

**Minutes**  
**Child Day Care Council**  
**VDSS -7 N. 8<sup>th</sup> Street**  
**Richmond, VA**  
**February 12, 2004**

**Members**

Gail Johnson, Chairman  
Carol Steele  
Jane Craig  
Sondra Freeman  
Deborah White  
Susan Ballard  
Judith Beattie  
Rosemary Burton  
Deborah Gardner  
Bethany Geldmaker  
Susan Hackney  
Dona Huang  
Adam Thiel  
Margaret Collins  
Anita Simpkins  
William Bayne Harvey  
Terry Davis  
Novella Ruffin  
Donna Peters  
William Tobin  
Kim Hulcher  
Nancy Read Smith  
Jeff Walton

Jay DeBoer-absent  
Donna Thornton, Vice Chair-absent  
Lisa Shelburne, Secretary-absent  
Norman Crumpton-absent  
Charles Finley-absent

**Call to Order**

The meeting was called to order by Chairman Gail Johnson at 10:00 a.m.

**Welcome and Introductions**

Ms. Johnson welcomed William Tobin as the newest member to the Council.

Ms. Johnson advised that Donna Thornton was unable to attend the meeting today.

Ms. Rengnerth will handle arrangements for sending flowers to Ms. Thornton and letting her know how much she is missed, loved and thought about. A moment of silence for Donna and her family followed. The Council and Department send condolences to the family for their unexpected loss.

**Commissioner's Comments**

Commissioner Jones thanked the Council for their leadership, and energetic drive for their work done on the Child Day Care Proposed Regulations. He stated that he is committed to ensure Quality, Early Care, and Education is the key for our children in home, out-of-home, and educational settings.

He has heard from parents that they want quality educational care for their children and not simply a place for kids to be watched while parents work. Children in kindergarten are being seen as “not prepared” to succeed. Parents are paying one-third or more of their income on day care and this is where the Council’s proposed regulations come into place. Regulation is a critical piece of the solution to ensure quality, early care and education.

Commissioner Jones further stated that child care must be available and accessible and knows the Council will review the proposed changes and public comments thoroughly. In closing, he thanked the Council for their strong, thoughtful and provoking remarks.

### **Chair’s Report**

Ms. Johnson advised that six public hearings were held across the Commonwealth with over 3000 comments in verbal and/or written form presented with several themes emerging. She further stated she had been interviewed by the media and had spoken before the House Rules Subcommittee on this issue. While speaking to the subcommittee, she reminded them of Council’s Retreat last year and their Mission and Vision Statements to promote the well being of Virginia’s children by writing clear, measurable, equitable standards with the assistance of key agencies, DSS, and the General Assembly.

Chairman Johnson advised a Resolution had been set forth in General Assembly to put a moratorium on the Council’s work. She felt that it is premature to stop when the job is incomplete. Although the outcome is unclear, Commissioner Jones plans to meet with the Senator sponsoring the Bill today and will keep Council informed.

Analysis of the public comment will be presented this afternoon and original copies of the 3000+ comments will be available for review by members wishing to do so.

### **Regulation Report**

Richard Martin reviewed the status of Council regulations and reminded Council they now have their own site on the web.

He advised there are five regulations the Council is responsible for and fifteen on the State Board side that impact the Council in some way. He reported that the State Board included Council suggestions and moved forward on Regulation 22 VAC 40-80 – General Procedures.

### **Review and Analysis of Public Comment On Proposed Standards for Licensed Child Day Center Regulation**

Dr. Amie Lapp Payne provided Council members with a summary of the comments from the six public hearings. A copy of her presentation is part of the minutes and will be housed in the Home Office. The presentation overview provided a comparison of Virginia to the nation,

provided research on seven key proposed standards, impact analyses, review of public comments, and recommendation and options.

**Current Standards for Square Footage:**

Forty-two states already have 35 square feet per child. Virginia ranks in the bottom 9.

With the proposed standards, Virginia would join the 42 other states.

**Staff Training:**

With the current standards, 35 states have stronger standards and Virginia is in the bottom 15.

With the proposed standards, Virginia would rank in the top 10.

**Director Training:**

With the current standards, 11 states require administrative training beyond pre-service and ongoing training. Virginia ranks average with 41 other states. Under the proposed standards, Virginia would rank in the top 12.

**Leader Training:**

With the current standards, 11 states require pre-service and ongoing; 8 have higher, with Virginia ranking average among 43 other states. With the proposed standards, Virginia would rank in the top 9.

**Ratio 2 year olds:**

Under current standards, Virginia ranks in the bottom 13 with 38 states stronger. With the proposed standards, Virginia would rank in the bottom 24.

**Ratio 3 year olds:**

Under current standards, Virginia is ranked average with 23 other states. There would be no change under the proposed standards.

**Ratio 4 year olds:**

Under current standards, Virginia ranks in the bottom 2/3 with 18 states stronger. Under the proposed standards, Virginia would rank in the top 1/3.

**Group Size Infants and Toddlers**

Under the current standards, Virginia ranks in the bottom 13. Under the proposed standards, Virginia would rank in the bottom 22 for infants and bottom 21 for toddlers.

**Group size school-age**

Virginia's current standards have us in the bottom 13 with 23 stronger states and 2 our equal. The proposed standards would elevate Virginia to the top 1/2.

Dr. Payne advised that adequate space in child care settings reduce children's physiological stress reactions, benefits children's social and behavioral development, reduces noise in the class, and increases participation, cooperation and constructive behavior.

She further advised that children who experience smaller group sizes and low adult/child ratios have larger vocabularies, are better prepared to learn to read, are more likely to experience affectionate, positive attention from their teachers, have a greater ability to learn and use new information to solve problems, and are better able to form friendships, help resolve conflicts, and comfort or assist another child in difficulty. Ms. Hulcher requested a copy of the research supporting this statement.

She reported that staff qualifications and enhanced training in child development results in caregivers who are more sensitive in their interactions with infants and young children, more positive in their relationships with children, less detached with children than caregivers without child development training, and better able to create higher overall quality classroom environments. Children in classrooms with caregivers trained in child development have larger vocabularies, are better prepared to begin reading and writing, are better able to get along with others, exhibit more socially acceptable behaviors, and have better shape, object, and concept recognition.

Dr. Payne advised that research shows more common injuries in child care (51%) happen on the playground. Falls from climbing equipment resulted in 18% injuries and 53% fractures and concussions. The most important risk factor for injuries was lack of adequate resilient surfacing and height of climbing equipment. Resilient surfacing material absorbs impact of falls and protects children from serious injuries.

Dr. Payne reviewed suggested options including looking at what you already have and should keep and what needs to be amended, consistent with your goal of promoting the health, safety, and long-range well-being of children in child day centers.

Ms. Payne advised staff was on-hand to review 3000+ original public comments should any member wish to review them.

Discussion: Ms. Huang asked what evidence was reviewed for the various suggested options regarding square footage and if additional fiscal impact data could be provided. Dr. Payne and Chairman Johnson stated these are only suggestions that the Council may want to consider - members may want to provide their own input.

Ms. Steele asked whether statistics are based on current enrollment or full enrollment. Dr. Payne advised that statistics were pulled from the most recent inspector sites and not necessarily at full enrollment capability. She asked if Dr. Payne could provide her with the number difference between capacity and enrollment groups that were used in her research study. Dr. Payne indicated that while it would be time-consuming, she could provide the data. Ms. Steel referred to the requirement for shade on playgrounds, mentioning that the same kids are playing on school playgrounds after hours without the shade required at the day care center.

Dr. Simpkins asked Dr. Payne to define "unaffected" and to review her process for calculating those numbers. Dr. Simpkins asked if that number reflected current enrollment and/or the student

populations projections presented. Dr. Payne reviewed the calculations process and said the calculations were based on current enrollment and did not include the population projections.

Dr. Simpkins asked if the comments were broken down as to whether a parent or director, etc. made the comment. Dr. Payne advised yes, if the information was provided on the comment, it was entered as such. Dr. Simpkins also stated that Commissioner Jones said he was concerned about the 5% of parents who were not satisfied with their childcare services, however the numbers listed here are larger percentages. The number of centers affected ranged from 10 – 22% depending on which regulation was being analyzed. Dr. Simpkins wanted to know if these percentages could be translated into families or children affected. Dr. Payne explained she could not provide the number of children affected due to research constraints. Ms. Simpkins mentioned that since Commissioner Jones said he was concerned that 5% of parents expressed that they were not happy with child care, Dr. Payne's figures indicating that there would be a significant economic impact to 20% of the centers was a matter of great concern.

Mr. Thiel asked for a copy of the GMU Study. A copy will be provided at the March meeting.

Dr. Burton questioned the validity of the determination that the demand for day care slots would diminish over the next several years since at least three counties in Northern Virginia were the largest growing counties in the nation and were experiencing record housing and public school growth. Dr. Payne responded that the Virginia Employment Commissioner conducted the population projection. Dr. Burton questioned the validity of the references cited stating that spatial density at 25 square feet per child was harmful to children since there seemed to be no specific reference to this square footage as bad and 35 square feet as good in the references. Dr. Payne replied that she never stated that 25 square feet was harmful to children; the research on square footage showed the benefits of adequate space and that adequate space was more than 35 square feet per child. Dr. Burton asked for a more objective citation of reference that include both the pros and cons of increased and decreased spatial density. Dr. Burton requested an explanation of how the 35 square feet per child was determined in each of the 42 states mentioned. Dr. Burton requested clarification of some of the methodology used in the study since methodology will determine the validity of the results and conclusions.

Mr. Tobin stated this was an excellent project and shared two stories. He mentioned he has heard a lot about kids being dropped from care if the regulations pass. Areas in Northern Virginia are experiencing a population boom; do we know what areas were included in the study? Do we know which areas are being affected? Dr. Payne will provide a sample size breakdown.

Ms. Hulcher questioned the timeframes used when licensing staff did the study sampling. Dr. Payne advised it was at the renewal date or initial application. Ms. Hulcher asked about research to determine playground injuries. Dr. Payne will provide this information. Ms. Hulcher indicated that several providers stated that they are refraining from purchasing more climbing equipment because they are unable to maintain the depth of 6" of resilient surfacing. She further stated that she is concerned about this because these pieces of play equipment are beneficial to gross motor skill development. She stated that she wants to encourage providers to purchase climbing equipment, not discourage them. Ms. Hulcher asked for a copy of the study mentioned by Dr.

Payne stating that reduction of child ratio produces healthier kids. Dr. Payne will provide a copy of this study.

Dr. Payne emphasized that all public comment received was important whether it was received verbally, an original letter, signed petitions, or mass pre-printed letters.

Dr. Burton asked, and Dr. Payne agreed, to meet following the Council meeting.

Ms. Freeman asked about the 8 states listed on page 2 and would like the names of those states. Dr. Payne will provide this information.

Dr. Burton stated she had received a summary packet of comments from the public hearing compiled by DSS and she did not see the letter from Sean Connaughton, the Chair of the Prince William County Board of Supervisors, in the packet. She stated that this was a very important letter to have left out since Mr. Connaughton was speaking on behalf of the taxpayers in Prince William County. Dr. Burton requested that copies of all original letters be distributed to all members of the Child Day-Care Council. Dr. Payne responded by reiterating that the summary packet included only samples of letters received and these sample letters were randomly selected.

Chairman Johnson requested any member wishing to receive a copy of the comments/original letters, to please sign the circulating paper and a copy would be mailed.

Mr. Martin advised the Council that all comments received and original letters were available for members to review. He stated that it was not the Department's wish to withhold any comments. He stated that it is difficult to manage 3000 + documents and it was thought this was the best and least expensive way to share the information.

### **Public Comment**

Ron Crouch- Brought a photo of his two children and told the Council his children lost their mother. He must use day care while he works and he is opposed to the proposed regulations because his child care center has told him that his day care fee will increase 30% if the proposed regulations are adopted.

He mentioned the GMU Study that said 91% of families are happy with the day care their children are receiving. Adoption of regulations that will increase day care fees will hurt parents and children. He feels providers will use the new requirements in the draft regulations as an excuse to raise fees. His sons cried when he told them they may have to leave the safe day care environment they are now in. He hopes that perhaps a grandfather clause on staffing ratio and square footage could be included in the new regulations so that facilities already operating do not have to increase their fees.

Ms. Simpkins asked that copies of speeches brought by persons who addressed the Council during the public comment period be distributed to Council members.

Joy Gunther advised she had responded in writing, so her comments were already on the record. On behalf of VAECE, she supports the proposed changes would work in Northern Virginia, DC and Maryland. She felt the members had taken the conservative commonsense approach to please everyone. Setting the bar is important, many children don't get into head start or centers and they deserve better. Parents would say they are extremely pleased; we appreciate a system that helps us monitor.

Maile Hildenbrand-Worked with Virginia Beach Parks and Recreation Department. In contrast with others, her programs are operated in schools, gyms, etc. They are meeting a community need and are non profit. She is supportive of the proposed training regulations but believes the regulations lacks clarity concerning on-going group size. There would be a severe impact if no more than 36 children could be in the gym at one time. She asked that further data be gathered on the minimum age requirement under the come-and-go programs.

Vernon Holloman-Opposes the regulation, saying there will be a 30% reduction or 66,900 children reduced from licensed capacity in Virginia. Members were urged to review the JLARC and GMU Studies.

He further stated there is a large population of day care centers (1000) in Virginia that don't have to comply with regulations and it is unfair to those centers that have to. What does this say about Virginia? Some have exemptions, other don't. He advised he could show you high quality and poor quality centers using the current set of standards. Mr. Holloman stated the principle leader shopping for cheap day care in Virginia is the Department of Social Services. He further stated that it is his hope that the Council will think about this when the Commissioner stands before them. He noted that there are over 1,000 religious exempt centers that did not have to follow any licensing guidelines and the exemption has been upheld.

Duane Johnson-Advised he gave a tour of the school yesterday to a four year old child disgusted with a church program and large number of kids in one class. Eliminating religious programs is unfair. He stated he understood the regulations had been handed down to the council but 2 months was not enough time to fully review. He asked that the Council oppose them. He referred to SJ 80-allowing JLARC or the Commission on Youth to proceed - changes to standards are unnecessary.

### **Expansion of Training to Support Proposed Standards for Licensed Child Day Center Regulation**

Dr. Lib Whitley-Baron advised that in fiscal year 2003, 243 workshops were held with a total of 12,150 people attending.

Spring Training will be held soon. There will be 139 workshops with capacity for 7,215 attendees. These sessions are held mostly on Saturday mornings with a small registration fee. The fee offsets the cost of materials and refreshments.

The Department is moving to a new training data base this spring that allows the registering of providers, produce a participation list and history, provide transcripts, and also shows patterns of people signing up and then not attending class.

CD Rom and internet training is currently being reviewed. Training information will post on the Department website effective April 1.

Discussion:

Ms. Huang questioned how this training is budgeted. Dr. Whitley-Baron advised that by law, licensing fees are to be used for training. Funds are also received from the Child Care Development Fund (4%) with speculation it will rise (to 6%). No state funds are used for this.

Ms. Steele questioned whether a cultural diversity handout is provided to trainees. This was done in the past and Ms. Whitley-Baron will look into this as being an option once again.

### **Increased Subsidies to Support Proposed Standards for Licensed Child Day Center Regulation**

Ms. Wells provided background information to members. She advised that subsidy is administered by local agencies. We serve certain mandated populations (TANF) in transitional child care. The Fee Program for low income families have a co-pay unless at or below the federal poverty level.

A market rate survey was done in 2002 with the next slated for 2004. Ms. Wells stated that the market rate as determined by the survey of 2002 has not yet been implemented. It will be implemented in the summer of 2004 with a 6% inflation rate added. Ms. Wells stated that a new market rate survey would be conducted in 2004. No mention was made of when the rates from this survey would be implemented. Ms. Wells also said that the increase in the subsidy rates implemented in the summer of 2004 would bring the subsidy rates for licensed child care providers up to the federally recommended 75 percentile of market, but this would be the 2002 market.

Dr. Burton asked Ms. Wells a two part question. She asked when figuring the 6% inflation rate added on to the survey of 2002, was any consideration given to the 100-300% increase in center's insurance costs in the years since 9/11 which resulted in at least a 10-15% increase in tuition for this reason alone. Ms. Wells answered no, this was not considered. Dr. Burton asked, when conducting the 2004 survey, would providers be asked what their rates would be after the new proposed licensing standards go into effect? Ms. Wells replied that could be done.

Ms. Freeman asked what incentive is there to have a high standard program. In the context of not being able to pay the standard rate that child care operators charge, Ms. Wells explained that the federal regulations require parents to contribute to the cost of child care, and the market varies greatly across the state. Reimbursement rates are set for each particular market area. Some rates are higher than the 75<sup>th</sup> percentile; others are lower. Providers cannot charge subsidy children more than they charge the general public. The reality is that the rates, plus the family



co-payment, in many instances still do not equal the standard child care fees. We are aware that some providers with large subsidy numbers do not charge our parents the difference between their standard rate and what the Department pays as its maximum reimbursable rate. There are not enough dollars to pay child care subsidies at a rate for all who need it.

Mr. Tobin asked what percentage is paid to religious centers. He asked how religious exempt centers are treated. Ms. Wells advised that religious exempt centers are legally operating choices for child care. Parents have free choice to choose any legally operating facility. DSS is prohibited from steering parents to particular providers; they must inform parents of what is available that meets their needs. This should happen at the local level.

New Parent Toolkit was piloted in Tidewater and Southwest. It will roll out statewide next month. They are available through Healthy Families, Prevent Child Abuse Virginia, Resource Mothers and birthing hospitals. Council will be provided a toolkit once they are compiled.

Chairman Johnson reviewed a "How List" on moving forward studying the proposed standards; Ms. Smith felt everyone should review the information together and not in subcommittees and that each topic should be voted on individually before proceeding.

Ms. Hulcher said that she feels the Council needs to have time to review all of the public comments. She said the Council needs to have an open dialogue on these issues.

Ms. Snyder felt larger issues should be reviewed first with the larger 7 and then 8 smaller ones, ensuring members feel comfortable before moving forward on the next issue.

Dr. Simpkins said there should be 2 or 3 meetings on the Big seven and 2 or 3 meetings on the remaining 8. A unit vote should follow at the end of all discussion.

Ms. White suggested voting on standard as the Council moves forward and then vote again at the end of the entire regulation.

Mr. Martin reminded them they should be providing staff direction as they go, although nothing is concrete as of yet. This should wrap up in May, but if not, the Governor would have to be asked to provide a waiver.

Council comments would be limited to 3 minutes.

Items for discussion at March 11 meeting:

Square footage and ratio/group size will be discussed in the morning, with training discussed in the afternoon.

At the April 8 meeting:

Playgrounds and Transportation will be discussed in the morning and the 8 minor items in the afternoon.

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Final vote will be in May with comments limited to 3 minutes each.

Deborah White will provide a copy of her Accreditation Draft.

**Minutes**

*ON MOTION DULY MADE (Mr. Harvey) and seconded (Ms. Freeman) moved to approve minutes from the previous meeting as received electronically. Motion carried to all in favor.*

**Legislative Update**

Mr. Martin provided a handout to members on Child Day Care related legislation. (A copy of this report is housed with the official minutes in the Home Office.)

*ON MOTION DULY MADE and seconded, the Council adjourned its meeting at 3:35 PM.*

Submitted by Pat Rengnerth