

Joint Legislative Oversight & Sunset Committee

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JLOSC Meeting: March 21, 2023

Starting at 6:00 p.m.

SEE AGENDA FOR DETAILED INFO

Today's Review Presentation:

[Child Care] Provider Advisory Board

**Zoom Webinar Registration Required for
Public Comment on a presentation.**

Register via Zoom by using registration link
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<https://bit.ly/JLOSC321>



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Per JLOSC Rule 7, public comments must be on the subject at hand.



STATE OF DELAWARE
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Joint Legislative Oversight and Sunset Committee
Hybrid Meeting

Tatnall Building Room 112 and General Assembly [Live Stream](#)

Tuesday, March 21, 2023

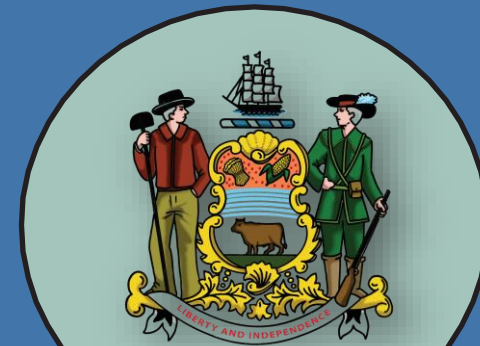
6:00 p.m.

Agenda

1. Welcome
2. Approve Minutes
3. Presentation: Provider [Child Care] Advisory Board
4. Public Comment: Provider Advisory Board review
5. Staff Findings and Recommendations: Provider Advisory Board
6. Recommendations for Provider Advisory Board
7. Adjournment

Note: The Committee's Chair will recognize members of the public to supply comments after an entity's presentation, **zoom meeting registration is required**. Per JLOSC Rule 7, public comments must be on the subject at hand and are limited to 2 minutes per individual. Zoom registration is not required to simply watch the meeting's live stream.

Written public comments can be submitted to Sunset@Delaware.gov or by using the Committee's public comment [form](#). Self and Staff Reports about these reviews are available on the Committee's [website](#). Contact JLOSC staff with any questions.



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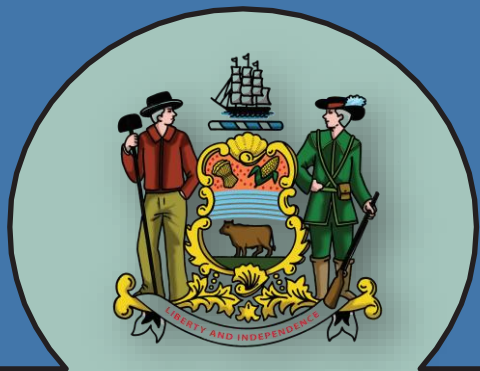
2023 Review Presentation:

[Child Care] Provider Advisory
Board



Zoom Registration:
<https://bit.ly/JLOSC321>

See posted agenda for full details.



Joint Legislative Oversight
& Sunset Committee

Public Comment: Provider Advisory Board

Registration Required

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Register and join Zoom webinar
in progress.

Staff will call on members of the public in the order of
registration.

Per JLOSC Rule 7, public comments must be on the subject
at hand and limited to 2 minutes.



Staff Report

Provider Advisory Board

4 staff findings, highlights include:

- Board is not meeting statutory requirements:
 - Not regularly advising OCCL on draft regulations.
 - Not holding the required 4 meetings per year.
 - Not communicating with OCCL or providers.
- Since 2016, OCCL proposed changes to regulations 13 times. PAB submitted official comments on 5 occasions.
 - JLOSC staff received Board comments on an additional 4 proposed regulation changes from years in which PAB did not meet.
- Official Board comments show confusion and tension surrounding its authority and relationship with OCCL.
- JLOSC reviews typically look at the last 5 years. Due to lack of public documents, staff expanded scope to 10 years.
- This review noted substantial and a long-documented history of FOIA violations.
- Since 2020, units within DOE have held 60 meetings encouraging provider participation compared to 5 meetings held by PAB. In addition, DOE holds informal provider meetings bimonthly.
- 2 vacancies exist. Since 2019, only 7 applications to serve have been received by the Governor's office.

STAFF RECOMMENDATIONS

Recommendation #1, Option 2 – Sunset the Provider Advisory Board

Review and analysis by JLOSC staff conclude the Office of Early Learning, Office of Child Care Licensing, and the Delaware Early Childhood Council provide multiple avenues in which licensed child care providers can participate and advise the Department regarding issues facing the early child care community. Following the move from Department of Services for Children, Youth, and their Families to the Department of Education, over 60 meetings relating to early childhood care and education were held by the Department while only 5 meetings were held by the Provider Advisory Board. Additionally, the Provider Advisory Board has not met its statutory requirements in consistently advising the Office and Department on proposed regulations or informing the public and other stakeholder groups of its meetings.

JLOSC staff recommends Option 2: Sunset the Provider Advisory Board with JLOSC sponsoring legislation to implement this recommendation.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Provider Advisory Board shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Provider Advisory Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

Recommendation #2 – Add Additional Provider Representative to Delaware Early Childhood Council

JLOSC should consider sponsoring a bill to add an additional provider representative to the Delaware Early Childhood Council, Chapter 30, Title 14, using this review as a guide.

JLOSC and Department of Education staff will work together to develop the legislation. JLOSC staff will engage stakeholders as necessary.

Recommendation #3 – Hold more meeting opportunities in the evening

JLOSC shall recommend the Early Childhood Education units in the Department of Education explore holding more meeting opportunities in the evening hours after most providers close for business.

Recommendation #4 - Release from Review

Release the Provider Advisory Board from review upon enactment of sunset legislation.

Staff Recommendations Provider Advisory Board

4 staff recommendations:

- **Sunset the Provider Advisory Board.**
 - PAB does not regularly meet its statutory requirements.
 - PAB has long standing issues with FOIA open meeting compliance.
 - DOE provides multiple avenues for provider advice and participation.
- **Add additional provider representative to Delaware Early Childhood Council.**
- **Recommend DOE Early Childhood Education units hold more meeting opportunities in the evening.**