

**MINUTES  
CHILD DAY-CARE COUNCIL MEETING  
MAY 8, 2003**

**Present:** Mrs. Gail Johnson, **Chair**; Ms. Susan Ballard; Ms. Judith Beattie; Dr. Jane Craig; Mr. Norman Crumpton; Miss Elizabeth Dowdy, **Vice Chair**; Ms. DeAnna Flanary; Mrs. Sondra Freeman; Ms. Susan Hackney; Mrs. Dona Huang; Mrs. Lisa Shelburne; Mrs. Donna Thornton; Mrs. Deborah White, **Secretary**

**Absent:** Mr. Jay DeBoer; Ms. Deborah Moore Gardner; Dr. Bethany Geldmaker; Mrs. Nancy Rogers; Ms. Carol Steele; Mr. Adam Thiel

**Staff:** Ms. Cynthia Clark, Mrs. Paula Scott Dehetre, Ms. Arlene Kasper

**Call to Order**

The Chair called the meeting to order at 10:05 a.m.

**Remarks from Maurice Jones, Commissioner**

Mr. Jones stated that he believes that Virginia and in particular the Child Day-Care Council have to be leaders and advocates for the highest quality childhood education and development that we can strive for in the Commonwealth. He stated that the current draft regulation for licensed child day centers does not move Virginia in the right direction. He expressed concerns with the standards concerning qualifications and training, staffing and supervision, and playground safety. He informed Council members that he wants to be the Council's strongest partner and explained that in a partnership, there is an exchange and give and take.

*Qualifications and Training.* Mr. Jones shared that research clearly indicates that a caregiver's education and training have a positive effect on quality child care and outcomes in children. For example, more educated providers engage in more positive interactions, are less punitive, and engage children in interactions that promote the development of verbal skills. Research indicates that children with more educated providers are more socially competent and score higher on measures of intellectual ability.

Mr. Jones informed the Council that The American Academy of Pediatrics, the American Public Health Association and the National Resource Center for Health and Safety in Child Care have collaborated to recommend the National Health and Safety Performance Standards. He shared their recommended qualifications for directors and teachers as well as the standard for staff to have 30 clock hours of training the first year of employment and 24 clock hours of continuing education the second and following years. He shared that a review of other state standards indicates that Virginia has lower standards for the

minimum, education qualification option for program directors and for annual training than the majority of other states.

Mr. Jones noted that the Council's draft standards concerning qualifications and training are below what is recommended by the National Health and Safety Performance Standards. Additionally, there are program director qualification options that do not require child related education or training. The draft standard allows staff without any training beyond orientation training to be responsible for a group of children since the revised standard allows program leaders to have 90 days instead of the current one month to receive 12 hours of training and aides can newly substitute for program leaders under certain circumstances. Also, under the current draft regulation, training hours have been reduced since the revised standard newly allows the required first aid training to count as part of the eight hours of annual training. He stated that the draft center standards should be revised to incrementally increase the education and training of center staff and challenged the Council to look at these standards again.

Staffing and Supervision. Mr. Jones informed the Council that research indicates that smaller groups of children and staff-to-children ratios that allow more staff for children have a positive effect on the quality of child care and children's development. For example, smaller group size has been shown to result in improved behavior of caregivers, better safety of children, caregivers being more actively involved with children, and children who are more cooperative and exhibit more reflection/innovation and social competence. Staff-to-children ratios that allow more staff for children are associated with fewer situations involving potential danger; caregivers with more positive, nurturing interactions with children; less distress in toddlers and less apathy and distress in infants; and greater social competence of children.

Mr. Jones informed the Council that a review of other state standards indicates that more than 50% of the states have requirements concerning group size. A summary of other state standards indicates that Virginia has less restrictive staff-to-children ratios in comparison to other states for 27 month old children and school age children, and ranks in the middle in comparison to other states on staff-to-children ratios for four year old children. He provided examples of how the current staff-to-children ratios are below the recommendations of the National Health and Safety Performance Standards.

Mr. Jones noted that the draft center regulation adds flexibility for counting staff in the ratios. This creates a risk by allowing staff to be out of the classroom for an unspecified amount of time leaving the remaining staff member in the classroom with twice as many children as allowed by the minimum staff-to-children ratios. There are no standards in the draft regulation that limit the number of children assigned to a caregiver or team of caregivers occupying a classroom as long as enough staff are present and there is enough activity space.

Mr. Jones asked that the Department and Council, in partnership, consider adding group size requirements and revising the staff-to-children ratios to be more protective. In addition to safety concerns, these changes would allow for more time for positive interaction with children by staff who have the skills to guide their development.

Playground Safety. Mr. Jones informed the Council that research indicates that the majority of injuries in child care involve falls, and that the most common consumer product associated with such falls is playground equipment. He noted that the required depth of resilient surfacing under and around playground equipment does not meet the Consumer Product Safety Commission recommendations for Critical Heights or the fall height below which a life-threatening injury would not be expected to occur.

Mr. Jones explained that the current draft center regulation exempts certain school age programs in schools from meeting basic safety requirements on playgrounds. This retreats from gains made in safety for school age children on school playgrounds, and school age children are at high risk for playground injuries. Mr. Jones stated that at a minimum, he would like to maintain the current playground standards while adding additional safety requirements based on national standards.

Mr. Jones informed the Council that some alternatives to be considered are forthcoming. He expressed that his goal is that Virginia be one of the Nation's best as it relates to standards for protecting children. He asked the Council to help reach this goal. Additionally, he expressed that there are other areas not covered by the draft center regulation, but wanted to highlight the areas of qualifications, supervision of children and playground safety due to their importance. He informed the Council that the Department has developed proposals in these areas to improve the standards and requested that the Council consider these proposals. Once again he expressed his desire for partnership in this quest and was open for questions.

Mr. Norman Crumpton expressed concern that the economic impact of such proposals could possibly close centers and raise the cost of day care, resulting in children being left alone. Mrs. Paula Scott Dehetre stated that both the Department of Social Services and the Department of Planning and Budget will be preparing an economic impact analysis.

Miss Liz Dowdy expressed concern that a group size requirement could lead to building reconstruction, which has a cost impact. She also requested the number of institutions that offer a degree in child development. Ms. DeAnna Flanary stated that fewer people desire a degree in child development due to the low pay rate and suggested subsidies to help the situation. The Commissioner expressed a desire in researching what can be provided to centers to fill-in the gaps.

Mrs. Donna Thornton noted that the Department of Social Services does not currently pay the market rate and a 75 percentile does not cover the cost for quality care. She stated that she wants quality child care and likes the incremental approach to achieve this

goal. Both Mrs. Thornton and the Commissioner agreed that qualifications of staff were most important. Mrs. Thornton stated that the current qualification standards were crafted at least four years ago when there was a staffing crisis but she feels this situation is changing and is excited about the Commissioner's desire to increase qualifications.

Mrs. Deborah White asked Mr. Jones whether the states that have more stringent regulations concerning childcare had more exemptions for centers as compared to Virginia. Mr. Jones reported that he did not have that information.

The Commissioner informed the Council that the Department plans to devote funds to help increase training. He encouraged the Council and the Department of Social Services to work together and decide how we, as partners, can implement and strive to make these changes. The Chair requested staff to provide the revised regulation to Council prior to the June 12, 2003 meeting so it can be further discussed.

### **Chair's Report**

The Chair reported that Ms. Julie Christopher will be the State Board of Social Services liaison to the Council's Background Checks Committee. She reported that she received a letter from Senator Stephen Martin concerning HJR 159 (2002). The letter requests Council representation at the HJR 159 meeting on May 20, 2003 and a position concerning any consolidation of Council responsibility. The Chair noted that if the Council wants to justify its existence it will be important to have a mission.

In response to the letter, Council members made the following comments:

- Family day homes and child day centers are different entities so there is no overlap.
- The issue is saving children's lives and the Council has improved the quality of child care. The important issue is children not the method.
- The Council has the expertise and is exclusively concerned with children, which is important.
- The Council is very focused unlike the State Board of Social Services. There is a need for checks and balances during the regulatory process.
- Would the State Board of Social Services be expanded if it is responsible for center regulations?
- It is unlikely that the State Board of Social Services would be able to represent the people. It would take time for the State Board to learn about the center regulation.
- The public may perceive the Council as adopting regulations that makes it comfortable for operators.
- The Council has been open minded, objective and fair. Compromises were made.
- Pure objectivity is not desired.

- There is diversity on the Council that helps decide what works and what does not work.
- The Council has the time to discuss issues unlike the State Board of Social Services.
- The ten new slots on the Council are not operators. There is no conflict of interest.

In terms of the cost of providing quality child care, Mrs. Thornton suggested that tiered reimbursement be considered and that staff compare the states on this issue. She said she would forward her state comparison information. The Commissioner indicated that he supported tiered reimbursement. The Chair stated that she would coordinate with the Commissioner and Ms. Arlene Kasper about her presentation to the HJR 159 Legislative Subcommittee. The Council agreed that the Council should continue to exist and would be willing to be responsible for the family day home regulations.

### **Regulatory Update**

Mr. Richard Martin, Department of Social Services Policy and Planning Manager, reported that the status of the Council's regulations remains the same and provided each member a document describing the status of these regulations. He stated that staff is working with the Attorney General's office on a proposed General Procedures regulation for the State Board of Social Services so it can be considered at its June meeting. The State Board of Social Services received a waiver to extend the deadline for submitting the proposed regulation due to the need to work with the Attorney General's office on hearing procedures. This regulation will be forwarded to the Council as soon as it is sent to the State Board of Social Services. He noted that if the Council would like to seek a waiver to extend the deadline on any of its regulations he anticipates that it would be approved. The deadline for the proposed Child Day Center regulation and General Procedures regulation is July 14, 2003 and the deadline for the Background Checks regulation is July 28, 2003.

The Chair noted that the General Procedures Committee will need to meet before the June Council meeting.

### **Reporting of Suspected Child Abuse and Neglect**

Ms. Linda Struck, Department of Social Services Child Protective Services Specialist, stated that the reporting rate of suspected child abuse and neglect from child care providers is approximately one and a half percent of all reports received, which is low. Twenty-eight children died from abuse or neglect in 2002 and most of these deaths occurred with children three years of age or younger. She distributed educational material and explained that one of her responsibilities is to develop educational initiatives for mandated reporters of child abuse and neglect, which includes child care providers. She reviewed numerous resources available such as the availability of in-service training

from local departments of social services at no cost and a booklet and a video on recognizing child abuse and neglect. Ms. Struck asked the Council to assist the Department in making child care providers aware of the mandate to report suspected child abuse and neglect and the availability of resources on this topic. In response to a question, Ms. Struck stated that staff from a local department of social services should be able to explain what is and is not abuse.

### **Approval of Minutes**

Mr. Crumpton made a motion, which was seconded by Miss Dowdy, to accept the minutes from the March 13, 2003 meeting. Mr. Norman Crumpton made a motion, which was seconded by Dr. Jane Craig, to accept the minutes from the April 17, 2003 Background Checks Committee meeting. The vote was unanimous.

### **Report from Background Checks Committee and Council Direction**

Mr. Crumpton reported that the Background Checks Committee met on April 17, 2003. The committee recommends that the Council approve the regulation as drafted by the Department of Social Services with the changes that the committee made on April 17. He stated that this revised draft of the regulation has the same intent as the previous draft regulation and includes approximately 75% of the Commissioner's recommendations.

Mr. Crumpton made a motion, which was seconded by Ms. Flanary, to approve the proposed draft Background Checks regulation with the committee recommendations for the purpose of developing the Town Hall document for Council approval at its June meeting. A roll call vote was conducted: Ballard-Yes, Beattie-Yes, Craig-Yes, Crumpton-Yes, Dowdy-Yes, Flanary-Yes, Freeman-Yes, Shelburne-Yes, Thornton-Y, White-Yes. Mr. Crumpton thanked the Background Checks committee for its work on the regulation.

### **Public Comment Period**

Ms. Robin Stephenson, Director of Early Education Services of the Association of Christian Schools International, provided information about her organization. Her organization represents approximately 5,000 schools in 106 countries. The organization's primary mission and focus is Christian evangelistic programs and there are approximately 131 programs in Virginia representing approximately 10,000 children. Her organization provides the following services: training, conferences, an international directors conference, a quarterly magazine, certification and accreditation. She noted that seven individuals have gone through PAC (Preschool Associate Credential) and 40 more individuals are enrolled in the certification program. She thanked the Council for listening to her comments.



Mrs. Sharon Jones thanked the Council for its work to raise the quality of child care. She expressed that if the Council's draft regulation is adopted, it would increase diversity, acceptance, and family involvement. She encouraged the Council to take confidence in the previous work of the Council. Representing Professional Child Care Services, she expressed amazement at the types of delays that continue. She asked the Chair to encourage staff to be careful in providing timely notifications to the public. While representing IACCEPT (International Accreditation and Certification of Childhood Educators, Programs and Trainers), Mrs. Jones expressed concern that her organization does not have a rightful place on the Council as provided by law. She asked the Chair to inquire about the legality of the Council continuing its work without the appointment of representatives of the ten accreditation organizations. She asked the Council to seek input from the accrediting organizations mentioned in the *Code of Virginia*.

Dr. Jack Knapp, representing the Virginia Assembly of Independent Baptists, stated that the best child care is provided by the child's mother; however, we live in a world of working mothers, which require day care providers. While providers should follow minimum requirements based on the law, parents need to choose child care based on many factors. Minimum standards meet the needs of families; centers are responsible for the safety of children. He thanked the Council and encouraged them to continue its good work.

### **Discussion and Approval of Retreat Work**

Council members shared numerous ideas for its vision statement. The Council changed the language of the vision statement to read:

The Council uses its collective expertise to adopt clear, fair, equitable and measurable regulations based on research while sustaining a close working relationship with key agencies.

### **Issues for Child Day Center Committee Consideration**

The Council members were provided the Commissioner's suggested changes to the child day center regulation. The Chair mentioned that the Council will vote on the center regulation at its June meeting. It was noted that the Council has already raised the center standards and there is a need to know how the state will pay for the extra cost of providing quality care.

### **Child Day Center Committees**

The Council members disbursed into two committees to consider the recommendations presented by the Commissioner. See appendix A for the work of the committees.

**Reports from Child Day Center Committees and Council Direction to Department of Social Services Staff**

Mr. Crumpton reported that the committee that reviewed the physical plant standards accepted the Commissioner's suggested changes except for the proposal concerning 22 VAC 15-30-360. Mr. Crumpton stated that the suggested changes would not be that expensive for centers to meet and the centers would be safer with the revised standards. The committee did not accept the recommendation concerning 22 VAC 15-30-360 due to the lack of justification and the expense to meet the requirement. However, if there is a problem with this draft standard and justification is provided, the suggested change will be reconsidered. The Chair asked staff to provide information on the issue of compressed resilient surfacing since rain will compress mulch and sand. The Council agreed that due to a language change, a definition of "applicant for licensure" should be added. There was a request for staff to incorporate these changes into the draft regulation.

Ms. Susan Hackney reported that the committee reviewing the qualification standards accepted numerous changes as suggested by the Commissioner but would need to review public comment before finalizing the standards. The committee asked for clarification regarding Montessori programs, decided to continue to allow college course work from colleges and universities that are not accredited and restored the requirement for education to be "child related." The Chair requested that staff compile the qualifications for program directors, program leaders and aides so Council can easily review the suggested changes.

**Old Business**

Dr. Craig requested that the Chair ask the HJR 159 Legislative Subcommittee for a timeline on when it will make a decision concerning the Council. A request was made to share the results of the HJR 159 meeting after its meeting on May 20. There was another request to send the draft center regulation to the Council as soon as possible.

**New Business**

Mrs. Deborah White reported that she attended a workshop class held by the Gesell Institute in Winston Salem, which involved a kindergarten screening test. She provided the website for further review. Mrs. Lisa Shelburne reported that she attended the Department's training on the Director's Toolbox and found it to be wonderful. Mrs. Johnson attended the State Board of Social Services Strategic Planning Retreat and thanked Miss Dowdy for representing the Council at the VAECE (Virginia Association for Early Childhood Education) Conference luncheon. Miss Dowdy attended the State Board Meeting on April 16 and stated that the State Board of Social Services depends heavily on the Department to write regulations.



The Chair asked for volunteers to attend the upcoming State Board of Social Services meetings. The meetings are as followed:

- June 18<sup>th</sup> & 19<sup>th</sup> in Lexington
- August 20<sup>th</sup> & 21<sup>st</sup> in Hampton (Deborah White volunteered to attend)
- October 22<sup>nd</sup> & 23<sup>rd</sup> in the western region of Virginia (Lisa Shelburne volunteered to attend)
- December 10<sup>th</sup> & 11<sup>th</sup> in the central region of Virginia

### **Adjournment**

The meeting adjourned at 3:10 p.m.

## COMMITTEE B NOTES

May 8, 2003

**Members Present:** Susan Ballard, Susan Hackney, Sondra Freeman, Deborah White

STANDARD NUMBER	IDENTIFICATION OF COMMENT	INTENT FOR CHANGE IF RECOMMENDED	RATIONALE FOR CHANGE OR NO CHANGE
22 VAC 15-30-230 A 4 a	Program director qualification option	Accept addition of the word "staff." Delete accredited.	Interested in public comment. Measurable
22 VAC 15-30-230 A 4 b	Program director qualification option	Need clarification of "approved by the Department"	
22 VAC 15-30-230 A 4 c	Program director qualification option	Need clarification of approved/recognized Montessori programs	
22 VAC 15-30-230 A 5 and Exception	Program director qualification option	Accept proposed changes. Concerned about the stringency	
22 VAC 15-30-250	Back-up program director	Require a qualified program director or a qualified back-up program director to be on site 50% of the center's hours of operation.	

22 VAC 15-30-260 A 2	Program leader qualification option	Leave in child related. Delete accredited.	
22 VAC 15-30-260 3.a	Program leader qualification option	Delete accredited	
22 VAC 15-30-260 A 3 b and 22 VAC 15-30-260 A 3 c	Program leader qualification options	Same comment as 22 VAC 15-30-230 A 4 b. Same comment as 22 VAC 15-30-230 A 4 c.	
22 VAC 15-30-260 A 4	Program leader qualification option	Accept proposed changes	
22 VAC 15-30-310 A 4	Training in recognizing child abuse and neglect	Accept proposed changes	
22 VAC 15-30-310 C	Annual training	Accept proposed changes	Interested in public comment
22 VAC 15-30-310 D	Training in daily health observation and medication administration	Change to require annual training. Accept "daily" observation	Check on "licensed" Registered Nurse
New 22 VAC 15-30-50	Training for applicants for licensure	Accept proposed change	Interested in public comment – committee felt this was an excellent addition

**COMMITTEE D NOTES**  
**May 8, 2003**

Members Present: Norman Crumpton, Judith Beattie, Lisa Shelburne, Liz Dowdy, DeAnna Flanary, Dona Huang

<b>STANDARD NUMBER</b>	<b>IDENTIFICATION OF COMMENT</b>	<b>INTENT FOR CHANGE IF RECOMMENDED</b>	<b>RATIONALE FOR CHANGE OR NO CHANGE</b>	
22 VAC 15-30-10	Definition of resilient surfacing (Commissioner Jones)	Accept recommendation	Use rationale used by Commissioner Jones	
22 VAC 15-30-320 A, C & D	Approval from other agencies (Commissioner Jones)	Accept recommendation		
22 VAC 15-30-330 A & C	Approval from other agencies (Commissioner Jones)	Accept recommendation		
22 VAC 15-30-340 A	Areas and equipment of the center (Commissioner Jones)	Accept recommendation		
22 VAC 15-30-350 B	Hazardous Substances (Commissioner Jones)	Accept recommendation		
22 VAC 15-30-360	Steps and finger-pinch protection devices (Commissioner Jones)	Keep draft standard		There is a need for research that would justify the change
22 VAC 15-30-370 B&C	Camping equipment (Commissioner Jones)	Accept recommendation		

22 VAC 15-380 A	Space per child (Commissioner Jones)	Accept recommendation	
22 VAC 15-30-390 B	Restrooms (Commissioner Jones)	Accept recommendation	
22 VAC 15-30-410 D	Swings and shade	Accept recommendation	For clarity
22 VAC 15-30-320	Child Day-Care Council	Add a definition for applicant for licensure	