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BEFORE THE MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES

RE: FFY 2013 CHILD CARE DEVELOPMENT FUND
POLICY MANUAL

PUBLIC HEARING

Taken at the instance of the Mississippi
Department of Human Services
at the Hinds County Extension Office,
1735 Wilson Boulevard,
Jackson, Mississippi,
on Wednesday, February 26, 2014,
beginning at approximately 11:03 a.m.

APPEARANCES:

MR. WILLIAM M. SIMPSON, II
Deputy Administrator for Administration
Mississippi Department of Human Services
750 North State Street
Jackson, Mississippi 39216

REPORTED BY: Cathy M. White, CSR #1309
Brooks Court Reporting, Inc.
12 Lakeland Circle, Suite A
Jackson, Mississippi 39216

1 MR. SIMPSON: Let's get started. It
2 is, by my watch, 11:03, so we're within our
3 time frame. I see somebody at the door
4 coming in, if they could sign in, if they
5 need to.

6 I wanted to introduce myself. My name
7 is Will Simpson. I am the Deputy
8 Administrator for Administration for the
9 Mississippi Department of Human Services.
10 I'm here today to conduct this public
11 meeting.

12 Just a quick rundown. I gave my
13 introduction. I'm going to read you a
14 procedure statement, and then I'm going to
15 go through the list that was submitted to
16 me just a moment ago of people who signed
17 up to speak. We have very few people
18 signed up to speak. We'll give them an
19 opportunity.

20 And then we will leave the meeting
21 open until 1:00, which was the designated
22 end time. So if someone comes during that
23 time frame, we'll allow them to come in and
24 speak.

25 I want to remind you, before I make

1 this statement, that we have a court
2 reporter here, and being a lawyer by
3 profession, I know that you have to speak
4 up and pronounce, and head nods and things
5 aren't readable by the court reporter. So
6 help her out when you speak.

7 Let me read this statement:

8 I am here today to collect comments
9 for the Child Care Development Fund Policy
10 Manual for federal fiscal year 2013-2014.
11 The collected comments will be recorded by
12 the court reporter. The comments will be
13 read and considered before the policy
14 manual is finalized.

15 I will take the sign-in sheet, and go
16 through those that signed in, and call the
17 names of those that wish to make comments.
18 You will need to come to the microphone.

19 We do not have a microphone, but in
20 this context, if you want to step up to a
21 little closer to the court reporter, that
22 may help.

23 Come to the microphone, state your
24 name and you comments. You will have five
25 minutes to complete your comments. The

1 audience needs to hold applause or
2 outspoken comments so the court reporter
3 can accurately record the comments of the
4 person speaking.

5 If you have a written statement and do
6 not wish to speak, you may give those to
7 me, and they will be added to the comments.

8 We will hold the meeting until 1 p.m.
9 to hear comments. I'm going to time on my
10 iPad, so it will just chime when the five
11 minutes are up. Reviewing the list, we
12 have one person who has asked to speak, and
13 that is Carol Burnett.

14 You're welcome to stand there, or if
15 you want to walk up two rows to help the
16 court reporter, that will be fine. But
17 I'll let you talk. When you're ready, I'll
18 start the timer.

19 MS. BURNETT: My comments are directed
20 to the economic impact statement. Is that
21 the --

22 MR. SIMPSON: Yes.

23 MS. BURNETT: -- subject matter?

24 MR. SIMPSON: Yes. You're welcome to
25 speak to that.

1 MS. BURNETT: I wanted to speak to the
2 economic impact statement. The comments I
3 have are with reference to this document
4 that is on the DHS website, and it's the
5 21-page economic impact statement.

6 On the first page, "Describe the need
7 for the proposed action," I just want to
8 point out, the comparison in this economic
9 impact statement of the costs related to
10 the planning and development district's
11 operation of the program to the current
12 E-Ledger to the finger scanning seems moot
13 to me in light of the fact that the PDDs
14 were taken out of the system back in 2012.

15 And so they're not really the
16 comparison that we're making. It's the
17 E-Ledger. And the E-Ledger contributes
18 many of the automation, and the time
19 saving, and the expediency benefits that
20 are cited in here.

21 The benefits that are listed here, the
22 benefits that are listed for the DHS, many
23 of them are already achieved through the
24 E-Ledger. The one benefit that this
25 statement cites repeatedly is that

1 increased numbers of providers will
2 participate, and an increased number of
3 children will be served. And yet both the
4 data from the pilot, and also the data from
5 this income provider survey, and the data
6 from Louisiana demonstrate a significant
7 reduction in the number of children who are
8 served as a result of imposing finger
9 scanning, which is a big problem.

10 The goals of the E-Childcare Program
11 cited on the bottom of page 5, a reduction
12 in fraud, again, the evidence for the fraud
13 in licensed child care is not produced,
14 and, in fact, there are many anecdotal
15 instances where centers have experienced
16 errors on the E-Ledger that they've tried
17 to get DHS to correct to no avail.

18 And so the errors that continue to
19 exist are in the generated documents that
20 are coming out of the agency, not on the
21 side of the child care providers.

22 The cost to parents and families
23 identified on page 6, the main cost cited
24 with the loss of pay when parents and their
25 designees have to take off work in order to

1 go to the office to submit the original
2 fingerprint, and the transportation costs
3 for traveling to that office are not
4 incorporated in calculating the cost. And
5 the deterrent impact of this on parents'
6 ability to get designees to sign up to be
7 their designees, the loss of that ability
8 for the parents is not reflected in here,
9 and the consequences to the parents for
10 losing those designees is not reflected in
11 here.

12 The cost to licensed providers, the
13 loss of revenue when parents opt out of
14 this child care certificate program as a
15 result of the deterrence impact is also not
16 calculated in here. And it should be
17 because it's going to be a cost to the
18 program.

19 On page 10, the administrative cost to
20 providers for record keeping, there isn't a
21 reflection in here of the instances in the
22 pilot where centers have had to have staff
23 assigned to watch over the use of the
24 machine to make sure that the machines
25 record the finger scans, and the economic

1 impact statement doesn't include
2 incorporating the cost of any machine
3 failure so that the payment doesn't occur
4 for services rendered or machine breakdown,
5 where a center would have to have either
6 money to pay for the machine or money to
7 have paid for an insurance policy that
8 would cover the cost of that.

9 On page 13, one of the issues cited as
10 a negative effect, if this finger scanning
11 doesn't go forward, is that the State will
12 experience significant financial hardship
13 if they're forced to forfeit the money
14 they've already paid for this.

15 And in light of the fact that it was
16 premature for the agency to go ahead and
17 adopt the -- to execute the contract and
18 commit to the payment before the rule could
19 be approved was premature.

20 MR. SIMPSON: Okay, Ms. Burnett.
21 That's five minutes.

22 MS. BURNETT: My time is up?

23 MR. SIMPSON: Yes, ma'am.

24 MS. BURNETT: Okay.

25 MR. SIMPSON: I have on the list, I

1 have Lela Taylor, there's not an indication
2 whether you would like to speak or not.
3 Would you like a moment to speak?

4 MS. TAYLOR: Yes.

5 MR. SIMPSON: Okay. Sure.

6 MS. TAYLOR: Yes, I'm Lela Taylor, and
7 I would just like to let you know what some
8 of the parents are stating when we tell
9 them finger scanning, some of the
10 grandparents. They say, "Well, I will not
11 pick up my children anymore. I am not
12 going to finger scan."

13 And another reason that I am so very
14 opposed to the finger scan is that it puts
15 children in categories. You know, the
16 children who are not on the program, to
17 just come in, sign in, and go on, and the
18 ones who have to finger scan stand in a
19 line waiting to make sure that the machine
20 is scanning the finger, that child
21 looking. In our society, we and our
22 children equate finger scanning with
23 criminal acts.

24 I would not ever want my child to
25 think my parent is a criminal because my

1 parent has to finger scan. My friend's
2 parents just walked out of the door. So
3 for that reason, the number one reason, I
4 will never accept finger scanning in our
5 school for those two reasons.

6 MR. SIMPSON: Thank you. We've had
7 several people come in after we began.

8 Do any of you wish to speak publicly?
9 Okay. If you would, step forward and state
10 your name for the court reporter.

11 MS. CASSANDRA WELCHIN: Cassandra
12 Welchin with the Mississippi Low Income
13 Child Care Initiative.

14 MR. SIMPSON: You can begin.

15 MS. WELCHIN: Just a short comment.
16 Given that the State of Mississippi has
17 about 9,000 children on the waiting list,
18 and so many children need the service, are
19 waiting to be served, and parents and child
20 care providers are continually objecting to
21 this program, we think that it would be
22 worth the State using the money that they
23 have committed to this contract with Xerox,
24 committing that money to serving more kids,
25 and trying to eliminate the existing

1 waiting list.

2 Again, it was very premature to have
3 the contract enacted and not giving thought
4 to the children that are on this waiting
5 list. And so we think that it would be --
6 the State should have committed those funds
7 to eliminating the children on the waiting
8 list, and there needs to be some correction
9 to do that. And that's all.

10 MR. SIMPSON: Thank you.

11 Is there anyone else that arrived late
12 that would like to speak? If you would
13 like to sign in at some point to prove that
14 you were here, to show that you're here,
15 you're welcome to do that, as well.

16 MS. SUEL: Do I still need to sign in?

17 MR. SIMPSON: Yes, ma'am. If you'd
18 sign in right here and say your name for
19 the court reporter, that would help.

20 MS. SUEL: Okay. There was somebody
21 else. I think Debbie Ellis should be
22 coming. I'll just let her sign in.

23 MR. SIMPSON: That's fine.

24 MS. SUEL: Deloris, D-E-L-O-R-I-S,
25 S-U-E-L, Suel.

1 MR. SIMPSON: Okay. And, Ms. Suel,
2 I'll start the timer when you're ready.

3 MS. SUEL: Okay. Well, I'm concerned
4 about the stigma that's associated with
5 fingerprinting. And, as you know,
6 low-income children, many of their parents
7 are incarcerated. So they know, that when
8 the people come to sign in, they know what
9 it's about. And sometimes they feel that I
10 am being the one that's being put a label
11 on rather than my parents.

12 So we don't want the children to grow
13 up thinking that they're being labeled.
14 And I'm concerned about the label that will
15 be put on children, especially when you
16 have nonpaying parents coming in that are
17 going straight in, and the children ask,
18 say, "Mom, why do you have to stop," or,
19 "Why are you going here to do that?" So we
20 need to understand how can a parent explain
21 that to a child. I can't afford to pay for
22 your child care, so this is what I have to
23 go through.

24 And then the 32 or whatever amount of
25 money that was spent on the new machine, I

1 would have rather seen it spent on the
2 children as far as getting more
3 certificates. I'm hoping there's more
4 money available, but I would rather have
5 seen the money go for the new certificates
6 for the children.

7 I'm concerned about the economic
8 impact statement, as to whether or not it
9 meets all of the requirements of the
10 courts. We have not gotten into that, but
11 we do hope that it meets the requirements.

12 I'm concerned about the Xerox
13 contract. The indemnification clause is
14 something that you would not, as a business
15 owner, want to just give up your rights to
16 Xerox. Not only that, I'm concerned about
17 having to allow Xerox to go into my account
18 periodically and assess my account for
19 whatever they deem is necessary. It may be
20 profitable to them to do that, but it won't
21 be profitable to me, and invasion of
22 privacy, I'm very concerned about who gets
23 to go into my account and what they can get
24 from my account, because we say that people
25 come in and they provide an oath to do

1 right, but they don't necessarily do it.

2 I'm concerned about all the hacking
3 that's going on. Would people be able to
4 get my information, get into my email
5 accounts, and take money from my account?
6 I recently did not realize it, but my bank
7 had to send me a new card because my card
8 had been compromised. And I was totally
9 shocked to find out that someone had
10 actually gotten into my bank card, but not
11 only my bank card, I found out they had
12 gotten into my credit cards. I don't know
13 if it was through email. I don't know
14 what, because I don't do a lot of online
15 banking. I do use my cards when I go to do
16 things as far as my business. But to find
17 out that all the hacking that's going on,
18 and, you know, when they start hacking the
19 military and everybody else, and little old
20 me, I'm just a small business, so can you
21 imagine what they can do to me? So it's a
22 lot of things frightening.

23 And even the way that DHS does as far
24 as determining how they do things, I object
25 to that, because we want to be involved.

1 We're not doing this just because we want
2 money, because, believe it or not, I could
3 be at home, if it wasn't something that I
4 wanted to do because I have love for
5 children. My husband is retired, and I
6 really want to be home with him, you know.
7 So just because we're in child care doesn't
8 mean that we're begging for money. And if
9 I do drive a nice car, my husband worked
10 for IBM 30-something years, and that was my
11 choice.

12 So when we put the stigma on child
13 care, there's so many stigmas that's
14 just -- they put on us, and I'm not going
15 to go through all the list of things in the
16 economic impact statement, because I think
17 Carol's covered them. But those things
18 that she covered, I also object to them
19 because we have talked about them. And I
20 just would hope that we would go back and
21 look at this, and say maybe we need to
22 rethink how we're doing this.

23 I object to having to possibly put in
24 some infrastructure as far as to where to
25 put my machine. And the mere fact that now

1 the children play with my time clock,
2 they're going to play with that machine,
3 and I'm going to have to pay for it. I
4 object to the fact that I know that I'm
5 going to have to put in a new phone line in
6 and Internet. Thank you.

7 MR. SIMPSON: Thank you.

8 Is there anyone that came in late that
9 would like to speak? Any other comments?

10 If not, we will hold the record open
11 until 1 p.m. The court reporter will be
12 here. If someone comes in and would like
13 to speak, I'll be here at the podium or off
14 to the side. Just come to me, or have that
15 person come to me, and we will call order
16 to the room, allow them to speak with the
17 same respect that you've had today, and we
18 will go forward. But thank you for your
19 attendance.

20 MS. TAYLOR: I have a question. Since
21 Carol didn't get through hers for five
22 minutes, and you have until 1, can she
23 finish going through the impact statement
24 with her objections, rather than us just
25 sit here and wait until 1, let the time be

1 used wisely?

2 MR. SIMPSON: I'm not permitted, in
3 this format, to entertain questions from
4 the floor for obvious reasons, but ...

5 MS. AMANDA TILLMAN: I guess I can't
6 have a question? I was going to say, could
7 I read part of her statement that she
8 didn't get to read?

9 MR. SIMPSON: A clarification,
10 because, according to the rules, I am the
11 moderator of this meeting. If someone else
12 would like to speak, you're welcome to
13 speak. So what you say is your business.

14 MS. TILLMAN: Just a short statement,
15 if I could read it.

16 MR. SIMPSON: Okay, Ms. Tillman.

17 MS. TILLMAN: Okay. I just want to
18 reiterate that concerning the money that
19 was spent for Xerox and all the other
20 issues that are brought forth, I, too,
21 think that money would have been -- I would
22 have preferred that the money goes for the
23 children rather than what it has gone for,
24 because like Ms. Suel has said,
25 Ms. Burnett, we're not -- I'm not in the

1 business for money. I'm retired also, but
2 I work for the church, and I'm there for
3 the church, for the children, and that's
4 what it's all about, for the children.

5 MR. SIMPSON: Any other comments from
6 the floor at this time?

7 If you'll just state your name, we'll
8 write it down.

9 MS. GARRY: Eulonda Garry,
10 E-U-L-O-N-D-A, Garry, G-A-R-R-Y.

11 I just have, I guess, some statements
12 and questions. I hope that this hearing
13 is just not a matter of formality, that the
14 comments that are made, that we can get
15 some answers to them. Because what has
16 happened is that we come, and we state our
17 issues, but we never get any feedback for
18 the questions that we've given.

19 I also want to know, I think, in the
20 past, we've asked about the increase of the
21 amounts that we're paid. And at a lot of
22 our centers, we are below what a lot of
23 the, I guess you might say, prestigious
24 centers may charge. They charge a lot more
25 than what we do charge. And so we're

1 already incurring costs, and we're making
2 miracles out of the money that we do
3 receive. We're making -- trying to make
4 payroll and all that, improve the quality
5 of our centers. And I just think that the
6 money spent on these machines should have
7 been spent to help us improve, help us to
8 add children, to -- on the certificate
9 program, also that they would be educated
10 and be more productive in society.

11 As far as the fraud, we've not been
12 committing fraud. We've been smart enough
13 to know, that when the E-Ledger comes out
14 and we have these names on there, and these
15 children are not in our centers, we let
16 them know that they're not in our centers,
17 even though they've been on there for
18 months, and months, and months, and
19 months. We notate that they're not in our
20 centers, we mark it absent, even though it
21 takes time. We do that. We're smart
22 enough to know that.

23 Sometimes we feel like we're being set
24 up for fraud because we've sent in emails,
25 we've called, and they're still on there.

1 And looking at that, I'm trying to -- it's
2 very scary to see how this will improve,
3 you know.

4 I think Dr. Dent told us, if she even
5 add \$5, increase it by \$5, that it would
6 knock so many children off of the
7 certificate program. I think it's 8- -- is
8 it 8,000 on the waiting list? Well,
9 thousands on the waiting list. I think
10 that money that was spent, the millions
11 that was spent on implementing this finger
12 scan could have been used toward that. It
13 could have -- even if we didn't get the
14 increase of \$5 per child, we could have got
15 the money put on other children so that
16 they would go to school and not be at home
17 not being educated. I think that money
18 would have been better used for that.

19 So we're not committing fraud. We're
20 just small business owners trying to
21 produce productive children and keep them
22 in, I guess, the mind frame of going to
23 school, completing school, going to
24 college, and not going to jail.

25 MR. SIMPSON: Is there anyone else

1 that arrived late that would like to
2 speak?

3 Okay. Yes, ma'am. What's your name,
4 please, ma'am?

5 MS. STURGIS: My name is Jenny
6 Sturgis. I'm the owner and director of
7 Noah's Ark Daycare Center in Jackson.

8 I guess my concern is, if you'll look
9 at Hinds County and you compare it to
10 Madison, Rankin, I think something needs to
11 be done about the number of child care
12 centers that are being allowed to open.
13 It's just a great imparity when you look at
14 Madison and all the other surrounding
15 counties. And anybody can get a license in
16 Hinds County, and they will open up in
17 front of you, and charge \$40 a week, and
18 it's just -- it's just a disgrace, in Hinds
19 County, how many day care centers there are
20 and the kind of quality service they're
21 providing. So I would just ask that, as a
22 licensing agency, that you-all would look
23 at that.

24 MR. SIMPSON: Anyone else?

25 MS. OSBORNE: Jearlean Osborne,

1 J-E-A-R-L-E-A-N, O-S-B-O-R-N-E.

2 I would like to say that a report on
3 finger scanning was published by the
4 Mississippi State University Stennis
5 Institute, and it includes information
6 about -- an advisor states, from USDA, to
7 not require finger scanning because it has
8 a deterrent impact on parents. It creates
9 a barrier preventing them from applying for
10 a service that they need and the program is
11 designed to provide.

12 I feel that Mississippi should abide
13 by this advisory from the federal
14 government, and eliminate finger scanning.
15 And I can relate to this as a single
16 parent, because I was a single parent, and
17 this kind of thing deter people that really
18 need the service to not want to do the
19 service, because there are things that --
20 I, as a person, did not want to be treated
21 differently from other people that had
22 money to pay for child care, because it's
23 not fair, because all children are
24 children, and children need to have
25 affordable and quality child care, and it

1 should not be a deterrent by using finger
2 scanning.

3 MR. SIMPSON: Anyone else?

4 Yes, sir. If you would, state your
5 name for the court reporter.

6 MR. BARBER: Sure. My name Rims
7 Barber.

8 MR. SIMPSON: Mr. Barber, you can
9 begin.

10 MR. BARBER: I have an alternative
11 proposal. If the Department of Human
12 Services feels it must fingerprint somebody
13 to have attendance carefully, everybody at
14 the State Street office of DHS should be
15 fingerprinted and have to do one of those
16 scans to sign in and sign out, so we don't
17 have anybody going to lunch too early or
18 coming back too late. Okay? You can
19 smile.

20 MR. SIMPSON: Okay.

21 Is there anyone else that would like
22 to speak?

23 Okay. As I stated before, if anyone
24 shows up between now and 1 p.m., we're
25 here. The court reporter is here. I will

1 call the room to order so that they can
2 speak and have the same respect of the
3 opportunity to speak to the Department of
4 Human Services as you have received. All
5 you have to do is find me. I'll be here or
6 off to the side. But as I said, the record
7 will remain open.

8 This transcript will be published to
9 the web. Give it just a little time so the
10 court reporter can make the transcription.
11 And this will be available for public
12 inspection at a very reasonable time.

13 If no other comments at the moment,
14 I'm going to ask the court reporter to go
15 off record until someone comes forward to
16 speak. Thank you.

17 (Recess.)

18 MR. SIMPSON: Okay.

19 MS. DEBBIE ELLIS: Debbie Ellis.

20 MR. SIMPSON: You can begin.

21 MS. ELLIS: Okay. I represent Delta
22 Licensed Providers, and I'm also a member
23 of the Mississippi Child Care Coalition,
24 and we object to the Xerox child care
25 methods of payment due to the agency's

1 continued failure to fully disclose the
2 adverse impact to small businesses in the
3 economic impact statement.

4 We further object to the newly
5 published RFP, and the proposed service
6 delivery system recently put on the website
7 by DHS, which includes the certificate
8 eligibility and delivery of distribution.
9 That is a significant amendment to the
10 state plan, and has not had or seen any
11 process of the Administrative Procedures
12 Act whatsoever, including notice and a
13 public hearing. So I place formal
14 objection to that, as well.

15 And I thank you, Dr. Dent, for being
16 here today. And thank you for allowing me
17 to participate in this exercise of
18 democracy.

19 MR. SIMPSON: Thank you.

20 And as I said, the record will remain
21 open until 1 p.m. We have another
22 approximately 45 minutes or so. So I will
23 ask the court reporter to go off record,
24 but if anyone would like to speak, and
25 you've not used your time, you're welcome

1 to tell me, and we'll go back on record.

2 Thank you.

3 (Recess.)

4 MR. SIMPSON: If we could have order.
5 We've got another public speaker.

6 Whenever you're ready, just state your
7 name.

8 MS. KAY: My name is Petra Kay. I'm
9 with Northtown Child Development Center in
10 Jackson, Mississippi.

11 I know an impact study was filed, and
12 I would like to know where the numbers came
13 from from the economic impact study,
14 because I don't think providers have been
15 polled or were interviewed, and it does
16 have a great economical impact, the Xerox
17 finger scanning.

18 I object to the Xerox finger scanning.
19 We've had one of the major security
20 breaches with Target through Christmas.
21 You may not be aware of that. Not only did
22 they access all Social Security numbers,
23 all PIN numbers, which, at first, they said
24 they did not, but all other financial
25 information of the card holders.

1 I do not believe that Xerox is even
2 capable of coming up with a security system
3 such as Target has developed. And even
4 Target's was not good enough.

5 I don't think that the fraud or the
6 alleged fraud by child care providers ever
7 has been proved or been investigated. So,
8 therefore, what justifies the cost of the
9 finger scanning?

10 And that's really all I have to say.
11 Thank you very much.

12 MR. SIMPSON: Like I say, the record
13 will remain open for another 35 minutes, if
14 anyone wants to speak.

15 We can go off.

16 (Recess.)

17 MR. SIMPSON: Let me go on record
18 and close the record down. We want to
19 thank you for coming out today to give your
20 comments at this public hearing. As we
21 said, the record will now be closed.

22 Any comments that were submitted
23 either in writing or today will be
24 transcribed by the court reporter and
25 published on our website in a reasonable

1 amount of time. We have to let the court
2 reporter work. But thank you for coming
3 out, and we appreciate your participation.

4 (Whereupon the hearing was concluded at
5 1:01 p.m., the same day.)

6

7 ORIGINAL: Mr. William M. Simpson, II

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CERTIFICATE OF COURT REPORTER

I, Catherine M. White, CSR, and Notary Public in and for the County of Hinds, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the testimony of the witness, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision and to the best of my skill and ability.

I further certify that I placed the witness under oath to truthfully answer the questions in this matter under the power vested in me by the State of Mississippi. I further certify that I am not in the employ of or related to any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal this the _____ day of _____, 201____.

CATHERINE M. WHITE, CSR No. 1309

My Commission Expires:
February 1, 2018