

*DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT
NORTH CAROLINA CHILD CARE COMMISSION
2010-11 FIRST QUARTER MEETING MINUTES*

September 23, 2010

*Division of Child Development
319 Chapanoke Road, Suite 120
Raleigh, NC
Conference Room 300*

Commission Members Present

Margaret Anne Biddle	Julia Baker Jones	Claire Tate
Magdalena Cruz	Linda Knight	Dr. Mary-Cassie Shaw
Angela Boyce Davis	Lorrie Looper	Deanne Smith
Connie Harland	Laurie Morin – via phone	
Norma Honeycutt	Lois Stephenson	

Commission Members with an Excused Absence

Penny Davis, Jennifer Svenstrup

Division of Child Development (DCD) Staff Present

Deb Cassidy, Division Director	Anna Carter, Division Deputy Director
Jani Kozlowski, Director's Office	Dedra Alston, Director's Office
Nicole Wilson, Director's Office	Kimberly Mallady, Licensing Enforcement
Staci Brown, Regulatory Services	Jeanne Barnes, Workforce Standards
Sarah Lewis, Workforce Standards	Karen Ferguson, Director's Office
Alexi Gruber, Division Attorney	Jackie Kennedy, Regulatory Services
Melynda Swindells, Workforce Standards	Deanna Hoxworth, Regulatory Services
Ila Teague, Regulatory Services	Heather Probst, Regulatory Services
Andrea Lewis, Regulatory Services	Mary Lee Porterfield, Director's Office
Tammy Tanner, Regulatory Services	Melodie Ford, Regulatory Services
Lorie Pugh, Regulatory Services	Laura Hewitt, Regulatory Services
Beverly Moore, Regulatory Services	Janice Fain, Administration Section
Sherrie Koonce, Workforce Standards	Connie McAdams, Subsidy Services
Tammy Barnes, Regulatory Service	Kathy Shepherd, Workforce Standards
Heather Marler, Workforce Standards	Jinx Kenan, Regulator Services
Linda Smith, Regulator Services	

CALL TO ORDER

Chairperson Claire Tate issued a general welcome, and called the NC Child Care Commission meeting to order at 8:10 a.m. Members of the audience wishing to address the Commission were asked to sign-up for public comment and, if interested, on the Commission mailing list at the back table. Chairperson Tate also reminded members to complete the appropriate motion form when making motions. Ms. Tate asked if any members had known conflicts of interest concerning today's agenda items, and none were mentioned. Nicole Wilson called the roll. The Commission members who were absent from this meeting all requested, and received, excused absences.

Chairperson Tate went over the notebook and meeting materials after each member introduced themselves.

Chairperson Tate invited Director Cassidy to come before the group to introduce the Division staff present in the room who spend time working alongside the Commission in different ways.

APPROVAL OF MEETING MINUTES – April 23, 2010 and July 2, 2010 draft minutes were reviewed by members with no comments or revisions.

Commission Action: *Deanne Smith moved that the meeting minutes be approved as presented. Margaret Anne Biddle seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

DIVISION DIRECTOR'S REPORT – DEB CASSIDY, Deputy Director

Dr. Cassidy shared statistics from children in North Carolina's care. There are almost 5,000 centers and over 3,600 homes across North Carolina. This is a huge responsibility, and the Division is responsible for a large number of children and facilities. Approximately 265,000 children are in regulated care, with 87,800 of them receiving subsidized care.

The Division did undergo some budget cuts this year. Child Care Subsidy received a \$6 million cut. The money was moved in correlation to the savings that will come from the EBT System, but since the system is not up and running yet, this truly is a cut to the system. She thanked Roz Savitt, the lobbyist for the Child Care Coalition, who has done a lot for children in the legislature. Smart Start and More At Four both received a cut of \$5 million each. Another bit of MAF information is that in an effort to increase efficiency and save state dollars, DCD licensing consultants will monitor all MAF classrooms in child care facilities. Our staff were already in these programs, so no, they will be trained on the MAF monitoring standards and be able to do them both at once. Also, the "responsible individuals list" has reinstated with access granted to DCD to help ensure children's safety in child care. This list shows individuals who have had serious allegation of abuse and neglect which as been substantiated.

Regarding Early Educator Certification, after October 1st, all new teaching staff and FCCH providers have 60 days to become certified. All staff will be required by July 1, 2012 to be certified.

The Child Care Commission will be asked to improve nutrition standards including limiting sweetened beverages, limiting juice and prohibiting juice served in a bottle and limiting whole milk to children 2 and over. This was a contentious bill in the session. The Division of Public Health is to conduct regional stakeholder forums to shape recommendations to the Obesity Task in regards to the Child and Adult Care Food Program (CACFP) and their report is due by Dec 1, 2010. Also, DCD is to study ways to increase levels of physical activity in child care.

Dr. Cassidy shared a snap shot of the Division budget, which totals \$610,089,414. There are \$243 million in state money, but more of the totally budget comes from Federal money. \$188 million of the \$234 million is Smart Start money. We have very little state money left, and most of that is in subsidy. We are required to have a state match for the federal dollars. We do receive a set-aside from the Federal CCDF Grant for Quality Activities of just over \$30 million dollars. This is broken down this way: Professional Development/Compensation (\$8 Million) 27.4%; Monitoring and Improvement (\$6.8 Million) 23.5%; Child Care Resource and Referral (\$4.7 Million) 16.2%; Quality Environment Rating Assessment (\$3.6 Million) 12.3%; Infant/Toddler Activities (\$2.2 Million) 7.7%; Support for Children with Special Needs (\$1.8 Million) 6.3%, School-Age Activities (\$1.3 Million) 4.5%; and Consumer Education/Data (\$0.6 Million) 2.1%. We are hopeful that we will get some additional money for quality and subsidy from the federal government. There

is a proposal on the table, somewhere between \$700 mil and \$1.6 billion nationally for CCDF, so we would get a piece of that when it passes through.

In our Regulatory Section, we have started an efficiency study to find out ways that we can better utilize our consultants. We have one of our Technical Assistant specialists out working on this, alongside another staff member in the hopes that by creating better efficiencies in their work, we can free up our consultants to do more actual consulting in programs. There is training this fall conducted by UNCG on consultation and better ways to approach it. Also, there was a mass mailing that went out last week that included information about rule changes and legislative changes of interest. Licensing fee renewal letters will go out next week. This is the second year that FCCH providers have to pay a fee for their licensure.

Regarding Abuse and Neglect, we currently are working on a pilot project to examine ways to streamline A&N investigation efforts between DCD and DSS. This is also to help with efficiencies and saving state dollars. 13 counties participated in the pilot. We are looking at DCD taking over sole responsibility of these investigations, and we will let the Commission know more at the November meeting.

Workforce – There is now a three-week turn around for lead teacher evaluations and a six-week turn around for administrators. Already this year, 61,563 evaluations have been done. Due to certification, there will be one portal of entry for the paperwork, which will be to the Institute. The credentials will then be forwarded us to us electronically. There are still so many things that need to be done in regard to that. We will be working on individual licensure which will consider their certification level, how many points they can earn for a program's license, also looking to see whether or not they have had CPR and first aid training, we'll check them against the responsible party list, and combine all of this with the CRC information.

In CRC, for the 2009-10 year, there were 33,896 checks completed. Currently, their turn around is 4 calendar days. There are 117 law enforcement agencies in 95 counties statewide that are approved to submit live scan fingerprints for child care. We are still looking for involvement in Columbus, Graham, Henderson, Hoke and Scotland counties.

Subsidy – Regarding the EBT system, we are currently in the negotiation phase, and reviewing details with a vendor. We hope to have a signed contract in place by October/November of this year with a 2011 start date. 87,800 children were served through the subsidy system in July 2010. EBT is an electronic attendance and payment system. Currently, we are up to 41K children on the waiting list, which is a massive undertaking. When we think about more money that may come from the Feds, this is a place where we need to be investing our limited resources, to help eliminate this waiting list, keeping parents at work, which is good for our economy. Most of these children are in this system because their parents are working or are seeking employment. There are some other circumstances like parents in school, child protective services or some with developmental needs. Most of the families who are receiving these funds are making between \$-24,999 annually for their family. 15% are making \$25,000 or more.

State Level Groups-

ECAC – Several members have been appointed, and the funding (\$3.2 million) has been approved. Dr. Cassidy shared that she was appointed as a member. The remaining appointments will be made by the Governor this fall before the November 30th meeting. Early Childhood refers to children birth-five years old, as it began with the Head start act/reauthorization.

The Legislative Study Committee on Consolidation of Early Childhood Education and Care, which was established during 2010 leg session, and includes the membership of 5 State senators and 5 Representatives from the House, and 8 non-voting members, has a report due on December 31, 2010.

QRIS – Dr. Cassidy shared that this is a group of folks from across the state who are reviewing the rated license and where we are as a state in terms of quality in care and improvements that can be made. There are smaller work groups that are tasked with more specific work, and recommendations have already been come from four of the groups. In August, a representative from NAEYC joined the group and helped them to think about cultural competencies along this process. Some of the preliminary recommendations from the

group were shared, including lower ratios, FCCH restrictions on enrollment for children under the age of 2, parent conferences/orientation as well as diversity planning and parent communication ideas. Lois Stephenson asked regarding the parent conference/orientations item and when they would suggest this take place, and Dr. Cassidy answered that the goal would be pre-service. Chairperson Tate, who is a member of the QRIS Committee, shared briefly about her view of the QRIS process.

PRESENTATION

Jim Wellons, Commission Attorney, presented briefly on the Role of the Commission.

PRESENTATION

Lynn Southerland, a child care provider, presented some concerns to the Commission regarding rules that stopped her from gaining a position in childcare because she is severely deaf.
(.0714, paragraph F)

Jan Withers, Director of Division of Services for the Deaf and Hard of Hearing, was invited to come as well to share thoughts on this matter.

Norma Honeycutt commented. She said she could see no major issue with hiring a deaf person to work as an Assistant in a classroom, but she would be concerned about having them as a lead teacher. She asked if the rule that Ms. Southerland addressed is against the ADA. Consensus is that it is not against this Federal Act. Ms. Honeycutt added that as an employer, she could not turn someone away because of their disability, but also, hiring them would be a violation of the child care rule. She added then, where would that leave providers in regards to staff who are blind. If this wording was changed, and teachers begin working in the classroom who are deaf or hard of hearing, how would the Division monitor this? Jim Wellons shared that in the process of reviewing child care rules, there are no additional verifications that we are not making rules that are contrary to federal statutes. There is no "attempt to review" body of federal law to make sure it's not in violation. His cursory opinion that the rule is not, on its surface, fundamentally against ADA. ADA requires accommodation. It has to be decided on a case by case basis. The question would be, is there a reasonable accommodation being made. For children over the age of 9, the rule states that the overseer must see OR hear. To be barred from a job, it has to be a fundamentally unable to function on the job. There is no absolute bar and hiring has to be on a case by case basis. Few deaf and hard of hearing persons are completely deaf, and residual hearing may be enough for the job. Julia Baker Jones said that as written, the rule means you cannot hire, so she feels that it is ambiguous. Director Withers, who is deaf, commented that she drove herself to this meeting. She said that people express surprise that she can drive. The point she made is that what you think requires hearing just isn't true. A lot depends on own experience, what you think is required to do a task, and asked that the Commission keep that in mind because there are a multitude of examples where deaf individuals have responsibility for the safety of others.

PRESENTATION

Debra Torrence, Director of the NC Institute for Early Childhood Professionals presented regarding the Early Educator Certification process and updates on this system.

RULEMAKING UPDATE/ACTION AND DISCUSSION

Dedra Alston spoke to the Commission regarding technical changes that were made in rules, which were then objected by the Rules Review Commission. The RRC recommended that the Commission set up standards of when to deny an application for licensure. Alexi Gruber, one of the Division's attorneys helped explain this as well. She shared that this would give DCD some discretion on banning a provider based on mistakes they've made in the past, adding that what the Commission needs to do is come up with some standards and say what the exceptions will be. The Division's Licensing Enforcement Section has come up with what has been used in the mean time for both rules, .0302 (centers) and .1702 (homes). The group reviewed this document and discussed these exceptions. Ms. Honeycutt asked how often the Division gets

an applicant that doesn't meet the requirements and we could deny based on their history but we don't want to notify them of denial. Kimberly Mallady, said that there are approximately 20-25 denials issued each year, but only about 1-2 we don't want to deny because they have made steps to correct past actions. Ms. Gruber said that what we see sometimes is that a provider may have had a FCCH, then moved to own a center, but due to the increased pressure and work, their license was revoked because they were not able to uphold the standards of the facility. A few years later, they may come back, having taken more classes, more training, etc, and apply for a license again. This would be an example of someone that would normally receive a denial, but because they have taken steps to improve, the Division would like the opportunity to let them work again. This would be dependant on the seriousness of the administrative action, but that's when Internal Review comes into play. Chairperson asked the group for their recommendation. For now, they are placing this on hold until later in the meeting.

Early Educator Certification Equivalencies

Given the rules that exist and the law that was recently passed requiring certification, we need to make some changes to incorporate these together. DCD staff has already provided this in rule text for the group to review and discuss. Anna Carter led the discussion, and she explained that all of this was language developed that they may want to read through and discuss later, adding certification as another option for achieving education points.

Julia Baker Jones questioned the stability of the levels as presented by the Institute today. If the Commission writes these into rule, then how are we assured that what we vote for is how it's going to stay? Debra Torrence responded that there will not be any changes to the scales for several years. These scales are set to where we want them to be based on the work of the pilot. Ms. Jones then asked if we need to reference the scales by a date. Could this be a risk like the weather rules that we worked on previously if the scale was to change?

Ms. Tate noted that by July 2, 2012, by law, everyone has to be certified. So, will that change the points that we give? Because the law says 2012, in theory, could we at that point eliminate all other things in the rule? So, in short, would the Commission want to just change this once, pursuing the change in the rules becoming effective then, July 2012, when it could all be official the set since it generally takes 9-12 months to make a rule change. Ms. Tate also mentioned that the Professional Development work group of the QRIS committee may be coming forward in the next year with even more suggestions of how there might be modifications in the rules based on these scales. Ms. Carter added that you have to consider, through the rules, there are other things that the commission may want to work on in light of other things. With those three options that Ms. Tate has mentioned, for now, the addition of the certification equivalencies could happen and keep going with rules as they are, but then look at other things like rule .0704, preservice for administrators.

Ms. Honeycutt added that when something is not part of a rule, it just isn't in the faces of providers. There are a lot of directors who still don't know anything about certification, so if nothing else, it's good education for the community.

Lorrie Looper said that it was her understanding that MAF teachers don't have to get certification if they have a BK licensure. Ms. Torrence and Dr. Cassidy added that since those teachers pay for teaching licensure, that information will be forwarded to the Institute and they will be certified with that information.

Ms. Tate asked if there were any questions on Rule .0102 Definitions as it is presented. Deanne Smith asked about the terminology of "on behalf of" in paragraph 20. Ms. Carter explained that certification extends beyond teachers who actually work directly with children on a daily basis.

Next, with review of the changes presented for Rule .2819, Ms. Jones had some concerns. She said that when she reads that she, herself, would be considered a level 8, thought she doesn't feel qualified at all to be a lead teacher in an early childhood classroom, it worries her that there may be an attitude among some people that Early Childhood Education is not as universally valued as it needs to be. She expressed concern that anyone who is able to reach a certain certification level, including herself, though she has no training in ECE, can apply to become a lead teacher in one of these classrooms. The Commission reviewed and discussed the certification levels again. The Division sends the Early Childhood Credential certificate and determines the eligibility for it. Dr. Cassidy added that in study after study, it has been shown that experience doesn't make a difference in quality of a classroom, but education does.

Claire went through the rule with the group to mark where staff had provided language changes so that questions could be noted before breaking for lunch. One option that is suggested is that we send these up for review to the department which doesn't prevent us from making changes later. What we can do is suggest that staff give us a chart with the inserts of rule changes so we can compare the two sets of rules. We can make sure the chart and "ands and ors" match. Julia asked if we eliminate alternatives to certification too early, she is curious about what the impact that would have on the workforce. Who might lose their job? The existing rule would continue so that no current providers are affected until the final certification date is here. We want to ask DCD to send this to DHHS for them to review and for DCD staff to prepare a chart and send it to the Commission before the meeting so that we have time to review it. The rule text can go home with members today, and it can be compared with the chart when it comes.

<i>The Commission took a break for lunch at 12:00 p.m.</i>
--

PUBLIC COMMENT

Jennifer Bosworth, with Asheville-Buncombe County Technical Community College, spoke briefly to share some of the ways that western NC is working toward certification of providers. They, together with some other partners, host the Western Regional Child Care Conference in May each year. Included in the 2011 conference are trainings and CEUs that will be offered to providers. Also, they provide networking and supporting sessions to providers during the EEC process.

Linda Piper, with the NC Licensed Child Care Association made comments about the EEC. She said that the idea of certification has been on the table for a long time, and their organization has been involved for a long time as well. They are largely in support of the single-portal of entry. She feels that something that will improve the turn around time would be good. We have been in support of the accountability and the responsible individual list. However, it's a new thing, so there are folks out in the field who may have done something many years ago just isn't on the list yet. We are also supporting of the idea of CEUs because these are recognized nationwide. We do have an issue of the minimum being .5 CEUs (5 hours). This kind of training is more difficult for child care providers who work different hours of the day than school teachers. She said she doesn't feel that how EEC came into law wasn't very transparent, so while they are in support of the Institute, the Division is working these things into rule in a round about way. This is making providers nervous. Also, they are concerned about the renewal process of certification. There is confusion about the terminology that's being used as well. She encouraged the Commission members to ask questions and be in full understanding before they make decisions for rule changes.

Anna Mercer McLean, Director of the Community School for People Under Six and President of the Institute, made comments regarding EEC. She said she feels that it's time for teachers to be recognized for professional development levels that they have attained. Experience is good, education is great and when put together, children get what they need. She commented to Ms. Jones that child care providers should be educated.

Charlene DiPietro, owner of a 5 star center in Forsyth county came to speak about the relicensing process. She said that she was a Level II Director with 6 points. She said that when her consultant came, they were informed that none of the transcripts they had been sending in over the last two years has been input into the system. So, within 48 hours, they resubmitted over 20 transcripts. After the consultant came back and finished all the assessments, she was told that her point level had been lowered to Level II Director with 5 points, so she was only going to be a 4 star center instead of 5 stars. She still isn't sure why her point level had changed, but she wishes that DCD would find a way to notify a director that their point level had changed. Anna Carter responded that someone from our staff could talk with her and check on her information to make sure everything is correct now.

Mary Snow Crawley, a training coordinator at Project Enlightenment came to speak about EEC. For over 40 years, they have been providing support to preschool children in Wake County. They also host two 4-year-old classrooms where they also have observation booths where we train people in best practices. They are excited about certification, because we believe that teachers are the most important people to children other than their parents. We want this EEC process to empower teachers in this field. They will be collaborating with Institute with trainings, but this year, will be offering CEU credits. They strongly encourage the Commission to support the Institute so that there will be a strong, unified system in place for early educator renewal. We feel this is essential.

Johnna Hewitt, the Director of A Child's World Learning Center, a network of centers in Forsyth and Davie counties. She would like to present a slight modification to the lead teacher rule change. For several years, we have been working centers on compressed work week. We discovered that we were in violation by doing that, because our teachers were not in the classroom for 2/3 of the day, but ask that it be reconsidered that the rule read "2/3 of work week" instead of day. She provided several reasons why this has worked very successfully for teachers, children and parents in their programs for two years, and since many alternate work schedule are out there now for parents, they feel that an alternate work week should be an option for preschool teachers as well.

RULEMAKING DISCUSSION, CONT.

Ms. Honeycutt asked if the certification runs out in 3 years, does that mean that they cannot work in childcare? Ms. Carter said that the law does say this already, so our rules need to be changed to reflect this. Ms. Honeycutt added that this information is not out there for providers to realize it means you don't have a job if you don't get it and keep it! Ms. Tate said that this is the idea of this being a profession and the change of mentality that we're trying to pursue. Deanne Smith asked if there has been any information provided from other states, and Ms. Torrence said that we are the first in the nation to do this. Other states have registries and training requirements, but we're looking at other professions have done and do have understanding that we are new to this. Dr. Cassidy added that this is going to make teachers see that you have to make a professional development plan and work toward this kind of professionalism in the field. It was stated that director trainings may be necessary, and Tammy Barnes said it's in the works.

Nutrition Standards:

Regarding HB 1726: Jani Kozlowski provided a copy of the language in the bill, and said that it was pieced out in the actual law. In G.S. 110-91, these first 2 sentences are in our law: The Commission shall adopt rules for child care facilities to ensure that all children receive nutritious food and beverages according to their developmental needs. The commission shall consult with the Division of Child Development to develop nutrition standards to provide for requirements appropriate for children of differed ages. The rest is not in our law. DCD will study physical activity and study with DPH to gather info to talk about how we might change CACFP requirements. The Commission can make a choice. You are charged with considering these items. The recommendation from Division staff is that you wait until DPH does their work first.

Section 2 pertains to us with physical activity levels. Section 1 is what we would expect to be seen in the recommendation within the DPH process. As the Commission waits for their work, if anything comes out in writing or online, the information will be passed along for them to read and stay informed.

Rules changes to consider for changes to FCCH:

The Division has a Raising Minimum Standards logistical team that has worked on recommendations for rules for FCCH. They compared the current rules with this year's NACCRRA's report on states' FCCH regulations. The review was to see where each state stood with their current rules, comparing them to one another and rating them with high standards. Points were administered, and out of the possible 140 points to be awarded, with the average being 63, North Carolina was given 59 points, ranking us 15th in the nation. Only 35 states received points because some do not have any regulations at all for these programs. After doing a survey of parents, it was discovered that more than half assumed that family homes were all regulated. Everything from criminal record checks to toys and materials was included in the evaluations. Melissa Stevenson shared the comparison chart that the group created, showing the 14 key areas that were reviewed. She reviewed the NACRRA Recommendations as well as what NC's current licensing requirements are for those key areas. She showed where the Division fully met these standards and what recommendations the logistical team was offering to meet the NACCRRA's recommendations. The Commission members reviewed the chart with some discussion of these recommendations and what the impact would be for each item.

Items to be discussed at the November meeting:

Division staff are being asked to put the FCCH rule recommendations into rule text for the Commission's review (both from the chart provided and any recommendations that are available from the QRIS committee.)

Also, rule text will be provided regarding changes to the denial of licenses including the change of may/shall as recommended by the Rules Review Commission.

Other things to consider with FCCH: Safety concerns with the use of crock pots, animals in the home.

We may want to see some clarification of the rules for deaf/hard of hearing and blind individuals as teachers/lead teachers in classrooms. Dr. Cassidy expressed her thoughts that the language of the rule does need to change, but we also need to education providers and consultant about this issue. Ms. Jones mentioned that Ms. Wheel Chair America is currently, as her platform, traveling around providing education on disability employment and may be contacted as a resource. Dr. Cassidy asked that Ms. Gruber and her intern work on finding language on this issue from other states.

Rule language for safety will also be provided.

Regarding the rules for EEC: The Commission is going to study that in detail with the scales and Division Staff will give us a grid or chart that will help review these visually. Those rules, as presented with changes today, are going to be sent to the Department for initial review and approval.

Another item to be discussed is the suggestion of the work week, and the rule stating that a teacher must be in the room 2/3 of each day instead of 2/3 of each week. What is the background of this rule? What would be the impact of making this change?

Debra Torrence has asked if she can come back and give an update on EEC and how that's going.

The Commission set dates for the 3rd and 4th quarter meetings: February 10th and May 25th.

Ms. Kozlowski shared a power point that was sent by a parent concerning safety in FCCHs in regards to animals.

Commission Action: Dr. Mary-Cassie Shaw moved that the meeting be adjourned. Julia Baker Jones seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

<i>There being no further business, the meeting adjourned at 3:55 p.m.</i>
--

The next meeting of the North Carolina Child Care Commission is scheduled for Thursday, November 4, 2010.