

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for the Emergency Board Meeting
March 18, 2010

Following are Public Comment excerpts made by providers/attendees at the Emergency Pinellas County License Board meeting on March 18, 2010. After the meeting, staff reviewed the comments and determined there is some misinformation in the community that needs to be corrected.

We hope you find the Staff Responses helpful. If you still have questions/concerns, we encourage you to call the Child Care Licensing Program office at 507-4857 we will be happy to speak with you.

Public Comment:

Lynn Gibson

Chairman Benedict gave Ms. Gibson permission to comment on Ms. Recker's presentation. Ms. Gibson made the following comments:

- ❖ That PCLB has "with or without compensation"; and she commented that DCF said PCLB is in a position to regulation babysitting [in the child's home] and extended family gatherings.

Staff Response:

In order to be licensed for child care, the situation must meet the entire definition of child care. Since 1951, babysitting in the child's home and family gatherings has never met the definition of child care. In addition, children from one household may be cared for without being licensed.

Public Comment:

Lynn Gibson

- ❖ . . . if "when" is used that it creates an exception.
- ❖ That PCLB has "When 2 children in care are under 1 yr. the provider may have no more than 10 children total including household children under 13 years when present"; Ms. Gibson commented that this section does not say how many can be under 2, under 5 etc.

Staff Response:

Receiving a license for " . . . 3 of the 5 children . . . under 18 months of age if the provider has proof of completion of an approved training course" is the regulation, not an exception to the regulation; providers receive a license not an exception for "3 children under 18 months of age".

Staff would refer the reader to the entire definition to know how many children of a certain age are allowed.

Public Comment:

Lynn Gibson

- ❖ . . . that when a provider's own child ages out that with a capacity of 8 the provider can replace their child with another child; . . . that 8 is fair for all, not 10 for some, and 5 for others and 3 for some

Staff response to Public Comment:

Staff Response:

“. . . provider can replace their child with another child” is misleading. Provider may supervise their child; they do not receive a fee for their child. Also, the provider’s own children are not counted in the square footage requirements for licensing.

State Chapter 402 limits a provider’s capacity to 4, 6 or 10 at any given time depending on the ages of children in care and their own children under 13 years of age. PCLB would need to meet the regulations in 402.

Public Comment:

Lynn Gibson

- ❖ . . . that an age was not included in the household definition because parents want to use their own discretion; that providers are out of compliance when their child wants to do something other than what the child care children are doing, i.e. go to their room and close the door, ride their bike, etc.

Staff Response:

All children need supervision and it’s concerning that an age of at least birth through 9 is not in the proposed household definition.

Provider’s own children may and should have age appropriate activities and may be in a separate licensed space/room with the door open provided the child can be “watched and directed” and the provider is “capable of responding to emergencies and the needs of [all] the children”.

Examples of real life situations that have occurred in family child care homes:

- ❖ Provider stepped outside to assist her child who was not inside with the day care children; the door slammed shut and locked leaving a 6 month old sitting in a high chair alone.
- ❖ School age child was allowed to play in the front yard while provider was with day care children inside; the school ager climbed a tree and couldn’t get down.
- ❖ Provider left 2 babies under 12 months alone near the open front door while she was helping her child put up a tent in the backyard.
- ❖ Licensing staff have witnessed several occasions where providers are seen outside the home with day care children left inside alone.

Public Comment:

Sharlene Gamble

- ❖ . . . her youngest child goes to school at 8:35 a.m. and she had to find a way to get him there; . . . that her 8 and 13 year old children want to go into their room without the younger children; that she has to rest her sick children on the couch because her sick children can’t be in their room by themselves.

Staff response to Public Comment:

Staff Response:

All working parents must find a way to get their children to school.

A 13 year old is not subject to state supervision standards. The 8 yr. old may go into another licensed room without the younger children provided the child can be "watched and directed" and the provider is "capable of responding to emergencies and the needs of [all] the children".

Staff suggests using a baby gate to deter younger children from wandering into the room of the 8 yr. old. A baby gate can be used to separate one licensed space from another licensed space; however, it is not a substitute for supervision, some children can climb over them, and all other regulations would still apply to the gated space. Spaces in homes that are unlicensed must be secured with a closed door and an inaccessible lock. A baby gate cannot substitute for a required lock.

Ch 65C-20.009(5)(b)

Regarding the provider's child who is ill the state says:

7. A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.

Ch 65C-20.010(4)(d)

4. An operator or household member who develops signs and symptoms of a communicable disease or who has a fever of 101 degrees Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in paragraph 5.B.1., shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present.

Public Comment:

Debra Lewis,

❖ . . . there should not be an age limit for supervising provider's children.

Staff Response:

Allowing one child to play with a special toy, or to have a special treat, or to be riding their bicycle, or to be outside on the swing but not allowing another child of approximately the same age to do the same thing or to have a turn is not developmentally appropriate.

Public Comment:

Andi Bell

❖ . . . there are vacancies because providers can't be flexible and have overlap in their programs;

Staff Response:

Unfortunately, due to the economy, there are many providers who do not have full capacity. Licensing specialists are seeing an average of 3 children in homes. Homes and centers are closing because they have no children.

Public Comment:

Michelle Hunter

❖ . . . has a two year old and likes to sleep longer than the child care children and she wants her door shut because of the loud tile floored house.

Staff response to Public Comment:

Staff Response: It's recommended by developmental experts that children birth through 2 should be allowed to sleep until they wake up on their own. Preschool children should not sleep longer than 3 hours.

Again it is a DCF rule that "while napping or sleeping in bedrooms, the bedroom doors must remain open."

Public Comment: Gina Morel
❖ . . . half of her home is licensed and her parents live in the other part of the home; that the way the rules are now her child would not be able to visit with his grandparents in the unlicensed part of the home;

Staff Response: Regulations do not prohibit Ms. Morel's child from being with the child's grandparents. In addition to visiting after and before child care hours, the grandparent(s) can "pick the grandchild up" from care; the provider and children can walk the grandchild over to the grandparents.

Public Comment: Melvin Ferguson
❖ . . . older children having to be with younger children is an infringement on their ability to matriculate in life.

Staff Response: Older children (under 13 years of age) are not required to be "with" younger children; the older child may be in a licensed room doing an age appropriate activity provided he can be "watched and directed" and the provider is "capable of responding to emergencies and the needs of [all] the children." The regulations pertain to supervision not activities.

Public Comment: Regina Grunza
❖ . . . she would like to have her school age granddaughter come to her home after school or when she is sick [which would put her out of compliance];

Staff Response: The school age granddaughter may come to the home as long as she is counted in capacity. Having a sick child come to the home while children are in care may not meet state regulation depending on the illness.

The regulations that you have or that are on our website have the source of the regulation on the left. For instance, if you read the definition of Family Child Care Home, you will notice that the sources to the left list: F.S. 402.302(7) the state regulation; Ch 61 S.2(a) Pinellas County regulations; 8/1/07, 4/1/09 dates of License Board action. Other regulations may list a source of Ch 65C-20 which are also state regulations.

The License Board must meet or exceed state regulations; the License Board can never decrease a state regulation. To find state regulations go to www.myflorida.com/childcare and search for Chapter 402.302 and Chapter 65C-20. Pinellas County regulations which are a combination of local and state regulations are found at www.pclb.org.

Please call us at 507-4857 if you questions or concerns.