

E The Childcare Professional XPERIENCE

May 2007
Volume 2 Issue 1

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

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Individuals with Disabilities Education Improvement Act

By: Janice Nielwocki

Many of us involved in the child care industry are familiar with the Americans with Disabilities Act (ADA). Far fewer of us are familiar with IDEIA: the Individuals with Disabilities Education Improvement Act of 2004. Both pieces of legislation are designed to protect the rights of individuals with disabilities and both can have an impact on child care agencies and the services they must provide.

In 1975, Congress enacted the Education for All Handicapped Children Act. This act was designed to protect the rights of, and meet the individual needs of infants, toddlers, children and youth with disabilities and their families. This law was amended in 1997 and became known as the Individuals with Disabilities Education Act (IDEA). It was again updated and amended in 2004, evolving into IDEIA, the Individuals with Disabilities Education Improvement Act of 2004.

Since first enacted the

Education for All Handicapped Children Act and its subsequent versions, IDEA and IDEIA there has been a significant and far-reaching impact in the area of special education. It is estimated that IDEIA now provides early intervention programs to almost 200,000 eligible infants and toddlers (and their families) and serves approximately 6.8 million children and youth with disabilities.

IDEIA has brought about some major accomplishments. Because of IDEIA, a majority of children with disabilities are now being educated in neighborhood schools, in regular classrooms with their non-disabled peers. IDEIA has also played a significant role in the drastic increase in high school graduation rates and employment rates among youth with disabilities. In addition, post secondary enrollments among individuals with disabilities receiving IDEIA services have sharply increased.

IDEIA requires public

schools and publicly funded educational institutions to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. In addition, IDEIA requires that these publicly funded educational institutions develop appropriate Individualized Education Programs, more commonly known as IEPs, for each child.

The specific special education and related services must be outlined in the IEP and must reflect the individualized needs of each child.

Furthermore, IDEIA mandates that particular procedures be followed in the development of the IEP. Each child's IEP must be developed by a team of knowledgeable persons and must be reviewed at least annually. The team includes the child's teacher, the parents, possibly the child, an agency representative who is qualified to provide or supervise the special education

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Strategic Planning: Set the Foundation

By: Dawn Martini

When beginning the Strategic Planning Process it is important to take a long, hard look at the current state of affairs before delving into grandiose plans for the future. Everyone can dream big dreams for their agency, but Strategic Planning is a more structured and realistic process, which begins with the business planted solidly on a strong foundation. It is important to know where the agency is so you can determine where you want it to go and how best to get there.

The business owner/administrator should begin the Program Review by gathering all important agency documents and conducting a thorough review and critical analysis of them. The Crucial Documents, as we refer to them, include: Agency By-Laws, if the agency is a for-profit or non-profit corporation, Organizational Chart, Personnel Policy Manual, Parent Handbook, Contract for Services/Fee Agreement, Budget, Profit and Loss Statement, Job Descriptions and Performance Appraisal Instrument.

It is often recommended that agency's hire an outside firm to conduct the critical analysis of the Crucial Documents. The outside firm should be well versed in the child care field so as to understand the unique demands, regulatory requirements and customer relations issues this field presents. The reason for the outside critical analysis is to have some one removed from the agency review the documents to see if they can be understood, are well written using consistent language throughout and express what the author intends for them to express. It is also important to have an outside firm read and analyze the documents to highlight any missing/recommend practices and/or illegal practices because the administrators drafting the documents are not frequently employment or contract law specialists or licensing regulation experts.

One of the mistakes child care administrators tend to make in these agency documents is to use abbreviations commonly known in the industry. Someone outside the industry would be lost trying to understand what is meant. It is important that these documents be understood by persons outside the industry in the event that it must be used in a Unemployment Compensation case, a private lawsuit filed by parents etc. Another common mistake is to use terms interchangeably throughout the document, like staff, teacher, employee and/or faculty instead of choosing one term "staff" and using it consistently throughout. By using terms consistently throughout the document you make it easier for the reader to understand and follow along.

It is important to conduct a Cost of Care Analysis and Break-even Analysis to establish the financial health of the agency. The Cost of Care analysis will help to determine how much it costs to care for one child for one day. That figure is the amount, at current enrollment the center would need to collect to simply break-even. The Break-even Analysis is used to determine the cost of growth.

By determining the current state of affairs, the agency can work on repairing cracks in it foundation and then move forward with planning for the future.

Next Issue: The Role of the Facilitator

...continued from page 1

provisions of the IEP, and other individuals at the parent's or agency's discretion. If parents disagree with the proposed IEP, they can request a due process hearing and possibly a review from the state educational agency. Parents also have the right to appeal the State agency's decision to State or Federal court.

With that said, what affect does IDEIA have on early child care agencies and other early care organizations? IDEIA requirements apply to "*public schools and publicly funded educational institutions*", thus only those child care agencies that are funded by public sources need to follow IDEIA regulations. Head Start agencies, as well as Abbott funded child care agencies (NJ) are examples of organizations which need to comply with IDEIA. Privately owned and operated child care agencies and those non-profit agencies which are not publicly funded are not required to comply with IDEIA regulations. Child care agencies need to access their funding sources in order to determine whether they need to follow IDEIA requirements.

The Individuals with Disabilities Education Improvement Act of 2004 has had a tremendous impact in improving educational opportunities for infants, toddlers, children and youth with disabilities. As IDEIA continues to expand its support for quality programs and services for all children, we, as a society, will reap the benefits for years to come.

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Learning Stations: The Benefits for Your Preschool Classroom

By: Janice Nieliwocki

In the previous issue of *"The Child Care Provider Experience"*, you were introduced to Learning Stations for the preschool classroom. Remember, Learning Stations are individual areas set aside in your classroom for small group interactive learning. Each area is equipped with teacher developed materials and activities designed to teach or reinforce a specific skill or concept. Learning Stations can be of various formats and can be designed using a curriculum theme or children's book as the central focus. Several *related* "stations" are set up simultaneously and children, in small groups, rotate through the various stations.

When I first considered implementing Learning Stations into my classroom curriculum, I was well aware that the children would experience certain benefits. I knew the children would benefit from the small group interaction, as well as enjoy the uniqueness of the activities. However, once in place, the benefits were far greater than what I had anticipated!

From a teacher's perspective, Learning Stations provide the opportunity for enhanced interpersonal relationships between the teacher and each child. A child's strengths and abilities, as well as possible difficulties or delays, can more easily be evaluated. In addition, a small group setting often fosters increased conversation, thus providing better assessment and evaluation of a child's vocabulary skills.

I also found that Learning Stations allowed me to encompass and include many domains of

learning. I was able to focus and/or introduce specific skills and concepts in a concrete, documented way and subsequently focus on skill-building, as basic skills and concepts were mastered.

Learning Stations also proved to be quite cost-effective. As each station is equipped with teacher developed activities and materials, you can enhance your preschool curriculum with limited expense.

The children in your classroom will experience far reaching benefits, as well. Learning Stations provide children with the opportunity to complete tasks and activities on their own, thus fostering independence. As children are successful in completing those tasks and activities, self-esteem and self-confidence increases. Children also develop problem-solving skills.

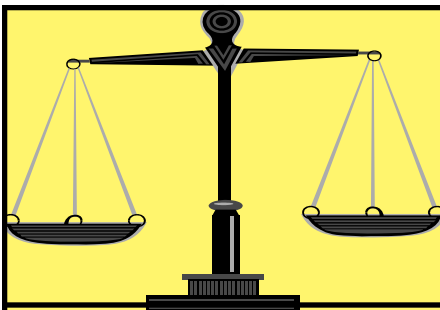
Peer support and peer cooperation are additional benefits often seen when incorporating Learning Stations into your classroom curriculum. Opportunities are created for children to build

social and classroom skills, such as taking turns, passing materials, responding to requests by peers, etc. Leadership qualities are also enhanced.

The Learning Station format of small group rotation promotes the ability to transition, often necessary throughout the child's day. Time-management skills are strengthened, as well.

If you focus your Learning Stations around children's literature, you can expect some additional benefits. In choosing a variety of books, you can ensure that children are exposed to books on wide range of topics and varied writing styles. Skills such as predicting a story's outcome and/or sequencing of events can be reinforced.

Perhaps the most important benefit of incorporating Learning Stations into your curriculum is that they make teaching and learning FUN! If you decide to include them in your pre-school classroom, they should prove to be a learning tool that both staff and children enjoy!



CHILD CARE PROVIDER RETAINER PROGRAM

Ronald V. McGuckin
and Associates
is proud to announce the
expansion of this program

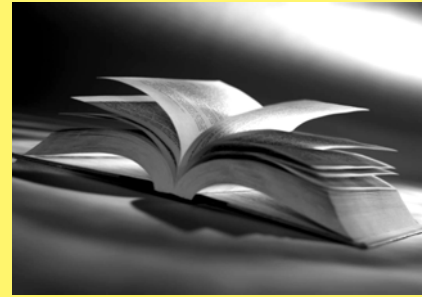
With the recent addition of **Attorney Jason D. Dalton**, we have been able to open the retainer program to a limited number of new clients in **Pennsylvania and New Jersey**. The Child Care Provider Retainer Program offers special discounted rates to Private Child Care Agencies, Corporate Agencies, Head Start Programs, Family/Home Based Providers, and School Age Programs.

Over 25 years of Experience Representing Child Care Providers

For Information about how to Become a Retainer Client
Please Contact Dawn Martini at
(215) 785-3400

ADMINISTRATIVE SUPPORT RESOURCES FOR CHILD CARE PROGRAMS

- ♦ Model Personnel Policy Manual for Child Care Agencies: 3rd 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 re-

2007 Cape May Training Seminars

SESSION TWO

Strategic Planning for Child Care Business Owners & Administrators

June 26, 27 and 28

Long Range Strategic Planning is a process whereby the Owner/BOD of an agency set out to chart the course of the business and make plans for its future. The agency's position is reviewed and goals are set in relation to various indicators including: Agency Mission, Financial Stability, Range of Services Provided, Facilities, Population Served, and Administrative/Human Resource Systems. Participants will learn about the Strategic Planning Process including conducting a complete program/agency review. Participants will be engaged in goal setting discussion and will be given strategies for how to assemble a Strategic Planning Team, promote the open flow of ideas and writing a Strategic Plan.

SESSION THREE

PRACTICAL HUMAN RESOURCE STRATEGIES

July 10, 11 and 12

Participants will be engaged in discussion and activities related to Human Resource functions including: Writing Job Descriptions, The Application Process and Conducting Interviews, Documentation and Record Keeping, Conducting Employee Performance Appraisals, Employee Corrective Action/Discipline, The Exit Interview and Terminating Employees. Participants will leave this three day seminar with practical knowledge and policies/procedures they can implement to make their Human Resource functions run more efficiently.

SESSION FOUR

18 HOUR LAW SCHOOL For Child Care Administrators

July 24, 25 and 26

An Overview of Basic Legal Concepts which are Key to Running a Successful Child Care Program including:
 Contract Law
 Employment Law
 The Fair Labor Standards Act: The FairPay Update
 Including: Wage and Hour
 Unemployment Compensation
 Discrimination and the EEOC
 Getting What's Owed to You: Small Claims Court
 Confidentiality and Rights of Privacy

SESSION FIVE

Your Agency's Personnel Policies and Parent Handbook

August 7, 8 and 9

Participants will be engaged in Drafting and Editing their Agency's Personnel Policy Manual and/or Parent Handbook over the entire three days of this seminar. Participants are asked to bring their current Personnel Policy Manual, Parent Handbook and a laptop computer. A laptop computer is not required for participation.

As part of the registration fee, participants may choose to receive either the Model Personnel Policy Manual for Child Care Agencies: Third Edition or Model Parent Handbook for Child Care Agencies to work from during the seminar. A \$175.00 value.

SCHEDULING AND REGISTRATION INFORMATION

Please visit our website childproviderlaw.com for the full schedule and registration information. Location and Accommodations information is also available on the website. From the website home page click on Seminars and then click on Upcoming Seminars. Registration is Limited and Discounts are available. If you do not have access to the internet contact Jan at (215) 785-3400 for more information.



Coming Fall 2007

Learning Stations for the Pre-School Classroom

- * A Curriculum Guide designed to enhance and enrich your Pre-School Educational Program
- * Designed for small group interactive learning
- * Each "station" is equipped with activities and materials designed to teach/reinforce a specific skill or concept
- * Learning Station Activities are developed from and center around popular Children's Literature

Learning Stations for the Pre-School Classroom is a comprehensive curriculum guide with over 50 activities and includes everything needed for implementation including: Lesson Plans, Reproducibles, a Management Guide, Organizational Tips, Parent Newsletters and a Concept Chart.

CHILDREN'S BOOK CORNER

At a recent visit to a local preschool, I had the opportunity to observe the Art Room where several delightful 3 year olds were busy mixing various colors of paint. I noticed the children's obvious pleasure as red mixed with yellow produced orange (imagine that?), yellow mixed with blue produced green and red mixed with blue produced purple. I wondered if their teacher had read them Mouse Paint, the wonderful book written by Ellen Stohl Walsh.

A long time favorite of preschoolers, Mouse Paint, tells the story of three precocious white mice who explore the wonders of, what they believe to be, "mouse paint". The mice dabble and dance in the red, yellow and blue paint only to discover that their frolics result in the creation of different colors. Though quite delighted in their own antics, the mice are ever aware of the cat lurking near by. After mixing and producing various colors, (and becoming quite sticky), they wash themselves in the cat's water dish.

Instead of painting themselves, the mice paint a white piece of paper various colors, leaving a small section white for self-preservation from the cat.

Using simple text, the story is told in an enchanting way which quickly captures the interest of young children. The illustrations, which are actually cut-paper collages, are simple, yet charming, and clearly portray the personalities and antics of the three mice.

It's not always easy to combine education with fun, but Ellen Stohl Walsh has accomplished this in Mouse Paint, as children learn about primary and secondary colors through the mouse's actions. Why not "put out some paint", "put on some smocks", and read Mouse Paint as the perfect accompaniment to Art Room "color mixing" activities?!

Field Trip Safety

By: Dawn Martini

It is once again that time of year...Summer. Field Trips are the staple of many summer programs. They are what often attract the parents of school age children to your program. Parents often consider how frequently you will be taking their children off site in the summer and to what new and exciting experiences their children will be exposed. Swimming, horse-back riding, museums, hands-on nature experiences etc...

When planning field trips be sure to have all parents complete a Field Trip permission slip for each specific trip. Parents should be provided with the name, address and phone number of the trip location, the time of departure from the center and the time of departure from the trip site. Parents should also be informed of the educational purpose for attending the site if there is one. The Permission Slip should also list the alternative for the child if the parent does not wish for their child to attend, which may very well be that the child stays home because no one will be available to watch the child back at the center. Parents should also be asked to include specific contact information for the date and time the trip is to be held.

Prior to leaving for the trip staff should assemble all permission slips, all emergency contact and medication information for each child. This can be prepared well in advance of a field trip and assembled in a three ring binder that lead staff member on the trip carries with them on the trip. Being organized as much as possible ahead of time will alleviate confusion the day of the trip.

To account for children needing medication on the trip, including Epi-pens for emergency allergic reactions, staff should pack a cooler or insulated lunch sack that can be locked and easily carried on location.

Consider having the children all wear the same shirt in a bright and unique color with the name and phone number of the program on the shirt. Never have the children wear name tags and consider using the programs digital camera take a waist-up shot of each child as they board the bus or van in case of a missing or lost child. You will be able to immediately provide authorities with a recent photograph of the missing child that can be printed, emailed and shared within minutes.

Finally, you can never take attendance too many times. Require staff and volunteers to stop regularly to account for each child. Children should be identified not simply counted...think "Home Alone" the movie!

By taking the time to prepare and plan before the trip, staff can then enjoy presenting the children with the new and exciting experiences field trips provide.



Ron, Dawn and Jan will be traveling to the following cities for Local, State, Regional and National Conferences on the dates indicated. We welcome you to attend the conferences. Information has been provided so you can contact the organization conducting the training/conference. If we are going to be in your state or area, we welcome you to contact us about coming to your program or organization to do a private training. The cost of bringing us in to your program or organization is significantly reduced because we are already traveling to your area. We certainly don't mind adding a day or two to our travel schedules to work with you.

Contact us at (215) 785-3400 to see if we can visit your program when we are in town.

WHERE IN THE WORLD...

Ronald V. McGuckin and Associates 2007 Cape May, NJ

Training Seminars:

June 26, 27, 28: Strategic Planning

July 10, 11, 12: Practical HR

Strategies

July 24, 25, 26: 18 Hr. Law School

Aug 7, 8, 9: Your Agency's

Personnel Policies & Parent Handbook

To be held at the Inn of Cape May

For more information or to register

please visit our website child-providerlaw.com

Upcoming

Seminars Section or call

Dawn (215) 785-3400

North Carolina AEYC:

September 13-15 Greensboro, NC

for information visit ncaeyc.org

NACCP Administrators Training:

September 14 Springfield, IL for

information visit naccp.org

ECA of Florida:

September 27-29 Orlando, FL for

information visit ecaoffl.org

NACCP Administrators Training:

October 5 Columbus, OH for infor-

mation visit naccp.org

Bucks County AEYC:

October 6 Bucks County Commu-

nity College Newtown, PA for

information visit bcaeyc.org

York Area AEYC:

October 6 Penn State York Campus

York, PA for information visit

yaaeyc.org

Colorado AEYC:

October 6 Denver, CO for informa-

tion visit coloradoaeyc.org

Texas AEYC:

October 13 Galveston, TX for infor-

mation visit tecec.org

Texas Licensed Child Care Assoc:

November 1-3 Dallas, TX for infor-

mation visit tlcca.org

New Jersey AEYC:

November 2-3 Atlantic City, NJ for

information visit njaeyc.org

NAEYC:

November 8-10 Chicago, IL for

information visit naeyc.org

NHSA: Parent Conference

December 14-17 Indianapolis, IN

for information visit nhsa.org

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DEALING WITH "HELICOPTER PARENTS"

By: Dawn K. Martini

Since you are all employing Generation Y folks, you are probably familiar with a new trend called "Helicopter Parents." Generation Y is defined as persons born between 1977 and 1991. These are young people who can not remember a world where there were not home computers, cable television and the internet. Helicopter Parents are the parents of these Generation-Y-er's who "hover" over their children and micro-manage their lives. They complete their children's college applications, follow-up after job interviews to inquire on their child's performance, and call their child's employer to ask about any manner of employment related issues from disciplinary actions, job reassignments, promotions, raises and the like.

We have seen helicopter parents at work in some of our client's centers. At one child care program the owner was dealing with a clique of three "20-something" staff members. The staff members were gossipy, unfriendly and were so busy with everyone's business that they were not performing their jobs adequately. The owner felt that if the young women were separated they would be better able to focus on the assigned tasks and would be better employees. Following the reassignment to different classrooms and even different sites, one of the young women's mothers contacted the owner and complained that her daughter no longer liked work since she is not in the room with her best friends. Further,

the mother of the employee claimed that the owner had no business reassigning her daughter and should move her back to where she was happy. The owner was shocked and appalled by this mother's presumption that she would have any influence over her grown daughter's employment status. She was further appalled by the employee's lack of humiliation or embarrassment at her mother's actions.

As an employer you are only required to discuss matters of employment with the employee or their attorney at law. It is important to include "at law" when referring to an attorney because a parent or spouse could claim to be an "attorney of fact." With the upsurge in meddling parents and spouses it has become important to inform employees that you will only address employment related concerns with the employee or their designated Attorney at Law. This includes sending out copies of personnel records.

Certainly in emergency situations you will discuss the employee with the person(s) listed on the employees emergency contact form. This is limited to health related and/or crisis management situations, for example the employee is in a car accident in the parking lot; the employee has a seizure in the classroom etc. The employee's emergency contact would also be able to call in emergency situations to inform the employer that the employee is unable to report to work. The

Continued on page...2

Strategic Planning: The Facilitator

By: Dawn Martini

As you begin the Strategic Planning Process it is helpful to consider using an independent third party in the role of Facilitator. Someone who can be objective, critical and impartial. The Facilitator's main function is to move the Strategic Planning Team through the Process. How this is done depends on the Facilitator's personal style. A good Facilitator can adapt their personal style to fit the mood and character of each group with which they are working in an effort to yield the best final product.

The benefits to having an independent person function in this role can be seen on many different levels. As an outsider the Facilitator is less intimidating to the employees and parents on the team which may make their participation more free and easy. Often, when projects are lead by insiders such as senior management and/or owners, employees and parents are reluctant to speak up and offer their suggestions for fear of being wrong or saying something that goes against the agenda of the manager or owner. With the independent third party running the meeting, employees and parents tend to relax and engage more freely in discussion and offer up more ideas.

An independent Facilitator can act as a moderator throughout the Strategic Planning meetings moving discussions along in a timely and purposeful way. When issues become heated, overly deliberated, and/or unproductive the Facilitator's role is to take control of the meeting and reel everyone in and back on task. If an insider were in the position to cut someone off or to stop discussion of a point, other team members may see that person as having an agenda or taking sides, which ultimately curtails the creative process.

Overall, the Facilitator's role is to move the Team along, not to be the expert who writes the Strategic Plan for the organization. The Team members are the ones who know the organization and will be the best resource for ideas and plans on how to move the organization forward. A good Facilitator works to bring out the ideas and thoughts of the Strategic Planning Team with minimal interference.

In many cases, facilitators will also be the recording Secretary for the group so Team members are free to think about and discuss issues without the pressure of keeping accurate notes and then typing and editing the notes into report format for review and use at the next meeting.

While it is important to select a Facilitator with experience and cursory knowledge of the Early Care and Education field, he/she need not be the leading expert in all things child related. Their expertise should be in the area of the Strategic Planning Process. To find a Strategic Planning Facilitator email Dawn at dawn@childproviderlaw.com.

Next Issue: Setting the Ground Rules

Continued from page 1... Helicopter Parents

employer would then correspond by letter with the employee related to leave benefits and continuation of employment as per the personnel policies. If the employee were to be incapable of communicating the employer would communicate with whoever is designated as next of kin. If the person is married, it would be their spouse; if the person is an unmarried adult, it would be their parent or other designated adult.

In all other non-emergency situations it is appropriate for the employer to say in a firm manner that they will not discuss the matter, that the parent/spouse should not call the program again and then promptly end the conversation. The employer should then meet with the employee and reaffirm the policy with them.

A new personnel policy addressing Helicopter Parents/Spouses has been included in the Model Personnel Policy Manual Fourth Edition, available now by downloading and completing an order form from our website: childproviderlaw.com.

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Guest Writer

Tymothy Smith

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WHEN DISMISSING A CHILD IS THE RIGHT THING TO DO...

By: Dawn K. Martini

You have the right to dismiss any child, with or without cause, from your program if the reason for dismissal is not based on any of the federal, state, or local areas of protections. Generally, these areas include: race, color, creed, religion, gender, national origin and disability. Some states and/or local governments also protect sexual preference or sexual orientation and a few states also protect "marital status". While the latter examples are usually not at issue with the children they may become an issue if the reason for dismissal can be tied to the parents membership in one of the protected classes.

You should be sure to include in your Contract for Services/Fee Agreement a statement that reserves the right to dismiss a child/family at any time in the agencies sole discretion. You should again restate this policy in the Agency's Parent Handbook.

Your Contract for Services/Fee Agreement and your Parent Handbook should also state your policy regarding a refund of pre-paid tuition and or security deposit when a child is dismissed. Generally, you have the right to set policy in this area as long as your policy does not go against the law or public policy, it should be enforceable as a part of your contract.

You need to be particularly careful when dismissing a child who suffers from a disability. This area presents the most exposure to potential liability for the agency. Dismissing the child because you or your staff

is unfamiliar with how to accommodate a disabled child is illegal. However, if a disabled child presents an unsafe environment for him/herself, other children, or your staff, dismissal would be permitted. The unsafe environment must be real and not imagined or supposed from prior experience with other children with the same or similar disability. Each child must be evaluated on their own merits and circumstances.

If your program is "publicly funded educational institution", such as a school district or a Head Start program, you are also required to comply with IDEA (Individuals with Disabilities Education Act).

IDEA does not allow for the dismissal of a child for unsafe behavior if the unsafe behavior is a direct result of or a manifestation of the child's disability. In circumstances where a program is subject to IDEA's regulations, a program would be required to do everything necessary to provide the child with an individualized and appropriate education.

The decision to dismiss a child should be left to senior administration and owners, and in most cases the administrator/owner should consult with legal counsel before taking action.

For a sample Dismissal Policy and Contract for Services/Fee Agreement visit the Publication section of our website, download the Publication Order Form and purchase Model Forms for Child Care Agencies and Model Parent Handbook for Child Care Agencies.

Our Guest: TYM SMITH

Tym Smith is a friend and colleague from Dallas, TX who will be contributing his wealth of expertise in the Early Care and Education field with us in many up coming issues.

As a former teacher, center director and regional manager for one of Texas' largest most influential child care companies, Tym offers practical and hands-on experience you our audience.

Tym trains thousands of child care professionals throughout Texas every year on topics including, Supervision, Safety, Men in Child Care, and many others. He has written several publications and a Pre-service Manual for Texas providers based upon mandated standards in Texas Licensing Regulations.

To learn more about Tym Smith or to see what products and services he may be able to offer your program, please visit his website: tymthetrainer.com



CHILD CARE PROVIDER RETAINER PROGRAM

Ronald V. McGuckin
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expansion of this program

With the recent addition of **Attorney Jason D. Dalton**, we have been able to open the retainer program to a limited number of new clients in **Pennsylvania and New Jersey**. The Child Care Provider Retainer Program offers special discounted rates to Private Child Care Agencies, Corporate Agencies, Head Start Programs, Family/Home Based Providers, and School Age Programs.

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20 Tips for "GOING GREEN" in the Classroom

By: Tymothy Smith

To be "GREEN" means to conserve natural resources and consume consciously to reduce our impact on this big blue planet we call home. If everyone does something, it would have a tremendous impact on our world and the legacy we leave for future generations.

Carbon Dioxide gas (CO₂) is the major cause of climate change in the world. Humans are emitting millions of pounds of CO₂ gas into the environment. CO₂ gas is referred to as a "greenhouse gas" because it allows sunlight to enter the atmosphere, similar to the glass of a greenhouse, and it keeps the heat inside. This warms the planet.

You can use the following tips to help do your part to keep the world a "greener" place:

- ◆ Turn off your classroom lights and restroom lights when children are not in the room. You may also consider installing motion sensors to activate lights when needed. Shutting off the lights cuts carbon emissions by reducing electricity use.
- ◆ Work with the children to turn the water on and off when washing hands, instead of leaving the water to run continuously. The average faucet releases about 3 gallons of water a minute. The average person wastes about 30 gallons of water a day.
- ◆ Check your toilets daily to ensure that they are not running continuously. This is a common problem in our classrooms and toilets can run for days until maintenance can fix them. Take action yourself.
- ◆ Move your thermostat closer to the outside temperature. Do not open windows when the A/C or heat is on. Moving your thermostat just 2 degrees closer to the outside temperature will save over 500 lbs of carbon dioxide from entering the atmosphere in a year.
- ◆ Completely shut down computers, chargers, and printers. Un-plug them from the walls when they are not in use. Even when computers are in a shut down mode, they are on stand by and still pull electricity.
- ◆ Trade in your light bulbs. Start using CFL lights. CFL light bulbs are 70-75% more efficient than the incandescent light bulbs we currently use.
- ◆ Recycle paper! And only use recycled paper in your classroom. Most newsprint is made of between 70-100% new fibers from virgin trees. Recycled paper uses 60% less energy to make than virgin paper.

Each ton saves 7,000 gallons of water and 17 trees.

- ◆ Plant a pollinator garden on your playground or in your flowerbeds. Yellow, blue, and purple flowers attract bees, while red and orange attract Hummingbirds. Pesticides, pollution, and habitat destruction are taking a toll on our birds and insects that pollinate about 80% of the world's food supply.
- ◆ Get your kids outdoors more often! The best way for us to protect our resources for the future is by helping children develop an appreciation for the outdoors.
- ◆ Use Organic food in the classroom. Avoid serving foods that are labeled "Natural". Natural does not equal Organic and these foods may still have nasty stuff in them!
- ◆ Plant a Tree! Even better, plant several trees! Trees are like natural air conditioners. They lower the temperature, filter air, remove carbon dioxide, absorb storm water and provide shade and beauty. A single tree will absorb a ton of CO₂ over its lifetime.
- ◆ Use re-usable cups and plates instead of disposable cups and plates.
- ◆ Think twice before throwing something away! Ask yourself, can it be re-used or recycled?
- ◆ Help the butterflies by planting milkweed seeds in your flowerbeds. Butterflies are bio-indicators that scientists look to for signs of landscape quality and habitat loss.
- ◆ Don't print everything! If you don't need it, don't print it! Have children work on dry erase or individual chalkboards more and avoid using so much paper!
- ◆ Evaluate the curriculum. Are there additional ways to incorporate environmental sensitivity and education into the classroom?
- ◆ Evaluate student activities. Are there other ways to introduce students to environmental studies or to increase environmental sensitivity?
- ◆ Encourage parents to car pool or use public transportation when coming to your school!
- ◆ Have a parent meeting or training on how they, too, can be green at home!

Start small! Don't try to make all these changes at one time. Turning your classroom Green one step at a time will make a huge difference in our future!

Who's mistreating children?

A recent USA Today article cites a Administration for Children and Families summary which illustrated that of the cases of child abuse and neglect reported to the ACF in 2005 40% of the children were mistreated by their Mother, 18% by their Father, 17% by both Mother and Father, and only 11% by a non-parent.

This summary shows that children are 6 times more likely to be mistreated by one of their parents than by a non-parent and are twice as likely to be mistreated by their Mother than by their Father. Surprising? Disturbing.

CHILDREN'S BOOK CORNER

By: Janice Nieliwocki

Now that the new year is underway, why not start it off by reading Leo Lionni's A Color of His Own at story time? This charming tale, about a chameleon who longs to "fit in", will delight toddlers and preschoolers alike.

The story begins with the young chameleon's realization that he is unlike the other animals in the animal kingdom because he lacks a color of his own. In order to remedy the situation, he decides he will simply stay on a green leaf, so that he will no longer change color. However, much to his dismay, as the seasons change, the colors of the leaves change, and ultimately, so does the young chameleon. The chameleon is forlorn and saddened until he is befriended by an older, wiser chameleon. They stay together and even though their color will forever change, their friendship endures and neither faces life alone.

The chameleon's saga is clearly conveyed by the author's simple, yet concise text. The artistry, interesting, bold and colorful, easily captures the reader/listener's attention and is the ideal accompaniment to the story.

As new friendships are made and old ones rekindled with the start of the new school year, Leo Lionni's A Color of His Own exemplifies the value of friendship and demonstrates how life can be easier with a companion by your side. Not only will this book be a positive addition to story time, it can serve as a valuable teaching tool in your classroom.

Learning Stations in Your Classroom

By: Janice Nieliwocki

The previous two issues of *"The Child Care Provider Experience"* addressed Learning Stations for the preschool classroom. If you've been keeping up with the articles, you already know that Learning Stations are individual areas set aside in your classroom for small group interactive learning. Each area is equipped with teacher developed materials and activities designed to teach or reinforce a specific skill or concept. They can be of various formats and can be designed using a curriculum theme or children's book as the central focus. Several *related* "stations" are set up simultaneously and children, in small groups, rotate through the various stations. You also know of the far reaching benefits you can expect to experience once you've incorporated Learning Stations into your preschool curriculum.

What you may be wondering, however, is how to successfully implement Learning Stations into your particular classroom environment. Every classroom situation is somewhat unique and comes with its own set of circumstances, which you will need to assess prior to incorporating Learning Stations into your curriculum. Keep in mind that most circumstances can be easily addressed, and, with a little ingenuity and some simple alterations and modifications, Learning Stations can complement any preschool classroom.

You may want to begin by first taking a look at the physical setting of your classroom. Because Learning Stations require small groups of children to rotate from one Station to the next, you will want to place the Stations in a format so that transitions run smoothly and chaos is kept to a minimum. This may simply require the rearranging of furniture, or just using a portion of your classroom for your Learning Stations.

Perhaps a more daunting challenge is incorporating Learning Stations if you are working with a large number of children in your classroom. But don't be discouraged, as there are several options you may wish to consider. Although I found the ideal number of workable Learning Stations at any given time to be three, a fourth Station can be added. (You may want to consider making the fourth Station a related art activity). Another option you may wish to consider when working with a large number of children is to simply divide the group in half, allowing half of the children to participate in supervised *quiet* play, while the other half of the children work with the Learning Stations, with the understanding that upon completion children will switch activities. This may require extra supervision, so you may want to utilize volunteers.

An additional concern often arises when implementing Learning Stations with younger children or less mature children. This can usually be remedied by providing additional support and supervision at each Station. You can also simplify or modify skill levels at each Station to better suit the children and their ability or developmental level.

Successful incorporation of Learning Stations into your preschool classroom is achievable! Simply assess your classroom situation, determine how Learning Stations will best work for you, make the necessary modifications and get started on the road to a fun and rewarding experience.

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AT-WILL EMPLOYMENT DOCTRINE AND TERMINATION

By: Janice A. Nielowocki

You may have heard the term "at- will" employment, but do you really know the implications and ramifications it has with regard to the employment relationship?

Fundamentally, the At-Will employment doctrine states that, in the absence of a contract or collective bargaining agreement, an employer may terminate an employee at any time for any reason (or no reason) and in turn the employee may do the same, that is leave the employment at any time, for any reason. Sounds simple enough, but things are often not as simple as they seem. So, whether you are the *employer* or the *employee*, it is beneficial to understand how the "At Will" employment doctrine can affect the hiring and firing process.

The origin of the employment-at-will doctrine can be traced back to the late 1800s where it was first mentioned in a legal treatise, entitled Master and Servant, written by Horace C. Wood. Although, Wood cited four American cases which supported his statement about at will employment, it seems as if Wood took some liberties and wrongly described at-will employment as already being accepted by the

courts. Within a short time various courts were citing the rule in his treatise and the rule became accepted law. Many believe that it simply reflected the laissez-faire attitude of the times.

From that point forward, courts basically viewed the employment relationship as being on equal grounds. In the absence of a contract, there were no obligations attached to employer or employee. Employees were allowed to leave jobs they no longer wished to occupy and in turn employers were able to discharge employees they no longer wished to employ.

Over the last several decades, however, the courts and legislatures have begun to view the employer-employee relationship in somewhat of a different light. The first challenges to the status of at-will employment came during the Industrial Revolution as employees formed unions and gained protection against certain employment actions. The federal courts have also added protection with the passage of the Civil Rights Act and subsequent laws, (including the American with Disabilities Act), which protected *classes* of individuals and prohibited

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terminations based on race, religion, creed, gender, age, national origin, disability, pregnancy and veteran's status. And although the "at-will" employment doctrine still remains intact in most states, courts are now addressing terminations that may seem unjust.

There are three major judicial exceptions to the employment-at-will doctrine. The first, known as the public-policy exception, is the most widely accepted exception. According to the January 2000 edition of "Monthly Labor Review," 43 states recognize the Public Policy exception to at-will employment doctrine. The 7 states that DO NOT recognize this exception are: Alabama, Florida, Georgia, Louisiana, Maine, Nebraska, New York, and Rhode Island. This exception prevents terminations for reasons that violate explicit, and established Federal or State public policy. For example, it would be considered a wrongful termination if an employer were to fire a child care employee who reported suspected child abuse where the employer felt there was no such abuse. The employee was simply following public policy and the termination would be deemed unjust.

The second major exception to the employment-at-will doctrine is known as the implied-contract exception. Basically, there is no contract in place, however an employer makes oral or written representations regarding job security and the courts view it as an implied contract. This is often seen in cases where employee handbooks contain statements that an employee will only be terminated for "just cause" or references to employees as attaining "permanent status." It may also involve oral statements made by the employer to an employee

that "as long as you do a good job; we will keep you on staff." 38 of our 50 states recognized the implied-contract exception as of Jan. 2001. The 12 states that DO NOT recognize this exception are: Arkansas, Florida, Georgia, Indiana, Louisiana, Massachusetts, Missouri, Montana, North Carolina, Pennsylvania, Rhode Island, Texas, and Virginia. In these 12 states the only recognized contract is one that is explicitly entered into by both parties whether in writing or by verbal agreement.

The last exception, known as the covenant-of-good-faith and fair dealing exception, is only recognized by 11 states as of January 2001. It is the least recognized exception by the courts because it strays significantly from the traditional employment-at-will doctrine. It basically means that an employer's decision to terminate an employee is subject to a "just cause" standard and that terminations made in bad faith are prohibited. Under the good faith exception, terminations and other employment actions that are not based on job related factors would be considered illegal.

For example, an employee has worked for a child care director for many years and their children begin to date, as they know each other from High School. The young man breaks up with the young lady (who is the director's daughter) and the Director takes her frustration out on the employee (mother of the young man) and demotes her to a classroom and/or schedule that is unfavorable or terminates her employment. As many child care professionals have experienced, this type of petty, silly unprofessional stuff occurs in our world all the time. In the 11 states that recognize the good faith exception, this scenario would be illegal. The 11 states

are: Alabama, Alaska, Arizona, California, Delaware, Idaho, Massachusetts, Montana, Nevada, Utah, and Wyoming.

Despite these relatively recent judicial and legislative adaptations at-will employment is *generally* alive and well. Contract employees (those that have a contract for employment or are covered by a collective bargaining union) are *not* at-will employees. Terminations for contract employees can only be carried out by the terms outlined in the contract. When terminating at-will employees (those with no contract), employers need to ensure that the firing cannot be deemed a wrongful termination. First, employers need to make certain that no Federal or State public policy is being violated. Second, employers need to make sure there is no suggestion of an implied contract, (either from an employee handbook that could be misconstrued as such, or verbal statements made by the employer to the employee suggesting terms of employment). Finally, employers in the 11 states that recognize the good faith exception should determine if the termination is for "just cause" and is not being carried out with malice or in "bad faith."

If employers use professional sense and make their employment decisions including terminations for job related and/or job performance related reasons the employer should remain well within the at-will employment parameters. To be sure, all employers should consult with local legal counsel when terminating any employee.

For information on Personnel Policy language and an At-Will Employment Acknowledgment Statement please email us at dawn@childproviderlaw.com.



WHERE IN THE WORLD...

Ron, Dawn and Jan will be traveling to the following cities for Local, State, Regional and National Conferences on the dates indicated. We welcome you to attend the conferences. Information has been provided so you can contact the organization conducting the training/conference.

If we are going to be in your state or area, we welcome you to contact us about coming to your program or organization to do a private training. The cost of bringing us in to your program or organization is significantly reduced because we are already traveling to your area. We certainly don't mind adding

a day or two to our travel schedules to work with you.
Contact us at (215) 785-3400 to see if we can visit your program when we are in town.

Jan 25 - 27: Chicago Metro AEYC Chicago, IL. For information go to

Feb 9: Pinellas County Early Childhood Association Clearwater, FL.

Feb 14 - 16: Virginia Association for Early Childhood Education Norfolk, VA. For information go to vaece.org

Feb 22 - 23: Child Care Association of Sussex County, PA

Mar 12 - 14: National After School Association Phoenix, AZ. For info go to naaconference.org

Mar 14 - 15: CITE Conference New Brunswick, NJ. For information go to cite.org

Mar 14 - 16: National Child Care Association Annual Leadership Conference Long Beach, CA for information go to nccanet.org

Apr 3 - 5: California Association for the Education of Young Children Long Beach, CA. For information go to caeyc.org

Apr 17 - 19" National Association of Child Care Professionals New Orleans, LA. For information go to naccp.org

Apr 20 - 24: National Head Start Association Nashville, TN. For information go to www.nhsa.org

May 1 - 2: Pennsylvania Head Start Association Harrisburg, PA.

The Childcare Professional
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MEDIA EFFECTS ON YOUNG CHILDREN

By: Janice Nielowski

In the past decade, we have seen a drastic upsurge in the overall production and marketing of media products for young children. Not only have we seen an rise in the number of products available, we have seen a radical increase in media usage within the American home.

And the statistics are staggering! The vast majority of our children are growing up in homes where TV is an almost constant presence. Slightly over half of all American homes have three or more TVs. More startling and perhaps troubling is that one-third of two to seven year olds have a television in their bedroom and one-quarter of zero to two year olds have one as well!

The statistics concerning usage amongst the youngest children in our society is also astounding. Although the American Academy of Pediatrics recommends no television viewing for children under the age of two, 43 % of children in this age group watch TV everyday and 20% watch DVDs daily. Almost 75% of infants and toddlers have watched TV before the age of two! Children zero to six years of age, spend approximately two hours a day with screen media, about equal to the amount of time they spend playing outside and three times as much time as they spend reading or being read to. (Some experts believe this is a conservative estimate and that children are actually spending closer to 4 hours each day in front of the television!)

Looking at the statistics concerning computer usage, about half of all children under age six have used a computer. By the time they hit the four to six year old range, 70% have used a computer, often without parental involvement or supervision.

Unfortunately, the rapid changes in our media environment and usage have not been supplemented by a similar growth in our knowledge of how new media may impact children's cognitive, social, emotional or physical development.

If we look at things from a child development

point of view, we know that very young children, infants and toddlers are sensory learners, which means they need to touch, taste, see, hear and explore in order to learn about the world around them. They need to develop motor skills as well by pushing, pulling, standing and climbing. Passively watching TV certainly does not provide infants and toddlers with the opportunity to develop these skills. And the detrimental effects of TV may go further than that. Recent studies, involving children under the age of three, showed a possible link between TV watching and attention deficit disorder. It seems that children under the age of three who watched television programs that were violent in nature or fast paced had a higher incidence of ADD later in their childhood years.

The picture isn't necessarily brighter when looking at the effects television watching may have on older children. Children, birth to seven, have a difficult time distinguishing between reality and fantasy. In addition, their logic capabilities are not well developed thus making it difficult for them to follow a storyline or understand the meaning in a program. They often view events as isolated, failing to see "the whole picture", thus forming an impression or conclusion which may not be accurate.

Perhaps one of the most troubling aspects of television viewing amongst our young children is their exposure to inappropriate violence and its possible harmful effects. Research shows that 2 out of 3 TV programs contain violence. In addition, violence is more prevalent in children's programming than other types of programming and a child who watches two hours of television a day may see in excess of 10,000 incidents of violence a year. The number of prime-time programs with violence has steadily increased over the past several years.

Media violence sends many false messages to our young children. The sheer prevalence of violence on television programs

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conveys that violence is everywhere, making the world a very scary place for the young child. Television often portrays violence as being justified and heroic, seldom showing the negative consequences of violent acts. Violence in children's programming, especially cartoons, is often accompanied by laugh tracks, giving the impression that violence is funny and doesn't really hurt anyone.

Research and studies seem to support the detrimental effects of television violence. In laboratory studies, children who viewed a violent TV show exhibited more aggressive behavior immediately following the program as compared to their counterparts who viewed a non-violent program. In addition, many experts believe that viewing violence builds a desire to watch more violence. And as children accept violence as a normal way of life, they may become callous and thus lack empathy for others.

Not only are children being exposed to needless violence on TV, they are being exposed to a great deal of advertising designed to lure them in as consumers. It is estimated that children are exposed to 30,000 to 40,000 commercials each year! And the children of today have great buying power. Advertisers are well aware of this and market directly to children, not only to influence them on what they will buy *today* but to also build a solid base of children as future consumers. Young children don't understand the purpose of advertising. Under the age of 8, most children don't understand that commercials are for selling a product. In addition, young children are often unable to distinguish program content from commercials, especially if their favorite character is promoting the product. And commercials are often the best produced *shows* on TV, utilizing techniques that are specifically appealing to children.

It's not surprising to learn that there's evidence that TV advertising for food is having an influence on our children's food choices and eating habits. Perhaps our biggest concern is how advertising is contributing to the increase in childhood obesity. Not only are our children being exposed to commercials that promote unhealthy eating habits, television watching is a sedentary activity often associated with snacking. Research shows that children who consistently watch a great deal of TV are more likely to be overweight. Unfortunately, since 1960 the number of children who are overweight has tripled and childhood obesity is reaching epidemic proportions.

So what do we, as educators do to curb the negative effects that increased media usage may be having on our young children? Perhaps the most important thing we can do is to work with parents, helping them to make good educated choices involving the amount of time their children spend with media usage, as well as the types of television programming their children are watching. Inform parents of the importance of watching TV with their children and discussing not only the programming but the intention of advertising, as well. Encourage parents to set guidelines about TV watching and video/computer usage. Some child care centers are actually taking things a step further and sponsoring "TV Free" nights, offering activities and games for family enjoyment.

It is going to take a group effort of parents, educators, health care providers and government working together to bring increased awareness to the effects early media exposure may be having on our young children. Additional research in the area of media usage and its effects on the young child is needed, as well as support for the development of high quality non-commercial educational media products and programming. It seems as if media usage by our young children is here to stay and it very well may take a "*village*" working together to ensure it has a positive impact on their young lives.

Danger on the Playground

By: Dawn K. Martini

In mid-April a four year old child was rushed to a El Paso, TX hospital after being found hanging from a jump rope on the playground of a family day care home. It remains unclear as to how the jump rope became wrapped around the child's neck, or how the child came to be hanging from the rope. The owner of the day care home found the child on the playground unconscious and called police and emergency personnel. By last account the child was in the hospital in critical condition.

This tragic incident highlights for all of us the importance of vigilant supervision on playgrounds as well as strict rules regarding playing on and around climbing equipment and the use of other toys and equipment on while outside with children. While in and of themselves, the climbing equipment, bikes, jump ropes, balls etc...are all valuable and educational for children, without proper supervision these items can be dangerous and can cause serious injuries and even fatalities. While rules for the children are critical, establishing and enforcing playground supervision guidelines for staff are of paramount importance among them are: No staff member should ever be sitting while outside with children. Staff should be no farther then 6 to 10 feet from any child whose feet are off the ground. Staff should be positioned around the play area so that all children can be seen and staff should not be clustered together having conversations with each other. Staff often feel that being outside is a time to relax and let the children play...but this incident underscores why more vigilant and active supervision is required on the playground. For more playground safety tip go to childproviderlaw.com.

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Public School found liable for Student Accident after Dismissal

By: Dawn K. Martini

A recent New Jersey Supreme Court ruling upholds an Appellate Courts decision which held that New Jersey Public Schools "must exercise a duty of reasonable care for supervising students' safety at dismissal." The case involved a child who was seriously and permanently injured after being struck by a car near the school after being dismissed from school on a half day. The child was normally picked up at dismissal by his older brother, but on this particular day the family was unaware of the early dismissal and the student went home alone. The older brother arrived at the school for regular dismissal only to find he was not there. The student was struck by the car and rendered a quadriplegic about 2 hours after the early dismissal.

In the NJ Supreme Court opinion the Court outlines three elements to the schools duty of reasonable care for children at dismissal. First, all schools must have a policy outlining how students of different ages will be dismissed. The policy should also outline how the adults will supervise children during dismissal including location of adults and the duties they are to perform during dismissal and procedures for regular and early dismissal days. Second, the school must present the dismissal policy to all parents to inform them of the end of the day routine, the school's calendar and must provide adequate notice of any early or irregular dismissals. The school must notify the parent of any after-school activities, the how they will be supervised, how children will be dismissed from them and how to enroll their child in the activities. Finally, the parents must be informed of the procedure for students who walk home at the end of the day. Parents must be specifically informed that it is the parents responsibility to notify the school not to allow the child to walk home unaccompanied if the parents desire. The school must have provisions in place for parents to make such wished known to the school. Third, the school districts are required to comply with and make arrangements to carry out a par-

ents reasonable request regarding dismissal of child who walk home. The school must have emergency plans for instances where parents or pick-up persons do not arrive to pick up their child at or within a reasonable period following dismissal. Most importantly, the school must supervise the child and provide some type of shelter for the child while he/she awaits their escort.

While the Courts decision does not directly apply to private school-age or child care programs and many of the issues presented in this case are dealt with as per child care licensing regulations or are non-issues for child care because children are not dismissed to walk home, programs offering school-age care should be conscientious of the relationship between themselves and the public schools from which their children come as well as the routine for exchange of custody between the public school and the school-age program. It is important for the school-age program to have specific policies and procedures in place for accepting children from school buses, or who walk from school to the school-age program. The school-age program policies and procedures should also outline how parents will notify the program that a child is absent from school or will be picked up early from school and will not attend the school-age program on a particular day. Program staff should also have procedures in place for calling parents if a child does not arrive at the school-age program when expected as opposed to assuming that the parent simply forgot to call in as per the attendance policy. Finally, school age program administrators should coordinate with the public school on the school calendar and the school-age program should be sure to inform parents of early dismissal days where the program will or will not provide after-school care for the children. Multiple notices of the calendar including memos and bulletins regarding special or unusual circumstances would be considered sound practice. The program may also wish to have parents sign for receipt of the program calendar to further reduce liability.

Salaries in Child Care

According to a recent report of the 25 highest and 25 lowest paying jobs in the United States, the Bureau of Labor and Statistics has identified child care worker as one of the lowest paying jobs, coming in at 23 out of 25; with an average hourly earnings of \$9.05 and average annual earnings of \$18,820.00 based on full time, full year employment.

This report did not detail what was specifically considered under the title of child care worker but regardless of the job description this statistic paints a grim picture of the earnings across the board for front line staff in our industry.



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Pennsylvania Court Holds That Head Start Program Staff Not Eligible For Unemployment During Summer Break

By: Jason Dalton

Head Start employees in Pennsylvania who are filing for unemployment compensation during summer recess this year may be in for a disappointment. In a recent decision by the Pennsylvania Commonwealth Court, a Head Start program run by a nonprofit direct-grantee was held to qualify as an "educational institution" for the purposes of the state's unemployment compensation (UC) statute. Because employees of "educational institutions" are not entitled to UC benefits during regularly scheduled school breaks, this recent ruling by Pennsylvania's appellate court has the potential to significantly impact the unemployment compensation benefits available to Head Start employees in Pennsylvania during summer recess and could influence decisions in other states as well.

Like most other states, Pennsylvania's UC Law contains a provision taken from the Federal Unemployment Tax Act (FUTA) which generally prohibits employees of an "educational institution" from collecting unemployment compensation benefits if they are unemployed during their summer vacation, so long as they have a reasonable assurance of return to work in the next academic year after the break. This mandatory denial of unemployment compensation benefits to school employees during recess has been referred to as the "between the terms denial provisions" of the UC law. However, because neither the state law, nor the federal law from which it was modeled, define the term "educational institution," the issue of exactly which employees fall within these mandatory denial provisions has always been open to interpretation.

In years past, the Pennsylvania UC Board has taken the position that only local board of education-run Head Start programs qualify as "educational institutions" under the UC law. This position was based almost exclusively on an Unemployment Insurance Program Letter (UIPL) issued by the U.S. Department of Labor in 1997 which addressed, in general terms, the applicability of the between the terms denial provisions of FUTA to "Community Action Group"-run and "local board of education"-run Head Start programs. According to the UIPL, "local board of education" run Head Start programs qualify as "educational institutions," while "Community Action Group"-run

programs do not. As a result, the Pennsylvania UC Board historically denied benefits to employees laid off for summer recess from local board of education-run Head Start programs and awarded such benefits to employees at all other Head Start programs.

In December of 2007 however, the Pennsylvania Commonwealth Court rejected the use of this overly simplified method of determining whether a Head Start program qualifies as an "educational institution." In its ruling, the Court first pointed out that a UIPL is merely an "administrative interpretation of federal law" which is "simply not binding authority upon the Court." It also found that the UIPL, which addressed Head Start programs run by local boards of education and by "Community Action Groups," simply did not address the type of program at issue, namely programs run by nonprofit "direct grantees" that are not "Community Action Groups." The Court further noted that the UIPL relied upon by the Board is too conclusory to provide direction on whether a "direct grantee" Head Start program can be an "educational institution."

Instead, the Court in the *Montgomery County* case relied upon prior case law in order to determine criteria to be applied in evaluating whether an entity qualifies as an "educational institution." In so doing, the Commonwealth Court held that a direct grantee Head Start program may qualify as an "educational institution" for the purposes of the UC law. Some of the factors the Court found relevant in determining whether an entity qualifies as an educational institution include, 1) various official documents, including the IRS tax-exempt determination letter, refer to the entity as an "educational organization"; 2) all parties including the employee claimants, refer to the facility as a school; 3) that grantee's instructional staff refer to themselves as "teachers"; 4) the majority of the grantee entity's employees are either teachers or teachers assistants; 5) the grantee's teachers are required to meet specific minimum educational requirements in the field of early child education; 6) an educational curriculum is followed; 7) the program is required to meet federal educational standards; 8) program participants are regularly

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CHILDREN'S BOOK CORNER

By: Janice Nieliwocki

While walking through a neighborhood community fair, my attention was drawn to the local police department's exhibit featuring the police officers and their devoted, obedient K-9 companions. I was immediately reminded of the children's book, Officer Buckle and Gloria, written by Peggy Rathman.

Officer Buckle and Gloria is the humorous tale of a dedicated police officer and his canine companion. The story begins with the introduction of Officer Buckle, who is responsible for teaching safety lessons to the local school children. Initially, the children are less than enthusiastic about the safety lessons, until one day Officer Buckle is accompanied by Gloria, the police department's newly acquired police dog.

Unknowningly to Officer Buckle, Gloria has some special talents of her own. As Officer Buckle recites his usual safety tips, Gloria performs "behind the scenes" tricks and antics, much to the children's delight. Officer Buckle, unaware of Gloria's actions, thinks he is responsible for the children's new interest in the safety lessons. However, once he discovers it is Gloria the children enjoy, he refuses to return to the school.

Officer Buckle sends Gloria to teach the safety lessons on her own, but without the two of them working together as a team, things don't go well and the children quickly lose interest. The children write letters to Officer Buckle telling him how much he is missed in an effort to persuade him to return to school. The children's letters and a safety mishap at the school prove to Officer Buckle that he truly is needed. Officer Buckle reconciles with Gloria and the story concludes with Officer Buckle teaching the most important safety tip of all, "Always stick with your buddy!"

Officer Buckle and Gloria can be a valuable addition to your preschool classroom. The text is easy to understand and conveys the humorous story in a manner which easily captures and holds the children's attention. The accompanying illustrations are vibrant and vivid, and clearly depict the character's actions, (especially Gloria's antics!) In addition, Officer Buckle and Gloria can be used as a teaching tool as it teaches safety lessons to young children in a manner that is particularly unthreatening. It also reinforces the value and importance of friendship. Winner of the 1996 Caldecott Award, Officer Buckle and Gloria will surely entertain and enrich your preschoolers!

25 Tips for Motivating Staff

By: Tymothy Smith

- ♦ Find out why each staff member comes to work
- ♦ Allow staff to propose new ideas
- ♦ Encourage staff to have solutions ready when coming to you with a problem
- ♦ Always provide appropriate humor in the program
- ♦ Celebrate successes
- ♦ Stomp out gossipmongers
- ♦ Education, education, education!
- ♦ Keep private lives PRIVATE
- ♦ Be an active participant
- ♦ Develop peer recognition programs
- ♦ Be great! Being great is contagious
- ♦ Teach staff to pick their battles
- ♦ Hold staff accountable
- ♦ Feed them!
- ♦ Sing -- music is the way to a person's heart
- ♦ Empower your team
- ♦ Coach staff on communication
- ♦ Give staff history behind policy, procedures, and regulations
- ♦ Staff are confidential with each other's information
- ♦ Keep staff healthy
- ♦ Before you speak, ask yourself, "Is it nice, is it true, and is it necessary?"
- ♦ Encourage professionalism
- ♦ Smile -- the smile is the universal language of friendship
- ♦ Have a passion
- ♦ Be there for your staff

2008 Cape May Flyer...Landscape Format.

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.

THE BABYSITTING DILEMMA

By Janice Nieliwocki

Perhaps one of the most frequent inquiries presented to us is whether or not child care agencies should permit staff to babysit children who attend the center. On the surface this may look like a win-win situation; staff can earn extra income while parents hire babysitters that they know and trust. However, from a legal perspective, it is an unwise practice whereby the child care agency is at risk to be the big loser.

When a child care agency allows employees to babysit clients, the agency cannot directly supervise the employee and therefore has little control over the employee's actions. However, the agency can be held liable for the employee's actions simply because a "causal connection" exists. The causal connection implies that, if not for the employment relationship with the agency, the employee would not have been hired to baby-sit. In essence, the client, (in most instances the parent), relied on the agency's good judgment in hiring the staff member and thus assumes the employee would be a good babysitter. As a result of this implied reference and causal connection, if something unfortunate should happen while the staff member is babysitting, and there is a cause of action, the agency would most likely be named as an additional defendant in a law suit.

When faced with this dilemma, child care agencies often ask if parents can sign a waiver (pertaining to after-hours babysitting) which would release the agency from liability. Again, from a legal perspective, these waivers are basically unenforceable and do little, if anything, to protect the agency.

There have been several cases where agen-

cies have been held liable for the actions of staff when babysitting. In order to best protect your agency, prohibit staff from performing after-hours babysitting for the children who attend your center. Your personnel policy manual should have a policy prohibiting this practice. In addition, this should be addressed in your parent handbook so that parents are aware of your policy and won't ask your staff to baby-sit.

It is important that both the Personnel Policy and the Parent Handbook include consequences for not adhering to the "No Babysitting" Policies. Parents should be told that if they solicit for babysitting services from your staff they will have their Child Care Services terminated. Staff disciplinary actions can include suspension for initial violations up to termination for continued violation of this policy or violation of this policy in conjunction with other policy violations. It is also important that the agency not turn a blind eye to staff babysitting once the policy is in place. Often we hear directors say to staff, "It is our policy that you may not babysit clients of the program, but what I don't know oh-well." By stating your policy in this manner you are basically giving staff a green light to violate the policy. Owners and Directors can not act like and ostrich and put their heads in the sand on this issue and expect to limit their liability at the same time. If you know violations of the policy are occurring it is imperative that the appropriate disciplinary actions be dolled out.

While this policy will be extremely unpopular with both staff and parents, it is in the best interest of the agency. Remember ...you want to limit your liability and protect the business you have worked so hard to build!

LEARNING STATIONS: LET'S GET STARTED!

By Janice Nielowski

This is the fourth in a series of articles featuring Learning Stations for the PreSchool Classroom.

By now you've been well versed in the definition of Learning Stations and the many benefits they can bring to your preschool curriculum as well as the ways in which they can help you achieve the education goals you have set in place. You may have assessed your classroom situation and chosen modifications to the Learning Station curriculum which will enable you to successfully implement the program in your particular learning environment.

But you may be thinking "Where do I begin?" A good starting point is to identify and compile a list of developmentally appropriate concepts and skills you wish to teach or focus on. Consider your core curriculum goals and the age and maturity of the children as you comprise your list.

Decide if your Learning Stations will be focused on children's literature or be theme-based (or a combination of the two!) If you are focusing on children's books, compile a list of books that lend themselves to station activities. Take advantage of your agency's library and other and books available to you. Avoid using books that are too lengthy and nonsensical. It is best to choose books that are clear and concise, have a plot and tell a story.

If you choose to make your learning stations theme-based, compile a list of targeted themes. You may wish to refer to the classroom themes you normally use throughout

the school year.

You will then need to "tie things together", incorporating your concept/skill list with your list of books or themes (whichever you are utilizing). Brainstorm appropriate activities which will accomplish your skill or concept goal but also lend themselves well to a particular book or theme. (For example, *Corduroy*, the story of a delightful bear who loses his button while on an adventure, would tie in well with a button sorting activity.)

Tap into your creativity, browsing through preschool magazines or activity manuals for inspiration and ideas.

Once you have decided on some particular activities and materials, the fun begins as you "make and create". Remember to include various formats, such as work mats, games and manipulatives. Vary your materials and keep things colorful to further capture the children's attention. Don't be discouraged if you are not a Van Gogh as the children are more interested in the activity than the artwork.

No doubt, you will have to spend some time in creating your Learning Stations. You can *lighten the load* by making it a collaborative effort amongst staff members. Although there is an initial time investment in preparing the station activities, the benefits will far outweigh the investment. Both the teacher and the children will continue to reap the benefits for a long time!

Is it Family Medical Leave or Friday/Monday Leave?

By: Dawn K. Martini

There has been much talk in recent months all across the country in many different industries about Family Medical Leave Act abuse. We have seen reports out of Tampa and Philadelphia regarding the abuse of FMLA Leave by transportation and city workers. The pattern of Friday and Monday absences has created significant staffing shortages for the Tampa Transit Authority and has lead the City of Philadelphia to terminate some city workers for the abuse.

The intent of the FMLA is to give employees with serious medical conditions or with family members with serious medical conditions, 12 weeks of unpaid leave. The leave can be taken on an intermittent basis for chronic conditions. This is intermittent leave is where the main opportunity for abuse rests.

Many employers have become frustrated with what, in their opinion, are abuses of FMLA Leave. In some circumstances employees who receive a letter from a treating physician for a chronic condition such as back pain, stress or depression can call in sick with little or no notice. Over time, employers begin to

notice patterns of absence on Fridays and Mondays, surrounding other holidays, or subject to the weather.

To combat this abuse, employers have begun to require employees who are out on FMLA Leave to remain home while out on leave and to only leave home for doctor's appointment or medical procedures. Employers call at random to check in on the employee and should the employee be caught not at home they are disciplined for abuse of policy which may lead to termination.

A recent 3rd. Circuit Court ruling involving the City of Philadelphia has stated that nothing in the FMLA gives the employee the right to be left alone while out on FMLA Leave, and does not prohibit employers from enacting policies that are meant to ensure that leave is being taken for legitimate medical reasons.

Some guidelines for policies to combat abuses of leave include: 1. Requiring employees who take leave for their own serious medical condition to remain at home while out on leave with notes from doctor's for anytime spent away from home while on leave. 2. Requiring medical certification at least every 30 days to

determine continued eligibility for leave.

3. If leave is to care for a family member with a serious medical condition require doctor's certification at least every 30 days which states that the employee's care is required and necessary.

Remember, good documentation and uniform enforcement of leave policies is crucial to avoid discrimination claims. When managers are consistent and well versed in the administration of FMLA policies employees will know what the standards of conduct are and what is expected of them while on leave and are more likely to rise to the expectations.

Conversely, when managers are uninformed, unsure of policy or lax in their administration of FMLA policy, employees will be more likely to take advantage and abuse the policy.

It is important to note that only employers with 50 or more employees are required to comply with the Family Medical Leave Act and that more information on administering the FMLA at your program can be found on our website: child-providerlaw.com and in our publication: *Current Issues in Child Care* available for purchase on our website.

...considered from Page 4

tested to assure these standards are met; and 9) the grantee falls within the "common understanding" of what is an "educational institution." Finally, the Court held that the fact that an entity does not operate a school exclusively, but provides other services that are not academic, does not, in itself, exclude that entity from being considered an educational institution. Compared to the approach utilized by the UC Board in years past, the criteria established in the *Montgomery County* decision will allow for a greater number of Head Start programs to qualify as "Educational Institutions."

Other state courts which have considered this issue in the past have reached mixed results. In Texas and Colorado, Head Start programs have been held **not** to qualify as educational institutions, while the courts in North Carolina and Iowa have held the opposite under their respective state's UC law. One common factor which has had a bearing on the ultimate determination reached in each of the cases, however, was the degree of education provided by the Head Start program at issue. Those whose educational components have been determined by the court to be "incidental" to the broader social services offered by the program have been held not to qualify as "educational institutions," while those programs whose educational elements were found to be the primary function of the program have qualified.

As mentioned earlier, the issue of whether Head Start qualifies as an "educational institution" is significant because it directly affects the availability of UC benefits for employees during regularly scheduled breaks. It therefore goes without saying that the *Montgomery County* holding will have less than a warm reception by those Head Start employees who, after a number of years of consistently receiving unemployment compensation during summer recess, have come to rely on the availability of those benefits to supplement their income. On the other hand, because an employer's UC insurance premiums are linked to the number of UC claims filed against that employer, a Head Start program's "educational institution" status may save the program a substantial sum of money. These savings may, in turn, be applied directly towards the services provided to Head Start children and families, or may be utilized to increase salaries of its school-year employees.

In any event, following the *Montgomery County* decision it seems clear that a significant number of Pennsylvania Head Start programs which were formerly not considered to be "educational institutions" by the UC board will now fit into the new definition of educational institution articulated by the Court. As a result, the employees of those Head Start programs, who have formerly been able to collect UC benefits during breaks, should expect to find themselves ineligible for

benefits when they file this summer. Those Head Start programs most likely to fit within this new definition of "educational institution" include "direct grantee" programs whose primary focus involves providing educational services. Although not directly addressed in the *Montgomery County* holding, Community Action Agencies ("CAAs) offering Head Start may also be affected by this decision. The key issue will be the nature and degree of the CAA's overall focus on education. While the *Montgomery County* case opens the door for the argument that a Community Action Group-run Head Start program focusing primarily on academic instruction may qualify as an "educational institution," those Community Action Groups whose focus is primarily related to non-academic social services may be able to distinguish themselves from the employer in the *Montgomery County* case and thereby avoid the "educational institution" designation.

Jason Dalton is the attorney who argued the *Montgomery County* case before the Pennsylvania Commonwealth Court and is an Associate Attorney at the Law Offices of Ronald V. McGuckin and Associates. Ronald V. McGuckin and Associates has been providing legal services for members of the Child Care Industry for over 25 years. You can learn more about Ronald V. McGuckin and Associates online at child-providerlaw.com.



WHERE IN THE WORLD...

Ron, Dawn and Jan will be traveling to the following cities for Local, State, Regional and National Conferences on the dates indicated. We welcome you to attend the conferences. Information has been provided so you can contact the organization conducting the training/conference.

If we are going to be in your state or area, we welcome you to contact us about coming to your program or organization to do a private training. The cost of bringing us in to your program or organization is significantly reduced because we are already traveling to your area. We certainly don't mind adding a day or two to our travel schedules to work with you.

Contact us at (215) 785-3400 to see if we can visit your program when we are in town.

May 1 - 2: Pennsylvania Head Start Association Harrisburg, PA.

May 16: New Jersey School Age Care Coalition Annual Conference. For information go to njsacc.org

June 17-19: 2008 Cape May Training Seminars: Defining Analyzing and Change Your Corporate Culture. Childproviderlaw.com for information

June 24-26: 2008 Cape May Training Seminars: Practical Human Resource Strategies. Childproviderlaw.com for information

July 8-10: Cape May Training Seminars: 18 Hour Law School for Child Care Administrators. Childproviderlaw.com for information

July 16-18: One Goal Summer Conference, Tampa, FL. For

information go to onegoalsummerconference.org

July 22-24: Your Agency's Personnel Policies and Parent Handbook. Childproviderlaw.com for information.

August 5-7: Strategic Planning for Business Owners and Administrators. Childproviderlaw.com for information

August 11-14: Region Six Head Start Association, Lafayette, LA. For information call (337) 942-9669

September 5-6: Laredo Child Care Advocates Fall Conference, Laredo, TX. For information email: kristilins@aol.com

September 26-27: Early Childhood Association of Florida, Orlando, FL dedicated Director's Track. For information go to ecaoffl.org

E *The Childcare Professional*
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CYBERSPACE IDENTITIES AND THE WORKPLACE

By: Dawn K. Martini

The cultural phenomenon of creating virtual lives or virtual identities on websites like Myspace and Facebook is beginning to creep into the workplace. People can now recreate themselves in what seems like a consequence free medium. As a result of the lack of personal contact, people often feel freer to be bold, confrontational and/or outrageous on their personal websites and/or blog.

People, particularly young adults, forget that anyone in the world can access their personal website and/or blog and view pictures and/or written entries. Once accessed the pictures or written entries can be sent all over the cyber world to be viewed by millions. People also forget that the same consequences which would apply to a letter or verbal statement apply to the information posted in cyberspace. Additionally, once an image or text is placed on a website page, it may be copied, archived or downloaded by another internet user and placed on their website. So even if an image or text is removed from a specific page, it may still be available on other pages and/or sites. This is why it is so important for the images and/or text not to appear on the internet at any time!

In the summer of 2007 we saw this very thing in relation to Miss New Jersey. She was subject to blackmail and extortion for pictures she posted on her personal website. The pictures, while not pornographic, were distasteful with respect to her role as a public figure

and caused her a great deal of embarrassment.

During this same time we were retained by a child care program to help them deal with a former employee who was threatening the program director and making false and disparaging statements against the center on her Myspace page.

Just imagine a parent of an enrolled child surfing the internet. The parent enters their child's teachers name in a search engine and up pops the teacher's personal website. The parent views the teacher's website and possibly finds comments about other employees, children and/or pictures of the teacher at a nightclub in a drunken stupor. This would be a public relations nightmare for the program.

On a seemingly innocent side of this issue, you have a teacher developing a website chronicling her/his career. The teacher includes digital photos of the children with journal entries. This seemingly professional website could be considered a violation of the child's and/or family's rights of privacy. Worse yet, the photographs could be downloaded by child predators and the predator would know where to find the child.

Many Fortune 500 Companies "google" candidates for employment in addition to checking employment references in the "old fashioned" or traditional way. As part of the recruitment plan/selection process we encourage employers to use this new tool

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Labor Law Stats...in general

Compiled by: Dawn K. Martini

- * The three most common types of discrimination complaints filed by employees are: race, retaliation and gender.
- * AR, MS, PA and SC are the only states in the nation that did not pass new labor or employment related laws in 2007.
- * Michigan has the highest unemployment rate and South Dakota has the lowest unemployment rate in the nation.
- * American Employees stay with the same company for an average of four years, which ranks LAST in relation to job tenure in the 16 leading European nations. Greece ranks first with an average of 13 years and Italian employees average 8 years with each employer.
- * On July 24, 2008 Federal minimum wage will increase to \$6.55/hr. This is the second of three increases.
- * Arkansas has the highest percentage of employees working for minimum wage.
- * 7.5 million Americans hold more than one job.
- * 68% of employees say they would like to receive more praise and appreciation for good work performance.
- * NJ, CA and WA are the three states which currently offer paid Family and Medical Leave.
- * Top three factors, ranked in order, that cause employees stress at work: People Issues, Workload and attempting to find balance between work and life
- * 43% of employees feel they could do as good or better as their boss if roles were switched for a day.
- * The average American employee commutes 25.5 minutes one way to work each day.
- * A Yale University study shows an 88% increase in the likelihood of workplace injury for employees who work more than 40 hours per week.

CYBERSPACE...continued from page 1

to check an employee's cyber-persona to make sure there are no moral or ethical issues presented in the cyber world.

We recommend including serious employment consequences for violation of this policy and a statement indicating that the agency will pursue all legal remedies available. Additionally, we recommend including this issue in a staff meeting and/or professional development program for all employees. Since cyberspace is an exciting and relatively new frontier, many people have not considered the downside to such a free and anonymous environment therefore, it is important to bring these issues to your employees' attention. This is a wonderful topic to address during August pre-service trainings and/or in the September staff meeting.

Our firm provides training for staff in this area tied in with discussions on confidentiality and professionalism. We also have a sample Cyberspace Identities Policy available in the Model Personnel Policy Manual for Child Care Agencies, 4th Edition, which is available at Childproviderlaw.com. For information on scheduling an in-service training for staff or to purchase the Model Personnel Policies contact Jan at (215) 785-3400.

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Understanding USERRA...

By Dawn K. Martini

With the dramatic increase in call-ups of our National Guard and Military Reservists to fight our current wars in both Iraq and Afghanistan, many employers are struggling to understand the rights these employees are entitled to receive under "The Uniformed Services Employment and Re-Employment Rights Act" (USERRA).

USERRA was designed to offer job protection and to encourage non-career service, such as Reserve and National Guard service, in the military by reducing risk to civilian employment during the employee's period of active service.

USERRA applies to all employers regardless of the number of employees and covers all Army, Navy, Air Force, Marines, Coast Guard, Public Health Service commissioned corps and the reserve components of these branches as well as the National Guard.

Service members returning to civilian life and work are entitled to reinstatement to the same or comparable position with the same status, pay and benefits that they would have received had they not been called to active duty. In order to be eligible for reinstatement the employee must have, 1. Given advance notice prior to leaving, unless notice

was precluded by military necessity, 2. Serve a cumulative period of less than 5 years, excluding service required by a declared war or national emergency, 3. Not be dishonorably discharged, and 4. Report back to civilian work in a timely manner after discharge.

If a returning veteran can not perform the functions of their position upon return, it is the employers responsibility to do what is reasonable to train the returning veteran so they update their skills in order to be qualified for the position.

The biggest issue regarding the employment status of the returning veteran relates to termination. Upon return, the employee may only be terminated for cause, regardless of whether the employee was previously employed at-will.

When an employee is called up to service of less than 31 days, the employer is responsible to provide full coverage health care. For active duty periods of greater than 31 days, the employee may elect to continue health coverage for up to 18 months, similar to COBRA.

Many states have enacted laws which are more protective of returning veterans and it is important for employers to check with local legal counsel for these laws and their implications for your workplace.

STRATEGIC PLANNING... Setting Meeting Ground Rules

By Dawn K. Martini

It is important to begin the first meeting of the Strategic Planning Team by setting the ground rules by which all the Strategic Planning meetings will be conducted. By establishing an agreed upon list of rules everyone on the Team will come to the meeting with the same expectations, understanding and will be prepared to work.

When considering what rules to adopt consider the following:

- Start & ending time for each meeting. How long will the work sessions be and what will happen if time runs over? Start on time and end on time. The people who have taken time to work on this team with you have other things to do and this is a basic courtesy!
- Will cell phones and office phones be turned off? Will outside distractions be prohibited during the meeting?
- Will decisions be made by majority or by a greater standard such as, 2/3?
- How will ideas be shared, round robin, hand raise or free flow discussion? We recommend that only one person be allowed to speak at a time.
- Will there be a time limit on discussions? Who will monitor it?
- All participants must bring a pen and notepad to the meeting. This is a pet peeve in our office...how can you participate if you don't take notes?
- All ideas will be considered and respected, even if they are not ultimately chosen for inclusion in the plan.
- All participants are expected to give honest and sincere input. All opinions will be valued and respected.
- Will there be a break scheduled?

Your team can determine which to include or additional one's needed to make the process successful and productive. Once the rules have been enumerated consider posting them in the meeting space or having them typed up for each team member as part of their meeting packet. The facilitator will be responsible for holding all participants to the rules and managing the flow of the meetings with in the rules.

Next issue's article will discuss Setting Goals.

THE ART OF EFFECTIVE COMMUNICATION

By Janice Nieliwocki

Communication can be defined as the process of passing and receiving information in an attempt to create a mutual understanding and build rapport. The premise seems simple enough, however communication is a complex process ripe with the potential for error. And when an error in communication does occur, serious repercussions can arise.

Effective Communication is the keystone in any successful business organization. It is especially important in the education setting, as we must successfully communicate with, not only our co-workers, but also the parents and children we serve. You've most likely experienced the unpleasant consequences when information conveyed to a co-worker is misinterpreted or a message to a parent is misunderstood. However, effective communication doesn't just happen on its own. It takes time and effort to acquire, improve, and refine, the necessary skills needed to communicate effectively. Nonetheless, it's time well spent, because as you become a better communicator, you will become more productive, more efficient and improve your interpersonal relationships in the workplace and in your everyday life.

Whether it be verbal, non-verbal or written communication, it is essential to acknowledge that there are two main components to any form of communication; the sender of the message and the receiver of the message. Both entities work together and are dependent on each other.

VERBAL COMMUNICATION

First, let's focus on verbal communication. When someone is talking, what do you hear? Astonishingly, words comprise only 7% of what is being communicated! The rest is communicated through tone of voice and body language.

In order to be an effective communicator and improve verbal communication you must first be a good listener! You need to be an *actively engaged* listener in order to understand what the other person is saying before you can send a meaningful message in return. Here are some ways to be an actively engaged listener:

- * Seek first to understand, then to be understood!
- * Be actively engaged with the person. Fully focus on the individual, maintaining good eye contact. Avoid multi-tasking.
- * Be cognoscente of your body- language! Remember your body language can speak louder than words.
- * Don't interrupt. Let the other person finish their

statement before you respond.

- * Repeat what the person said back to him/her to ensure that what you *heard* was what the individual *meant*. Remember everyone uses words differently.

- * Ask questions as needed for clarification.

Remember, verbal communication is a give and take process. Improving listening skills simply isn't enough; you need to work to be an assertive responder as well. Keep the following things in mind:

- * Be a good listener.
- * Maintain good eye contact to show you are focused on the individual and the situation. Eye contact shows interest and establishes rapport between the two parties.
- * Use I statements.
- * Keep responses short, and be specific.
- * Speak clearly and slowly.
- * Be cognoscente of the words you use. Different words mean different things to different people.
- * Check your tone and vocal volume!
- * Check your body language!
- * Be aware of your emotions. Rather, focus on the facts!
- * Respect the other person's position. You may not agree with it but you need to respect it.
- * Be careful of assumptions.

Keep in mind that everything about you communicates something to the outside world and others around you. Personal appearance really does count! A smile can send the message of friendliness and approachability where as a frown with arms crossed can send a message of being closed off and unapproachable. Be aware of your energy and enthusiasm as others can easily sense them.

PHONE COMMUNICATION

Depending on the position you hold and your related job duties, you may be required to communicate with parents or others over the phone. Effective phone communication often requires some preparation and diligence.

Prior to making the phone call, organize your thoughts and establish the intent of the phone call. What is it you want to accomplish? Writing down a brief outline and keeping notes can help to avoid an unnecessary follow-up call. Once engaged in the conversation, make an attempt to set up an interpersonal relationship with the other person, calling him or her by name. Be sure to monitor your tone of

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CHILDREN'S BOOK CORNER

By: Janice Nieliwocki

We're all familiar with the recent, much-needed push to "go green" in order to preserve our earth's rich natural resources. Why not introduce or reinforce this concept with the children in your class by reading The Great Kapok Tree: A Tale of the Amazon Rain Forest by Lynne Cherry? Well written and beautifully illustrated, this book sends a clear message about the importance of environmental responsibility.

The story begins with a brief introduction to the rainforest, and then moves focus to the great Kapok tree and the community of animals that inhabit the tree. Subsequently, a young man comes to the rainforest and attempts to chop down the great Kapok tree. Easily exhausted from the intense heat of the rainforest, the man temporarily foregoes his endeavor, lies down and falls asleep. While the man sleeps, the animals seize the opportunity to speak to the man about the Kapok tree's value to the rainforest. Each creature has his own perspective of what the tree has to offer and what loss would be suffered if the tree was indeed chopped down. To some, the tree provides shelter, to some, protective camouflage, to others, a valued food source. When the woodcutter finally wakes, his view of the rainforest has been changed. He is able to recognize the beauty and value of the Kapok tree and the surrounding rainforest.

The Great Kapok Tree can be enjoyed and appreciated by children of various ages. Lynne Cherry's rich artistry brilliantly illustrates the lush vegetation of the rainforest, while realistically portraying the animals in all their splendid color. Younger children will simply be captured by the illustrations alone! However, this book holds a powerful message for young and old alike. It reminds us all of the importance of nature, our interdependency, and the need to preserve our precious natural resources.

The Great Kapok Tree is not only a great piece of children's literature but can be a valued teaching tool in almost any classroom curriculum. It easily lends itself to reading-related discussions and activities. (Of course, lessons, activities and points of focus will vary depending on the age and interest of the children in your care.) Why not expand on the storyline and further explore the rainforest and the animals that inhabit it? Or use The Great Kapok Tree as a resource when teaching about the environment and incorporate the value of recycling and reusing. Older, elementary school children can explore the concept of interdependency and the ecosystems.

Regardless of how you choose to utilize The Great Kapok Tree, you will undoubtedly find this book to be a valuable asset to your classroom library!

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voice.

Although body language is "lost" in phone communication, remember to smile. The other person can't see it, but a smile can often be "sensed" by the recipient. If you feel yourself losing energy during the conversation; stand up! (It really works)! Remember to put aside assumptions and be sensitive to the person on the other end of the phone.

WRITTEN COMMUNICATION

No article on effective communication would be complete without addressing the need for effective *written* communication. Although technological advances have made life easier, email and text messaging seem to have had a negative effect on the art of written communication. However, there are some steps you can take to be a better communicator in your written communications:

- * Establish a goal. What is the purpose of the written document?
- * Who is your target audience? Make sure you write to your audience in terms they will understand. If unsure, have someone else, preferably someone outside of the industry, read the letter. (Be careful of confidential information).
- * Organize your thoughts and the order in which

you want to present the information. Remember written communication is "one sided", there is no immediate give and take. Take extra care to be clear and concise.

- * Choose your words carefully. Watch for ambiguous words, and cultural differences.
- * Use correct grammar and check spelling! Spelling errors make your correspondence look unprofessional and reflect poorly on the author.
- * If you are asking for something in return, be specific.
- * Make sure the written communication is conveying the *tone* you want to convey.
- * If applicable, thank the individual before closing.
- * Close the letter respectfully.
- * Keep a copy for future reference.

Effective communication *does* take time and effort, however if armed with the right tools and knowledge, this somewhat difficult task, can become less daunting. In addition, you can expect to reap many well-deserved rewards. As you become a more effective communicator, your interpersonal relationships with co-workers and others will grow and improve. You will be able to manage your responsibilities in the work place with increased efficiency and success and you will be able to address difficult challenges with heightened confidence!

ADMINISTRATIVE SUPPORT RESOURCES FOR CHILD CARE PROGRAMS

- ♦ Model Personnel Policy Manual for Child Care Agencies: 3rd 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.

New Jersey Passes Paid Family and Medical Leave Law

By: Dawn K. Martini

New Jersey has become the third state in the nation to adopt a law granting paid leave to employees for family and medical reasons. Effective July 1, 2009, employees in New Jersey may be eligible for up to six weeks of "temporary disability leave" to care for a newborn or adopted child, attend to the serious health condition of a spouse, domestic partner, child or parent.

Leave for the care of a new born or adopted child must be taken consecutively, not intermittently unless the employee and employer come to some other arrangement. The employee must give 30 days notice to the employer of the need to take leave for this reason. If notice is not given the employee may forfeit 2 weeks of payments under the plan.

When taking leave to care for a spouse, domestic partner, child or parent, the employee must try to give 15 days notice of the need for leave. If the leave time is to be taken intermittently, the employee must try to take leave when it is minimally disruptive to the employer and must provide when possible a schedule of days needed to the employer. When taken intermittently, employees have up to 42 days over a twelve month period.

Employers may require that employees use up to 2 weeks of accumulated paid time off in conjunction with the first two weeks of leave under this new law. The employee would then be paid their full pay for the first two weeks and then receive the 2/3 pay for the remaining 4 weeks of leave.

This new plan is employee funded through the existing state offered temporary disability insurance (TDI) program and will appear as a tax on employees wages. The state estimates that employees will contribute an average of \$30 annually to this fund. Employees will begin contributing to the fund on January 1, 2009.

Employees will be able to collect two-thirds of their weekly pay up to a maximum of \$524 each week as the benefit under this new plan.

This new plan will effect virtually every New Jersey employer, as the standard for determining if you are required to offer this leave to your employees relates to existing Unemployment Compensation Laws in the state. If you are required to offer Unemployment Compensation Insurance in NJ; you are obligated under this law.

Employers are going to be required to post information about this new law in the workplace. Additionally, new hires will be re-

quired to receive written notice of their rights under the law, as well as any employee requesting leave or who asks about this new law.

Since NJ employers now have the potential to be required to comply with three separate laws related to Family and Medical Leave, it is important for Human Resource and/or management personnel to become familiar with the three laws and how they intersect.

NJ employers with 50 or more employees will be required to maintain compliance with the Federal Family and Medical Leave Act, the New Jersey Family Leave Act (NJFLA) and this new Paid Family Temporary Disability Leave.

NJ employers with less than 50 employees are only required to maintain compliance with the new Paid Temporary Disability Leave laws. But as these smaller employers have not been required to deal with any leave laws in the past, there is bound to be a great deal of confusion and questions related to implementation.

For support or clarification on requirements, drafting new personnel policies and/or the interaction of federal and state leave laws within your specific program contact Jason Dalton and/or Dawn Martini at (215) 785-3400.

SEEKING ACCREDITATION?..... CONSIDER NAC

By Janice Nieliwocki

As child care agencies across the nation strive to improve services and quality care for the children and families they serve, many are turning to various national associations to obtain accreditation. Accreditation is the process by which a child care agency meets specific standards in order to obtain endorsement by a particular national organization. Research has shown that accreditation has a positive impact on the quality of early care programs. And an accredited child care agency shows a commitment to excellence and to all those involved in the agency; the children, parents, staff and administration.

One option for child care agencies seeking accreditation is NAC, the National Accreditation Commission for Early Care and Education Programs. Administered through NACCP, the National Association of Child Care Professionals, NAC was developed by early care professionals in order to support and encourage professionalism and program quality. The components of the NAC accreditation standards include philosophy and goals of the program, health and safety, administration, parent communication, curriculum, interaction between staff and children, and classroom health and safety.

Child care agencies seeking NAC accreditation must go through a three step process. The first step is that of a self study, whereby administration, staff and parents evaluate the program. Using NAC accreditation standards, administration, staff and parents identify the pro-

gram's strengths and weaknesses and pinpoint where improvements need to be made. Once modifications and improvements have been implemented, the program must compile and submit the completed self study report to NAC.

The complete self study generally takes agencies 6 to 18 months to complete. However, 2 years are *allowed* for completion of the self-study and request for an on-site visit. Materials needed to complete the self-study are provided through NAC and are available on-line.

The second step for NAC accreditation involves an on-site visit by a highly qualified, trained NAC validator. Once at the site, the validator will make observations and gather information to be used in the accreditation decision. A sampling of all age groups will be observed for one hour, whereas others will be observed for a shorter period of time. The NAC validator will also interview staff members in order to further verify the information on the self study. The gathered information and validator's comments regarding the programs compliance with NAC standards are then forwarded to the NAC Commission.

The third step in the three step process for accreditation is that of the Commission review. The NAC commissioners will review the program's self study report in conjunction with the validator's review and comments. The Commission will then make the recommendation to award, defer or deny accreditation.

There are various fees involved and accreditation needs to be renewed every three years.

If you are a relatively new program, you must be in business one year prior to partaking in the NAC accreditation process. In addition, a director must hold the position a minimum of 6 months and have been actively involved in the program review and implementation of NAC standards.

The NAC staff has gone to great lengths to make the accreditation process as painless as possible for child care agencies. Information is available on line, materials are user friendly and the NAC staff is available to answer questions and further support programs as they go through this process. The standards they have put in place for child care programs are truly reflective of quality and excellence.

On a more personal note, Attorney Ronald V. McGuckin of Ronald V. McGuckin and Associates was recently named to the NAC Policy Board, the policy making body for NAC. Ron's expertise in legal matters pertaining to child care, and his commitment to quality care for children, will undoubtedly be an asset to the NAC Policy Board. Ron had the honor of attending and partaking in the Board meeting held this past April in New Orleans.

For detailed information on NAC and NACCP please visit the NACCP website at naccp.org. RVM and Associates is proud to work closely with the NACCP on a number of projects and events, including the NACCP National Conference and Membership Recruitment. RVM and Assoc. will be holding membership drives at our HR Boot Camp Seminars, which will tour 7 cities beginning in October 2008



WHERE IN THE WORLD...

Contact us at (215) 785-3400 to see if we can visit your program when we are in town.

July 16-18: One Goal Summer Conference, Tampa, FL. For information go to onegoalsummerconference.org

July 22-24: Cape May Training Seminars, Cape May, NJ: Your agency's Personnel Policies and Parent Handbook. For information go to childproviderlaw.com

August 5-7: Cape May Training Seminars, Cape May, NJ: Strategic Planning for Child Care Administrators. For information go to childproviderlaw.com

August 12-13: Region 6 Head Start Conference, Lafayette, LA: For information contact Region 6 at (337) 942-9669

August 13: Bradford County Head Start Conference, Pocohontas, AR: For information contact Bradford County Head Start: (870) 892-4547

August 14: West Virginia Child Care United Conference, Beckley, WV: For information email Helen Post-Brown at sun-beamccc@aol.com

September 25-27: Early Childhood Association of FL, Orlando, FL: For information go to www.ecaoffl.org

October 4: Bucks County AEYC, Newtown, PA: For information go to www.bcaeyc.org

October 16-18: Texas AEYC, Dallas, TX: For information go to www.txaeyc.org

October 21: PACCA/Early Childhood Summit, State College, PA: For information go to www.earlychildhoodsummit.org

October 24: Vermont School Age Child Care Association, Killington, VT: For information go to www.VTafterschool.org

October 24-25: VA School Age Child Care Conference, Richmond, VA: For information go to www.afterschoolconference.org

Ron, Dawn and Jan will be traveling to the following cities for Local, State, Regional and National Conferences on the dates indicated. We welcome you to attend the conferences. Information has been provided so you can contact the organization conducting the training/conference.

If we are going to be in your state or area, we welcome you to contact us about coming to your program or organization to do a private training. The cost of bringing us in to your program or organization is significantly reduced because we are already traveling to your area. We certainly don't mind adding a day or two to our travel schedules to work with you.

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