

Sunset Public Hearing Questions for
Child Care Advisory Council
Created by Section 49-1-302, *Tennessee Code Annotated*
(Sunset termination June 2014)

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(l)(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 Board 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. For each member please indicate who appointed the member, how the member's presence on the council complies with Section 49-1-302(1)(4)9B(i), *Tennessee Code Annotated*, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older.

State Board of Education appoints the members of Child Care Advisory Council who are recommended by the organizations they represent.

Director of a local school system: Vacant

Representative of a Private, church-related school organizations: Dr. Charles Walker, Director TN Association of Christian Schools, Hamilton County

Higher Education: Lin Venable, TSU Center for Excellence in Learning Research and Policy

Parent: Jan Markum, Davidson County

Coordinator of Child Care Programs: Kathy Smith, Blount County Schools Aftercare Program

Representative of Department of Education: Jan Bushing, Director, School-based Support Services

Representative of Department of Human Services Child Care Services: vacant (usually filled by DHS Child Care Licensing Director – new director recently named spring 2013, must be appointed by State Board)

4 other members designated by State Board of Education

Career and Technical Education Child Care Labs: Patti Clarke, Warren County Schools

School-Age Child Care Director: Vacant (formerly Memphis City Schools After School Programs – awaiting staffing Memphis City Schools/Shelby County Schools Merger -- appointment needed by State Board)

Preschool/Early Childhood Director: Shirlee McCleskey, Schrader Lane Kindergarten & Child Care, Davidson County
Special Education: Ann Burlinson, Tipton County Schools Special Education Supervisor

There is one male member and seven female members, one black member (two additional minority members are anticipated when vacancies are filled). The ages of the current members are unknown, however, three members are thought to be over 60 years of age.

3. How many times did the council meet in fiscal years 2011 and 2012, and how many members were present at each meeting?

The majority of Child Care Advisory Council meetings occur when rules must be re-written to be in compliance with T.C.A. 49-1-302(1)(2)(B) "...*Although the standards and regulations need not be identical in all respects, the standards and regulations shall parallel, in a substantial manner, the child care standards and regulations promulgated by the department of human services...*" There were multiple meetings in 2010 to revise Chapter 0520-12-01 to parallel the revisions to department of human services revised rules and present the revisions to the State Board of Education.

There was a conference call meeting in 2011 to discuss the simple revision of Chapter 0520-12-01 to be in compliance with Center for Disease Control guidelines regarding head lice and scabies. Eight members participated in the conference call meeting.

There have been no appeals filed by regulated programs which have had penalties based on non-compliance with rules. Hence the Child Care Advisory Council has not been convened to hear any appeal.

4. What per diem or travel reimbursement do council members receive? How much was paid to council members during fiscal years 2011 and 2012?

When meetings are scheduled, members are reimbursed travel expenses at state rates. There are no per diem rates paid.

There were no convened meetings in 2011 or 2012, hence there were no travel reimbursements.

5. What were the council's revenues (by source) and expenditures (by object) for fiscal year 2012 and to date for 2013? Does the council carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the council does not carry a fund balance, what was the source of the revenue for the excess expenditures?

There were no revenues or expenditures for 2012 and to date for 2013.
There is no fund balance.

6. 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 meetings and making 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.

7. How does the council ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the council operates under a formal conflict of interest policy, please attach a copy of that policy.

The Child Care Advisory Council is advisory to the State Board of Education in regards to the health and safety standards for public and private school-administered infant/toddler, child development labs, school employee child care, early intervention programs, preschool/pre-kindergarten and/or before and after school programs. In its advisory role the Council does not have decision making powers.

If the Child Care Advisory Council is required to serve in the role of hearing tribunal, the members are required to sign statements regarding any affiliation with the program, program administrators or staff of the appellant. If any member/members of the Child Care Advisory Council are affiliated with the program, program administrators or staff of the appellant, the member/members are excused from the hearing tribunal.

8. What were the council's major accomplishments during fiscal years 2011 and 2012? Describe any council actions related to the review of child care standards.

Recommended minor revision to Chapter 0520-12-01 to be in compliance with CDC guidelines.

9. Section 49-1-302(l)(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 such hearings has the council held? Briefly describe the hearing process, participants, etc. 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 decisions?

There have been no appeals filed by the 2005 school-administered programs regulated by the Department of Education during the past four years. Hence, there have been no hearings scheduled.

10. What reports does the council prepare concerning its activities, operations and accomplishments? Who receives copies of these reports? Please attach copies of any such reports issued during fiscal years 2011 and 2012.

In 2010 Child Care Advisory Council produced a draft version of the revised Chapter 0520-12-01, School-administered Child Care Rules for presentation to the State Board of Education. Copies of the "draft" were made available to all programs monitored by the

Department of Education in order to provide informed input at the public hearing before the State Board of Education.

No reports issued in 2011 or 2012.

11. Has the State Board of Education promulgated rules for the council's operation as a hearing tribunal as authorized in Section 49-1-302(1)(4)(F), *Tennessee Code Annotated*? If so, 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.*

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

None

13. Should the council be continued? To what extent and in what ways would the absence of the council affect the public health, safety, or welfare?

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.

Although there have been no appeals to actions taken by the Department of Education regarding the certificate of approval or civil penalties assessed for violations of rules, a hearing panel is needed should such an appeal be filed. The Child Care Advisory Council is the only body defined in the law for such appeals.

14. Please list all council programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

None.

If the council does receive federal assistance, please answer questions 16 through 23. If the council does not receive federal assistance, proceed directly to question 22.

15. Does your council prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

16. Does your council have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not,

provide the name and phone number of the person responsible for dealing with Title VI issues.

17. To which state or federal agency (if any) does your council report concerning Title VI? Please describe the information your council submits to the state or federal government and/or provide a copy of the most recent report submitted.
18. Describe your council's actions to ensure that council staff and clients/program participants understand the requirements of Title VI.
19. Describe your council's actions to ensure it is meeting Title VI requirements. Specifically, describe any council monitoring or tracking activities related to Title VI, and how frequently these activities occur.
20. Please describe the council's procedures for handling Title VI complaints. Has your council received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
21. Please provide a breakdown of current council staff by title, ethnicity, and gender.
22. Please list all council contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

None.