

Members

Rep. William Crawford, Chairperson
Rep. Mary Kay Budak
Sen. Connie Lawson
Sen. Rose Antich
Marcia Hearn-Lindsey
Carol Johnson
Nathan Samuel
Ellen Clippinger
Cheryl Seelig
Sven Schumacher
Kimberly Tracy Armstrong
Judith Ganser
James Hmurovich
Mara Snyder
Judy Nevins
Sharon Pierce



BOARD FOR THE COORDINATION OF CHILD CARE REGULATION

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MEETING MINUTES¹

Meeting Date: August 27, 2001
Meeting Time: 11:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. William Crawford, Chairperson; Rep. Mary Kay Budak; Sen. Connie Lawson; Marcia Hearn-Lindsey; Carol Johnson; Nathan Samuel; Ellen Clippinger; Sven Schumacher; James Hmurovich; Mara Snyder; Judy Nevins; Sharon Pierce.

Members Absent: Sen. Rose Antich; Cheryl Seelig; Kimberly Tracy Armstrong; Judith Ganser.

Rep. Crawford called the meeting to order at 11:00 AM. The members introduced themselves.

Continuation of discussion regarding child care funding vouchers

Kathy Williams, Indiana Community Action Association, provided a letter from Sharon Wood, Executive Director of Area IV Agency concerning the Child Care Development

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Fund (CCDF) Program.² She outlined concerns, voiced in the letter, of a group of voucher agents regarding the proposed change to a central reimbursement office system including: (a) delays in determinations of eligibility; (b) the proposed intake reimbursement level of \$11.00 per family per month; and (c) the possibility of counties dropping out due to inadequate funding. Ms. Williams introduced Lisa Freeman, Program Manager, Child Care Development Program, Community Action of Northern Indiana, to further discuss the concerns specified in the letter.

Ms. Freeman mentioned concerns about implementation of a central reimbursement office including: (a) possible decreased communication; (b) delays in local entity awareness of the eligibility of families for CCDF vouchers; (c) possible decreased numbers of providers if payments are delayed; (d) lack of local input regarding local problems; (e) fund shifting from county to county without local input; (f) possible higher incidence of undetected fraud; and (g) that a proposed reimbursement rate of \$11 per family per month for intake services will not be enough to provide adequate services. She requested that other options be considered before the central reimbursement office system is fully implemented.

Rep. Crawford stated that the proposed reimbursement rate would be discussed at the future Board meeting concerning the role of local entities after implementation of the central reimbursement office. In response to a question from Mr. Samuel, Ms. Freeman stated that the average intake process takes 15 to 45 minutes, depending on the needs of the client. Ms. Clippinger stated that she perceives some misunderstanding concerning the role of the central reimbursement office. Ms. Clippinger clarified that her understanding is that a central reimbursement office would function only as the fiscal agent and would not perform intake and assessment functions. Mr. Hmurovich stated that the proposed reimbursement rate of \$11 per family per month is being evaluated.

Rep. Crawford stated that the issue for discussion at the September 10, 2001 meeting of the Board would be the role of local entities after implementation of the central reimbursement office, and that he would like information concerning the number of agencies that provide additional services, including community action groups. Ms. Clippinger stated that policy reevaluation is needed if the policy is that reimbursement is not provided for intake and assessment functions when families do not qualify for CCDF vouchers.

Playground Equipment Safety

Amy Brown, Legislative Liaison, Division of Family and Children (DFC), Family and Social Services Administration (FSSA), provided testimony concerning rules establishing standards for playground equipment. She stated that a moratorium had been placed on playground audits by DFC until rules were in place, and that the final draft rule will be published on September 1, 2001, with subsequent hearings and the effective date of the final rule anticipated to be in January, 2002. Ms. Brown explained that the rule is based on recommendations from the U.S. Consumer Products Safety Commission. She stated that playground equipment compliance funding is available through the Child Care Development Fund for licensed child care providers who apply. A total of \$500,000 is available with \$5,000 available per provider. Ms. Brown reported that 27 providers have submitted applications.

²See Exhibit 1.

In response to a question from Rep. Crawford, Ms. Brown stated that the playground safety rules and funding apply to licensed child care centers, which includes elementary schools that provide child care. The rules and funding do not apply to elementary schools in general. In response to questions from Ms. Johnson and Sen. Lawson, Keith Carver, Manager of Licensing, DFC, stated that: (a) playground equipment compliance funding is being released to applicants after monthly meetings where applications for funding will be approved through December, 2001; (b) notice of the availability of the funding has been provided in licensed child care centers; and (c) evaluations of the project will be made at the 6 month point to determine whether to continue the project. Sen. Lawson stated that, since there are currently 679 centers and only \$500,000 in playground equipment compliance funding available, centers that do not receive grants should not be sanctioned for noncompliance if they apply and do not receive funding.

Mr. Hmurovich stated, in response to a question from Rep. Budak, that retroactive reimbursement will be provided if child care centers perform necessary work to come into compliance based on a playground audit performed by DFC prior to the moratorium. In response to a question from Ms. Nevins, Mr. Carver stated that the proposed rule provides that child care centers will have one year from the effective date of the rule to comply with the standards for playground equipment. Ms. Johnson complimented Mr. Carver on the assistance provided by the playground equipment safety consultant that she worked with concerning her center's playground. Ms. Nevins agreed that the education that has been provided to directors of centers by DFC's playground safety auditors has been very helpful. In response to a question from Ms. Nevins, Mr. Carver stated that the federal Americans With Disabilities Act must be followed by child care centers, and that providers have been notified of this. Rep. Crawford recalled a change in the law concerning loans facilitated by the Indiana Development Finance Authority for playground equipment at child care centers.

Quality of Care Provided in Child Care Facilities

Mindy King, Director of Research, Indiana Youth Institute, provided information concerning a comparison of Indiana requirements to national guidelines for licensure of child care providers. Ms. King referred to a document (Stepping Stones, Caring for Our Children), which contains the national guidelines, and provided statistics reflecting the percentage of the national guidelines that are addressed in Indiana's licensure/registration requirements. She will provide a copy of the statistics to the members of the Board.

In response to questions from Rep. Budak and Rep. Crawford, Ms. King explained that, for purposes of the comparison, a guideline is "addressed" by Indiana requirements if the Indiana requirements are "consistent enough" with the national guidelines. She stated that an explanation of "addressed" is included in the comparison materials. In response to a question from Mr. Hmurovich, Ms. King stated that she will submit to the Board the comparison document in summary form, and will also submit a comparison of individual standards with each individual national guideline.

Tamara Lehocky, parent, Monticello, Indiana, described her child care situation during several previous years. She stated that the restrictive covenants of her neighborhood prevent "business" from being conducted from a resident's home. Ms. Lehocky stated that she has done some research concerning whether unlicensed child care is a "business" for purposes of the restrictive covenants, but that the results of her research have not satisfied her neighbors that child care can be provided in the neighborhood consistent with the covenants. She stated that she would like to propose a bill to provide, in summary, that child care that is provided in the primary residence of the caregiver cannot be banned

through restrictive covenants. There was general discussion regarding: (a) support and opposition for such a bill; (b) the closure of certain child care providers with the implementation of minimum standards in Marion County; and (c) possible connections of such a bill with home schooling requirements. Rep. Crawford stated that further research would be required on this issue.

Todd and Natalie Wolfe, parents, Indianapolis, Indiana, provided a handout.³ They described their research and decision regarding child care for their children, and the subsequent death of their daughter in this child care setting. Mr. and Mrs. Wolfe explained their concerns regarding unregulated child care providers, parental awareness concerning protecting their children in child care settings, the need for consumer education, law enforcement education, and provider education. They stated that they believe that current law should be reconfigured to provide for monitoring and charges for negligence or noncompliance with the law.

There was general discussion: (a) comparing a lack of child care to available, but poor, child care; (b) regarding a DFC hotline to report poor child care (Mr. Carver stated that there is currently a toll-free telephone number for licensing questions); and (c) regarding the need to strengthen public awareness concerning licensing requirements and reporting of poor child care.

Patricia Ryan, Professional Development Coordinator, Indiana Association of Resource and Referral Agencies, provided a handout packet.⁴ Ms. Ryan described deaths in child care settings during the past year including licensed child care, child care ministries, illegally operating child care providers, and legally unlicensed providers. She stated that 43 states in the United States have more stringent licensure or registration requirements for child care providers than Indiana's requirements. Ms. Ryan discussed several issues including: (a) criminal background checks; (b) staffing requirements; (c) increased penalties for poor care; (d) support for "kith and kin" care; (e) safety hazards; and (f) the need for proactive standards including accreditation of homes by national associations and education of parents.

Marlane Tisdale, Executive Director, Indiana Association for the Education of Young Children, provided handouts.⁵ Ms. Tisdale discussed the handouts concerning licensure and regulation of child care, and TEACH scholarships, stressing the importance of education of child care providers.

Ms. Brown provided several handouts, including handouts reflecting states' child care provider licensure requirements and child fatalities in child care facilities.⁶ Ms. Brown introduced Carole Stein, Acting Deputy Director of the Bureau of Child Development, DFC. Ms. Stein discussed: (a) TEACH scholarships; (b) on-line child care education tools; (c) SEA 110-2001 - stating that this is very helpful in requiring licensed child care home providers to work on education and child care development activities; (d) the tiered reimbursement system, providing for increased reimbursement rates for licensed providers that meet specified standards; (e) voluntary certification for child care ministries; (f) DFC's

³See Exhibit 2.

⁴See Exhibit 3.

⁵See Exhibit 4.

⁶See Exhibit 5.

work on special needs care, and infant and toddler care; (g) competitive grants from the Child Care Funding Board; and (h) the infant and toddler training program for which there are now 80 trainers. Ms. Stein discussed the The ABC's of a Child Care Business manual, included in the handouts provided by Ms. Brown, which is an informative manual regarding licensure of child care providers.

In response to questions from Sen. Lawson, Rep. Budak, and Rep. Crawford regarding recommendations of the Board in its 2000 Final Report, Ms. Brown and Ms. Stein stated that: (a) the Bureau of Family Protection and Preservation now has a form for parents to use at Child Care Resource and Referral agencies and local Offices of Family and Children so that parents can access information from the central abuse registry, as provided in SEA 83-2001; (b) DFC will keep the Board informed about whether the information contained in the registry is adequate for parents; (c) written contracts for latch key programs were provided for in SEA 137-2001; (d) a 5-year analysis of child care subsidy spending will be provided by DFC to the Board; and (e) the tiered reimbursement system was developed and each level of reimbursement has been evaluated.

Rep. Budak and Rep. Crawford suggested discussing seclusion and restraint in child care settings in a future meeting. Ms. Snyder agreed that methods of confinement discipline should be discussed in a future meeting because certain methods could result in problems from the Fire Marshal's perspective. Rep. Budak suggested that information regarding child care could be provided in the hospital when mothers deliver their children. Ms. Pierce commented on the Healthy Families Initiative.

A member of the audience suggested that information concerning back sleeping recommendations might be helpful to the Board. Rep. Crawford requested that staff obtain information for Board members regarding the American Academy of Pediatrics recommendations on back sleeping.

With no further business to discuss, Rep. Crawford adjourned the meeting at approximately 1:20pm.