

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**Special Meeting Minutes  
Thursday, August 27, 2020  
Teleconference**

Commission Members Present

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

**Sheresa Blanchard  
Susan Butler-Staub  
Victor Coffenberry  
J. Lanier DeGrella  
Sharon Foster**

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

Commission Members with an Excused Absence

**Melissa Burroughs  
Elizabeth Gilleland  
Mitchell Gold  
Iheoma Iruka Thompson**

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  
Rachel Kaplan, Administration/Policy  
Lorie Pugh, Regulatory Services**

**Tammy Barnes, 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 **9:14 a.m.** and reviewed housekeeping items. Chairperson Everhart apologized for the delay due to technical difficulties.

Chairperson Everhart thanked everyone for being here for this emergency meeting and DCDEE and DHHS for everything they have done during these unprecedented times.

### **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 confirmed that 12 Commission members are present, and he wants to make sure to hear from all 12 today because this is a community effort to address the current situation of COVID-19.

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

### **Chairperson's Report**

Ms. Alston stated that Mr. Mitchell Gold emailed that he may not be able to attend today.

Chairperson Everhart stated that the purpose of the meeting is to explore the proposed options for addressing child care concerns during this pandemic and the feasibility of implementing these options.

He stated that, as this meeting progresses, to remember that it is the duty of the Commission to protect the health and safety of children in child care. He stated that he wants a productive meeting today with full participation of the Commission.

Mr. John Green discussed the powers and duties of the Commission.

- General Statute—legislative intent of Commission;
- Child Care Commission's Powers and Duties--110-88; The function of the Commission is the authority to establish rules and develop policies and standards for child care facilities
- General Statute—110-91; mandatory standards for a license; There is an intricate combination of federal, state, and local legislation with which facilities must comply. The legislature intended to set mandatory standards surrounding licensing.

Chairperson Everhart thanked Mr. Green for explaining the purpose and role of the Commission and stated that the general statute comes from the legislature that is above the power of the Child Care Commission.

### **Introduction of New Director, Ariel Ford**

Chairperson Everhart welcomed Director Ariel Ford. He thanked Deputy Director Kristi Snuggs for her incredible work as Interim Director. Director Ford echoed the sentiments about Deputy Director Snuggs and thanked her for her work during this time.

Director Ford discussed her history in North Carolina and her professional experience in early childhood. She discussed the importance of municipal government and local implementation. She stated that listening is fundamental to making change and the importance of professional development opportunities.

### **Presentation on School-Age Care – Dr. Kristi Snuggs, Deputy Director**

#### **School Age Care**

- Has become a priority
- 800,000 school-age children
- Families are looking for child care options that support remote learning
- Community-based organizations (YMCAs, Parks and Recreation, and Boys & Girls Clubs) wanting to help with school-age care
- NCDHHS has prioritized supporting families in accessing safe places for school-age children

### The State of NC School Districts

Currently, 77% of school systems (89 of 116) have opted for Plan C (remote learning).

### School-Age Survey Data

Characteristics	July 28, 2020	August 27, 2020
Child Care Facilities Reporting	3,535	2,465
Total School-Age Slots	67,752	33,831
Current Availability	<b>29,447 (43%)</b>	<b>12,192 (36%)</b>
Potential “Additional” Availability	20,147	7,418
Total Number School-Age Inquiries – Unable to Serve	-----	4,911

### Child Care Hotline Referral Data

1-888-600-1685

Week	Number of Calls	Number Requesting Referrals
August 10-14, 2020	613	185
August 17-21, 2020	447	147

70% of referrals are answered in less than 60 seconds.

### School-Age Care Options

- Child care hotline (1-888-600-1685)
- Licensed child care providers can expand to serve school-age children
- Onsite care at public schools
- Onsite care at community based organizations
  - NC Child Care Commission passed Emergency Rules
    - Allowed public schools to contract with community-based organizations

- Created remote learning facilities
  - Must meet health and safety requirements – StrongSchoolsNC Public Health Toolkit (K-12)
- School systems have chosen to send their youngest children to schools
- ❖ Hotline – Families can call the hotline to get information about local licensed child care options for infants through children age 12. The hotline is open Monday thru Friday 8 AM. to 5 PM. Child care referral specialists will provide families with referrals to licensed child care programs that are open and have vacancies.
- ❖ Onsite care at public schools – Public schools may choose to provide a remote learning environment for school-age children in their school buildings during the school day. Participating schools manage the enrollment process for families. Care for school-age children provided in a public school building is subject to the health and safety requirements for the StrongSchoolsNC Public Health Toolkit (K-12) guidance under Plan B. To find out if your school is offering onsite care, contact the school principal.
- ❖ In response to the pandemic, the NC Child Care Commission passed Emergency Rules allowing public schools to contract with community-based organizations to provide care and support remote learning. Community-based organizations must meet health and safety requirements of the StrongSchoolsNC Public Health Toolkit (K-12) guidance under Plan B. To find out if your school has this option, contact the school principal.

Recommend that as a STARTING POINT: families should call the NCDHHS child care hotline at 1-888-600-1685 (flier) to learn about options for child care.

### **Key Health and Safety Standards**

- Licensing requirement require that child care programs meet more robust health and safety requirements.
- Mandated by federal and state laws and state regulations
- Designed to protect children’s health, safety, and well-being
  - Criminal background checks for child care staff
    - Ensures staff are not on sex offender registries, not had substantiated against for child abuse and neglect, have not maltreated a child, no criminal history
- Pre-Service and Ongoing Health and Safety Training
  - Preventing & controlling infectious diseases, administering medication, recognizing & responding to child abuse and neglect, responding to natural disasters, responding to food & allergic reactions, CPR and First Aid
- Sanitation, Building and Fire Inspections
  - Proper cleaning and disinfection practices, building free of lead, good ventilation, other safety requirements
- Group Sizes and Child Staff Ratios
  - Ensures appropriate supervision, ability to meet enhanced health and safety protocols related to pandemic

### **Licensure Modifications**

Given the need for school-age care in response to school decisions, NCDHHS has reviewed current licensing requirements to obtain a school-age care license and made recommendations for regulations that could be modified to allow organizations to obtain a school-age care license more quickly in a manner that would not jeopardize health and safety.

- Adding **virtual online pre-licensing workshop**
- Waive pre-employment experience requirements for administrators

- Will **allow 30 days** to develop activity plans, discipline policy, and incident report/log
- Will **allow 30 days** to develop and disseminate administrative, operational and personnel policies to families and staff
- Continue current **flexibility for CPR and first aid** requirements (allow one person to be onsite with current certifications)
- Allow programs to operate at **minimum staff/child ratio requirements** regardless of their star rating
- Allow flexibility to **extend screen time** for school-age children
- Emergency telephone numbers will not have to be posted provided they are readily available
- Continue **current flexibility to allow up to 60 days** for staff to provide medical report and TB test/screening results
- Continue **current flexibility to allow 6 months** for staff to receive staff orientation
- Continue **current flexibility waiving the requirement for facilities to provide supplemental food** to meet the nutritional guidelines
- Allowing programs that were **previously licensed as summer day camps** to apply for a temporary license as they complete the remaining requirements to serve school-age children (will not need to repeat inspections or background checks which should already be completed)

NOTE: The licensing process can take as little as 2 weeks to 2 or more months depending on how quickly local agencies are able to perform background checks and inspections. NCDHHS will work with communities as needed to help move things forward.

#### **Resources Available**

- Fliers about Child Care Referral Hotline
- Sample Contracts for Public Schools and Community-Based Organizations
- Checklist for Licensure
- Health & Safety Recommendations for Community-Based Organizations
- What to Know When Looking for School-Age Care – Resources for Parents and Families

#### **What Can I Do as Commission Member to Help Families?**

NC's child care programs are the bedrock of NC's economy. Preserving the industry is paramount to the state's economic health and well- being

- Call the NCDHHS Child Care Hotline (1-888-600-1685) to learn about school-age care options for children aged 12 or below
- Encourage community-based organizations to enter into contracts with public schools or seek licensure
- Questions about state policy regarding school-age child care for families impacted by remote learning, please email [StrongSchoolsNC@dhhs.nc.gov](mailto:StrongSchoolsNC@dhhs.nc.gov)

Chairperson Everhart acknowledged that immense amount of work DCDEE has done since the beginning of the pandemic in March.

#### **Rule-making Discussion**

Ms. Amber Davis discussed the public comments and questions from the previous meeting and answered those that could be answered, and, if a question cannot be answered, why it cannot be addressed. She discussed what is the discretion of the Commission and what is not.

**Can a licensed program that previously offered after-school care start caring for school-aged children full-day?**

Yes. Please reach out to the assigned child care consultant about having school-age added to the license.

**Can the Commission or the Division extend the four-month limitation for recreational programs? Can you allow unlicensed facilities to operate for more than four hours a day?**

No. The “less than four consecutive months” limitation for recreational programs and maximum of 4 hours per day for unlicensed facilities is set out in law. Neither the Commission nor the Division has authority to modify the law, including any exception to “child care” in G.S. 110-86.

**Can the Commission or the Division extend the time for licensed summer day camps?**

The May 15 to September 15 time limitation only applies to licensed summer day camps, which are recreational programs that are exempted from licensure because they operate for “less than four consecutive months” pursuant to G.S. 110-86. While the Commission may alter the months of operation, if the time for these camps is *extended*, the camp would be “child care” and require a license. Any recreational program that has not been in operation for four months by September 15 may continue to operate after that date so long as the total time in operation is less than four months.

**Can school-age children participate in remote/virtual learning while attending an unlicensed recreational program?**

Yes.

**Is there any flexibility for screen time?**

Yes. Limitations on screen time is set out in the child care rules. DHHS and DCDEE are working on getting waivers put in place to extend the amount of screen time for school-age children so they may complete school work while in licensed care.

**Can there be any flexibility for obtaining criminal background checks for staff prior to employment?**

No. Criminal background checks are required by both federal and North Carolina law for child care providers prior to employment. Neither the Commission nor the Division has authority to modify the CBC requirements in G.S. 110-90.2.

Update: While there was previously a delay in obtaining fingerprints due to COVID-19, as of August 17, 2020, there are 98 counties taking fingerprints. Many counties are operating under normal hours, but some may require an appointment. If there is a wait in your county, there are 26 counties that will take fingerprints for out-of-county residents.

**Is there money available to assist parents paying for school-age care?**

Unlikely. There are approximately 13,000 children on the waiting list for subsidy. Parents who qualify for subsidy may apply, but it is unlikely that funds will be available.

**Is there money available to assist providers caring for school-age children?**

Operational grants may be available to help assist with set up.

**Can school-age children participate in remote/virtual learning in licensed child care facilities?**

Yes. Families looking for availability are encouraged to call the **Child Care Hotline (1-888-600-1685)**. We also encourage parents to ask the school if it is offering any child care, whether on-site at the public school or on-site at a community-based organization.

Chairperson Everhart opened the floor for discussion.

Vice Chairperson Rhonda Rivers thanked DCDEE for the preparation for this special meeting to address the Commission's questions and concerns. She stated that the most important thing to remember is that the health and safety of children is never compromised. She reinforced Chairperson Everhart's earlier comments that they must keep this in mind as they are trying to address the current crisis. She expressed the importance of partnering with the school systems during this time to address the concern for adequate space.

Dr. Sharon Foster stated that, as a physician of 33 years, she has to agree that the safety of the children in North Carolina that has been achieved cannot be compromised. However, there are ways that part-time community-based care can be safely be opened to full-time.

Ms. Susan Butler-Staub asked if the Department of Public Instruction (DPI) is doing any work with public school systems to help with partnering with the community. Deputy Director Snuggs stated that DPI has been involved with all levels of discussion.

Ms. Kimberly McClure stated that she would like to see school-age program licensure requirements be less stringent than the 0-5 licensure requirements (e.g., such as staff education requirements), so more school-age programs will seek licensure.

Mr. Perry Melton asked if the Commission can do anything to facilitate the legislature changing the law (110.92) to allow for North Carolina to apply for a waiver to background checks because the greatest challenge to facilities right now is finding qualified staff. Deputy Director Snuggs stated the greatest challenge is law enforcement's turnaround with the fingerprinting, so that might be the place to focus efforts. Chairperson Everhart stated that his experience leads him to believe that criminal background checks need to be addressed outside of the Commission.

Dr. Lanier DeGrella asked about the existing unlicensed school-age programs that are already part of the community seeking licensure. During the last meeting, someone spoke about alternative/expedited pathways to licensure and temporary licenses, and she questioned what the Commission may be able to do to help. She also asked about the untapped potential of family child care homes (FCCH) and that they may need more support to be able to help address the issue of school-age support. Deputy Director Snuggs asked Ms. Tammy Barnes about whether there is data on how many community partners and FCCHs have reached out; but they do not have this data yet. Ms. Barnes stated that statute limits FCCHs from having more than 12 children in their homes. Deputy Director Snuggs stated that FCCHs can possibly serve school-age children in lieu of the younger age children if they have room. Deputy Director Snuggs also stated that the emergency rules the Commission passed does allow for an alternative pathway to operate for community-based organizations by allowing community-based organizations to partner/contract with the school system. They can still pursue licensure while they are contracting with the school systems.

Ms. Davis added that all part-time community-based organizations have the option to apply for licensure. Ms. Davis wanted to clarify that a part-time licensed program can get licensed to care for school-age children and would not be limited to 4 hours a day.

Reverend Charles McDowell commented that he wants to affirm the continuation of flexibility without compromising health and safety of children. He also affirmed that churches can be a great resource during this time.

Ms. Beth Messersmith wanted to make sure infant/toddler slots are not lost during this process. She also wanted to reinforce that parents are calling daily in a panic concerning not having care for their children. She asked if there was anything the Commission and Division can do to help facilitate the partnerships of

community-based facilities with school systems. She also stated that availability of care is only one part of the problem because availability is irrelevant if families cannot afford it.

Ms. Janie Truesdale agreed that health and safety is the number one priority. She stated that she took Deputy Director Snugg's suggestion in the last meeting and spoke with several providers that have stayed open during this time and stayed free from the COVID-19 virus. She stated that much of the safety during this time is thanks to the enhanced sanitation requirements and supplies provided to the providers. This level of cleanliness must be maintained.

Ms. Amelie Schoel commented that the schools are having difficulties and shutting down because individuals are contracting the virus due to the lack of standards on the level of the licensed childcare facilities.

Dr. Sheresa Blanchard asked about the discrepancy between the availability and need of slots. What are the reasons for these discrepancies? She discussed the local Smart Start and CCR&Rs community involvement at the local level. Deputy Director Snuggs stated that the difficulty for the Division in assessing the need at the state-level because of the differences at the local level, such as the differences at the local level in the number of available community-based partnerships. Ms. Messersmith asked whether anything can be done to aid the smaller rural communities to partner more easily.

Ms. Schoel asked if there were a way to integrate the hotline into the Governor's press conferences. Deputy Director Snuggs stated that this is part of the roll-out plan.

Vice Chairperson Rivers stated that all Commission members have the ability to mobilize in different capacities outside of the Commission at the community level. She wants people to challenge the schools that some of the federal funds at the school follow the child. Ms. Schoel stated that school systems are in financial crisis and need more funds.

Ms. Messersmith discussed the liability issue of the school systems may be preventing partnerships and if the Commission can help. Ms. Davis stated that the emergency rules allow the schools to obtain liability insurance, but the rules provide the flexibility of who holds liability to be decided between the contracting parties. Mr. Green stated that nothing can be done at the Commission's level to prevent school systems from getting sued.

Mr. Vic Coffenberry commented about the availability of public school contributions; there are funds in public schools (i.e. building new facilities) that can be utilized to help subsidize childcare for children, especially the pre-K- to third grade children. He also stated that if all other avenues have been exhausted, asking the Governor for emergency action is warranted.

Ms. Schoel asked if the counties that are 100% virtual have been contacted and encouraged to open for the younger children. Deputy Director Snuggs stated that there has been communication to this effect. Ms. Schoel encouraged the Commission members to encourage their local education agency (LEA) to open for younger children. Deputy Director Snuggs stated that local autonomy makes state level solutions more difficult.

Reverend McDowell reiterated that churches can be a tremendous community resource.

Chairperson Everhart thanked the Commissioners for their comments but asked for actions the Commission can take. He stated that it appears that there is not much the Commission can do as an entity, but there is a

lot that can be done at the local community level. He stated that much will need to be done at the legislative level. He asked the Commission if there is anything that has been left unsaid.

Ms. Messersmith suggested a letter to DPI from the Commission to encourage the dissemination of this information. Deputy Director Snuggs stated that this communication has occurred between the Division and DPI and will continue.

Ms. Davis stated that the emergency rules have been incredibly impactful, so the Commission HAS made a difference in helping to provide space for children. She also reinforced that there has been dissemination of the information at all levels, and community-based organizations can initiate the contact with the school systems.

Ms. Barnes stated that she is proud of the work of the Commission and the child care provider community. Chairperson Everhart thanked the Regulatory unit for all they do. Deputy Director Snuggs also expressed gratitude to the child care community and the Commission.

Chairperson Everhart ended with expressing his gratitude to the Commission for their passion and work.

**Chairperson Everhart adjourned the meeting at 12:03 pm.**

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