

*DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF CHILD DEVELOPMENT  
**NORTH CAROLINA CHILD CARE COMMISSION**  
**2010-11 THIRD QUARTER MEETING MINUTES**  
**February 10, 2011**  
*Division of Child Development*  
*319 Chapanoke Road, Suite 120*  
*Raleigh, NC*  
*Conference Room 300**

**Commission Members Present**

Connie Harland	Claire Tate
Norma Honeycutt	Magdalena Cruz
Lorrie Looper	Linda Knight
Laurie Morin	Deanne Smith
Lois Stephenson	

**Commission Members with an Excused Absence**

Margaret Anne Biddle, Angela Boyce Davis, Penny Davis, Julia Baker Jones, Dr. Mary-Cassie Shaw, Jennifer Svenstrup

**CALL TO ORDER**

Chairperson Claire Tate issued a general welcome, and called the NC Child Care Commission meeting to order at 9:15 a.m. Members of the audience wishing to address the Commission were asked to sign-up for public comment and, if interested, 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 today's agenda items, and none were mentioned. Nicole Wilson called the roll. At this time in the meeting, there is no quorum for decision making. The Commission members who were absent from this meeting all requested, and received, excused absences.

**DIVISION DIRECTOR'S REPORT – DEB CASSIDY, Director**

Dr. Deb Cassidy greeted the Commission members and thanked those that were able to attend today. She shared that the Division has already been receiving financial cuts, and anticipate the Governor's budget to come out next week, so we will be able to see what the results will be for the next biennium.

Regarding our proposed legislative agenda, we have sent several things forward to the Department, so we will wait to hear if these will be included in the Department's agenda. Most of these things have to do with cleaning up rule language regarding Criminal Record Checks, but also a pre-service criminal record check and sex offenders registry requirement. We would like DCD to take responsibility for the local checks and have providers be responsible for the federal check. This would be a neutral cost change because the cost for each is the same. This would even include volunteers that are counted in child care classroom ratios.

We are working toward better articulation agreements with community colleges and universities in the state, which is a very important thing for students pursuing further education. This is one of the items that has come forward from our Professional Development Advisory Committee. This has been a barrier for

providers for a long time. The ECAC has been talked to about this, and the possibility of a future Executive Order has been discussed with the Governor's Office. Currently, we know that the lack of agreements is a waste of state resources.

SEEK Update (Subsidized Early Education for Kids)

Next, Dr. Cassidy shared an image of the SEEK card for families. This program will be rolled out in two phases. By the first of June, we could have all the POS swipe machines in all our facilities and cards issued to parents. So, a June 1<sup>st</sup> date for phase one, which is just for attendance tracking, could be feasible. Phase 2 will not roll out until late fall, as we anticipate it at this point. That is the payment system portion. This will issue twice a month payments to the providers, making it much faster through direct deposit to their account. Lorrie Looper asked if the expiration date on the card would represent the eligibility expiration date. Norma Honeycutt asked some detailed questions about missing swipes or multiple cards for families with different responsible parties for drop-off and pick-up. Staff helped to share more of the details of problem solving with the system and what is needed for success. Ms. Tate asked if the system could be used for non-subsidized care so that attendance could be tracked facility wide so as not to draw attention to families who are receiving assistance. Ms. Honeycutt also expressed concern for the stigma that would be attached to families who use the card and the public use of it in facilities.

Subsidy Market Rate Survey

The surveys have been distributed to all applicable child care facilities, and most have been completed and returned to the contractor, NCSU Center for Urban Affairs and Community Services. We have learned that approximately 97% of centers and 79% of homes statewide have sent in their responses. We are eager to see what the results will tell us about the state. The survey is capturing both private pay and subsidized enrollment and rates, as well as More At Four children who are in licensed programs and Head Start facilities. We are also looking for additional information about the impact of the economic troubles on programs.

Unfortunately, we are still seeing devastating numbers in the Subsidy waiting list. We have seen a small decrease since late 2010, but there are still over 45,000 children waiting.

As was mentioned before, DCD has plans regarding individual verification of staff qualifications. This will probably come to the Commission at the May meeting. We want to see pre-service requirements for: Criminal Background Checks, Responsible Individual List, Sex Offenders Registry, Verification of Certification Level, and First Aid/CPR. We think this is an incredible package that would be required for staff and relatively cost neutral. It may be problematic, time wise, for providers in hiring teachers, and we realize there would be timing issues on our side of things, but we feel these are all very important things to have in place before a teacher spends even one day with children.

The Memorandum of Agreement between DCD and the Institute for Child Development Professionals is still under development. The attorneys are working on this now. A lot of the things have been set, including fees, etc. and would not be able to be changed without input from the Division.

Regarding plans for the DCD Website, we have interest in expanding access to information related to the Child Care Commission, DCD rules & child care law. We would like to also have a newsletter that would go out to providers. This would help provide easier access for public record requests as well as provide ongoing updates to the early childhood acronyms list.

DCD Ongoing Contracts: Things do not look good at the Federal level for funding. The budget climate will likely result in cuts to projects such as the CCR&R system, NC-RLAP, and T.E.A.C.H. There are proposal reviews for ongoing contracts that will begin in late February, and we have asked them to bring their

proposals with 7.5% cuts to their budgets. The CCR&R Council Management RFA process is nearing completion.

Shared Access Website Plans: DCD is working with a contractor to design a website that would track workforce data. It's in the design phase, but the plan would be that this would be a shared access website – access eventually available to individuals, supervisors, consultants, the Institute and DCD Regulatory and Workforce staff. Everyone would use the same system for workforce data.

NAEYC Accreditation of Early Childhood Associate Degree Programs at Community Colleges – DCD has a contract with the community college system to fund NAEYC accreditation of 10 Early Childhood Associate Degree Programs. Applications for the accreditation are coming in now. NC is close to the lead in having the most colleges with early childhood program accreditation. We currently have 14 and hope to get another 10 through this process. This would help ensure strong, viable early childhood programs to educate our workforce.

Professional Development Advisory Committee – This is a follow up to a desire to get input from communities about what our state considers important issues regarding professional development. Eighteen regional groups were formed, and they have been meeting to discuss local issues and needs. The big topics of discussion that we're seeing statewide are mentoring and professional development plans. The full committee has plans to meet again in March and have invited Marcy Whitebook from the University of California – Berkeley, a national leader in Early Childhood Professional Development and Leadership, to do a video conference with the group to help guide the discussion on mentoring.

Cultural Competence Pilot Project – We have been selected among thirteen states to work with the National Association for the Education of Young Children to pilot test a self-assessment tool on cultural competence. How well are we doing in our centers when it comes to being culturally sensitive? We will do a pre-test with the tool and then a full day of training on these issues, with a post-test following. The data will be shared with NAEYC along with the other 12 states, and they will compile the data.

Follow Up to Executive Order 70 - The Commission met by conference call on 11/16/10 to review proposed rules to be considered for modification or elimination. Simultaneously, the Governor had a web-comment site available so individuals could comment on rules they felt were unnecessary, and while we don't know how many went to the Governor, only two comments related to child care were sent back to us to review and work on. The Governor has asked the legislature to repeal 900 rules immediately, and the rule that we are to repeal is regarding temporary child care requirements. Related to this is Senate Bill 22. This is an item of interest right now, and was heard by the Senate yesterday, February 9. This would prevent agencies from adopting rules under certain circumstances. It doesn't mean we stop our work, but just a reminder that we should continue to consider all implications before presenting rules for approval.

Ms. Looper had a question about the SEEK cards, wondering if programs who do not have internet access will have problems with the system, and staff explained that only a phone line would be required.

Additional Commission Members were joined to the meeting by phone. Magdalena Cruz, Linda Knight and Deanne Smith joined by phone. Those present in the room are Connie Harland, Norma Honeycutt, Lorrie Looper, Laurie Morin, Lois Stephenson, and Claire Tate.

**APPROVAL OF MEETING MINUTES –** November 10, 2010 draft minutes were reviewed by members at this time.

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

### DECLARATORY RULING

Nancy Brown from the Board of Directors at the Frankie Lemmon School addressed the Commission. She shared a little background about the school's history as well as the content of a letter they submitted to the Division regarding rules for developmental day programs. She introduced other key members who were there to represent the school. The Frankie Lemmon School has asked relief from rule 10A NCAC 09 .2904, explaining that they would like extra time in order to relocate their school which would increase capacity and would then give them the space they need to include typically developing children. Currently, though the Frankie Lemmon School only teaches developmentally delayed children, they are in the building with the Hayes Barton Baptist Church preschool, which enrolls typically developing children, so the children in both programs have consistent interaction with one another. Because the rule requires enrollment changes in ratios of typically developing children along with children with developmental delays, representatives from Frankie Lemmon School feel that they will experience some financial hardship because of their limited enrollment as things are now. Norma Honeycutt asked if the school would have children who age out and they could replace with typically developing children. They explained that of the 25 children they have, 8 are leaving in the fall. They do have a waiting list to fill these spaces. In order to meet the rule's requirements, the school would need to replace those 8 children plus 5 more children (removing children from current care now to replace with typically developing children). They feel that they will be able to fill their enrollment with developmentally delayed children because of how popular the school is, but fear changing up their enrollment would create some financial hardship on the school. The current cost for a child to attend the Frankie Lemmon School per year is about \$21,000. The school system covers about half of that, and the other half comes from fund raising efforts. Currently, no parent pays a fee for enrollment. The school is not against inclusion, and they shared that when the school is able to finish making their location move, they will pursue a 50/50 enrollment of children of typical development along with the developmentally delayed children in their program.

After continued discussion of the issue, Jim Wellons, Attorney General assigned to the Child Care Commission, shared that the Commission cannot grant this request. It does not have the authority to grant the declaratory ruling because the law states that for a rule to be waived there must be provision for the waiver, with specifications on such waivers, written into the rule itself, nor is there any such waiver written into any of the childcare rules. He recommended that the Commission ask Division staff to work on possible change to the rule text and to schedule an additional meeting to work through that language as a possible alternative. Chairperson Tate thanked the representatives from Frankie Lemmon School for presenting their request formally and asked Division staff to prepare a possible amendment to the rule and schedule a meeting within the next month to review and consider that amendment.

*The Commission took a short 5-minute break.*

### PUBLIC COMMENT

Jennifer Gibbs from Little Stepping Stones CDC – She is concerned about the cost of pre-service requirements that were mentioned for providers as well as the certification rules that do not do a service to the children in her care. She has high regard for education, but does not feel that it completely replaces experience. The scales are a great way to help ensure that programs are doing everything they can to improve their quality, but it's very expensive as well. The supplies and suggestions that are set out for materials and training are too expensive to keep up with. Because of this, she feels they have been set up

to fail. Ms. Tate explained that the General Assembly passed the law about certification, not the Commission, and that she appreciates her voicing her concerns.

Nancy Hoeffler from Greensboro Montessori School – She would like to align the Montessori philosophy with the ITERS and ECERS. Few Montessori schools choose to participate in the scales because the teaching methods don't align. They take the one-star and explain to parents about the alignment issues. She provided some examples of how they do things differently. She asks that we consider the Montessori rationale and the reasons they do the things they do in their classrooms. The Montessori schools do need to have standards, and some do self-assessments, but she would like to see some alignment.

Linda Piper from the NC Licensed Child Care Association – She shared that in the discussion this morning regarding the SEEK system, the stigma and the human element are definite factors that need to be considered. She feels that the Subsidy system may see some attrition because of this. The four cards that were mentioned would only apply to two-parent homes. The savings that will come is also a concern. There may be some administrative savings, but the providers would have to take the brunt. There is concern about the attendance issue as well. There will be cost to providers, and she said she would share more of these concerns by email.

Debra Torrence, Director of the NC Institute for Child Development Professionals – She wanted to share an update on the certification process going on right now. There are over 12,500 providers who are fully certified. Over 16,000 have been fully entered and are complete. 4,000 have been notified that their applications were incomplete. She listed some of the other achievements of the Institute through this process including the development of CEUs and webinars across the state. Updates on renewal are posted on the Institute's website. This includes changes to the school-age population.

*The Commission took a break for lunch at 12:00 p.m.*

### **PRESENTATION**

Alice Lenihan came to make a presentation about child care nutrition standards and the work of the Division of Public Health based on legislation regarding this matter.

### **PUBLIC HEARING**

Members Magdalena Cruz, Linda Smith and Deanne Smith were confirmed in attendance over the phone. Chairperson Tate called the meeting into Public Hearing for rules listed on the agenda.

Linda Piper with NCLCA shared a handout letter to the Commission. She feels that there are lots of difficulties in regards to adding certification options to the current rules. The rules are already difficult to follow, and now with the addition of certification options, it will complicate things further. While alignment was pursued, it hasn't been 100% achieved. There has been no study on how this will fully affect providers. She feels that if the intent of this change is to simply provide an additional option to providers, then perhaps the Division could pursue a policy statement instead.

Debra Torrence from the NC Institute for Child Development Professionals provided a flyer filled with quotes from providers across the state who have offered comments in support of certification.

Nancy Haddock, a director from Wilmington, NC – She is a provider and strongly objects to the rule changes in regards to certification. She read a letter she has written about her concerns. She feels that there is no need for this kind of paper work with these rules. She is concerned about the Institute's role since the Division already has staff and processes in place to evaluate higher education of early childhood staff.

Continuing education is already being reviewed as well. She feels that fees and increasing hours for staff who are already overworked and underpaid is not encouraging at all.

Alice Lenihan continued with her presentation.

**PRESENTATION**

Jani Kozlowski shared a brief update on the QRIS Advisory Committee and their recommendations this far.

Chairperson Tate asked if anyone else would like to speak for Public Hearing. There being none, she called the hearing to a close. March 21, 2011 is the end of the public comment period for these rules.

*Commission Action: Laurie Morin moved that the Commission deny the request for declaratory ruling by Frankie Lemmon School for the rule 10A NCAC 09 .2904 program requirements because the Commission does not have the authority to grant such a request. Lois Stephenson seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously. A written letter will be written to the petitioner.*

**RULEMAKING DISCUSSION**

A citizen has written a letter and asked the Commission to initiate rule making to amend Rule 10A NCAC09.0714 (f), Chapter 9. The petitioner has listed two things that she would like to be placed into the rule as an amendment. The petitioner would like to address the Commission in May.

*Commission Action: Lois Stephenson moved that the Commission invite this citizen to the 4<sup>th</sup> quarter Commission meeting and present her case so that the group may reevaluate it at that time. Laurie Morin seconded. There being no further discussion, Chairperson Tate called for a vote. The motion carried unanimously.*

An additional meeting will be scheduled in late March for the Commission to discuss the issue around rule 10A NCAC 09 .2904, as brought forth by Frankie Lemmon School. This will likely be held by phone.

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

*There being no further business, the meeting adjourned at 3:55 p.m.*

**The next meeting of the North Carolina Child Care Commission is scheduled for Wednesday, May 25, 2011.**