation, fire, or building requirements that cause immediate harm to children

**300-400 actions are issued annually, which means about 5-7% of our child care providers are issued actions annually.** There are several types of administrative actions that can be taken depending on the situation, but most of the actions are **Written Warnings**, which is one of the least stringent actions and does not change the status of the star license. All administrative actions are appealable through the Office of Administrative Hearings (OAH), which is an independent agency that reviews all types of actions in state government. It is a legally binding court and as in any court system, the guidelines in filing an appeal must be followed. **Approx. 50-60 providers file an appeal but typically only half or less of those proceed to a hearing on the appeal.** DCDEE offers an informal meeting with providers that have had an Administrative Action issued against their license. During an informal meeting, the operator can bring evidence of changes that have been made at the facility and talk about why the action should not be taken.

### **Commission questions and Comments**

- Ms. Schoel inquired if anything stood out to Assistant Director Barnes when reviewing the data. Assistant Director Barnes stated that nothing stood out that should have been changed that had not already been addressed, with the exception of the concerns raised by the Administrative Action that came before the Commission earlier this year.
- Dr. DeGrella commented that Health and Safety was the top of both lists. She wondered if this is because this is what consultants focus on or are there more issues in this realm that require more attention and support to facilities. Assistant Director Barnes stated that the consultants are most focused on monitoring health and safety due to the Federal requirements; however, trainings have been developed to offer more support to providers regarding all areas.

- Dr. DeGrella discussed the extra COVID-19 related guidance and asked whether monitoring includes this new guidance and whether this will lead to future permanent changes. Assistant Director Barnes stated that consultants are attempting to perform the monitoring visits as quickly and safely as possible. The most common issues are not wearing masks and not performing health screenings. The interim guidance is viewed as recommendations, not requirements, and the consultants are not citing these as violations at this time.
- Deputy Director Snuggs stated that the consultants have met with the providers to discuss the [ChildCareStrongNC Public Health Toolkit](#) and provide certification that they have received training. In addition, the consultants work with the providers on any additional requirements.
- Dr. Thompson requested that future analyses to go deeper, such as examining what percentage of centers and FCCs are found to be in violation of certain rules and if there any other notable patterns of violations across regions of the state. Director Ford stated that it is the intention of the Division to perform more complex analyses.
- Mr. Perry Melton asked a question about potentially implementing face shields instead of masks because communication with infants and toddlers largely is measured by children reading facial expressions. He stated that Health and Safety is important, but it should not compromise child development. Assistant Director Barnes stated that there is research that supports that children respond better to teachers when they can see their facial expressions. Deputy Director Snuggs and Assistant Director Barnes discussed a possibility of using masks with clear cut-outs surrounding the mouth.

#### **CCDF Planning Presentation-Laura Hewitt**

- The Child Care and Development Block Grant (CCDBG) Act is the federal law that authorizes the child care subsidy program known as the Child Care and Development Fund. There were two Acts previously--one in 1990 and one in 1996. The Act of 2014 brought about new requirements for states in order to receive the funding. The changes required by the Act were an opportunity to improve development and learning of millions of children every day. CCDF made \$8.1 billion available to states, territories, and tribes in fiscal year 2018.
- In September 2016, the Office of Child Care, Administration for Children and Families, of the US Department of Health and Human Services published a final rule based on the Act that provides additional details and clarity to states on how to implement the law and administer the program in a way that best meets the needs of children, child care providers and families.
- These rules brought for the first time in 18 years new child care requirements for all states in order to receive the funding. All the work completed over the previous few years such as the health and safety training requirements are a result of this federal law and rules. States and territories were expected to be in full compliance by October 1, 2018, which also marked the beginning of the next triennial period 2019-21.
- The CCDF Plan is the application the state submits to the Office of Child Care, Administration of Children and Families to secure the funding for the EC system & totals \$330 million.
- The Office of Child Care supports low-income working families by improving access to affordable, high-quality early care and afterschool programs.

#### **CCDF Budget SFY 19-20 by Program: \$330M**

\$ 269,992,849.00	Services
\$ 29,194,770.00	Quality Contracts
\$ 18,913,200.00	Quality Admin
\$ 1,201,697.00	NCFAS
\$ 11,062,890.00	Other Admin
\$ 330,365,406.00	Total



\$ 21,773,001.00 TANF Transfer for FYI  
 \$ 352,138,407.00 Budget Total for FYI

### **CCDF Purposes**

- The Office of Child Care gives purposes for the Child Care and Development Plan. One of the purposes is to give states flexibility in how they meet the requirements of the Final Rule.
- Another purpose is to promote parental choice of child care through access to subsidy.
- They also want parents to be informed of their choices. Requirements are given on the topic of consumer education to support this purpose.
- Though the majority of funding from CCDF goes to subsidy, funding is provided, and expectations are given to support quality initiatives in the states whether it be for quality child care or improving the quality of the child care services provided e.g. support for professional development.

### **CCDF Plan**

**Website Location-** <https://ncchildcare.ncdhhs.gov/Services/Child-Care-Development-Fund-CCDF>

- Plan is submitted every three years
- Submit to DHHS June 1
- Submit to OCC by July 1
- Edits to Plan Jan. - May
- Provisional Approval-TBA
- Final Approval – TBA

### **CCDF Leadership and Coordination**

- **Identifies Leadership**
  - 2 CCDF Administrators
  - Consultation in Plan Development
  - Local Government
  - NC Early Childhood Advisory

#### **Council**

1. Tribal organization
2. Coordination with Partners
3. Public Hearing
4. Disaster Preparedness and Response Plan

### **The CCDF Plan is organized into Eight Major Areas.**

- The first major area is Define CCDF Leadership and Coordination with Relevant Systems
- This section identifies the leadership for the CCDF program in each Lead Agency and identifies the stakeholders that were consulted with to develop the Plan. They are required to consult with appropriate representatives of local governments as defined by the US Census (E.g. organized local governments established to provide general government services such as Department of Social Services). Lead Agencies explain how it coordinates the provision of child care services with a list of required agencies/programs to expand accessibility and continuity of care and to assist children enrolled in receiving full day services to meet the needs of working families. Lead Agencies have to include the goals of coordination, as well as, new in the upcoming cycle, the results of this coordination. According to the federal rule, the entities consulted with are those the Lead Agency gets input from prior to plan development and those who assist with implementing the Plan are those with whom coordination happens.
- Next in this section is outlining the work states have done on their disaster preparedness and response plans and how the Final Rule requirements related to disaster preparedness are met.

- In this section respondents are asked to identify how match and maintenance-of-effort (MOE) funds are identified.
- The administrators of the Plan are the persons responsible for administering the CCDF Program. Director Ford and Deputy Director Snuggs jointly reviewed the Plan, contributed to plan development, edited others' contributions, gave final approval and submitted the Plan for the State. The Division as Lead Agency is responsible for administering the CCDF program and has the authority to do the following:
  1. Administer and implement programs
  2. Retain its overall responsibility for CCDF programs
  3. Serve as the single point of contact for the administration of the CCDF program
  4. Develop and administer the CCDF Plan
- DCDEE was supposed to consult with the Early Childhood Advisory Council; however, they were not established when the plan was last developed, so the OCC allows a substitute. DCDEE chose the Child Care Commission. The ECAC will be brought into CCDF discussions as the years progress.
- Several questions on the Plan are related to who the Division coordinates with to implement CCDF services. This coordination helps NC to provide improved quality of services, more comprehensive services and increase the supply of quality care for vulnerable populations.

### **2018 Focus Groups- 202 Participants**

Four topic areas of discussion

- Subsidized Child Care
- Program Standards and Quality Improvement
- Improving the Supply and Quality of Services for Infants and Toddlers
- Professional Development Framework

The consistent comments from 2018 included

- Consider an alternative rate methodology
- Need for more specialists of every type
- More technical assistance/coaching
- Increase compensation

### **Promote Family Engagement & Outreach**

- A key purpose of the CCDBG Act is to “promote involvement by parents and family members in the development of their children in child care settings” (658A(b)). Lead Agencies have the opportunity to consider how information can be provided to parents through the child care assistance system, partner agencies, and child care consumer education websites.
- In the Plan, DCDEE identifies strategies used to provide outreach to families with limited English proficiency and with persons with disabilities, including providing applications, forms and the Facility Search site in Spanish. Some trainings across the state are provided in non-English languages. CCR&R (and possibly Smart Start partnerships) has made bilingual outreach workers, caseworkers, or translators available to families.
- Information about successful parent and family engagement should also be shared. At a minimum, include what information is provided, how the information is provided, and how the information is tailored to a variety of audiences.
- The state coordinates with other state agencies (Division of Public Health, Department of Public Instruction) as well as statewide early childhood systems such as Child Care Resource and Referral, Smart Start, and the Eastern Band of Cherokee Indians to disseminate research and best practice knowledge to families through the various services offered by each agency (e.g., local family resource centers, community lending libraries, child care health consultation). DCDEE described how the NC

Child Care Health and Safety Resource Center, a project of University of North Carolina Chapel Hill, publishes e-news on health and safety topics related to childcare quarterly.

- NC CCR&R Council sends a newsletter to the CCR&R system and early childhood system partners. This newsletter contains many research and evidenced-based articles which can be shared not only with providers, but also with parents and the general community. It covers a broad range of topics related to early childhood education, including child development, physical health and development (healthy eating and physical activity), and family engagement. Downloadable resources are included and articles are linked, so links can be sent to parents or others if a particular topic meets a need.
- Some partners have websites, toolkits, technical assistance and or advisory activities related to healthy eating and physical activity which provides evidenced and or research based information to providers, parents and the general public. These include
  - NC State University, Natural Learning Initiative, <https://naturalelearning.org/greendesk/>
  - Eat Smart Move More, <https://www.eatsmartmovemorenc.com/Data/Data.html>
  - Integrating Healthy Opportunities for Play and Eating (I\_HOPE) Advisory Committee <https://www.eatsmartmovemorenc.com/I-HOPE/portal/>
  - Be Active Kids, <http://www.beactivekids.org/beactive-at-school-childcare>
  - NC Farm to Child Care Initiative, <https://cefs.ncsu.edu/food-system-initiatives/nc-farm-to-early-care-and-education/>
  - Go NAPSACC, <https://gonapsacc.org/> and
  - Shape NC, <http://www.smartstart.org/shape-nc-home/>

These programs have resources for families among other family engagement components.

- In the Plan, DCDEE stated that as of October 2018, the Lead Agency will provide information about developmental milestones, monitoring, and screening to all LPAs with instructions to share this information with families at the time of initial eligibility determination and redetermination. CCR&R agencies serve as additional sources of information on developmental screenings. We also have information on the DCDEE website.

### **Consumer Education Website**

<https://ncchildcare.ncdhhs.gov/>

[https://childcareta.acf.hhs.gov/sites/default/files/public/ccdf\\_consumer\\_education\\_website\\_requirements\\_infographic.pdf](https://childcareta.acf.hhs.gov/sites/default/files/public/ccdf_consumer_education_website_requirements_infographic.pdf)

- DCDEE has made revisions to the website to make it more accessible to individuals with disabilities. Under the Home tab, there is a new accessibility drop down field which offers resources to individuals who are blind and/or deaf. It also includes information about Relay NC, a service which makes persons who are deaf or blind easier to access telephone conversations.
- The CCDF Preprint instructions asked DCDEE to describe the parental complaint process such as how the agency makes information about parental complaints available to the public.
- This section also asks many questions about what is included on the website. OCC has a document which provides a checklist of all the required and recommended items. The required items are on the site, but DCDEE is working with IT on other items, such as bringing the reading level down.
- Some additions to the site since the plan was originally written include plain language information on how to read visit summaries and what are included, and complete visit summaries can now be accessed.

### **Stable Child Care Financial Assistance**

In providing stable child care assistance to families, Lead Agencies are required to implement certain policies:

- a minimum 12-month eligibility and redetermination period despite temporary changes in work, training, or education status, as long as income is below 85 percent of the state median income (SMI);
- a process which considers irregular fluctuations in earnings;
- a policy ensuring that families' work schedules are not disrupted by program requirements,
- policies to provide for a job search of not fewer than 3 months (if the Lead Agency exercises the option to discontinue assistance), and
- policies for the graduated phase-out of assistance.

**Policies and processes for graduated phase-out of assistance at redetermination.** Lead Agencies are required to provide for a graduated phase-out of assistance for families whose income has increased above the state's initial income threshold at the time of redetermination but remains below the federal threshold of 85 percent of the state median income. Providing a graduated phase-out promotes continuity by allowing for wage growth, allows for a tapered transition out of the child care subsidy program as income increases, and supports long-term self-sufficiency for families.

A policy change to graduated phase out is expected by early February--from 3 month to 12 months.

### **Increasing Access for Vulnerable Families**

- All departments of social services (DSS) and local purchasing agencies (LPAs) prioritize vulnerable populations including families experiencing homelessness and children with special needs. This policy also requires DSS/LPAs to add prioritization of these populations to their local policies. DSS/LPAs will now use the 4% set aside to serve vulnerable populations, which includes children identified as having special needs and children and families experiencing homelessness or those who are in a temporary living situation. Counties must establish a separate waiting list for children and families who are in one of these vulnerable populations. Payment for these services is made with the vulnerable population set-aside. Once the minimum set-aside amount is encumbered, families experiencing homelessness who are currently being served should be served with funds in the DSS/LPAs regular subsidy allocation. DSS/LPAs may continue to serve new families experiencing homelessness who apply as long as the DSS/LPA does not overspend the irregular subsidy allocation.
- In addition, states are required to have procedures for the enrollment of children experiencing homelessness (technical assistance, training and outreach).

### **Ensure Equal Access to Child Care for Low-Income Families**

This section of the Plan addresses strategies that the Lead Agency uses to promote parental choice, ensure equal access, and increase the supply of child care.

Lead Agencies have the option to conduct a statistically valid and reliable (1) market rate survey (MRS) reflecting variations in the price to parents of child care services by geographic area, type of provider, and age of child and/or (2) an alternative methodology, such as a cost estimation model (658E(c)(4)(B)).

- Vouchers and child care choice
- Assess market rate and child care costs
- Setting payment rates
- Payment practices and timeliness of payments
- Supply building strategies to meet the needs of certain populations

### **Market Rate Survey/Cost of Care**

- In the upcoming CCDF Plan, DCDEE can request a waiver for one year to complete the normally required Market Rate Survey. DCDEE plans to postpone the typical Market Rate Survey hoping that the market and fees/costs will stabilize by then. In place of the Market Rate Survey this year, DCDEE will be sending and asking for responses to a COVID Impact Survey, with letters being distributed in January. A report summarizing the results will hopefully be available Spring 2021. All providers

(except NCPK only, Developmental Day and Head Start only) will receive a paper letter and be asked to respond to the survey online, if at all possible.

- Conducted by the Center for Urban Affairs and Community Services (CUACS) at North Carolina State University, DCDEE describes the overall purpose of the Market Rate Study to collect data on the amount private paying parents in North Carolina pay for child care in order to recommend updated child care market rates that may be considered in setting payment rates for centers and homes providing subsidized child care. DCDEE describes the methodology to demonstrate reliable methods were used.
- The 2018 Child Care Market Rate Survey report will be submitted to the NC General Assembly and posted on the Division of Child Development and Early Education website. It will be electronically posted in the General Assembly library of received reports and shared with all members, who can then share the report with their constituents. Following the electronic posting of the report on the DCDEE web site, a blast email through Constant Contact will be sent to the approximately 10,000 members of the general purpose electronic mailing list maintained by the Division, including providers and partners and members of the general public and state education system, to alert members of that list to the completion of report and its availability. The report will also be shared with the NC Early Childhood Advisory Council, the Child Care Commission, the Birth-3rd Grade Coordinating Council, and legislative committees, as requested.
- The Plan discusses the payment rate percentiles for the different age groups, then states that cost of care data was collected in the Market Rate Survey. DCDEE did not share the cost of care topics providers were asked about such as staffing costs, building costs, equipment and food budget. Staffing was found to make up 70% of total cost.

#### **CCDF and Homeless Families**

- The CCDF Final Rule has requirements related to serving families experiencing homelessness.
- DCDEE contracts with an external partner to provide technical assistance to child care programs, training and direct outreach to families.
- There is a 4% set aside.

#### **Ensure Health and Safety in Child Care**

- A 5<sup>th</sup> major area of the Plan is to establish standards and a monitoring processes to ensure the health and safety of child care settings.
- Lead Agencies are required to certify that there are licensing requirements applicable to all child care services in the state/territory, which supports the health and safety of all children in child care. This section begins with a description of the licensing system for providers of child care.
- As mentioned earlier, results of monitoring and inspection reports are supposed to be on the website.
- It includes coverage of the health and safety requirements and training, This section also addresses group size limits; child-staff ratios; and required qualifications for caregivers, teachers, and directors (98.16(m)) serving CCDF children. It covers the processes for monitoring whether programs meet those standards procedures

#### **Components of Criminal Background Checks**

- The program instructions ask NC to describe Criminal background check requirements in this section. (98.16(o)).
- Director Ford mentioned the waivers DCDEE was able to get in place for the CBC requirements.
- Currently NC has waivers in place to implement the following CCDF Criminal Background Check requirements:
  - In-state/interstate criminal registry or repository checks with fingerprints requirements for existing staff/new.

- In-state/interstate sex offender registry requirements for existing staff (interstate for new staff).
- In-state/interstate child abuse and neglect registry requirements for existing/new staff.
- National FBI fingerprint search requirements for existing staff.
- National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) search requirements for new or prospective staff/existing.
- In order to meet the CCDBG Final Rule, the DPI staff must meet the same CBC requirements as EC staff; therefore most of the waivers involve collaborating with Department of Public Instruction to get staff working in licensed programs to meet these requirements rather than the local public school checks. The other item NC has to meet to meet the federal background check requirements is to get other states to cooperate to provide the CBC information.
  - DCDEE is working on many changes to the criminal background check requirements.
  - DCDEE will have to check information from other states when an individual has moved to NC in the last 5 years.
  - Some states do not even have the information for NC to check.
  - In addition, States charge for check – varies from \$5-\$75
  - So, the coordination across the nation will be key.
  - DCDEE has met with the SBI and discussed the challenges. They are going to assist with the changes.
- Background Check Implementation deadlines -Original deadline for implementation September 30, 2017; initial one-year extension deadline September 30, 2018; one-year waiver deadline extended to September 30, 2019; waiver deadline one-year renewal to September 30, 2020
- Due to DCDEE in the past accepting DPI checks, NC has asked and received approval for the following waivers to allow time for DPI staff to meet these CBC requirements:
- Other CBC related items in the Plan include frequency of checks, disqualifying crimes, privacy requirements, appeals process, costs, implementation deadlines.

### **Recruit and Train a Qualified Child Care Workforce**

- A 6<sup>th</sup> major component of the Plan is recruit and train a qualified and effective workforce.
- This section covers the state framework for training, professional development, and post-secondary education and addresses early learning and developmental guidelines.
- States are required to establish a progression of professional development opportunities to improve the knowledge and skills of CCDF providers
- The framework should include these components:
  1. professional standards and competencies
  2. career pathways
  3. advisory structures
  4. articulation
  5. workforce information, and
  6. financing.
- Flexibility is provided on the strategies, breadth, and depth with which states and territories will develop and implement their framework.
- Early Learning and Development Guidelines – how they were developed, how are they developmentally appropriate, used, training –how is knowledge and application of the guidelines incorporated into the professional development framework.

### **Support Continuous Quality Improvement**

- Lead Agencies are required to reserve and use a portion of their Child Care and Development Fund program expenditures for activities designed to improve the quality of child care services and to increase parental options for and access to high-quality child care. In this section of the Plan, the



state describes the types of quality improvement activities where CCDF Investments are being made. DCDEE also describes how the QRIS is administered.

- DCDEE describes how the state currently assesses the needs in the system related to quality. NC invests in quality activities based on both quantitative and qualitative assessment methods.
- DCDEE collaborates with various entities that conduct studies which, in turn, inform future quality activities. For example, CCR&R data and early childhood education workforce studies conducted by Child Care Services Association have assessed the workforce in particular geographic regions as well as statewide. These studies provide the state information about working conditions in child care centers and family child care homes which often results in new initiatives to improve the quality of early care and education. The Division is part of a Department wide team that is developing an Early Childhood Action Plan (ECAP) to identify the indicators and strategies to ensure that children in our state are healthy, on track and ready to succeed. As that plan was finalized, there were indicators related to kindergarten readiness and third grade reading proficiency that will point to new or enhanced strategies to be implemented in child care programs in order to support children's learning. The ECAP initially targeted infants and toddlers. The North Carolina Pathways to Third Grade Reading project has been working for multiple years on developing the plan for North Carolina to move forward to provide supports for children in families at home, in communities and in schools, including early education programs. This project will also identify strategies that will be applicable to children enrolled in child care and will provide opportunities for recommending initiatives to support the desired supports. Data is a key factor for both ECAP, as well as the Pathways work in order to determine both need, and progress that is made. The North Carolina Partnership for Children (NCPC) provides oversight to the assessment and enhancement of data collection and data management capacities of Smart Start local partnerships. The Smart Start Data project began with a comprehensive assessment of local partnership data collection activities including measures, how the data are collected, where data are stored, computing platform, and how the data are used. Assessment data can also be gathered from the NC Rated License Assessment Project (NCRLAP). NCRLAP conducts Environment Rating Scale assessments as a part of the voluntary Star-Rated License Assessment System. These scores contribute to a program's star-rating. The NCRLAP is contacted to provide information about low scoring items to inform training, technical assistance and coaching topics. Contractors use scores to document the positive impact of their activities. For example, a specified percentage of programs increased their ERS scores or increased their star-rating over a 12-month period. Annually the NC Pre-Kindergarten Evaluation Study is completed to examine the long-term effects of participation in NC Pre-K at the end of kindergarten. In addition to child outcome data, key characteristics of the NC Pre-K during the year, along with trends overtime, are examined based on statewide administrative data. Information includes characteristics of the local NC Pre-K settings, the children served, the qualification of teachers, and the distributions and counts of program participants and service providers. North Carolina is currently participating in the 2018 QRIS 3.0 Think Tank to evaluate and improve our rated license system. The areas of evaluation are Leadership and Governance, Equity, Improvement Supports, Financing, Stakeholder Engagement, Standards and QRIS Accountability and Rating. The Think Tank will provide an opportunity for North Carolina to assess the capacity for moving forward with changes with our rated license system that are based on research, reflect quality, and impact child outcomes. The DCDEE Regulatory System database can also provide information to child care partners, including Child Care Licensing/Investigations Consultants to help determine regional and statewide needs related to violations to the Child Care Rules. To prepare for the writing of the 2019-21 CCDF Plan the Division of Child Development and Early Education held Focus Groups across the state with 202 individuals attending. The same questions were sent to an email listserv for input with responses received from over 100 individuals. The responses to these questions helped DCDEE identify system needs related to quality.

**Quality Set-Asides-**This chart shows the percentage of CCDF funds that must be set-aside for quality activities.

	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020 (& ongoing)
% Quality set-aside	7%	7%	8%	8%	9%
% Infant & toddler set-aside	—	3%	3%	3%	3%
<i>Total % quality set-aside</i>	<i>7%</i>	<i>10%</i>	<i>11%</i>	<i>11%</i>	<i>12%</i>

### **Ensure Grantee Accountability**

Lead Agencies are required to describe in their Plan effective internal controls that ensure integrity and the Plan include activities to prevent agency and provider errors, such as trainings and technical assistance; how the agency addresses reducing fraud, waste, and abuse, including program violations and administrative errors. The Plan also addresses how the agency identifies and recovers misspent funds as a result of fraud.

### **Commission Comments and Questions**

Deputy Director Snuggs stated that the process to rewrite the CCDF Plan is just beginning and this was an overview of the components of the Plan. She stated that it is in collaboration with DCDEE's partners that the specific Plan will be created.

**Opportunities for Input-**At the end of January/early February, there will have two main opportunities for input. One of those will be Directors' meetings and the other will be the CCDF Focus Group meetings.

### **Directors' Meetings**

- End of January/Early February
- Held statewide in each county
- Facilitated by Regulatory staff
- Commission input on questions

### **CCDF Focus Group Meetings**

- Four meetings held in February
- One in each Regulatory region
- Facilitated by 1 or 2 Commissioners
- DCDEE staff support provided
- Includes community and other EC partners
- Commission input on questions

Ms. Hewitt stated that the Division needs to know what topics the Commission is interested in receiving input about. Then we will think about which group would be best suited for that feedback.

**Proposed Meeting Dates—Ms. Hewitt asked if the Commissioner’s would be willing to facilitate these meetings.**

February 9 Regional Meeting 12:00 p.m. - 1:30 p.m.  
 February 11 Regional Meeting 3:00 p.m. - 4:30 p.m.  
 February 15 Regional Meeting 5:00 p.m. - 6:30 p.m.  
 February 17 Regional Meeting 12:00 p.m. - 1:30 p.m.

Chairperson Everhart stated that several of the Commission members helped facilitate the regional meetings last time. All Commission members expressed interest in facilitating the meetings this time. Ms. Hewitt will send out the dates and coordinate with the Commissioners.

**Update on Curriculum Review Sub-Committee – Dr. Sheresa Blanchard**

The Committee includes: Susan Butler-Staub, Iheoma Iruka Thompson, Rhonda Rivers, Janie Truesdale, Justin Clark, Laura Hewitt, Arlette Lambert, Kristi Snuggs

Dr. Sheresa Blanchard updated that the first meeting convened on November 20<sup>th</sup>. They discussed the previous criteria for curricula and formative assessments. The next meeting will involve discussing revisions to the criteria. The Committee wants to invite early childhood educators to be involved in the process. The Committee wants to send out a survey to providers to receive feedback and accept applications for serving on the committee. The process will be altered due to the necessity for virtual meetings. Challenges will include how publishers will submit their curricula. The next meeting is scheduled for January 11, 2021, where the Committee will finalize the letter to send out to publishers.

**Rulemaking Discussion**

**Review of Rules: Public Hearing Held on September 14, 2020; End of Comment Period October 16, 2020 (The Commission may Adopt these Rules)**

10A NCAC 09 .0102, .0302, .0403, .0601, .0606, .0607, .0701, .0713, .0801, .0802, .1103, .1106, .1402, .1403, .1702, .1703, .1706, .1707, .1714, .1718, .1721, .1724, .1729, .1730, .2204, .2206, .2209, .2318, .2408, .2410, .2509, .2703, .2809, .2817, .2903 and .3012

Ms. Dedra Alston had a correction to the lead in sentence for rule .1703, Subparagraph (i). The term “annually” was left out.

**Commission Action:**

**Dr. Lanier DeGrella motioned for the Commission to adopt 10A NCAC 09 .0102, .0302, .0403, .0601, .0606, .0607, .0701, .0713, .0801, .0802, .1103, .1106, .1402, .1403, .1702, .1703, .1706, .1707, .1714, .1718, .1721, .1724, .1729, .1730, .2204, .2206, .2209, .2318, .2408, .2410, .2509, .2703, .2809, .2817, .2903 and .3012 with revision to .1703(i) adding the word “annually”. Vice Chairperson Rhonda Rivers seconded. The motion passed unanimously.**

Chairperson Everhart asked if anyone did not vote. There was nobody who did not vote.

Ms. Amber Davis reminded the Commission that there was a public comment about a change to the language of Rule .0802(e).

**Ms. Angela Beacham proposed a change to EMERGENCY MEDICAL CARE 10A NCAC 09 .0802 (e)**

The current proposed rule change reads:

This report shall be signed by the person completing it and by the parent, a copy given to the parent, and the report maintained in the child's file.

She proposed the language by changed to:

This report shall be signed by the person completing it and by the parent, a copy given to the parent or a parent signature declining a copy and the report maintained in the child's file.

She stated that, in lieu of the Division's recent commitment and efforts to "go green", many environmentally conscious facilities have also made this commitment. Her facility, like many other high-quality centers emphasize safety, communication and global awareness. She reported that although parents are given an accident report, over 85% if they trash the paper before leaving the facility. She maintained that this is an abhorrent waste of paper, detrimental to forests, and the act of providing parents with the original to read, ask questions and sign is notification. She is simply requesting providing parents with the option to decline a copy after the process is completed.

Ms. Schoel asked if there are any legal implications for the providers. Ms. Davis stated that she did not believe so because nothing is changing regarding the dissemination of information or the maintenance of files. This is just providing the parents with the choice as to whether they would like a hard copy for themselves.

The Commissions unanimously agreed with the rule language change proposed by Ms. Beacham.

**Commission Action:**

**Vice Chairperson Rhonda Rivers motioned for the Commission to amend change to the language to Rule .0802(e) from "This report shall be signed by the person completing it and by the parent, a copy given to the parent, and the report maintained in the child's file." to "This report shall be signed by the person completing it and by the parent, a copy given to the parent or a parent signature declining a copy and the report maintained in the child's file. Ms. Susan Butler-Staub seconded. The motion passed unanimously.**

Chairperson Everhart asked if anyone did not vote. There was nobody who did not vote.

**New Rulemaking Discussion:**

Vote to Publish Rules and Fiscal Note for 10A NCAC 09 .2828 – Enhanced Program Standards for a Rated License for Family Child Care Homes and 10A NCAC 09 .3013 - Pre-K Teacher Assistant Education and Credentials

The Child Care Commission may vote to publish the rules and fiscal note today for publication in the NC Register. If voted to publish today, the public hearing will be held on February 8 and the Commission may vote to adopt the rules during their May meeting. The rules will be submitted to the Rules Review Commission for their June meeting, and if approved, the rules will become effective July 1, 2021.

Dr. Rachel Kaplan reviewed the fiscal note for the Commission.

**Commission Action:** Ms. Amelie Schoel motioned for the Commission to vote to publish the rules and fiscal note for 10A NCAC 09 .2828 – Enhanced Program Standards for a Rated License for Family Child Care Homes and 10A NCAC 09 .3013 - Pre-K Teacher Assistant Education and Credentials. Ms. Kimberly McClure seconded. The motion passed unanimously.

Chairperson Everhart requested that the time for Public Comment be placed at an earlier position on the agenda in future meetings.

**Chairperson Everhart called for a break at 11:36 a.m. until the time for Public Comment.  
The meeting reconvened at 12:00 p.m.**

Mr. John Green displayed a flow chart of the permanent rulemaking process to discuss the steps involved during rulemaking.

### **Public Comment**

- Ms. Sherry Melton (NCLCCA) thanked the Commission and the Division for their public service. Ms. Melton spoke about the current workforce crisis that Chairperson Everhart discussed earlier. Ms. Melton stated that this crisis did not begin with the pandemic, but the pandemic has exacerbated the problem. She stated that even during this pandemic, there are waiting lists for children to receive child care because of a lack of qualified teachers and classroom staff. DCDEE and the legislature gave providers grace surrounding the requalifying CBC requirements, which has since been revoked. However, there was never grace given on new hires. She stated that, in the last couple of weeks, 14 counties have reached out to NCLCCA stating delays from one week to several months for fingerprint appointments. Ms. Melton expressed that NC CBC requirements are more burdensome and problematic than the Federal Requirements. For example, the NC statute has no allowance for provisional employment before any contact with children and a re-check every 3 years, while the federal statute allows for provisional employment and requires a re-check every 5 years. A state law change would be required to align the NC with the federal requirement for the Commission to be able to make these allowances to address the early childhood workforce crisis.
- Mr. Coffenberry concurred that a legislative change is necessary, and this may be the time to petition the legislature during this crisis.
- Deputy Director Snuggs stated that the Division's CBC unit is ready to assist providers, who are encountering delays in their respective counties.
- Ms. Anna Mercer McLean stated she appreciated the support of the Division for the operational grants and teacher bonuses.
- Mr. Melton stated that he currently has over 300 children on waiting lists because of the workforce crisis. Chairperson Everhart stated that his centers also currently have classrooms closed and waiting lists due to lack of qualified teachers.
- Director Ford thanked everyone for expressing their concerns and the Division will be working with the Commission to come up with solutions.
- Dr. Foster requested the statute that the CBC must be completed before any training can ensue, so that she may contact her legislator. Ms. Davis provided the statute - NCGS § 110-90.2(b).
- Ms. Schoel has discussed the issue of potential changes to the statute with legislators who are reluctant to even address the issue of provisional employment because of the concerns of opening that door. Ms. Schoel suggested developing assurances of safeguards in place that can help alleviate these concerns and inviting legislators to a meeting to present the Commission's case.

- Ms. Davis provided the Commission with both the NC statute NCGS § 110-90.2(b) and the Federal Statute 42 USCS 9858F.

Chairperson Everhart thanked those from DCDEE who contribute to the newsletter.

He thanked everyone for their participation today and wished everyone a happy, safe holiday season.

**Commission Action:**                      **Chairperson Zac Everhart asked for a motion to adjourn. Vice Chairperson Rhonda Rivers motioned to adjourn. Mr. Mitchell Gold seconded. The motion carried unanimously.**

<b>Chairperson Everhart adjourned the meeting at 12:35 p.m.</b>
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**The next meeting of the North Carolina Child Care Commission is February 8, 2021, from 9:00 a.m. – 2:00 p.m. (Third Quarter Meeting)**