

# The Permanent Legislative Commission on Child Care in RI

## Minutes for the July 11, 2011 meeting

### Attendees:

Blythe Berger  
Esselton MsNulty  
Chair, Grace Diaz  
Rachel Flum  
Heidi Flynn  
Joseph Morra  
Karen Beese  
Katherine Begin  
Kathie Sandberg  
Leanne Barrett  
Leslie Gell  
Representative Mary Ann Shallcross Smith  
Maryann Miller  
Mike Burk  
Pam Hall  
Susan Libutti  
Vladimir Ibarra  
Representative Mary Messier  
Lisa Hildebrand  
Amy Vogel  
Ray Choiniere  
Laura Mason Zeisler

## Minutes:

Chair Diaz welcomed the members. The minutes were accepted, motion made by Representative Messier, seconded by Kate Begin.

Chair Diaz wanted to give a preview that may highlight why some bills didn't pass. One is the eligibility, the "exit bill", the Commission worked really hard on this bill. The Commission talked with Sandra Powell, Director of Department of Human Services about this bill. She said she would check to see if there was any financial possibility to increase it a little bit. Chair Diaz was not able to locate the financial analysis that was done for the Senate Bill. Director Powell's office believed they did them for the Senate, the Senate requested them, but did not get them. Chair Diaz believes there was some miscommunication, they believe they did it but the Senate did not have those figures, based on the analysis was the intention to move that bill, because without numbers we would not be able to propose the increase. We need to continue to request fiscal analysis this year. The Governor didn't propose cuts, like he promised. It is something child care hasn't seen in a long time. During the last day of session, Representative Keable, who is the sponsor of H-5455, the background check fee, cities and towns wanted the fee to be passed to the person who applied for a job, told Chair Diaz that should check with the Judiciary Committee because the Senate version of the same bill was in Judiciary to be passed. The Bill passed and was signed by the Governor and became law. The commission needs to look at the law; it affects child care in many different ways. Chair Diaz was the only one to testify against the bill at the Judiciary hearing. Chair Diaz informed the Judiciary

Committee that the Child Care Commission was opposed to the Bill. Another bill that DCYF introduced, Mike Burk explained that it passed the Senate, but there was no action in the House. DCYF, Kids Count, and other agencies worked diligently to get passed. Chair Diaz passed out a list of the 2011 Bills and their status. Rachel Flum spoke about S-899; it says that child care is part of general public assistance. The Attorney General's Office requested that the language be changed so that they are able to prosecute fraud for child care as well as other public benefits programs. There may be an increase in child care fraud being prosecuted now, because now they have the statutory authority to do that now.

Article 10 and 11 were discussed. Article 11 deals with only the children's health care. The question is how/and does Article 11 affect child care centers? Article 10, the part that affects most is on page 10, the changes start on page 5, real changes start on page 7. Line 3, line 8, now requires you to carry in any child care vehicle and school extra-curricular vehicle be equipped with a first-aid kit as well as an approved Emergency Airway Kit. In addition, every child care vehicle and school extra-curricular vehicle shall be equipped with a bodily fluid spill kit. This is effective upon passage, technically right now. On page 3 it defines pupil transportation vehicle, a motor vehicle designed and constructed to seat not more than eight (8) passengers, which they changed to include the operator, so now it's seven passengers and the operator, used by a school committee to provide transportation services. Page 7, line 10 relates to the driver. Kathie Sanberg asked about Page 6, line 2 about seatbelts, about children under the age of 8. Any State Agencies can add regulations that don't go beyond the law. Mike Burk

suggested she speak with the Department of Transportation. Laura Mason Zeisler stated that the discussions has been about child care vehicles of 15 or more, but when your thinking about a family child care provider they are also transporting, but they don't have the same kinds of regulations when they are transporting 4 children for example. On page 5, line 25 explains the "child care vehicle". On line 28 it excludes 2 door sedans, but doesn't exclude 4 door sedans. The air-ways, spill kits, and the alarms are new. Mike Burk suggested that Chair Diaz have a conversation with the Chair as to weather or not their intent was to require what would otherwise be private passenger vehicles such as 4 door sedans, that may be used to transport children for child care purposes to fall under these new requirements. Family child care vehicles should also be discussed with the Chair, was it there intent to put this burden on them as well as everyone else? Maybe there can be a clean up bill? It affects centers and home child care providers. We need clarification. Page 7, line 13 was discussed, "shall submit to a national and statewide criminal and driving record background check." Andy Andrade from RIDE can clarify some of vehicle/transportation questions. Bernie Frezza from DOT can also answer some questions.

H-5995, AN ACT RELATING TO EDUCATION – FAMILY ENGAGEMENT ADVISORY COUNCIL, was passed this session. Kate Begin suggested that the Commission should learn more about what is the intent of the advisory council.

Kathie Sanberg stated that when they hire someone until they get their CANTS clearance back, that person cannot be left alone in the classroom, until they are cleared. It sometimes takes 10 days for the CANTS to be run, and sometimes it takes two weeks for

that letter to be received. She asked if there is a way for an email to be generated to the center and the paper to follow. Mike Burk suggested that Kathie put it in writing and send to the Department.

Mike Burk spoke about their Notice of Rule-Making. On July 1<sup>st</sup> they put in effect emergency rules, which allowed them to start this process now. They have 60 days to do permanent rules. Written comments need to be submitted by August 5<sup>th</sup>, comments should be sent to Susan Bowler, Acting Implementation Director for Policy and Programs, DCYF, 101 Friendship Street, Providence, RI 02903.

Chair Diaz, Mike Burk, and Chas Walker, discussed on the floor the night the budget was being voted as to weather or not family child care providers that it would require that every time that you got relicensed, you would have to pay to have the background check done.

**Subject: Another Update on CANTS fees**

I am at the State House now, and I've spoken with several legislators as well as Mike Burk from DCYF, here is my report:

1) DCYF's proposed fees are \$10 per background check through CANTS, which assumes raising \$100,000, but may actually raise a little more based on approximately 12,000 CANTS checks per year. The House Fiscal Advisory Sub-A budget document explanation actually has the \$10 figure in writing, but that doesn't mean it is set in stone. Unfortunately, any future (or even the current) administration could change the fee via rule-making.

2) Rep. Tanzi is still planning on introducing her amendment to set the fee at \$5. Unclear what will happen.

3) Regardless of which version prevails, there will be a number of issues (fee schedule, implementation, logistics, etc.) that the provider community will want to meet with DCYF about before and during the initial rule-making process, and Mike Burk from DCYF has indicated to me that they will be open to these conversations.

They are about to start the session. That is my report for now.

Best,

Chas

Sent from my phone, please excuse any typos.

On Jun 23, 2011, at 11:11 PM, "Chas Walker" <[cwalker@seiu1199ne.org](mailto:cwalker@seiu1199ne.org)> wrote:

At this point and time that is what the Department is looking to require. Mike suggested that it be put in writing, and a strong statement be given as why you think that it might be different than how DCYF treats child care centers. Kate Begin stated that the Commission needs to look at, not just the financial piece, but we need to look at the intent of protecting the children and see if we can offer the Department some sort of a compromise.

Chair Diaz was informed that Notice of Rule-Making will grant an oral hearing if requested by 25 persons, by an agency or by an association having 25 members. A request for an oral hearing must be made within 30 days of this notice. Chair Diaz would like to make the request. Mike informed the Commission that at a public hearing DCYF staff will listen, but not respond to your questions.

Leanne Barrett spoke about one of the big surprises this year was the elimination of funding for PreK in the budget. There are at least 40 states that having publically funded PreK for 3 and 4 year old children. The demonstration project that was started here in Rhode Island two years ago was recommended one of five nationally that had reached the highest quality standards. It's actually built into the school funding formula, an expansion plan to bring high quality PreK out into all the high risk urban

community's, and build it on diverse delivery system of community based providers where they can actually get enough resources to deliver a high quality program. The state funded Head Start is solid, money continued this year. Child care is basically intact. The Fed's having come out with Race to the Top early learning challenge fund. Its systems a priority, RI is in the category where the state could apply could apply for 50 million dollars, highly competitive. Commitment to building capacity. Strong focus on quality rating systems. Strong focus on early learning standards. The Governor's are the one's who would be submitting on behalf of their State. Leanne will forward the draft on the Race to the Top – Early Learning Challenge Grant Application to the Commission members.

Blythe Berger, Dept. of Health, stated that the nurse's pilot program is going fine. They released a RFP about 4 weeks ago to .....the money.

Karen Beese, from DHS, stated that her agency is revising the State Plan in light of the Early Learning Challenge.

Leslie Gell, from Ready to Learn Providence, stated that they got permission from CCRI to offer Child Growth & Development in Spanish. A bilingual version. Laura will be teaching the class. The first people who are being made aware of the class are those family child care providers who have joined Brightstars who need additional college credits in order to advance on Brightstar criteria.

Joseph Morra stated that RIASPA has created a site visit list to high quality summer learning programs.

Kate Begin, Prevent Child Abuse RI will be holding a series of Webinar Trainings, it's on the website on the home page, and there is also online register. Prevent Child Abuse RI for the third year will be the coordinator for the National Step-Up for Kid's Event in October.

Chair Diaz asked about scheduling a Child Care retreat for the Commission members. This year or next year. Chair Diaz would like to invite the Governor. Chair Diaz asked the members to email her ideas of a date/month.

Meeting adjourned.