

MINUTES

JOINT PERFORMANCE REVIEW COMMITTEE

July 10, 2017

The Joint Performance Review Committee met Monday, July 10, 2017 at 1:30 p.m. in Room 171, State Capitol, Little Rock, Arkansas.

Committee members present: Senator Missy Irvin, Senate Chair, Lance Eads, Jane English, Keith Ingram, and Terry Rice. Representatives Mark Lowery, House Chair, Carol Dalby, Kenneth Ferguson, Jack Fortner, Mickey Gates, John Maddox, Reginald Murdock, Aaron Pilkington, Brandt Smith, Dwight Tosh, and Clarke Tucker.

Other members present: Representatives Charles Blake, Andy Davis, Jim Dotson, Vivian Flowers, Kim Hammer, Mathew Pitsch, and Jeff Williams.

Call to Order

Senator Irvin called the meeting to order.

Consideration for Approval of Minutes of the June 20, 2017 JPR Committee Meeting [Exhibit C]

The minutes of the June 20, 2017 JPR Committee meeting were approved by acclamation.

Consideration of Licensing, Inspections, and Assessments of Child Care Facilities in Arkansas, Plus Policies, Procedures, and Contracts for Medicaid Non-Emergency Transportation (NET) Services

Senator Irvin pointed out the oversight role the JPR Committee plays in looking into issues which occur, as well as constituent and citizen concerns. She then recognized Tonya Russell Williams, Director, Division of Child Care and Early Childhood Education (DCCECE), Arkansas Department of Human Services (DHS), David Griffin, Associate Director, Licensing and Quality Accreditation Unit, DCCECE, DHS, and Tami Harlan, Assistant Director, Division of Medical Services (DMS), DHS.

Ms. Williams gave an overview of the licensing requirements by the DCCECE including transportation:

- 2,350 childcare centers are licensed in Arkansas
- DCCECE has 37 field staff personnel in county offices throughout the state
- Each field staff person has a caseload of 65 childcare center programs
- Programs include Head Start, the Arkansas Better Chance programs in school districts, and family childcare homes
- DCCECE field staff perform three unannounced visits annually to each site to ensure regulations are being followed

DCCECE is responsible for the monitoring of licensed daycare centers to ensure that health and safety regulations are being followed. Ms. Williams said that any time an adverse situation occurs, DCCECE conducts an assessment of the monitoring procedures to determine if improvements are needed. Following the recent tragedy surrounding the death of a child left in a daycare center van, DCCECE conducted an internal assessment. Based on their assessment, DCCECE will implement the following changes to their transportation monitoring procedures:

- DCCECE field staff will work directly with the director or manager of each childcare center during the implementation of the new procedures
- Following implementation of the procedural changes, DCCECE field staff will perform a walk-through with daycare center drivers and employees to ensure that the new procedures are being used
- The walk-through will occur during one of three unannounced visits DCCECE field staff are required to conduct annually
- If DCCECE field staff are unable to monitor an active transportation procedure during one of the required visits, a follow-up visit is required within thirty days
- During the follow-up visit, the field staff will monitor the actual procedure
- DCCECE will schedule training for all DCCECE field staff on the new procedures in the next two to three weeks
 - Legislation passed by the General Assembly in 2005 required alarm systems to be placed in the rear of vehicles used by daycare centers
 - DCCECE regulations require van drivers and/or daycare center employees to walk-through to the rear of the vehicle, inspect all seats, and deactivate the alarm buzzer

David Griffin told legislators that approximately 750 daycare centers from the 2,350 licensed centers in Arkansas offer transportation. He then described cases reported to the DCCECE of violations committed by daycare center employees. He gave the example of a driver who asked a child in the rear of a van to turn off an alarm buzzer. The most extreme case reported was a daycare center discovering an alarm system had been disabled. The DCCECE has not confirmed that the alarm system had been intentionally disabled, or if the cause was a system failure. Legislators suggested that DCCECE research new methods of technology to ensure that children are safely removed from vehicles. Suggestions included weighted car seats with pressure sensitive alarms, identification cards with an electronic tracking system, and facial recognition software.

Mr. Griffin outlined actions the DCCECE is authorized to impose on daycare centers when violations are found:

- Centers can be instructed to establish a corrective action plan
- Centers are expected to terminate employees who tamper with an alarm system
- Centers should retrain all employees when a violation has been found
- Probation and provisional licensing of a facility can be imposed by DCCECE
- A center's license can be suspended by the DCCECE
- A center's license can be revoked by the DCCECE

Mr. Griffin described the process daycare centers practice on a daily basis when transporting children:

- Children are picked up between 6:30 a.m. and 7:00 a.m.
- The child's parent signs a form showing the child was picked up
- A childcare worker riding in the vehicle registers the time and identification of the vehicle being used to transport the children
- When the vehicle arrives at the daycare center, a childcare worker unloads the children and walks to the rear of the vehicle to turn off the alarm buzzer
- A daycare worker escorts the children into the center
- Once inside the center, the director or manager enters the child's name into a daily attendance roster

Tami Harlan, Assistant Director, Division of Medical Services (DMS), DHS told legislators that a non-emergency transportation program is mandated by the U.S. Centers for Medicare and Medicaid (CMS) for all states. She gave an overview of the Arkansas DMS program:

- Arkansas has twelve contracts within twelve regions throughout the state
- Each of the twelve regions contracts with a broker to hire a transportation provider
- Transportation providers can bid to serve an unlimited number of daycare centers within a region
- Maps (Handout 1) showing the twelve regions and transportation providers in each region were distributed to legislators

Ms. Harlan referenced procedures implemented by Southeast Transit, a transportation provider in Region Four. Southeast Transit serves several daycare centers in the region. Following the recent tragedy at the daycare center Southeast Transit serves, new safety measures were implemented using I-Pads for the inspection of vehicles, including:

- Daycare center drivers and childcare employees will walk-through a vehicle inspecting the seats and upload the data in real time to the center's director or manager
- The use of the I-Pad will show the vehicle is empty of children when the alarm system is turned off

Senator Irvin introduced Chris Maurras, a daycare center owner. She told legislators Mr. Maurras contacted her with suggestions for improvements that daycare centers can implement. He described a web-based Electronic Medical Record (EMR) software program he implemented in one of his centers beginning June 2017, which includes:

- The program uses a pin number for each child as they check in and check out of the center
- The daily schedule for each child is integrated into the software program
- Teachers and therapists use the system to check children into and out of classes and activities, which shows the child's exact location at all times

Mr. Maurras believes the new system will improve the safety of the children who attend the daycare centers.

Discussion of Juvenile Detention Centers Managed by the Division of Youth Services and the Virtual Arkansas (VA) Online Learning Program [Exhibit E]

Senator Irvin recognized Betty Guhman, Director, Division of Youth Services (DYS), DHS, Marq Golden, Assistant Director, DHS, Marcella Della Rosa, Education Superintendent, DHS, and Rebekah Lee, Deputy Chief of Legislative Affairs, DHS.

Ms. Guhman told legislators that as of January 1, 2017, DHS took over the management of seven Juvenile Treatment Centers across the state. The Centers had been under the management of two providers for a number of years. The Centers are located in Colt, Harrisburg, Mansfield, Dermott, and Lewisville, with two units located at two of the Centers. At the request of the Governor, DHS has conducted a comprehensive assessment of all the facilities. Although DHS has completed its assessment, a final recommendation to the Governor regarding the future management of the facilities has not been completed. DHS has entered into contracts with local community health centers to provide mental health treatment services at each of the facilities with personnel on-site full time. DHS has also partnered with Virtual Arkansas to provide

educational services using an on-line curriculum. Each student at each facility will be assessed to allow specific lesson plans to be developed for each juvenile.

Marq Golden gave highlights of the process DYS used to assess the educational level of the students:

- Students were assessed through a classification process by grouping students together based on their age group and grades
- Gaps were discovered in the students skill levels because different facilities operated their classrooms differently with completely different classwork

Dr. Della Rosa gave an overview of how classes will be conducted in each of the treatment centers when Virtual Arkansas assumes responsibility:

- Class size will accommodate a maximum of ten students
- One to three adults will be assigned to each classroom
- Eight Virtual Arkansas teachers will be hired to cover core subject areas
- Coaches in classrooms will work with students to assist in communication and proctor testing

Ms. Guhman noted that educational services for the treatment centers is new and will begin at all the treatment centers at the same time. DYS will monitor the program before making a final decision on the recommendations it will present to the Governor.

Kathy Swan, Executive Adviser to Virtual Arkansas, was recognized. She told legislators Virtual Arkansas teachers will visit each site two times per nine weeks with the first two visits occurring early in the first nine weeks to build face-to-face relationships with the students.

Legislators discussed agenda items for a potential JPR committee meeting to be held in August, 2017, which will include a presentation by the Arkansas Secretary of State's Elections Division pertaining to voting equipment and safeguards of voter information.

Senator Irvin announced that the JPR Committee is scheduled to meet Tuesday, July 11, 2017 at 7:15 a.m. at the Washington Magnet Elementary School in Little Rock, Arkansas. Legislators will participate in a USDA Summer Feeding Program and hear discussion of similar programs available throughout the state. Senator Irvin told legislators that a volunteer form will need to be completed today for those who plan to participate in the Tuesday activity.

There being no further business, the meeting adjourned at 3:30 p.m.