

Memorandum of Understanding (MOU) between the NC Department of Public Instruction (DPI) and the NC Department of Health and Human Services (DHHS)

INTENT

In North Carolina, the Department of Health and Human Services (DHHS) has primary responsibility for monitoring child care services. Many North Carolina public schools provide child care services for school age children and early childhood education programs for pre-school age children. In addition, North Carolina provides a system of a child care subsidy services, (hereafter referred to as the Child Day Care Services Program) administered by DHHS, which combines a variety of state and federal funding sources for the benefit of low income working families, children with special needs and children in other high risk situations. The intent of this Memorandum of Understanding is to ensure the continuity and consistent quality of the child care services and early childhood education services provided to the citizens of the State and to establish the basic responsibilities of and relationship between DHHS and the Department of Public Instruction (DPI) as they strive to meet that goal.

OBJECTIVES

The objective of the parties is that all children in public school early childhood and school age child care programs will be assured facilities that, as a minimum standard comply with the one-star child care licensing requirements of North Carolina as defined in GS 110.

Whenever possible, programs shall strive for higher standards.

Public school early childhood education programs and school age child care programs are deemed to exceed all activity and staff qualification requirements for a one star license. Upon request, individual programs will be assessed to determine the specific level of points attained to determine star ratings and enhancement payment levels.

The parties agree to work to assure a basic level of quality for all children in early childhood education and school age child care programs, and toward expanding the availability of early childhood education and child care resources to high risk children in under-served areas of North Carolina. The parties also agree to work to increase early childhood education and child care options for low income working families, and eliminate duplication of efforts by state agencies.

RESPONSIBILITIES OF THE PARTIES

The parties agree to the following strategies for early childhood education and child care services in public school programs:

1. DHHS will monitor facilities of all public school program that serve children under 5 and those school age programs that receive Child Day Care Services Program funds. DHHS will monitor such programs in the same way it reviews and monitors equivalent private providers for licensing purposes. DHHS will report to DPI on each program's compliance or noncompliance with applicable standards. All such programs would then be eligible for a child care license issued by DHHS.

2. For the programs that it monitors, DHHS will provide DPI with assurance of each program's continued compliance with all requirements at least annually.
3. Failure by school systems providing early childhood education and child care services to take corrective action or repeated incidents of noncompliance may result in loss of eligibility for funding, in accordance with 10 NCAC Chapter 46E.
4. Reports alleging child abuse or neglect in any childhood education or child care program in a public school program will be investigated in the same manner as if the program were operated by a private child care provider.
5. Any public school program serving school age children but not participating in the Child Day Care Services Program may voluntarily apply for a child care license and shall be monitored by DHHS according to the same procedures used for all other licensed programs.
6. DHHS will notify both the school system and the local purchasing agency of the provider's eligibility for participation in the Child Day Care Services Program.
7. Child care services will be purchased from licensed public school programs through the existing Child Day Care Services Program mechanism. This means that the county department of social services, or its designated agency, will determine client eligibility, assist the client as needed with arranging for appropriate child care, contract with the approved provider, and authorize payments for the service.
8. The rate of payment for the child care service will be subject to state and federal regulations for the Child Day Care Services Program. In most situations, the rate is subject to the local market rate for comparable child care services. Enhanced payments for star rated licenses may also apply to programs that choose to participate.
9. DHHS will provide information to DPI about the child care licensing standards and federal funding regulations, including and change to the standards and regulations in a timely fashion. Individual programs shall also be informed of any changes by DHHS.

DHHS and DPI shall develop a comprehensive plan to implement this memorandum. A work group of representatives from both departments and local agencies shall identify programs that will be affected, determine the resources necessary, provide technical assistance to programs and develop a timeline for compliance for each program. All provisions of this agreement are contingent upon applicability of state and federal program and funding regulations.

Issue

Presently, child care programs and early childhood educational programs operating in public schools are exempt from being monitored for the North Carolina child care licensing standards. However, federal laws require that any program receiving child care subsidies must meet state health and safety standards. In 1991, the Department of Human Resources and Public Instruction established a Memorandum of Understanding which attempted to address these contradicting regulations.

The MOU recognized the state child care licensing requirements as minimum health and safety standards. The agreement required that DPI ensure that any programs seeking child care subsidy meet those standards. Since 1991, DPI has certified programs and DHHS has provided subsidy funds.

DPI has informed us recently that for several years they have not been able to conduct on-site visits in order to verify if the programs requesting certification meet the federally mandated health and safety standards. The Division of Child Development (DCD), a division of DHHS, has also had several incidents where they have uncovered DPI certified programs that could not pass building or fire inspections. The process of DPI certifications is no longer effectively accomplishing its original intent.

Since 1991 child care provided in public schools has expanded dramatically including preschool and after school care. In addition funds for child care subsidy have also increased. Equally important, the political will to improve child care standards has also grown. The MOU needs to be re-written to better protect children in child care and early child education programs across the state regardless of their program's sponsorship.

Recommendations

1. Dr. Bruton and Superintendent Ward should establish that all programs serving children under 5 years must meet health and safety standards. They should also acknowledge that the one-star license is a minimal acceptable standard. The most critical component is compliance with building, sanitation, and fire code. DHHS shall acknowledge that public school principals, assistant principals and certified teachers exceed the staff qualifications requirements and are therefore exempted from the stated requirement in the one star license. This provision shall apply for both preschool education programs and after school programs operated by the public school system. It is also understood that criminal background checks shall be completed by the school system and DHHS will not require that they be repeated for staff in either preschool education programs or school age programs. A written statement by the principal that verifies that a state and local check has been completed will be sufficient to satisfy DHHS requirements.
2. The Division of Child Development should provide to DPI direct assistance to verify compliance with health and safety standards of all programs serving preschool children, as well as any school age programs serving preschool children as well as any schoolage programs requesting child care subsidy funds. All other public school schoolage programs shall simply register with DPI and DHHS in order for the agencies to be aware of their existence.
3. DPI and DCD should jointly design a comprehensive plan to move all preschool programs and schoolage programs requesting child care subsidy funds into compliance with the state child care licensing standards, with a goal of satisfactory compliance within three years. The following outlines key steps in the implementation process.
 - a. Send a letter to the school superintendents and school boards announcing the MOU. Include a request for a profile of each preschool site, i.e., the name, location and mailing address, phone and fax numbers, e-mail address, hours of operation, number and ages of children, age of each building or date of last construction or renovation of each building housing preschool age children, the number of classrooms and number of staff, license/certification status of each programs, and the name contact information for a contact person at the LEA.
 - b. After profile information is received in DCD, send a second letter to the contact person and include our Basic Information (which includes the building, fire and sanitation inspection report forms) and an announcement of special prelicensing workshops for school operated programs. Include a self-assessment checklist to be completed for each site, to be returned to DCD.

- c. Evaluate the self-assessments to determine areas that are the biggest barriers to meeting licensing requirements and what needs to be done to achieve compliance. Work with local program staff and LEA contacts to get an idea about when corrections can be completed and set individualized target dates for compliance.