



Board of Early Education and Care

December 10, 2013

1:00-4:00pm

Carver Public Library

2 Meadowbrook Way

Carver, MA 02330

MINUTES

Members of the Board of Early Education and Care Present

J.D. Chesloff, Chairperson

Secretary Matthew Malone, Ph.D., Secretary of Education

Kathleen Betts, designee of John Polanowicz, Secretary of EOHHS

Chi-Cheng Huang, M.D., Vice Chairperson

Elizabeth Childs, M.D.

Eleonora Villegas-Reimers, Ph.D.

Joan Wasser Gish, Esq.

Joni Block

Thomas Weber, Commissioner of the Department and Secretary to the Board

Members of the Board of Early Education and Care Absent

Sharon Scott-Chandler, Esq.

Cheryl Stanley, Ed.D

Mary Walachy

The meeting was called to order at 1:08 p.m.

Welcome and Comments from the Chair:

Chairperson J.D. Chesloff expressed his gratitude to Executive Director Pat Daly and Education Site Manager Liz Hartigan of the South Shore Community Action Council in Plymouth for hosting the Board members this morning. He remarked on how much the Board members enjoyed visiting the classrooms and engaging with the children. Chairperson Chesloff also thanked EEC Regional Director Mike Avery and EEC's Southeast/Cape Cod and Islands regional staff for their assistance with planning today's events. He noted that Secretary Malone will arrive later during the meeting and will give his comments then.

Comments from the Commissioner:

Commissioner Tom Weber provided the Board with updates on the following activities:

- **EEC Waitlist Management:** Commissioner Weber reported that EEC has been able to provide the first open access in three years, with the addition of 3,200 vouchers. As of today, 99.24% of these vouchers have been issued. Commissioner Weber thanked the Child Care Resource and Referral Agencies for their efforts in this endeavor. He added that there may be the opportunity to further expand access as \$8 million, carried over from FY2013 to FY2014, can be used towards additional income-eligible vouchers. Additionally, Commissioner Weber reported that last month EEC experienced its first drop in waitlist numbers.
- **Family Child Care Union Negotiations:** Commissioner Weber noted that EEC and SEIU/Local 509 have arrived at a preliminary agreement on behalf of the family child care providers. The Union and EEC have agreed to a retroactive 4% rate increase for FY2014, a 3% increase for FY2015, and a 3% increase for FY2016.
- **Closing of Early Education Programs:** Commissioner Weber reported that Early Childhood Centers of Greater Springfield (ECCGS) has closed after its board determined that the organization could not continue financially. The Department had worked with the program and its Board in advance of the closure. To ensure a smooth transition, EEC Western regional staff and New England Farm Workers' Council collaborated to place children enrolled in ECCGS into other early education programs. Commissioner Weber added that EEC recently learned that Curious Kids in South Weymouth closed without any advance notice to parents or to the Department.
- **EEC Special Commission:** A Special Commission, legislatively established by the House and Senate Ways and Means Committees for FY2014, has been tasked with assessing the cost and quality of early childhood education. Commissioner Weber stated that the Special Commission will conduct its sixth meeting tomorrow with a final meeting next week. Thereafter, the Special Commission will produce a report with its recommendations.
- **STEM Summit:** Commissioner Weber noted that the 10th annual STEM summit was recently conducted with well over 100 people in attendance, reflecting its strongest presence ever. EEC's role is ever increasing in this area, particularly as the Department gains greater support and develops innovative STEM curricula through its new funding initiative.
- **Executive Committee of the Massachusetts Association of School Superintendents:** Commissioner Weber reported that he met with the Executive Committee of the Massachusetts Association of School Superintendents. He stated that it was a successful meeting and that there is definite room for growth and collaboration, particularly around third grade reading proficiency.
- **Revised Fingerprinting and Background Check Policies and Procedures:** Commissioner Weber noted that the Board Members will learn more about the proposed emergency regulations during today's agenda. The Background Record Check Unit will soon employ ten additional people which will triple the existing staff. Commissioner Weber added that this is a lot of work with several challenges and that there will likely be some challenges in the field as these processes are implemented and expanded.

- **FY2015 Budget Planning:** Commissioner Weber reported that at the end of January 2014, the Department will receive Governor Patrick's budget proposal for FY2015. He stated that he remains optimistic that EEC will be favorably funded and he hopes for good engagement throughout the process.

Statements from the Public*

The Board of Early Education and Care makes up to 30 minutes available for persons in the audience to address the Board on specific agenda items. In order to hear as many speakers as possible, the Board limits individuals to three minutes, although written material of any length can be submitted to Chairperson Chesloff or Commissioner Weber.

Patricia Daly, Executive Director, South Shore Community Action Council expressed her thanks to the Board for coming to Plymouth and Carver. As a small community, it is very meaningful to have the Board come and see what informal and formal organizations have been created for families and parents.

Gail Brown, Program Director, Enable, Inc. informed the Board that Carver and similar rural areas have a need for more supportive slots. She expressed her hope that the union negotiations will result in additional quality family child care providers and programs as it is difficult to compete with the pay offered to center-based program staff.

End of Public Comment period.

Board Committee and Advisory Reports:

As some board members had not yet arrived, Chairperson Chesloff asked the Sub-Committee Chairpersons who were present to report on their committees' recent activities.

Planning and Evaluation Committee:

Board Member Eleonora Villegas-Reimers reported that the Planning and Evaluation Committee met on December 5, 2013. She stated that the Committee discussed the timing of Commissioner Weber's evaluation, which will occur one year after his hire. The Committee spent the majority of the meeting discussing and finalizing the Strategic Plan. A draft of the Strategic Plan was sent to individual Board Members and the Board Sub-committees for review, with the goal of receiving feedback by January 14, 2014. Lastly, the Committee viewed a presentation of the Child Care Financial Assistance system which will be presented to the entire EEC Board in January.

Routine Business:

- **Approval of November 12, 2013 Board Minutes – Vote**

On a motion duly made and seconded, it was:

VOTED that the Board of Early Education and Care approve the minutes of the November 12, 2013 Board Meeting. The motion passed unanimously by those present.

Advisory Council:

Board Member Joni Block reported that the Advisory Council met at the State House on November 14, 2013. She stated that Carmel Sullivan, EEC General Counsel, presented information on the new fingerprint-based background record check process. Board Member Block stated that this presentation

led to a very robust discussion among Advisory Council members and Ms. Sullivan addressed members' inquiries regarding the frequency of background record checks and the discretionary review process. Board Member Block reported that EEC Head Start State Collaboration Director Jennifer Amaya-Thompson presented the Council with an overview of the Massachusetts Early English Language Development Guidelines to Support Dual Language Learners. Lastly, EEC Program Manager for Statewide and Community Supports Chau Ly updated Council members on the Massachusetts Alignment Study, the Race to the Top - Early Learning Challenge Grant (RTTT-ELCG) Leadership Summit, and RTTT-ELCG public events. The next meeting of the Advisory Council will be at EEC's Worcester Office on January 24, 2014.

Comments from the Secretary:

Secretary Malone discussed the FY15 budget development process and the public meetings that are being held in conjunction with these efforts. The first public meeting was held at the Somerset Berkley Regional High School with 50 people in attendance. He commented that a school superintendent spoke glowingly about the need to invest in early childhood education. Secretary Malone noted EEC and the Department of Elementary and Secondary Education (ESE) are working on the agenda for an anticipated joint board meeting in January 2014 which will focus on Birth to Grade Three Alignment work. Secretary Malone stated that he is working with Commissioner Weber to develop a strategy for the last year of the administration. He commented that early childhood education remains a priority for Governor Patrick. Lastly, Secretary Malone noted that collaboration is happening across state agencies and reflects the goal of having one aligned and united system.

Board Committee and Advisory Reports (cont'd):

Fiscal Committee:

Board Member Elizabeth Childs reported that the Fiscal Committee last met on December 2, 2013. Based on the FY2014 budget projections, EEC may be able to open access and place a few hundred more children. She noted that the overall waitlist numbers have declined due to open access placements but that the Board can expect to see upwards movement once access closes. The Consolidated Net Surplus increase is on the agenda today and will require a vote. Board Member Childs reported that there was a frank discussion on the rate reserve and whether there should be differential increases based on type of provider, but the Committee agreed with the Department's recommendation that funding should be distributed evenly, regardless of type of care. The Fiscal Committee also discussed the proposed FY2015 budget which included additional funding for the supportive account and transportation. Board Member Childs noted that EEC was working with the Department of Children and Families to understand how many more children needed to be served. The Committee members agreed that the hiring of transportation monitors is an important next step but requires further discussion.

New Business

No new business was raised.

- **Disclosures**

Board Member Villegas-Reimers submitted a written disclosure that she works for Wheelock College, a recipient of EEC funding. Board Member Block submitted a written disclosure that her position, as the Coordinated Family and Community Engagement (CFCE) Coordinator with Brockton Public Schools, is funded by EEC.

Items for Discussion and Action:

Chairperson Chesloff asked that Deputy Commissioner Bill Concannon present the first agenda item since some board members were expected to arrive later during the meeting.

I. Child Care Rate Reserve Increase – Discussion and Vote

Relevant resources included in Board Materials:

- *FY14 CNS Rate Increase, PowerPoint Presentation dated December 10, 2013*

William Concannon, EEC Deputy Commissioner for Administration and Finance, presented information regarding the Consolidated Net Surplus (CNS) rate increase for FY2014. Deputy Commissioner Concannon explained that the last rate increase occurred in July 2012. The FY2014 rate increase will be implemented across all program types, regions, and age groups, with all providers to receive an approximate rate increase of 2.3%. Deputy Commissioner Concannon noted that this rate increase will not increase the supportive add-on rate, parent fees, or the transportation rate. An estimated six hundred contracts will have to be amended to comply with the rate increase and will require the State Comptroller's review and approval.

Deputy Commissioner Concannon stated that EEC's financial assistance systems, the Child Care Information Management System (CCIMS) and the electronic Child Care Information Management System (eCCIMS) will require changes to implement the rate increase. EEC's IT and fiscal units have met and discussed their ability to implement the necessary changes to both systems.

Chairperson Chesloff stated that he had received two email messages from organizations which had asked that their views be noted as part of the record. The emails were from the Massachusetts Association of Day Care Agencies (MADCA) and the YMCAs of Massachusetts. Each organization advocated that center-based providers should receive a 4% rate increase in FY2014, similar to the increase that family child care providers would receive subject to appropriation under terms of a preliminary agreement between EEC and SEIU/Local 509.

On a motion duly made and seconded, it was:

VOTED that the Board of Early Education and Care hereby approves the Department's recommended increases to the reimbursement rates paid to providers of subsidized early education and care services, retroactive to July 1, 2013 as presented at the Board meeting of December 10, 2013. The motion passed unanimously.

Board Committee and Advisory Reports (cont'd):

Policy and Research Committee:

Board Member Joan Wasser Gish reported that the Policy and Research Committee also met on December 2nd. The Committee discussed the FY2015 Universal Pre-Kindergarten renewal grant and changes to the FY2015 Coordinated Family and Community Engagement competitive grant, both of which will require a vote in January. Additionally, the Committee reviewed the proposed QRIS Environment Rating Scale policy changes and recommendations that will also be voted on in January. Board Member Wasser Gish noted that ESE decided to delay its vote on the Science Technology and Engineering (STE) Standards by two years which impacts EEC's Pre-Kindergarten STE Standards. However, EEC will work with programs and providers to familiarize them with the Pre-K STE standards

during the next year. Lastly, EEC staff presented the emergency regulations that will modify the existing background record check regulations. Board Member Wasser Gish expressed that she has a greater appreciation for the relevant laws and the agencies involved in this process. She opined that the proposed emergency regulations are not perfect, but they are as good as they can possibly be.

Items for Discussion and Action (cont'd):

**II. Emergency Regulation Amendments to Criminal Offender and Other Background Record Checks
606 CMR 14.00 – Discussion and Vote**

Relevant resources included in Board Materials:

- *606 CMR 14.00: Criminal Offender and Other Background Record Checks - Emergency Regulations, PowerPoint Presentation dated December 10, 2013*
- *Revisions to EEC's BRC Regulations, Word Document*

EEC Assistant General Counsel Denise Karlin and General Counsel Carmel Sullivan presented the proposed Emergency Background Record Checks Regulations to the Board. Ms. Karlin stated that EEC is required to comply immediately with the legislative mandates of Chapter 459 of the Acts of 2012 as amended by Chapter 77 of the Acts of 2013. Ms. Karlin explained that the emergency regulations will establish processes for conducting Sex Offender Registry Information (SORI) checks and fingerprint-based checks of state and national criminal history databases. The emergency regulations will provide guidance for the review and dissemination of results. Ms. Karlin further commented that applicants will be required to acknowledge their understanding that EEC will check the Sex Offender Registry Board (SORB) to determine if they are a registered Level two or Level three sex offender and all will be required to consent to a fingerprint scan.

Ms. Karlin and Ms. Sullivan discussed the four required background record checks, which include checks of Criminal Offender Record Information (CORI) and Department of Children and Families (DCF) databases as well as the SORI and fingerprint-based checks of state and national criminal history databases. These four background record checks are required of all applicants for licensure, reviewers, employees, volunteers, interns, family child care assistants, family child care household members and persons regularly on the premises, informal non-relative caregivers, and adoptive/foster parents and their household members. The four background checks will also be required of individuals who provide transportation services on behalf of EEC licensed, approved or funded programs. Ms. Karlin and Ms. Sullivan answered questions from board members regarding the frequency of background checks, the discretionary review process, dissemination of information from the Federal Bureau of Investigation to EEC, the applicability of background record checks to student interns, and the screening process for individuals who have a "hit" on any of the background record checks.

Secretary Malone stated that he wanted all of the background check processes to apply to interns, student interns, and practicum students. Board Member Chi-Cheng Huang asked whether biological parents would be subjected to background record checks, as potential foster and adoptive parents will be required to submit to them. Ms. Karlin responded that EEC does not have the legislative mandate, nor the legal capability, to perform background record checks of biological parents. Board Member Block suggested that when the emergency regulations go out for public comment, that EEC pinpoint specific populations, such as internship placement offices and colleges, to obtain another set of comments and opinions. Board Member Childs stated that some crimes discovered through a background record check may have been committed by individuals with prior substance abuse issues

who have subsequently worked hard to change their lives. She suggested that EEC should make an exception for those who have made the effort to turn their lives around. Ms. Karlin responded with examples of how the discretionary review process accounts for prior criminal acts and balances those against the type of crime, the length of time since the crime was committed, the age of the applicant at the time that he/she committed the crime and evidence of rehabilitation by the applicant.

Chairperson Chesloff opined that he was bothered that individuals with presumptive disqualifications, such as those registered as a Level two or Level three sex offender, will be reviewed to determine their suitability to work with or care for children. Ms. Karlin and Ms. Sullivan explained the process for a presumptive disqualification, noting that it was a very high bar. Chairperson Chesloff then expressed his concern that EEC is responsible for discretionary review determinations and he asked for assurances that as a result of EEC's determination, no child would be harmed. Ms. Sullivan responded that she could not make such a blanket assurance but observed that the new regulations and the information received from SORI and fingerprint-based checks would increase the amount of information available to make a decision before hiring or licensing an individual. She stated that she had the utmost confidence in EEC's BRC unit and believed that they would continue to do the best job possible when making such decisions. Board Member Wasser Gish added that the emergency regulations tackled hard issues but the proposed regulations were in as good a place as they can be.

On a motion duly made and seconded, it was:

VOTED that the Board of Early Education and Care, in accordance with M.G.L. c. 15D, § 3, hereby approves the amended regulations governing criminal offender information and other background record checks and authorizes the Commissioner of Early Education and Care to file the amended regulations with the Secretary of the Commonwealth for publication in the *Massachusetts Register* for promulgation on an emergency basis, as 606 CMR 14.00, in accordance with M.G.L. c. 30A, §2. The motion passed unanimously.

III. FY15 Universal Pre-Kindergarten (UPK) Grant Proposal - Discussion

Relevant resources included in Board Materials:

- *FY15 Universal Pre-Kindergarten (UPK) Grant Proposal, PowerPoint Presentation*

EEC Policy Analyst John Swanson and Policy Director Carol Nolan presented the FY2015 Universal Pre-Kindergarten (UPK) Grant proposal. Mr. Swanson stated that EEC seeks to continue with the UPK policy objectives previously articulated and issue a renewal grant of \$6 million. He reported that by continuing the same funding formula, the Department has the potential to fund approximately 399 UPK classrooms and identify approximately 1,995 "high needs children." Mr. Swanson noted that the UPK grant will be bid competitively in FY2016.

Board Member Block requested that the Department add "working with families" as a priority area for professional development. Board Member Wasser Gish asked if the percentage of programs that serve one high risk child versus programs serving multiple high risk children was known. She added that although many programs have high concentrations of high needs children, programs need to be able to provide basic as well as additional services. Board Member Childs asked about the unallocated \$400,000 within the FY2014 UPK line item. Deputy Commissioner Concannon replied that the \$400,000 pays for staff, indirect cost added expenses, staff benefits, and training.

Commissioner Weber commented that the FY2016 UPK competitive bid will be a difficult conversation for the field because many providers who receive UPK funds are reliant upon that funding. Despite this difficulty, EEC should not delay this discussion but have the conversation soon, especially with the future UPK alignment with the Quality Rating and Improvement System.

IV. Quality Rating and Improvement System (QRIS) Environment Rating Scale Policy - Discussion

Relevant resources included in Board Materials:

- *QRIS Environment Rating Scale Policy Development, PowerPoint Presentation dated December 10, 2013*
- *Environment Rating Scale Resources, Word Document*
- *QRIS Working Group Participants, Word Document*

EEC Program Quality Specialist/QRIS Lead Gwen Alexander and Program Quality Specialist Christine Davidson presented proposed changes and recommendations to the QRIS Environment Rating Scale (ERS) tools. The presentation included an overview of current ERS policies, proposed policy changes, and a review of how other states implement QRIS. Ms. Alexander and Ms. Davidson reported that currently programs cannot move to the next QRIS level if they do not meet all of the items in the scale. However, some of these items are not program quality indicators nor are they related to child outcomes. As part of the recommended changes, Ms. Alexander and Ms. Davidson proposed that the subscales alone, rather than items within the subscales, should be scored. The subscales within QRIS reflect quality and outcomes and help provide an overall view of the program. Ms. Davidson noted that there are several challenges for programs to overcome to progress within QRIS, many of which are unrealistic based upon the program model. For example, she described that a program, in which many of the children require transportation, will not meet the required indicator item(s) because parents are not bringing their children to the program. Under the proposed changes, the Department will be able to talk with programs and address where a program needs improvement. It is expected that this will lead to growth in QRIS.

Ms. Alexander explained how the ERS tools would be implemented at Levels 3 and 4 of QRIS. The reliable rater visit would be removed from Level 3 and it would be the Program Quality Specialists who will verify the programs' self-assessed scores. A Program Quality Specialist will recommend that a program receive a reliable rater visit to move to Level 4, which will reduce unnecessary visits to programs that have not correctly self-assessed. Ms. Davidson and Ms. Alexander described how the proposed changes to the ERS policy have been vetted. The proposal was shared with EEC's QRIS Working Group who provided their thoughts and feedback. The proposal was also shared with the Policy and Research Committee.

Board Member Block expressed her approval of the proposed changes, noting that the Department was refining and reflecting its policies and was not lowering the bar. She asked accreditation by the National Association for the Education of Young Children (NAEYC) has been taken into consideration as part of QRIS as she is aware of other states implementing similar policies. Ms. Alexander responded that EEC has contracted with NAEYC to review the overlap between the two sets of standards. Ms. Alexander noted that although the standards may seem the same, EEC's measurement of the standards differs from how NAEYC and other organizations measure them. Additionally, Ms. Alexander stated that NAEYC has not validated accreditation; the relationship between quality and accreditation is unknown. Board Member Villegas-Reimers inquired about the flexibility of the QRIS standards, scales, and subscale items in regards to cultural differences and for English Language learners. Ms. Alexander responded that EEC

is receiving initial data but noted that some ERS tools do not align with licensing requirements and it is licensing that will always take precedence.

Board Member Childs expressed her appreciation of the proposed ERS policy changes, particularly how Levels 3 and 4 have been reframed into a much more collaborative process.

Chairman Chesloff concluded with three quick comments. He expressed his appreciation for the quality of the presentations made to the Board. He thanked the Carver Public Library for providing the venue for the meeting as well as the Southeast/Cape Cod and Islands regional office for their hard work to plan this meeting. Lastly, Chairperson Chesloff enthused about the work conducted at the committee level and complimented all the sub-committee chairpersons on their efforts.

On motion duly made and seconded, it was:

VOTED that the meeting adjourn at 4:01 p.m., subject to the call of the Chairperson. The motion passed unanimously.

Respectfully submitted,

Thomas L. Weber
Commissioner of the Department and
Secretary to the Board