Office of Child Care (OCC) Advisory Council
Meeting Minutes
Thursday, November 14, 2013

AGENDA ITEMS	DISCUSSION OUTCOME
Attendees	**Council Members:** Jennifer Nizer, Dorothy Adams, Debbie Badawi**,** Crystal Barksdale, Terry Bridger**,** Cathy Dougherty, Les Hall, Tracy Jost, Judy Kalski, Lee Ann Kingham, Rachel London, Edisa Padder, Theresa Rivers, Steve Rohde, **MSDE Staff:** Liz Kelley, Lindi Budd, Betsy Blair, Gail Tucker, Audrey Smith, Roanthi Tsakalas, Jamie Ekatomatis **Guests:** Valencia Makel, Lia Thompson, Debbie Moore, Virginia Dee, Erin Penniston, Diane Mellot, Jody Burghardt, Beth Marrow, Ann Johnson, Madie Green, Chris Peusch, Carolyn Hardwick
Welcome And Opening Remarks	The meeting was called to order by Jennifer Nizer.
Assistant Superintendent/Director's Report –Liz Kelley • **Race to the Top (RTTT)/Early Learning Challenge Grant Update** • **CCDF State Plan Update** – Impact of Proposed Rule Changes • **Legislation –** for information go to: http://mgaleg.maryland.gov/web mga/frm1st.aspx?tab=home	**A brief overview was given RTT Grants** Liz Kelley, Director-Office of Child Care led the discussion along with Roanthi Tsakalas, Grants Manager-RTTT Monthly updates for all projects are available on the MSDE website. *The briefings were as follows:* ☛ *Project 1* – Local councils in all the jurisdictions have been established, are receiving technical assistance as requested and are working on their strategic plans at the local level. ☛ *Project 2 - Maryland EXCELS (See pages 5 -9)* ☛ *Project 3 -* Breakthrough Centers linked to Maryland EXCELS: The Vocabulary Improvement and Oral Language Enrichment through Stories (VIOLETS) language and literacy curriculum will be expanded to 170 early childhood classrooms by the end of the grant in 2015. Currently, VIOLETS has expanded to 80 early childhood classrooms with regard to coaching and mentoring. ☛ *Project 5* – Is in the process of completing Maryland Model for School Readiness (MMSR) training. In 2014 there will be a complete roll-out of the Kindergarten Entry Assessment (KEA). ☛ *Project 6 -* Kindergarten Assessment currently in the field test phase and will roll-out for statewide implementation in the fall of 2014. ☛ *Project 7 -* Social Emotional Foundations for Early Learning (SEFEL) addresses the health and behavioral needs of children through a coherent set of early intervention and prevention programs. Field test has begun for Best Beginnings; a developmental screening tool developed by University of Maryland. The American Academy for Pediatrics is conducting training for pediatrician for using developmental screening. The resource and referral hotline is working well. ☛ *Project 8 -* The Parent Engagement Framework was approved by the State Board. The team will be moving to devise strategies for family and center child care providers as well as Pre-K teachers. ☛ *Project 10 -* The improvement process to the various data systems particularly CCATS is moving quite smoothly. The modification for Credentialing is currently in the user acceptance testing phase. The system is being improved with features that

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	accommodate bonus payment which is one of the major challenges. Currently bonus payment is done manually. These modifications will be implemented early 2014.
	Liz told the group that the Division is at the mid-point of the RTTT grants. She said that there are ongoing conference calls with the Feds to keep them abreast with the activities. It was also mentioned by Liz that the challenge in the upcoming years will be to identify ways to sustain the systems that are being implemented.
Child Care Subsidy Branch • Regulations Workgroup • Case Management RFP	Betsy Blair, Branch Chief of Child Care Subsidy led the discussion *Highlights for proposed Regulation changes:* ☛ Regulations are at the draft stage *The proposed new regulations will include:* • *A 14 day voucher/invoice return timeline -* The vouchers will be issued and go to the parents for signatures, the provider of choice for signature and return to the Department within 14 days. The advantage to this new timeline is that the payment process will be done much faster than the current system. • Requirement for the submission of birth certificates for all family members. Justification: to verify citizenship and family relationship. *Question:* Is the collection of birth certificate already/will be included in COMAR? *Response from Betsy:* This will be new in COMAR for Child Care Subsidy regulations. This documentation will not be required for enrollment in child care centers or family child care homes. This will be to determine the eligibility of the child and family for child care subsidy which is a recommendation made by the Feds. This regulation is slated to take effect hopefully by March 2014 based to the comments received. It was reiterated that requirement was for child care eligibility determination and not for enrollment of children in a child care facility and will not go in the regulations for child care. *Question:* Will child care providers be tasked with the responsibility of collecting birth certificate? *Response from Betsy:* The Regulations are more customer-focused than provider-focused meaning that it is about customer eligibility and provider payment. Child care providers will not collect birth certificates. Birth certificates will be submitted as part of the documentation required with the application for child care subsidy. *Question:* Why are child care providers not allowed to collect birth certificates for children enrolled in their programs similar to that in the school system? *Response from Betsy:* Birth certificate collection is not done in the general by the school system it was done for age eligibility for children entering kindergarten. *Question:* Is this POC (purchase of care)? Will it affect DHR (Department of Human Resources) Case Management? *Response from Betsy:* Yes it is POC. It will affect whoever is determining program eligibility. Betsy stated that the proposed regulations were recommended by a sub-committee. The regulations are currently in draft and will be available for public comment when they are completed. Betsy reminded the Council that she was presenting just the highlights, that

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	there will be other changes, clarifications, and improvements in the revised regulations.

- *Mandatory Child Support Enforcement* - There will be no more voluntary statements from the absent parents. Everyone will be required to go through Child Support Enforcement. The challenge for the Branch is that, sometimes the absent parent is deceased which means they cannot tap into Social Security death benefits and other benefits they are entitle to. If this is channeled through Child Support Enforcement it is guaranteed that the custodial parent will get the money among other benefits.

- Changing Child Care Providers - Currently there a clause in the regulation that reads, *"if a parent wants to change providers, the providers have to verify if a co-pay is still outstanding."* This will place the local department or whoever determining eligibility or the subsidy Branch in the middle; sometimes the person handling the matter does not know the difference between a co-payment and an additional fees/registration. There are too many fees hence it is difficult to communicate the right information. The regulation in the future will require the parent to complete the Change Form stating that they want to go from Provider A to Provider B and attach their most recent payment receipt to establish that the co-payment was made. This means, if they can provide their receipt they can move to another provider but if they do not have the receipt they would not be able to receive a voucher for the new child care arrangement. It is important that child care providers give parents receipts every time the state-assigned co-payment is made. It was noted that providers are required to collect the state-assigned co-payment. Not to do so is against the Federal requirements.

Question: Should parents take the Change Form to the provider or will providers call to get this form?
Response from Betsy: Providers will not be responsible for the Change Form. The responsibility of a provider is to provide receipts to parents when co-payments are made. Parents will fill out the Change Form and attach their receipts if they don't have it they will not be given another voucher.

Question: How will you know if the receipts parents submitted are authentic?
Response from Betsy: Currently there is no system to authenticate receipts but consideration will be given to the question asked such as cross checking sample receipts with providers or providers could customize their receipts.

Suggestion: There should be an established rule that parents can only move their children a certain number of times within the voucher year.
Response to suggestion from Betsy: Parental choice is Federal Law so the Subsidy Branch cannot dictate the number of times parents move their children or the child care they select. The branch handles the parents' case, they are the Subsidy Branch constituents and they are given the right to choose the child care facility.

Question: Is proposed system paper-based or is there is an electronic component to it? If there is an electronic component, couldn't there be a feature that will prompt the provider to reply back?
Response from Liz: Currently, the system is paper-based. However, when the public portal is implemented with new features such as online attendance and other online changes all

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	these alert features will be considered. The goal is to have all the processes done electronically.
	Question: If parents don't make their co-payment can providers take legal action? *Response from Betsy:* Yes, providers (as business owners) have to decide what will be their course of action against delinquent parents who do not make their co-payments. If parents do not pay their state-assigned co-payments they are not entitled to subsidy if this is communicated to the Subsidy Branch.
	• *This proposed regulation changes is specific to child care providers - Currently, subsidy regulations allow for 60-calendar absent days per calendar year. The proposed regulation change aims to reduce it to 30 absent days per calendar year. The medical exception is still in effect in that, if the child is sick and cannot be present for child care, once the parent submits medical note for the child, the child will be eligible to start over if they happen to reach 30 days.*
	• *This proposed change is specific to parents - The Branch will no longer serve Temporary Cash Assistance (TCA) customers who have been sanctioned with child care subsidies. These are parents/guardians who are getting a cash assistance check from a local department of Social Services. Normally, when parents/guardians do not adhere to the guidelines, their TCA checks are taken away but currently they continue to keep their child care.* Under this proposal, parents who are in breach of the rule will not receive child care services.
	• *Request for Proposal (RFP) - MSDE has released an RFP in an attempt to solicit information from private vendors or contractors to do the Agency's Case Management for Child Care Subsidy. The proposals are due December 9 2013. After which an evaluation team will assess them and then the Branch will proceed accordingly. The projected implementation date is July 1, 2014.*
	Question: When will MSDE deal with informal care? *Response from Liz: Changes to the informal requirements will be part of the changes in the Child Care Subsidy Regulations such as monitoring, training, criminal background implementation and so on.*

Licensing Branch
• Licensing Workgroups
  o Before and After School Enrichment Program Reform - Regulation Review Committee Recommendations
  o Dispute Resolution Workgroup
	Paula Johnson, Branch Chief-Licensing is currently out of office until mid-December and Liz will oversee the Licensing Branch in her absence. Lisa McDonald, Training Coordinator retired on October 30th and Cheryl Hall, Nurse Consultant returned from leave on November 9th.
	
	Joint Budget Committees for Before and After School Enrichment Program Reform - Workgroup Liz reported on the progress of the workgroup discussing recommendations to the Joint Budget Committees for Before and After School Enrichment Program Reform. The workgroup came out of the 2013 legislative session and required the Department to submit a by December 1, 2013 with recommendations for before and after school reform.
	
	The Workgroup has met and the Department is in the process of compiling the recommendations made. The report will recommend changes to COMAR for school age only child care facilities.

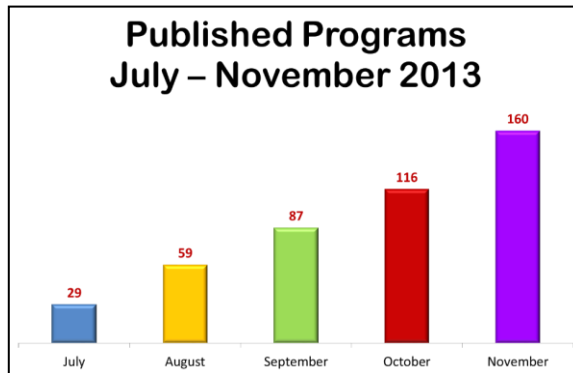| AGENDA ITEMS	DISCUSSION OUTCOME
	The changes will clarify who has to be licensed. It was noted that the change in regulation is moving rather swiftly so that all the loop holes that currently exist are closed to programs that are operating as child care in conjunction with enrichment program.
	Some of the recommendations include how space is utilized by school age only programs especially in shared space not requiring fire inspection; requirements pertaining to immunization and other documentation. Programs that are providing custodial care in addition to enrichment/instruction (i.e. language instruction, dance, karate, tutoring, etc.) will fall under the definition of child care and will be required to be licensed.
	The recommendations will have major implications for the Licensing Branch. Many school age programs are licensed but there are many others that have been established over time and expanded services without becoming licensed.
	Diane Mellott applauded MSDE on behalf of the school age child care community for responding positively to their needs. She said the team is appreciative of the steps MSDE made with regard to the way the matter was handled, open dialogue and inviting everyone to the table.
	Dispute Resolution Workgroup
	Liz reported on the work of the Dispute Resolution Workgroup that also came out of the last Legislative session. She said the aim of the workgroup is to discuss the dispute resolution process for child care. The group is in the process of making recommendations which will result in some changes to regulations. The objective of the changes is to make it clear to child care providers that they cannot discriminate on the basis of disability. This process will require training for providers and Licensing Specialists. Other recommendations include updating all the pertinent documents related to Inclusive Child Care and Disability Discrimination and developing resources pertaining to dispute resolution.
	The recommendations will require changes to the Licensing Regulations which will be available for review before they are implemented.
Maryland EXCELS Branch • Participation • Positions • Revised Standards and Website • Advisory Group	Lindi Budd, Branch Chief, provided the following updates on Maryland EXCELS.
	Interviews were conducted for two new Quality Assurance Specialists (QAS) and recommendations for hiring sent to Human Resources to complete the process. These two positions will bring the total number of QAS to 15 which now means all QAS positions will be filled. The new hires are expected to start working by January 2014. They will be located in the Lower Shore and Southern Maryland Regional Licensing offices.
	Interviews for the Quality Assurance Measurement Specialist, formerly held by Alan Guttman, will be conducted on November 25th and 26th, 2013. The job responsibilities for this position include coordinating the rating scales (ERS, CLASS) as well as assessors conducting program assessments.
	Lindi welcomed new hire, Jamie Ekatomatis, Communication Outreach Specialist for Maryland EXCELS and congratulated Gail Tucker for her invaluable service to Maryland EXCELS as well

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	as her reassignment to the Assistant Superintendent's Office to work on outreach for DECED.
	Revisions to the standards have been made responding to the feedback gained from the field test. The revisions were sent out for comments and are due on November 19, 2013. After approval, the standards are expected to be uploaded to the Maryland EXCELS website early 2014 by Johns Hopkins-CTE.
	Programs that are currently participating in Maryland EXCELS and have published their ratings will have one year to meet any new standard. On the other hand, some programs that are participating, but are unable to publish, will now be able to do so with the new standards more quickly as some of the new requirements will enabled them to publish sooner.
	The Maryland EXCELS Advisory Committee will hold their first meeting on November 14, 2013 at 1:00 pm. The objective of this committee is to be Maryland EXCELS "eyes and ears" with regards to pertinent information/feedback that will improve the quality of the systems. Lindi applauded the team that consented to be a part of the committee.
	It is anticipated that in the future, the standards will be revised again. When this is done, a large group will be invited to be a part of the process and there will be more data available about the strengths/weaknesses and to make recommendations.
	Lindi presented updated participation data, illustrated in the chart. Depicted in the bar chart below, is the frequency of programs participating in Maryland EXCELS since the Field test to November 2013. As shown on the chart, there is a dramatic increase in number of programs participating. When Maryland EXCELS opened in July, 201 programs registered which pushed the total to 531 and continues to grow steadily up to November with 1186 participating programs.

Participating Programs July – November 2013

| Field Test	July	August	September	October	November
330	531	603	813	1038	1186

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	The bar chart below shows the number of programs that published their levels from July 2013 to November 2013. There has been a stable increase in the number of programs that have chosen to publish their levels. Most programs are currently working on achieving a rating so that they can publish. There is a wait-time when programs decide that they are ready to publish their ratings which may take up to 6 - 8 weeks. Lindi explained that currently the system is manual and the verification process is highly time-consuming. The documentation is first verified by a CTE Program Coordinator (PC) and Management at Johns Hopkins and then management at MSDE before levels are published to the website. There are also programs waiting to join Maryland EXCELS which is a 2 to 4 weeks process. When CTE receives an application, they verify the application to see it was accurately completed; then they are assigned in batches (20 - 40) to a PCs. The batching system is for consistency and categorizing similar programs especially for verification purposes instead of dispersing them to different PCs. The pie chart below provides a breakdown in terms of type of programs participating in Maryland EXCELS. Most programs registered with Maryland EXCELS are Family Child Care (638), followed by Center-Based (498), School Age Only and Pre-K with 46 and 4 respectively. An outreach campaign is being developed for the Public Pre-K and will be rolled-out in 2014. In response to a question asked about Public Pre-K, it was noted that the participating Public Pre-K programs are in the Prince Georgie's County and one in Washington County.
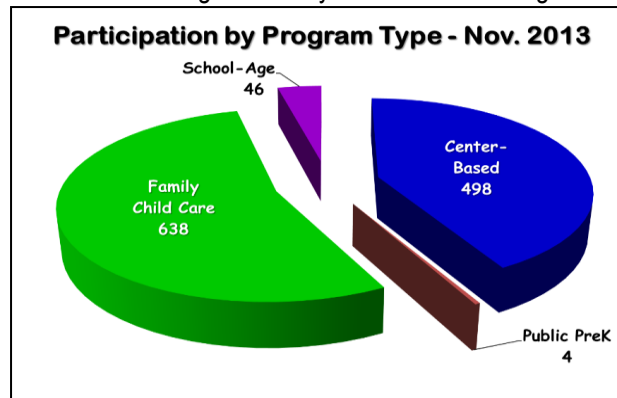
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	The pie chart below illustrates in percentage, programs check levels published with Maryland EXCELS. It was noted that the Check Level 5 programs which make up 44% of the total are the accredited programs. Check Levels 1 and 2 make up 24% and 21% of the total respectively. Lindi reported that some programs have opted not to publish because they are working towards a higher Check Level.

Published by Check Level – Nov. 2013

Check Level 5
44%

Check Level 1
24%

Check Level 2
21%

Check Level 4
6%

Check Level 3
5%
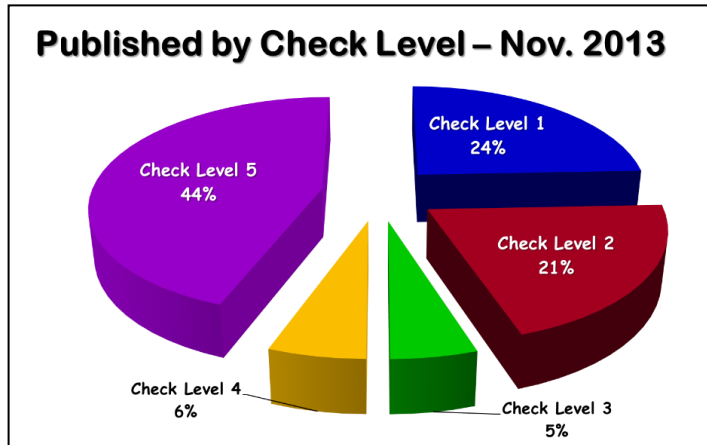
Lindi stated that programs independently decide when they want to publish their ratings. When they are published they automatically receive tiered payment at Levels 3 – 5 and other incentives.

Lindi stated that the QAS are working with the Licensing Specialists (LS) and Resource and Referral Staff for creating Support Groups to assist new programs in their regions as well as experienced Maryland EXCELS programs that are assisting with the process. She also thanked other community partners for their assistance.

A meeting will be held on December 9, 2013 to finalized process for the Cultural Competence formerly Dual Language for Learners/Additional Recognition so that programs can receive additional recognition for being a culturally linguistically competent programs.

The Maryland EXCELS website will be updated soon with new releases so that programs and families will be able to view their full ratings in every standard area not just their overall check levels. Some programs have stated that they are hesitant to publish at a lower level when they are at a higher level in some areas. This new release which we refer to as the "Report Card" where families can view the progress providers are making.

A new PowerPoint is being finalized by Jaime Ekatomatis and will be uploaded to Maryland EXCELS website in the very near future. The objective is to make some of the processes more efficient.
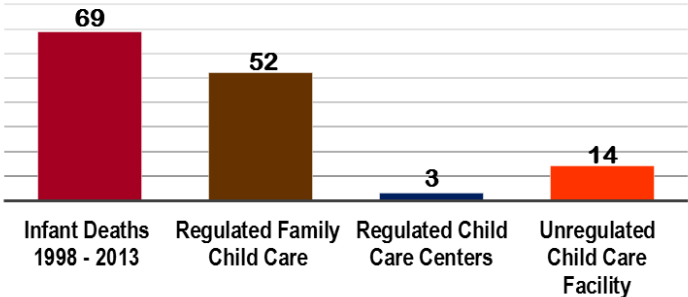
Maryland EXCELS has exceeded the goals that were established by Race To The Top (RTTT) for Year One which is full implementation. The branch is currently working on Year Two goals. Based on the current trend it is hoped that by the end of the grant period over 3000 programs will be participating in Maryland EXCELS.

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	Question: Is the monetary incentive yearly or a onetime thing? *Response by Lindi*: Currently it is one time. The budget is being carefully looked at to see if incentives can be awarded to the upper levels similar to Credentialing system. *Question*: What about when the new programs are established and programs are asked to reenter information? Will the incentive be offered at that point? *Response by Lindi*: The Team is currently looking at ways to sustain the incentives but the amount that was allocated in the application was for one time. *Question*: For programs that are published with Maryland EXCELS; what documents will be needed from providers next year? *Response by Lindi*: No decision has been made on the matter yet but the goal is not to have programs duplicate their previous efforts. Although a timeline with regard to expiration date is not established for the Annual Reports, programs may be asked to use it as annual update. Programs will be asked to submit basic information that is pertinent to MSDE and not NAEYC. The objective is to avoid creating double work for accredited programs. *Question*: Is there a system in place with regard to accreditation for providers with a Bachelor's Degree with small group centers knowing that MSDE does not offer accreditation for such groups? *Response by Lindi*: Preliminary discussions are being held internally around the matter to see how it can be resolved. During discussion it was revealed that the National Association for Family Child Care (NAFCC) offers accreditation to small centers. Although a program may be classified as a small center, it is deemed a family program hence exception can be made. To get accredited with the NAFCC, programs (small centers) there must be constant dialogue with them. *Question*: Why are providers held responsible for accepting POC children while the parents are doing the qualifying process for the vouchers? *Response by Lindi*: Providers that are receiving child care subsidy have to be registered with Maryland EXCELS as a Federal priority and also a priority of RTTT. This is to ensure that any child receiving child care subsidy (high needs child) are enrolled in a high quality program. Proposed new rules for the Child Care Development Fund (CCDF) have been developed to require states to limit the use of funds to high quality programs. Many states are moving in this direction to ensure that children with the highest need are enrolled in high quality programs (as measured by the state's TQRIS). Hence by engaging in Maryland EXCELS child care programs are in a continuous improvement process. Maryland EXCELS was developed to allow programs to come in at level 1 and continue to receive child care subsidy. Knowing that Maryland Regulations are strong, the OCC is comfortable in having very few requirements at this level.
Credentialing Branch Updates • Credentialing Modification	**Credentialing Modification** Liz noted the ongoing challenges with the Credentialing Branch due to the large volume of applications received on a daily basis and the back logs. The CCATS modification for

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	Credentialing is currently in the user acceptance testing phase. The proposed modification implementation will be early 2014. Assuming that the team can validate the bonus payment component which includes the comptroller's and the Budget Offices at MSDE. The modification process is progressing smoothly. The calculations element has been improved to support all the levels and the various options.
	When the public portal is implemented, approved trainers will have access to the training resources that they offer. Trainers will be able to submit information such as the name of participants that attended training offered. Each participant will have their CCATS identification number (ID). Currently the ID number is supplied through the Credentialing Branch. Ultimately this number will be supplied to anyone associated with a child care program and is required to complete continued training. The information will be placed on a 'roster' with the participants that attended the training. The information will be submitted, validated by MSDE and then it will populate the participants' files.
	The goal is to get to less paper documentation having to be submitted. The portal is planned to be implemented by 2015 as it is one of the items in queue for Race To The Top (RTTT).
	Liz said she is working with Angeline, Credentialing Branch Chief to develop an RFP to implement a process similar to what is done for Child Care Subsidy invoice processing. Credentialing applications will be sent to a vendor for scanning and data entry. Another option is to implement a system similar to MD EXCELS where documents are scanned by the person submitting the information and uploaded. These processes will help with paperwork being returned and reducing processing time.
Items for Discussion **Infant Deaths** • Recent news story and data • Proposal for regulatory changes and policy implications	Liz shared with the OCC Committee the death of an infant in a child care facility recently. She expressed that actions will be taken to address this matter. She referred to a recent news report on Channel 2 in Baltimore that addressed children's deaths in Maryland and the inadequacy of response from the office. Over the past weeks MSDE/OCC has been gathering data on infant deaths in Maryland since 1998 - 2013. The findings as outlined in the chart are alarming. **Infant Deaths in Maryland Since 1998 - 2013** 69 — Infant Deaths 1998 - 2013 52 — Regulated Family Child Care 3 — Regulated Child Care Centers 14 — Unregulated Child Care Facility

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	Research was also conducted on the causes of infant deaths and what action was taken. Findings revealed the following causes: underlying medical conditions, unexplained and inappropriate supervision by caregivers.
	In most cases, providers either voluntarily closed or the Office took an emergency suspension action and subsequently revoked the licenses/registrations. In some instances no enforcement action was taken.
	It was suspected that the low death rate of infants in Child Care Centers is because children are under constant supervision. In light of this, Liz proposed that Family Child Care Regulations be changed to require that, "*children remain on the same level as Family Child Care Providers at all times (whether they are napping or active/awake)*".
	It was noted that the latest infant death was in a registered family child care home. The child was in a bedroom, the provider on the second floor (basement- 2 floors away) with the other children. The child was not checked on as required. Liz said she is cognizant of the fact that multiple Family Child Care Providers use multiple levels of their homes which does not mean that these levels cannot be licensed but all children should be on the same level with providers at all times. This regulatory change will affect to all children in child care including School Age. There is currently no timeframe for implementing this change. There was some discussion by the Council and agreement was established to move forward with the proposal.
Updates	Announcements of various events were made by the committee members.
Adjournment	The meeting was adjourned at approximately 11:50 am.
Next Meeting	Thursday, February 27, 2014 10:00 am – 12:00 Noon @ MSDE, 8th Floor CR 6/7