

Minutes  
Child Day Care Council  
September 11, 2003  
2:00 p.m.

Attending

Gail Johnson, Chairman  
Donna Thornton, Vice Chairman  
Adam Thiel  
Charles Finley  
Terry Davis  
William Harvey  
Margaret Collins  
Donna Peters  
Susan Hackney  
Jay DeBoer  
Carol Steele  
Deborah White  
Sondra Freeman  
Novella Ruffin  
Anita Simpkins

Absent

Lisa Shelburne, Secretary  
Norman Crumpton  
Judith Beattie  
Jane Craig  
Deborah Gardner  
Dona Huang  
Susan Ballard  
Bethany Geldmaker

Call to Order

Chairman Gail Johnson called the meeting to order at 2:00 p.m. to begin Public Comment Period.

*Dr. Rosemary Burton*, representing Minnieland Private Day School, Inc. provided members with a handout entitled Licensing Changes Impact Study.

The spreadsheet shows how the proposed licensing changes would impact a typical school. The top section lists for each class the required square footage per child based on current standards, room capacity, tuition, enrollment, ratios and weekly tuition. For some classes, current enrollment already requires the entire room capacity. The current weekly tuition is calculated by multiplying current tuition by current enrollment.

The bottom section lists for each class the square footages per child required by the proposed licensing changes. The room capacity for each class is adjusted accordingly, limited to double the ratio (per the licensing changes), and further limited by staffing constraints. The two columns after current tuition list for each class how many children we would lose because of the proposed changes based on current enrollment and based on maximum enrollment (i.e. each room is filled to the current room capacity). The last column shows the value of this reduction, which is calculated by multiplying the tuition rate by the number of children we would lose in each class based on maximum enrollment.

Minutes  
 Child Day Care Council  
 September 11, 2003  
 Page 2

Class	Current Square Footage Per Child	Current Room Capacity	Current Tuition	Current Enrollment	Current Ratios	State Ratios	Current Weekly Tuition
Infants Rm 1	35	9	\$165.00	8	4 to 1	4 to 1	\$1,320.00
Old Infs Rm1	25	9	\$165.00	7	4 to 1	4 to 1	\$1,155.00
Tods Room 2	25	16	\$165.00	10	5 to 1	5 to 1	\$1,650.00
2's Room 3	25	13	\$142.00	12	8 to 1	10 to 1	\$1,704.00
2/3's Room 5	25	13	\$130.00	14	10 to 1	10 to 1	\$1,820.00
3's Room 7	25	14	\$130.00	16	10 to 1	10 to 1	\$2,080.00
4's Room 4	25	14	\$135.00	9	12 to 1	12 to 1	\$1,215.00
4's Room 6	25	15	\$135.00	16	12 to 1	12 to 1	\$2,160.00
4's Room 8	25	16	\$135.00	15	12 to 1	12 to 1	\$2,025.00
Kinderg	25	N/A	N/A	N/A	15 to 1	20 to 1	N/A
SAC	25	33	\$135.00	34	15 to 1	20 to 1	\$4,590.00
Total		152		141			\$19,719.00

Class	Proposed Square Footage Per Child	Adjusted Room Capacity	Current Tuition	Reduction Based on Current Enrollment	Reduction Based on Maximum Enrollment	Ratios Per Licensing Changes	Max Reduction In Weekly Tuition Due to Changes
Infants	35	8	\$165.00	0	1	4 to 1	\$165.00
Old Infs	35	8	\$165.00	0	1	4 to 1	\$165.00
Tods	35	10	\$165.00	0	6	5 to 1	\$990.00
2's Rm 3	35	8	\$142.00	4	5	8 to 1	\$710.00
2/3s Rm 5	35	8	\$130.00	6	5	8 to 1	\$650.00
3s Rm7	35	10	\$130.00	6	4	10 to 1	\$520.00
4s Rm4	35	10	\$135.00	0	4	10 to 1	\$540.00
4s Rm 6	35	10	\$135.00	6	5	10 to 1	\$675.00
4s Rm 8	35	10	\$135.00	5	6	10 to 1	\$810.00
Kinderg	35	N/A	N/A	N/A	N/A	18 to 1	N/A
SAC	35	23	\$135.00	11	10	18 to 1	\$1,350.00
Total		105		38	47		\$6,575.00
Reduction in weekly tuition=			\$6,575				
Reduction in annual tuition=			\$34,900		Percentage Reduction=		33.3%

As the example shows, the reduction in revenue would be \$6,575 per week, forcing the school to deal with the following significant consequences:

A \$341,900 (33.3%) decrease in annual revenue, making it difficult or impractical to continue operations (in fact, a smaller school would be forced to close).

The elimination of all profits (resulting in most likely an annual net loss vs. a net profit), leaving no resources for reinvestment into the school.

Layoffs of approximately seven teachers and seven aides, increasing the challenge of meeting the required teacher-to-child ratios.

An average increase in annual tuition of almost \$2,500 per child, increasing the cash outlay required from the parents.

In conclusion, not only will the licensing changes negatively impact a school's finances, but they will also force schools to terminate employees and increase the cost to parents. As a result, the licensing changes would inevitably decrease the quality of care for the children.

*Vernon Holloman*, Proprietary Child Care Association of Virginia provided the following Background Brief and Position Statement:

The Daily Press, a major Virginia newspaper serving the Peninsula communities of Newport News, Hampton, Williamsburg, York county, etc. recently had headlines that read "Ruling: "Church, Boy Scouts Immune From Suit".

A Hampton judge ruled recently that a local church and the Boy Scouts of America are immune from a lawsuit filed by the parents of two boys who drowned at a James City County camp last September because the camps are charities.

Circuit Court Judge Christopher Hutton ruled in a letter released Friday that both the Boy Scouts and the Church in Hampton qualify for "charitable immunity". Groups that qualify for charitable immunity are exempt from lawsuits seeking damages. (They are also tax exempt and nearly always a 501 ( c ) 3 corporation).

The lawsuit is for \$30 million dollars. The lawsuit accuses church leaders of not properly supervising the boys. The Boy Scouts are named in the suit because they own Camp Chichahominy, where the boys drowned, typical in lawsuits of this manner.

This story is similar to an earlier story that earned front page headline news in the same newspaper two years earlier. That story told of a young boy whose thumb was severed when a door at a Boys and Girls club was slammed on the child's hand. The boy required multiple repetitive reconstructive surgeries and the parents tried to file suit to recovery for expenses and damages. No luck.

PCCAV has addressed this issue on numerous occasions in years past before the General Assembly, the Child Day Care Council and most recently before the Commonwealth Competition Council (a state agency charged with researching fair competition issues and other "level playing field" matters). Virginia's Charitable Immunity laws are dangerous, unfair and antiquated. The general public has no idea that should their children or themselves become injured at a YMCA, Boys Club or church sponsored child care program or other tax exempt sponsored event that they have no recourse to recover for damages. By contrast, if a similar injury occurred in the commercial, tax paying sector the lawsuit and damage recovery process would be routine.

We have seen a dramatic growth in the tax exempt sector spurred by local, state and federal government policies and initiatives. Recently, in York County, a new 50,000 sq.ft. YMCA facility, complete with Olympic size pool, rock climbing walls, the latest in physical fitness equipment, child care services, etc., opened to great fanfare. The 6.5 acres of prime real estate on which the building sits was leased to the YMCA by York County for \$1 dollar a year for 99 years for a total cost to the YMCA of \$99.00. York County also granted \$2.1 million dollars in direct cash funding to the YMCA to build and otherwise finance the facility which does not have to be paid back. The new tax exempt YMCA is located in the most affluent residential area of the county, (so much for serving the poor). All this combined with Virginia's Charitable Immunity laws and the YMCA can operate "Scott Free", not to mention the fact that the YMCA is now competing with numerous tax paying business in the county and surrounding communities.

To complicate matters further, Virginia law allows for a "religious exemption" in the area of child day care center licensure and regulation. Any religiously affiliated child day care center program can take the exemption and ignore all the regulatory requirements promulgated by the state's Child Day Care Council and enforced by the state's Social Services Department. Last count there were 859 unlicensed, religiously exempted child day care centers operating in Virginia serving thousands of children and employing thousands of child care workers. This is done with the blessing of the Virginia Governors (both Democratic and Republican), the Virginia General Assembly, the Virginia State Supreme Court and the United States Supreme Court. (Both courts heard this case over a decade ago.)

Nothing about any of this can even remotely be considered fair or reasonable.

Minutes  
Child Day Care Council  
September 11, 2003  
Page 6

Consider these questions:

If the child care regulations are “for the children” then why aren’t they for all the children in all of the centers?

If it has already been established that 859 child care centers can exist without the “benefit” of licensure and regulation and with the blessing of law makers, the courts, the parents and the church then why do we need child care licensure and regulation at all?

For these and a multitude of other reasons, PCCA.V, having polled its membership and Board of Directors, will not support or endorse any further regulatory burdens or impositions promulgated by the Child Day Care Council or other government agencies.

Give us a level playing field, then and only then can meaningful dialogue take place.  
Respectfully Submitted by Vernon Holloman, Exec. Dir. of PCCA.V.

*Toni Cacace-Beshears*, Executive Director for Places and Programs for Children, Inc. advised they do mentoring and training to sponsor the USDA food program. She spoke on the proposed changes in regulation. She felt that 8 hours training is not enough and should be increased.

The ratio of 1 to 10 for two year olds is not good. Educating teachers is very important and felt everyone should be aware of the TEACH Program. Staff should be trained in early childhood education and be able to read and interpret regulations. A director training component should be added. We need to do everything possible to increase training as it’s for the benefit of our children.

*Jack Knapp*, VA Assembly of Independent Baptist referred to Dr. Burton’s presentation and agreed that the cost of day care will be greatly affected by the proposed increased regulations.

He agreed with Mr. Holloman that standards should be minimum. Concerned the word “minimum” was removed. The state should be for the health and safety of children. He referenced Mr. Holloman’s stats that 850 children were not covered. He advised this is not true. His facility has to meet health, fire, and other requirements. He believes the minimum standards should be extended for all to follow. Most of our children are cared for in other settings that are not licensed. Increasing standards will decrease choices for parents.

*Kristi Wright, Policy Analyst* representing Voices for Virginia's Children advised that as an organization, they are a persistent voice of reason in advocating for better lives and futures for children. The Commonwealth's only statewide multi-issue organization for children and youth, Voices promotes sound, far-reaching program and policy solutions, focusing on early care and education, health care, and violence prevention. With expertise in connecting resources, providing accurate information, and educating community leaders and policymakers. Voices is a unique catalyst in implementing positive change for children. Voices for Virginia's Children has a goal to make Virginia a place where all children thrive, and a mission to build a powerful voice for children and to aspire the people of Virginia to act on their behalf.

A sampling of programs and accomplishments include TEACH, which increases the quality of child care in Virginia. Through TEACH, child care teachers receive scholarships to earn an Associate's Degree in Early Childhood Education from their local community college, as well as an increase in salary and bonus. Systematically, TEACH will have a positive impact on the quality of child care in Virginia.

School Readiness Initiative-Voices serves as facilitator for a Governor-appointed team to develop a set of school readiness indicators for Virginia in a 16-state program funded by the Ford, Packard, and Kauffman Foundations. The data and research informs us in powerful ways as we work to improve public interest in and commitment to improving school readiness in Virginia. The initiative will result in information critical to effectively inform policymakers and communities about wise investments and programs—and encourage accountability-to increase preparedness for school.

Health and Mental Health-Over the last five years, Voices has worked diligently to help establish and steadily increase access to regular health care for Virginia's children through improved health insurance coverage. Voices leads a statewide coalition on children's access to mental health care, focused on informing better policies and programs for our youth and families dealing with mental illness.

Virginia KIDS COUNT-Voices publishes accurate and objective data used for sound decision-making through this project, a part of a national initiative by the Annie E. Casey Foundation. The Virginia KIDS COUNT data book is published every other year, while issue briefs and reports on specific critical issues are released as needed.

Minutes  
Child Day Care Council  
September 11, 2003  
Page 8

Children's Agenda-Voices acts as convener and communicator for a diverse group of organizations working together to develop a common "Children's Agenda" to use during the legislative session. The campaign is a nonpartisan effort to increase voters' and policy-maker's attention to issues affecting children and youth.

Ms. Wright advised this organization is in support of the work done by the Council.

*Jeff Kristek*, Executive Director for Virginia Child Care Resource and Referral Network stated that in light of the research conducted by earlier speakers regarding how strong child care regulations would decrease their profits and ultimately hurt their child care businesses, he would like to point out that the majority of states have stronger requirements regarding staff-to-children ratios and that they have found that the quality of child care provided for families has been greatly enhanced. He further stated that the emphasis upon finances does not accurately reflect how the quality of child care would be affected by watering down staffing regulations, whereas research has shown that reducing staff-to-children ratios increases the quality of child care.

Mr. Kristek pointed out that recent research on the brain development of children birth through age three strongly indicates the importance of high quality child care in the early years of a child's life. He expanded upon this point to illustrate how Head Start has shown through longitudinal research over the last twenty-five years that early intervention in a child's life can impact positively upon their school performance in later years. He further stated that if we can enhance the quality of child care and education early in the child's life, we are increasing the chances that child will succeed in later education. This connects directly with the economics of society, for as the quality of child care decreases, the economic burden upon society to address the unmet needs of the child increases. Likewise, as the quality of child care increases, the economic burden upon society decreases. Mr. Kristek stated that it is his belief that research bears out the fact that increasing training for early educators further enhances the quality of care that children receive.

(End of Public Comment)

Chairman Johnson introduced Carolynne Stevens, Director of Licensing, and Julie Christopher, Vice Chairman of the State Board of Social Services and representative to this Council. The entire Council introduced themselves to each other and staff.

Richard Martin introduced his staff and provided a handout listing the phone numbers and email addresses of staff.

Minutes  
Child Day Care Council  
September 11, 2003  
Page 9

#### Commission Comments

Commissioner Jones spoke on the Governor's Initiative "Foundation for a Lifetime". The Commonwealth will focus on children from birth to five years of age and their families. The Governor plans to roll this initiative out next Wednesday in Fairfax, Culpeper, Virginia Beach, and Richmond.

Focus on 0-5 years will heighten public awareness that the first five years is crucial to development of a child and help them thrive. Children need to be healthy, have a safe environment and effective responsive care from parents and caregiver.

The 1999 Rand Study shows that for every \$1 vested in early childhood saves \$7 in remedial education, welfare, etc.

He advised thirty-five other states already have some fledgling type program in place.

Components include early care and school readiness, family support, maternal and child health and nutrition, infrastructure and coordination and grants for localities to put these programs in place.

Commissioner Jones advised that 110,000 new parent tool kits will be distributed in Virginia free of charge. (10,000 kits will be in Spanish.)

Commissioner Jones thanked the Council for their hard work and advised they are providing a key ingredient to move this initiative forward.

#### Regulations Status Report

Mr. Richard Martin provided the Council with a regulation status review noting where each regulation is along the chain. He also provided Council members with an article from the Virginia Pilot dated September 8, 2003 that mentioned the work of the Council.

Chairman Johnson thanked Mr. Martin and noted that he could bring the Council a more comprehensive look at regulations. If issues arise, he can assist the members in articulating comments for the State Board to review.

#### Minutes

***ON MOTION DULY MADE (Ms. Steele) and seconded (Deborah White) moved to approve the minutes from the July 18, 2003 meeting as presented. Motion carried with all in favor.***

Unfinished Business

Public Hearing Schedule

Wenda Singer will work with Council Chair and staff to set up these hearings in areas statewide, where they will be assessable to as many citizens as possible to attend. A total of five hearings will be held with one taking place in conjunction with the next Council meeting on November 13, 2003.

Resilient Surfacing

Deb O’Neil provided information on Resilient Surfacing along with several booklets entitled “Handbook for Public Playground Safety”, “From Playgrounds to Play/Learning Environments”, and the “Playground Safety Resource Manual”.

There was much discussion on how to measure compressed and loose mulch. Ms. O’Neil advised when an inspector comes out, they will put a ruler into the mulch and measure the inches in several different locations.

Ms. Thornton asked and Ms. O’Neill confirmed that day care center playgrounds are considered public playgrounds as defined in the Handbook. She further stated they have a video and would be happy to share it with Council during their next meeting.

The following chart was part of a handout provided to Council members on compressed loose fill synthetic materials depth chart:

Height of Equipment	Pea Gravel			Sand			Wood Chips			Shredded Rubber			Engineered Wood Fiber			Poured in Place			Rubber Mats/Tiles		
	6"	9"	12"	6"	9"	12"	6"	9"	12"	6"	9"	12"	6"	9"	12"	1"	2"	3"	1"	2"	3"
1'	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
2'	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
3'	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y
4'	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y
5'	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y
6'	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	Y
7'	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	Y
8'	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	Y

Based on depth test results conducted by NPPS or manufacturers’ literature. Note that the loose-fill results are based on materials tested in a compression state. Y=Yes, it did meet CPSC recommendations for this critical height. N=NO, it did not meet CPSC recommendations for this critical height.

Minutes  
Child Day Care Council  
September 11, 2003  
Page 11

Ms. Simpkins asked what is the state recommendation for mulch and why. Ms. O'Neil advised 9" had been listed in the regulation because it covers most of the equipment heights.

She also stated that public comment may change the proposed 9" back to 6" or another number.

Ms. Collins questions indoor play equipment, noting that mats were ruled out in the new proposed regulation. Ms. O'Neil advised mats are listed on page 10 and can be used if they meet the ASTM 1292 requirements. Ms. Collins reported she had called three different manufactures and they were not aware of ASTM 1292. Ms. O'Neil will provide this information to Council. She will also plan to discuss supervised and private playground and indoor playground issue at the Council's November meeting.

#### Training Requirements/Subsidy Reimbursement Rate

Ms. Dottie Wells and Ms. Whitley-Baron provided answers to a letter written by the Council on training requirements and subsidy reimbursement rates.

Ms. Whitley-Baron advised there are eight licensing offices across the state. They have videos that providers can use and call back to the office for a test. The test is graded, if they pass, then training hours are earned.

Teleconferencing is being considered to see if more people can be reached. They are also working on a comprehensive training curriculum where they can train local center directors and then the director could train their own staff. VDSS would award training hours for this. It was reinforced that the VDSS can't meet all the training needs and shouldn't. There are other resources available and providers are encouraged to take advantage of them.

In addition to the Scholarship Program, VDSS contracts with Voices to support the TEACH Program which is training providers through community colleges for people to receive a degree. There are currently several hundred people working toward their degree.

Ms. Wells advised they have a \$1.5 million dollar budget and an additional \$1.0 million in training.

She advised rates in Virginia are lower and their goal is to increase to 75 percentile within the next couple of years. Incentives are also being looked at to reward those that are ranked above quality.

Minutes  
Child Day Care Council  
September 11, 2003  
Page 12

She referred to a Market Rate Survey to be done in 2004. The previous survey done in 2002 received a 92% completion and return rate from centers (100% of centers were surveyed). She advised it makes sense to do reimbursement using the tier.

Ms. Thornton asked if the Council could have a copy of the proposed rates. Once approved, Ms. Wells will share this with Council.

Ms. Simpkins asked if a website was being developed to list training opportunities. Dr. Whitley-Baron advised providers are on the DSS webpage. Also, brochures are available. It is her hope that a site will be developed that will provide links from one site to another including community and 4-year colleges. A tentative date is set for this spring.

Ms. Ruffin commented that with the no-show rates, providers may go somewhere else that is offering courses elsewhere. Dr. Whitley-Baron agreed.

Ms. Wells stated that with the ability to track attendance, it will benefit the department to know if we are offering training that providers want.

Ms. Thornton applauded the efforts of the unit. She further stated that we need to get training information out to ensure the best quality for our children.

Ms. Simpkins asked if there was a way to solve the problem when someone registers and then doesn't show for class. Ms. Whitley-Baron advised they are disseminating information to parents, and also allow a substitute to be sent in place of the person unable to attend class.

#### Committee Issues

Lisa Shelburne plans to attend the October State Board meeting in Abingdon and will report to Council.

Donna Thornton will attend the Board's December meeting. The meeting site has not been determined as yet.

#### Committee Assignments

Chairman Johnson provided members with Committee and Liaison Assignments.

General Procedures

Susan Hackney, Chair

Susan Ballard

Jane Craig

Julie Christopher  
Terry Davis  
Minutes  
Child Day Care Council  
September 11, 2003  
Page 13

Background Checks  
Norman Crumpton , Chair  
Sondra Freeman  
Dona Huang  
Carol Steele  
Julie Christopher  
Donna Peters

Public Participation Guidelines  
Bethany Geldmaker, Chair  
Lisa Shelburne  
Charles Finley  
William Harvey

Training  
Donna Thornton, Chair  
Judith Beattie  
Julie Christopher  
Adam Thiel  
Deborah White  
Anita Simpkins  
Novella Ruffin  
Margaret Collins

Nominating Committee  
Deborah White, Chair  
Sondra Freeman  
Susan Ballard

Strategic Planning  
Carol Steele, Chair  
Deborah Gardner  
Bethany Geldmaker

Liaisons  
Bethany Geldmaker-Department of Mental Health, Mental Retardation and Substance  
Abuse Services

Carol Steele- Virginia Recreation and Park Society

Minutes  
Child Day Care Council  
September 11, 2003  
Page 14

New Business  
None

Committee Reports  
Debora White provided a report to Council that was given by Commission Jones at the State Board meeting and again here at this meeting. Chairman Johnson thanked her for the comprehensive report.

Council Member Comments  
None

Adjournment 4:40 p.m.

Submitted by Pat Rengnerth