



Office of Child Care (OCC) Advisory Council

Meeting Minutes

August 17, 2017



AGENDA ITEMS	DISCUSSION OUTCOME
Attendees	
Council Members	Barbara Andrews, Jennifer Arnaiz, Tymeerah Butts-Grandy, Dr. Cheryl DePinto, Jacqueline Grant, John Krupinsky, Rachel London, Diane Mellott, Chris Peusch, Steve Rohde
MSDE Staff	Liz Kelley, Deborah Royster, Angeline Bishop-Oshoko, René Williams, Lindi Budd, TJ Bennett
Guests:	Shaun Rose, Sara Ott, Adrianna Venzor, Tara Bartosz, Debbie Moore, Lacey Tsonis, Fatima Whitmore
Welcome And Opening Remarks	The meeting was called to order by Liz Kelley. Chris Peusch joined the meeting by telephone.
Assistant Superintendent/ Director Report Licensing and Other News	<p>On July 1, 2017, Paula Johnson resigned. Loretta Wallace, a supervisor, a child care licensing specialist and the office secretary from the Baltimore City Office of Child Care have also left the employment of the Division of Early Childhood Development. Significant issues across the State licensing offices have been discovered and are being addressed.</p> <p>We have recently completed an internal statewide audit of fingerprint records in the regional offices. As a result of the audit, the OCC has asked some child care providers to get fingerprinted again. In some of those cases, we discovered that the child care provider did not use our authorization number when they were printed, which means the regional office never received the results of the criminal background check. This has nothing to do with the CCDF reauthorization requirements.</p> <p>In other instances, the child care provider may have moved between child care facilities and used the 365 day form to transfer their fingerprint records to the new facility. However, they did not change the authorization code for the regional office so fingerprint results are going to the incorrect regional offices.</p> <p>We have held the interviews for the regional manager position at the Upper Shore office (Price Shuler's position). The potential new hire is on the State Board agenda for next week.</p> <p>MSDE is in the process of holding interviews for the Assistant State Superintendent position vacated by Rolf when he retired over a year ago.</p> <p>We are making some internal changes to the staff qualification process in regulation. One of those changes is to require licensing staff to evaluate staff qualifications within a "reasonable time period" (2 weeks from when they are submitted) with a maximum of 30 days in special cases. Most staff have one day in the office every week. It is Liz's expectation that staff will work on paperwork that day, to include the staff qualification reviews.</p> <p>We have identified several areas for staff training, to include: Staff qualifications, writing documentation and inspection reports, conducting inspections and regulation training.</p> <p>Diane asked if the staff evaluation will include aides.</p> <p>Liz said yes, that is the expectation regardless of what the position is.</p>



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	<p>Shaun asked who would make the decision about who will be hired to replace Paula.</p> <p>Liz said she would make the decision if she's still around.</p> <p>Shaun asked if the child care provider community would get an opportunity to meet with the new person.</p> <p>Liz said yes. There is an expectation that the person hired for the position will visit all of the regions to meet with licensing staff as well as providers. That person will also attend conferences, association meetings and round tables.</p>
Legislative Updates	<p>There were four pieces of legislation during the 2017 session that required MSDE to develop reports.</p> <p>SB 293/HB 395 – Alternative Methodology – Report - The workgroup for this has been meeting. Liz asked if anyone from the workgroup if they'd like to discuss the workgroup.</p> <p>Chris said the workgroup has developed a new one page survey for child care providers to obtain better data, as well as developed a letter to providers explaining why the information is being collected.</p> <p>Shaun added that the Associations are in support of a letter that explains that the information will remain confidential and is only an attempt to gather more accurate data. It also explains that the survey is not an attempt to gather information about a provider's business practices. They hope to drive up the number of participants.</p> <p>Debbie also added that the workgroup basically created a new market rate survey. The timeframe within which the group had to work was not sufficient to develop an alternative methodology.</p> <p>Liz said the State would like to look into an alternative methodology but there wasn't enough time to really get into it.</p> <p>Liz also said it was very important to explain to the provider community why we are asking for the information. The new survey is clean and easy for providers to complete.</p> <p>17 states are currently using a hybrid model, with the Market Rate Survey as the baseline and then use information gathered from quality improvement initiatives to inform the cost of care.</p> <p>SB 294/HB 418 – Reimbursement Rate Adjustments – This legislation asked the Department to explain which form of reimbursement it uses for child care subsidy – a market rate survey or an alternative methodology. It also asked for our current rates and what we would do based on the information gathered. We completed the report last week and submitted it; it should be approved for release to the public soon.</p> <p>Rachel asked if either report considered the potential to increase the payment rates for children with disabilities.</p> <p>Liz said no, but that it can be brought up in the Alternative Methodology Report as something to consider.</p>



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	<p>René said the Child Care Subsidy Branch has not received a request for additional funds for a special needs child in over a year.</p> <p>Fatima Whitmore said child care providers were unaware funds were available for this and that they should be educated about the availability of the funds.</p> <p>Liz said the information is available in COMAR.</p> <p>Jennifer asked if that information could accompany the meeting minutes.</p> <p>Liz said yes.</p> <p>The regulation discussing this is found on page 25 (approximate) of the following document: http://earlychildhood.marylandpublicschools.org/system/files/filedepot/12/13a.14.06_comar_online_eff_032015.pdf</p> <p>HB 456 – Dispute Resolution Process – This report must be completed within the next two weeks. The workgroup has met twice already. The workgroup is making the process more comprehensive and is developing the complaint process for parents and child care licensing specialists to follow when investigating these types of complaints.</p> <p>Rachel said the workgroup originally thought to create a separate investigation process for discrimination complaints. After further review, they determined there was no need to complete a separate process. Liz has created a documentation sheet that includes items for complaints of discrimination. There is also a checklist that includes items such as accessibility, accommodations, etc... The child care provider can use the checklist with the Ombudsman (Manjula Paul, Nurse Consultant, Office of Child Care, Licensing Branch).</p> <p>Liz added that the workgroup has developed a complaint form that includes everything necessary on it. It captures all information, regardless of the type of complaint. The checklist was based off of the old family child care provider checklist developed many years ago to help providers prepare their homes prior to a licensing inspection. It's a generic document that any facility can use, whether family or center.</p> <p>The hope is that all complaints can be resolved at the lowest level possible, which is the Regional Office. If that is not possible, the parent can contact Manjula. The process also informs the parents how to escalate the complaint for further investigation.</p> <p>HB 516 – Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-year Olds – The Division is in the final stages of preparing the draft report for submission. This is due to the legislature on September 1, 2017. The document is with the workgroup for final review, as well as undergoing an internal review. We have answered the questions posed in the legislation.</p> <p>Chris asked if the workgroup would get to review the final draft document before submission.</p> <p>Liz said no, she does not believe so. As a result of a member of the workgroup inappropriately sharing</p>



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	<p>the draft document, MSDE leadership determined that the Department would complete the report. They are taking every comment and suggestion received and working those into the document. It is not a public document until the legislature has received it.</p> <p>Shaun said there were many broad issues tackled by the workgroup and that a lot of ideas could have had more time spent on them. The workgroup has made some broad recommendations. He also asked what will happen after the Kirwin Commission completes its task. Would there be further opportunities for the workgroup to meet and discuss recommendations made by the Kirwin Commission?</p> <p>Liz said the Bill was not written to gather information for the Kirwin Commission. MSDE was tasked with answering only the questions in the legislative language of the Bill. We need further guidance on how all of this will play out.</p> <p>The Kirwin Commission has asked the Department to present the findings of the workgroup. No date has been set for that meeting at this time.</p> <p>On October 10, 2017, the Department is to present the findings of the report and the other various pieces of legislation to the Joint Committee on Children, Youth and Families.</p>
Child Care Development Fund (CCDF) State Plan	<p>Liz attended the annual meeting of the State and Territory Administrators Meeting (STAM) for three days last week. Many of you may know that Shannon Christian is the new director for the Office of Child Care at the federal level. Shannon was the director under the Bush administration. Her perspective on the new rules for the CCDF implementation is very interesting. Shannon was very receptive to comments and concerns raised by the State Administrators during the meeting.</p> <p>Health and Safety Training – The online basic health and safety training has been available online for a while now. The resource and referral centers are also offering the training they developed.</p> <p>With the latest platform, we are facing a capacity issue. The system can only handle so many people enrolled at one time. As a result, we had to purge accounts for those people who signed up in May but have been inactive since that time. (Meaning they signed up but then never completed the training.) Before we completed the purge, numerous notifications were sent.</p> <p>Once someone signs up for the online training, they need to complete it within three weeks.</p> <p>Jennifer asked for clarification about what happens if someone fails the online test. She has heard that those people must take a 5-hour in person training.</p> <p>Liz said we would clarify. (Clarification: The person must take the training face-to-face with a MSDE-approved trainer. There is no limit on the number of hours the training must be.)</p> <p>Jennifer also asked for clarification on the number of people who could take the training at one time. (Clarification: Best practice is no more than 35 people per group. However, we have not limited the number of people who can receive the training at this time.)</p>



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	<p>Shaun asked about the status of this requirement being placed in regulation.</p> <p>Liz explained that she is the only person who can write regulations in the Division. Every time she thinks they are ready to submit, something else comes up that either needs to be added or changed. In addition, regulations for the Office of Child Care must go before the State Board of Education for approval now and their Agenda is set months in advance. The goal is to have all of the regulations finalized by the end of the year.</p> <p>There is also a push to remove as many regulations as possible across the State. Liz had to develop a justification as to why we are adding regulations and not removing them as preferred.</p> <p>Shaun asked what the new deadline is for child care providers to complete the training.</p> <p>Liz said the default is the requirement of the federal regulations until our regulations are in place. Child care licensing staff are instructed not to cite anyone for failing to complete the training. There is no regulation in place to allow for citing someone for failure to comply. Liz said at this point, the new goal is to have it completed by January 1, 2018.</p> <p>A brief discussion regarding licensing staff informing providers that they are out of compliance for not completing the training occurred. Liz said she has made it perfectly clear to licensing staff that they are not to cite anyone for not completing the training. Others in the room said licensing staff were not citing the providers, but were “threatening” them with being out of compliance.</p> <p>TJ, who has been helping to grade the online knowledge checks, informed the group that in addition to that, some child care providers are reporting that their Center’s have said they will not pay them until they complete and pass the training.</p> <p>Criminal Background Checks (CBC)– Liz said that during the STAM, many state administrators voiced their concerns about the requirements surrounding the CBC’s. There is supposed to be a two-year extension given to all states to allow time for compliance with this requirement.</p> <p>The only component Maryland has not met is to check the National Sex Offender Registry (NSOR), hosted within the FBI’s National Crime Information Center (NCIC) database. The only entities currently allowed access to the NSOR are law enforcement agencies. The FBI and the federal OCC are working together to determine ways for the states to meet this requirement.</p> <p>There were also several discussions during the STAM that alluded to certain provisions of the final rule going beyond what the regulations require. The federal OCC is taking a second look at these and will issue guidance when they complete their review.</p> <p>The Retention and Expulsion Policy is available on the MSDE website at http://earlychildhood.marylandpublicschools.org/system/files/filedepot/4/marylands_se_policy_final.pdf.</p> <p>This is a policy, not a regulation, and is designed for use in any early care and education setting. It also contains resource documents.</p>



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	<p>Emergency and Disaster Planning – This looks at what the OCC will do to assist child care providers during a disaster. How can we work with a provider to get them up and running? What can we do to help mitigate some of the problems? This could include waiving regulatory requirements for a certain number of toilets and hand washing sinks, etc. It is with Liz for final review. She wants to make changes to it so that it is more flexible in how some of the components are stated. Once she completes her review, it will be posted to the website.</p> <p>Dr. DePinto said the MD Department of Health (formerly the Department of Health and Mental Hygiene) recently had a project with the STARTS program . (Study of Terrorism and Response to Terrorism). STARTS did an assessment for MDH on the public school system side and they developed resources for them to use because they found that a lot of improvements can be made in the ways in which the school systems communicate with parents, the community and local health departments. She offered to make the materials available to OCC to see if child care providers can possibly use any of them. She is not sure to which degree some of the materials would be appropriate to child care.</p> <p>Liz asked Dr. DePinto if MDH still regulates camps. MSDE is trying to decide if we will continue to pay child care subsidy for children enrolled in the camps. One of the new requirements of the CCDF re-authorization is that anyone who accepts subsidy funds must meet the requirements to pass the health and safety training, monitoring and the comprehensive background check.</p> <p>Liz also asked if the camps are monitored. Dr. DePinto said yes.</p> <p>Dr. DePinto said she and Liz could have a conference call for further discussion.</p> <p>The CCDF reauthorization final rule proposed a national website where parents could locate child care related information in once place. There were significant issues with this approach. What they have decided to do is link to each state’s website.</p> <p>Another change is with the requirement to post the number of serious injuries and deaths at the child care provider level. We have gotten clarification on this. What needs to be posted is the inspection related to the injury or death. We are still working on posting substantiated complaint results. We are also complying with ensuring that all of our documents are accessible by having them translated into multiple languages.</p> <p>12-month vouchers – This requirement is met. The Department is issuing all vouchers for 12 months, with a few exceptions such as homelessness, pending TCA families, etc.</p> <p>Phase Out of Benefits – René reported that we are waiting for changes to the CCATS system for this to be finalized. We are doing what we can manually.</p> <p>The pre-print for the next State Plan should be out in September. It will cover a three year period again. We also will have to complete a Quality Performance Report to include data elements discussed in the existing state plan.</p>
Communication Strategies	A very long discussion ensued about the OCC’s inefficiency in communicating information to providers and advocates.



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	<p>As a result, it was agreed that TJ would:</p> <ul style="list-style-type: none"> • Send relevant information to the OCC Advisory Council for dissemination by its members to their networks. The Council includes representatives for the family and center Associations, the Child Care Resource and Referral Network, SEIU and other advocacy groups. • If those organizations receive questions from their memberships, they will forward the questions to TJ, who will gather the responses to them and re-send to the Council for dissemination. <p>In addition, TJ has requested a mailbox where anyone in the child care provider community can send questions about rumors circulating, information they are hearing and want to verify, etc. The email address is: childhoodupdates.msde@maryland.gov</p> <p>Liz also suggested adding a blog post to the website that contains all of the responses gathered to questions that arise, etc. (when she and TJ discussed it the following day).</p> <p>Lindi asked if major initiative launches should also be included.</p> <p>The response was yes. If it affects child care providers, the information should be shared.</p>
Division Updates	René informed the group that there is a permanent 2% increase in the child care subsidy reimbursement rates. It will be retroactive to July 1.
Member Updates	<p>The MD State Family Child Care Association will have its 25th annual conference in October in Ocean City. It's actually a three-day conference, October 13-15. The 15th is for leadership training.</p> <p style="text-align: center;">MSCCA'S 2017</p> <p>MSCCA is holding a leadership mini conference/symposium on on October 12, 2017 in Clarksville. For more information, email msccaleadership@gmail.com.</p> <p>MSCCA's annual Conference by the Sea is May 4-6, 2018 in Ocean City. For more information, email msccaconferencebythesea@gmail.com</p> <p>MD AEYC is having a conference (Building Our Profession: Putting Excellence into Practice) on September 23, 2017 at the Hagerstown Community College.</p> <p>SEIU is holding a Provider Appreciation Day on August 24 at Druid Hill Park from 10:00 – 1:00. Providers are invited to bring their children.</p> <p>The MD After School Association is having its Fall Conference at the Johns Hopkins Montgomery Campus on October 17.</p>
Next Meeting	November 16, 2017 - 10:00 am – 12:00 Noon @ MSDE, 8th Floor Conference Room 6/7