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PUBLIC MEETING

DATE: February 19, 2016

PLACE: Madison County Extension Office
152 Watford Parkway
Canton, Mississippi

TIME: 10:00 a.m.

PATRICK WALLACE, CCR # 1901

1 **PRESIDING:**

2

SARAH ROBERTS, ESQ.

3 **Mississippi Department of Human Services**

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1 MS. ROBERTS: Well, good morning, you all.
2 This is the public hearing to discuss the State Plan
3 for the Child Care Payment Program. And before we
4 begin, if -- I just want to remind you all, have you
5 all signed in?

6 AUDIENCE MEMBER: Uh-huh, yes, ma'am.

7 MS. ROBERTS: Okay. Because if you've
8 not, you'll need to. And you'll have from 10:00 --
9 I assume it's still 10:00.

10 MS. CHAUVIN: It's 10:01.

11 MS. ROBERTS: You'll have -- 10:01. So
12 you'll have until 10:31 or any of your coworkers or
13 friends or anyone that -- anyone that comes in, you
14 might want to remind them to sign in.

15 Again, my name is Sarah Roberts, and I'm
16 with the Attorney General's Office, and I'm one of
17 several attorneys that represents the Department of
18 Human Services. And I'm going to be presiding over
19 today's hearing.

20 Our purpose for today is to solicit your
21 feedback regarding the State Plan for Mississippi in
22 accordance with the federal requirements that were
23 signed into law in 2014 through the Child Care
24 Development Block Grant Act. And the most recent
25 draft of the grant -- or the act rather -- is -- was

1 on the 12th of February of this month, and it was on
2 the Mississippi Department of Human Services
3 website.

4 Were you all able to pull that up or are
5 you familiar with that? Do you have any questions
6 about that? Okay.

7 Okay. I'm going to read a few guidelines,
8 some of which... Of course, the purpose of the
9 hearing will be clearly stated as advertised.
10 Commenters are strongly encouraged to address the
11 topic at hand.

12 All hearings, and this hearing included,
13 will -- all hearings rather, there are other ones --
14 will be recorded. And there -- this one is
15 currently being transcribed by a court reporter.
16 Commenters are -- excuse me -- will speak in the
17 order in which they've signed.

18 And so this is Marianna Chauvan. And I do
19 know her, I just didn't want to mispronounce your
20 last name. And I will take that list in the order
21 in which you all have signed in to determine whether
22 or not you want to speak today.

23 Pre-written comments submitted on site
24 should be delivered to me within the first
25 30-minutes of this hearing. Pre-written statements

1 submitted after the first 30 minutes of the hearing
2 will have elapsed and not be accepted.

3 Comments may also be submitted using the
4 web form for up to five days following the hearing.
5 So I believe you told me until February the 25th --

6 MS. CHAUVIN: Yes.

7 MS. ROBERTS: -- of 2016.

8 MS. CHAUVIN: Uh-huh (affirmative
9 response).

10 MS. ROBERTS: Oral statements will be
11 limited to five minutes, and time limits will be
12 strictly enforced. Marianna is here, and she will
13 be keeping the time. And when your five minutes is
14 complete, the timer will buzz and we'll move on.
15 Commenters may not yield the balance of any unused
16 time to another commenter or audience member.

17 The member will adjourn after one or --
18 one of two conditions have been met. After three
19 hours have elapsed, or after the commenters have
20 been heard and duly allotted five minutes for each
21 presentation. The hearing shall not adjourn if 30
22 minutes have not elapsed since the start of the
23 meeting. Once the -- once I adjourn the meeting, no
24 further comments may be entered in the record.

25 All comments will be published and

1 publicly viewable online once the Department of
2 Early Childhood Care and Development has had
3 adequate time to compile the comments and receives
4 the transcript of the hearing from the court
5 reporter.

6 Let's see. Okay. I will ask you all if
7 you would if you haven't already, silence your cell
8 phone or any other electric device, and we will
9 begin. I'm going to call Miss Debbie Ellis. Yes
10 that's fine.

11 MS. ELLIS: Debbie Ellis, Delta Licensed
12 Providers, Greenwood, Mississippi. Professor George
13 Shepard, a leading expert on the Administrative
14 Procedures Act has written that a legislative
15 balance was struck when the APA was established
16 expressing the nation's decision to permit extensive
17 government, but to avoid dictatorship and central
18 planning.

19 In cases of a dictatorship and deceit such
20 as I feel have been demonstrated by DECCD and the
21 development of this State Plan under 5 US Code 706,
22 a court of law may hold unlawful and set aside
23 agency action, findings, and conclusions found to be
24 not in accordance with law and unsupported by
25 substantial evidence.

1 A substantial evidence review gives the
2 courts leeway to consider whether an agency's
3 factual and policy determinations were warranted in
4 light of all the information before the agency at
5 the time of the decision.

6 Therefore, based on that statute, I object
7 to the adoption of this proposed State Plan and its
8 conclusion to allocate initial and ongoing funding
9 to the Mississippi Quality Stars, Q-R-I-S, in spite
10 of the following evidence available to the agency at
11 this time.

12 It does not improve school readiness. It
13 does not improve social development. It has been
14 overwhelmingly rejected by as much as 75 percent of
15 child care stakeholders. It is not required for all
16 publicly funded early learning classrooms. So I
17 believe that's a violation of equal protection under
18 the law. It is not required by the Childcare
19 Development Block Grant.

20 It has been determined by the Mississippi
21 Committee to the US commission on civil rights to be
22 a potential violation of the civil rights law under
23 Title VII, as it is likely to have had a disparate
24 impact, racial discrimination on a disproportionate
25 number of members of a protected class, also based

1 on gender.

2 The required quality performance report in
3 statute 98.16(v) of the Childcare Development Block
4 Grant requires states and territories to establish
5 performance goals and targets in the plan -- in this
6 plan -- for the expenditures on activities to
7 improve the quality of care. And it is not
8 available as it should be in the appendix of this
9 State Plan. At least it was not available for me to
10 review online prior to this final hearing. So,
11 therefore, I object on that basis.

12 I further object due to the agency's
13 failure to provide and include, as an appendix, the
14 completed and recent market rate survey findings.

15 In the preamble to the 1998 final rule of
16 the Childcare Development Block Grant, it states a
17 system of child care payments that does not reflect
18 the realities of the market, makes it economically
19 infeasible for many providers to serve low income
20 children, undermining the statutory and regulatory
21 requirements of equal access and parental choice.

22 I also object to recent enforcement of
23 policies, at MSDH -- excuse me -- MDHS in
24 determining eligibility and terminating child care
25 systems to families in a way that is different and

1 set apart from the former pattern and practice the
2 child care providers are accustomed to.

3 Section 98.17(b)(2) requires lead agencies
4 to provide advanced written notice to affected
5 parties, specifically parents and child care
6 providers of changes in the program made through an
7 arrangement that adversely affect eligibility,
8 payment rates, or sliding fee scales.

9 Sections 98.18(b)(2) states the lead
10 agency must provide written notice to effective
11 recipients and child care providers prior to a
12 policy change that will reduce or terminate
13 benefits.

14 Thank you for this opportunity to practice
15 democracy. God bless America and fight the power.

16 MS. ROBERTS: Thank you. Next will be
17 Carol Burnett.

18 CAROL BURNETT: My name is Carol Burnett,
19 and I'm with the Mississippi Low Income Childcare
20 Initiative. And I have submitted comments through
21 the website, but I brought written comments to give
22 also. And I just want to highlight a few things
23 that are in here, but the things I highlight are
24 just a portion of what's in the written comments.

25 But, first, I want to just make sure that

1 the record for the State Plan public input reflects
2 the fact that there was recent civil rights
3 commission report released on how Mississippi
4 operates the Childcare Subsidy Program, and makes
5 several recommendations to the state for how the
6 state should improve the operation to reduce the
7 harmful impact on low income communities of color.

8 And those recommendations include
9 eliminating the child support requirement currently
10 in place, because it has a disparate, harmful impact
11 on woman. Making sure that parents are able to
12 actually keep child care for the full 12-month
13 eligibility period that's stated in the policy but
14 when reviewed the actual experience of parents
15 reflects that parents are only getting somewhere
16 between 13 and 260 days of service a year because of
17 all of the reporting requirements and the priority
18 population application and various the transitions
19 from TANF child care to transitional to regular, and
20 all the kinds of fault lines. Parents can fall
21 through the cracks and actually make the 12-month
22 eligibility not real for parents.

23 Thirdly, the recommendations call for
24 making sure that centers that serve low income
25 families have the money that they need to meet the

1 expensive standards in the quality rating system, to
2 eliminate rater bias that's exhibited through the
3 experience of some child care centers participating
4 in the quality rating system, to create written
5 policies that guide the quality rating system so
6 that participating providers know what the rules are
7 and have a process they can follow in the event that
8 they want to grieve what they consider an unfair or
9 biased rating experience.

10 And, finally, for the agency to operate
11 with transparency and to make data that's
12 comprehensive and accurate available to the public.

13 In addition, the comments I'd like to make
14 have to do with underscoring ensuring 12 months of
15 eligibility to parents to eliminate their
16 disruptions in service, and particularly to align
17 child care that is provided between TANF and CCDF
18 child care.

19 To create a consultation process with
20 providers, we would recommend an advisory counsel of
21 child care providers be created to create dialogue
22 with the providers who participate in the Child Care
23 Subsidy Program so that their experience can be
24 heard and incorporated as the program is implemented
25 and the State Plans are developed.

1 Again, for the quality rating system to
2 include funding to support centers participation and
3 success. For the quality funds to be used to
4 provide not just scholarships for workers to get
5 higher levels of education, but also for workers to
6 get stipends that will provide incentives to get
7 higher education, but also help give increased wages
8 that centers can't afford to pay, but would retain
9 those workers once they've gotten those highers
10 levels.

11 And that is part of the model for North
12 Carolina. It's the teaching wages package. We do
13 teach, but we don't do wages. And without wages,
14 we're just creating a pathway out of child care
15 because child care can't pay those highers wages.

16 Use more TANF money to serve more
17 children. Right now there are about 14,000 kids on
18 the pending funding list, which means we've got a
19 huge waiting list of children that need child care.
20 And we've got TANF funds that could be used to
21 provide more child care, which we should do.

22 And we should work really hard. The new
23 federal regs require a lot of stuff that's going to
24 cost money. But in light of how few eligible
25 children were serving in this program, making sure

1 we put as much money and services to children as can
2 be put while still meeting the other federal
3 regulations needs to be a very high priority.

4 And, finally, when we provide consumer
5 education for parents, we should also include the
6 hours that centers operate and the fees charged, so
7 they can find programs that are affordable and cover
8 their work hours. Thank you.

9 MS. ROBERTS: Thank you so much. Brittany
10 Case.

11 BRITTANY CASE: I've actually decided not
12 to speak because Ms. Debbie and Ms. Carol say it
13 much better than I can.

14 MS. ROBERTS: Okay. Ms. Osborne. Did you
15 not -- I'm sorry. Okay. My apologies. You don't
16 have to.

17 JEARLEAN OSBORNE: My name is Jearlean
18 Osborne. And I just want to reemphasize the
19 importance of having parents to -- only for
20 eligibility once a year. And I also emphasize that
21 it is very important through my interactions with
22 child care centers and the providers as well as the
23 employees, that there will be some incentives in
24 place to retain the employees that are at the
25 centers through some kind of stipend when they get

1 the higher education so that they won't have to
2 leave the child care center where they are in order
3 to make a living wage. So those two things I think
4 are highly important in order for us to see some
5 great improvement in the way child care is
6 implemented.

7 MS. ROBERTS: Thank you.

8 JEARLEAN OSBORNE: Thank you.

9 MS. ROBERTS: Deloris -- I cannot read
10 your last -- Suel.

11 DELORIS SUEL: It's actually just like
12 fuel just with an S on it.

13 MS. ROBERTS: Okay, okay.

14 DELORIS SUEL: First I'd like to say good
15 morning. Again, I'm Deloris Suel. I'm also the
16 president of the Childcare Directors Network
17 Alliance in Jackson. And I don't want my comments
18 to appear to be negative, but I do have some
19 concerns, not only about the State Plan, but the
20 manner in which things are being delivered.

21 One, the webinar, I ask that some of the
22 places be either changed or the times be changed.
23 And as you probably see, some of the times
24 conflicted with directors having -- being able to be
25 here, and the areas in which some of the places that

1 determine this hearing be. I live in Jackson, but I
2 got lost. 30 minutes.

3 And the other thing, I have some concerns
4 about the open meetings, whereas the webinars and
5 that the equipment kept breaking down. And the Open
6 Meetings Law say if equipment breaks down, that
7 either it stops and it's immediately fixed until
8 everybody can hear, or the meeting should be
9 rescheduled. And that did not happen.

10 Many providers say that even though they
11 submitted written information, it was not read off
12 to the people that were on the webinar. I ask that
13 we look at the negative impact that the policies
14 have on providers. As Carolyn said, that it does
15 allow a disparate impact for minority providers.

16 And I had some concern also about the
17 questions. I guess you say it was a survey as to
18 whether or not it was actually a survey during the
19 webinar or whether the need assessment. That was
20 not disclosed to us, exactly how the information was
21 going to be used. And I think it should have been.

22 The other thing I saw referenced in the
23 plan about having a website for non-English speaking
24 people. I've looked. I've not found it. I'd like
25 to be directed to -- to where I can find the plan in

1 Spanish and said it -- Vietnamese it said it was
2 available.

3 I feel that agencies that receive slot
4 awards, we did not get any information on them. I
5 don't -- and they may have been in the plan. I did
6 see some information, but the policies were not
7 followed. And the process has not been followed.
8 And in the plan, it really doesn't address how
9 that's going to be done.

10 Redetermination. We have some concerns
11 about how redetermination is not being provided to
12 providers, so that we would know because we look at
13 lot of the parent's children, that they're very
14 young, so we have to guide them. And it would be
15 good if the written redetermination information
16 would be sent to the providers as well as the
17 parents so we can help them walk through.

18 I'm concerned about the Early Years
19 Network being a one-stop shop because it's been a
20 while now. They -- there have been no RFP to
21 include any other agencies, and I think there should
22 be one.

23 I'm concerned about the 2000 census
24 information that was provided. It indicated that
25 there may be an increase about October 1. There was

1 no information as to what it would be, or it wasn't
2 clear.

3 And I have some concerns about the
4 partnerships being the same. I feel that there
5 should be some more people included and information
6 provided to us as to how we can also be, you know,
7 involved.

8 I have concerns about the QRIS, Q-R-I-S,
9 having a desperate impact on African American
10 providers in that we cannot afford the money to do
11 the things that are being required. Not only that.
12 It's been shown by Porter Graham that it does not
13 help with kids' outcome. And this is what we're
14 about. And so many people think we do nothing.

15 I used to work for institute programs
16 which is marvelous. And it actually evaluates the
17 students, provide them where they miss things. And
18 we should be looking at other ways than having
19 tunnel vision as to what we do with these children.

20 And I'm concerned about the QRIS being
21 revised. But the Early Years Network appears to be
22 going right on with the information that's been
23 criticized by Porter Graham. And to me that a waste
24 of money.

25 About -- I have also, whether or not,

1 advising parents about the exemption under child
2 support. Some parents do have abusive fellow man or
3 whatever. And because this child support
4 initiative, they were not applied. And I have not
5 gotten this one in. About the changing in
6 eligibility or any money that what may be available,
7 it stated had it may be in October.

8 We'd like to know if they have to do
9 something different before that time. So that we
10 can help the parents to do that. Thank you.

11 MS. ROBERTS: Thank you. Ms. Gary, did
12 you want to speak?

13 MS. GARY: No.

14 MS. ROBERTS: Okay. that is it.

15 MS. CHAUVIN: It is 10:25 so we'll wait
16 until 10:31.

17 MS. ROBERTS: Okay.

18 MS. CHAUVIN: Just to give everyone a
19 chance to come in.

20 MS. ROBERTS: Well, right. If anybody has
21 anything else you want to say, you are certainly
22 welcome to come and speak, or stand where you are
23 and speak.

24 CAROL BURNETT: Can I ask a question?

25 MS. ROBERTS: Sure.

1 CAROL BURNETT: Will there be any response
2 to input?

3 MS. ROBERTS: Yes. Not today. Right.
4 The MDHS will upload it or put it online. And
5 before we leave here, will you let them know how to
6 access that?

7 MS. CHAUVIN: Yes.

8 MS. ROBERTS: Okay. And I'm sure if you
9 do have any difficulty accessing anything online,
10 you can always call the division and just say, look,
11 I'm having difficulty and --

12 MS. CHAUVIN: It's all on the same web
13 page that you were all directed for -- to in regard
14 to the schedule for today and the plan. It will all
15 be on the same page.

16 CAROL BURNETT: Okay.

17 AMANDA TILLMAN: My name is Amanda
18 Tillman.

19 MS. ROBERTS: All right.

20 AMANDA TILLMAN: I'm from the Learning
21 Tree in Raymond, Mississippi. I'm the director.
22 Okay. And the time is?

23 MS. CHAUVIN: 10:27.

24 AMANDA TILLMAN: At this time, no, I'm not
25 going to speak.

1 MS. ROBERTS: Okay. Well --

2 DELORIS SUEL: Can I say one thing,
3 though?

4 MS. ROBERTS: Sure.

5 DELORIS SUEL: I do have a concern about
6 the division of the children, I guess. And I think
7 there was something in there about organizing a
8 committee. I don't know exactly the name of it. I
9 had it, but -- and I just think that when the plan
10 was first done and we had the webinar, it would have
11 helped a lot had I had whatever you had for the plan
12 in being able to ask questions.

13 You know, you read some things out, but in
14 looking at the plan, there were many other things
15 that drew my attention that I could have, you know,
16 spoken to during that. I just recommend that. And
17 I know they said that DHS didn't have it and all
18 this. But it's very difficult to speak to
19 something, site unseen. And it puts us at a
20 disadvantage when you do that.

21 MS. ROBERTS: Just for my clarification,
22 what -- what -- are you saying you have not -- you
23 hadn't seen --

24 DELORIS SUEL: We have not -- during the
25 webinars, we have not seen the state plan. It was

1 not available at that time.

2 MS. ROBERTS: Oh.

3 DELORIS SUEL: That's what I'm saying.

4 MS. CHAUVIN: Webinars are not part of the
5 federal requirement. We did that during the writing
6 process in order to solicit input before we actual
7 compiled the --

8 MS. ROBERTS: Will you tell them that?

9 MS. CHAUVIN: The webinar series is not
10 actually part of a federal requirement. That's
11 something that we did during the writing process to
12 enable us to get feedback before we actually
13 finished our draft. The draft of the State Plan was
14 available prior to this meeting.

15 DELORIS SUEL: I know. But during that
16 time, you should have the webinar. It would have
17 helped to provide it to us. And I --

18 MS. ROBERTS: Well, and maybe they can do
19 that in the future, you know.

20 DELORIS SUEL: Yeah. But, you know, when
21 you put it in the plan that we've had these webinars
22 and you've done this, that, and the other, you had
23 them. But were we knowledgeable of everything that
24 we were speaking to even -- whether the needs had
25 been done. And I think one of the other things that

1 we did was we -- where we look at the number of
2 children -- I forget the name of it, Carolyn -- to
3 determine the fees and all. And providers are
4 afraid when we get that stuff. And when we got it,
5 so much information to determine the fee was so
6 personal. Bank account information. And I couldn't
7 understand that.

8 It came from the Early Years Network, I
9 think. But the -- it was just mind boggling. The
10 organization did send a letter concerning that. But
11 I just think a handle need to be put on the Early
12 Years Network so that you will know exactly what
13 going out. And if you allot -- don't -- I'm hoping
14 you do. But some of the things that we get from
15 them, it makes providers feel that we should not
16 participate, because when you start asking folks
17 about their tax information and say this is to help
18 you do a better job.

19 I've been in business about 40 years, and
20 I have a CPA. I don't the Early Years Network to
21 help me with my taxes. So some of the information
22 that I really think that someone should review the
23 organization. Parents, somebody needs to look at
24 what they're doing.

25 MS. ROBERTS: Okay. Thank you. At this

1 time it is 10:31. There's another lady that I see.

2 MS. CHAUVIN: It's at your discretion.

3 JEARLEAN OSBORNE: I just want to say that
4 in the future for the hearings, if they could be
5 later in the evenings so that more providers can
6 attend. Because when it's during the day, it's
7 really hard for people get away from their centers
8 during the day.

9 DELORIS SUEL: That's kind of conflicting,
10 because some people can't get away. Like they -- I
11 know we can't --

12 JEARLEAN OSBORNE: I said evening. I
13 didn't say afternoon.

14 DELORIS SUEL: Oh, after 1:30. Okay.

15 JEARLEAN OSBORNE: After hours, yes.

16 DELORIS SUEL: After hours when we're
17 closing is what she's saying.

18 JEARLEAN OSBORNE: Yeah.

19 DELORIS SUEL: Okay.

20 AMANDA TILLMAN: And I would like to make
21 a statement about webinars. I think the webinars
22 are scheduled, and I've got the email. But we have
23 a small child care center. And I'm sure me -- I,
24 like most us or a lot that are not here, we have to
25 be on hands, we have to do on hands. We have to be

1 either in the classroom, in the office or something.
2 So when you got that -- picking up children and
3 doing something. So when you have that time set
4 aside, we can't take that time. We can't take that
5 that out of the day because we don't know what comes
6 up. Something happens, somebody's out sick or
7 something. So that we can't just take that block of
8 time and designate it to that, because we have to
9 deal with something else.

10 So I'm with the lady over here. It could
11 be scheduled on a -- in -- after our work hours, a
12 meeting or something so that we could discuss and we
13 have representation. And then we have time to -- we
14 can block out that time for the meetings.

15 DELORIS SUEL: And can I ask one more
16 question. (Unintelligible.) Since you're having
17 the revision of the QRIS and none of it open meeting
18 at -- it does not restrict other people from coming
19 into that meeting just to observe. And I would like
20 to be one of the people just to observe. I don't
21 have to be on the committee that you chose, but I
22 would like to be there. And the log does not
23 restrict it. If it does, let me know. So I think
24 it should be open to the public. All the meetings
25 should be open to the public. And some of the

1 meetings that you're having are restricting people
2 from coming and that's not fair.

3 MS. ROBERTS: Anybody else?

4 DELORIS SUEL: That's it.

5 MS. ROBERTS: Okay. That's fine. All
6 right. Well, thank you all for coming today. And,
7 again, your comments have been recorded and will be
8 uploaded to the Mississippi Department of Human
9 Services website. Did you have any other technical
10 questions about that?

11 DELORIS SUEL: Do you know about how long
12 it may be?

13 MS. ROBERTS: Well, the court reporter
14 here will have to transcribe this meeting. And, you
15 know, that -- just from knowledge of using court
16 reporters, that may take a week or two depending on
17 his schedule. And so -- but it shouldn't be much
18 longer than that, do you think?

19 MS. CHAUVIN: We'll need time to respond
20 as well. But we'll --

21 MS. ROBERTS: Right. Certainly. Well,
22 the Department -- of course. The Department will
23 take the time to review what has been said today and
24 respond accordingly. And then it will be open. I
25 don't know -- I'm not -- I don't handle that

1 directly, so -- do you know like in the past has it
2 been?

3 MS. CHAUVIN: I'm not sure. I can't --

4 MS. ROBERTS: Okay. Well, we're not sure.

5 DELORIS SUEL: They never put it online in
6 the past.

7 MS. ROBERTS: Okay. Well --

8 DELORIS SUEL: They don't know.

9 MS. ROBERTS: Well, we're glad that it's
10 going to be online this year. Thank you all.

11 (Time Noted: 10:35 p.m.)

12

13 ORIGINAL: MARIANNA CHAUVIN, MPPA

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CERTIFICATE OF COURT REPORTER

I, Patrick W. Wallace, Court Reporter and Notary Public, in and for the State of Mississippi, hereby certify that the foregoing contains a true and correct transcript as taken by me in the aforementioned matter at the time and place heretofore stated, as taken by stenotype and later reduced to typewritten form under my supervision by means of computer-aided transcription.

I further certify that I am not in the employ of or related to any party in this matter and have no interest, monetary or otherwise, in the final outcome of this matter.

Witness my signature and seal this the 3rd day of February, 2016.

Patrick Wallace

PATRICK W. WALLACE
CCR #1901



My Commission Expires:
January 14, 2020