

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**Public Hearing Meeting Minutes**

**Wednesday, August 19, 2020**

**Teleconference**

Commission Members Present

**Zac Everhart, Chairperson**

**Rhonda Rivers, Vice Chairperson**

**Sheresa Blanchard**

**Melissa Burroughs**

**Susan Butler-Staub**

**Victor Coffenberry**

**J. Lanier DeGrella**

**Sharon Foster**

**Mitchell Gold**

**Elizabeth Gilleland**

**Rev. Charles F. McDowell, III**

**Kimberly J. McClure**

**Perry S. Melton**

**Beth Messersmith**

**Amelie Schoel**

**Iheoma Iruka Thompson**

**Janie R. Truesdale**

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**

**Alison Keisler, Regulatory Services**

**Tammy Barnes, Regulatory Services**

**Andrea Lewis, 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**

Interim Director Kristi Snuggs welcomed everyone to the web session. Chairperson Zac Everhart called the meeting to order at **9:01 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. Ms. Alston conducted roll call.

Chairperson Everhart reviewed the agenda and discussed the materials and the processes by which the meeting will run via teleconference.

**Declaratory Ruling**

Chairperson Everhart discussed the Declaratory Request and asked Ms. Amber Davis to provide the background and Mr. John Green to discuss the process of granting or denying.

Ms. Amber Davis stated that Ms. Sylvia Corry runs a family child care home facility and was cited for a violation of a specific rule that has required language populate on the violation form. Ms. Corry was cited for one (1) bottle of Myers Clean Day Room Freshener with multiple warnings hanging out of reach of children but not locked under the rule requiring cleaning products to be locked. If a product has warning on it, it must be kept out of reach of children. If a product has multiple warnings, it must be locked. It was deemed that the room freshener fell under the multiple warning provision.

Ms. Corry filed a grievance with the Division. The Division reviewed Ms. Corry's grievance that the room freshener only needed to be out of reach of children, not locked, but the Division ruled that the violation was warranted.

Ms. Corry appealed to the Office of Administrative Hearings (OAH) and Superior Court where the violation was upheld. She is now petitioning the Commission for a Declaratory Ruling.

The Division created a new item number to accompany the violation and updated the language.

Ms. Amelie Schoel asked about the populated language of the violation in the visit summary and if that is the primary concern.

Mr. John Green stated that Ms. Corry's claim was denied by the OAH and the Superior Court and the Commission is not a place to relitigate. He stated that the petition is unclear. He stated that the safest avenue for the Commission is to approve the initial request for a Declaratory Ruling and allow Ms. Corry to speak and have the Commission ask any clarifying questions.

Mr. Perry Melton stated that he thought her concern was that the language originally mischaracterized the complaint, and the Division has since corrected the language on the website. Mr. Green stated that he thinks the complaint is unclear as to what she wants.

Ms. Schoel clarified that this was the only violation during the visit, and she asked how long the violation will stay on her record. Ms. Davis stated that this was the first and only violation Ms. Corry has received, and it stays on her record for three years. Ms. Davis stated that she does not think Ms. Corry will be satisfied with any outcome other than the removal of the violation.

Ms. Janie Truesdale stated that she runs a family child care home and she thinks the populated language does not often reflect what actually occurred.

Chairperson Everhart stated that the Commission should rule to accept the Declaratory Ruling and hear from her to clarify.

Ms. Schoel agreed because she has questions for Ms. Corry

Mr. Coffenberry asked if the Commission can limit her time to speak.

Dr. Sheresa Blanchard also stated that there needs to be clarification surrounding out of reach of children.

Ms. Beth Messersmith also wanted to make sure not to set an unwarranted precedent.

**Commission Action:** Ms. Schoel motioned that the Commission believes it has the authority to grant the request for a Declaratory Ruling. Vice Chairperson Rhonda Rivers seconded. The motion passed with a majority decision, with most in favor and one opposed.

Ms. Alston did a roll call to take the vote.

**Public Comment**

**Reason for Proposed Temporary Action:** The NC Child Care Commission has adopted emergency rules and is proposing temporary rules to comply with the Governor's declaration of a state of emergency due to the Coronavirus Disease (COVID-19) to enact protective measures to help prevent the spread of the disease. This disease can result in serious illness or death to the public. The public health emergency, and the resulting closure of public schools, has impacted North Carolina school-age children and their families. To the degree that it is able, the North Carolina Child Care Commission is implementing emergency rules in order to give public schools options to provide care outside, or in addition to, the traditional school building, as well as give licensed facilities some flexibility to create and fill additional slots for school-age children to receive care while attending remote/online learning programs.

Ms. Davis discussed a language revision to the temporary rules that makes sure to include all public schools, such as charter schools.

Sheha Waters

Ms. Waters asked how these rules will affect the licensing of a second facility that she wishes to open.

Sylvia Corry

Ms. Corry stated that she was not able to speak during the previous discussion and asked if the Commission has any questions for her.

Mr. Green stated that the public comment is not the appropriate time to discuss the matter.

Sheree Vodicka YMCA Alliance

Ms. Vodicka expressed challenges with the emergency rules. With the current rules, they are attempting to enter into contracts with school systems, which has been very challenging. In rural communities, there have been greater challenges. She discussed the need for documentation for allowing accessory space for the community-based organization and there has not been guidance provided. Some YMCA's programs want to become licensed and want to know why an extension of recreational program exemptions was not allowed during this time.

Helena Wallin-Miller

Ms. Wallin-Miller is a working parent in Moore County and member of the School Board. She requested that during the time that schools are operating virtually to allow licensed and unlicensed recreational facilities to operate for more than 4 months, to offer academic support for two hours a day, and to offer two hours of screen time per day.

Renee Wicker

Ms. Wicker stated that, in conjunction with the current speaker, challenges that are being faced are limited screen time (30 min/day) and limitations of operating for only four months of full days. Can changes to the rules be made to support these requests?

Clare Ruggles

Ms. Ruggles stated that she wanted to reiterate Ms. Wallin-Miller's statement.

Ms. Messersmith asked about the data tracking of the need versus availability. Chairperson Everhart stated that the Division surveyed to gather this data. Interim Director Snuggs stated that there are multiple ways to track this data. The survey will be repeated to determine availability. CCR&R calls are also being monitored.

Vice Chairperson Rivers stated that just as much as space is an issue, qualified staffing is also an issue.

Mr. Melton suggested expediting the temporary license process. He also reiterated the challenge of finding qualified staff and there is a need to expedite that process.

Interim Director Snuggs stated that the Division understands the need and is doing everything in its power to address the need. Ms. Davis stated that the Division's and the Commission's hands are tied with what they can do under the law which defines child care.

KJ Rogers

Ms. Rogers asked if NCGS 110-86(2) applies off or on-site. If so, how does she access this resource?

Secondly, she asked about when she may receive the turn-around sheets for April, May, June and July.

Ms. Rogers has a licensed child care center for three years old and up. She has multiple parents that need care for their school-age child that do not qualify for subsidy. Is there money available for these parents? She asked for guidance of how to transition to a teleworking environment.

Libby Patterson

Ms. Patterson expressed issues that communities are facing with finding care for school-age children. She is a day camp facility that is looking for guidance on what to do.

Carol Worrell-Barnes

Ms. Worrell-Barnes worked with Smart Start in Beaufort County. Providers are asking for additional technical assistance to cover school age children in the forms of tutors and funding.

Will Deter

Mr. Deter spoke to issues surrounding funding and he thinks the Commission needs to consider expanding pathways to licensure under the temporary licensure exemption.

Dr. Blanchard stated that there are thousands of children alone or in unlicensed care, and she knows the Commission is limited as to what they can do, but she wants the Commission to think outside of the box and to build bridges to come up with innovative solutions.

Chairperson Everhart asked Ms. Davis and Mr. Green what the Commission can do to help with the current need.

Mr. Mitchell Gold asked if the Commission could come up with recommendations for the Governor and the legislature.

Chairperson Everhart asked about potentially scheduling an additional meeting.

Ms. Messersmith stated that the legislature is going back into session on September 2<sup>nd</sup>.

Ms. Arlette Lambert stated that when the legislature adjourned in July, they were very specific with what can be covered in September session and it will not include policy bills.

Mr. Gold stated that executive orders are an option.

Interim Director Snuggs stated that the Division is working with partners exploring an expedited licensure process.

The Commission members expressed a desire to meet next week.

Interim Director Snuggs stated that it is important to remember that schools are allowed to open. She stated that NC should take guidance from the childcare providers that they stayed open safely the entire time. Mr. Gold stated they need to consider what will happen if the schools shut down completely.

Ms. Schoel requested any legislation in process be discussed.

Vice Chairperson Rivers requested further discussion of the temporary rules' language.

Chairperson Everhart requested a conference call meeting to set up a proper agenda.

A meeting will be held on Thursday, August 27, 2020 at 9:00 am.

Janice Davern

Ms. Davern stated that she is a Pre-Kindergarten Teacher in a school setting in Alamance County. Child care settings can function easier to provide care in a safe setting as they are only responsible and enforcing rules for their building, not an entire school system of moving parts. A school setting is much more difficult to control than a child care setting.

Mr. Melton stated that it is important to be careful how childcare providers that have remained open are impacted by these rules.

Chairperson Everhart reiterated that it is essential to consider the unintended consequences of the temporary rules.

**Chairperson Everhart adjourned the meeting at 11:10 am.**

**The next meeting of the North Carolina Child Care Commission is scheduled for  
September 14, 2020 9:00 am - 3:00 pm (First Quarter Meeting)**