

# RECAP: STAFF REPORT FINDINGS – PROVIDER ADVISORY BOARD

REVIEW PERIOD (2016 – 2023)

## Board Not Meeting Statutory Requirements:

- Not holding the required 4 meetings per year.
- Not communicating with Office of Child Care Licensing (OCCL) or providers.
- Not regularly advising OCCL on draft regulations.
  - Since 2016, OCCL proposed changes to regulations 13 times and the Board submitted official comments on only 5 occasions.
    - JLOSC staff received Board comments on 4 additional proposed regulation changes from years in which the Board did not meet.

## Board Authority and Relationship Confusion:

- Official Board comments show confusion and tension surrounding its authority and relationship with OCCL.

## Board FOIA Violations:

- This review noted substantial and a long-documented history of FOIA violations.

## Existing Provider Meetings and Engagement Opportunities Outside of the Board:

- Since 2020, units within Dept. of Education (DOE) have held 60 meetings encouraging provider participation compared to 5 meetings held by the Provider Advisory Board.
  - This includes the Delaware Early Childhood Council (DECC).
- OCCL holds informal provider meetings and calls bimonthly.



# RECAP: PROVIDER ADVISORY BOARD RESPONSE

APRIL 4, 2023 MEETING MINUTES

- Board needs technical assistance.
- Board needs advance notice when regulations are changing.
  - Not enough notice in the past to be an effective group.
- This Board allows providers to communicate with other providers and convey needs to the state.
- Board does not see themselves represented on Delaware Early Childhood Council (DECC) and do not think it's an avenue of communication.
- Board sees their purpose to support providers not associated with the public system.
  - Board feels other organizations do not have this purpose.
  - Board feels they represent childcare.
- Board would like to expand and include more providers.
- Board thinks there is a need for better communication with Office of Child Care Licensing (OCCL) regarding staff changes.
- If this Board is terminated providers would need to form groups independent of the state.



# RECAP: RECOMMENDATIONS— PROVIDER ADVISORY BOARD

PRIOR TO HOLD OVER PERIOD (APRIL 2023)

## JLOSC ADOPTED RECOMMENDATIONS



Transfer Provider Advisory Board functions and hold over the Provider Advisory Board until January 2024

- The functions of the Provider Advisory Board consolidated into the functions of the Delaware Early Childhood Council. The Committee shall sponsor legislation to implement the consolidation.
  - Senate Bill 135, signed June 30, 2023.
- The Provider Advisory Board shall be held over and required to report back to JLOSC in January 2024. Hold over benchmarks include:
  - Whether the Board held regular meetings during the hold over period.
  - Whether the Board had minimal FOIA violations during the hold over period.
  - Whether the Board met its statutory functions adequately during the hold over period

1. Terminate the Provider Advisory Board.

- Board does not regularly meet its statutory requirements.
- Board has long standing issues with FOIA open meeting compliance.
- Delaware Dept. of Education (DOE) provides multiple avenues for provider advice (direct from source) and participation.

2. Add additional provider representative to Delaware Early Childhood Council (DECC).

3. Recommend DOE Early Childhood Education units hold more meeting opportunities in the evening.

4. Release from review upon enactment of legislation terminating the Board.



## FOUR PROPOSED STAFF RECOMMENDATIONS NOT ADOPTED

# HOLD OVER UPDATE: PROVIDER ADVISORY BOARD

AFTER HOLD OVER PERIOD (APRIL 2023 – JANUARY 2024)

- **2 Meetings Held.**
  - October 26, 2023.
    - Agenda – new background check procedure, Deidra McNatt (Comprehensive Background Check Supervisor with Kids Dept).
      - DECC subcommittee discussed this on February 14, 2023.
      - DECC discussed at subsequent meetings held throughout 2023.
  - December 18, 2023.
    - Agenda – lead test.
- **FOIA Violations.**
  - October 26, 2023.
    - No final minutes posted.
    - Minutes do not record members in attendance or their votes.
  - December 18, 2023.
    - Noticed late, 4 days of notice (requirement is 7).
    - No agenda or draft minutes posted.
      - Both documents are files for the October draft minutes.
- **Did Not Observe Board Completing Statutory Functions.**
  - Meetings did not have agenda items that had any engagement with OCCL.
  - Both meetings had light agenda topics, topics that were discussed multiple times throughout the year by Delaware Early Childhood Council (DECC) and its subcommittees.
    - DECC conducted 4 meetings and at least 2 provider calls during the same period.
  - Board meetings do not have OCCL staff included on agendas and do not receive reports from OCCL like typical advisory boards.
    - Board is providing 2<sup>nd</sup> hand information, in contrast DECC is providing information directly from OCCL staff.

## Statutory Functions

### **§ 3007A. Provider Advisory Board; powers and duties.**

The Board has the following powers and duties:

1. Advise and consult with OCCL regarding the development, adoption, promulgation, and any amendment to the rules, regulations, and policies that are required to carry out this chapter with respect to early care and education, family child care homes, and school-age centers.
2. Encourage OCCL to communicate with persons licensed under this chapter and to facilitate such communication.
3. Encourage OCCL to enforce this chapter in a manner that recognizes that most child care providers are private businesses that need stable and reasonable regulations.

# NEXT STEPS: PROVIDER ADVISORY BOARD

## Summary:

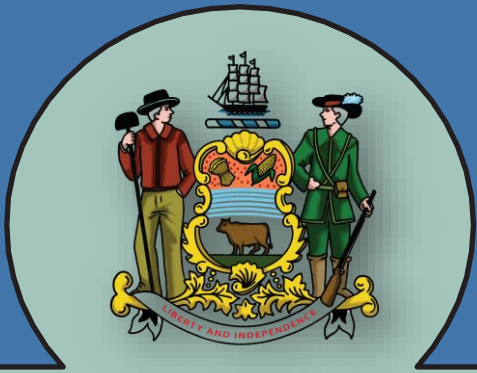
- Board continues to duplicate efforts observed in Delaware Early Childhood Council (DECC) meetings.
- Board functions were consolidated into DECC (Senate Bill 135).

## JLOSC Could Consider:

- Additional recommendations.
  - Terminate the Board.
  - Add a third center-based provider to DECC.
    - With each county represented.
  - Establish an official provider subcommittee of DECC.
    - There is an Access to High-Quality Program subcommittee; their goals can mirror those of the Provider Advisory Board.
- Continue hold over with reporting requirements.
- Release from review without further changes.
- Table and discuss at later meeting.







## Joint Legislative Oversight & Sunset Committee

# Stay Connected



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