

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

**NORTH CAROLINA CHILD CARE COMMISSION  
2011-12 SPECIAL SESSION MEETING MINUTES**

**June 27, 2012**

319 Chapanoke Road, Suite, 120  
Raleigh, NC  
Conference Room 300

**Commission Members Present**

Sue Creech	Norma Honeycutt
Julia Baker Jones	Lorrie Looper
Janice Price	Lois Stephenson
Claire Tate	Glenda Weinert
Kathryn Clark	

**Commission Members with an Excused Absence**

Margaret Anne Biddle, Maureen Hardin, Connie Harland, Laurie Morin, Michael Smith

**Commission Members with an Unexcused Absence**

Linda Knight, Deanne Smith

**Division of Child Development & Early Education Staff Present**

Deb Cassidy, Division Director	Anna Carter, Division Deputy Director
Kamiran McKoy, Director's Office	Karen Ferguson, Director's Office
Mary Lee Porterfield, Director's Office	Dedra Alston, Director's Office
Alexandra Gruber, Commission Attorney	Tammy Barnes, Regulatory Services
Kathleen Otte, Regulatory Services	Laura Hewitt, Regulatory Services
Melissa Stevenson, Regulatory Services	Henrietta McKnight, Administration
Sherri Hall, Regulatory Services	Andrea Lewis, Regulatory Services
Melodie Ford, Regulatory Services	Kathy Shepherd, Workforce Education
Annie Blacknall, Subsidy Services	Sarah Buckner, Regulatory Services
Letitia Echols, Asst. Attorney General	Angela Redifer, Regulatory Services
Lisa Lyons, Licensing Enforcement	Lorie Pugh, Regulatory Services

**CALL TO ORDER - postponed**

The Child Care Commission Meeting could not be called to order due to the absence of a quorum.

Ms. Claire Tate took care of house-keeping items while awaiting a quorum. She informed the public of their opportunity to address the Commission during Public Comment from 1:00 p.m. to 1:30 p.m. and/or during the Public Hearing from 1:30 p.m. to 2:30 p.m. Those wishing to take advantage of these opportunities should sign-up on the appropriate sheet at the back of the room. The Commission requested that any action requested by the public be submitted in writing either to Ms. Tate or to DCDEE staff.

Ms. Tate reviewed the Child Care Commission Ethics Statement, and no member had any conflicts of interest or appearance.

Effective June 30, 2012, the following Commission appointments will expire: Ms. Margaret Anne Biddle, Ms. Claire Tate and Ms. Lois Stephenson. They will continue to serve until their appointments have been filled. Ms. Deanne Smith, Ms. Connie Harland and Ms. Julie Cardwell have resigned. Ms. Norma Honeycutt has been re-appointed for two more years. Ms. Linda Knight, Ms. Lorrie Looper and Ms. Laurie Morin are eligible for reappointment.

### **Call to Order**

As of 9:13 a.m., the quorum had been met; therefore, Ms. Tate officially called the meeting to order.

Ms. Tate asked that the First Quarterly Child Care Commission meeting, currently scheduled for September 17, 2012, be rescheduled, and she recommended that a Chair and Assistant Chair be elected at that meeting. Members agreed to discuss scheduling over lunch.

Ms. Kamiran McKoy called the role. Ms. Tate reviewed the agenda and announced that the Child Care Commission would have lunch in Conference Room 300, adding that the room would be closed to non-members during that time. The Child Care Commission members had no questions concerning housekeeping or meeting materials, which were sent to members via email prior to the meeting.

### **DIVISION DIRECTOR'S REPORT-DR. DEB CASSIDY, Director**

As of May 2012, out of a total of 362 One and Two Star Centers, 271 had applied for higher stars. Ninety-one centers are not interested in applying for higher stars. The facilities that have chosen not to apply for higher stars will not be eligible to apply for subsidy funds. Out of 1,141 One and Two star Family Child Care Homes, 583 had applied for higher stars, but 558 are not interested. The Regulatory field staff will continue to work with these programs and monitor their progress.

The State Budget has various implications for DCDEE's work. In terms of NC Pre-K, there was no increase for additional slots. DCDEE will continue to have oversight of the program, and the eligibility criteria have not changed. There is a directive regarding how the health of a child can be considered in determining eligibility, and DCDEE is seeking clarification about that directive. There will be multiple-year contracts for private child care providers, and DCDEE is to establish a standard decision-making process to be used by local NC Pre-K Committees in awarding slots and student selection. The parent co-pay was also repealed.

In terms of Child Care Subsidy, there is a \$13.9 million funding cut, which will affect over 3,000 children. DCDEE is directed to require all DSS agencies to indicate on subsidy forms whether families on the waiting list are receiving services through NC Pre-K or Head Start. The subsidy administration rate will be four percent.

In terms of Smart Start, the salary cap has been lifted for Executive Directors of local partnerships. There has been a \$7 million swap with CCDF funds, and the match for local partnerships has been increased to 13%, of which 10% must be cash. There is a \$3.5 million expansion for a Literacy Pilot, Development Consultants, and Rural Partnership Assistance, but this funding is not available until January 2013 and only if there is no Medicaid shortfall.

The House/Senate directed the Child Care Commission to consider nutrition standards that were adopted by the Commission on May 8, 2012. The legislation establishes an option for parents to opt out of the supplemental food program when food is brought from home. The legislation further states that DCDEE shall not evaluate the nutritional value or adequacy of the components of food and beverages provided by a parent or guardian to his or her child enrolled in a child care facility as an indicator of environmental quality ratings. This will change the rating scale process.

One bill that passed mandates that every student entering Kindergarten shall complete a Kindergarten Entry Assessment within 60 days of enrollment. The assessment must include all five domains of learning; be administered at the classroom level; and be aligned to North Carolina's Early Learning and Development Standards and to the standard course of study. It must be reliable, valid and appropriate for use with all children, including those with disabilities and those who are English language learners. The results will be used to inform the status of children's learning at Kindergarten entry, instruction of each child, efforts to reduce the achievement gap at Kindergarten entry and continuous improvement of the early childhood system. Although there is uncertainty about how the assessment results will be used to inform improvement of the early childhood system, Dr. Cassidy reported that states with similar legislation have experienced de-funding (i.e., subsidy or state-funded preschool programs) for programs where children fall short of assessment targets.

The criminal background check bill passed in the House and in the Senate, but the Senate has a different start date from the House. This means it has to go back to the House for reconciliation, and DCDEE expects that to happen in the next several days. The bill would require federal criminal history checks for everyone working in licensed care (including volunteers). Criminal background checks would have to be done before the staff member begins work with children. The criminal background checks will go into effect January 1, 2013 if approved.

Dr. Cassidy concluded her update and then recognized outgoing members. She presented certificates and thank you letters to Ms. Margaret Anne Biddle, Ms. Connie Harland, Ms. Deanne Smith, Ms. Lois Stephenson and Ms. Claire Tate for their services rendered to the Child Care Commission, as their terms will expire July 1, 2012.

**QRIS ADVISORY REPORT-CATHERINE SCOTT-LITTLE, Facilitator**

Dr. Catherine Scott-Little reported on the recommendations from the Quality Rating and Improvement System (QRIS) Advisory Committee. She began with an overview of the

committee's history, charge, and process. DCDEE convened this committee in 2009 when North Carolina's QRIS was celebrating its 10<sup>th</sup> anniversary. The committee, comprised of diverse stakeholders from across the early care and education system, was asked to consider the next 10 years of the QRIS, including the Rated License and the system that supports and surrounds the Rated License. The committee used national guidance about components of a QRIS, and they looked at what North Carolina has now, what systems are in place that could support changes, and what realistically could be changed over time. The group also did an assessment of North Carolina's priorities in terms of changes, and decided that the system needed to consider diversity and inclusion in a different way than in the past, as well as align with the state's Early Learning and Development Standards.

The committee formed work groups (which included resource members who were not on the full committee) to study each component of the current system; review the latest research and best practices related to those system components; and bring recommendations to the full group for improvements and innovations for both the near term and the long term future of the QRIS. The Ad Hoc work group focused on the structure of the system and what it should look like. The Education and Professional Development work group looked at the elements and processes needed in order for staff and programs to know how to do what they are doing well. The Evaluation work group focused on the overall system and how it could be validated as the changes roll out. The Infant & Toddler work group looked at all aspects of the QRIS related to children from birth to 36 months of age, because the group determined that this part of childhood is so critical that it warranted special consideration. The Program Assessment work group focused on how to measure what programs have done and what they need to do. The Program Standards work group focused on program standards that should be required in the new system. The Finance work group considered the recommendations as they were developed by the other work groups and gave feedback about costs, timeframe for implementation, and other considerations related to the systems of support needed to support changes. These work groups honed their recommendations, and then brought them to the full committee for feedback several times, with revisions or edits in between. This process gave members of the QRIS committee many opportunities to weigh in on the changes that each work group was considering and allowed the work groups to consider many different perspectives in finalizing their recommendations. Toward the end of the process, each work group was asked to prioritize their recommendations, and that is what you will see in the Executive Summary.

Turning to the proposed structure for the revised QRIS, Dr. Scott-Little then described in greater detail the work of the Ad Hoc work group. This work group took the committee's ideas about how elements of the system should relate to each other, and then crafted a proposed structure (which went through the same process as the recommendations including presenting to the committee and taking feedback to make revisions until there was consensus.) The committee acknowledged that most programs are at the 3 star level, and considered the possibility of raising the floor and giving programs at the top of the system a way to grow. In addition, the committee agreed that it was important to have some elements that would be consistent in all programs at a given level, while at the same

time honoring the importance of giving providers some choices about how to move through the system. The group also wanted a way to recognize programs for special areas of interest that they were pursuing. If a program was interested in implementing a model infant toddler program, or specialized in inclusion, or had an excellent outdoor learning environment, then there should be some way to recognize that work. The group agreed that the new system should be a hybrid of requirements or “blocks” as well as “points” or items that could be selected to help programs move through the levels.

Dr. Scott-Little then presented the Ad Hoc work group’s proposed structure, which is recommended to include 5 levels. The basic or core health and safety requirements would be in place starting at the first level of the system and would have to be maintained at each successive level. The block requirements would be established at Level 1 in three key areas: Program and Environment; Group Size and Ratio; and Education and Professional Development. Programs at Level 2 would be required to meet all of the block requirements in Level 1 plus earn points from a menu of choices. These points would move them toward the requirements in Level 3 or could include an area of specialization that programs could elect to pursue. Then at Level 3, there would be increased requirements that programs would have to meet in the 3 block areas PLUS they would have to make some progress in an area of specialization. The group recommended that DCDEE establish a process for identifying/nominating/evaluating the areas of specialization as well as for formalizing the points associated with various levels of achievement on the related measure. At Level 4, programs would have to meet all of the block requirements of Level 3 plus earn points from a menu of choices (similar to the construct for Level 2). At Level 5, programs would have to meet higher standards in each of the 3 block areas as well as make progress in one or more areas of distinction. At the highest level of the specializations, programs could earn designation as a “Program of Distinction”. The group recommended that the Environment Rating Scales (or other quality measure) would be required starting at Level 3 of the new system. In addition, the group recommended that program accreditation (such as NAEYC Accreditation) be added to the model in the pilot phase, most likely at levels 3-5, but that it not be used as a replacement for particular requirements. The next step, and the recommendation of the group, is to conduct a Validation Study in order to collect data about how the changes might impact providers, to gather feedback from all areas of the system about proposed changes, and to come up with a reasonable implementation plan including a way to hold programs harmless during a transition period with enough support to reasonably move them into the new system.

Turning to the individual work group recommendations in the Executive Summary, Dr. Scott-Little reminded everyone that this includes the highest priority recommendations from each work group.

The **Education & Professional Development (Ed/PD)** work group’s first recommendation is to increase orientation requirements for staff in licensed programs. They recommend a standardized on-line orientation that focuses on health and safety requirements as well as a program-level component that each program would tailor to their needs. They also note that compensation of the workforce needs to be addressed on

a system level. They recommended that a state level team be convened to plan and coordinate professional development and technical assistance. North Carolina has done some work in this area already, and this recommendation reinforces that work.

The next Ed/PD recommendations relate to the higher education system. The work group notes the problems related to articulation, i.e. carrying over credits earned at a community college into a four-year college or university program without having to repeat those credits. They recommend that system-wide articulation agreements be required of public colleges and universities. They also recommend that a Master's Degree be developed for those who want more training in Leadership and Management. They recommended increased funding for and information about scholarships for child care providers as well as for those who support these providers through training, technical assistance, and teaching.

The Ed/PD work group recommends that the NC Community College System require and encourage Early Childhood Associate Degree programs to gain National Association for the Education of Young Children (NAEYC) Accreditation. They go on to recommend that the Community College System develop mechanisms to more evenly distribute the workloads of faculty in those programs and encourage and incentivize these programs to better meet the needs of its students through improved on-line course options and practicum options.

Finally, the Ed/PD group recommended that standards be developed and implemented for all providers of technical assistance, mentoring, and coaching. This would include standards for those providing professional development as well as standards to guide the preparation, content, delivery of services, and assessment of services.

The **Systems Evaluation** work group recommended that potential revisions be considered in terms of their basis in research and the capacity of the system to support their implementation. They recommend that revisions be tested before being implemented, and that this testing should include analysis of current data as well as provider feedback. They also recommended strengthened evaluation within DCDEE for the long-term by adding a position that focuses on evaluation and research and also by establishing an evaluation plan.

The **Finance Group** stressed that none of the other recommended revisions can go forward without addressing the questions of financing in the early care and education system. They recommend that the Governor's Early Childhood Advisory Council (ECAC) convene a system-level task force to evaluate and make recommendations to improve financing strategies. They recommend that the subsidy reimbursement rates be increased over the next 5 years to reach the 75<sup>th</sup> percentile of the market rate; increased funding for subsidy and NC Pre-K in order to reduce waiting lists; increased NC Pre-K rates to reflect the true cost of care. They also recommend that DCDEE continue to fund the assessments required for programs to participate in the QRIS, and that additional funds for compensation of the child care work force should be identified and committed.

The **Infant Toddler** work group's recommendations place an emphasis on the importance of relationship-based care for that population. They recommended that this relationship-based approach form the basis for all standards, professional development, curriculum, program assessment, and child assessment in infant toddler classrooms. They recommend that standards for ratios and group sizes be improved to ensure high quality, relationship-based care and education. Finally, they recommend that the revised QRIS and the entire early care and education system be structured in a way that fully supports high quality infant and toddler care to the same extent that high quality care for preschool-age children is supported.

The **Program Assessments** work group looked at ways to validate or verify the system. After a great deal of work, they recommended that North Carolina continue to use the current Environmental Rating Scales (ERS) while further study is going on and other measures are being developed. This group also wanted to incentivize and reward program self-assessment as a part of continuous quality improvement. They also recommend encouraging a non-binding ERS at lower levels where it is not required. They recommended moving to a hybrid system of blocks and points, and to think about how program accreditation fits into the model.

The **Program Standards** work group recommended improvements to health and safety requirements such as requiring individualized health plans for children with chronic health conditions. They also made recommendations to lower group sizes and ratios, subject to a great deal of study and data collection prior to changes being enacted. They then pulled out some recommendations related to the Race to the Top/Early Learning Challenge (RTT/ELC) program. Some examples are supporting programs to improve their family and community engagement strategies and use of curricula and assessment, as well as implementing the state's Early Learning and Development Standards. There are RTT/ELC projects in place to support each of these strategies. Next they focused on recommendations that related to the content from recent Child Care Commission discussions. This includes recommendations on emergency preparedness, nutrition, and the use of curriculum in 4 & 5 star programs.

There were additional recommendations that didn't fit in any work group. One was a recommendation that DCDEE work with system partners to pull this report apart in order to evaluate, prioritize, disseminate and implement recommendations. Another recommendation was to put in place a formal process for collecting feedback from providers and parents about what needs to happen within the next 15 years, and to conduct a research study to guide the implementation.

#### **QRIS WRAP-UP: COMMISSION DISCUSSION**

When the full recommendations are complete, DCDEE will start the process of validation and testing, gathering feedback, etc. The full report should be out in August.

Ms. Tate asked members to consider the Commission's approach to the QRIS proposed revisions in the next 12 months. Members felt that dissemination was critical; to make sure that accurate information was going out across the system. In addition, there was a

great interest in utilizing technology to get information out, including webinars and possibly town-hall style meetings across the state. Ms. Tate suggested that talking points be created and shared with members and others.

The Commission took a break for lunch at 12:00 p.m. & resumed at 12:40 p.m.

**Montessori Program Participation In The QRIS - Lia Rucker & Nancy Hofer**

Ms. Nancy Hofer of Greensboro Montessori School and Lia Rucker of NCRLAP shared a handout on Montessori and NC's Star Rated License. They gave an overview of Montessori philosophy and practice and areas where these can be an obstacle to achieving high scores on the ERS. The presenter stated that "there is not a philosophical mismatch, and Montessori programs can achieve a 5 on the Rating Scale, but there are challenges and some 1 & 2 Star Montessori-identified programs appear not to see sufficient value in the Star system to take these on." This means that Montessori programs may be unable to demonstrate to parents what they have accomplished by way of the Star system.

**Public Comment**

Ms. Lorie Barnes, Executive Director of NCAeyc, stated that they are working to inform and promote NAEYC accreditation. She recognized the QRIS process as authentic and iterative, and attests to its value. An overarching theme emerged of readiness to raise the floor and ceiling of quality standards, done with respect and care for providers, to uplift and not harm them. She is glad that accreditation is recognized as a value in the QRIS recommendations. NAEYC accreditation values relationships and self-study of teacher practices as contributing to the quality provided for children and families. Perceptions of NAEYC accreditation as "Cadillac Care" are misleading and should be refuted. These standards are evidence-informed and provide an investment for children to be successful in school and in life. Ms. Barnes noted that Telemon Head Start received notification last week that all five programs received their NAEYC accreditation. NCAeyc took a new role in providing technical assistance to Telemon Head Start in their accreditation process. She ended by thanking the Child Care Commission and DCDEE staff.

Ms. Jessica Ward of NCLCCA-declined

**Public Hearing**

No one came to speak regarding Pre-K Rules .3001-.3016.

**Public Comment** -continued

Ms. Linda Piper, Executive Director of the NCLCCA, brought four concerns to the Child Care Commission members. First, providers need to be a part of the change effort of the Star system; she feels that the involvement of a broad sector has been affirmed in the QRIS process. Second, providers should be considered the Child Care Commission's most valuable resources when it comes to effective implementation of recommended changes. Third, there is a frequent disconnect between decisions made by the

Commission and DCDEE and the impact those changes have on providers, but she believes it's unintentional. Providers could identify potential areas likely to lead to unintended consequences so that the ultimate decision that the Child Care Commission makes could be much more effective and widely accepted. Fourth, three minutes is not enough time for individuals to adequately express their views during the public comment segment of the Child Care Commission meetings. She requested more time to get true feedback that is valuable and useful. She gave an example of town hall style meetings, webinars, meetings held one day prior to Child Care Commission meeting, etc. and asked if the Commission would be willing to consider some of these options to solicit and respond to provider input. She also expressed concern that the change from holding Rules Committee meetings separate from the full Commission meetings has excluded input from providers and others.

Ms. Billie Karel, Director of Toxic Free North Carolina, has been working with Khari Garvin of the Head Start Collaboration Office. Integrated Pest Management (IPM) focuses on prevention-based strategies using the least toxic alternatives for pest control. This is important for child care facilities, both indoors and outside, where the population is the most vulnerable to pesticides and toxins. It is a serious issue for the workforce, being largely women in their child-bearing years, nursing, etc. Research shows lower levels of pests and allergen issues using IPM prevention methods versus conventional methods, and that it is less expensive. Her company has been promoting and training on this the last few years, with a lot of positive response and success. Toxic Free North Carolina wants to raise the bar for contractors in pest control prevention to protect the kids and workers in child care.

**Public Comment ended at 1:30 p.m.**

**Commission Action:** Ms. Sue Creech moved that the meeting minutes from May 8, 2012 be approved as presented. Ms. Julia Baker Jones seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

**Rule Making Items - Dedra Alston**

The Nutrition rules were filed with Rules Review Commission and would have been reviewed at their June 20, 2012 meeting, but an extension was requested due to legislation going on regarding these rules. Rules that became effective July 1, 2012 were handed out by Ms. Alston (.0714, .1501-.1504, .1506 & .2904). The Child Care Commission may vote to adopt, or vote not to adopt, or do nothing at this time on the Curriculum rules. The definition of "curriculum" in Rule .0102 needed to be adopted on page two along with Rules .2802 and .2823.

**Commission Action:** Ms. Baker Jones moved to adopt the fiscal note for .0102, .2802 and .2823 and rules as written. Ms. Lorrie

**Looper seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

The rule-making petition from Ms. Deborah Beddingfield has to be granted or denied at this meeting. This letter was submitted since the May 8, 2012 meeting when Ms. Beddingfield brought the subject to Public Comment. The Child Care Commission reviewed her letter. The question was raised whether there was any reason to discuss or consider anything that would incur cost on the part of providers, per Executive Order 70 prohibiting such rule-making. Ms. Alston said that such a rule can be approved if it is in the best interest of the health and safety of children.

Ms. Tate asked for a brief interruption to establish and confirm a new date for the next Commission meeting.

**Commission Action: Ms. Sue Creech moved to change the September 17, 2012 meeting to August 22, 2012. Ms. Glenda Weinert seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

Ms. Tate pointed out that with this schedule change, the Commission is not legally obligated to consider Ms. Beddingfield's petition until the August meeting, however, Ms. Beddingfield is present and can provide clarification to the discussion. Attorney Alexi Gruber clarified that granting a petition puts it into the rule-making process but does not necessarily endorse it. A series of rules are represented in this document and each will have to be addressed individually. When you have multiple rules, you could deny some, but approve others, providing explanation in a response letter. The Child Care Commission does not have authority over liability insurance. Ms. Tate suggested addressing the proposed rules individually, approving or denying each. Approving means to begin the rule-making process, possibly tweaking the language or publishing as is. There can be a disclaimer note that the Commissioners do not totally agree with the language, which can be tweaked later before being adopted, but not changed substantively. To make significant changes, Ms. Gruber advised that it is possible to deny the proposed rule language but to begin rule-making on the same topic. Per discussion, this is the preferred route to take for many of these proposed rules.

**Commission Action: Ms. Honeycutt moved to deny Rule .1702 because the Child Care Commission does not have rule-making authority over the subject matter. Dr. Kathryn Clark seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

**Commission Action: Ms. Baker Jones moved to deny Rule .1705. Ms. Honeycutt seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

**Commission Action:** Ms. Honeycutt moved to deny Rule .1719 because the Child Care Commission has not been given authority. Ms. Sue Creech seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

**Commission Action:** Ms. Honeycutt moved to accept the petition of Rule .1903. Dr. Clark seconded. Ms. Tate asked what this rule means and if this petition clearly reflects the Child Care Commission interests. If not, it can be denied and then discussed in August to work on rule language to promote self-reporting. Children need to be safe and a system that encourages the safety of these children needs to be in place. Denying the rule does not mean that they can no longer discuss it. Ms. Honeycutt withdrew her motion and Dr. Clark withdrew her second.

**Commission Action:** Ms. Weinert moved to deny the petition Rule .1903 as written. Ms. Janice Price seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

**Commission Action:** Ms. Weinert moved that Rule .1903 be brought back to be discussed in the August 22, 2012 meeting with language recommended by DCDEE staff. Ms. Price seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

**Commission Action:** Ms. Honeycutt moved to deny Rule .1904. Ms. Stephenson seconded. Ms. Gruber pointed out that the Commission has no authority over DSS. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.

Ms. Tate thanked Ms. Beddingfield for making a difficult decision and hoped she understood that because of her work and compassion, the Commission will be studying how to address negligence on the part of employees in ways that will be more readily addressed and that don't penalize entire centers.

According to Ms. Tammy Barnes, the provider's license was revoked, she didn't appeal and is not in business anymore but the parents brought suit and Ms. Beddingfield became involved as a jury member. Ms. Tate said she will call Ms. Beddingfield and write her a letter to express thanks and remind her that her work is responsible for the Commission revisiting this on their next agenda.

Ms. Baker Jones asked if there is a way to track a person who has hurt a child, does the person have the right to open up a child care center elsewhere, and what role the Commission might play. Ms. Barnes said this has been a long-time concern and that a provider database which may address this is part of Race to the Top. Ms. Gruber described efforts to move toward individual qualification to work in child care that would take into account substantiated incidents. A request was made that it be put on the agenda for the following fiscal year to get periodic updates on the provider database. Ms. Gruber advised Ms. Tate that the letter of denial to Ms. Beddingfield's petition should explain why some of her suggestions were not doable as written but that the intent will be considered for rule-making.

Public Hearing closed at 2:45 p.m.
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**Rule Making Petition-Dianne Killen and Jan Guynn**

New language has been submitted regarding Rule .2903. Ms. Tracey Little of DPI helped Ms. Killen and Ms. Guynn fashion the new rule language, which they explained. They were questioned about and clarified the requirement for being served or supervised by a B-K licensed teacher in Developmental Day programs. The Child Care Commission has the option to grant or deny the rule-making petition today or at the August 22, 2012 meeting. If granted, it will be published. Ms. Gruber advised that the Commission could vote to publish as is, or vote to publish with a notation stating this is a result of the Rule Making Petition. Clarification was asked about where the Developmental Day rules originated. Ms. Anna Carter explained they came from Mental Health, but there was not the monitoring that now occurs under DCDEE and the rules didn't get to the same level of attention as is now provided.

**Commission Action:** Ms. Weinert moved to grant the petition as presented. Ms. Honeycutt seconded. In discussion, concerns were shared regarding the term "most appropriate" in line 16. This particular sentence puts a tighter restriction than what providers need. Ms. Stephenson suggested eliminating that sentence. According to Ms. Gruber, the petition from the public cannot be modified by the Child Care Commission, but Developmental Day can modify line 16. Developmental Day agreed to strike through the last sentence.

**Commission Action:** Ms. Weinert retracted her previous motion. Ms. Honeycutt retracted her second.

**Commission Action:** Ms. Weinert moved that the petition for .2900 be approved as modified. Ms. Price seconded. Ms. Tate called for a vote. The motion carried unanimously.

Ms. Gruber advised the Child Care Commission to vote on whether they are initiating rulemaking as the result of a petition or as an endorsement of the proposed language in the petition. Ms. Tate welcomed a motion from the Child Care Commission.

**Commission Action:**            **Dr. Clark moved that Rule .2900 be published as a result of a rulemaking petition. Ms. Stephenson seconded. Through discussion of endorsing the proposed text, members agreed not to take that position. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

<p><b>The Child Care Commission took a break at 3:11 p.m. &amp; resumed at 3:20 p.m.</b></p>
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Ms. Tate asked the Child Care Commission members to change the second quarterly meeting from November 13, 2012 to November 7, 2012.

**Commission Action:**            **Ms. Lorrie Looper moved to change the second quarterly meeting from November 13, 2012 to November 7, 2012. Ms. Price seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

Ms. Tate confirmed with the Child Care Commission that the next two meetings have been rescheduled for Aug 22, 2012 and November 7, 2012.

Ms. Honeycutt asked if SEEK updates could be included in Dr. Cassidy's DCDEE Report at future meetings. Dr. Cassidy said that it can be done, but information may be repeated until the program sees further changes.

### **Tracey Bennett Letter Regarding Guidelines for Product Updates & Pest Management**

Ms. Tate asked for the pleasure of the group regarding the letter and pest management, suggesting such options as to table it, suggest rule language, etc. It was asked if this is a sanitation piece or falls under the Division. Ms. Carter said that it falls under Sanitation. It was then asked if it is really under the Child Care Commission's purview to act on this. Ms. Gruber said that if considered a health and safety issue not covered by Environmental Health, the Child Care Commission has some rule-making authority in this area. A member cautioned that whatever the Child Care Commission does, be sure to coordinate with Environmental Health rules. Ms. Tate asked if the Child Care Commission would like to entertain further study, move on to other things, get the recommendation of staff, etc. Ms. Honeycutt requested further study of the concerns, what prompted this, what is required of the public schools and what is considered the least toxic. Ms. Karel stated that she is working on a policy statement in her work with Khari Garvin of the Head Start Collaboration Office. They can provide recommended policy language to the Child Care Commission that includes the impact on children as

rationale. The Green Scale was referenced as a book on environmental issues for child care. Ms. Karel stated she would be happy to investigate the Green Scale.

Ms. Bennett's letter also addressed toy materials and risks. Members asked to be informed about these items before they consider rule-making, in order to understand the potential impact on providers, as well as how conservative they need to be about toys, lead, BPA, etc. There needs to be a way to communicate that toys with these substances are a violation. Ms. Barnes said that rule regarding environments covers this but we can't always know what specifics will become relevant issues. This topic is also addressed in the Green Scale. Ms. Carter stated that the Green Scale will be presented for the August meeting.

### **Overview of DCDEE Website Features & Parent Checklist-Karen Ferguson**

Ms. Ferguson gave an overview of the website, highlighting things that have been added in the past year, in particular as a result of Commission requests. Regarding the Child Care Facility search site, Ms. Honeycutt asked if there could be an option for a director's response to a violation, accessible from the site. Ms. Ferguson stated that she will look into this with the IT Department. Ms. Ferguson asked the Commission members to email her about any problems discovered while searching the site. The newest tabs are NC Child Care Rules, Law and Public Information; NC Pre-K; and SEEK. The Español tab has been on the site a long time, but DCDEE is working to make it easier to find the page and to increase information available in Spanish. The What's New tab includes a link to information regarding recalls, where one can sign up to be notified by the FDA, CPSC, etc. The Parent tab has checklists for visiting and observing child care centers and family child care homes.

Ms. Tate asked the Child Care Commission if there were any comments regarding the checklists. She was struck by the terminology used to categorize items on the lists: required or not required by the state. She suggested alternate wording: as required by child care regulation (or General Statute) or as best practice (highly recommended but not required). This would be more accurate. Several areas were noted to be incorrectly categorized, in particular items referring to administration and to discipline. Ms. Tate suggested that members review the website and email Ms. Ferguson any concerns, making sure that everything is consistent with the rules. There has been progress in DCDEE's ability to make changes to information on the website rather than having to go outside the Division to have changes made. It was suggested that staff contact information be added to the website.

### **Next Steps For The Child Care Commission-Claire Tate**

Ms. Tate asked each Commission member to take time to consider and share suggestions on how their work can be a more efficient process going forward, being inclusive of provider and partner input. Round-robin emails were suggested, to keep everyone in the loop of their conversations, but it was asked if this is okay for process issues without violating the open meetings law. Ms. Gruber said that the Child Care Commission cannot make decisions without being in front of the public; the issue is to give public access to meetings. If the conversation affects the public, such as logistics, the

conversation must be held in front of the public. A standard of “reasonableness” applies. If conversations occur during a virtual meeting and Conference Room 300 is available, the public may listen.

The discussion included a concern that technical tools and opportunities for communicating are underutilized. Some felt there have been fewer outreach efforts by the Commission recently than in the past. The Consumer Outreach Committee was more intentional about this. Holding a separate Rules Committee meeting in advance of the Commission meeting gave Commissioners a chance to learn the process and to hear from outside voices; that dialogue and the input of resource people are missing when the Rules business is conducted during the Commission meeting. Providers want to be included at the front end instead of after decisions have been made. It was suggested that various opportunities for dialogue should be offered, such as during a webinar, a conference call or the day before the Child Care Commission meeting, especially on subject matter that the Child Care Commission knows people are most passionate about. Ms. Tate stated that she will send an email soliciting suggestions on how the Child Care Commission can operate more efficiently and asks everyone to copy their responses to Ms. Jani Kozlowski. The suggestions will be compiled by Ms. Kozlowski and presented at the August 22, 2012 meeting. Based on that feedback, the Child Care Commission can have an organizational conversation. In the same email she will ask for suggestions on how to improve the Child Care Commission orientations. Ms. Gruber stated that she will find out if the Child Care Commission members need to be sworn in.

A Vice Chair needs to be elected due to Ms. Deanne Smith’s resignation. Ms. Tate opened the floor for nomination suggestions for a Vice Chair to be selected for the upcoming August meeting.

**Commission Action: Ms. Stephenson moved to nominate Ms. Weinert as the Vice Chair of the Child Care Commission for the August 22, 2012 meeting. No one seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

#### **Closing Comments-Claire Tate**

Ms. Tate reviewed her tenure on the Commission and stated what a privilege it has been to do this job. She came to it with a commitment to the children of North Carolina. It has also been a privilege working with the awesome staff of DCDEE and its legal team, attorneys Jim Wellons and Alexi Gruber, who are very important to the Child Care Commission. With her colleagues, sharing time, experience, expertise, knowledge and wisdom has been exceptional. Ms. Tate recognized that there is a lot to do and hopes the Commission can be more proactive, less reactive, in the future. She will continue to come to the meetings to speak to the Child Care Commission. Until they focus on the needs of children and less on the problems of adults, children will not be where they should be. There is great deal of research on what school-age programs should look like in order for children to achieve good outcomes and the system does not yet support that.

She hopes to see additional attention in this area; the Child Care Commission can do a lot better by them. She closed with thanking the Child Care Commission members.

**Commission Action:**            **Ms. Tate moved that the meeting be adjourned. Ms. Weinert seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

**There being no further business, the meeting was adjourned at 5:00 p.m.**

The next meeting of the North Carolina Child Care Commission is scheduled for Wednesday, August 22, 2012.

**\*\*Note, the meeting was later changed back to the original date of September 17<sup>th</sup> in order to better accommodate the orientation and scheduling needs of the eight recently appointed Commission members.**