



MISSISSIPPI STATE DEPARTMENT OF HEALTH

**Child Care Advisory Council
Minutes
May 2, 2014**

Council Members Present

Colleen Smith
Shea South
Deloris Suel
Sallie West
Larry Nobles
Dean Bobo
Sandra Ziegenhagen
JoAnn Kelly

Council Members Absent

Dr. Jill Dent
Dr. Laurie Smith
Christi Littlejohn
Judy Prine

MSDH Staff Present

Festus Simkins
Gay Logan
Ida Dixon
Tenille O'Quine
Kristy Schoenecker
Vickey Berryman
Ellen O'Neal, JD, SAAG
Bea Tolsdorf, JD, SAAG
Stephanie Brown, MSDH Liaison

Welcome/Opening Statements

Chairperson, Colleen Smith, called the meeting to order at approximately 1:09 p.m. A quorum was established.

Colleen Smith requested a moment of silence for Ms. Ruth Bennett, the owner of Ruth's Day Care Center, who was killed on April 28, 2014, protecting a child in her care during the tornado that struck Louisville and for all others injured or affected by the storms that day.

Approval of Minutes

The Council approved the minutes from the October 18, 2013 meeting.

- Colleen Smith requested a motion to approve the October 18, 2013 minutes. Sally West made the motion and Susan Ziegenhagen seconded the motion.
- Deloris Suel recommended that all conversations and discussions during the meeting be reported in the minutes. She also indicated that some meetings allowed audio recordings.
- Ellen O'Neal commented that, procedurally, minutes normally outline the topics of discussion and actions that are taken. She did state that council members should they wish could take notes during the meeting.

Public Comments

Colleen Smith opened the floor for comments. She requested that each person state their name/affiliation and for each to limit their comment(s) not to exceed two (2) minutes.

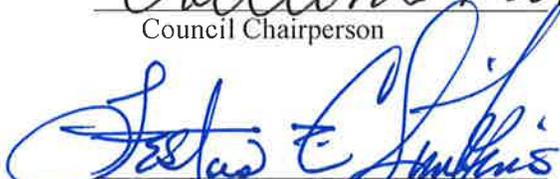
- Petra Kay, Northtown Child Development Center, proposed that all newly licensed child care facilities be required to have a functioning kitchen. Colleen Smith requested Ms. Kay to place her request in writing.
- Ron Aldridge, chairperson with the Mississippi Small Business Regulatory Committee, suggested that “Grandfathering” be revisited.
- Debbie Ellis, Delta License Providers Child Care System, Inc. stated that she opposed Senate Bill 2247 due to the fact that it imposed 50 square feet per child. She asked for the National Health Performance Standards (NHSPS) 5112 to be compared to the *Regulations Governing Licensure of Child Care Facilities* regarding the 50 square feet per child. It was mentioned that Edition 3 recommended that 42 square feet to be changed to 50 square feet per child. She requested that maximum capacity be grandfathered and expressed concern that private business must be allowed to remain viable and that it is illegal to re-measure a facility.
- Jane Boykin, former Council Member, spoke on the role of the Child Care Advisory Council. She stated that the national standards are contrary to the law. She stated that the Council should follow the law.
- Dr. Theolpus King, Christian Mission Learning Center, expressed concern that, should the Department mandate an increase in square footage per child, such would close small businesses.
- Eulonda Gary, Prep Company Tutorial, requested that comments from the public sector be documented. In addition, she inquired about the definition of “grandfathering” and about the “grandfathering” clause for playgrounds. Colleen Smith addressed Yolanda Gary concerning the grandfather clause for indoor playgrounds. Ellen O’Neal provided a definition of “grandfathering.”
- Deloris Suel stated that individuals that regulate have different interpretations of the Regulations.
- The Council requested that Mr. Simkins bring a copy of the original Regulations from 1975 to the next meeting.
- Larry Nobles, Council Member, commented that it is important for an owner to know the Regulations in order to operate their business successfully.
- Sally West, Council Member, made a comment referencing square footage, specifically about determining how many kids could go into a classroom. She asked if some providers were trying to base how many kids to put into a classroom by the staff-to-children ratio instead of room size measurements.
- Shirley Hampton, Jamboree Child Development Center, stated that she kept a copy of her facility maximum capacity worksheet. Her facility numbers had been decreased.

- Marjorie Nobles, former Council Member, stated the maximum capacity of a facility did decrease when Licensure began measuring room to room.
- Jane Boykin stated that child care facilities compete against the public schools for square footage.
- Jeannie Sturgis, Noah's Ark Daycare, wanted verification on hearing procedures with attorneys being present. Vickey Berryman responded to Ms. Sturgis stating that the procedures for hearings are sent with the letter scheduling the hearing.
- Ora Rogers inquired about the qualifications for the Child Care Advisory Council members. Colleen Smith responded that, by statute, individuals are appointed to the Council by the State Health Officer and added that if anyone has interest in becoming a Council Member to submit an application.
- Regarding Ms. Kay's earlier request to mandate that each newly licensed facility have a functional kitchen, Colleen Smith requested Sally West to research possible requirements on kitchens, draft language, and submit a recommendation to the Council.
- The subcommittee of the Council will meet on August 15, 2013 at 11:00 a.m., to discuss amending the regulations to require each newly licensed facility to have a functioning kitchen. Subcommittee members are:
 - Sandra Ziegenhagen
 - Sallie West
 - Shea South
 - JoAnn Kelly
 - Colleen Smith
 - A staff person for Child Care licensure

The next Child Care Advisory Council meeting will be held August 15, 2014 at 1:00 p.m.

The meeting adjourned at 3:25 p.m.


 Council Chairperson


 MSDH Representative


 Date

**ADDENDUM
TO
CHILD CARE ADVISORY COUNCIL
MEETING MINUTES
OF
MAY 2, 2014**

Ms. Suel;

I have spoken with Child Care Licensure's Legal Council (Ellen O'Neal)

and Ms O'Neal stated to let you know that she will play with some draft language and, at the latest, would get it to me and you by Friday morning. She has been running between meetings and other agency

hearings so she hasn't had the time to draft such, as yet.

As soon as I get it, I will forward to you or will get with you Friday

before the Council meeting so that you will have some SAMPLE language in hand.

Vickey

-----Original Message-----

From: Deloris [<mailto:dsuel@comcast.net>]

Sent: Wednesday, July 17, 2013 1:26 PM

To: Berryman, Vickey

Subject: Message left on yesterday

Hi, Vickie,

I am following up on the meeting with you to draft language concerning

grandfather clause.

I left a message on yesterday.

Deloris Suel

Sent from my iPhone

Begin forwarded message:

From: "Berryman, Vickey" <Vickey.Berryman@msdh.ms.gov>
Date: July 19, 2013, 12:28:29 PM CDT
To: "Deloris" <dsuel@comcast.net>
Subject: Grandfather

Possible language

Rule 1.11.2 [amend by adding:]

9. Whenever the Department adopts changes to this Rule 1.11.2 concerning indoor measurements and required square footage which, if enforced against existing facilities, would cause a reduction in the number of children at said facility, said facilities shall be exempt from the new requirements and shall be allowed to continue under the rules and measurements in effect at the time they were licensed. This exemption shall cease upon the occurrence of any of the conditions set out in Paragraph 8 above. For purposes of this Rule, "existing facilities" are those facilities (1) in existence, licensed and operating at the time of the amendment to this Rule 1.11.2 and (2) which were in compliance with the existing requirements of this Rule 1.11.2.