

*DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT
NORTH CAROLINA CHILD CARE COMMISSION
2008-09 FOURTH QUARTER MEETING MINUTES*

June 23, 2009

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

Commission Members Present

Margaret Anne Biddle – by phone Donna Rascoe
Magdalena Cruz Mary Roberts
Penny Davis Lois Stephenson
Lorrie Looper Claire Tate
Lynn Policastro – by phone

Commission Members with an Excused Absence

Vickie Ansley
Connie Harland
Linda LaRue
Dr. Mary-Cassie Shaw
Deanne Smith

Division of Child Development (DCD) Staff Present

Deb Cassidy, Division Director	Alexi Gruber, Division Attorney
Karen Ferguson, Workforce Standards Section	Jim Wellons, Commission Attorney
Kathy Shepherd, Workforce Standards Section	Tammy Barnes, Licensing Enforcement
Melissa Stevenson, Regulatory Services Section	Andrea Lewis, Regulatory Services Section
Mary Staak, Director's Office Policy Unit	Dedra Alston, Director's Office Policy Unit
Heather Laffler, Director's Office Policy Unit	June Locklear, Regulatory Services Section
Janice Fain, Administration Section	Nicole Wilson, Director's Office Policy Unit
Mary Lee Porterfield, Workforce Standards Section	

CALL TO ORDER

Chairperson Donna Rascoe issued a general welcome and called the NC Child Care Commission meeting to order at 10:15 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 Rascoe also reminded members to complete the appropriate motion form when making motions. Ms. Rascoe 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.

Ms. Rascoe reminded the audience that there is time for public comment at 12:30, so those wishing to address the Commission should sign up at the back of the room.

Ms. Rascoe reviewed the member packets and the handouts that were provided to the Commission members.

APPROVAL OF MEETING MINUTES – April 23, 2009 draft minutes were reviewed by members with no comments or revisions.

Commission Action: Claire Tate moved that the meeting minutes be approved as presented. Mary Roberts seconded. There being no further discussion, Chairperson Rascoe called for a vote. The motion carried unanimously.

DIVISION DIRECTOR'S REPORT – DEB CASSIDY

Dr. Deb Cassidy introduced herself as the new Director of the Division of Child Development and thanked both Janice Fain, for her work as interim director, as well as Cyndie Bennett for her work as the previous Director. Regarding the work of the legislature, Dr. Cassidy shared that at the time of the April meeting, only the Governor's budget was available for review. Now we have Senate and House budgets and we are seeing more dramatic decreases. The House budget was a little better than the Senate's budget because of revenue increases that were included, but after that budget was sent to the Senate, it was rejected, so the budget is now in the conference process. The House budget initially had a \$16.6 million reduction for Subsidy, but now we are looking at a \$12.1 reduction in Subsidy. In the House budget, there is a \$12.5 million transfer from state allocations to TANF funding and a total of \$67.5 in Federal Recovery (ARRA) funding allocated for Subsidy and quality improvement projects. DCD would also lose up to three vacant positions. There have been other proposed reductions in our operating expenses as well, but the Division will survive and our staff are always working on ways to make this work. Dr. Cassidy shared that all three of the released budget drafts have included an increase in the licensing fee for providers. This is expected to be an additional 50% increase and also includes a new fee for FCCH.

Dr. Cassidy shared that for our partner, Smart Start, there are cuts proposed. Regarding More At Four, at one point in the Senate budget, MAF was going to be coming over to the Division. That idea seems to be off the table at this point, but in the House, that program is looking at about a \$10 million cut. The plan, as Dr. Cassidy understands it, is that there will be a study committee to talk about bringing early childhood programs together, all early childhood programs will be further reviewed.

Dr. Cassidy shared that there have been a number of bills of interest, some of which have become law, including HB 1315 which amended the NC SIDS law and medical sleep position waiver to specify who can sign such a waiver. Previously, 'a medical professional' could sign, but now a doctor or physician's assistant must sign such a waiver. This bill will require rule making, so suggested rule language will come to the Commission at the September meeting. Another bill of interest is HB 1031, a bill that makes changes for building standards for public schools with pre-school classrooms. DCD was supportive of this legislation and satisfied with the content. HB 659 directs the Joint Legislative Program Evaluation Oversight Committee to study programs for children. This is a broad based bill that relates to child care facilities, after school programs, and many state services affecting children. Dr. Cassidy shared information regarding SB 1030, that is not supported by the Division. The language of this would allow use of playgrounds at schools not meeting DCD childcare licensing requirements for afterschool programs. The bill has received strong support (44-1) in the Senate. In the House, there was more opposition, but it looks like this bill is going to pass.

Dr. Cassidy shared that DCD has continued to make adjustments and necessary subsidy reductions due to overall budget reductions. DCD has been able prevent any terminations, however the waitlist is around 23,000. DCD is serving over 97K children around the state. As of July 1st, the Division will institute a change in our subsidy policy to allow families who have lost employment or have graduated from school and are seeking employment to have an extension of 6 months to search for employment, rather than the current 30 days.

DCD has now completed our 2009-10 CCDF plan. Plan submission and approval is a very long process, and on June 2nd, we had a public hearing to gather comments from the public and interested parties about our plan. A meeting was then held within the Division to discuss the comments and feedback we received. We have changed the plan according to some of these suggestions, and it has gone forward to DHHS and will be submitted to the Administration for Children and Families later this week.

Ms. Claire Tate thanked Dr. Cassidy for her work as the new Director. Ms. Tate asked if the Commission could see something that would lay out the changes made to the CCDF plan. Also, Ms. Tate said that she had is concerned about SB 1030. She said that the Commission and DCD staff have worked hard to improve school age care, and many schools have improved their playgrounds. Ms. Tate feels that the Commission has an opportunity for outreach to the public and the systems about what it does. The State Board of Education and DPI do not have the authority to enforce any playground standards across the state, and staff at DPI have shared that they have depended on DCD to help keep playgrounds safe. Ms. Tate shared that she feels this is an opportunity to build, in a stronger way, a situation that will be good for the safety of children in care.

Rule Making Action/Update:

Dedra Alston shared a timeline regarding rules under consideration , with the earliest effective date being April 1, 2010 including the review of the fiscal note, the rules published in the Register, a public hearing and time for public comment. There were no questions or comments regarding the timeline.

Committee Reports:

Ms. Rascoe said that the Commission would be reviewing the rule packet. By general introduction, the committees received information and research about preventing obesity and quality school age care in an effort to help support appropriate rule changes. Ms. Rascoe explained that at the beginning of the rules being reviewed, there are updated definitions and information.

There is a proposed revision for the BSAC (Basic School Age Care) training definition to reflect the current correct author as well as inclusion of the rating scales, licensing fees, and the definition of medical professional as it relates to the SIDS waiver for parents.

Commission Attorney, Jim Wellons, in reference to page 3, line 11, said that it should say "the owner is the licensee" not the other way around. It would be clearer or less ambiguous to say center, home, etc. Lois Stephenson feels that it would be clearer if facility could be defined in the definitions. Since 'facility' and 'operator' are defined in statue, the Division must follow those definitions. Mr. Wellons also mentioned concern about rules being repeated in various places and suggested consolidating repeated rules.

Ms. Tate, commented on this on page 3 as well. She recommends that lines 10-11 be struck and to leave operator deleted. Lines 21-25 would stay as they are.

Ms. Rascoe shared that there is a new definition for "track out program." This is, "any child care provided to school-aged children when they are out of school on a year-round school calendar."

Ms. Rascoe shared, from page 5, within the application requirements there has been the addition of a requirement to document the daily records of arrival and departure of each child and maintain that record. (line 29)

Ms. Rascoe said that on Page 8 lines 1-3 that a facility would continue to maintain records and documents they were required to present as a part of the application. Also from page 8, section .0508 Activity Schedules and Plans for Centers, a change is suggested increasing physical activity, including an hour of outside time if the weather permits and 30 minutes for children under the age of 2.

Ms. Rascoe referenced Page 9, section .508, also in general description of activities, requiring the inclusion of at least one outdoor activity if weather permits. Based on obesity prevention research that the Commission received, this is an attempt to increase outdoor and gross motor activity.

Ms. Rascoe referenced Page 10, regarding "screen time" in lines 19-25. The Commission received lots of information about this issue and what other states are doing about usage of television and computers when screen activities are provided, they shall be offered as a free choice activity and offered only at a maximum of 2.5 hours per week, to must meet an educational goal. Ms. Rascoe noted that there should be no screen time allowed for children under 2 years of age. Allowable exceptions are provided for special events such as holidays, current events or birthday parties.

Under General Safety, Ms. Rascoe shared that "firearms and ammunition" are to be removed from the "unsafe" list (items that are allowed, but must be locked up) and now included on a list of prohibited items.

On page 13 are references to health care professional for the SIDS waiver being changed throughout the rules.

Page 15, line 10, Jim Wellons said "authorized" should be taken out because it creates ambiguity.

Page 15, section F, line 21, Ms. Rascoe shared that this deals with the emergency medical procedures and that facilities should be sure that the required information is updated annually.

Margaret Anne Biddle asked for clarification on having a first aid kit being "on site" and that she believes that there should be one outside on the playground accessible if children are out there playing. Ms. Tate asked if the wording could be changed to "available" instead of "accessible." Mr. Wellons reminded the group that any terminology used must be unambiguous or clearly defined. There must be a standard that is quantitative and enforceable as well as objective. Ms. Rascoe believes that "available, on-site" would be sufficient.

Beginning on the bottom of page 17, Ms. Rascoe commented on the section for General Nutrition requirements, and shared that this also has changes regarding "health care professional," making it consistent with the other sections.

The next section to be discussed, beginning on line 30, page 18, is to recognize the importance of breastfeeding. Minimally, it seemed appropriate to accommodate breastfeeding and adding an appropriate amount of specificity that facilities will accommodate breastfeeding mothers, including employees, by providing a comfortable and quiet place to breastfeed or express milk. The designated place shall include "an electrical outlet, a comfortable chair and access to running water."

On page 27, Ms. Tate shared, beginning with "scope," the rule has been modified and simplified. All of the language about part-time and full-time care has been removed and the rule now would apply to all school-age children except as specifically noted.

Lines 20-21 were deleted. Line 23 notes the definition of a track out program.

On Page 28, text is changed to include summer camp and not all day camps.

On Page 29, Ms. Tate noted several modifications clarifying language and removing unnecessary words.

On Page 30, lines 12 and 13, this language is included in the aquatic activities section, and moved to a more relevant location.

Ms. Tate said that in section .2508 line 18 added the words "needs" (with age and interest of the children) and part b is an addition, requiring children to be involved in planning activities. Lines 21-24 were taken out because they contained unnecessary language already captured in another part of the rule.

On page 31, section d is deleted because c covers it.

On page 30, line 28 a new list of activities is included which will replace the 23 items that were listed. Ms. Tate asked if we needed to make sure that the word "daily" (lines 25 and 27) be kept in.

Also on line 30, Ms. Tate provided this language for the hands on academic enrichment activities "including, but not limited to, language, math, science, social studies and foreign language activities."

Ms. Tate suggested that "and" in the list of activities be changed to "or" to reduce ambiguity. On line 4 of page 31, skill-building will be hyphenated, and on page 34, line 2, the phrase "resources and" is added.

At the bottom of page 31, there is a school-age notation of the screen time rule.

Regarding staff qualifications on page 32, this allows that school-age training/qualifications are referring to BSAC or it's equivalent.

At the bottom of page 33, Ms. Tate said that the school-age committee felt it necessary to include information regarding staff interactions, beginning with several lines of descriptions and their relation to school-age children and using positive reinforcement.

Ms. Rascoe briefly reviewed the changes mentioned before the group moved into school age revisions. At this time, she opened the floor for additional comments or thoughts on the process from Commission members.

Lois Stephenson shared that she has a concern that providers are not being offered a chance to provide input on these changes. She suggested that the Commission delay rule activity until the full revision is available and provide a full package to the Commission members who are not here and members of the public. Ms. Rascoe said that the Commission has routinely received comments in rule-making about how the process is either too fast or too slow. Ms. Rascoe said that all Commission members have been kept up to date through email as well.

Ms. Tate asked what Ms. Stephenson would suggest to providing more input opportunity, and Ms. Stephenson said that the Commission has heard from very few school age care providers about the rules. Ms. Stephenson would like to delay rulemaking so that there is more time for the Commission to hear from providers about proposed changes. Ms. Rascoe shared that this process has not taken place any differently than in the past and suggested that the group move forward as planned on the current time line.

PUBLIC COMMENT

Chairperson Rascoe moved the meeting to a time of Public Comment at 12:45 p.m.

Shirley Brown – provided written comments to the members of the Commission.

Debra Stanley of Almost Home Childcare in Mocksville would like for teacher education requirement hours to be prorated. She also voiced up concerns about required outdoor time because of ozone issues, bugs, asthma. She understands the need for movement, feels that indoor movement should be an option as well because of circumstances with individual children. Ms. Stanley shared that with regard to changes for

accommodating breastfeeding mothers, she has no room for a separate place. She asked if there are going to be options when there is no additional space available. She can get a partition for a space, but is that going to pass? In reference to the school age playground changes, she thinks there will be more accidents in afternoon care as a result.

Linda Piper with the North Carolina Licensed Child Care Association shared some thoughts that she outlined as four "C's." First, is concept: Ms. Piper shared that she is not opposed the concept of children having more activity or spending more time moving and less time in front of the television. Her second point is "confusion." In the conversation today, she said she made note of some things that are still confusing: the definition of 'weather permitting,' whether or not a nurse/PA/Doctor can actually sign a SIDS waiver, and breastfeeding: What if a facility only has preschoolers? Also, what about school aged children having the opportunity to give input on activities, how would this be monitored? Concerning gross motor activity, she does not believe that this addresses physical activity. Her next comments are concerning collaboration. She feels that the Commission, in the process of writing rules, is missing out on the opportunity to include other people. She does not feel that the Rules committee is an inviting place to be if you're not on the Commission, and over the years, she feels that being able to offer input has gotten harder. She asked if the Commission is consulting the child care consultants. Ms. Piper shared her thoughts that if it's important enough for school-aged children to be provided the opportunity to participate in the planning of their activities, then why couldn't the Commission and Rules Committee sit down with providers to participate in rulemaking.

Ms. Rascoe shared with Ms. Piper that providers are always welcome to comment to the Commission about anything that the Commission does in its work, including work done in the committees. She shared that there is not routinely a time for public comment in committee meetings, but if someone who has wanted to make a comment has been turned away, she would like to know about it.

Debra Townsend shared an update about the ERS assessments that she spoke to the Commission about in April. Shortly after the April meeting, her center was told that its scores were not going to be considered because of a floater in the room for a large portion of the observation. Ms. Townsend said that this was not true and told the assessor to send the scores through. Ms. Townsend said that she will not consider her scores until they are signed by the administrator of the program. If her scores are low, she said that she will contest them and not go through re-assessment and will just depend on her education scores and points for her star rating. She shared that even though it was offered to her, she will not allow the Division to pay for a re-assessment either. Ms. Townsend said that there are some particular things that happen during assessments that she disagrees with and she wants child care consultants from DCD to do this job of rather than contractors. Ms. Townsend said that she has further comments and will mail her comments and suggestions for Commission members to review.

Jean Arnlane of Sunshine House in Greensboro shared thoughts on the playgrounds at afterschool programs. She said her programs work hard to meet standards, so she is unsure of why programs would not want to keep quality standards as children are the same. If you are going to raise quality standards should be raised to meet the high levels all the way around. She said that it seems like these new rules are causing things to go backwards if it is now being allowed for certain after school programs to avoid meeting certain standards. She shared that her staff work hard to provide good customer service as much as they can. Ms. Arnlane shared that her center lets mothers choose a place to go to breastfeed. They are welcome to be in an office, staff lounges, or even places in the infant rooms, so why would they need to build a specific location. Finally, she shared that she feels like there should be a two months extension on moving forward with these rules, as stated by Ms. Stephenson, which would give child care providers a chance to process all the details of the new rules and updates learn what will need to change.

Vernon Mason, owner of several centers in Wilson, NC, spoke concerning accessors leaving the classroom to speak to him about questions. He said that even concerning table sanitizing, the detail that goes into the critique of the moment a teacher takes to clean the tables is a waste of energy. He said that he believes it is short sighted for the group to be here talking about rule changes when there are other things to work on like the budget, subsidy and having staff cross-trained on doing education evaluations. Mr. Mason shared that he feels some of the changes in rules that the Commission makes do not set up centers to pass ERS because the Rating Scale Project's stipulations are different. He does not feel that the aquatic rules are safe. Currently, a teacher has to stay in a pre-assigned spot, but when the children move, she needs to move, therefore no longer being in her pre-assigned position. Also, half the staff have to be in the water. He does not feel that makes common sense. He would encourage the Commission to think through problems before implementing rules. Concerning the breastfeeding rules, where would a facility put a mother to meet all the rules? And how would consultants interpret that rule or the space?

Annette Gentry, of Creative Day School overseeing 4 centers, shared that she feels that providers do need more time to process all of these rule changes. She said that a lot of centers are not even aware that the Commission is publishing rules so they do not know to be here at the meeting and speak their feelings, and after years of this, the providers fight feels futile. She commented that one cannot legislate common sense. The industry is still under the fiscal impact of the rated license. If you take away Smart Start bonuses, we won't make it. She commented that instead of making new rules, the Commission should work on fixing the broken ones. As the people who are being affected by the rules, she feels they are still taking more financial hits.

Ms. Rascoe noted that the Commission shares speakers' opposition to the piece of legislation concerning after-school use of playgrounds.

Lori Snyder, from the Division of Public Health, shared information about recommendations for physical activity. She shared a handout with the Commission called "Move More NC" concerning physical activity and support for a coordinated approach to physical activities. Ms. Snyder said that this document allows for the fact that school programs are very different and creates a consistent message that we can all work toward achieving together. She would like the commission to recommend these standards for physical activity in child care.

Ms. Rascoe shared information about civil penalty time frames. An operator must notify all the parents enrolled at a facility within 2 weeks of an administrative action. Ms. Stephenson said she feels that this needs to be lengthened to thirty days instead.

Ms. Tate requested continued effort toward posting the Commission agenda and minutes on the DCD website.

NEW BUSINESS:

Commission Action: Mary Roberts moved to adjourn the meeting. Lorrie Looper seconded the motion. There being no further discussion, Chairperson Rascoe called for a vote, and the motion carried.

There being no further business, the meeting adjourned at 2:55 p.m.

The next meeting of the North Carolina Child Care Commission is scheduled for Thursday, September 10, 2009.