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| **The Commonwealth of Massachusetts Thomas L. Weber, Commissioner** |

**Board of Early Education and Care**

December 13, 2016

1:00 – 4:00 p.m.

**YWCA**

One Salem Square

Worcester, MA 01608

**MINUTES**

**Members of the Board of Early Education and Care Present**

Nonie Lesaux, Ph.D., Chairperson

James Peyser, Secretary of Education

Patricia Mackin, designee of Marylou Sudders, Secretary of Health and Human Services

Joni Block

JD Chesloff

Elizabeth Childs, M.D.

Eleonora Villegas-Reimers, Ph.D.

Joan Wasser Gish, Esq.

Sheila Balboni

**Members of the Board of Early Education and Care Absent**

Mary Walachy, Vice Chairperson

Katie Joyce

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

**Welcome and Comments from the Chairperson**

Chairperson Nonie Lesaux thanked the YWCA for hosting the Board Meeting, and welcomed all to the final Board Meeting of 2016. She is finalizing the agenda for the rest of the fiscal year, and will include the Advisory Council in the discussion. She noted that she and Commissioner Weber will attend this Friday’s Advisory Council Meeting. Chairperson Lesaux stated that today’s Board agenda would focus on the Department’s budget, and she noted the need to address the market rates and efforts to improve quality by supporting the workforce. She stated that the Board would also hear about Information Technology (“IT”) aspects of the budget, but would not be hearing directly from the Executive Office of Education (“EOE”) during today’s Board Meeting.

**Comments from the Secretary**

There were no comments from the Secretary.

**Comments from the Commissioner**

Commissioner Weber thanked the YWCA for hosting today’s Board Meeting. Commissioner Weber also thanked the panel of providers that presented information to him and the Board that morning as well as Donna Cohen-Avery and Donna Joppas from EEC’s Central Regional Office Staff who helped coordinate the panel. He described the discussion as spectacularly informative, and one which demonstrates clear evidence of strong collaboration within the community. The panel also noted areas of systemic struggle and areas where the Department and the Board can be instructive. He stated it was one of the best panels he had been before.

Commissioner Weber noted that he is focusing his comments on one major topic, the Department’s FY18 Budget Proposal that is before the Board today. He stated that the proposal represents an important expression of shared responsibility, speaking to priorities and resource planning to meet the Department’s mission to serve children and families with excellence. He noted that the presentation will be more than just a statement of needs and wants for the coming year. He added that the Department’s budget recommendation is a thoughtful piece of work crafted in partnership with the provider community as well as the talented and committed Department staff.

Commissioner Weber stated that plan builds critical capacity to stabilize the field and focus on workforce supports, with the goal of placing children and families firmly in the center. He also noted that the FY18 budget is part of a multi-year process. Commissioner Weber added that a major upcoming component of the Department’s budget proposal will be affected by the Department’s caseload bids that will be released in FY19, including the income eligible and supportive bids. In addition, the Department is preparing to release the bid for the Child Care Resource and Referral Agencies, which is a critical part of the system. The Department will soon release a bid to study the transportation system within the present fiscal year so the Department can create a clear study of transportation.

Commissioner Weber stated that the Department will be looking at ongoing revisions to the Quality Rating and Improvement System (“QRIS”). He noted that decisions regarding QRIS will be research-based, rational, and measurable. In addition, Department grant opportunities will build on the FY17 budget through a consolidated line item for quality improvements. He added that the Department has the ability to marry grant revisions and reforms with the contract process. Finally, Commissioner Weber noted the importance of a strong communication plan to ensure that the field and all stakeholders are fully informed.

Commissioner Weber stated that the guiding principles of the Department are to build off of its FY17 budget recommendation because despite the success with what was advocated for, including a stronger rate increase, the Department is still not meeting the full level of what is needed. The budget must be responsive to the things that we know are challenges, including the Child Care Development Block Grant (“CCDBG”) and Background Record Check (“BRC”) requirements. Finally, Commissioner Weber noted that the budget proposal must respect the current fiscal climate in Massachusetts. As a result, the budget is presented as a multi-year plan, including some business redesign, but it must be achievable in light of what the agency and the field are capable of undertaking. The Commissioner expressed that he is excited about what the Department is building on and stated that he looks forward to hearing from the field and the presentation from the Department’s Deputy Commissioner for Administration and Finance.

**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 Lesaux or Commissioner Weber.*

**Nicholas Holohan, a parent of a child in an early education and care program**, spoke about background record check requirements for specialty service providers and early intervention staff. He noted that EEC’s present background record check policy prevents licensed programs from leaving children alone with specialty service providers who have not received a background record check through EEC. He acknowledged that background record checks are important, but explained that there are occasions where specialists should be permitted to work alone with children. He noted that his son has autism and receives Applied Behavioral Analytics (“ABA”) therapy, and that flexibility in EEC’s policy would help his son receive needed services. The child care that his son attends has a separate area for specialists to provide services to children. He stated that he is a fair hearing officer with the Department of Children and Families (“DCF”) and that he understands the instances where clinical best interests can be impeded by broad policies. He recommended that parents be permitted to apply for a waiver to allow services to be provided in a separate area if it is a clinical recommendation.

**Cecile Tousignant, Consulting, Training and Coaching in Early Education and Care dba Child Tools Consulting**, stated that she is from Fitchburg and has been in the field since 1975. She expressed that staffing in early education programs is a crisis level and grants cannot provide adequate incentives for early education and care educators. She noted that when early educators obtain some form of higher education, they leave for public school positions where the salaries are more lucrative. She has filed a bill with the state legislature proposing that 1.75% to 2.00% of the current sales tax be allocated to fund early education and care, which would lead to quite a few dollars. She provided the Board with the bill number, HD 4094 and provided a hard copy for the Board’s review. She added that the bill was filed in August 2015 and is going before the Rules Committee in January 2017. She requested the support of the Board and noted that the beneficiaries are the young children from birth to age 5.

**Beth Ciavattone, Assistant Director at TFK Early Childhood Mental Health Program, Community HealthLink**, explained that she works for Community HealthLink, which is a lead agency for the early childhood mental health consultation grant. She thanked the Board for their leadership and support for mental health services. She asked the Board for increased funding for consultation. She discussed the nationwide positions of the United States Department of Education and Health and Human Services with respect to reducing and eliminating expulsions, due to the adverse effect on young children. Young children who are expelled or suspended are ten times more likely to experience suspensions later on in life. Many children in early education and care programs have been subject to many environmental factors, which result in children’s responding through aggression, impulsivity, defiance, destruction of property, anxiety, social isolation and withdrawal. It is estimated that 9-14% of young children experience emotional or behavioral issues. Early Childhood Mental Health Consultation services can build the knowledge and skills of educators to help them understand the powerful influence they have on the young child’s development. TFK can supplement its EEC funding with funding from third party insurance as well as on site child and family psychotherapy services. Across all funding sources in FY16, TFK consultation services were provided to 57 child care programs across 86 sites and 28 cities and towns, and within these locations the rate of expulsion is less than 1%. She asked the Board to examine the impact of consultation services and look at increased funding, as current allocation of $1.2 million is insufficient to meet the needs of all the children in the Commonwealth.

**Laurie Ross, Associate Professor of Community Development and Planning at Clark University**, discussed her research partnership with the City of Worcester. She began studying youth and gang violence in 2006 and noted persistent trends regarding violence, in particular a notable percentage of young men had contact with the police before the age of twelve. She noted a connection between early victimization and early witnessing of violence. Because of these strong relationships, she brought together stakeholders to fund a pilot to start the clinical response at point of trauma. She wanted to alert the Board of this work, as there may be a bridge to early education and care services.

**Casey Star, parent**, spoke to express support and thanks to the Worcester Coordinated Family and Community Engagement (“CFCE”) grantee Main South. She stated that Main South is incredibly impactful in a challenging neighborhood. She noted that there are playgroups in the park on Saturday mornings with families from the neighborhood. Noting that structured play ideas can be stressful, but to be able to go to playgroups has been fun and helpful. There has also been the opportunity to meet other parents in the neighborhood with children of similar ages.

**Bill Eddy, Executive Director of the Massachusetts Association for Early Education and Care (“MADCA”)**, spoke regarding the Board’s FY18 budget recommendation. He stated that the Legislature has made a good first effort to assist the early education and care workforce. He thanked the Board for their efforts to assist early educators, noting that the Board’s voice was heard at the State House. In the spirit of partnership with the Board and the Department, he is looking forward to advancing the workforce, because they are stressed and underpaid. He is also asking the legislature to invest in the Department. He also acknowledged the need to look at other internal issues such as transportation, which is a system based on rates with no rhyme or reason and he noted that providers rely on the transportation system and he looks forward to working collaboratively. He suggested that the Board look into how to best invest in the scholarship line item as well.

**Margaret Mc Donald, Executive Director of Clarendon**, reiterated what Mr. Eddy stated. She noted that family child care home monitors also have backgrounds in early education and child development, and they serve as critical components of the system to support educators. She noted that many of these home visitors are facing the same challenges as providers. She stated that they greatly appreciated the rate increase, but it was not nearly enough.

**Chris O’Keeffe, Vice President for Program of Worcester Community Foundation**, stated that his organization is looking for supports for early education. He stated that the Foundation has adopted an initiative looking to make a difference in early education by bringing together all assets as well as to help build on the birth to third grade alignment. He stated that they are looking to engage in public policy advocacy and increase philanthropic resources.

**April Ammer, a parent**, thanked the Worcester Family Partnership program. She stated that her daughter loves going and that she has made a lot of friends there. She learned about the program from a pamphlet at the hospital and she wishes more people knew about it. She appreciates the loose structure and transition into facilitated activities, which mimics a preschool environment.

**Kelly McCurdy, a parent,** also thanked the Board for the Worcester CFCE program. She expressed that the program is a nice supplement and introduced her children to being in a more facilitated environment. She described the staff as friendly, genuine, and stated there are a variety of programs available. She has found her eighteen month old has just as much fun as her four year old.

**Peggy Menegakis**, is an educator at Rainbow Child Development Center, an inner city school in Worcester and just started her Master’s program. Most families attending the school are struggling to survive. Children are coming to school with baggage and bring a lot of behavioral issues. Therapies are not only desirable but necessary because if the issue is not handled now then it may become a permanent disability. She sees the possibility of changes being made with training for early educators, including more trainings in special education and creative art therapy for children. She noted that adding special education as required coursework is a solution.

* Approval of Minutes from November 8, 2016 Meeting – 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 8, 2016 Board Meeting.** The motion passed unanimously.

**New Business**

No new business was raised.

**Routine Business**

Fiscal/Oversight Subcommittee Report:

Board Member Childs provided an overview of the Fiscal/Oversight subcommittee meeting that was held on November 28, 2016. She stated that the FY18 budget recommendation was discussed, but she would hold her discussion on that topic for today’s presentation.

The subcommittee heard from Anita who discussed integrating the Workforce and Quality Improvement Working Group and the QRIS Ad-Hoc Committee, stating that Department’s top priorities were strengthening IT infrastructure, developing technical assistance, and aligning workforce development with QRIS levels. The hope is that decision making surrounding QRIS and workforce will help inform the contract bids in FY19. There will be outreach to the provider community for support and the strategy is to build a competency-based system. Commissioner Weber noted that there will be another round of regional meetings.

Regarding EEC’s caseload, Board Member Childs stated that there is a projected $3.3M overall surplus after completion of September 2016 billing, which is a decrease from the last meeting. This demonstrates how volatile the numbers remain because of late billing and 2395 additional children who were not previously included in billing. September services’ forecast was 906 children short from what was estimated. Board Member Childs provided a CCFA update, noting that the application is working successfully and that final variances will not be fully known until May 2017. She noted that there are two major variables outstanding – repayment of the Department of Transitional Assistance (“DTA”) Parent Fee and Family Child Care Union Dues.

Board Member Childs also discussed an extensive presentation from General Counsel Felicia Sullivan regarding the CCDBG requirements around background record checks. Board Member Childs stated that there is a significant budget implication to these changes, particularly surrounding additional staff and IT needs. The Department is hoping to further align its work with other state agencies, such as the Executive Office of Public Safety and Security. Board Member Childs noted that the Department will apply for a one-year extension for compliance with CCDBG, but also noted that there is mandatory withholding of federal block grant funds if we ultimately fail to comply with background record check requirements. She also noted statutory changes that are necessary for compliance, notably access to level one sex offenders and dissemination of Massachusetts background record check information to designated agencies outside of the state.

Board Member Childs concluded by discussing the caseload bid, stating that 36.9% of children are funded through dedicated contract slots. She added that this bid gives the Department an opportunity to shape the system, and an internal focus group has been formed to this effect. The Department will also be receiving input from stakeholders.

* **Disclosures**

Board Member Eleanora Villegas-Reimers submitted a written disclosure that she is employed by Wheelock College, a recipient of EEC funding. Board Member Joni 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. Board Member Sheila Balboni submitted disclosure that she is employed by Community Day Care dba the Community Group, Inc., that receives EEC funding.

**Items for Discussion and Action**

I. Board of Early Education and Care Fiscal Year 2018 State Budget Recommendation – Discussion and Vote

 *Relevant resources included in Board Materials*:

* *FY18 Budget Discussion, PowerPoint Presentation dated December 13, 2016*

Deputy Commissioner for Administration and Finance William Concannon presented the FY18 State Budget Recommendation to the Board. He stated that he is delighted to discuss the budget, as it directs the work of the Department. He also noted that this is the third time the Board has been presented with the budget, but each time it has evolved.

Deputy Commissioner Concannon provided an overview of budgets from previous years, noting that the Department’s is close to the funding amounts that it achieved in 2009, and FY17 was the fourth year where the budget had continued to increase. He credits this to realistic budget recommendations presented by the Board. Deputy Commissioner Concannon noted that the budget presentation will focus on three areas: agency capacity, program quality, and IT capacity, although the full IT presentation will not occur at this meeting. He stated that the budget is also framed on compliance with CCDBG.

Deputy Commissioner Concannon stated that in October 2016, the Department submitted its maintenance plan to the Executive Office of Administration and Finance (“ANF”), which budgeted for increased costs built on the foundation of the Department’s FY17 budget. The maintenance budget did not factor in vacant staff positions and increased lease costs. He also noted that ANF issued § 9C cuts on December 6, 2016, and the Department had a modest reduction of $911K. Deputy Commissioner Concannon discussed EEC’s payroll, noting that when factoring the total funding received by EEC, only 1.66% of the budget is spent on staff. He added that this number only included the vacant positions that have been approved to be filled.

Deputy Commissioner Concannon discussed the core areas beyond the Department’s maintenance budget, which is often called its “aspirational” budget. He stated that the FY18 budget proposal is more than a “hopeful” budget, but instead is what the Department needs to move forward and support all of its activities. The Department quantified the need for 82 staff positions. He added that the plan is to address immediate needs while providing flexibility for the Department to redesign as needed.

Regarding Department staffing capacity, the Department is requesting that 22 positions be funded and filled in FY18 at a total cost of $1.6M. Regarding which positions would be prioritized, Deputy Commissioner Concannon stated that this was determined through conversations with Commissioner Weber and other deputies, as well as compliance with CCDBG. Board Member Wasser Gish expressed her concern for putting the request for the other 61 positions to later years. Deputy Commissioner Concannon replied that the Department had to be mindful of § 9C cuts and needed to look at what the Department’s requirements were immediately. Commissioner Weber added that for a number of areas, the personnel solution is not ideal, but that the Department is still awaiting further guidance on many CCDBG items from the federal government.

Deputy Commissioner Concannon spoke to the requirements of CCDBG, noting that the Department is required to conduct annual unannounced inspections of all licensed and license-exempt programs. The Department believes that it will need to hire 51 additional licensors to comply, but is proposing hiring five licensors in this coming fiscal year. The Department is also requesting to hire five new investigators and a Director of Investigations, to create a separate investigations unit. Commissioner Weber noted the substantial downstream effects of a separate investigations unit, as licensor involvement with investigations is a massive effort and this proposal would relieve them from that responsibility. Regarding the Residential and Placement (“R&P”) Unit, the Department recommends hiring two additional licensors. Commissioner Weber added that the Department is involved in ongoing discussion with the Office of the Child Advocate to look at R&P work.

Regarding background record checks, Deputy Commissioner Concannon noted the great summary of the issues by Board Member Childs. He stated that presently there is insufficient staff to perform the required workload, and this affects the workforce. In addition, CCDBG will greatly enhance background record check requirements, as the requirements add time to the process, and this will add enormous new responsibilities to an already stretched staff. The Department is proposing hiring 11 additional background record check staff members.

Regarding rates and quality, Deputy Commissioner Concannon noted that the field does not have adequate support, and there is substantial testimony about how programs cannot operate under the current rate structure. CCDBG requires that the Department compensate at 75% of the market rate, but currently rates are well below that. In order to hit the goal of reaching the 50th percentile, the Department would require an addition $36M, which is what is included in the budget request. Regarding IT requirements, the Undersecretary of Education will be presenting this information at a different time. Other additional core enhancements proposed by Deputy Commissioner Concannon included a fiscal monitor, a teacher quality specialist, and an attorney.

Deputy Commissioner Concannon concluded by stating that the total budget request on top of maintenance would total $38M, with $36M toward a rate increase and approximately $1.5M for additional staffing. Board Member Childs stated that Deputy Commissioner Concannon was very responsive to the Fiscal/Oversight Subcommittee recommendations. She added that this would be a tough ask in the current state budget climate, but the Department has to meet the CCDBG requirements. She also noted that the IT infrastructure recommendations are in the Executive Office of Education’s budget, and that the Board needs to support that budget as well.

Board Member Childs stated that the subcommittee felt strongly about the importance of raising rates, and to affirm that stance with this budget. Deputy Commissioner Concannon added that by increasing the rates, the Department is increasing quality. He added that voucher access will remain closed, but the Department will compensate by focusing on contract underutilization. Board Member Wasser Gish stated that this proposal is tight and conservative in light of the CCDBG requirements with no wiggle room. Commissioner Weber responded that the budget request is conservative, but the Department does not want to build capacity in the wrong areas since not all information regarding CCDBG is known, particularly regarding background record checks.

Board Member Chesloff stated that the value of elevating the two priority areas is important, and last year when the Board did so it was heard. Chairperson Lesaux stated that the messaging starts with the submission of the budget, and that the Board needs to make clear that this budget is not aspirational.

**Following a motion duly made and seconded, it was**

**VOTED that the Board of Early Education and Care, in accordance with G.L. c. 15D, § 4, hereby adopts the Commissioner’s proposed Fiscal Year 2018 Budget Request as its budget recommendation, and further authorizes the Commissioner to submit the Board’s final budget recommendations to the Secretary of Education.** The Board approved unanimously. Secretary Peyser abstained.

II. Commissioner’s Annual Performance Evaluation

Chairperson Lesaux discussed the Commissioner’s Evaluation. She stated that the review process involved a self-evaluation as well as a survey completed by Board Members. Through this information, report was generated which was submitted to the Board. Chairperson Lesaux stated that there is precedent for surveying the full agency for the Commissioner’s evaluation, and she recommends convening an ad-hoc committee for this purpose in the future.

Chairperson Lesaux stated that the survey was organized into four areas: communication, leadership, collaboration, and progress on strategic activities. The Board was also permitted to comment on the Commissioner’s self-evaluation. At a high level, the review indicates that the Board is very satisfied with the Commissioner’s performance. The Commissioner scored highly in communication, ability to hand challenging situations, and leadership in moving initiatives forward. The review noted the Commissioner’s tremendous commitment to children and families.

Chairperson Lesaux stated that although the Commissioner had very few low scores, some questions highlighted varied viewpoints. Regarding taking calculated risks, one comment suggested that a growth area would be to be creative and take risks and push outside partnerships. It was also noted that communication between the Commissioner and the Board could be improved. Finally, it was noted that the Commissioner would benefit from forming an even stronger leadership team.

Chairperson Lesaux noted that this was a challenging year for the Department, but the Commissioner did a great job at managing these challenges. She stated that the recommendation is that the Commissioner receive a rating of Above Average and a 2% salary increase. It was also recommended that the Commissioner define three to four specific leadership goals to use as benchmarks for next year’s review process. Finally, Chairperson Lesaux thanked the Commissioner for his commitment to children and families.

Secretary Peyser underscored the summary and highlighted several items. He stated that Commissioner Weber is a tremendous colleague and collaborative partner with a problem solving orientation. Secretary Peyser appreciates the Commissioner’s ability to be focused and strategic. He noted that several crises required effective leadership, and at that the Commissioner has done a tremendous job. Finally, Secretary Peyser noted that the Commissioner is committed to the support and well-being of children and the field who are the lifeblood of this work.

**After a motion duly made and seconded, it was**

**VOTED that the Board of Early Education and Care approve the Commissioner’s Annual Performance Evaluation, including the Commissioner’s performance rating of Above Average, as recommended by the Board’s *Ad Hoc* Committee in its November 13, 2016 memorandum and that the Board of Early Education and Care approve a 2% increase to the Commissioner’s annual salary, retroactive as of September 1, 2016.** The Board approved unanimously. Board Member Block abstained.

Commissioner Weber thanked the Board for a thoughtful and constructive process, and stated that he received helpful feedback. He appreciated the support throughout the course of the year. Commissioner Weber thanked the Secretary for his kind words and for the Department’s strong partnership with EOE. He also thanked Secretary Peyser and Undersecretary Reale for their leadership. Commissioner Weber thanked the field, to which he noted that he is educated and inspired constantly. He also thanked the Department staff, stating that he is the beneficiary of the staff’s hard work.

The meeting was adjourned at 3:10 p.m.

 Respectfully submitted,

 Thomas L. Weber

 Commissioner of the Department and

 Secretary to the Board