

Sunset Public Hearing Questions for
Child Care Advisory Council
Created by 49-1-302, *Tennessee Code Annotated*
(Sunset termination June 2019)

1. Provide a brief introduction to the council, including information about its purpose, statutory duties, staff, and administrative attachment.

The purpose of the Child Care Advisory Council is stated in the law:

T.C.A. § 49-1-302(1)(4) There is established a child care advisory council which shall advise the state board of education regarding the establishment of child care standards and regulations for child care programs subject to the board's jurisdiction and to act as a hearing tribunal for appeals from actions of the state department of education regarding the certificate of approval issued to child care programs.

The Child Care Advisory Council members serve without reimbursement and there is no staff position hired to facilitate the Council. The State Board of Education has asked the Department of Education representative to the Council to convene the Council, as needed, and to facilitate the meetings, and prepare Council recommendations for presentation to the State Board of Education.

2. Provide a list of current members of the council and indicate how membership complies with Section 49-1-302, *Tennessee Code Annotated*.

See attached list.

3. Are there any vacancies on the council and, if so, what is being done to fill those vacancies?

There is a vacancy in the DHS slot as the agency is working to fill that position. The General Counsel of the State Board position is vacant and we are engaged in interviews to fill that post.

4. How many times did the council meet during the last two fiscal years? How many members were present at each meeting?

Zero. The last meetings were in Fall of 2015 and Spring of 2016.

5. What per diem or travel reimbursements do council members receive? How much was paid to council members during the last two years?

N/A

6. What were the council's revenues and expenditures for the last two fiscal years?

N/A

7. Has the council promulgated rules? Specifically, have rules been promulgated related to the council's operation as a hearing tribunal as authorized in Section 49-1-302 (1)(4)(F), *Tennessee Code Annotated*? If yes, please cite the reference.

Yes. Chapter 0520-12-01-.16(6) Upon timely notice of a request for an appeal pursuant to T.C.A. § 49-1-1107(c)(5), the Department shall appoint a hearing officer to conduct the appeal proceedings before the council. The hearing officer shall have the authority of an Administrative Law Judge of the Department of State and shall conduct the appeal process pursuant to the rules of procedure for hearing contested cases as provided in Chapter 1360-04-01 of the Rules and Regulations of the Tennessee Department of State.

8. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the council have for informing the public of its meetings and making its minutes available to the public?

Yes.

The Child Care Advisory Council is mandated to provide input to the State Board of Education regarding early childhood education and child care issues. Appropriate public notice is provided to announce all meetings of the State Board of Education.

If the Child Care Advisory Council is called into action, notification is identical to the notification process utilized by the State Board of Education.

9. How does the council ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest?

There is a very diverse group of individuals that represent all areas of child care. Each member, currently serving, has signed a disclosure of conflict of interest statement which are available on request.

10. What were the major accomplishments of the council during the last two fiscal years?

Chapter 0520-12-01, Standards for School-administered Child Care rules were updated and finalized in August 2018.

11. Section 49-1-303 (1)(4)(E)(i), *Tennessee Code Annotated*, provides that the council "shall act as a hearing tribunal for all actions of the Department of Education regarding the denial or revocation of a certificate of approval for the

operation of a child care program under the jurisdiction of the State Board of Education . . . “. How many hearings has the council held? Briefly describe the hearing process. Of the hearings held, how many times did the council concur with the decision of the department? How often did the council overturn the department’s decision?

The council was scheduled to meet once in 2016 to act as a hearing tribunal for a case involving a private school in West TN. The week before it was scheduled to convene, the hearing was canceled at the school’s request.

12. What reports does the council prepare concerning its activities, operations and accomplishments? Who receives copies of these reports? Please attach a copy of any reports issued during the last two years.

No reports have been issued.

13. Describe any items related to the council that require legislative attention and your proposed legislative changes.

None

14. Should the council be continued? To what extent and in what ways would the absence of the council endanger the public health, safety or welfare of Tennessee citizens?

The Child Care Advisory Council needs to be continued in order to provide the State Board of Education with the advisory recommendations specific to child health, safety and welfare in school-administered infant/toddler, preschool and before and after school programs. The members of the Child Care Advisory Council provide information based on experience and knowledge gained by practice in the areas of early childhood education, child development labs and school-age care.

The council’s role as a hearing tribunal provides a crucial outlet for appeals against the actions of the Tennessee Department of Education regarding the certificate of approval or the assessing of civil penalties for violations of rules related to Child Care Centers. The Child Care Advisory Council is the only body defined in the law for such appeals.

**State Board of Education
Child Care Advisory Council Appointments**

| Position Represented | Name | Current Agency/Organization | City of Residence |
|---|------------------|---|--------------------------|
| Director of Local School System | Linda Gilbert* | Murfreesboro City School System | Murfreesboro |
| Private, church-related school organization | Charles Walker | Tennessee Association of Christian Schools | East Ridge |
| Higher Education | Linda Venable* | Center for Excellence for Learning Sciences, Tennessee State University | Nashville |
| Parent | Lane Jarrett | | Mt. Juliet |
| Coordinator of Child Care Programs | Dana Eckman | Metropolitan Nashville Public Schools | Nashville |
| Department of Education Representative | Misty Moody | Tennessee Department of Education | Nashville |
| DHS Child Care Services Representative | <i>Vacant*</i> | Director, Adult & Child Care Services | Nashville |
| LEAPS & 21 st CCLC | Janell Wood | TDOE | Nashville |
| School-age Care | Rodney Tate* | Shelby County Schools | Memphis |
| Preschool/Early Childhood | Jaime Yeager | Amare Montessori | Nashville |
| Special Education/TEIS | Heather Higgins* | First Steps, Inc. | Nashville |
| State Board of Education Legal Counsel | <i>Vacant</i> | State Board of Education | Nashville |

* Indicates proposed new member