

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES

Minutes for the Emergency Board Meeting

December 14, 2010, 8:30 a.m.

APPROVED MINUTES

The Emergency Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled and properly noticed for Tuesday, December 14, 2010, at 4175 East Bay Drive, FL to begin at 8:30 a.m.

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

Board Members Absent: Lourdes Benedict

Ex Officio Member Present: Charles Minor

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

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

Attorney: Colleen Flynn

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

Call to order: The meeting was called to order at 8:30 a.m.

Board Chair: Elise Minkoff presented her philosophy for Board Meetings:

- That there will be an ending time on the agenda for all meetings; if additional time is needed, she will call for a vote to determine if additional time can be given by Board and Advisory Committee members.
- That she will keep meetings and discussions on track during the meeting.
- That she will uphold the Public Comment Policy including specified time limits allowed for comment.
- That the Pinellas County License Board and its staff will be transparent in all activities.

Public Comment: There was no public comment for items not on the agenda.

Executive Director: Patsy Buker, Executive Director, briefly discussed the following:

- The Pinellas County Delegation meeting at which she presented the history of the License Board.
- That Representative Nehr read Local Bill 01 into the Legislative Delegation meeting minutes stating that he was open for comments and input.
- The National Association of Child Care Resource and Referral Agencies ranks Florida in the top ten based on licensing regulations and oversight.

Patsy Buker – continued:

- That many counties in Florida only register family child care homes; therefore, providers may not get a visit unless there is a complaint; and limited data is available regarding day care.
- That provider performance can be described as a bell curve with high and low performers; that regulations are written for everyone.

Family Child Care Home Proposal on page 5 of the Board report:

- Attorney: Colleen Flynn discussed page 5 of the Board report and her updated Attachment 1 handout (in which “any age” in the stricken section was updated to read “children under 13 years”). In response to a later question, Colleen explained the legislative process and that Board and Advisory Committee members may speak independently to legislators regarding the proposed bill but not as the voice of the Board.
- FCCH Supervisor: Kathy Krause discussed in depth Attachment 2 handout regarding Pinellas County License Board Ratios for Child Care as compared to State Family Child Care Home Capacity. In addition, Ms. Krause discussed the following:
- When additional adults live in the home together with their children under 13, those children do not count in the capacity as long as that adult remains responsible for their child(ren).
 - Providers understand their ratios/capacity but may not understand all the variations.
- Board Recommendation: Board members made the following recommendations:
- That the Pinellas County License Board Ratios be posted on the web for providers and parents.
 - That providers be required to give parents a copy of the ratios at enrollment.
- Staff Response: Ms. Buker responded that hard data is not available to prove that fewer children results in safer care. She agreed with Ann Hofmeister and Susan Weber that there is a lot of research that does support lower child to adult ratios as it pertains to child development.
- Legislative Aide: Sharon Nehring, Legislative Aide to Representative Nehr, in answering the question of why the local bill is being proposed, explained that the bill will be filed and that the bill was written because home providers felt local regulations were too encumbering, that the intent was not to under regulate family child care homes. Representative Nehr is looking for input from the Board.
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- Presentation: Lynn Gibson, large family child care home provider, gave a presentation to the Board (Attachment 3) regarding Local Bill 01. Ms. Gibson is promoting the changes reflected in the bill.
- Public Comment: A Public Comment item was added following Ms. Gibson’s presentation. Although Pam Gebler, family child care provider, signed up to speak, she was unable to stay until the appointed comment time. There were no public comments.

Board Discussion:

Board and Advisory Committee members expressed concerns and made suggestions regarding Local Bill 01:

- **Safety:** emotional and physical; 10 children under the care of 1 provider in a home; 4 infants under 12 months of age.
- **Education/training of provider:** That both may need to be increased; providers commented that currently with additional education providers are not allowed to increase capacity.
- **Curriculum:** Children must be taught; there is a need for curriculum in all licensed homes; infants enrolled today in child care may experience up to 12,000 hours of care in a family child care home or children's center; look at whether or not to leave "and training of the children" in the definition.
- **Quality:** Research indicates lower numbers of children in care equals better and safer care; however, there are homes with 10 children that have quality care.
- That Local Bill 01 doesn't go far enough to reduce regulations.
- That home and center regulations should be aligned.
- That a grandchild cannot visit a licensed provider without affecting capacity.
- That regulations are not applied equally to all licensed homes; capacity versus supervision regulation.
- To clarify language for "and other children" in "(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children."
- To change in (b) above "birth to 12 months of age" to current regulation of "birth to 18 months of age."
- To limit the maximum number of children in (b) to 5 based on the following: by 5 years child's basic foundations are set, trust is set in first 2 years.
- At Board members' urging, Lynn Gibson will ask other providers if "(a) A maximum of four children from birth to 12 months of age" can be eliminated from the bill.

Large Family Child Care Home Proposal on page 5 of the Board report:

Board Discussion:

Board and Advisory Committee members expressed concerns and made suggestions regarding Local Bill 01:

- To look at the requirement for a family child care home to be licensed for "two (2) consecutive years" prior to applying for a large family child care home license; suggested wording of "within last ___ years" instead of "2 consecutive years"; staff requested the wording remain but is agreeable to rewording.
- To compare safety and compliance for family child care homes vs. large family child care homes; commented that adult to child ratios are safer in a large family child care home.
- To look at length of time as a provider in another county/state as counting toward the 2 year requirement in Pinellas to apply for a large family child care home license; providers suggested current large family child care home providers from another county should be able to automatically be a large family child care home provider in Pinellas.

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Agreement:

- Lynn Gibson is willing to keep last paragraph regarding large family child care home reverting to a family child care home when capacity falls to family child care home capacity; suggests rewording.

Motion:

A motion was made by Judi Vitucci and seconded to continue the discussion for another 15 minutes to 10:45 a.m. 5 Yeas, 1 Nay. Motion passed. Michael Bessette left at 10:30 a.m. for another appointment.

Recommendations:

Board suggested recommendations for Local Bill 01 be emailed to Patsy Buker.

Motion:

A motion was made by Judi Vitucci and seconded to hold another meeting or to move the January 5 meeting to an earlier date to accommodate bill writing requirements. Unanimously approved.

Board Chair:

Elise Minkoff stated that both Patsy Buker and she will continue working with Ms. Gibson and Representative Nehr' office on the Local Bill 01.

Motion:

A motion was made by Judi Vitucci and seconded to adjourn the meeting at 10:45. Unanimously approved.

Respectfully submitted by,

Judi Vitucci, Secretary

Current version of definitions with proposed changes underlined and deletions struck through

Family child care home – A family child care home means an occupied place of residence of a family, person, or persons who in which child care is regularly provided ~~child care and training for children from at least two (2) unrelated families households, with or without compensation, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit~~ A family day 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) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 8 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

~~for no more than five (5) children at any given time under thirteen (13) years of age who are not related to such person or persons by blood, marriage, or adoption. This includes preschool household members whether present or not and children under thirteen years of age who are in the operator's care and do not reside in the family child care home. Of those five (5) children, no more than three (3) of the five (5) children may be under two (2) years of age, or no more than three (3) of the five (5) children may be under 18 months of age if the provider has proof of completion of an approved training course. A family child care home shall provide child care for a period less than 24 hours per day per child.~~

~~When 3 children in care are under one year old, the provider may have no more than 6 children total including household children under 13 years old who are present~~

~~When 2 children in care are under one year old, the provider may have no more than 10 children total including household children under 13 years old who are present.~~

Large family child care home – 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 families households~~ which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One ~~(1)~~ (2) of the two (2) full-time child care personnel must be the owner or occupant of the residence ~~operator or the operator's substitute.~~ A large family child care home must first have operated as a licensed family day child care home for ~~two (2) consecutive 2~~ 2 years in Pinellas County 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. 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.~~

Pinellas County License Board Ratios for Child Care

DEFINITIONS

Family child care home - A family child care home means an occupied place of residence of a family, person, or persons who regularly provide child care and training for children from at least two (2) unrelated households, with or without compensation, for no more than five (5) children at any given time under thirteen (13) years of age who are not related to such person or persons by blood, marriage, or adoption. ****This includes preschool household members whether present or not and children under 13 years of age who are in the operator's care and do not reside in the family child care home.** Of those five (5) children, no more than three (3) of the five (5) children may be under two (2) years of age, or no more than three (3) of the five (5) children may be under 18 months of age if the provider has proof of completion of an approved training course. A family child care home shall provide child care for a period less than 24 hours per day per child.

When 3 children in care are under one year old, the provider may have no more than 6 children total including household children under 13 years old who are present.

When 2 children in care are under one year old, the provider may have no more than 10 children total including household children under 13 years old who are present.

3 of the 5 children may be under 2 years of age (or 24 months)

Infants 0-12 months	Infants 0-24 months	**2 yrs. – 13 yrs.	Household Members 5 – 13 yrs.	Totals
3*	0	2	1	6
3*	0	1	2	6
3*	0	0	3	6
0	3	2	5	10
0	2	3	5	10
0	1	4	5	10
0	0	5	5	10

*State Law limits the total number of children to 6 when 3 are under 12 months

With Approved Training (3 of the 5 children may be under 18 months)

Infants 0-12 months	Infants 0-18 mo	**18 mo – 13 yrs.	Household Members 5 – 13 yrs.	Totals
3*	0	2	1	6
3*	0	1	2	6
3*	0	0	3	6
2	1	2	5	10
2	1	1	6	10
2	1	0	7	10
2	0	0	8	10
1	2	2	5	10
1	2	1	6	10
1	2	0	7	10
0	3	2	5	10
0	3	1	6	10
0	3	0	7	10

*State Law limits the total number of children to 6 when 3 are under 12 months

Additional Space Requirements must be considered (Board approved in 2005 the requirement of 35 sq. ft. indoors and 50 sq. ft. outdoors; State requires 35 sq. ft. indoors and 45 sq. ft. outdoors)

Additional Bathroom Requirements must be considered (Chapter 61 limits 8 persons to one bathroom including all household members)

FL Child-to-Adult Ratios for Child Care

Registered and Licensed FCC Homes* – Effective 1/1/97

Ratio clarification chart on left. The Florida law (Chapter 402) in boxes on right for both registered and licensed FCC homes. Provider's own children are included in the count (0-12yrs). *12 counties require a license

<i>Infant (0-11 mos.)</i>	<i>Preschool (12mos-5yr+)</i>	<i>School Age (In K & older)</i>	<i>Total</i>
4	0	0	4
3	3	0	6
3	2	1	6
3	1	2	6
3	0	3	6
2	4	0	6
1	5	0	6
0	6	0	6
2	3	5	10
2	2	6	10
2	1	7	10
2	0	8	10
1	4	5	10
1	3	6	10
1	2	7	10
1	1	8	10
1	0	9	10
0	5	5	10
0	4	6	10
0	3	7	10
0	2	8	10
0	1	9	10
0	0	10	10

a) A maximum of four children from birth to 12 months of age

b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children
 c) A maximum of six preschool children if all are older than 12 months of age

d) A maximum of 10 children if no more than five are preschool age and, of those five, no more than two are under 12 months

A provider can meet only one category (a, b, c, or d) at a time. However, he/she is not limited to one category on the registration or license and may change to a different category at various times throughout the day or week.

LARGE FAMILY CHILD CARE HOMES - Effective 1/1/00

Ratios are for licensed large FCC homes with 2 providers present (one must have CDA) caring for the children. The providers own children are included in the count (0-12 yrs).

<i>Infants & Toddlers (0 - 23 months)</i>	<i>Preschool & School-Age (24 months and older)</i>	<i>Total</i>
8	0	8
7	1	8
6	2	8
5	3	8
4	8	12
3	9	12
2	10	12
1	11	12
0	12	12

a) A maximum of 8 children from birth to 24 months of age

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

Child Care Centers - Staff to Child Ratio

0-11 mos. 1:4 1 year 1:6 2 year 1:11 3 year 1:15 4 year 1:20 5 yr & older 1:25

402.305 (4)(a)(7) When children 2 years of age and older are in care, the staff-to-child ratio shall be based on the age group with the largest number of children within the group.

FAMILY CHILD CARE HOME CAPACITY

S. 402.302(7) FLORIDA STATUTE

Each category includes the provider's own child

**INFANT
(0-12 Months)**

**PRESCHOOL
(13 Months - 5 years)**

**SCHOOL AGE
(Kindergarten & Above)**

a) A maximum of four children from birth to 12 months of age.			
4	0	0	Total 4

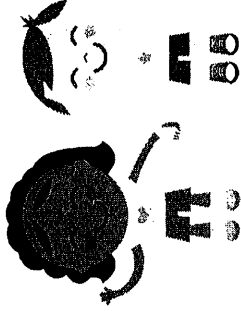
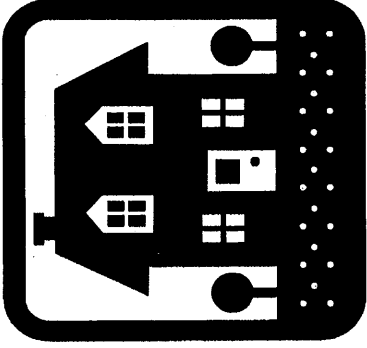
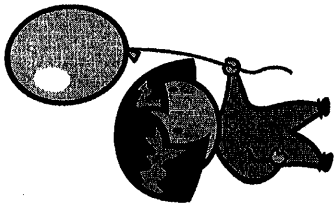
b) A maximum of three children from birth to 12 months of age, and other children for a maximum total of six children.			
3	3	0	6
3	2	1	6
3	1	2	6
3	0	3	6
2	4	0	6
1	5	0	6

c) A maximum of six preschool children if all are older than 12 months of age			
0	6	0	6

d) A maximum of 10 children if no more than five are preschool age, of those five, no more than two are under 12 months of age.			
2	3	5	10
2	2	6	10
2	1	7	10
2	0	8	10
1	4	5	10
1	3	6	10
1	1	8	10
1	0	9	10
0	5	5	10
0	4	6	10
0	3	7	10
0	2	8	10
0	1	9	10

It is the responsibility of the provider to be in compliance with one of the above ratios at all times.

Received by: _____ Date: _____



Family Child Care Homes

Equal application of the law

How fair are the current rules and regulations to providers?

Current Regulations

- Licensed households with no children under 13 living in them can have 5 children.
- Licensed households with children under 13 living in them can have up to 10 children.

5

10

The only difference is the physical address of the children – We say this is unequal application of the State law because State Law is not based on a child's residence only the amount of children being supervised. All children should count equally.

Current Definition

Family child care home:

A family child care home means an occupied place of residence of a family, person, or persons who regularly provide child care and training for children from at least two (2) unrelated households, with or without compensation, for no more than five (5) children at any given times under thirteen (13) years of age who are not related to such person or persons by blood, marriage, or adoption. This includes preschool household members whether present or not and children under 13 years of age who are in the operator's care and do not reside in the family child care home. Of those five (5) children, no more than three (3) of the five (5) children may be under two (2) years of age, or no more than three (3) of the five (5) children may be under 18 months of age if the provider has proof of completion of an approved training course. A family child care home shall provide care for a period of less than 24 hours per day per child.

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When 2 children in care are under one year old, the provider may have no more than 10 children total including household children under 13 years old who are present.



Local Bill 01

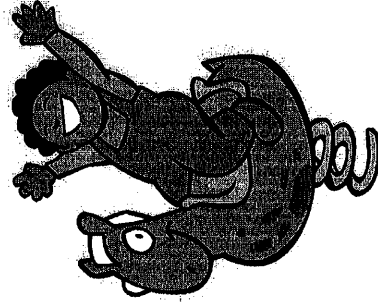
- **“Family child care home”** means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be 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) A maximum of four children from birth to 12 months of age.
 - (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
 - (c) A maximum of six preschool children if all are older than 12 months of age.
 - (d) A maximum of 8 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age

Changes from State law are in red day – child and 10 – 8

Local Bill 01 allows the state law to be equally applied to all providers . No provider can have more children than another one. All family child care providers will be given the same regulation to abide by.

There will still be reasons that some family child care providers cannot have the full amount of children in care, but those will be applied equally.

One reason would be the “square footage” of the home or yard. If a provider has a small backyard or inside play area they may be required to have less children. Current rules require 35 square feet of usable space per child which does not include bedrooms unless they are used as multipurpose activity rooms for inside floor space and 50 square feet per child for outside play areas.



EDUCATION and TRAINING

- Providers with higher education such as Bachelor degrees or AA / AS degrees do not qualify to provide care for more children.
- Providers with CDA's do not qualify to provide care for more children.
- Currently only providers who have children living in their home can provide care for more children. They are not required to have a high school diploma.

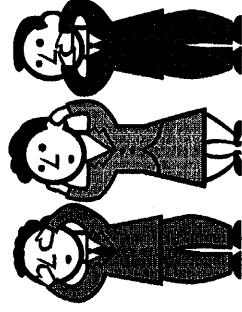
Years of Experience

- Many providers have been in this business for decades. Their household children grew up in family child care and moved out of their homes to become productive citizens. These providers cannot have their grandchildren for even a day if it puts their capacity over 5. But, a new provider on a temporary license can have up to 5 household children plus 5 daycare children in their care.
- Experience doesn't count – only the child's physical address does.



How to get more kids?

- We hear more and more lately how bad our economy is these days. Providers have had their own adult children move back into their homes with their grandchildren to help them. Now they can care for them legally and not have to give up one of their 5 slots for a school aged grandchild.



Quality

- Quality does not decide who has more children. Homes that participate in the Quality Counts five star programs cannot have more children unless those children live in their home.
- Providers staying in compliance with Pinellas County License Board Rules and Regulation vs. those providers with non-compliances is not a factor in who has more children.

Curriculum

- Providers who spend much of their income to provide their children in care with many activities to enhance their learning levels have no more children because of it.
- VS
- Providers who only provide free play and occasional activities.

Eliminate the inequity

Pinellas County License Board knows from past experience that treating providers differently is not right. Its unequal application of laws or rules and regulations that cause providers to become upset and to stand up for their businesses. I can think of no other agency that would license a person using this as the requirement and not face a lawsuit.

Daycare licenses only state up to 5 children on their license. This has caused problems with other regulatory agencies because they do not see how a home can be licensed for 5 but have 8 children in them and still be within licensed regulations.

Past History:

Finding of Necessity and Rationale for decrease in standard:

Chapter 61-2681 provides that the maximum number of children providers may be licensed for is four (4). However, there is a provision in Chapter 61, Section 6(3)(c), that providers may have a maximum of five (5) children including her own preschoolers and/or related children. Allowing all providers the potential to care for five (5) children would eliminate the inequity of providers with related children in care being permitted a total of five (5) children, while their peers are limited to four (4) children, only because the children are not related to their providers.

1977 to 1994

- Discontinuation of School-Age Care Overlap
- March 18, 1994 providers received a letter from Gail Robertson and Jewel Waiters informing them that this type of care was being taken away from providers... Why???
- The policy began as a result of insufficient before and after school care. Staff researched the availability of this care and found a drastic increase in available care. –
- Parents choice didn't matter.
- Providers businesses didn't matter.

65 out of 67 Counties

- **Capacity Requirements/Ratios**
- *Includes children under 13 years of age related to the caregiver.*
- A maximum of 4 children age birth to 12 months.
- A maximum of 6 children, with no more than 3 children age birth to 12 months of age.
- A maximum of 6 preschool children, if older than 12 months of age.
- A maximum of 10 children, with no more than 5 preschool children and of those 5, no more than two under 12 months of age.