

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION  
NORTH CAROLINA CHILD CARE COMMISSION  
2011-12 FIRST QUARTER MEETING MINUTES**  
**September 27, 2011**  
**Division of Child Development and Early Education**  
**319 Chapanoke Road, Suite 120**  
**Raleigh, NC**  
**Conference Room 300**

**Commission Members Present**

Margaret Ann Biddle	Lorrie Looper
Kathryn S. Clark	Laurie Morin
Sue Creech	Janice Price
Norma Honeycutt	Lois Stephenson
Julia Baker Jones	Claire Tate
Linda Knight	Glenda Weinert

**Commission Members with an Excused Absence**

Julie Cardwell, Maureen Hardin, Connie Harland, Deanne Smith

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

Deb Cassidy, Division Director	Lori Pugh, Regulatory Services
Anna Carter, Division Deputy Director	Andrea Lewis, Regulatory Services
Jani Kozlowski, Director's Office	Melissa Stevenson, Regulatory Svcs
Mary Lee Porterfield, Director's Office	Karen Ferguson, Director's Office
Kamiran McKoy, Director's Office	Laura Hewitt, Regulatory Services
Dedra Alston, Director's Office	Janice Fain, Administration
Nicole Wilson, Licensing Enforcement	Melodie Ford, Regulatory Services
Kimberly Mallady, Licensing Enforcement	Kathy Shepherd, Workforce Stds
Alexi Gruber, Attorney General Office	Lisa Lyons, Licensing Enforcement
Sherri Hall, Licensing Supervisor	Janet McGinnis, Director's Office
Beverly Moore, Regulatory Services	Fay Lewis, Subsidy Services
Jasmin Volk, Intern	Tammy Barnes, Regulatory Services
Kay Lowrance, Regulatory Services	Sarah Buckner, Regulatory Services

**CALL TO ORDER**

Chairperson Claire Tate began with a review of the packet of materials provided for the Commission member discussion. Role call was taken by Kamiran McKoy. The Commission members who were absent from this meeting all requested and received excused absences. Ms. Tate continued the review of the remaining agenda. She reminded the Commission members to make sure that their demographic information on the Child Care Commission member list was current. Meeting was called to order.

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**APPROVAL OF MEETING MINUTES** - August 16, 2011 draft minutes were reviewed by the Commission members.

**Commission Action:** **Julia Baker Jones moved that the meeting minutes be approved as presented. Margaret Anne Biddle seconded. After some discussion about a correction on page 2, changing the name Julie Price to Janice Price, Ms. Tate called for a vote. There being no further discussion, the motion carried unanimously.**

### **DIVISION DIRECTOR'S REPORT**

Dr. Deb Cassidy informed the Child Care Commission about the Division of Child Development and Early Education budget. Most of the money is federal money from the Child Care Development Fund (CCDF) Block Grant. The budget currently stands at \$671 million, of which \$266 million are state funds. There are currently approximately 265,000 children in the child care system and approximately 25,000 children in the Pre-K system. CCDF Quality dollars continue to fund Child Care Resource and Referral; the Rated License Assessment Project; Health and Safety Bulletin; TEACH Scholarships; TEACH Health Insurance; and WAGE\$ Administrative costs, despite necessary cuts to these projects in FY 2011/2012. For a state as large as North Carolina the funds available are not enough to cover these programs.

North Carolina is actively involved in the Race to the Top (RTTT) Early Learning Challenge grant application. Only 35 of 50 states anticipate that they will apply. North Carolina was ranked in the top 11 states in the competition for funds. As a representative of North Carolina, Dr. Cassidy attended a seminar in Chicago for the top contenders to receive assistance in developing proposals.

A high percentage of RTTT funds will be directed to professional development and workforce initiatives. In the Request for Proposals, there is an emphasis on kindergarten readiness assessment. Another primary interest for North Carolina is to come up with great ideas for our QRIS. Our QRIS Advisory recommendations have contributed to development of the proposal. North Carolina is eligible for a grant of \$70 million. There is a stakeholders meeting for RTTT (October 6<sup>th</sup>) to get input on North Carolina's application.

The House Select Committee on Early Childhood Education Improvement is co-chaired by Representative Rayne Brown and Representative Justin Burr. Representative Burr is interested in curriculum for the Four and Five Star programs and was instrumental in raising eligibility to participate in the subsidy system to three to five star programs. The Select Committee will spend a full day discussing Early Childhood programs in North Carolina, with Smart Start, Subsidy and Pre-K on the agenda. A copy of the Race to the Top stakeholders group and a meeting schedule of the House Select Committee on ECE Improvement will be sent to Commission members by Jani Kozlowski following the meeting.

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A reporter from Time Magazine spent three days in North Carolina learning about the North Carolina Pre-K program for an article in an upcoming edition. The reporter interviewed teachers, parents, Ms. Kozlowski and Dr. Cassidy and visited several NC Pre-K classrooms.

Currently there are 24,757 children being served in the NC Pre-K program. Contracts were executed this week. In spite of the short two month transition, there have been few delays in contracts and pay. The NC Pre-K Kids and NC Pre-K Plan databases are up and running as well. We are operating under Judge Manning's ruling while the issue is in the court of appeals, which could go on for a long time.

DCDEE is required by law to establish and collect licensing fees from all child care facilities. Child care programs will receive their invoices in mid-October, and payment is due November 30. The amount of the fee is based upon the licensed capacity of each program, and the fees have not increased. We are working on a mechanism for providers to remit their payment electronically via the DCDEE website.

The 2011 budget bill required that DCDEE no longer accept unlicensed child care providers (i.e., family, friend, and neighbor caregivers) in the subsidy system. This will be phased in as of August 1. DCDEE is no longer accepting new unlicensed providers in the subsidy system and will be working with current providers to transition to licensure.

The budget bill also directed DCDEE to eliminate subsidy payments to 1 & 2 star facilities. This policy will be phased in with full implementation by July 1, 2012. DCDEE will be working with 1 & 2 star facilities to transition them to higher stars so they may maintain their eligibility to participate in the subsidy system.

There are 30 counties currently using the SEEK system swipe cards. All providers will be using the swipe cards for attendance reporting in the SEEK system by December 1st. There have been a few parents who have come to facilities with their SEEK cards and the machines were not available, but as time progresses this issue will be resolved. The payment system for SEEK will begin to be piloted in March. The whole system will be implemented statewide by July 1, 2012.

Child Care Subsidy Services Funding totals nearly \$4 million for State Fiscal Year 2011-2012, not including an estimated \$60 million in parent fees which are collected annually. The vast majority of families receiving subsidized child care in NC are working or seeking employment. Other families are receiving subsidized child care due to education; child protective services; developmental needs; and child welfare services. Eighty-one percent of families receiving subsidized child care make \$25,000 a year or less. The waiting list for subsidy was decreased by 400 children from May to June, but there are still 45,000 children on the waiting list as of July, 2011. North Carolina has received a Work Support Strategies Grant through the Ford Foundation. The grant will assist NC in designing, testing, and implementing integrated service delivery for low-income working families. We are one of nine states to have received this grant. Responsive and efficient services are essential for the families we serve.

Dr. Cassidy concluded her update by taking questions. Attorney Alexi Gruber questioned the amount of revenue the state of North Carolina would acquire from the licensure fees being collected. According to Dr. Cassidy, the state would receive approximately \$1 million.

Ms. Tate read into the record response letters regarding the statement of economic interest for Ms. Glenda Weinert and Dr. Kathryn Clark, confirming that there was no conflict regarding their service as Commission members.

### **RULEMAKING UPDATE/ACTION AND DISCUSSION**

Regarding Rule .0714 - The rule was not clearly defined to ensure children's safety while under the supervision of a deaf teacher. Lines 8 through 10 were shown to be modified. Sue Creech agreed to make the change. Norma Honeycutt asked if representatives of deaf and hard of hearing programs agreed with this change. According to Dr. Cassidy, they did. There has to be at least one teacher who knows where a specific child is located on the playground (in what zone) when a consultant comes to evaluate a site. The teacher should be able to verbalize where that specific child is in that zone.

**\*\*Commission Action:** **Sue Creech moved to publish text for Rule .0714(f) & (g), lines 8-26 as presented by staff. Janice Price seconded.**  
**It was agreed that the rules regarding supervision do not need to be amended any further. The motion carried unanimously.**

**The Commission took a short 10 minute break.**

**Rulemaking Update/Action And Discussion Early Educators Certification Rules**

Regarding vote to adopt Rules .0102, .2819, .2820, .2822 – Page 4 of Rule .0102 shows the proposed change of clarifying the definition of Certification on the Early Care and Education Professional Scale (ECE) and School Age Professional Scale (SA). Rules .2819, .2820, .2822 will have language regarding equivalency options. Ms. Tate recommended dates to be added to the end of each scale defined on the rule.

**Commission Action:** **Julia Baker Jones moved to adopt text for Rule .0102 Items (1), (9), (19), (21), (32) with the following modifications to Item (21), starting from line 10: "The Early Care and Education Professional Scale (ECE scale) in effect as of 07/01/2010 or the School Age Professional Scale (SA scale) in effect as of 05/19/2010."**  
**Lois Stephenson seconded. With no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

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Regarding Rule .2819 – Ms. Honeycutt inquired about an incentive for certification. This included there being less paperwork that providers had to complete when a licensing consultant comes for evaluations.

**Commission Action:** **Norma Honeycutt moved to adopt text for Rule .2819 as written. Kathryn Clark seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

Regarding Rule .2820 – The definition of BSAC was determined in Rule .0102 line 14 “Other training shall be approved if the Division determines that the content of the training offered is substantially equivalent to the BSAC training.” “School-age” is spelled with the hyphen between “School” and “age” for clarification and consistency.

**Commission Action:** **Sue Creech moved to adopt text for Rule .2820 with changes as written. Lorrie Looper seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

The Education Standards for a Two Component Rated License for Family Childcare Homes, Rule .2822 was discussed next.

**Commission Action:** **Julia Jones moved to adopt text for Rule .2822 as written. Janice Price seconded. There being no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

### **PUBLIC HEARING**

A Rule Making Petition adjustment in Rule .0714(c) regarding the lead teacher schedule requirements was recommended by Johnna Hewitt from A Child’s World Learning Center. She requested that the Commission consider language where the lead teacher was present in the class for 2/3 of the total weekly hours versus the daily hours. This would include staff and lead teachers working 10 hour days for 4 days of the week instead of working 8 hours a day for 5 days of the week. In her center, it has been working well, minimizing absenteeism and schedule adjustments.

Dedra Alston stated to the Commission that the petition could be granted or denied. Granting the petition would mean that the Commission will go forward with the rule-making which is publishing the rules in the NC Register, holding a public hearing and accepting comments for 60 days. If the petition is denied, a letter will be mailed to the Petitioner explaining the reasons for the denial.

Ms. Hewitt explained that this adjustment would benefit centers everywhere. It would allow staff to work in alternate schedules that provide more consistency for children and care, because the teacher is there for 10 hours daily, 4 days a week. Therefore, the parents would see the same teacher when they drop the child off and pick them up. Teachers take a paid 30 minute lunch break on the clock and never leave the premises in

case they are needed. The directors do not have to juggle schedules to make sure that there is coverage in the mornings or afternoon, teachers get a day off in the week to do personal things and are happier. A question was posed by the Commission that on the fifth day of the week, the support staff works in the classroom on the lead teacher's day off. Are any of the assistants qualified to be a lead teacher in her child care? Ms. Hewitt stated that they are, but they may not have the exact same level of qualifications as the lead teacher.

DCDEE staff stated that the Commission should discuss whether on the lead teacher's day off, the non-lead teacher should meet the same qualifications as the lead teacher. If not, it is recommended that the rule would remain as written. In this instance, if the petition is granted, the language that is used in Ms. Hewitt's modification of Rule .0714 will be presented. There should be a study to determine how programs are operating on this type of flexible scheduling. A major concern is the quality of care given under the supervision of the non-lead teacher.

Per Attorney Gruber, other outside comments need to be considered for this recommendation. There needs to be security for staff and security for the children. Ms. Hewitt mentioned how much of a challenge it would be for an operational center to have lead, assistant and support staff on the days that the lead teacher is off who meet the same qualifications as the lead teacher. This would result in having to pay all staff equally if all were lead qualified or certified. Her center specifically tries to make sure they hire equally qualified subs, floaters, and support staff as the leads, even if they are not certified. This raises the question of how lead teachers' responsibilities versus the assistants' responsibilities differ. Per Anna Carter, on day five a non-lead teacher must meet the same credentials as the lead teacher. Currently, this is how the rule reads. The lead teacher has to be with each group of children for two-thirds of the day (Rule .0714(b) and (c)).

**Commission Action:** **A motion was made to continue review of this rule after lunch. Lois Stephenson seconded. Ms. Tate reminded the Commission not to discuss this topic during lunch. The motion carried unanimously.**

**The Commission took a break for lunch at 12:30 p.m.**

**PUBLIC COMMENT**

Linda Piper from the North Carolina Licensed Child Care Association stated that Ms. Hewitt's petition originated from a misinterpretation by a consultant regarding the educational level of an assistant teacher substituting for a lead teacher on the fifth day. Ms. Piper stated that this flexible scheduling is currently being done successfully all over the state. The truth is the person on the fifth day still meets the lead teacher qualifications. She urged the Commission to get clarification to licensing consultants regarding Rule .0714.

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Linda Caldwell, the NACCRA military child care liaison for North Carolina, recommended four items to be considered for NC minimum child care requirements to meet the United States Department Of Defense standards for civilian licensed child care used by military families. She shared a handout identifying developmental domains and other items required in the United States Department Of Defense child care. Her recommendations include enhanced parent communication and involvement in the basic licensing requirements. She would also like to see the Emergency Preparedness Plan become mandatory as is SIDS training. It is a part of parent communication and safety to have such a plan.

Debra Torrence of the North Carolina Institute for Child Development Professionals (NCICDP) gave updates regarding certification and continuing education units (CEUs). Of the 20,177 certified teachers, 19,189 are certified on the Early Childhood Scale and 727 on the School Age Scale-which is a major increase. Currently, 202 have adult educator endorsements. A PSA about certification is running on television across the state. They anticipate college foundation financial support for CEUs. NCICDP is currently asking North Carolina State University to help cooperative extensions agents across the state to offer CEUs and to offer them for free. There is a new training calendar addition on the Institute's website through the Child Care Resource and Referral Council.

**PUBLIC HEARING**

Audrey Townsend representing family child care homes in western North Carolina addressed Rule .1719(10) and (11) where home childcare providers are not allowed to keep their pets. It was suggested that the parents sign a waiver stating that they are aware of the existence of a pet (by name and description) in the family child care home, that they understand the potential risks, and agreeing to their child's relationship with and proximity to pets in the home. The waiver must be in the file of each child as long as the child is in this setting with a pet. Pets are known to help children build a resistance to allergies, to be a companion, to teach responsibility, etc. She requests that the Commission reconsider the aforementioned rules.

Jonathan Kotch of the School of Public Health at UNC-Chapel Hill discussed Rules .0604 and .1719. Injuries with appliances are very common with children in North Carolina in this age range. He had a personal experience of his son pulling a coffee maker by its cord off a table and suffering 2<sup>nd</sup> degree burns. From his professional and personal experience he supports these regulations and hopes that the Commission will support them as well.

**PUBLIC COMMENT (continued)**

Lelia Broadnax, a child care provider, asked about the possibility of downsizing the DSS list by transferring children to the Pre-K list. Ms. Broadnax also questioned the difference between the rules and the Environment Rating Scales (ERS) regarding the number of inches children must be apart while resting. Currently, according to the scales, child care providers must have children resting 36 inches apart. According to the state

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minimum standards, children must rest 18 inches apart. Ms. Carter stated that the North Carolina Health Department requires 18 inches apart, but the ERS represents best practice and is not required as part of minimum licensing standards.

Cassandra Brooks, a family child care provider, expressed a concern regarding illegal unlicensed child care services. It was her understanding that if an individual has more than 2 children, they must be licensed. She stated that there is an increase in stay at home moms who advertise child care services on Craig's List, at discounted rates. Ms. Brooks questioned who is enforcing the rules and penalizing these individuals for their actions. Her concern was that centers and homes are not reaching their capacity of children because of the lower costs that are being offered by the illegal child care services on Craig's List. Ms. Carter stated that parents have a responsibility to make sure children are safe and in legal child care. The information must be called in to DCDEE so that these businesses can be investigated. The other option is that an individual can personally address the advertisement and inform the business that taking care of more than two children without a license is illegal.

Deanna Randle, a family child care provider, believes the DCDEE should have something in place to investigate these illegal child care homes. When these homes are not "caught", other parents that use their services are taking funds away from licensed providers. Ms. Randle brought concerns regarding provider licensing fees, which she understood to be new for homes. She is concerned about rising licensing costs. She feels that as home child care providers are being required to meet the same qualifications as centers, the home child care providers should receive the same pay per child as the four and five star centers. Ms. Creech asked about the statistics of Ms. Randle's concern. Ms. Carter stated that market rates are collected every 2 years. There have not been increases in market rates for home and child care centers in a few years.

Dawn Winn Burdo from the Partnership for Children of Johnston County agreed with the certification requirements and thinks that the educational opportunities available for teachers and children are essential.

According to Jan Guynn of the Easter Seals UCPNC & VA, Inc., as the ruling presently stands, three year olds in Developmental Day are required to be in the classroom with a licensed B-K teacher. This causes problems with slots and requires moving children on their third birthday or hiring a new B-K certified teacher for the classroom. At this juncture, affordability and flexibility need to be considered. She and Diane Killen of Ashe Developmental Day School will be submitting a formal request for rule change in Rule .2903.

Ms. Honeycutt asked what happens after questions are addressed to the Commission via email. Are they forwarded to DCDEE? Does the person get a response? Ms. Kozlowski stated that it is treated just like other letters DCDEE gets from the public, the Governor's office, legislators, etc. Information is gathered from the appropriate Section and then a response is drafted. Ms. Tate suggested personalizing a response by acknowledging that the concern was received and a response will be returned to the best of the Commission's

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abilities as soon as possible. The Child Care Commission will take the concern under consideration. A response in this manner ensures that the concern has been received. The Commission cannot promise anything more than consideration.

Ms. Tate asked the Commission to read the packet regarding the Public Hearing on September 27, 2011. It was concluded that the last letter should not be in this packet.

Ms. Tate reminded everyone that the comment period for all discussed rules ends on October 31, 2011. The next meeting is December 1, 2011. Each rule discussed in today's meeting will be discussed again. Voting will take place as to adopt or not to adopt the rules with the amendments. Also, at this time, the letters can be discussed that were just taken out of the September 27, 2011 Public Hearing packet. These items will be on the agenda for the December 1, 2011 Quarterly Child Care Commission meeting.

**Future Child Care Commission Meeting Calendar Dates**

February 28th, 2012

May 8th, 2012

September 17th, 2012

November 13th, 2012

Continuing the discussion about the rule-making petition from Johnna Hewitt, it was determined that the situation resulted from a

misunderstanding by the licensing consultant.

**Commission Action:**

**Glenda Weinert moved to approve the petition presented to the Commission. Sue Creech seconded.** As discussion for the motion, Ms. Creech asked for clarification that the support staff who teaches the students when the lead teacher is absent should meet the lead teacher/licensing requirements. The motion that had just been made remains the same as indicated for Rule .0714. Linda Knight clarified that by granting this petition does not mean that the Commission agrees with it, but it will be published. Per Attorney Gruber, the language can be changed later. Attorney Gruber clarified for the Commission that by publishing the rule, they are not required to adopt it. The rule is being published for public comment. She also stated that if the Commission decides to make subsequent changes, the rule must be published with new language. Ms. Tate recalled that in the past, whenever a rule was published, it was the public's assumption that that particular rule was what the Commission will be adopting. She had concerns about publishing the rule, if the Commission is not in total agreement with the language. According to Dedra Alston, the Commission can deny the petition then can work on the language to

**publish. If the ruling language were to be changed, it would state that a teacher must meet the lead teacher requirements for 2/3 of the week instead of 2/3 daily. Julia Jones claimed to be unclear as to what this language meant as far as the activity of the classroom for the child. Norma Honeycutt stated that the quality of teachers would remain the same. Due to the further clarification of the rule, Ms. Baker Jones suggested that the motion be withdrawn.**

Ms. Hewitt withdrew her petition and was satisfied with the resolution of further clarification of the current rule.

### **NUTRITION STANDARDS**

Recommendations from the Legislative Task Force on Childhood Obesity were presented by Jani Kozlowski. When the Commission met in May 2011, the decision was for the DCDEE staff to take these recommendations and create them into rules. This was accomplished. The Commission was asked to review proposed rules that reflect these recommendations. Clarification was needed about low fat milk and special diets, what can be served as a snack, etc. Ms. Honeycutt recommended that there be a distinct definition on “personal preference”. Attorney Gruber was asked if “personal preference” should take priority over the actual rule. Anna Carter and Lorie Pugh stated that they had worked on the language. For example, in the beginning of the rule, if a child brings something non-nutritional from home, it is the center’s responsibility to make sure that the nutritional value is met. According to Attorney Gruber, the rule needs to state in some form that whenever a parent has their “personal preference” in writing, that the “personal preference” takes precedence over the nutritional rule. In this instance, the consultant knows that a “personal preference” has been stated and that even if it is in direct conflict with the USDA it does not matter, the “personal preference” / parent’s choice supersedes the rule. It was suggested to add the following text to line 27 “diets including those for medical, religious or cultural reasons”. It was agreed by the Commission that “personal preference” was something that may be considered to be deleted from the rule.

The next discussion was regarding skim milk, one percent and two percent milk. It was determined that using the terms skim and low fat milk would be best to prohibit the distribution of whole milk to children two years or older. Attorney Gruber suggested removing the words “including those” from line 27. A question was raised as to whether there are any rules on breast milk. The subject of breast milk is covered under sanitation requirements and the Family Child Care rules. The last amendment made to the nutrition rules included the phrase “parents shall be allowed to provide breast milk to their children.” found on page 2 line 5 and also on page 7 line 24. Ms. Kozlowski made the suggested changes and presented the revised language to the Commission. Commission members reviewed the changes.

**Commission Action:** **Julia Jones moved to publish text for public hearing Rule .0901 as written with amending Paragraph (d), line 20, on page 1, by removing the word “personal”. Laurie Morin seconded. With no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

**Commission Action:** **Julia Jones moved to publish text for public hearing as written for rules .0902, .1702, .1706, & .1718. Lorrie Looper seconded it. With no further discussion, Ms. Tate called for a vote. The motion carried unanimously.**

Briefly discussed by the Child Care Commission was third hand smoke. This will be included as a presentation during the next Child Care Commission meeting.

Ms. Tate reminded Commissioners to turn in travel reimbursement forms and Ms. Creech reminded members that within the first six months Child Care Commission members should take an ethics course.

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

**There being no further business, the meeting adjourned at 4:40 p.m.**

**The next meeting of the North Carolina Child Care Commission is scheduled for Thursday, December 1, 2011.**