

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

**NORTH CAROLINA CHILD CARE COMMISSION**

**First Quarter Meeting  
Monday, September 14, 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  
Elizabeth Gilleland  
Mitchell Gold**

**Rev. Charles F. McDowell, III  
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  
Arlette Lambert, Administration/Policy  
Dedra Alston, Administration/Policy  
Rachel Kaplan, Administration/Policy  
Tammy Barnes, Regulatory Services**

**Andrea Lewis, Regulatory Services  
Lorie Pugh, 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 **9:17 am** and reviewed housekeeping items. Chairperson Everhart apologized to everyone for the late start time due to technical difficulties.

**Roll Call**

Chairperson Everhart read the conflicts of interest statement and asked whether there were any conflicts noted for today. None were identified.

Chairperson Everhart reviewed the agenda and discussed the materials and the processes by which the meeting will run via teleconference. Ms. Dedra Alston conducted roll call.

Chairperson Everhart thanked the Commission and the Division for the August 27<sup>th</sup> Special Meeting.

**Chairperson's Report**

**Approval of August 27, 2020 Special Meeting WebEx Meeting Minutes**

**Approval of August 19, 2020 Public Comment WebEx Meeting Minutes**

**Approval of August 5, 2020 Special Rules WebEx Meeting Minutes**

**Approval of April 20, 2020 Fourth Quarter WebEx Meeting Minutes**

**Commission Action:** Chairperson Zac Everhart asked for approval of the August 27, 2020, Special Rules Meeting Minutes. Ms. Amelie Schoel motioned for approval. Ms. Beth Messersmith seconded. The motion carried unanimously.

**Commission Action:** Chairperson Everhart asked for approval of the August 19, 2020, Public Hearing Meeting Minutes. Mr. Perry Melton motioned for approval. Dr. Iheoma Iruka Thompson seconded. The motion carried unanimously.

**Commission Action:** Chairperson Everhart asked for approval of the August 5, 2020, Special Rules Meeting Minutes. Vice Chairperson Rhonda Rivers motioned for approval. Dr. Lanier DeGrella seconded. The motion carried unanimously.

**Commission Action:** Chairperson Everhart asked for approval of the April 20, 2020, Fourth Quarter Meeting Minutes. Dr. Sheresa Blanchard motioned for approval. Mr. Vic Coffenberry seconded. The motion carried unanimously.

**Schedule Meeting Dates for the Second, Third and Fourth Quarter Meetings**

Second Quarter Meeting Date: December 7, 2020, 9:00 am

Third Quarter Meeting Date: February 8, 2021, 9:00 am

Fourth Quarter Meeting Date: May 3, 2021, 9:00 am

**Election of Chair and Vice Chair**

Chairperson Everhart announced that it was time to hold elections for the chair and vice chair positions of the North Carolina Child Care Commission, as this happens every two (2) years. Chairperson Everhart stated he would not be offended if the Commission motions to have a new chair.

**Commission Action:** Ms. Amelie Schoel motioned to retain Chairperson Everhart as Chairperson. Vice Chairperson Rhonda Rivers seconded. The motion carried unanimously.

**Commission Action:** Chairperson Zac Everhart motioned to retain Vice Chairperson Rhonda Rivers as Vice Chairperson. Dr. Sharon Foster seconded. The motion carried unanimously.

**Director's Report-Ariel Ford**

Director Ariel Ford thanked for the Commission for their work and the DCDEE staff working alongside her to help her learn and for being such dedicated professionals.

### **ChildCareStrongNC Public Health Toolkit-Revised September 9, 2020**

NCDHHS recognizes that some five-year-old children attending child care programs are not yet in kindergarten. For these children, it is recommended that they wear face coverings if they can reliably wear, remove, and handle masks following [Center for Disease Control \(CDC\) guidance](#).

- Updated to reflect Executive Order 163
- Updated the guidance on face coverings in child care facilities as outlined in the [ChildCareStrongNC Public Health Toolkit](#).
- School-age children five (5) years or older in **kindergarten or above** are **required** to wear face coverings when within six (6) feet of another person
  - Unless a family member states that an exception applies for the child
  - Applies to children who are on site at the child care facility, as well as, on transportation

### **Resumption of ALL Monitoring Visits**

DCDEE is working to limit the time its staff are in child care programs, including a limited monitoring plan.

DCDEE representatives will at all times adhere to the three Ws: Wash, Wear and Wait and will respect any health and safety protocols your facility has in place.

- Effective September 2020, DCDEE will resume conducting all monitoring visits to child care facilities.
- By the end of 2020, DCDEE will ensure all child care programs receive an annual visit to monitor compliance with child care requirements.

### **Deputy Director, Dr. Kristi Snuggs provided Updates from NC Pre-K Mode of Instruction Report (89 of 91 contracting agencies reporting)**

- 2,183 classrooms (only 2,047 reporting)
- Number of NC Pre-K Slots Allocated
  - 28,952 (out of 30,159 contracted slots)
- Initial Mode of Instruction
  - Fully Remote: 862 classrooms
  - Hybrid: 649 classrooms
  - Traditional/In-person: 536 classrooms
- Lead Teacher Status (for 2,047 reporting classrooms)
  - Qualified lead teacher is in place: 1,929 classrooms
  - Qualified long-term substitute is in place: 73 classrooms
  - No qualified teacher is in place: 30 classrooms
- Teacher Assistant Status (for 2,047 reporting classrooms)
  - Qualified teacher assistant is in place: 1,878 classrooms
  - Qualified long-term substitute is in place: 42 classrooms
  - No qualified teacher assistant is in place: 38 classrooms

### **NC PreK Training for Teachers and Assistants**

- Total participants fully trained (to date) – 4110
- Total number of teachers and teacher assistants trained – **3185**
- The growth in the participant's **confidence** in using The Creative Curriculum® Cloud after taking the training is significant.
- Developing a communication and support plan for those that remain unconfident.
- Several quotes from teachers and teacher assistants were shared with the Commission as validation of the training experience.

**Director Ford continued with the PowerPoint presentation.**

## Session Law 2020-97

### DCDEE Impact Overview

- \$35,000,000 to DCDEE to provide **operational grants** to licensed child care providers
  - Distribute these grants in a manner consistent with the formula from prior CARES Act
- \$6,000,000 **PPE**
  - PPE – working on getting the data, but this is in process
- \$8,000,000 **school age subsidy** for licensed school age care and unlicensed CBO remote learning sites
  - Working with the Subsidy unit to provide guidance for unlicensed community-based organizations (CBO) – DCDEE will let the Commission know as quickly as possible – NC FAST is not set up for unlicensed programs
- Development and execution of an inventory of community-based organizations hosting remote learning sites
  - In development – DCDEE is building this from scratch, because it wasn't consulted about this process, DCDEE has had a conversation with the YMCA of the Triangle regarding the funding they received for CBO grants, and there is a commitment to cross-referencing one another's websites, so information is easily accessible

### School-Age Care Options

- 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 program that are open and have vacancies.
  - Recommend that as a STARTING POINT, families should call the NCDHHS child care hotline at 1-888-600-1685 to learn about options for child care.
  - 239 calls total, but only 90 were for referral, and all 90 were provided a referral
- Licensed Child Care Providers Are Expanding to Serve School-Age Children
- 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 the school is offering onsite care, contact the school principal.
- In response to the pandemic, the NC Child Care Commission adopted 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 the school has this option, contact the school principal.

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

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

Public Schools are best positioned to meet any gaps

- 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)

**Whatever Your Reason” Campaign**

- **"Whatever Your Reason"**
  - Statewide face covering campaign
  - Available in English & in Spanish
- **Community focused**
  - Features North Carolina people and places
  - Focuses on the personal reasons North Carolinians are doing their part to stop the spread of COVID-19

Deputy Director Snuggs showed the Whatever Your Reason campaign video clip.

Commission Questions and Discussion:

Chairperson Everhart thanked Director Ford and Deputy Director Snuggs for the presentation.

Ms. Schoel asked about the role the YMCAs will play under the new Session Law. Director Ford responded that the YMCA of the Triangle was awarded grants to provide child care for which they will be solely responsible. This care will be unregulated care that the Division is not overseeing. Ms. Schoel stated that she would like the YMCA of the Triangle to discuss their plans with the Commission. Chairperson Everhart stated that Ms. Schoel should reach out to someone at the YMCA of the Triangle. Ms. Schoel stated she will reach out and see if they will share with the Commission.

Ms. Messersmith thanked the Division for the NC Pre-K Training on the remote learning. She asked if there is going to be a parent survey for the parents of the children receiving remote NC Pre-K. Deputy Director Snuggs responded that the families will be surveyed multiple times throughout the year.

Ms. Messersmith clarified that the emergency rules apply to those providers contracting with public schools. Deputy Director confirmed this is the case.

**10:17 am – 10:38 am – The meeting was taken back into “practice session” to deal with connectivity issues for the presenter, Ms. Sylvia Corry.**

**Request for Declaratory Ruling-Ms. Sylvia Corry**

Ms. Sylvia Corry’s Letter to the Commission

*September 10, 2020*

*NC Department of Health and Human Services*

*Division of Child Development and Early Education*

*Raleigh, NC 27609*

*Dear North Carolina Child Care Commission:*

*I am sending this letter in response to the ongoing issue related to the summary that was placed on your website following the unannounced visit to my family child care home, Kids ‘R’ Home Child Development (“Kids ‘R’ Home”) daycare, on or about October 10, 2019.*

*As you are aware, I have filed several appeals regarding this matter, which appeals have not been successful. I have also filed and served a lawsuit in the last few days regarding this matter.*

*I am appreciative of the opportunity to seek a Declaratory Ruling at the upcoming meeting on September 14, 2020.*

*It is my hope that I can get a Declaratory Ruling that will either remove the below Visit Summary or a Declaratory Ruling that will allow me to seek an Administrative Hearing.*

*I am aware that I am not appealing a Final Decision, however, the visit resulted in a the North Carolina Department of Health and Human Services, Division of Child Development and Early Education (the "Division") determination and a Visit Summary on its website regarding Kids 'R' Home. Said Visit Summary stated that Kids 'R' Home was in violation of 10A NCAC 09.1719(a)(7) in that there was a bottle of Myers Clean Day Room Freshener with multiple warnings hanging from a shelf in the child care room.*

*However, it has been the position of the Division that no administrative action has taken place.*

*I have reviewed 10A NCAC 09.1719(a)(7), which sets forth Requirements For A Safe Indoor/Outdoor Environment, "(7) keep all corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product that is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions, and stored in a locked area when not in use. Locked areas shall include those that are unlocked with a combination, electronic, or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed in this Paragraph that is labeled "keep out of reach of children" without any other warnings shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor."*

*I have reviewed 10ANCAC 09.3101, Care For School-Age Children During State of Emergency, and clearly provisions have been provide d to provide for the welfare of children during the Declaration of a State of Emergency during the Coronavirus Disease 2019 ("COVID-19") public health emergency.*

*I do not believe that I have in any way violated the Requirements For A Sale Indoor/Outdoor Environment, especially in light of the need for cleaning products with the ongoing COVID-19 public health emergency.*

*Child Care is an essential service during these times and an Executive Order was issued on March 20, 2020 by the governor of North Carolina that encourages the waiving of regulations to encourage access to child care.*

*I am seeking a Declaratory Ruling that the action that was taken against me was administrative action which entitles me to a notice for an administrative hearing and/or a Declaratory Ruling that I was not in violation of the cited statute.*

*I believe that I meet all of the elements for a Declaratory Ruling.*

*I have included with this letter, some of the previous information that I have sent, including copies of the laws and Executive Order cited in this letter.*

*This Declaratory Ruling is not just about me, it's all who will come after me following my footsteps in the field of Early Childhood Education. It maybe your daughter, granddaughter or son who will one day embark on this journey of becoming a great teacher, early childhood educator, or business owner and will have to face this hideous rule. Please make no mistake about it, I am very much concerned about the health and safety of our children across around the world. Not while diminishing our teachers who are currently serving on the front lines, nor our early childhood educators who own and operate small businesses. Child Care providers who are working long hours with little pay and hardly any benefits. Surely we can and must do better than what are currently doing.*

*I have work hard to receive quality training and to provide quality care to children over 33+ years. I have done all this while receiving certifications of achievements through the United States Air Force Child Care Program, United States Navy Child Care Program, Developed a program that was used by Youth Flight as a module for the Air Force, which was consisted in demonstrating excellence in quality, Voted by the Partnership for Children best FCCH award 2013.*

*I have worked in private and public schools, earned my Certification for Infant Toddler Master Teacher Specialty, Preschool teacher certificate and earned my Bachelor's Degree in Early Childhood Education and Family. And now currently working along side the DCDEE to implement the rules set by the Commission for the health and safety of all children. Why am I providing you with this information? Because when the DCDEE placed the defamatory statement on their public website about me and my business it made me appear to be unfit, diminished my reputation, and projected me as being incompetent in my community and business relations. Especially since I had recently passed out over 500+ fliers in my surrounding community advertising my business and posted my daycare facility number on those fliers and posted the flier on the Mount Holly Town Talk Community FB page with my facility number. This is the community that I live in and I'm actively involved in my community. All of this has left me with being emotionally distress.*

*I'm not perfect but if I error –make a mistake, do wrong. I try my hardest to fix it and make things right between me and the other person. Take responsibility for my wrong actions.*

*The DCDEE is not my enemy neither is the Commission, I have work alongside these great entities for the past 13 years since starting by Daycare business here in North Carolina. Working alongside these two agencies who are doing a remarkable job to ensure that all children are kept in a safe, healthy, loving, and nurturing environment. We are here today because of the DCDEE decision to publish this defamatory statement and re-posted it to their public website where parents look for quality care. I came to the DCDEE privately asking for an appeal process to resolve the matter privately. The DCDEE removed it upon my request to review the rule and product in question. After reviewing the pertinent information to show that I didn't have the listed products around the children and providing them with the pertinent information such as the (Label on the bottle, Safety Data Sheet, Toxicology Report -Ingested, Manufacturers information that was provided to me as a Consumer at the time of purchase) The DCDEE re-posted it again.*

*This all happened to me on October 10, 2019. It was a total surprise to me that the change was made during our first discussion held on August 19, 2020 in regards to the Declaratory Ruling. To my surprise I also received a certified letter in the mail that same day notifying me of the language change to the rule. Don't be fool the rule still exist!!! We can do better when representing child care businesses, teachers, early childhood educators etc.*

*This rule is not clear and is not written in an unambiguous way when published by the DCDEE, it is not intended to serve as an interest to the public. What the DCDEE does with the rule is hideous when published on their public website and placed in my file. When the DCDEE places part of the rule and it is not made clear, it draws families away from our businesses, and defames our character.*

*(ITS MORALLY, ETHICALLY and LEGALLY WRONG!) The DCDEE has wrong me in other ways but I will not discuss it at this time. I'm tired and I want relief from this entire matter.*

***Not to be kept on death roll any longer!!***

*Thank you for your time and attention to this matter.*

*Sincerely,*

*Sylvia Corry*

### **Questions & Discussion of Declaratory Ruling Request**

Mr. John Green asked Ms. Corry to state what relief she is seeking. She indicated that she desired a review of the process of her denial of a review; a decision that she receive an administrative review. Mr. Green also asked Ms. Corry to clarify the process she went through with this request with the Office of Administrative Hearings and the Superior Court, and he confirmed with her that the result was that she was dismissed/denied at each stage. Mr. Green clarified the role of the Commission is not an appellate court.

Ms. Amber Davis stated the Division has NOT issued an administrative action, nor has her license been revoked. What occurred was a citation of a violation of Rule .1719(7).

- (7) **keep all corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product that is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions, and stored in a locked area when not in use. Locked areas shall include those that are unlocked with a combination, electronic, or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed in this Paragraph that is labeled "keep out of reach of children" without any other warnings shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor;**

The language on the original citation was pre-populated; however, in response to Ms. Corry's complaint, the citation language was later changed and reissued.

Ms. Davis stated that because there was no administrative action, her appeal to OAH was dismissed. However, she does have a right to go through the Division's grievance process, which she did, and the result was that the determination that the consultant made the proper decision.

Ms. Schoel asked Ms. Davis if, when a provider is provided a citation, they are provided with information as to how they might proceed if they have a dispute with the violation. Ms. Davis stated that citations of violations are very common, and disagreements are typically dealt with between the provider and the consultant. Ms. Tammy Barnes stated that when a consultant reviews the document with the provider, the providers sign the document that they agree; however, they may write on the document if they have a dispute. Ms. Corry did not write anything on the form at that time of citation. Ms. Corry responded that when the consultants perform drop-in visits, the providers are working and do not have proper time to review the violations in detail. She further stated that she was not provided with the information on how to proceed.

Vice Chairperson Rivers thanked Ms. Corry for presenting to the Commission and for her efforts over the preceding months. She expressed gratitude to Ms. Corry for her devotion to the child care community. Vice Chairperson Rivers commended Ms. Corry on the level of care that she provides given that she has never received a violation until this point and that she provides a rare high-quality level of care that has not been tainted by this minor violation. Ms. Corry stated that the original language in the violation was false.

Dr. Sheresa Blanchard asked when the grievance process was put into place and whether Ms. Corry was aware of this process at the time of the violation. Ms. Davis clarified that Ms. Corry was aware of the grievance process, as she went through the grievance process. In addition, Dr. Blanchard wanted clarification as to the multiple warnings' language. Ms. Davis stated that the Rule indicates that, if there is more than one warning on the product, it must be locked. Ms. Davis stated that the language describing the violation was changed on the website reflecting that the violation was in reference to the multiple warnings instead of the corrosive agents, pesticides, etc. products because she thought this would satisfy Ms. Corry. Dr. Blanchard wanted to know if the multiple warnings part of the Rule was in place on October 19, 2019. Ms. Davis confirmed it was; the rule language has not changed.

Mr. Mitchell Gold asked the name of the specific product and how to find the website Ms. Corry is referencing. Ms. Davis walked through the process of finding the website.



Dr. Iruka Thompson asked if the language on the website currently is satisfactory to Ms. Corry and if her issue is that the previous language on October 19, 2020, was injurious to her business. Ms. Corry did not respond directly to these questions.

Ms. Janie Truesdale thanked Ms. Corry for going through the process on behalf of the family child care home providers. She stated that pre-populated language can be problematic.

Ms. Schoel asked whether Ms. Corry was opposed to the language or the violation overall. Ms. Corry stated she has issue with the violation overall.

Mr. Green presented a visual aid titled *Safety Data Sheet* according to Hazard Communication Standard; 29 CFR 1910.1200 **MRS. MEYER'S® CLEAN DAY ROOM FRESHENER - GERANIUM** Version 1.1 Print Date 10/16/2019 Revision Date 02/08/2017 SDS Number 350000025218. Ms. Corry disputed that this was not the correct version that was issued at the time of the violation, and she proceeded to send portions with pages missing of a version of the SDS with an earlier print date, but the same revision date (02/08/2017) to the Commission that was displayed.

Dr. Blanchard asked again if the language about multiple warnings was in the rule in October 2019. Ms. Davis showed the rule and the specific language within the rule that was in place in October 2019. Dr. Blanchard also asked how providers are expected to determine the substances in a product.

Ms. Schoel asked what the Commission is being asked to do. Mr. Green stated the Commission is being asked whether to grant a Declaratory Ruling.

**Commission Action:**

**Dr. Elizabeth Gilleland moved to call the question as to whether to grant or deny the petition for a request for a Declaratory Ruling. She motioned to deny the petition for a request for a Declaratory Ruling based on 1) The rule cited in the violation was appropriate; 2) DCDEE properly applied the rule to Ms. Corry's facts; and 3) the Commission does not have jurisdiction to grant an administrative hearing. Mr. Vic Coffenberry Seconded. Chairperson Everhart requested a roll call vote. Ms. Alston conducted a roll call vote. The motion carried with 17 yeas and one abstention.**

Mr. Green prepared a draft of the Commission Ruling to deny the petition for a request for a Declaratory Ruling based upon the Commissioner's vote. Dr. Iruka Thompson asked if this may be sent to the Commission members to review. Mr. Green stated that another meeting would then need to be scheduled for the Commission to vote. This must be done by October 5, 2020. Ms. Alston stated that a meeting is already scheduled to adopt the Temporary Rules on October 5, 2020 and this can be added to the agenda.

Dr. Blanchard spoke to Director Ford's commitment to equity and asked about the Commission receiving data about the violations that are common among facilities and FCCHs that can lead to the Commission potentially seeing patterns in violations. These patterns could potentially help identify the need for clarifying the rules. Director Ford stated that using data to uncover equity is important to the Division and this is certainly a way to do that. Dr. Iruka Thompson stated that she wants a timeline placed around this data request.

Deputy Director Snuggs wanted to remind the Commission that the Commission just participated in an extensive rules review process for all of the existing rules in 10A NCAC 09.

Mr. Coffenberry stated that the problem with the citations is that they use boilerplate language which is seen first and do not state clearly what the violation is. Mr. Coffenberry suggests the regulation be included, but the description of the specific violation be the most prominent.

Dr. Foster and Ms. Schoel both expressed that they thought the Commission was fair to Ms. Corry.

Dr. Blanchard asked Director Ford to help examine how the process might be improved to better accommodate the providers to help them feel they have a voice.

## **Discussion**

### **Curriculum Review Discussion/Decision/Announcement**

Chairperson Everhart reminded the Commission that the topic of Curriculum Review was presented to them earlier this year and that the Commission needs to decide on how it would like to proceed. Chairperson Everhart stated that from his experience, reviewing curricula is an arduous task that is usually done in person. He stated that performing this task remotely would be very difficult and the review process should perhaps be postponed to next year. Ms. Lorie Pugh stated that normally the Division issues a request for publishers to send their curricula for review and a subcommittee reviews the curricula at the Division; she offered that she could reach out to the publishers to see if they have virtual options to review.

Dr. Sheresa Blanchard stated that she would be happy to sit on the curriculum review subcommittee and serve as Chair. Dr. Iruka Thompson, Ms. Susan Butler-Staub, Vice Chairperson Rhonda Rivers, and Ms. Janie Truesdale also volunteered to sit on the subcommittee.

#### **Commission Action:**

**Ms. Amelie Schoel motioned for the Commission to form a curriculum review subcommittee which will work with the Division to form the timeline and make recommendations on the curriculum review process. Mr. Vic Coffenberry seconded. The motion passed unanimously.**

### **Session Law 2020-97**

Director Ford discussed the specific language with the legislation.

- \$35,000,000 to DCDEE to provide **operational grants** to licensed child care providers
- \$6,000,000 **PPE**
- \$8,000,000 **school age subsidy** for licensed school age care and unlicensed CBO remote learning sites
- Development and execution of an inventory of community-based organizations hosting remote learning sites

Dr. Sharon Foster inquired about whether physical activity is specifically addressed. Director Ford stated that, while the Division hopes best practices will be followed, they cannot require funds be used for physical activity.

Ms. Schoel asked if the Division can provide a bulleted list of best practices. Director Ford agreed that this could be developed.

Vice Chairperson Rivers asked if there is any monitoring or any way to receive data on violations within these unlicensed facilities. Ms. Davis stated that the Division has no authority to investigate unlicensed

childcare facilities and that any concerns about incidents would need to be addressed would be law enforcement.

Ms. Schoel asked if something could be posted on the website to alert parents as to what to do if there is an issue in an unlicensed facility. Director Ford stated she will investigate whether this is a possibility.

Ms. Messersmith asked how the information will be disseminated to parents since the \$8 million in subsidy must be spent by the end of the year. Director Ford stated that there are multiple avenues to inform parents; however, she does not anticipate any problem with the money being used during this timeframe.

Ms. Schoel asked Director Ford that any public announcements be shared with the Commission.

### **Public Hearing**

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

These rules were proposed for amendment before COVID-19 to promote the health, safety, and quality of child care for children enrolled in child care facilities, and family child care homes. The proposed amendments include technical edits and clarifies amendments that were made since the review of existing rules in 2019. Also, the proposed amendments implement new birth-kindergarten teacher licensing pathways, provide countable annual training credit for receiving technical assistance (TA), increase enforcement of out-of-state background checks, and modify operational documentation and communication requirements. The comment period for these rules began on August 17, 2020, and will end on October 16, 2020. Please submit comments by email to Dedra at [Dedra.Alston@dhhs.nc.gov](mailto:Dedra.Alston@dhhs.nc.gov) or refer to "What's New" on the Division's website for additional ways to submit comments.

No individuals asked to speak during the public hearing period. Chairperson Everhart reminded the Commission that there are written public comments that were disseminated that should be reviewed.

### **Angela Beacham, Little Town Learning Center, Inc.**

Ms. Angela Beacham proposed modification to the proposed rule change EMERGENCY MEDICAL CARE 10A NCAC 09 .0802(e).

The 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."

The proposed change reads:

"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. Beacham explained that, in lieu of the Division's recent commitment and efforts to "go green" many environmentally conscious facilities have also made this commitment. Our facility, like many other high-quality centers emphasize safety, communication, and global awareness. Although parents are given an accident report, over 85% of them trash the paper before leaving the facility. This is an abhorrent waste of paper and detrimental to our forests. The act of providing them with the original to read, ask questions and sign is notification. I simply request providing them with the option to decline a copy after this process has been completed.

**Chairperson Everhart adjourned the meeting at 2:18 pm.**

**The next meeting of the North Carolina Child Care Commission is October 5, 2020  
from 9:00 am – 12:00 pm (Special Meeting to Adopt Temporary Rules)**