

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for the Regular Board Meeting
January 5, 2011

APPROVED MINUTES

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled and properly noticed for Monday, January 5, 2011, at 4175 East Bay Drive, FL to begin at 1:30 p.m.

Board Members Present: Elise Minkoff, Board Chair; Lourdes Benedict; Michael Bessette; Anne Brooks; Judith Bruckner; Judi Vitucci, Secretary

Board Members Absent: Norm Roche

Ex Officio Member Present: Charles Minor

Advisory Members Present: Lynn Bittner, Nina Meyers, Susan Weber

Advisory Members Absent: Terri Hajian, Ann Hofmeister, Elizabeth Krakowski, (two vacant family child care positions)

Attorney: Colleen Flynn

Staff Members Present: Patsy Buker, Executive Director; Jorie Massarsky, Supervisor Children's Centers; Kathy Krause, Supervisor Family Child Care Homes; Dana Stajkowski, Board Recorder, and other Health Department staff

Call to order: The meeting was called to order at 1:35 p.m.

- I.C. Minutes:
- Motion: A motion was made by Judi Vitucci and seconded to approve the corrected minutes from the July 7, 2010 Board meeting. Unanimously approved.
- Motion: A motion was made by Judi Vitucci and seconded to approve the minutes from the October 6, 2010 Board meeting. Unanimously approved.
- Motion: A motion was made by Lourdes Benedict and seconded to approve the minutes from the December 14, 2010 Board meeting. Unanimously approved.
- I.D. Public Comment: There were no Public Comments for items not on the agenda.
- II. A. Representatives from Cherry Bekaert and Holland were running late; their report has been moved to later in the meeting.
- II. B. Patsy Buker, Executive Director, introduced the compromise language for family child care homes in Local Bill 01 on page 6c of the Board report. Ms. Buker highlighted the following:
- Staff and providers worked together on the language.
 - Action in LB 01 will require changes in Chapter 402.
 - Ratios of adults to children in the compromise are still less than most counties in the rest of the state.
 - Requests input from Board and Advisory Committee members.

II. B. Board Discussion: In response to a Board member question, Colleen Flynn clarified that the term “unrelated household” is needed to determine what children in the child care home are related or not related to the provider. In addition, the definition of Family Child Care Home states that children from one “unrelated household” can be cared for without a license.

Judith Bruckner, being concerned with the adult to child ratios being considered, distributed her recommendation (Attachment #1) which aligns family child care ratios with what children’s centers are allowed:

- A) Three children less than 12 months of age.
- B) Five children less than 24 months.
- C) Maximum of ten children if capacity allows and if all children are over 24 months of age.
- All ratios are subject to max capacity and capacity supersedes ratios.
- All ratios are determined by age of youngest child in the group and shall include all children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.
- Birthdays must be posted and documentation of enrollment, birth date and emergency information must accompany every child when on a field trip.

Staff Response: In answer to a question regarding who must be on the premises of a large family child care home and the current ratios, staff clarified the definition and reported that current large family child care ratios are the State’s ratios.

Board discussion continued on Judith Bruckner’s presentation:

- Judith Bruckner commented that in her recommendation ages would not be mixed.
- Board members were concerned that with not being able to mix age groups that families would not be able to have their different age children with the same provider.
- Anne Brooks commented that family child care and children’s centers are set up differently; that family child care is set up for multi-age care; that aligning home regulations with center regulations would not work.
- Judith Bruckner advocates for smaller groups of younger children based on research.

Public Comments:

1. Patsy McConnell’s written comment is attached (Attachment #2)
2. Barbara Backus, 223 Dunbridge Drive, Palm Harbor, FL 34684 commented:
 - That based on a study Ms. Backus did on ratios around the country that there are 3 other states with ratios worse than Florida.
 - That a 2 year old needs more individual attention because language and pre-reading skills are developed at this age.

II. B. Public Comment

2. Barbara Backus - continued
 - That there is a movement at the state level to bring the ratios in centers down to be more in line with NAEYC accreditation ratios of one adult to seven two year old children in centers.
 - That she has been a proponent of family child care and that they are different than centers.
 - That many providers do not have a high school diploma which is a concern and should be addressed.
 - That family child care providers do not have another adult on the premises to assist in emergencies as do centers.
 - That she doesn't want to see us going backward by allowing the State's ratio of four children birth to twelve months; that 3 children under the age 12 months should be max.
 - That 8 to 9 two year olds should not be allowed in homes.
 - That she sees multi-age groups in homes when she visits, but not all providers can handle multi-age groups.
 - That many providers earn \$150 per child per week which is more than what most center based providers earn.

3. Lynn Gibson, 8697 78th Avenue North, Seminole, FL 33777 made the following comments:
 - That no where in the State can there be 10 two year olds or 8 two year olds.
 - That her proposal includes:
 - No more than 5 preschoolers.
 - Of the 5 there are no more than 2 under 1 year.
 - That school agers during the school year are not in the home all day.
 - That her proposal is stricter than the state; that providers across the state have 6 preschoolers with 3 under 12 months; that providers are taking good care of the children; and that she is proposing 6 preschoolers with no more than 3 under 18 months.

Board Discussion

There was discussion regarding understanding the compromise proposal.

Susan Weber stated that one of the best things about family child care is the child gets attached to one caregiver and does not bounce from teacher to teacher as they get older.

Staff Comment:

Kathy Krause interjected that State regulations (on page 6 b of the Board report) allow up to 6 preschoolers at any given time if all are older than 12 months of age and that would narrow b) a maximum of 3 children from birth to 12 months of age, and other children, for a maximum total of 6 children.

Attorney:

Colleen Flynn remarked that enforcement of the state's rule has been as Ms. Gibson said and that Ms. Krause's interpretation is also reasonable; that the State's definition is as clear as mud.

II. B. continued
Board Chair:

Elise Minkoff called for a motion on the staff compromise for family child care homes.

Motion:

A motion was made by Michael Bessette and seconded to approve the compromise language in Local Bill 01 for family child care homes.

Discussion:

Patsy Buker, responding to a Board question, stated that instead of considering economic impact that staff looked at quality, state laws, other local laws, and a compromise where the children would be safe. Ms. Buker further stated that the compromise is not the magic answer, and that staff worked on this diligently for 3 weeks.

Michael Bessette commented that it is difficult to regulate quality of care in a written document; that it's the parents' responsibility to look into what kind of care the home is giving.

Vote:

4 Ayes - Michael Bessette, Judi Vitucci, Anne Brooks, Elise Minkoff, 2 Nays - Judi Bruckner and Lourdes Benedict. Motion passed.

Approved Language:

Family Child Care Home: means an occupied residence in which child care is regularly provided for children from at least two unrelated households with or without compensation. A family child care home shall be allowed to provide care for one of the following groups of children, which shall include household preschool aged children whether present or not, and household school aged children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.

- A) A maximum of 6 children, if no more than 3 are under 18 months of age.
- B) A maximum of 8 children, if no more than five are preschool age and of those five no more than three are under 18 months and of those three no more than two are under 12 months.

Motion:

A motion was made by Judi Vitucci and seconded to have Patsy Buker reach out to the offices of Representative Nehr and Senator Fasano regarding the compromise language for Local Bill 01.

Board Chair:

Elise Minkoff directed Ms. Buker to note in her conversations with the legislators the reservations noted by the Board during the December 12, 2010 and January 3, 2011 Board meetings.

Vote:

Unanimously passed. (Michael Bessette left at 2:35 p.m. following the vote.)

Board Chair:

Elise Minkoff called for a 5 minute break. The meeting was called back to order.

II. A.

Elise Minkoff introduced John Gilberto, partner, and Scott Davis, manager, both with Cherry Bekaert and Holland. A presentation was made regarding the annual external audit conducted by their firm. The following comments were made regarding the summary of the audit:

- Page 2 of the Audit Presentation contains the required communication information.
- The Financial Statement contains 21 pages; page 7 – 21 is the responsibility of the Board.
- The first opinion is the audit of the financial statements; the audit was an unqualified opinion that everything was fairly presented and conformed with accounting principles and consistent with the prior year's presentation.
- The second opinion is on internal controls, grants, laws, etc. and there were no deficiencies, no findings, and no internal weaknesses in their review of Florida State and Federal statutes.
- It was reported that they are independent in appearance with regard to the Pinellas County License Board.
- The audit was conducted within the agreed upon time.
- No new accounting policies were adopted and the application of existing policies has not changed.
- The only estimate is that of the depreciation expense and they are in accordance with accounting principles.
- There were no uncorrected misstatements which means there were no journal entries; there were no disagreements with management.
- There was minimal change in assets and liabilities.
- There was an increase in the Fund Balance due to increase of fees and fines.
- There were no management comments, no violations, and no conditions of financial emergency or deteriorating financial conditions.

Motion:

A motion was made by Judi Vitucci and seconded to accept the audit report. Unanimously approved.

Discussion:

Responding to a Board question, Ms. Buker stated that fees pay for other expenses; that staff will be recommending that fines be decreased.

II. B. Continued – Local Bill 01 Large Family Child Care Home

Patsy Buker presented the compromise language for large family child care homes in Local Bill 01 on page 6c of the Board report.

Motion:

A motion was made by Judi Vitucci and seconded to approve the large family child care home compromise language for Local Bill 01. Unanimously approved.

II. B. Motion - continued:

Large Family Child Care Home – A large family child care home for the purposes of this rule, means a home that is licensed under section 402.3131, F.S. A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) unrelated households and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the operator or the operator's substitute. A large family child care home must first have operated as a licensed family child care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. The two consecutive years of operation as a licensed family child care home must have been in the state of Florida and within five years of the date of application to operate a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

A maximum of 8 children from birth to 24 months of age.

A maximum of 12 children, with no more than 4 children under 24 months of age.

Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.

Motion:

A motion was made by Anne Brooks and seconded to have Patsy Buker reach out to the offices of Representative Nehr and Senator Fasano regarding the compromise language for Local Bill 01 and to state in her conversations with the legislators the reservations noted by the Board during the December 12, 2010 and January 3, 2011 meetings. Unanimously approved.

A bill to change Chapter 402.302 by Representative Ahern (page 6 d of the report).

II.B.

Patsy Buker discussed the following:

- Line 118 "children living temporarily in the household"; staff would need a definition of what "temporary" means in order to effectively enforce it.
- Line 118 "Supervision of the operator's household children shall be left to the discretion of the operator . . ." Older children who come home from school should be able to be supervised differently than the child care children. Ms. Buker suggests that having all the children through age 12 function under the same rules as the toddler is extreme. Ms. Buker suggests a different age for when a provider's child can function independent of child care children.

- II.B. Discussion: The following comments and questions were made by Board concerning the supervision of the provider's own children:
- That everything should be in alignment and therefore it should be age 13.
 - That 11 might work.
 - What if the child care child and the provider's child are 11?
 - That middle school age children might be a good age because they are not licensed.
 - How does DCF look at the same rule?
 - That 8 is a little more reasonable.
 - Suggested family child care home providers make a recommendation.

Motion: A motion was made by Judi Vitucci and seconded to have Anne Brooks as the representative for family child care homes seek input from other providers and to provide a recommendation to the Board regarding line 118 - "Supervision of the operator's children" on page 6 h of the Board report.

Discussion: Anne Brooks commented that the State says a child of school age can ride their bike to and from school. She will solicit responses from other providers and report back to Patsy Buker on February 16, 2011 for presentation at the February 23, 2011 Board meeting.

Vote: Unanimously approved.

Board Chair: Ms. Minkoff conveyed to the Board that she hopes Board can be a resource to the community including the legislators.

Patsy Buker: Ms. Buker commented that line 195 has been amended to say "An individual or licensing agency has the cause of action against an operator who violates subsection (1) on page 6 j." [advertising without including their license number] She further commented:

- That staff advise unlicensed providers that they must be licensed when an unlicensed complaint is received.
- That the likelihood that PCLB would prevail against an unlicensed home in court is unlikely and collecting court fees from them would also be unlikely.
- That the additional workload could be such that it would require another attorney, an additional inspector, and another clerical support; that we don't have a good handle on how expensive this would be; that we support that people should be licensed and that they should use their license when they advertise.

Attorney: Colleen Flynn stated that PCLB has the authority to levy fines against providers. This newly proposed regulation means that an individual could have a cause of action against an operator [as defined in line 159 means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility], whether or not licensed, who advertised without including their license number in the ad. And if successful could be reimbursed for legal fees. Ms. Flynn suggests that "operator" be changed to "owner".

Public Comment: Lynn Gibson, 8697 78th Avenue North, Seminole, FL 33777 made the following comments:

- That the wording has been changed to ". . . has a cause of action against an unlicensed or unregistered person . . ."
- That the supervision issue is about the provider's 6 year old who comes home from school and sits at the counter doing their homework while the provider is outside with the child care children.
- That providers have been told that their child can walk home from school but cannot walk to the bus stop in the morning to catch the bus without supervision.
- That DCF does not count the provider's own children in capacity unless the children are on the premises.
- That the section in line 195 regarding advertising without a license was added to give PCLB teeth; that providers will come after PCLB for court costs.

Motion: A motion was made by Judith Bruckner and was seconded to send the items of discussion in the 402.302 Bill back to staff for more investigation. Unanimously approved.

II. C.1. Motion: A motion was made by Judi Vitucci and seconded that 2 new Children's Center be approved for Regular Licenses. Unanimously approved.

II. C.2. Kathy Krause reported that Latosha Williams, St. Petersburg, was added therefore recommending 10 for licensure.

Motion: A motion was made by Judith Bruckner that 10 new Family Child Care Homes be approved for Regular Licenses. Unanimously approved.

II. E. Motion: A motion was made by Judi Vitucci and seconded by Lourdes Benedict to approve **Budget Resolution No. 10-3**. Ayes: 5; Nays: 0 – Unanimously approved.

II. F. Elise Minkoff opened nominations from the floor for the school age center representative on the Advisory Committee. None were given.

II. F. **Motion:** A motion was made by Judith Bruckner and seconded to appoint Lynn Bittner to a second term as the school age center representative on the Advisory Committee. Unanimously approved.

II. G. Elise Minkoff opened nominations from the floor for the family child care homes representative on the Advisory Committee. None were given.

Motion: A motion was made by Lourdes Benedict and seconded to appoint Merlita Jones as the family child care home representative on the Advisory Committee. Unanimously approved.

II. G. Elise Minkoff opened nominations from the floor for the large family child care homes representative on the Advisory Committee. None were given.

Motion: A motion was made by Judith Bruckner and seconded to appoint DaVee Henderlong as the large family child care home representative on the Advisory Committee. Unanimously approved.

Discussion: Board requested more information from staff regarding providers who wish to be on the Advisory committee and directed staff to look into this.

Board Chair: Elise Minkoff commended the Board for attending an emergency meeting during the holiday season and for the courage to be outspoken for the children; she commended the staff who have worked tirelessly on compromises; and she commended Lynn Gibson for her work.

Ms. Minkoff further stated that for future Board meetings that members will be looking at the vision for the next 3 years, bylaws, etc. and ways to become a proactive, interactive Board.

Motion: A motion was made by Anne Brooks and seconded to adjourn the meeting at 3:45. Unanimously approved.

Respectfully Submitted by:

Judi Vitucci, Board Secretary

Attachment #1

Patsy,

You and I are new to this board and I know it is difficult and I do not want to over step my boundaries but I feel ratios for centers were put into place to protect children. Homes should be held to the same standard.

Family Childcare representatives make claims about not being able to sustain children in care. Bologna! It might cost them to do that just like it costs centers. We make a choice when we enter this field to follow guidelines that protect the health and safety of children why are homes not held to that same standard?

I do not understand how or why the board would agree to the homes recommendation knowing the research that is out there. You said staff recommendations will always reflect our board mission of protecting and promoting the health, safety, and mental development of children in child care centers and family child care homes. We believe that in order to follow our mission, we need to not lose focus on quality care and we adhere to the research on child development **that affirms that smaller adult to child ratios supports better outcomes** in overall development, school readiness, and emotional and physical well being.

This subject has been on my agenda to revise I just didn't know it would be so soon.

I feel we can still work on this and come to a fair and consistent rule.

I have some recommendations and questions as follows.

Version and definition:

Why can't it say families why do we need related or unrelated I thought we established that even family would be considered in ratio if the children where under 13.

So the parent of the relative visiting has to stay with the child at all times while the operator is operating. It is a business right?

My recommendation would be and is reflected in the attachment with wording.

All ratios are subject to max capacity and capacity supersedes ratios. (Homes only have so much room)

a) Three children less than 12 months of age

b) Five children less than 24 months.

c) Maximum of ten children if capacity allows and if all children are over 24 months of age.

This aligns with centers and has been research proven to be substantially better for our youngest children who are in the most important stages of development.

Why does one of the employees of a large home have to be owner of residence at all times? This limits them to use substitutes if needed. Couldn't it be stated for a period over 10 hours or something so if they are sick or want to go to training for a day they can.

Child care bill 1 Line 114 - 121 should be stricken completely. Why does household members need to be defined? If they are in care and under 13 it should not matter a child is a child.

Regarding Childcare advertisement without license number?

What if associations were given the responsibility to monitor and report and sue if necessary, or any not for profit or any individual. I am sure Lynn would take care of that.

Craig's list has been her pet peeve from day one.

As for Lynn's wording: Please see attachment

I know communication with homes in the past has been strained to say the least. I also know they can be difficult. However, It is our job as a board to represent those children who are in these homes. As we know some homes provide quality some don't. It is my hope that homes will provide a quality loving environment because it is in their heart to provide it like so many of us who run the centers.

Please respond I will look at my email around 11:00 OR SO.

If you truly feel this is in the board's best interest right now I will vote with you BUT I feel this subject did not come up so quickly just by coincidence it is our opportunity to make it right. Anything less than the ratios in my recommendation I am not comfortable with.

I also have concerns about vehicle insurance and field trips. As well as the education issue can we put in this bill somewhere Family childcare providers must have a high school diploma. Politicians do it all the time. LOL

Judi's revision

Ms. Lynn Gibson's Suggested Wording for LB 01, as of 12/29/2010:

Family Child Care Home:

Family Child Care Home: means an occupied residence in which child care is regularly provided for children from at least two households with or without compensation. A family child care home shall be allowed to provide care for one of the following groups of children,

- a) Three children less than 12 months of age
- b) Five children less than 24 months.
- c) Maximum of ten children if capacity allows and if all children are over 24 months of age.

All ratios are subject to max capacity and capacity supersedes ratios

All ratios are determined by age of youngest child in the group.

and shall include all children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.

Birthdays must be posted and documentation of enrollment, birth date and emergency information must accompany every child when on a field trip.

Large Family Child Care Home:

Large Family Child Care Home – A large family child care home for the purposes of this rule, means a home that is licensed under section 402.3131, F.S. A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) households and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the operator or the operator's substitute. ~~(Not sure why this is necessary)~~ A large family child care home must first have operated ~~(under rule 402.3131)~~ as a licensed family child care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. The two consecutive years of operation as a licensed family child care home must have been in the state of Florida and within five years of the date of application to operate a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include ~~these~~

~~children under 13 years of age who are related to the caregiver:~~ [REDACTED]
[REDACTED]

A large Family Childcare may provide care for two times the maximum capacity of a child care home. Provided capacity and all previous qualifications are met.

~~A maximum of 6 children from birth to 12 months of age~~

~~A maximum of 10 children~~

~~A maximum of 12 children, with no more than 4 children under 24 months of age~~

Large family child care homes must meet and comply with all standards at all times unless capacity negates the large family home in which the family child care home rules apply. ~~there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.~~

Attachment #2

I am in favor of increasing the capacity ratio. This will help in being able to have flexibility to stay full in the years where there are turn overs and run my business more efficiently

Patsy McConnell