

**MINUTES
CHILD DAY-CARE COUNCIL
AUGUST 8, 2002**

Present: Mrs. Sharon Jones, **Chair**; Mr. Norman Crumpton; Miss Elizabeth Dowdy, **Vice Chair**; Mrs. Sondra Freeman; Mrs. Dona Huang; Mrs. Kimberly Hulcher; Mrs. Gail Johnson; Mrs. Nancy Ann Rogers; Mrs. Lisa Shelburne; Ms. Carol Steele; Mrs. Deborah White, **Secretary**

Absent: Dr. Jane Craig; Mrs. Susan Custer; Ms. DeAnna Flanary; Dr. Bethany Geldmaker; Mrs. Donna Thornton

Staff: Ms. Arlene Kasper, Ms. Wenda Singer

Call to Order

The Chair called the meeting to order at 10:00 a.m. She turned the meeting over to Mr. Norman Crumpton, Chair of the Background Checks Committee.

Background Checks Committee

The Background Checks Committee worked on the Notice of Intended Regulatory Action (NOIRA) for the regulation entitled *Minimum Standards for Background Checks for Licensed Child Day Centers*. A summary of this meeting appears in Attachment A.

Approval of Minutes

Mrs. Sondra Freeman noted that the word “will” should be “may” in the paragraph concerning HB 460 (2002) on page six of the June minutes. Mr. Crumpton made a motion, which was seconded by Mrs. Deborah White, to approve the June minutes as amended. The vote was unanimous.

Miss Elizabeth Dowdy wanted to make sure the July minutes (i) reference Mrs. Corri Miller-Hobbs not knowing how many children have been injured during center transportation and (ii) does not reference T.E.A.C.H® providing help with salary increases since this program does not help with this. Mrs. White made a motion, which was seconded by Mr. Crumpton, to approve the July minutes. The vote was unanimous.

Chair’s Report

The Chair mentioned that the September meeting will most likely be canceled. In response to a request by the Chair, all Council members expressed a desire to receive information about transportation safety that was compiled by staff. The Chair stated that the NOIRAs on the child day center regulation and the General Procedures regulation were at the Governor’s office. She reviewed correspondence received and sent. A meeting about the reorganization of the Virginia Coalition for Quality Child Care will be held October 22, 2002. The Chair appointed Mrs. Gail Johnson as the Chair of the Public Participation Guidelines committee. In response to a request by the Chair, Mrs. Freeman

offered to attend the August State Board of Social Services meeting but later found out she was not available on the dates of the meeting.

The Chair reviewed several recent research studies and articles. Information from these materials included:

- Infants breastfed for seven to nine months are smarter;
- The Commonwealth of Virginia has joined 15 other states to work on school readiness; and
- Lack of or inappropriate hand washing is the second biggest killer of children since washing decreases the incidence of disease by 43%.

Current and Proposed Transportation Bills Affecting Child Care Centers

Dr. Jack Knapp, Executive Director of the Virginia Assembly of Independent Baptists, reviewed two van accidents, both of which resulted in a child's death. The first incident occurred in South Carolina and resulted in a lawsuit by the parents of the child killed in the accident against both the school and the car dealer that sold the van. Money won from this lawsuit is being used to try to prohibit 15 passenger vans; the law enacted in South Carolina regarding this case is called "Jacob's Law." The second incident involved a child traveling from Roanoke to Myrtle Beach in a 15 passenger van operated by a church. The tire of the van blew resulting in the driver of the van losing control of the vehicle. The child killed in the accident was not wearing a seat belt.

Dr. Knapp claimed that most people killed in vans are not wearing seat belts and contends that the main issue is driver training. He noted that vans are not any less safe than passenger vehicles except for school buses but buses cost four to five times more than vans. He also noted that 20 states have endorsed the use of 15 passenger vans. He feels the market place will take care of the van issue; this would include manufacturing safer vans, retrofitting vans and not being able to insure 15 passenger vans.

In response to questions, Dr. Knapp offered the following responses: that a federal government decision does not allow vans to be sold to schools, the van bill from the 2002 General Assembly session applied to vehicles carrying more than 10 passengers, retrofitting a van may include adding a rollover bar or seatbelts and children in buses do not need to use seat belts because buses are designed to be safe. Mrs. Dona Huang mentioned that it is not possible to retrofit a van so it is less likely to rollover and Mrs. Lisa Shelburne noted that it is the height of the van that contributes to the high rollover rates of vans. Miss Dowdy asked whether the rollover rate of vans used for transporting children could be lower since children do not weigh as much as adults.

Council Check-In

Ms. Carol Steele questioned whether the van bill would also address the use of vans to transport adults.

Mrs. Johnson emphasized the importance of hand washing. She also noted that the national rate for children entering school not ready to learn is one out of four while in Richmond the rate is one out of three.

Mrs. Sondra Freeman mentioned that she had no violations during her last licensing inspection.

Liaison Updates

There were no updates.

Report on Center Visits

There were no updates.

New Business

There was no new business.

Discussion and Approval of the Regulatory Package on the Regulation Entitled *Minimum Standards for Background Checks for Licensed Child Day Centers*

The Chair noted that Mr. Allen Wilson, Assistant Attorney General, recommended that the Council withdraw the current NOIRA on the Background Checks regulation and submit a revised NOIRA because no new issues should be introduced in the proposed regulation that were not disclosed in the NOIRA.

Mr. Norman Crumpton, Chair of the Background Checks committee, reviewed the changes made by the committee earlier that day to the Notice of Intended Regulatory Action Agency Background Document. The Council agreed to make the following additional changes to this document:

- add text about deleting the definition of a “contracting organization”;
- revise the text about the definition of “contract employee” so it states “a person with whom the center or the parent has...”;
- add a statement that the Council will accept public comments about a provision to allow the original background checks of contract agencies to be viewed, verified and copies to be maintained; and
- add a statement to require verification of background checks rather than requiring the actual background checks documents for substitute staff at contract agencies.

The Council noted that the exception to 22 VAC 15-50-50 A in the current regulation should be changed to read "Centers using contract agencies for the provision of substitute staff shall obtain a letter from the agency verifying the background check."

Mr. Crumpton made a motion, which was seconded by Mrs. White, to withdraw the regulatory packages concerning the regulation entitled *Minimum Standards for Background Clearances for Licensed Child Day Centers*. A roll call vote was conducted: Crumpton–yes, Dowdy–yes, Freeman–yes, Hulcher–yes, Johnson–yes, Jones–yes, Rogers–yes, Shelburne–yes, Steele–yes, White–yes.

Mr. Crumpton made a motion, which was seconded by Mrs. White, to repeal the current regulation entitled *Regulation for Criminal Record Checks for Child Welfare Agencies* and to give authority to the Chair to prepare the RR01 form based on the Town Hall document. The Vice Chair and Secretary must review the form before submission. A roll call vote was conducted: Crumpton–yes, Dowdy–yes, Freeman–yes, Hulcher–yes, Johnson–yes, Jones–yes, Rogers–yes, Shelburne–yes, Steele–yes, White–yes.

Mr. Crumpton made a motion, which was seconded by Mrs. White, to approve the NOIRA Agency Background Document on the regulation entitled *Minimum Standards for Background Checks for Licensed Child Day Centers* and to give authority to the Chair to prepare the RR01 form based on the Town Hall document. The Vice Chair and Secretary must review the form before submission. The regulatory package will be forwarded to the Virginia Registrar dependent on receiving the necessary approvals according to Executive Order Number 21. A roll call vote was conducted: Crumpton–yes, Dowdy–yes, Freeman–yes, Hulcher–yes, Johnson–yes, Jones–yes, Rogers–yes, Shelburne–yes, Steele–yes, White–yes.

Approval of the Regulatory Package Repealing the Regulation Entitled *Standards and Regulations for Licensed Child Day Center Systems*

Mr. Crumpton made a motion, which was seconded by Mrs. Kimberly Hulcher, to approve the Exempt Action Final Regulation Agency Background Document on the regulation entitled *Standards and Regulations for Licensed Child Day Center Systems* and submit it to the Virginia Registrar dependent on approval by the Office of the Attorney General.

Adjournment

The meeting adjourned at 2:30 p.m.

Prepared By: Cynthia Clark

Certified By: Mrs. Deborah White _____
Date _____

**MINUTES
BACKGROUND CHECKS COMMITTEE OF THE
CHILD DAY-CARE COUNCIL
AUGUST 8, 2002**

Present: Mr. Norman Crumpton, **Chair**; Miss Elizabeth Dowdy; Mrs. Sondra Freeman; Mrs. Dona Huang; Mrs. Sharon Jones; Ms. Carol Steele

Staff: Ms. Arlene Kasper, Ms. Wenda Singer

The Chair of the Background Clearances committee shared the advice from Mr. Allen Wilson, Assistant Attorney General, about the process for promulgating the new regulation entitled *Minimum Standards for Background Checks for Licensed Child Day Centers*. Mr. Wilson's recommendation was for the Council to withdraw its Notice of Intended Regulatory Action (NOIRA) and approve a revised NOIRA because of recent changes to the *Code of Virginia* and Executive Order Number 21.

It was noted that the Town Hall document will be based on revisions to the current Criminal Record Check regulation, which became effective in 1995. The committee agreed not to hold a public hearing on the Background Checks regulation, which is consistent with the Department of Social Services' recommendation to the State Board of Social Services. Terminology from the *Code of Virginia* will be used in the Town Hall document.

The following changes were made to the Notice of Intended Regulatory Action Agency Background Document on the Background Checks regulation dated August 8, 2002:

- Consistently use the terminology of "child day centers" and "Code of Virginia."
- Under the Purpose section delete "organizational changes requested during public comment, content changes requested during public comment" since there was no public comment period.
- Under the Substance section revise the last sentence in the first paragraph so it states "It is also recommended that where necessary standards or portions of standards be moved or revised within the document for continuity and clarity."
- Revise text about the definition of barrier crimes so it "includes all crimes defined in § 63.2-1719 of the *Code of Virginia*. These crimes will be listed in 22 VAC 15-051-20."
- Add text about the definition of "contract agency" so it states "this will include temporary agencies."
- Add text that states there will be consideration of adding a definition of "disqualifying background," depending on public comment.
- Revise text about the definition of "employee" so it no longer includes contract employees since there will be a separate definition for contract employee.

- Revise text about the definition of “licensed” to state “...child day centers applying for licensure through the Department or licensed through...”
- Revise text about the definition of “offense” to state “...both barrier crimes and convictions of other felonies within the last five years are included in the criminal history record check.”
- Delete text about the definition of “request for search of the central registry” since this terminology is not used in the draft regulation except for the definition section.
- Delete text about informing the person when a background check is being obtained since this is not in the *Code of Virginia*.
- Delete text about not requiring background checks when there is a change in ownership or sponsorship or when there is a change in licensing status for a religious exempt center since this is not in the *Code of Virginia* and it is a training issue.
- Delete the first sentence concerning 22 VAC 15-051-40 since it is confusing. Revise the next sentence to delete “all contract employees and.”
- Revise text so background checks of contract employees can be dated no more than six months, instead of 12 months, prior to the start date of providing services.
- Delete text about requiring a new designee for the applicant or licensee to get a background check since this is not in the *Code of Virginia*.
- Revise text to allow for copies of the central registry report.
- Delete reference stating that the background check is not acceptable when the person is designated as the applicant or licensee since this is not in the *Code of Virginia*.
- Delete text about requiring criminal record reports to be kept in locked files since this is not in the *Code of Virginia*.
- Delete text that allows an individual to take his original criminal record check since this is not in the *Code of Virginia*.
- Revise the third paragraph under 22 VAC 15-051-70 so it states “expand the standard to allow a background check to remain valid as long as the period of separation does not exceed six consecutive months if the reason for separation includes termination or transfer to a center owned and operated by the same entity. This would be a cost effective change.”
- Revise 22 VAC 15-051-90 so it states “the State Board of Social Services will adopt regulations to implement the provisions of this section.” This change will also need to be made to the draft regulation.