



**MISSISSIPPI STATE DEPARTMENT OF HEALTH**

**Child Care Advisory Council  
Minutes  
October 18, 2013**

<b><u>Council Members Present</u></b>	<b><u>Council Members Absent</u></b>	<b><u>MSDH Staff Present</u></b>	<b><u>Public Present</u></b>
Dr. Jill Dent Judy Prine Colleen Smith Dr. Laurie Smith Shea South Deloris Suel Sallie West Larry Nobles Christi Littlejohn Dean Bobo	Sandra Ziegenhagen JoAnn Kelly	Festus Simkins Gay Logan Ida Dixon Tavia Scott Ellen O'Neal, SAAG	Eulonda Gary LaTasha Brown Ron Aldridge Margie Nobles Jeannie Doler Lela Taylor Jane Boykin Debbie Ellis Amanda Tillman Lutaya Julea

1. Chairperson, Colleen Smith called the meeting to order at approximately 1:07 p.m. A quorum was established.
2. Colleen Smith announced that Debbie Ellis was videotaping the meeting and that the videotape would be placed on the Delta Licensed Provider blog. Ms. Smith announced videotaping will be allowed, however, the following conditions must apply:
  - It must be non-intrusive and positioned as to allow recording of council members only;
  - Instructions were conveyed to the members of the public to hold all questions until recognized by the committee chairperson and comments from the public are to be limited to two (2) minutes; and
  - Larry Nobles proposed that the guidelines require that any permitted videotaping equipment must be assembled prior to the commencement of the meeting so as to prevent any unwarranted interruptions.

3. Festus Simkins gave an update on the on the status of the amended *Regulations Governing Licensure of Child Care Facilities*.

- Mr. Simkins informed the Council that the proposed amendments to the Regulations Governing Licensure of Child Care Facilities were approved by the Mississippi State Board of Health on July 10, 2013, and in accordance with the Administrative Procedures Act re-filed with the Secretary of State. The amendments became effective on August 15, 2013.
- It is projected that on or about November 1, 2013, the amended regulations will be posted to the MSDH CC website and an electronic copy will be sent to all child care providers and interested parties. This option for distribution is due to budget constraints and the cost of printing and mailing the regulations. Recipients who have notified the Child Care Division that they do not have an active email address will be mailed a postcard directing them to the website where they may download and print a copy. In addition, individuals will have the option of purchasing a hard copy.
- Additionally, all Owners, Directors, and Director Designees are encouraged to attend Child Care Regulations trainings beginning in November that will address the approved amendments to the regulations. Although the offered trainings are not mandatory, the Division is of the opinion that it will helpful to providers.

4. Approval of Minutes

The Council approved the minutes from the April 26, 2013 and the July 19, 2013 meetings.

- Colleen Smith asked for a motion to approve the April 26, 2013 minutes. Sally West made the motion and Dean Bobo seconded the motion. The minutes were unanimously approved.
- Colleen Smith asked for a motion the July 19, 2013 minutes. Sally West made the motion and Dean Bobo seconded the motion. The minutes were unanimously approved.

5. New Business was brought forth.

- Dr. Laurie Smith discussed the status of the “Race to the Top Early Learning Challenge” grant proposal submitted by the State Early Childhood Advisory Council (SECAC). The total amount available nationwide is \$37.5 million. The grant is funded through the US Department of Education and Health and Human Services. She identified the purpose of the grant application is to provide children having the greatest need with the highest quality of care. The grant was submitted on October 16, 2013. She expressed that the chances for acceptance are higher than the last grant application that was submitted in 2011. She shared the five (5) main goals associated with the grant and provided handouts for reference.

Dr. Smith further stated that December 2013 is the expected date of notification regarding approval of the grant and January is the targeted date for funding disbursement. She stated that she would follow-up with an expected date regarding posting of the application for registration on the SECAC website. To opt-in will continue to be a voluntary decision for child care centers. There are no mandatory requirements. She also shared that 80% of the grant funds was directed toward Child Care. She further highlighted incentives for teachers and the measures for accurately determining the impact as it specifically relates to the child’s outcome. SECAC will serve as lead fiscal agent and all funds will be disbursed to and through SECAC.

- Festus Simkins conveyed that The Office of Health Protection is in the process of changing the website. He has requested that a section on the MSDH Child Care website be designated for the Child Care Advisory Council. The membership of the Council and the minutes of past meetings will be posted so that the public is better informed about the functions and actions of the Council. It is expected that the website will be updated in the very near future.

6. Old Business was brought forth.

- Ms. Suel shared the following E-mail statement regarding a proposed wording for a grandfather clause, “...Indoor measurements and reductions in the number of children in said facilities shall be exempt from the new requirements and shall be allowed to continue under the regulations.”
- She requested grandfathering of facilities in regards to facility capacity/measurement to prevent loss of revenue from any future regulatory change that might affect an entity’s total capacity. No action was taken on her request.

- Festus explained several different reasons for the re-measurements. Several advisory council members commented and an extensive conversation ensued.
- Colleen Smith requested that Deloris Suel forward to the attention of Ellen O’Neal, SAAG, MSDH Legal Counsel, the letter that Suel stated she received from Vickey Berryman. She also requested that Ms. Suel provide a more formal report regarding her request back to the council.

## 7. Public Comments

- Debbie Ellis made a request for grandfathering of room/facility capacity measurements. She expressed concern that the current language in the child care licensure regulations regarding room capacity was more restrictive from the regulations that were in place at the time that many centers in MS were built. In addition, Ms. Ellis discussed the detrimental impact such was having on child care as a business. She related concerns that monetary penalties were being applied for violations of the room capacity requirements. Colleen Smith and Judy Prime requested that Ms. Ellis submit her concerns in writing and to send the 50 sq. ft. standard she had referenced several times to Colleen Smith.
- Jane Boykin made a request for MSDH Child Care to look not at square footage as a deficiency but appealed to the emotional side of the matter about the re-measurements being a hardship on the child care providers.
- Ron Aldridge the Chairman of the MS Small Business Regulatory Committee, established by the Mississippi Legislature and State Director for the National Federation of Independent Business (NFIB) stated that his Committee had two major objectives when reviewing an agency’s regulations. The Committee’s objective is to review a state agency’s regulations that are in place or proposed to determine if they place an undue burden on small businesses. If burdens exist, how can they be made more flexible or lifted.
- Eulonda Garry expressed her concerns regarding the capacity/measurement process and procedures used in the re-measuring of her facility.
- Colleen Smith discussed the usable space definition and an extended conversation ensued by advisory council members.

- Non-enforcement of the transformer regulation was discussed by Festus Simkins.
  - The next SECAC meeting is scheduled on January 17, 2014.
8. The next Child Care Advisory Council meeting was scheduled for January 24, 2014, at 1:00 p.m.
  9. The meeting adjourned at 2:47 p.m.

*Colleen Smith*

Council Chairperson

*Festus Simkins*

MSDH Representative

*May 2, 2014*

Date