

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

NORTH CAROLINA CHILD CARE COMMISSION

**Second Quarter Meeting
Monday, November 5, 2018**

Dix Grill
1101 Cafeteria Drive
Employee Center
Raleigh, NC 27603

Commission Members Present

Zac Everhart, Chairperson
Melissa Burroughs
Susan Butler-Staub
J. Lanier DeGrella
Sharon Foster
Melanie Gayle
Elizabeth Gilleland
Mitchell Gold

Rhonda Rivers, Vice Chairperson
Brooke King
Kimberly J. McClure
Charles F. McDowell, III
Beth Messersmith
Amelie Schoel
William Walton, III

Commission Members with an Excused Absence

Glenda Weinert
Nina Whitley-Artis

Division of Child Development & Early Education Staff Present

Anna Carter, Director	Heather Marler, Early Education
Kristi Snuggs, Deputy Director	Tammy Barnes, Regulatory Services
Heather Laffler, Administration/Policy	Melissa Stevenson, Regulatory Services
Dedra Alston, Administration/Policy	Theresa Roedersheimer, Administration/Policy
Andrea Lewis, Regulatory Services	Lorie Pugh, Regulatory Services
Laura Hewitt, Administration/Policy	Alison Keisler, Regulatory Services
Rachel Kaplan, Administration/Policy	Kevin Hornaday, Regulatory Services
Terry McCauley, Regulatory Services	Lorena Gonzalez, Early Education

Attorney General's Office Staff

John Green, Commission Attorney **Alexi Gruber, DCDEE Attorney**

Welcome

Chairperson Zac Everhart called the meeting to order at **9:08 a.m.** and reviewed housekeeping items.

New Member Swearing-In and Roll Call

Chairperson Everhart read the conflicts of interest statement and asked whether there were any conflicts noted for today. No conflicts were noted. Chairperson Everhart also read Executive Order No. 68 from Governor Cooper, dated October 8, 2018 which reconstituted the Child Care Commission.

Chairperson Everhart introduced new Commission member, Ms. Beth Messersmith, who was appointed as a Parent Member to the Child Care Commission by the Governor. Ms. Dedra Alston conducted the swearing in of Ms. Messersmith.

Ms. Kaplan conducted roll call and each of the Commission members introduced themselves to Ms. Messersmith. Chairperson Everhart expressed a special thanks to Glenda Weinert for her years of service as Chairperson of the Child Care Commission.

Reelection of Chairperson and Vice-chairperson (per requirements of the Executive Order) –

Commission Action: **Ms. Amelie Schoel nominated Mr. Zac Everhart for Chairperson. Ms. Melissa Burroughs seconded, and the motion was approved unanimously.**

Commission Action: **Dr. Lanier DeGrella nominated Ms. Rhonda Rivers for Vice Chairperson. Dr. Elizabeth Gilleland seconded the motion, which was approved unanimously.**

Mr. Eddie Edwards from the NC Office of State Human Resources spoke to Commission members regarding Onboarding Forms-Temporary Solutions

Mr. Edwards provided information to the Commission members that all State Board and Commission members must be ‘onboarded’ per Human Resources requirements. The onboarding process must happen regardless of whether members choose to collect or decline their attendance stipend. All members must complete an I-9 reporting form and State of NC application. Members do not need to complete a tax form or a ‘waive direct deposit’ form if they choose to forego the stipend.

Chairperson Everhart reviewed the agenda and discussed the materials provided to members.

Approval of May 14, 2018 Special Rules Meeting Minutes

Commission Action: **Chairperson Everhart asked for approval of the May 14, 2018 Fourth Quarter Meeting Minutes. Ms. Melanie Gayle motioned for approval of these and Dr. DeGrella seconded. The motion carried unanimously.**

Director’s Report—Anna Carter **Division Update**

- Hurricanes Florence & Michael
 - Impact

- Response
 - Facility/Program Impact
 - Child Care Subsidy Assistance
 - NC Pre-K Program
- CCDF Plan Submitted & Approved
- Child Care Subsidy Assistance Update
 - Increased market rates implemented October 1
 - Provider Monitoring Activity
 - Child Care Subsidy Services & Waiting List
- Infant-Toddler Focus
- ECAP (Early Childhood Action Plan) Release
- Preschool Development Grant
- Department Leadership Changes
- DCDEE Move to Six Forks Road

Hurricanes Florence & Michael

Hurricane Florence made landfall on September 14, 2018 and Hurricane Michael made landfall on October 10 and moved into NC as a tropical storm. There were no official FEMA declared counties in NC for Michael (until much later). 34 NC counties have been designated as eligible for Individual Assistance from Florence by FEMA, others are eligible for different types of assistance

Designated Counties

(Individual Assistance) as of 10/25:

Anson, Beaufort, Bladen, Brunswick, Carteret, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Greene, Guilford, Harnett, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Moore, New Hanover, Onslow, Orange, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Union, Wayne, Wilson

Regulatory/Program Impact - Initially as many as 93 programs were closed due to damage. As of November 1, that number has been reduced to 19 and all children needing care have been relocated to other programs or programs operating in different locations.

Child Care Subsidy Impact - Transitional eligibility for families was extended to no less than 120 days through an action of the special legislative session. In addition, parent fees in affected counties were waived by DHHS, being absorbed by CCDF, in affected counties through January 2019.

NC Pre-K Impact – Some public school programs were closed for nearly a month, but all programs are now back up and running. A waiver of missed days will be dependent upon local school policy.

Chairperson Everhart discussed the impact of the hurricane on his facilities and families. He stated how grateful he was to the Division for the support it provided and how much families have appreciated it. Ms. Messersmith asked how this information was being communicated to parents. Director Carter stated that the information has been mailed and distributed to/through departments of social services and resource and referral agencies. Chairperson Everhart stated that he is not concerned about families receiving the information; they are informed.

CCDF Plan Submitted & Approved

North Carolina received notification November 1 of a Provisional Approval of our CCDF plan and DCDEE's ability to move forward with implementing the 2019-21 plan as submitted. The Federal Administration for Children and Families (ACF) will continue the formal review of all states' plans and provide full approval by end of November.

Child Care Subsidy Assistance

Subsidy Update - Increased market rates approved through the 2018-19 State Budget were implemented October 1.

Provider Monitoring Activity – Commission members were provided with information from the monthly DHHS Human Services Report on Child Care Subsidy Services & Waiting List

Provider Compliance Unit--Senior Subsidy Manager-Kim Miller

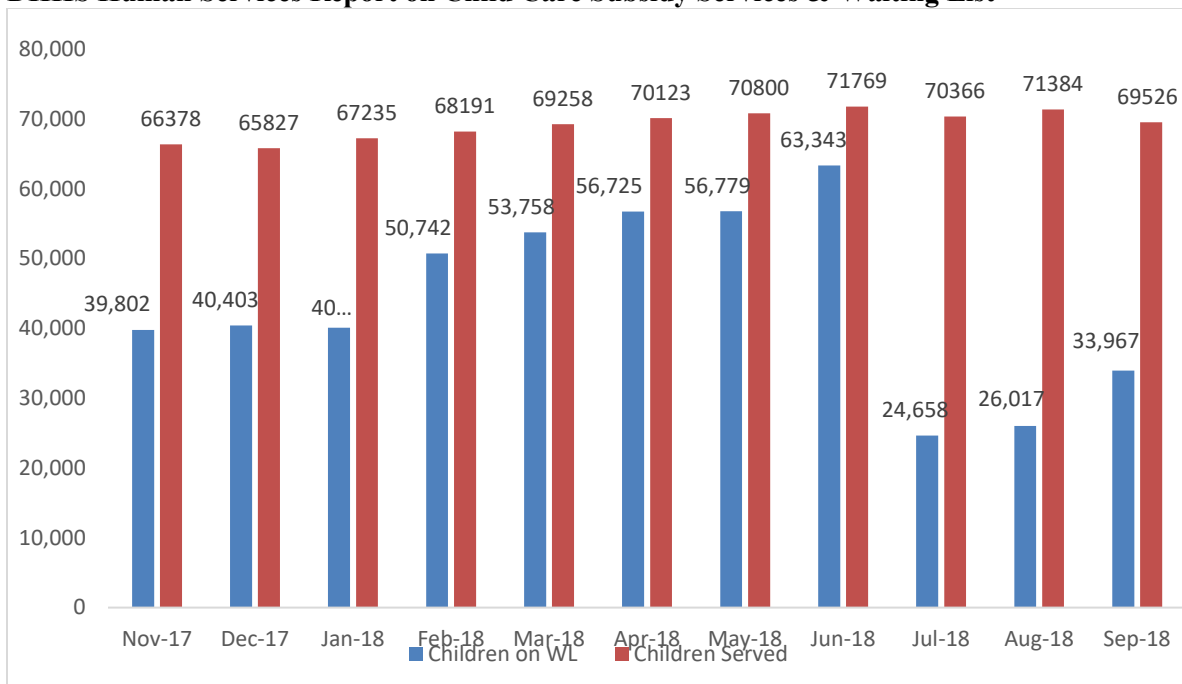
July to September 2018 Data

Month	Referral Visits	Random Visits	CAP's issued*	Total Visits
July	9	16	1	25
August	3	24	3	27
September	3	24	2	27

*CAP=Corrective Action Plan

All CAPs above were the result of referral visits, not random visits

DHHS Human Services Report on Child Care Subsidy Services & Waiting List



Infant-Toddler Focus

The required Infant-Toddler Separate Star Rated License Legislative Report (Session Law 2018-5, Section 11B.2.(b)) was submitted by the Department to the legislature. Director Carter also provided information to the Commission about NC's Think Babies™ activity and 5 Infant-Toddler Quality Contracts that are being implemented. These contracts provide financial support for: AWARD\$ teacher compensation for full-time infant and toddler teachers who have reached specific education milestones; a professional development framework around trauma informed infant-toddler Care; Shape NC with a focus on healthy nutrition and activity for infants and toddlers; a pilot for a new intensive technical assistance program; and infant-toddler focused child care health consultation for economically distressed counties across the state.

Dr. Sharon Foster shared information with Commission members about the 7th Annual NC Infant Mental Health Association (NCIMHA) Conference in Greensboro, Beyond ACES Awareness: Preventing Toxic Stress and Promoting Resilience and Equity for All.

<https://www.wakeahec.org/datafiles/56322brochure.pdf>

Early Childhood Action Plan (ECAP) Release

The NC ECAP was released on November 1 for public comment. The draft plan presents a vision for children from birth through age eight, focusing on improving outcomes related to children's health, safety and well-being, and developmental and academic readiness. The ECAP will provide a framework for coordinated action across public and private stakeholders throughout North Carolina. DHHS is seeking feedback on this draft from all types of stakeholders. Feedback should be provided via email to ECAP@dhhs.nc.gov by November 30, 2018.

Preschool Development Grant (PDG)

NC is currently in the process of completing a grant application for a federal PDG. This application is due by November 20. The grant is available for up to \$15M for one year and is intended to target a comprehensive statewide birth through age 5 needs assessment, strategic planning, parental choice and knowledge about mixed delivery systems, and the sharing of best practices prior to the implementation of any early childhood quality initiatives.

DHHS Leadership Change

Effective October 22 Tara K. Myers will assume the role of Deputy Secretary for Human Services (formerly Susan Perry-Manning). Ms. Myers' responsibilities will include supervision of DCDEE. Chris Egan will assume the departmental role of Senior Director of Employment Services.

DCDEE Move to Six Forks Road

All Raleigh office based DCDEE staff will be moving to 333 East Six Forks Road. The move date is currently set for January 11, 2019 (move date was eventually January 24-27). DCDEE will be moving into space currently occupied by NC Medicaid staff, and those staff will be moving into the McBryde Building and other locations. This move is part of consolidating Medicaid staff to support the Medicaid Transformation Project

Presentation – Research Triangle Institute (RTI) Clean Water for Carolina Kids Study, Elevated Lead Levels in Water

Jennifer Hoponick Redmon, Senior Environmental Health Scientist, RTI

Legal Framework

Impetus: The drinking water crisis in Flint, MI brought national attention to the issue of lead in drinking water. There is no safe lead exposure level in water, yet no federal health-based enforceable drinking water standard exists, either. The Environmental Protection Agency (EPA) did revise their **voluntary** 3T Guidance for Reducing Lead in Drinking Water in October 2018.

Clean Water for Carolina Kids Objectives are to characterize lead in drinking water at NC child care centers and pilot a citizen-science led assessment, mitigation, and communication protocol to identify and reduce lead. This project included child care providers licensed by the State of North Carolina which are connected to public water supply systems. The providers responded to a scheduled survey and training in 2017.

How the Study Worked

- 1) Enrollment - traditional recruitment and social media
- 2) Site characterization - survey of buildings to identify taps and water usage, provider training
- 3) Sampling and Shipping - completed by provider with RTI-supplied sample and shipping materials
- 4) Laboratory analysis - completed at RTI
- 5) Results dissemination and risk mitigation recommendations - email/mailed to participants, provided via follow-up calls when needed
- 6) Two categories of risk-mitigation:
 - No-cost—includes using cold water for food and drinking, flushing water to clear lines each day, designating appropriate consumption points, and cleaning aerators
 - Low-cost—installing and maintaining a filter, replacing faulty fixtures, correcting plumbing issues

Preliminary Results Summary

103 centers enrolled in the research study and 86 submitted samples. Approximately 9% of the evaluated centers were within Triangle and Triad Counties. While only 1.3% of total samples contained lead above 15 ppb (parts per billion), 16% of the tested child care centers and school buildings contained at least one sample above 15 ppb. While 23% of samples did not contain detectable lead, only 3% of buildings did not contain detectable lead.

Based on the findings, 97% of childcare centers contained at least one outlet with detectable lead, and 16% at levels above the treatment-based action level for public utilities. Results compared to centers on well water, and there were similar results (11% buildings above 15ppb)

Conclusions

The Clean Water for Carolina Kids study demonstrates that no or low-cost, feasible solutions can reduce/eliminate lead exposure in drinking water below the treatment-based action level and detection limits. Further, it is possible to implement a program that assesses lead in drinking water, communicates results, and recommends risk mitigation measures in NC child care centers.

Ms. Schoel asked how centers can do their own testing? Ms. Redmon answered that there is not a good tool available currently for centers to complete their own lead testing. There are some accredited laboratories available for centers to share samples with, but no protocol is in place to make it easy for centers to get samples tested and receive results.

Dr. Foster asked about testing for uranium in wells, as this was an issue reported recently in Wake County by the Raleigh News & Observer. Ms. Redmon stated that the primary testing of well water has been limited to testing for lead at this point.

Presentation - Power to the Profession (P2P)

Lorie Barnes, NC Association for the Education of Young Children (NCAEYC), Executive Director

Power to the Profession is a two-year national collaborative initiative designed to define the early childhood profession by establishing a unifying framework for career pathways, knowledge and competencies, qualifications, standards and compensation.

Newly framed priority initiatives include developmentally appropriate practices (DAP) across the 0-8 age spectrum, a focus on wellness and the well-being of children and adults, and professionalism and professionalizing the field of early childhood education and care.

Goals

P2P is aligned with, supportive of, and supported by previous and current efforts to advance the early care and education profession. By working with national and state organizations and individuals in this fields to establish a unifying framework, P2P will lead to the thoughtful implementation of a robust policy and financing agenda.

Structure

P2P is structured as a series of 8 coordinated, iterative, and interdependent decision cycles that provide opportunity for guidance, partnership and leadership from the early childhood field. The Decision Cycles are designed to allow for discussion and debate with the field that produces a series of discrete decisions.

The timeline for the project is as follows:

January 2017-December 2018

- Develop a unifying framework that is owned by and defines the profession
- Lay the groundwork for the implementation of the unifying framework

2019

- Lead a robust policy and financing agenda to ensure that the P2P framework is reflected in state and federal policies that govern the practice of early childhood educators
- Launch a public awareness campaign to help the general public understand the critical role early childhood educators play in society and are prepared to join us in making the case for increased public funding

Ongoing

- Enhance the profession with continuous improvements to the unified framework to ensure it is aligned with current research, practice, implementation realities, and the continuously evolving early childhood education landscape

Core components of a Profession: Established professions are built upon a shared purpose, common identity and agreement on the unique responsibilities and characteristics of their professionals, defined by the profession itself.

Examples include:

- Distinct responsibilities
- Scope of practice
- Code of ethics
- Competencies
- Standards and expectations for practice
- Education requirements for entry
- Higher education accreditation
- Entry exams
- Continuing education requirements
- Certification
- Licensing from a state board
- Legal consequences for negligent practice

P2P is being led by a national task force including 15 national organizations. Karen Ponder, from NC is the National Task Force Facilitator.

There are 4 Interrelated parts of P2P:

- Career pathways
- Knowledge and competencies
- Qualifications and standards
- Competencies

Funding needed: P2P realizes that families cannot pay more and professionals cannot make less

- Compensation
- Preparation
- Ongoing professional development
- Competitive recruitment
- Infrastructure

Why Now?

In 2015, the Institute of Medicine and National Research Council released their report, *Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation*.

<https://www.nap.edu/catalog/19401/transforming-the-workforce-for-children-birth-through-age-8-a>

How will P2P strengthen policies and funding for the early childhood education profession?

Once the shared framework of knowledge and competencies, qualifications and standards of practice and compensation is established, a comprehensive policy and financing strategy will guide the framework's adoption and implementation at the local, state and federal levels. A large-scale communications effort will help build the public will required to promote and implement the framework.

7 Responsibilities of the Early Childhood Profession

1. Planning and implementing intentional, developmentally appropriate learning experiences that promote the Social-emotional Development, Physical Development and Health, Cognitive Development and General Learning Competencies of each child served.
2. Establishing and maintaining a safe, caring, inclusive and healthy learning environment
3. Observing, documenting and assessing children's learning and development using guidelines established by the profession
4. Developing reciprocal, culturally responsive relationships with families and communities
5. Advocating for the need of children and families

6. Advancing and advocating for an equitable, diverse and effective early childhood education profession
7. Engaging in reflective practice and continuous learning

For more information, to sign up to participate in the P2P process, or to provide feedback, interested persons should email p2p@naeyc.org Ongoing drafts of publications throughout the process can be found and feedback can be submitted at www.NAEYC.org/profession

Rulemaking Activities and Update - **Countable Credit for Technical Assistance -**

Vice Chairperson Rhonda Rivers spoke on behalf of the work of the Technical Assistance (TA) Workgroup, which included herself, Susan Butler-Staub and Dr. DeGrella. This group has been evaluating Rule 10A NCAC 09. 1103, Ongoing Training and Professional Development, seeking to add language to provide annual training credit for intensive technical assistance provided in specific classroom settings.

The language this group suggests is:

(f) For every three hours of countable technical assistance provided, one hour may be counted toward annual training requirements set forth in Paragraph (a) of this Rule, not to exceed 50 percent of the total required so long as:

- (1) the child care center has a 3-5 star rated license; and
- (2) the participating administrator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purpose of this section, “countable technical assistance” means technical assistance provided to administrative or caregiving staff members at a child care center by a person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider and shall include:

- (1) A cycle of observations;
- (2) Identified goals based on the observations;
- (3) A timeline for completion of identified goals;
- (4) Evaluation and feedback for each participant;
- (5) Technical assistance time in the classroom; and
- (6) One-on-one consultation with each participant at a time when they are not responsible for a child or group of children

(h) A combination of college coursework, Continuing Education Units (CEU’s), clock hours, or countable technical assistance shall be used to complete the requirements in Paragraph (a) of this Rule.

Vice Chairperson Rivers was asked whether “shall include” means that all of these six items listed are required? Vice Chairperson Rivers responded that yes, all six are required to be present for the TA to be counted for credit. Ms. Butler-Staub clarified that these 6 things do not have to occur each time TA involvement is provided, but must be present through the process.

Lunch break at 12:00 p.m., meeting reconvened at 1:00 p.m.

1:00 p.m. Public Comment**LaGentry Ross—Early Childhood Services Coordinator, Child Care Resource Center in Hickory, NC**

Ms. Ross opposes a change that allows for a Non-rated license and the lowering of education standards for child care facility Directors/administrators because this will hurt quality child care for children.

Bob Eagle—NCPC Smart Start Board

Mr. Eagle opposes a change that would allow for a non-rated license. He stated it is important to “trust but verify” that quality is present in programs. He further stated that it is essential to have directors that have education and he opposes lowering education standards.

Isabel Taylor—Bell School for People Under 6

Ms. Taylor stated that she was speaking to the for-profit providers as well as the Commission when she says that it is completely affordable to open the doors of facilities to licensing assessment; there is plenty of assistance available to facilitate improvement. She expressed her opinion that a non-rated license is a cruel joke and implored the Commission to not allow this to happen. She further stated that child care administrators must have education to possess the knowledge to set up a preschool.

Angela Burch—NC Education Coalition

Ms. Burch stated that, having 20 years of experience as a child care provider and administrator, she implores Commission to vote against a non-rated license and a reduction in education requirements for administrators. She further stated that a non-rated license will create confusion and lower quality. Ms. Burch believes that quality care is increased by administrator education.

Sheila Hoyle—Southwestern Child Development

Ms. Hoyle began by stating that she works in a small rural community in the western part of the state and she wears many hats. She begged the Commission to vote against both a non-rated license and the lowering of education standards for administrators because she feels that quality will suffer as a result. She supports maintaining existing high standards of NC.

Michel Rivest—Policy Director, NC Early Education Coalition

Ms. Rivest stated that she believes that the Commission should first, do no harm to the state QRIS system. Like the Hippocratic Oath taken by physicians, “first do no harm” should also be the goal of the NC Child Care Commission. Ms. Rivest is concerned that when the Commission begins to pull apart the building blocks of the QRIS system, there is a risk of collapsing the entire system. She stated that child care programs should not be allowed to opt out of or change standards because they do not like the system or because they say it is too expensive. She further stated that the NC Early Education Coalition has always stood for quality and supporting the state’s QRIS system. Ms. Rivest presented a petition with over 250 signatures calling on the Commission to protect the State’s QRIS system.

Cyndie Osborne—Stanly Community College

Ms. Osborne is a former licensing consultant and Director of child care program. She agreed with Ms. Rivest’s comments and also stated her belief that allowing programs to set their own standards would go against State Statute. Ms. Osborne believes that decreasing educational standards for child care administrators is not justified. She feels that there is adequate access to T.E.A.C.H. scholarships, online programs and statewide articulation agreements to provide support for obtaining further education. She ended by asking the Commission to consider what other profession has supervisors with less education than those they supervise?

Shanda Cox—Stokes Partnership for Children

Ms. Cox stated that she has been in the field of early education for 21 years. She asked that regarding the issue of establishing a non-rated license and decreasing educational standards for early childhood program administrators, the Commission maintain the integrity of the NC QRIS system by voting against both of these proposals. She stated that the Commission should strive to continue improving all aspects of quality and fears that quality may decline if programs are allowed to set their own standards regarding program evaluation and teacher education levels.

Will Deter—YMCA of WNC

Mr. Deter proposed an alternative path for facility evaluation. He stated his belief that the purpose of the QRIS is to assess, train, re-assess, and retrain programs and staff. He stated that in order for the licensing system to succeed, he feels that NC needs participation and potentially has a participation problem. Mr. Deter provided data about the relationship between teacher and administrator education and environment rating system (ERS) scores—24% of child care centers (924) don't participate in the ERS program because the system is constructed so that they can achieve a five-star rating with only education points and no ERS. He proposes re-weighting education so that programs are required to participate in ERS. He shared data on how teacher education positively relates to ERS scores.

Marsha Basloe—Child Care Services Association (CCSA)

Ms. Basloe stated that CCSA's Board Members consist of child care providers, child care educators and community members. She stated that NC is currently a leader in high-quality child care, with the current education requirements of the QRIS and the Board will continue to advocate for meeting these standards.

Mary Erwin—First Presbyterian Burlington Child Development Center

Ms. Erwin spoke on behalf of First Presbyterian Church, Burlington and as chair of their Children's Ministries Committee. It has been the mission of the church to have a high-quality 5-Star Center. She asked the Commission not to support the proposals before them to create a non-rated license and lower the educational standards for child care directors/administrators. North Carolina is a leader in the nation because of its high-quality child care standards; please do not go backwards.

B. Valladares - Charlotte Bilingual Preschool

Ms. Valladares spoke against supporting a non-rated license. She stated that even though her program is not required to have a rated license, because they currently do not receive child care subsidy, the program does choose to hold themselves to the standards.

Norma Honeycutt—Partners in Learning

Ms. Honeycutt related a personal anecdote and implored the Commission to maintain existing Level III administrator education requirements.

Emilie Scharf—Partners in Learning

Ms. Scharf stressed that education is very important in providing high-quality child care. She related a personal anecdote to illustrate that obtaining education requirements is possible, even under adverse circumstances.

Deborah Howell—Partners in Learning

Ms. Howell stated that NC is ahead of the high-quality child care game because of QRIS, and, without it, we would be taking a step backward.

Donna Sand—COS Kids

Ms. Sand agreed with most of what was said prior to her opportunity to speak. She stated that she cannot imagine not having a benchmark for quality and licensing, which provides a goal to keep moving forward.

Karen Jones—Executive Director, Nana’s Place

Ms. Jones stated her concern that economic disparity is real and the QRIS is the only thing that ensures quality child care for all children.

Stephanie Watts—Gaston County

Ms. Watts opposes the proposal to decrease education requirements for administrators, stating that experience is not the same as education. She added that if this precedent is set, she is concerned that it will trickle down to educators and will additionally decrease quality for children. She asked that the Commission support educators and administrators to rise to their potential.

Kevin Campbell—Child Care Provider, Charlotte

Mr. Campbell stated that the perception that there is a contingency asking for lowering the standards of education for Directors is a misconception. He stated that this has never been proposed to the Commission. Mr. Campbell stated that this idea came from a discussion at the previous meeting surrounding the idea that more than one person could meet education requirements for the Director, which is a requirement for the center, not an individual. He believes that quality would not suffer as a result of this change, and requirements are not diminished under this idea.

Carol Orji--Wake County Smart Start

Ms. Orji stands by the Star Rated License as it is currently used. Instead of creating more variance and less clarity on quality, she recommends an assessment of the current star rating system that works to build upon its proven success, not weaken it.

Rulemaking Discussion

Public Hearing Date: February 12, 2018 **Public Comment Period:** January 16-April 3, 2018

Additional Meeting Dates that public comments were received: May 2, 8 and 9

- **Criminal Records Checks Rules (Section .2700-Rules .2701-.2704)**

Alexi Gruber discussed language that was added to this section allowing a status of “provisional child care provider” to address the issue of delays with receiving out-of-state criminal background check documents required by Rule .2703(f) and (g).

Ms. Schoel asked to clarify that “supervision” means not alone with children in lines 6-7. Ms. Gruber explained that it means provisional child care providers must never be left alone with children. She went on to explain that if the Division determines a facility has allowed a provisional child care provider to be alone with children, the Division may take an administrative action against the child care facility’s license, up to and including revocation of their license.

Ms. Messersmith asked about the word “may” in (g) line 10—“After 6 months, the Division may issue a qualification letter”, and in what cases the Division would not issue such a letter? Ms. Gruber stated that this should be changed to “shall issue a qualification letter.”

Ms. Gruber alerted the Commission that Rules Review Commission may consider this a substantial change, and as a result, and the proposed provisional provider rules may be

returned to the Commission for review and approval per the Administrative Procedures Act.

Ms. Schoel asked about how this rule fits with general statutes? Ms. Gruber stated that her understanding is that this language would accommodate both federal and State requirements; however, if the Rules Review Commission disagrees, they will say so.

- **Minimum Standards – (Rules .0513-.0516, .1101, .1715, .1729)**

Ms. Gruber discussed technical changes and clarifying language that were added to these rules. A discussion ensued about the use of the phrase “one star” and the fact that, according to Statute, the Commission probably does not have authority for two different types of basic licenses, a “one-star” and an “unrated” license. Ms. Gruber explained that the Commission likely has authority choose to rename the “one-star” a “general” license or some other name that doesn’t include the star rating terminology.

When asked by the Commission how many centers currently have a one-star rating, Regulatory staff replied that 90 centers and 139 family child care homes are currently licensed as one-star; however, it is unclear whether these facilities are one-star as a result of a star rating assessment or because they are choosing not to seek assessment for additional stars on their license. Vice Chairperson Rivers stated that it is important to remember that there needs to be a benchmark. She provided a personal example the one-star licensed facility she is involved with being significantly different in quality from five-star licensed site that she works with, and it is important that the one-star have the five-star as an example of what to work towards. Ms. Schoel pointed out that Ms. Rivers’ site is an example of a one-star rated facility that is working towards a five-star rated license, and not a site that is opting out of seeking greater stars or only seeking to meet minimum standards.

A discussion ensued about where the language of “one-star” was referenced in statute. Ms. Carter stated that one-star is referenced in the current Child Care Rules but not in the statute.

Mr. Green stated that the Rules Review Commission will review language put forth by the Commission and make certain the Commission has the authority to make any changes that are requested.

- **Rated License (Section .2800 - Rules .2801-.2802, .2804-.2809, .2817-.2831)**

Ms. Gruber discussed technical changes and clarifying language that were added and made to these rules. Ms. Carter stated that the Division and Department do not support reducing education requirements for administrators per language in Rule .2819. Ms. Carter stated that the Division does support additional options provided in Rule .2829 Quality Point Options.

Commission Action:

Ms. Schoel made a motion to approve the proposed Criminal Records Rule Changes in Section .2700 - Rules .2701-.2704 with a change from “may” to “shall” in Rule .2703(g) line 10 on

page 49. Dr. Gilleland seconded the motion, which was approved unanimously.

Commission Action: Mr. William Walton motioned to change “one-star license” to “basic license” wherever it is mentioned in the Child Care Rules and Ms. McClure seconded his motion. A roll call vote was requested on this motion.

Further discussion ensued and several Commission members expressed discomfort with voting on this motion without additional discussion.

Commission Action: Mr. Walton motioned to withdraw his motion regarding one-star and basic language, and Ms. Schoel seconded that motion.

Commission Action: Ms. Melanie Gayle motioned for the Commission to adopt language previously approved in Rated License Rules .2819, Enhanced Standards for on-site Administrators for a Rated License for Child Care Centers, omitting new proposed language and reverting to the original language on page 15. Ms. Brooke King seconded this motion, which carried with majority approval. Mr. Walton opposed the motion.

Commission Action: Dr. Foster proposed to approve the Rated License rules in Section .2800 - Rules .2801-.2802, .2804-.2809, and .2817-2831. Ms. Butler-Staub seconded this motion, which carried with majority approval. Mr. Walton opposed the motion.

Commission Action: Ms. Schoel proposed to approve the Minimum Standards Rules (Rules .0513-.0516, .1101, .1715, .1729). Ms. Rivers seconded the motion, which carried unanimously.

Rulemaking Petitions Discussion

Petition submitted by Angela Beacham—Little Town Learning Center

Ms. Beacham is submitting a rule making petition regarding the same issue that she brought before the Commission in May 2017. She is asking that for Developmental Day centers operating for 12 months, that during the 2 additional (summer) months of operation the center be allowed to apply a teacher-child ratio of 1:9 instead of 1:6. Ms. Beacham noted that those two months fall outside the purview of the 185 days of the school year, as defined by the State Board of Education. Developmental Day facilities also do not receive any State operating funds to support operation

during those months. Without the funding to support those two months, Ms. Beacham is unable to support the cost of staffing the 1:6 ratio.

Mr. Green explained the petition process to the Commission. The Commission has three choices: deny, grant without statement or grant with statement. Voting yes to grant the petition does not make the petition a rule, it merely begins the rulemaking process, the next step of which is voting to publish and allowing for public comment.

Chairperson Everhart asked for a motion regarding the rulemaking petition.

Commission Action: **Mr. Walton made a motion to accept the petition without statement Rev. Charles McDowell seconded the motion, which carried unanimously. Ms. Gayle and Ms. King recused themselves from the vote and discussion due to conflict of interest and their personal involvement with Developmental Day facilities.**

Petition Submitted by The Enola Group Early Head Start and Early Learning Centers

The Enola Group Early Head Start and Early Learning Centers submitted a rulemaking petition to revise child care rule Section .0700, .0713 Staff/Child Ratios for Centers effective September 1, 2017. They would like to add the following group allowance to the existing language, age of children 0-3 years will have a staff/child ratio of 1:4 and a maximum group size of 8.

Chairperson Everhart asked for motion regarding the rulemaking petition.

Commission Action: **Ms. Schoel proposed to accept the petition without statement. Dr. DeGrella seconded the motion, which carried unanimously.**

<p>Chairperson Everhart adjourned the meeting at 4:11 p.m.</p>

**The next meeting of the North Carolina Child Care Commission is scheduled for
February 11, 2018 9:00 a.m. - 3:00 p.m. (Third Quarter Meeting)**

Future Meeting Dates: TBD