

**Minutes
Child Day Care Council
VDSS – 7 N. 8th Street
Richmond, VA
May 12-13, 2004**

Present

Gail Johnson, Chair
Donna Thornton, Vice Chair
Lisa Shelburne, Secretary
Rosemary Burton
Margaret S. Collins
Jane Craig
Norman R. Crumpton
Terry Davis
Charles W. Finley
Sondra Freeman
Bethany Geldmaker
Susan Hackney
William Harvey
Kim Hulcher
Donna R. Peters
Novella Johnson Ruffin
Anita Simpkins
Nancy Read Smith
Kristi W. Snyder
Carol Steele
William Tobin
Jeff Walton
Deborah M. White

Absent

Jay DeBoer
Deborah Gardner
Dona Huang
Adam Thiel

Call to Order

The meeting was called to order by Chair Gail Johnson at 1 pm on Wednesday, May 12.

Agenda Approval

The agenda was approved as presented with the addition of “group size” VAC 15-30-440 to “Other” at the end of the agenda and moving “Nominating Committee” to the end of the agenda.

Approval of Minutes

ON MOTION DULY MADE (Mr. Harvey) and seconded (Ms. Hackney) moved to approve the minutes of April 8, 2004, as corrected, with the addition of Dr. Ruffin’s name in the roll call vote of “No” for the following motion: ON MOTION DULY MADE (Ms. Simpkins) and seconded (Dr. Craig) moved that all references to group size in Sections I & J of the standards in the Town Hall be eliminated.

ON MOTION DULY MADE (Mr. Tobin) and seconded (Ms. White) moved to adopt the revised balance mixed-age grouping in 22 VAC 15-30-10 to read "Balanced mixed-age grouping" means a program using a curriculum designed to meet the needs and interest of children in the group and is planned for children who enter the program at three through five years. The enrollment in the balance mixed-age grouping comprises a relatively even allocation of children in each of three ages (3-to-6 years) and is designed for children and staff to remain together with turnover planned only for the replacement of exiting students with children of ages that maintain the class balance.

Motion Carried.

ON MOTION DULY MADE (Ms. Smith) and seconded (Mr. Walton) moved to delete "ages three through six years of age" in 22 VAC 15-30-440 E.6.. Staff-to-children ratio requirements and group size requirements.

Motion Carried.

ON MOTION DULY MADE (Ms. Snyder) and seconded (Ms. Steele) moved to define measuring of available indoor space to be wall-to-wall and not include counters and other unusable space as referenced in 22 VAC 15-30-380 B. Areas.

Roll Call Vote: 18 Yes: Thornton; Shelburne; Collins; Craig; Crumpton; Davis; Finley; Freeman; Geldmaker; Hackney; Harvey; Peters; Ruffin; Smith; Snyder; Steele; Walton; White. 3 No: Burton; Hulcher; Tobin. 2 Abstain: Johnson; Simpkins.

Motion Carried.

ON MOTION DULY MADE (Mr. Harvey) and seconded (Ms. Thornton) moved to add "wall-to-wall indoor space" to department's recommended 22 VAC 15-30-380 Areas. 2. to read "Current licensees may continue to provide 25 square feet per child for eight years after the effective date of the regulation, with the exception of new additions, which shall have 35 square feet wall-to-wall indoor space per child three years after the effective date of the regulation".

Motion Carried.

ON MOTION DULY MADE (Dr. Craig) and seconded (Dr. Simpkins) moved to eliminate Section C of 22 VAC 15-30-50. Operational responsibilities.

Motion Carried.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Mr. Harvey) moved to delete "semiannual" in 22 VAC 15-30-80. 11. Children's records. to read "11. Documentation of child updates, staff request(s) for parent feedback, and confirmation of up-to-date information in the child's record as required by 22 VAC 15-30-490 E 3;"

Motion Carried.

ON MOTION DULY MADE (Mr. Walton) and seconded (Mr. Finley) moved to delete "staff request(s) for parent feedback," in 22 VAC 15-30-80. 11. Children's records. to read "11. Documentation of child updates, and confirmation of up-to-date information in the child's record as required by 22 VAC 15-30-490 E 3;"

Motion Carried.

ON MOTION DULY MADE (Mr. Crumpton) and seconded (Mr. Walton) moved to add "five years" to 22 VAC 15-30-200. General qualifications. D. and agreed to accept an amendment presented by Dr. Burton to add "moving violation" to read "D. Staff who drives a vehicle transporting children shall disclose any moving traffic violation that occurred five years prior to or during employment or assignment as a driver".

Motion Carried.

ON MOTION DULY MADE (Ms. Hulcher) and seconded (Mr. Tobin) moved to strike the unsafe conditions list in 22 VAC 15-30-340.A Building maintenance.

Roll Call Vote- 8 Yes: Burton; Collins; Crumpton; Freeman; Hulcher; Tobin; Walton; White. 12 No: Shelburne; Craig; Davis; Finley; Geldmaker; Hackney; Harvey; Peters; Ruffin; Smith; Snyder; Steele. 3 Abstain: Johnson; Thornton; Simpkins.

Motion Defeated.

ON MOTION DULY MADE (Dr. Simpkins) and seconded (Ms. Hulcher) moved to revise 22 VAC 15-30-340 A. to read, Unsafe conditions shall include, but not be limited to "deteriorated building materials, breakage, or any component that could entangle or snag a child or a child's clothing, including head entrapment".

Roll Call Vote- 7 Yes: Burton; Crumpton; Freeman; Hulcher; Simpkins; Tobin; Walton. 14 No: Shelburne; Collins; Craig; Davis; Finley; Geldmaker; Hackney; Harvey; Peters; Ruffin; Smith; Snyder; Steele; White. 2 Abstain: Johnson; Thornton.

Motion Defeated.

Deborah White requested the minutes reflect the question she presented as to the extent of the changes the council has made since public comments were solicited. Has the council made substantive changes requiring taking the regulation back for public comment? Commissioner Jones believes we are not making any additional changes that will require us to go back for public comment as substantive changes have been made since the council began working on this regulation. The Attorney General's office will make a determination on council's changes.

ON MOTION DULY MADE (Ms. Hulcher) and seconded (Ms. Freeman) moved to delete “in consultation with the” and replace with “or” and to specify “the department” as the Department of social Services in 22 VAC 15-30-310. D. Staff Training and Development. as in the suggested language development and presented by the department’s licensing program staff

Motion Carried.

ON MOTION DULY MADE (Dr. Simpkins) and seconded (Dr. Craig) moved to strike “on field trips or playgrounds” in 22 VAC 15-30-575 A.4.

Motion Carried.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Mr. Harvey) moved to add “or before use by another child” in 22 VAC 15-30-510.F.

Motion Carried.

ON MOTION DULY MADE (Dr. Burton) and seconded (Mr. Finley) moved to Strike “provided that 240 of these hours are in” and insert “which could include(“)before(“) a supervised practicum”. in 22 VAC 15-230 A.4.b(2). Program director qualifications.

Motion Carried.

Future meeting dates

Richard Martin distributed a suggested schedule of meeting dates for the period of July 2004 through June 2005. He noted that the November 11 meeting falls on a state holiday, and offered November 10 or November 18 as possible replacement dates.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Mr. Harvey) moved to designate November 18 as the meeting date.

Motion Carried.

ON MOTION DULY MADE (Dr. Craig) and seconded (Ms. Hackney) moved to accept the meeting schedule as revised.

Motion Carried.

Term Expirations

Gail Johnson noted that Deborah White and Jane Craig will be absent at the May 13 meeting, and that today’s meeting would be their last because their terms on council will be expiring. They were commended for their service on the council.

Meeting adjourned at 5:15 pm. concluding May 12 session.

Call to Order

The meeting was called to order on May 13 at 9:35 a.m., Vice-Chair Donna Thornton presiding.

ON MOTION DULY MADE (Dr. Burton) and seconded (Mr. Harvey) moved to make criminal records checks consistent for child care centers at 22 VAC 15-30-90. Staff Records. with 22 VAC 15-51-70.

Motion Carried.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Dr. Burton) moved B. to read as follows: Exception: Background records for independent contractors must be kept in accordance with the background check regulation at 22 VAC 15-51-70.

Motion Carried.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Ms. Steele) moved to restructure 22 VAC 15-51-60. Explaining consequences of unsatisfactory background checks results. The last sentence in G. will become a 1. and the current 1. will become a 2. The 2. as currently presented will become H. and the 3. will become an I.

Motion Carried.

ON MOTION DULY MADE (Dr. Ruffin) and seconded (Ms. Collins) moved to approve the final regulatory package to repeal 22 VAC 15-50 et seq., Regulation for Criminal Record Checks for Child Welfare Agencies to be published in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Under provisions of the Administrative Process Act, this regulatory action may be effective 30 days after publication; however it shall be effective no earlier than October 1, 2004.

Motion Carried.

ON MOTION DULY MADE (Dr. Ruffin) and seconded (Mr. Crumpton) moved to approve the approval of the final regulatory package for 22 VAC 15-51 et seq., Background Checks for Licensed Child Day Centers to be published in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Under provision of the Administrative Process Act, this regulatory action may be effective 30 days after publication; however it shall be effective no earlier than October 1, 2004.

Roll Call Vote- 16 Yes: Thornton; Shelburne; Burton; Collins; Crumpton; Davis; Finley; Freeman; Geldmaker; Hackney; Harvey; Peters; Ruffin; Smith; Snyder; Steele. 1 No: Walton. 4 Abstain: Johnson; Hulcher; Simpkins; Tobin.

Motion Carried.

Susan Hackney will represent the council at the State Board meeting June 15-16 in Lynchburg. Send any comments to Susan Hackney at susan.hackney@dss.virginia.gov that relate to 22 VAC 15-20. General Procedures Regulation. Ms. Hackney will email council members of the due date for comments to be submitted to her. Mr. Martin will send a notice to the council of the website where the regulation can be accessed.

Mr. Tobin requested a copy of the council's by-laws. Mr. Martin stated he would send a copy to all council members.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Ms. Steele) moved to repeal 22 VAC 15-20-10. General Procedures Regulation.

Roll Call Vote- 19 Yes: Thornton; Shelburne; Burton; Collins; Crumpton; Davis; Finley; Freeman; Geldmaker; Hackney; Harvey; Hulcher; Peters; Ruffin; Smith; Snyder; Steele; Tobin; Walton. 1 No: Simpkins. 1 Abstain: Johnson.

Motion Carried.

ON MOTION DULY MADE (Mr. Finley) and seconded (Mr. Harvey) moved to amend the language in 22 VAC 15-30-310- D. to read “. . . who has satisfactorily completed a training course developed or approved by the Department of Social Services in consultation with the Department of Health or the Board of Nursing”.

Motion Carried.

ON MOTION DULY MADE (Mr. Crumpton) and seconded (Mr. Finley) moved to withdraw a previous motion [ON MOTION DULY MADE (Ms. Hulcher) and seconded (Ms. Freeman) moved to delete “in consultation with the” of 22 VAC 15-30-310. D. Staff Training and Development. as in the suggested language development and presented by the department’s licensing program staff. This motion will replace the previous motion that addresses the same section of this regulation.

Motion Carried.

ON MOTION DULY MADE (Ms. Steele) and seconded (Mr. Harvey) moved to amend 22 VAC 15-30-310. D. 1.b. to read, “The approved training curriculum and materials shall be reviewed by the department at least every three years and revised as necessary”.

Motion Carried.

ON MOTION DULY MADE (Ms. Hulcher) and seconded (Ms. Freeman) moved to amend 22 VAC 15-30-310. D. 1.c. to read, “Staff required to have the training shall be retrained at three year intervals”.

Motion Carried.

ON MOTION DULY MADE (Ms. Steele) and seconded (Ms. Hackney) moved to delete 22 VAC 15-30-310. D.2. and replace to read, "2. The decision to administer medications at a facility may be limited to center policy to: a. prescribed; b. over-the-counter medication; c. no medications except those required for emergencies or by law".

Motion Carried.

ON MOTION DULY MADE (Ms. Freeman) and seconded (Ms. Hulcher) moved to accept the recommendations of the Nominating Committee and appoint William Harvey as Vice Chairman and Rosemary Burton as Secretary.

Motion Carried.

ON MOTION DULY MADE (Ms. Snyder) and seconded (Ms. Steele) moved to amend 22 VAC 15-30-310, D.3.e. to read "Document the administration of each dose in accordance with 22 VAC 15-30-580". and eliminate f.

Motion Carried.

ON MOTION DULY MADE (Ms. Hulcher) and seconded (Ms. Freeman) moved to amend 22 VAC 15-30-310. D. 3.d. to read, "Observe, record, and report to the parent any adverse reactions and side effects from medications;"

Motion Carried.

ON MOTION DULY MADE (Mr. Harvey) and seconded (Mr. Finley) moved to amend 22 VAC 15-30-310, D.6.d by removing the reference to the website <http://vdh.state.va.us/>.

Motion Carried.

ON MOTION DULY MADE (Dr. Burton) and seconded (Ms. Freeman) moved to add language to 22 VAC 15-30-585. Over-the-counter skin products. C.5. to read, "Staff members without medication administration training may apply diaper ointment, unless it is prescription diaper ointment, in which case the storing and application of diaper ointment must meet medication related requirements".

Motion Carried.

ON MOTION DULY MADE (Dr. Burton) and seconded (Ms. Snyder) moved to add language to 22 VAC 15-30-585. Over-the-counter skin products. D.6. "Staff members without medication administration training may apply insect repellent, unless it is prescription -insect repellent, in which case the storing and application of insect repellent must meet medication related requirements".

Motion Carried.

ON MOTION DULY MADE (Dr. Burton) and seconded (Dr. Ruffin) moved to add

language to 22 VAC 15-30-585. Over-the-counter skin products. B. "6. Children nine years and older may administer their own sunscreen if supervised".

Motion Carried.

ON MOTION DULY MADE (Mr. Harvey) and seconded (Ms. Steele) moved to delete proposed language from D. from 22 VAC 15-30-310 in the final text and replace with "medication administration" as recommended by the department in consultation with Dr. Geldmaker.

Motion Carried.

ON MOTION DULY MADE (Mr. Walton) and seconded (Mr. Harvey) moved to add an exception clause to the end of 22 VAC 15-30-575. B. 8. that reads, "Individual disposable barriers may be used between each diaper change. If a barrier becomes soiled the surface shall be cleaned and sanitized before another child is diapered".

Motion Carried.

ON MOTION DULY MADE (Mr. Walter) and seconded (Dr. Simpkins) moved to amend 22 VAC 15-30-10. Definitions. 13. to read, "Group of children" means the children assigned to a staff member or team of staff members". The following language was omitted, "occupying an individual classroom or well-defined space within a larger room.

Motion Carried.

ON MOTION DULY MADE (Ms. Hackney) and seconded (Mr. Tobin) moved to amend 22 VAC 15-30-461. Daily activities for infants. 3. to read, "3. Outdoor time if weather and air quality allow based upon the air quality index color chart as provided by the Department of Environmental Quality at <http://www.deq.state.va.us/>. The remainder of the paragraph beginning with, "children may go outside to play when the color code is either green or yellow. Children may not go outside to play when the color code is orange, red, or purple" is deleted.

Motion Carried.

ON MOTION DULY MADE (Ms. Snyder) and seconded (Ms. Steele) moved to amend 22 VAC 15-30-630. Special feeding needs. H, last sentence to read, "Formula or breast milk shall not remain unrefrigerated for more than two hours.

Motion Carried.

ON MOTION DULY MADE (Ms. Snyder) and seconded (Mr. Harvey) moved to amend 22 VAC 15-30-630. Special feeding needs. H. to read "Prepared baby food not consumed during that feeding by an infant may be used by that same infant later in the same day, provided that the food is not served out of the baby jar and

is dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day. Formula or breast milk shall not remain unrefrigerated for more than two hours and may not be reheated.

Motion Carried.

ON MOTION DULY MADE (Ms. Hulcher) and seconded (Ms. Thornton) moved to amend 22 VAC 15-30-640. Transportation and field trips. F. to read, "The staff-to-children ratios of 22 VAC 15-30-440 E, G and H shall be followed on all field trips. The staff-to-children ratios need not be followed during transportation of school age children to and from the center. One staff member or adult is necessary in addition to the driver when 16 or more pre-school or younger children are being transported in the vehicle".

Motion Carried.

ON MOTION DULY MADE (Mr. Walton) and seconded (Dr. Simpkins) moved to delete "and group size requirements." in the descriptive statement of 22 VAC 15-30-440. Staff-to-children ratio requirements.

Motion Carried.

ON MOTION DULY MADE (Mr. Harvey) and seconded (Ms. Hackney) moved to approve the final regulatory package for 22 VAC 15-30 et seq., Minimum Standards for Licensed Child Day Centers to be published in The Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) and the issuance of a letter of assurance by the Office of the Attorney General. Under provisions of the Administrative process Act, this regulatory action may be effective 30 days after publication; however it shall be effective no earlier than January 1, 2005.

It was further moved that Assistant Attorney General Allen Wilson and Regulatory Coordinator Richard Martin be authorized to make simple formatting, grammatical, and technical edits to the final regulatory package in order to conform the regulation to the Virginia Administrative Act and other state laws.

Roll Call Vote- 15 Yes: Thornton; Shelburne; Collins; Crumpton; Davis; Finley; Freeman; Geldmaker; Hackney; Harvey; Peters; Ruffin; Smith; Snyder; Steele. 5 No: Burton; Hulcher; Simpkins; Tobin; Walton. 1 Abstain: Johnson.

Motion Carried.

The meeting was adjourned at 3 p.m. by Gail Johnson, Chair.

Respectfully submitted:
Phyllis Dalton
May 21, 2004