

*DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT
NORTH CAROLINA CHILD CARE COMMISSION
2009-10 FOURTH QUARTER MEETING MINUTES
April 29, 2010
Division of Child Development
319 Chapanoke Road, Suite 120
Raleigh, NC
Conference Room 300*

Commission Members Present

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

Commission Members with an Excused Absence

Penny Davis, Jennifer Svenstrup

Division of Child Development (DCD) Staff Present

Melynda Swindells – Workforce Standards	Anna Carter – Director's Office
Jani Kozlowski – Director's Office	Dedra Alston – Director's Office
Nicole Wilson – Director's Office	Mary Piteo – Subsidy Services
Janice Fain – Administration	Kimberly Mallady – Director's Office
Andrea Lewis – Regulatory Services	Lorie Pugh – Regulatory Services
Staci Brown – Regulatory Services	Connie McAdams – Subsidy Services
Ron Byrd – Subsidy Services	Melissa Stevenson – Regulatory Services
Kay Lowrance – Regulatory Service	Kathy Shepherd – Workforce Standards
Alexi Gruber – Division Attorney	Tammy Barnes – Regulatory Services
Fay Lewis – Subsidy Services	Laura Hewitt – Regulatory 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 were invited to put their names 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 the agenda items, and none were mentioned. Nicole Wilson called the roll. The Commission members who were absent from the meeting requested and received, excused absences.

Ms. Tate shared a brief thank you to Vickie Ansley for her service to the Commission and the children of North Carolina. The meeting marked her last meeting following eight years of service. Several members are up for reappointment. The Commission will be alerted when these reappointments are made. Lynn

PolICASTRO has resigned her position effective last week, and was also thanked for her service to the Commission.

Ms. Tate reviewed the agenda as well as the members' meeting packets. She reminded the Commission members about updating their Ethics information.

Ms. Tate shared a letter from a concerned parent regarding an incident with her son in a licensed family child care home. Ms. Kristin Suttles from Hendersonville, NC wrote the Commission with concerns about Family Child Care Homes and the lack of the requirement for providers to carry liability insurance. Her son was badly burned when a crock pot of chili fell on him as it was cooking on the kitchen counter in the child care home. The child was able to reach the cord and pulled the crock pot and hot chili over himself. Ms. Suttles feels strongly that home providers should be mandated to purchase liability insurance to cover medical bills in such an emergency. The Child Care Commission did respond to Ms. Suttles with the information that it is not within the jurisdiction of the Commission to require child care programs to carry insurance. Ms. Tate offered the Commission a chance to discuss their thoughts on Ms. Suttles' concerns. Julia Baker Jones suggested that the Commission consider rules for Family Child Care Homes regarding crock pots and other safety issues during the upcoming year.

APPROVAL OF MEETING MINUTES – March 11, 2010 draft minutes were reviewed by members; no comments or revisions were made.

Commission Action: Lois Stephenson moved that the meeting minutes be approved as presented. Laurie Morin seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.

DIVISION DIRECTOR'S REPORT – ANNA CARTER, Deputy Director

Ms. Carter thanked the Commission for their attendance and offered Dr. Deb Cassidy's apologies for not being able to join the meeting. She thanked Vickie Ansley for her service to the Commission.

Ms. Carter first offered an update from the Regulatory Section. The Commission will receive a copy of the updated Child Care Handbook. Provider meetings have been taking place across the state as part of the rollout of the new handbook. During the meetings, providers received a free copy of the handbook as well as a free copy of the Infant Toddler Foundations document. The provider meetings will finish in Mid-May.

The General Assembly passed a law requiring an increase in licensing fees for all programs. This was the first year for the license fee requirement for Family Child Care Homes. At this time, approximately 300 programs have not paid their fees. The initial invoice was sent in October 2009 for this fee, and at this point, 85 centers and 215 homes have received letters of intent to revoke their license.

The Division is working with the Division of Social Services (DSS) to pilot an increased role for Division staff in the abuse and neglect investigation process. Currently, DCD does a joint investigation with the local DSS offices, and the pilot will explore the various options to improve upon that system. Currently, 10 counties are participating in the pilot project that will conclude at the end of May. More information about this project will be shared at the Commission meeting in September.

Currently, the subsidy services waiting list for March 2010 shows that 37,929 children are waiting for child care subsidy. This represents an increase of about 1,800 children from the February data. There are, however, over 10,000 children that are receiving care via time limited vouchers from ARRA stimulus funds. Those children are included in the waiting list because when the time-limited vouchers end, they will go back on the waiting list. DCD has been working with the Department of Health & Human Services to explore

ways in which services could be extended for children on these time-limited vouchers that will currently expire in May 2010.

DCD staff have been working on the RFP for the EBT system, an automated attendance reporting system for child care subsidy. The goal is to release the RFP by the first part of May and establish a contract during the summer for a project start date in early fall. Laurie Morin asked about the next steps for the RFP, and Ms. Carter explained that the next step will be to choose a vendor who will then pilot the project with a few counties for one month.

The Governor's budget has been released. The budget includes a reduction to DSS county administrative costs of 3.3 million dollars, and an additional six million dollar decrease to funding for subsidy services, which matches the amount of the anticipated savings from the EBT system. The budget also included a reduction of 7.7 million dollars to Smart Start. Overall, the budget shows a billion dollars in cuts to state government. Governor Perdue stated her intent to protect education as much as possible.

The Consolidation Task Force has met twice since the last Commission meeting. Commission members have received a copy of the final Task Force recommendations. Ms. Carter walked through the findings and recommendations, included in the large report starting on page 11. Nine suggestions were listed along with a few draft bills related to the recommendations.

A report was also released last week from the Legislative Task Force on Childhood Obesity. There is a state-wide as well as a national concern around obesity. Several recommendations from the report involve child care centers. These include the prohibition on serving sugar-sweetened beverages, whole milk for children over the age of 2, and a limitation to 4-6 ounces of juice per day for children over the age of 1. In addition, the report suggests that the Division should study and consider levels of physical activity in the child care licensing rules.

The short session of the General Assembly starts on May 12. The legislators have already been working and are hoping to have a completed budget by July 1st.

The workforce section is still utilizing temporary staff within the education unit and have made some other changes to reduce the turnaround time for applications. In January, 952 evaluations were completed, and the team has already completed 2200 evaluations for the first 3 weeks of April. At this rate, the queue is expected to be caught up in about six weeks.

The Commission was updated on the Criminal Records Check (CRC) process and the 3-year recheck requirement. The rules for 3-year rechecks went into place January 2008. Since then, the CRC unit staff have completed over 30,000 rechecks. The average disqualification rate is 1%, which are generally related to drug/alcohol abuse or assault. Currently, there is about a 2% level for initial disqualification and 1% for disqualification through rechecks.

Lastly, Ms. Carter shared that there are six work groups meeting through the QRIS Advisory Committee on different areas related to quality child care. At the last large group meeting of the committee, the Infant-Toddler work group shared some preliminary recommendations. Some items discussed included the definitions for infants and toddlers, as well as the current and recommended ratios for infants and toddlers in care. The Infant Toddler Foundations publication was discussed as well. The next meeting of the full QRIS Advisory Committee is scheduled for June 1st, and the Infant-Toddler group is expected to have some additional formal recommendations at that time.

PRESENTATION

Alice Lenihan came to share about the Child and Adult Care Food Program.

The Commission took a break at 9:45 – 10:00 a.m.

PUBLIC COMMENT

Linda Piper with the North Carolina Licensed Child Care Association stepped forward to thank the Commission for their work and to share that she and the association are excited about the coming discussion on rules in the meeting to come.

The Commission also received a written public comment regarding the developmental day rules.

RULE MAKING UPDATE AND ACTION

Dedra Alston shared information about the options available to the Commission for rulemaking purposes.

Developmental Day Services – 10A NCAC 09 SECTION .2900

(see Attachment A for rule text as presented to the Commission for approval)

Rule .0505 and Rule .2901 were presented to the Commission. .2901 included moving “are” from the end of line 16 to the start of (1) on line 17 as well as deleting the word “detailed” from line 27.

Commission Action: *Vickie Ansley moved that these two rules (.0505 and .2901) be approved as written and as presented to the Commission. Margaret Anne Biddle seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Rule .2902 – Ms. Ansley asked to see the original rules for Developmental Day programs that were originally under the Division of Mental Health. After the Commission members reviewed these rules, the comment was made that there is no clarification in them about when a child turns from an “infant” to a “toddler.”

Commission Action: *Julia Baker Jones moved that this rule (.2902) be approved as written and as presented to the Commission. Connie Harland seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Rule .2903 – Ms. Looper asked whether or not all center administrators needed a level 3 Administrator Credential. Regarding Rule .2904 – recommended a listing of special events and activities as stated in line 14-15. This would include events such as: birthday and holiday and cultural celebrations, special presentations such as magic or puppet shows, storytelling, or fireman, nurse, etc.

Commission Action: *Lorrie Looper moved that the Commission approve .2903 and .2094 as discussed by adding after “activities”... “such as birthday, holiday, or cultural celebrations and special presentations, such as puppet or magic shows, a special story teller, a discussion of safety practices by a fireman or nurse, etc.” Lois Stephenson seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Rule .2905 – There were no additional changes to this rule as presented.

Commission Action: *Vickie Ansley moved that rule .2905 be approved as written. Julia Baker Jones seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

Rule .2318 – There were no additional changes to this rule as presented.

Commission Action: *Margaret Biddle moved that rule .2318 be approved as written. Lois Stephenson seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

These rules, if approved by the Rules Review Commission, will become effective as of July 1, 2010.

With no other members of the public coming forward to speak, Ms. Tate closed the time of public comment.

Members of the Commission were given packets of the rules to be discussed along with an index listing of the rules and a brief one-line description. Upon review of the rules, the following decisions were made:

Commission Action: *Julia Baker Jones moved that the following list of rules be approved as presented (see Attachment B for complete wording of each rule). Connie Harland seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously. (.0302, .0304, .0604, .0606, .0701, .0702, .1403, .1721, .1724, .2501, .2502, .2503, .2504, .2505, .2506, .2510, .2801, .2802)*

Commission Action: *Vickie Ansley moved that the following list of rules be repealed as presented (see Attachment B for complete wording of each rule). Connie Harland seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously. (.1505, .2803, .2810, .2811, .2812, .2813, .2814, .2815, .2816)*

Rule .0102: Definitions

The definition of 'weather permitting' was discussed. A comment from Linda Piper in the audience was accepted. She shared that this phrasing "weather permitting" has not gone through a time of public comment. The response given was that this is a reasonable expectation due to comments received from the public regarding a definition for weather-permitting; therefore, there is no reason to add additional comment time for that definition.

Commission Action: *Lorrie Looper moved that rule .0102 be approved as written. Angela Boyce Davis seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried.*

Rule .0501 – Staff/Child Interactions:

A short discussion occurred regarding eye contact of staff and engaging the children. It is unclear how DCD could measure this standard.

Commission Action: *Margaret Anne Biddle motioned that lines 5 and 6 of this rule be changed to read as follows:*

- 5 *appreciation and participating in many activities with the children. For example, staff shall:*
6 *(1) Make eye contact when speaking to a child.*

Vickie Ansley seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried.

Commission Action: *Connie Harland moved that rule .0509 be approved as written. Margaret Anne Biddle seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried.*

Ms. Alston explained that in a previous vote, three rules were inadvertently left off that should have been presented for a vote. They are regarding permission slips for field trips and transportation as well as fire evacuation procedures.

Commission Action: *Margaret Anne Biddle moved that the Commission approve the retention of the following forms for a minimum of one year: .2507, .0512, (field trip/transportation permission) and .0604 (Fire evacuation procedures). Lois Stephenson seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried.*

Commission Action: *Angela Boyce Davis moved that rule .0802 be approved with the following changes on lines 8 and 9: "This emergency medical care information shall be on file in the center on the child's first day of attendance, as changes occur and shall be updated at least annually." Connie Harland seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried.*

Discussion began regarding rule .0901. It is the goal of the Commission to make this rule as close to the Federal regulations as possible. Wording changes were discussed.

<p><i>The Commission took a break for lunch at 12:05 p.m.</i></p>

Chairperson Tate called the meeting back to order at 1:05. Commission members continued their discussion of Rule .0901, General Nutrition Requirements. In paragraph (h), the wording was changed to read as follows:

(h) The center shall provide seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing breast milk.

Commission Action: *Connie Harland moved that rule .0901 be approved with these changes to paragraph (h). Lorrie Looper seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried.*

Commission Action: *Julia Baker Jones moved that rule .1702 (c)(4) read as follows: Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk. Vickie Ansley seconded. With no further discussion, Chairperson Tate called for a vote. The motion carried.*

Regarding rule .1703, Caregiver Interactions, a discussion was held regarding eye contact with children in care. The group decided that it would best if the phrase "whenever possible" be removed from item (1).

Commission action: *Margaret Anne Biddle made a motion that rule .1703 (1) be approved with a modification to line 21 read as follows:*

(1) Make eye contact when speaking to a child.

Julia Baker Jones seconded. With no further discussion, Chairperson Tate called for a vote. The motion carried.

Regarding .1718 – The members agreed that all the text for this rule was fine as written except for paragraph 14. Ms. Alston explained that the highlighted section were the recommended changes after the March 11, 2010 meeting discussion. Upon further review and discussion, the commission members agreed to remove the changes in subparagraph (3) and add in the phrase “on-site computer classes,” to the last part of paragraph 14.

Commission action: *Julia Baker Jones made a motion to approve rule .1718 with the following changes: Remove “which does not include an additional allowed 30 minutes per day, per child of computer usage” and add “on-site computer classes,” after “homework” in the final part of the rule text.*

Laurie Morin seconded. There was no further discussion. Chairperson Tate called for a vote, and the motion carried.

Rule .0510 is a matching rule for children under the age of two.

Commission action: *Connie Harland made a motion to approve rule .0510 with the following changes: Remove “which does not include an additional allowed 30 minutes per day, per child of computer usage” and add “on-site computer classes,” after “projects” in the final sentence of this rule’s text.*

Laurie Morin seconded. There was no further discussion. Chairperson Tate called for a vote, and the motion carried.

Commission action: *Vickie Ansley made a motion to change the phrasing in line 27 of rule .0511 (a)(3) to read... “of movement shall be available both indoors and outdoors, for infants and toddlers.” Dr. Mary-Cassie Shaw seconded. There was no further discussion. Chairperson Tate called for a vote, and the motion carried.*

Commission action: *Vickie Ansley moved that rule .0508 be approved as written. Lorie Looper seconded, and there was no further discussion. Chairperson Tate called for a vote, and the motion carried.*

Commission action: *Connie Harland moved that rule .0509 be approved as written. Margaret Anne Biddle seconded, and there was no further discussion. Chairperson Tate called for a vote, and the motion carried.*

Commission members worked with DCD staff on the wording for rule .2201 in paragraph (d), regarding administrative penalties for programs. Upon review of the suggested changes and discussion about the language regarding documentation for parents and their receiving the notice, the following was decided:

Commission Action: *Julia Baker Jones made a motion that Rule .2201 be approved with the following changes to paragraph (d):*

- (d) *Following the substantiation of any abuse or neglect complaint or the issuance of any administrative action against a child care facility, the operator shall:*
- (1) *maintain copies of documentation of the substantiated complaint investigation or the administrative action issued against the facility for the past three years in a binder, which shall be accessible to parents; and*
 - (2) *within 30 days, notify the parents of the children currently enrolled that a complaint was substantiated or that an administrative action was taken against the facility, including administrative actions that may be stayed pending appeal. The notice shall:*
 - (A) *be in writing; and*
 - (B) *include information on the nature of the substantiated complaint or the type of administrative action taken; and*
 - (C) *state where the binder containing copies of the substantiated complaint investigation or administrative action may be found on site for review by the parents.*
 - (3) *document the date that the written notice was given to all parents and have parents sign an acknowledgement that they have received said notice.*

Lorrie Looper seconded the motion, and there was no further discussion. Chairperson Tate called for a vote, and the motion carried.

Discussion regarding screen time and other changes for school-age children in care took place. Ms. Ansley stated that homework should not be listed as an activity option. Best practice does not prohibit homework time during after school care, but it shouldn't be encouraged because children need this time to take a break from the school day. Laura Hewitt from the Regulatory Services Section said that this is listed in the rule because the Division does get calls from providers asking if homework is an allowable activity. Lorie Morin said that she, too, feels that children shouldn't always have to do homework, but when they do, sometimes the best time is right when they get to their after-school program because they may still be in a 'school mode' mentally. She also stated that after-school programs might be the only place where some children have access to computers for certain homework tasks. The members agreed that the list of activity options in paragraph (c) should be listed alphabetically. In order to be sure that children are allowed other activities in addition to any homework that happens, the members suggested that the phrasing of "a balance of teacher-directed activities and free choice activities" be added in paragraph (a).

Commission Action: Lorrie Looper made a motion to approve rule .2508 with the following changes:

- (a) *Child care facilities which provide care to school-age children shall provide a balance of teacher directed and free choice activities appropriate to the age, needs and interests of the children.*
- (c)
 - (1) *Career development activities*
 - (2) *Community awareness activities*
 - (3) *Creative arts activities*
 - (4) *Cultural activities*
 - (5) *Games or manipulatives*
 - (6) *Hands-on academic enrichment activities including but not limited to language, math, science, social studies, or foreign language activities;*
 - (7) *Health education or wellness activities*

- (8) *Homework with assistance available as needed from center personnel*
 - (9) *Reading activities*
 - (10) *Sand or water play*
 - (11) *Social skills, life skills or problem-solving activities*
 - (12) *Structured or unstructured physical activities*
 - (13) *Technology skill-building activities*
- (e) *Usage time periods may be extended for specific special events, projects, or occasions such as current event, homework, on-site computer classes, researching topics, holiday, or birthday celebration.*

Laurie Morin provided the second, and with no other discussion, Chairperson Tate called for a vote. The motion carried.

Dedra Alston mentioned that she will need permission to make technical changes within the rule text if any are received from the Rules Review Commission.

Commission Action: *Lorrie Looper moved that DCD Staff be granted permission to make technical changes regarding the rules voted on today in regards to any direction by the Rules Review Commission. Margaret Anne Biddle provided the second, and with no other discussion, Chairperson Tate called for a vote. The motion carried.*

Ms. Alston said that the Rules Review Commission will meet on June 17th. If any objections are presented at that time, the rules will then be required to come back before the Child Care Commission. A conference call should be scheduled in order to handle these potential changes from the Rules Review Commission. The Child Care Commission scheduled a conference call to do this on Friday, July 2nd at 9:30 a.m.

Dedra Alston also shared a comparison of standards for Family Child Care Homes recommendations from NACCRRA with the current NC licensing requirements. Upon review and discussion of the differences, Chairperson Tate suggested that DCD staff begin working on suggesting changes that would lead to full implementation of the NACCRRA standards. Staff should prepare draft language for the Commission to begin looking over so that rule changes can be pursued beginning in September. Dr. Cassidy stated that she will create a work group of DCD staff who will begin to work on changes to the rules to meet or exceed the national standards.

The next meeting is scheduled for Thursday, September 30, 2010.

Chairperson Tate listed several items that the Commission will discuss and work on during this meeting including rules for Family Child Care Homes, QRIS, as well as School-Age care recommendations. Julia Baker Jones mentioned the orientation for new members, and stated that she would like some further orientation as well. The meeting is scheduled to begin at 8:00 a.m. on Thursday, September 30th. (note – this date was later changed to September 23rd, 2010.)

Commission Action: *Deanne Smith moved to make the rules effective July 1 along with the Developmental Day rules. Angela Boyce Davis seconded the motion. There being no further discussion, Chairperson Tate called for a vote, and the motion carried.*

There being no further business, the meeting adjourned at 3:40 p.m.

The next meeting of the North Carolina Child Care Commission is scheduled for Thursday, September 23, 2010.