

FACT SHEET

March 2023 JLOSC Review of Provider Advisory Board



Joint Legislative Oversight
& Sunset Committee

JLOSC Staff Report includes 4 total findings, highlights:

- The **Provider Advisory Board (“PAB”) is not meeting several of its statutory requirements** such as:
 - Not regularly advising the Office of Child Care Licensing (“OCCL”) on draft regulations.
 - Not holding the required 4 meetings per year.
 - Not communicating with OCCL or providers.
- **Official Board comments show confusion and tension surrounding its authority.** Some members incorrectly believe its statute dictates OCCL receive PAB comments before publishing regulations.
- **Since 2016, OCCL proposed regulations changes 13 times. PAB submitted official comments on 5 occasions.** JLOSC staff received Board comments on an additional 4 proposals from years in which the PAB did not meet.
- **Due to a lack of public documents, JLOSC staff went through 10 years of personal, handwritten files from PAB to find meaningful work completed by the Board and to analyze performance.**
 - All public bodies are subject to FOIA, which dictates meeting announcement and record keeping requirements, all 6 reviews for 2023 looked at FOIA compliance. **This review had substantial violations, and a long-documented history of issues.** To cite a recent example, the Board’s February 2023 meeting was not publicly noticed.
- With the move from the Kids Department to DOE, the frequency of communication between agency units and providers has increased. Since 2020, units within DOE have held 60 meetings that encouraged provider participation compared to 5 meetings held by PAB.
 - **In addition, the Office of Early Learning holds informal provider meetings bimonthly.** It is estimated 150-200 providers participate at each opportunity.
 - **DOE employees have documented occasions of disrespectful behavior by PAB with some requesting to limit interaction entirely.**
- 2 vacancies exist on the Board. According to the Governor’s office, only 7 applications to serve have been received since 2019, indicating a lack of interest among stakeholder groups.

Review and Analysis by JLOSC Staff Conclude:

The Provider Advisory Board is not meeting a public need.

- Has long standing issues with FOIA compliance.
- Does not meet its statutory requirements.
- Does not regularly comment on proposed changes to regulations.

WHAT IS A JLOSC REVIEW?

- Purpose to determine **genuine public need** for the entity and evaluate how effective entity is performing to meet that need.
 - **Entity under review has burden of proof.**
- Reviews are proactive in nature and **use statutory review criteria** identified in each report’s Objective, Scope, and Methodology section.
- **Reviews include a performance evaluation** conducted by JLOSC staff using national standards such as the GAGAS-Yellow Book.
- **Oversight is an important part of state government to ensure that entities are operating as intended.**
- As of 2021, **JLOSC review selection process changed to a proactive process.**
 - For 2022 review consideration JLOSC staff prepared a list of boards and commissions that JLOSC had never reviewed.
- JLOSC stands for the *Joint Legislative Oversight and Sunset Committee*, is 1 of 4 joint committees of the Delaware General Assembly, **tasked with performing periodic legislative reviews of entities to assess performance, public need, and increase accountability.**
- JLOSC supported by staff from the Division of Research which include 2 analysts who have formal education in public policy and are members of the National Legislative Program Evaluation Society (NLPES).