

E *The Childcare Professional* XPERIENCE

October 2008
Volume 3 Issue 1

A Quarterly Journal for Childcare Providers Discussing Legal, Administrative & Professional Issues

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HEAD START ACT UPDATES: The Board of Directors

By: Janice Nielwocki

On December 12, 2007, President Bush signed into law the "Improving Head Start for School Readiness Act", thus reauthorizing the Head Start Program. The *Reauthorization or New Head Start Act*, as it is more commonly known, addressed several key issues, which resulted in new requirements for Head Start Agencies. Perhaps one of the most significant revisions involves changes to the Head Start governance structure. More specifically, the roles and responsibilities of the Governing Board and Policy Council have now changed. Head Start agencies must now familiarize themselves with these revisions, and strive to bring their agency into compliance as soon as possible.

The Governing Board

The New Head Start Act has put into place certain requirements involving the composition of the Governing Board. Under the new Act, at least one member of the Governing Board must:

- ◆ Have a background and expertise in fiscal management or accounting
- ◆ Have a background and expertise in early childhood education and development; and
- ◆ Be a licensed attorney familiar with issues that come before the Governing Body.

If the Head Start Agency cannot recruit members that meet the above mentioned criteria, the Board is permitted to use consultants with relevant experience to work in an advisory capacity with the Board.

The remainder of the Board members must reflect the community and in-

clude:

- ◆ Parents of children who currently, *or were formerly*, enrolled in Head Start programs; and
- ◆ Individuals with expertise in education, business administration, or community affairs.

Keep in mind that the new Board composition requirements do not apply to members that oversee public entities and are elected to their positions by public election or are politically appointed.

Not only does the new Act set in place regulations concerning Board composition, it also sets forth new conflict of interest regulations. Basically, the Board of Directors must operate as an entity, independent of staff employed at the Head Start agency. They are prohibited from having a financial conflict of interest with the agency, cannot receive compensation for serving on the board, and cannot be employed by the agency. Also, Board members' immediate family members cannot be employed by the Head Start agency.

A key exception exists for the rules concerning conflict of interest, as they do not apply to publicly elected or politically appointed individuals who are required to sit on the Board of the local Head Start program as part of their job duties. If this situation exists, the Head Start agency must keep careful documentation and report this to the U.S. Department of Health and Human Services, Administration for Children and Families.

In addition, under the New Head Start Act, the responsibilities of the Governing Board have been expanded. The Board must now:

- ◆ Assume legal and fiscal responsibilities

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IN RESPONSE...

By: Dawn Martini

In an August 27, 2008 email edition of *Child Care Exchange* an article was published with a uniquely different view of child care. The article was entitled: "*An Opposing View of Child Care.*" The foundation of the arguments made in this article created such a stir in our office and with several colleagues around the nation that I felt it appropriate to discuss/rebut the article. The premise of the article was that children who attended child care were more aggressive as Kindergarteners and had lower test scores on 4th and 8th grade standardized tests than students who did not attend child care.

Overall the analysis of the data is flawed simply because there is no way to isolate the other variables that may be related to the lower test scores in 4th and 8th grade. The other variables which have also been researched and shown to contribute to lower standardized test scores include the child's home life, video games usage, and even drug and/or alcohol abuse.

Children in Kindergarten do seem to be more aggressive and may be less motivated...but we have to be open to all the possible reasons for this and not scapegoat one factor. Many Kindergarten Teachers have not adapted the curriculum to account for the fact that children entering have already attended school and are ready to learn. They have not accelerated the curriculum to account for the fact that many children have learned basic pre-reading and math skills. Kindergarten Teachers are trying to strike a balance between children with school experience and children who are leaving their parents for the first time and have NEVER even been in a school building. The result is children who are not challenged and are bored, which leads to children acting out. Teachers in public schools are also less in touch with early learning standards and offering flexibility to young children, especially young boys, with regard to physical activity during instruction time. Years ago, until grade 4 children had recess twice a day and sometimes the 1st and 2nd grades would go out another time to blow off steam when the class was particularly hyper or to do a learning activity. How often do we see teachers in public schools using the outdoor school yard/property as an extension of the classroom? This unnatural expectation that children will sit for extended periods of time in an instructional setting may contribute to these children acting out.

Finally, diet is likely a major contributing factor to all these issues. Children eat more crap and drink more sugar and caffeine laden drinks than at any other time in our nations history. These high fat and caffeine diets have lead to young children being "slugs." The heavy foods and blood sugar spikes drain energy and alter/affect children's moods. These conditions have been shown contribute to lower performance and behavior

problems.

We should also not forget that multiple studies have been conducted which have followed Head Start children over considerable periods of time, 10 and 20 years. These studies have noted that the impact of the "head start" these children get "wears off" by third grade. The reasons for the reduced impact of the benefits of Head Start over time have been related to multiple factors not one singular source. However, if the benefits of Head Start can not generally be carried beyond third grade, then how can we presume that the negative behaviors seen beyond that time frame can be related back to the singular variable of attendance in child care?

In conclusion, it is short-sighted and irresponsible for child care to be isolated as the cause of aggressiveness and lower test scores in elementary school children. The position presented in the sited article seems to promote a personal agenda as opposed to reviewing and analyzing in a responsible and scientific way the totality of the relevant data. Parents and care-givers should be cautious when reading any study results which present one specific factor for any significant human behavior and remember that there are always multiple variables effecting behavior and human interaction.

The Childcare Professional EXPERIENCE

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for administering and overseeing all programs under its authority, including the safeguarding of Federal funds;

- ◆ Adopt practices that assure active, independent, and informed governance of the corporation, including the resolution of internal disputes and the facilitation of meaningful consultation and collaboration about decisions of the Board of Directors and Policy Council, and fully participate in the development, planning, and evaluation of the Head Start program;
- ◆ Ensure compliance with applicable Federal, State and local laws and regulations; and
- ◆ Select delegate agencies and their service area as appropriate;
- ◆ Establish procedures and criteria for recruitment, selection and enrollment of children;
- ◆ Review all applications for Head Start funding and amendments to such application;
- ◆ Establish procedures and guidelines for accessing and collecting accurate and regular information for use by the Board of Directors and the Policy Council about program planning, policies and Head Start agency operation;
- ◆ Review and approve all major policies of the agency, including

(but not limited to) the annual self-assessment; financial audit, progress in carrying out the programmatic and fiscal provisions in the corporation's Head Start applications, including implementing any corrective actions, as applicable; and personnel policies regarding hiring, evaluation, termination and compensation;

- ◆ Develop procedures for how members of the Policy Council are selected
- ◆ Approve financial management, accounting, and reporting policies and compliance with laws and regulations relating to financial statements, including the approval of all major financial expenditures of the agency; annual approval of the agency's operating budget; selection of independent financial auditors who shall report all critical accounting policies and practices to the Board of Directors; and monitoring the corporation's actions to correct any audit findings and of other action necessary to comply with applicable laws and regulations governing financial statement and accounting practices;
- ◆ Review results from monitoring conducted under section 641c of the Head Start Act, including appropriate follow up activities;
- ◆ Approve personnel policies and

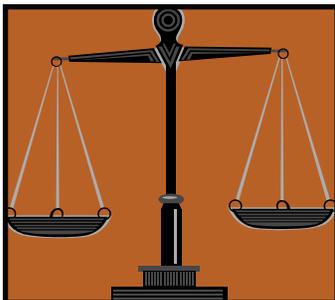
procedures, including those regarding the hiring, evaluation, compensation and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Financial Officer; and any other person in an equivalent position within the agency;

- ◆ Establish, adopt and periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing and resolving any conflicts of interest or appearance of conflicts of interest by Directors, Officers and employees of the corporation, and consultants and agents who provide services or furnish goods to the corporation; and complaints, including investigations, as appropriate; and
- ◆ As practicable and appropriate, establish advisory committees to oversee key responsibilities related to Head Start program governance and improvement.

The New Head Start Act will most likely require you to make some changes within your Head Start Agency. It is suggested that you review your agency's structure as well as your Board composition to make sure you are in compliance with the new regulations. In addition, you should review and revise your agency's governance documents, including your agency by-laws and other related policies to ensure compliance with the new Act.

As with any new regulations, there are portions of the New Head Start Act which will require interpretation and clarification. It may seem to be a daunting task to meet all the regulations included in the Reauthorization Act. Keep in mind as you work to meet these new standards, the purpose is to provide improved leadership to your Head Start agency and ultimately improved services to the children and families you serve.

For more information regarding Head Start Reauthorization visit www.nhsa.org.



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THE NEW FMLA: Military Family Leave Amendment

By: Janice Nieliwocki

On January 28, 2008, President Bush signed into law the National Defense Authorization Act for Fiscal Year 2008. A section of this Act included revisions to FMLA, the Family Medical Leave Act, now providing eligible employees two new leave rights directly related to military service. Military Family Leave, as it is known, signifies a notable expansion of the FMLA since the law was first enacted in 1993.

NEW QUALIFYING REASON FOR LEAVE

Military Family Leave provides a **new qualifying reason for leave** directly related to active duty, seemingly without regard to any medical issues. Eligible employees are entitled to up to 12 weeks of leave because of **“any qualifying exigency”** arising out of the fact that the spouse, child or parent of the employee is on active military duty or has been notified of an impending call or order to active duty.

However, “qualifying exigency” is not defined in the law. The Department of Labor is expected to issue regulations regarding “qualifying exigency”, but has not yet done so. Until DOL executes those regulations, it has offered *examples* for “qualifying exigency” which include: making arrangements for childcare required due to the service member’s absence, making of necessary financial and/or legal arrangements to address the service member’s absence, attending counseling related to the service member’s duty, attending official military ceremonies where the military requests the family member’s participation, attending to farewell or arrival arrangements for the service member, and/or attending affairs caused by the missing status or death of the service member.

If the need for this type of leave is foreseeable, the employee must provide the employer with “reasonable” notice and the employer may require supporting documentation.

Although this portion of the Military Family Leave does not officially go into effect until the

DOL issues regulations defining “qualifying exigency”, employers are encouraged to provide this type of leave to qualifying employees immediately.

A NEW LEAVE ENTITLEMENT

Another provision of Military Family Leave provides a **new leave entitlement**. This entitlement grants eligible employees who are the spouse, child, parent or “next of kin” of a covered service member who is recovering from a serious illness or injury sustained in the line of duty (on active duty) **26 weeks** of leave in a single 12 month period to care for the service member. The 26 weeks of leave permitted under this entitlement more than doubles the 12 weeks of leave eligible employees may take to care for their own or a family member’s *non-service* serious medical condition.

In addition, the definition of a serious illness or injury is under this provision is much broader than the definition under FMLA. Serious illness or injury under this provision is defined as one incurred in the line of duty that renders the service member medically unfit to perform the duties of his/her office, grade, rank or rating. This provision of the law became effective immediately.

The Department of Labor is expected to offer clarifications regarding Military Family Leave in the near future. Employers, who are required to grant FMLA leave (employers with 50 or more employees) must inform their employees of the new military family leave rights. In addition, employers will need to amend their personnel policies regarding FMLA to include these new Military Family Leave provisions.

For more information on FMLA in general please read archived articles of *The Child Care Professional Experience* as found in the General Index on our website www.childproviderlaw.com. For specific information about Military Family Leave go the DOL webpage: www.dol.gov/esa/whd/fmla/NDAF_fmla.htm.

Strategic Planning: Setting Goals

By: Dawn K. Martini

Once the Strategic Planning Team establishes the Rules under which they are going to work it is time to begin the first of three steps leading towards the final written Strategic Plan: Setting Goals.

This is the time when the team gets to DREAM BIG. Team members should focus on listing goals they would like to accomplish over the entire course of the Strategic Plan without regard to the who, what, when, how and why's of accomplishing the goal. Those issues will be taken care of through subsequent steps in this process.

Team Members should view the Goal Setting meetings as brainstorming sessions where ideas, creativity and ambition flow freely. In many cases things begin happening related to a goal simply because someone put it out there and wrote it down on paper. By doing so, the goal becomes part of the agency's collective con-

science and Team Members think and act in relation to the goal as they may not have before it was said aloud. So DREAM now! Plan, contemplate, worry and analyze later.

Once the goals are listed the Team can go back and edit them to more accurately state the goal or more clearly identify the intent of the goal. The next step is for everyone on the Team to individually prioritize the Goals. Which goals are the most important for the agency at this time? This should be done without regard to how soon the goal can be accomplished, how easy or difficult the goal may be to accomplish. This step simply looks at what the needs of the agency are at this time and what the individual team members value most. For example the agency might set a goal to be NAC Accredited. This goal may take several years to accomplish due to the details of the process however, because the Owner is focused on improving the quality of the pro-

gram and gaining National recognition she may list this as her number 1 priority.

The individual lists of priorities would then be combined and averaged out and the goals are then listed in the collective groups order of priority. This allows the group to focus the next two steps on the issues that are most important to the agency. This may also lead the group to drop goals off the list which don't seem to be particularly important to the direction or purpose of the agency and the Strategic Plan.

When deciding on the final language of the goals, Team members should be sure that the goals are: specific, measurable, attainable, related to the mission of the agency, and timely. The acronym SMART will help the Team remember these qualifiers.

In the next issue of *The Child Care Professional Experience* we will discuss the next step in the process: Identifying the Barriers to achieving the Goals.

CHILDREN'S BOOK CORNER

By: Janice Nieliwocki

If you're looking for a good book to help welcome Fall into your preschool classroom, read In November by Cynthia Rylant. The newest of Cynthia Rylant's children's books, In November captures the essence of the season in a way that will delight readers and listeners young and old.

In November outlines the changes that take place during the eleventh month as the earth and its various creatures prepare for the impending winter. From the animals that pile together to stay warm to the tree limbs reaching for the sky, Cynthia Rylant describes these events using eloquent, poetic text. The reader/listener is quickly drawn in by her descriptive words which truly depict the seasonal happenings.

But the changing earth isn't the only thing that occurs In November, as the story goes on to tell of family traditions where loved ones gather, share good food and count their many blessings. Portrayed in a simple yet enticing way, children will undoubtedly relate to these family gatherings and begin to reflect on their own traditions.

The beautiful, realistic illustrations that accompany the text certainly cannot be overlooked. Abundant in color, the illustrations fill the pages! Be sure not to turn the pages too quickly, for the children in your classroom (and teachers, too!) will most likely want to take some extra time enjoying the captivating pictures.

Why not add In November to your list of Autumn books? Not only is it perfect for storytime, it will undoubtedly lead to classroom discussions about the many happenings of the season. Don't be surprised if it quickly becomes a "favorite" and you find yourself reading it many times throughout the month!

PA Dept of Public Welfare Issues New Child Care Regulations

By: Dawn K. Martini

Pennsylvania has adopted new and updated child care licensing regulations for the first time since 1992. These new regulations became effective on September 22, 2008 with an exception for playground surfacing regulations which will become effective in September 2010. The new regulations reflect changes in industry standards, new laws which effect child care programs and incorporate various statements of policy which have been issued by the Department of Public Welfare clarifying and/or interpreting the regulations since they were last published in 1992.

One of the most significant changes relate to more clearly defining child to staff ratios when there are mixed age groups of children. In the old regulations there was a table listing possible combinations of age groups matched with an appropriate ratio. However, there were several possible combinations missed in the table. This gave child care providers who were cited for ratio violations with mixed age groups an argument that there was no written regulation regarding that particular combination as is it was not specifically listed in the regulations as other groupings. The new regulations state what many child care providers and licensing inspectors understood the regulation to be which is: when there are mixed age

groupings of children the ratio and maximum group size is determined by the youngest child in the group. If the youngest child is an infant then the ratio is the infant ratio, if the youngest child is an older toddler then that is the ratio used.

The new regulations have also made a change to the definition of a Kindergarten Child. Kindergarten children will no longer be counted as preschool children and will now be "young school age children." This will effect a number of staffing issues which will result in significant cost savings to programs providing child care to Kindergarten children. With the new designation as a "young school age child" a kindergarten child can be transported with other school age children without the need to have an additional "aide" in the vehicle as was the case when these children were considered "preschool children." Also, the ratio of preschool children is 1 to 10 whereas the ratio of "young school age children" is 1 to 12 which will allow programs to enroll two more Kindergarten age children thereby generating more revenue. Even with the reduced subsidy reimbursement rates for "young school-age children" a group of 12 young school-age children" will still generate more revenue than a group of preschool children.

Other changes include reducing the requirement of annual Staff

Health Appraisals and bi-annual TB testing to bi-annual Health Appraisals and eliminating the bi-annual TB test. This will represent a significant cost saving to programs that pay for their staff health appraisals and TB tests or a savings to the individual employees if they pay for these items.

One change that this author finds silly is the requirement that "nonporous gloves" be included in the First Aid Kit. Centers are required to provide these as "personal protective equipment " under the OSHA: Bloodborne Pathogens Standard. Further, programs are required to institute Universal Precautions to reduce the potential for transmission of a bloodborne pathogen from staff member to child or from child to staff member. Gloves are only a small part of this larger OSHA regulation and by only mentioning nonporous gloves in the licensing regulations, programs may not be aware that there are higher standards which they are required to meet.

Overall, the new regulations appear to be straight-forward and expected considering the issues facing our industry today. Over time we will see how licensing inspectors and their supervisors will interpret and enforce these regulations. For help with citations and/or legal representation please call our office (215) 785-3400.

ADMINISTRATIVE SUPPORT RESOURCES FOR CHILD CARE PROGRAMS

- ◆ Model Personnel Policy Manual for Child Care Agencies: 4th Ed.
- ◆ Model Parent Handbook for Child Care Agencies
 - ◆ Model Forms for Child Care Agencies
 - ◆ Current Issues in Child



Available at childproviderlaw.com by downloading and completing the ORDER FORM and mailing or faxing it according to the instructions. The MODEL publications come with a workbook and a CD for your computer to make them easy to use. CD is WORD formatted but can be converted to MAC applications easily. These are the most valuable and child care specific administrative resources available nationwide.

A Conversation with... Dr. Phillipa H. Campbell

DAWN: Please introduce yourself and give a brief history of your involvement with child care and working with special needs children.

DR. CAMPBELL: Suzanne Milbourne and I developed Cara's Kit as a way to help child care providers work more effectively with all children, including those with special needs. We have worked with child care programs in the Philadelphia area for over 15 years both by providing training to child care staff and on-site consultation to help teachers successfully address situations with children. In our work with child care programs, we noticed that caregivers often lacked ideas for effective ways of dealing with various situations in their classrooms. Suzanne created Cara, a fictional child care teacher whose practical ideas for how to approach classroom situations and get effective solutions are outlined in the tool kit. Cara stands for "Creating Adaptations for Routines and Activities".

DAWN: Please give an overview of Cara's Kit.

DR. CAMPBELL: The kit includes an easy to use reference booklet and a CD-Rom that provides additional information and resources for using the kit. Four basic steps guide early care and education teachers to identify issues and use effective solutions. The first step is to gather information about what is currently happening in the classroom by using Cara's Checklist of Activities and Routines. The second step is to complete the Adaptation Notes by describing what is happening and what you would like to see happen. A series of matrices outline ideas for address-

ing various situations that may occur within various activities and routines. As a third step, teachers use the matrices to complete the additional sections of the Adaptation Notes by writing down various ideas that might be used to address the identified situation. As a final step, teachers try an adaptation and then describe the success of the adaptation on the Adaptation Notes.

DAWN: Who is the ideal user of Cara's Kit?

DR. CAMPBELL: Cara's Kit comes in two separate but related versions. One version is designed to be used by classroom teachers. Teachers can listen to an audiotape that guides them through the kit and how to use it. The second version is used with teachers by consultants or specialists who visit child care classrooms. Many child care classrooms are visited by special education and related services, quality improvement, mental health, disability coordinator, or other types of consultants. The second version of the kit can be used by these consultants to help teachers address special needs of individual children.

DAWN: How did you get involved in creating this type of instructional instrument?

DR. CAMPBELL: For the past 10 years, Suzanne, myself, and staff at Child and Family Studies Research Programs have provided training and on-site consultation for child care teachers. Many teachers reported challenges with classroom activities and routines or with promoting children's participation. In order to help teachers better address these chal-

lenges, we developed the Adaptation Hierarchy so that teachers would be able to generate ideas for addressing these challenges. It also became apparent that neither the teachers themselves or the consultants working with them ever really looked at what was happening within classroom activities or routines. Instead, the focus was often more on a child or children and what they were or were not doing. The Activities and Routines Checklist was created to help everyone focus on the classroom's activities and routines. Finally, we developed the activity/routine idea matrices by collecting successful ideas that were used in the classrooms where we were working. All along, our goal was to put this information together in such a way that it could be easily used by teachers and consultants to improve what was going on in a classroom in terms of both curriculum and individual children's participation.

DAWN: What benefits can teacher's expect to see in their classroom by using the adaptations presented in the Kit?

DR. CAMPBELL: Our hope is that teachers will be successful in both enhancing the quality of what is going on in their classrooms and in successfully including every child in activities/routines so that children benefit from increased opportunities for participation and learning. While Cara's Kit is especially helpful in creating opportunities for children with special needs to participate successfully, all of the situations identified as problematic by teachers do not necessarily relate to children with special needs. We have found that the Kit

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is equally useful when teachers are experiencing challenges with particular activities such as circle time or specific routines such as transition. By following the 4 steps in the Kit, teachers are often successful in improving activities and routines for all children in a classroom.

DAWN: How can professionals order Cara's Kit?

DR. CAMPBELL: The Kit is available through the Council for Exceptional Children, Division of Early Childhood (DEC) through their website www.dec-sped.org/publications.html. Click on Additional Resources to locate the Kits.

DAWN: What support is available to Providers who purchase Cara's

Kit?

DR. CAMPBELL: Cara's Kit was published in the fall of 2007. Both Suzanne and I, individually and together, have conducted many training sessions in the Philadelphia area, throughout Pennsylvania, and for national audiences. We are available to answer questions or provide in-service training sessions for Head Start, school districts, or child care organizations who request this training. Suzanne may be contacted at Suzanne@udel.edu and I can be reached at pipcamp@aol.com (215-503-1602). Many individuals who are employed as child care trainers/professional development specialists across the country have told us about how they have successfully provided training and

support for teachers in their regions and states by using the materials on the CD-Rom. A powerpoint presentation that can be used by itself or modified by a trainer for use with specific audiences, the walk-through audio script, and other materials included on the CD-Rom can be used by anyone to provide training and support for early care and education staff.

The Child Care Professional Experience would like to thank Dr. Campbell for taking the time to answer a few questions and share with us about this great tool for the child care industry.

If you have suggestions for professionals to be interviewed for this feature please email Dawn@childproviderlaw.com.

