

# **OPERATIONAL POLICIES AND PROCEDURES ARKANSAS EARLY CHILDHOOD COMMISSION**

## **1.0 GENERAL INFORMATION**

Act 202 of 1989 (Arkansas Code Annotated 20-78-501) was the original legislation which created and prescribed the functions, duties and powers of the Arkansas Early Childhood Commission. Act 324 of 1999 amended Act 202 to further define the functions, duties and power of the Arkansas Early Childhood Commission.

## **2.0 PURPOSE**

The purposes of the Arkansas Early Childhood Commission as prescribed by Acts 202, 1132, 1222 and 324 are:

- A. To advise the Division of Child Care and Early Childhood Education on the administration of the Arkansas Child Care Facilities Loan Guarantee Trust Fund;
- B. To provide technical assistance in design of *training* programs to enhance the skills of professionals in early childhood programs, including the development of an annual comprehensive training plan for providers;
- C. Examine the recommendations of national and regional groups and systems producing scientifically proven and cost effective results used by others to provide child care and early childhood services;
- D. To assist in the development of a comprehensive long range plan for expansion, development and implementation of early childhood programs in Arkansas including recommending allocation and expenditures of funds appropriated to the Arkansas Better Chance Program;
- E. To facilitate coordination and communication among state agencies providing early childhood programs to promote nonduplication and coordination of services in such programs and recommend a structure for the administration of the current existing programs and the recommended programs;
- F. To advise the Department of Education and other appropriate state agencies in the development of programmatic standards for early childhood programs to be funded with funds appropriated to the General Education Division or to such other state agencies as may receive appropriations for such purposes;
- G. To promote strong local community support for early childhood education program;

H. To promote public awareness of child care and early childhood programs;

I. To review and approve proposed rules and regulations setting minimum standards governing the granting, revocation, refusal and suspension of licenses for a child care facility and the\_ operation of child care facilities in the state;

J. To review and select panel members for the Child Care Appeal Review Panel from applications submitted ensuring persons meet the qualifications for service and exhibit a willingness and time commitment to serve on the Panel;

K. To serve as an advisory body to the Department of Education on' early childhood program issues;

The Arkansas Early Childhood Commission shall report progress toward meeting their duties annually to the House Education Committee and Senate Education Committee.

## **2.1 MISSION STATEMENT**

As good stewards of the public *trust*, we will advise the Division of Child Care and Early Childhood Education in supporting the optimal and ongoing development of young children in Arkansas.

The AECC will provide support by:

Ensuring access to a safe, healthy and high-quality early childhood education,

- Providing information to support a developmentally appropriate and nurturing learning environment,
- Providing feedback and strategies to support quality training to child care providers, other staff, and educating the community.
- Educating, assisting, and engaging parents and families, and
- Engaging in state partnerships that will build systems and enhance the future success for all children.

## **3.0 COMPOSITION AND MEMBERSHIP OF THE COMMISSION**

The Commission is composed, as prescribed by Act 403 of 2013, of twenty-five(25)members appointed by the Governor. The composition as contained in Act 403 is as follows:

a. Three (3) members affiliated with child care provider agencies, organizations, or programs;

- b. Four (4) members affiliated with a Head Start program;
- c. One (1) member affiliated with a HIPPIY program;
- d. One (1) members employed as an administrator by a public school district;
- e. One (1) member employed by a public school district as a teacher with early childhood responsibilities;
- f. The Director of the Department of Health or her designee;
- g. One (1) member trained as early childhood education professional;
- h. One (1) member who is parent of a child who attends child care program;
- i. One (1) member to be appointed by chair of the Department of Career Education.
- j. The Director of the Department of Education or his designee;
- k. Two (2) members representing the business community who have an interest in early childhood education;
- l. One(1) member to be appointed by chair of the House Subcommittee on Children and Youth of the House Committee on Aging, Children *and* Youth, Legislative and Military Affairs;
- m. One (1) member to be appointed by chair of the Senate Committee on Children and Youth;
- n. One (1) member to be appointed by chair of the House committee on Education; and
- o. One (1) member to be appointed by chair of the Senate Committee on Education.
- p. One (1) member who is a Social/Emotional Clinical Provider.
- q. Two (2) members who are Family Physicians/Pediatricians.
- r. One (1) member affiliated with Colleges for Teachers Education.

### **3.1 TERMS OF MEMBERSHIP**

Commission members will be appointed to three (3) year terms. The Governor will appoint initially (terms beginning July 1, 1998) five (5) members to one year terms, seven(7) members to two years terms and five(5) members to three year terms. Upon completion of the initial terms, all members will serve for three year terms. 6 members will come off each year. 1/3 will rotate annually.

### **3.2 VACANCIES**

The Chairman of the Commission will notify the Office of the Governor of impending completion of appointed terms or resignation by Commission members.

### **3.3 ELECTION OF CHAIRMAN**

A. The Governor initially (July 1, 1989) designated a Commission member to serve a one year term as Chairman. Upon completion of that initial term, the Chairman would be selected annually to begin his/her term as chairman at the first scheduled meeting after July 1 of each year.

B. The Chairman will be selected by a majority vote of the membership of the Commission.

C. Election of the Chairman will take place at the first regularly scheduled meeting of the Commission after July 1 of each year.

D. The Commission Chairman may serve two(2) consecutive terms.

Upon completion of those terms	the Chairman will be ineligible
for a third consecutive term.	The Chairman may be eligible for
re-election to a third term if	the terms are not consecutive.

E. The chair shall serve a one year term or until another person is selected as chair. The new chair shall take office at the time of election.

### **3.4 NOMINATION PROCEDURES**

A nominating committee will be formed prior to election of the chairman each year for the purpose of submitting a name or names to the commission for consideration as chairman for the succeeding year. In addition, the nominating committee may choose to submit names for a Vice-Chair person and Secretary.

### **3.5 CODE OF CONDUCT**

A. The Commission is the group in whom the State places the public trust, the obligation to perform and the right to act.

B. The Commission always acts as a body. Only the Commission as a whole has a position on any matter before it.

C. An individual member cannot decide for the group or act or speak on behalf of the Commission, unless specifically empowered to do so. Individual Commission members cannot exercise their authority individually, but rather through collective action.

D. A Commission member can fulfill his or her legal obligations and avoid personal liability for any noncriminal acts by acting in accordance with two principles:

1. Always act, as a reasonably prudent person, avoid self dealing, i.e., do not offer self-serving advice or vote on decisions which provide personal profit or benefit.
2. Act in terms of the principle of good faith, i.e., attendance at Commission and committee meetings, review of materials, active participation in Commission meetings, including recommendations and objections for the record.

### **3.6 CONFLICT OF INTEREST**

- A. No member of the Commission shall use such appointment for purposes which are motivated by private gain, including gain for provider, claimants or victims with which the Commission is associated with in any capacity. There shall exist a conflict of interest when a provider with whom the Commission member is associated appears before the Commission in the course of business of the Commission.
- B. When such a conflict arises for a member, the individual member should declare the conflict.
- C. Any member of the Commission who questions whether or not another member has a conflict of interest in the matter under discussion may ask for a determination by the Commission. If the Commission finds that a conflict exists, the affected member shall also follow the above noted procedure.
- D. Any member of the commission who declares a conflict of interest, or who is found to have a conflict, should neither participate in debate nor vote on the issue in question.
- E. Appointees to the Early Childhood Commission may not enter into a contract with the Department for professional or consultant services except as an employee of an institution of higher education under a contract executed with the institution. (Ark. Code Ann. 19-4-1701)

### **3.7 PUBLIC CONCERNS**

- A. Commission members shall be readily accessible to the public, especially in their own local areas and in situations reflective of their specific position on the-Commission.
- B. In responding to public concerns the following guidelines should be adhered to:
  1. Listen to the individual or group and clearly define the concern;
  2. Ascertain whether the issue has been discussed with the person immediately responsible or is second or third hand information;
  3. Advise the concerned individual or group of the procedure established to handle such concerns, direct them to the Director of the Division and inform the Director of your contact;

4. Express appreciation to the individual or group for their interest in early care and education and for sharing the concern;
5. Affirm the desire to reach a satisfactory solution in a timely manner;
6. Ask them, if appropriate, to report back on the progress or resolution of the concern;
7. Report the full details of the concern to the chair and the Director in a timely manner, and ask that they keep you informed of developments;
8. Forward any correspondence or communication from individuals or organizations relating to business of the Commission to the Chair and Director if it appears that the *communication* was sent to only one member.

#### **4.0 COMPENSATION FOR COMMISSION MEMBERS**

The members of the Commission shall serve without compensation or per diem but shall be entitled to reimbursement for actual expenses incurred in the performance of duties as member of the Commission. Expense reimbursement shall be in accordance with state travel and official business expense reimbursement procedures and regulation.

#### **5.0 DESIGNATED MEETINGS**

The Commission shall meet at least quarterly on the third Tuesday of the following months: January, April, July and October, and at such other times as may be deemed necessary for the performance of the duties of the Commission. Special meetings of the Commission may be called by the chairman or by agreement of a majority of the members of the Commission.

Meetings of the Commission shall follow Robert's Rules of Order.

#### **5.1 QUORUM**

A quorum shall consist of a simple majority of the membership of the Commission or 13 members.

#### **5.2 PUBLIC NOTICE**

Notice shall be provided of all regular and called meetings of the Commission to interested parties and the public in general. All meetings are open to the public. The Chair shall be responsible for determining when and the length of public comment allowed during a Commission meeting. Time limits may be designated.

#### **5.3 ATTENDANCE**

A. Attendance Required. In order to ensure broad representation and a quorum, all commission members have a responsibility to attend all regular or special meetings of the commission. AECC members can send a proxy (*a person who meets the same criteria with the knowledge and expertise as the Commissioner*). The member will notify the chair that someone is coming to cover for them, if they are absent.

B. Excessive Absences. A commission member shall be subject to removal from the commission in the event the member shall fail to present to the Governor a satisfactory excuse for his absence. Unexcused absences from three (3) successive regular meetings, without attending any intermediary called special meetings, shall constitute sufficient cause for removal.

C. Notice and Removal procedures. Removal of Commission members shall be in accordance with the following:

1. Within thirty (30) days after each regular commission meeting, the secretary of the commission shall notify, in writing, the Governor of any member who has been absent from three (3) successive regular meetings, without attending any intermediary called special meetings. The secretary's notice to the Governor shall include a copy of all meeting notices and attendance records for the past year. Any commission secretary failing to submit the notices and documentation required by this section shall be considered as cause for removal by the Governor in accordance with the procedures set forth at Arkansas Code Annotated 25-17-210.

2. Within sixty (60) days after receiving the notice and supporting documentation from the Commission secretary, the Governor shall notify, in writing, the commission member of this intent to remove the member for cause. This notice shall suffice for the notice required in A.C.A. 25-17-210(a).

3. Within twenty (20) days of the date of the Governor's notice, the member may request an excused absence as provided by the act or may file with the Governor's office notice that the member disputes the attendance records and the reasons thereby.

4. The Governor shall grant an excuse for illness of the member when verified by a written sworn statement by the attending physician, or other proper excuses as determined by the Governor.

5. After twenty (20) days of the date of the Governor's notice, if no rebuttal is received or other adequate documentation submitted, the member may be removed in accordance with the provisions set for at A.C.A. 25-17-210.

D. Reimbursements Withheld. Any commission members referred to the Governor because of excessive absences under the provision of Act 219 of 1997, shall not be entitled to any expenses reimbursement for travel or attendance of any subsequent

meeting until the commission receives notification from the Governor that the member has been excused for the absences. (Act 219 of 1997)

#### **5.4 ADMINISTRATIVE SUPPORT**

A. The Division of Child Care and Early Childhood Education shall assist the Commission in carrying out its duties and responsibilities (recording minutes and editing).

B. The Director of the Division shall serve as staff to the Arkansas Early Childhood Commission and shall provide information, advice and recommendations to the Commission concerning activities of the program and staff so that the Commission may carry out its advisory functions. The Division staff will continue to staff the AECC's position to fulfill the duties of taking the minutes.

#### **6.0 STANDING COMMITTEES**

The Commission has the authority to appoint working groups, interim committees and standing committees. Action may be taken by a majority vote of the committee members present. The Commission shall have four (4) standing committees and the Chair may appoint other committees as the need exists. The standing committees are: Finance, Appeal Panel Selection, Better Beginnings Appeal Selection and Nominating.

##### **A. FINANCE COMMITTEE**

The finance Committee serves in an advisory role and assists the Division in reviewing applications for the Arkansas Child Care Facilities Guarantee Loan Fund and may review other financial matters as requested. The committee assists with interviewing applicants as well as consulting Division staff prior to making recommendations for approval or denial.

##### **B. APPEAL PANEL SELECTION COMMITTEE(LICENSING)**

The Appeal Panel Selection Committee review and select panel members for the Child Care Appeal Review Panel from applicants submitted. The committee must ensure that the applicants selected meet the qualifications for service and exhibit a willingness and time commitment to serve on the panel. Panel members may be replaced under the same guidelines as commission members. Members of the panel shall serve for three-year terms, not to exceed six (6) consecutive years of service on the panel. Members from the office of the Attorney General and the Director of the Division of Child Care and Early Childhood Education shall hold permanent offices. The panel shall consist of eleven(11)members, including the following: Three(3) early childhood professionals; One(1)pediatric health professional; One(1) parent in a licensed early childhood program; The Director of the Division of Child Care and Early Childhood Education or his or her designee who shall serve as chair of the panel and



shall not vote; and five(5) licensed child care providers representing a diversity of child care settings. Legal counsel from the office of the Attorney General shall serve as a facilitator of the panel and shall not serve as a voting member. Alternates shall be chosen to serve during times of absence or in cases of conflict of interest. Five(5) alternates shall be chosen as follows: One(1) early childhood professional; One(1) pediatric health professional; One(1) parent of a child in a licensed early childhood program; and Two (2) licensed child care providers. Members of the panel shall not be members of the Arkansas Early Childhood Commission.

#### C. BETTER BEGINNINGS APPEAL SELECTION

This Better Beginnings Appeal Review Committee reviews appeals for facilities that are denied certification status; are found to be ineligible for a particular level; have had their certification status reduced or removed; or have a dispute concerning published requirements. The committee will schedule a hearing and notify the facility in writing of the date and time of the hearing. The committee members are appointed by the chair of the Early Childhood Commission. A decision of the Better Beginnings Appeal Review Committee is the final DHS administrative decision.

D. NOMINATING: The Nominating Committee will be composed of three members of the Commission as appointed by the Chairman. The Division Director shall serve as an ex-officio member of the *Nominating* Committee. The Nominating Committee will be formed no later than the July meeting each year in order to present nominations to the full Commission at the first meeting after July 1.

### 7.0 SUPPORT LETTERS

A. Support letters from the Commission may be provided to an organization if the Director of the Division is familiar with the organization and has had knowledge of its previous performance history.

B. Support letters will be drafted to identify the adopted positions of the Commission in regard to a specific program areas but will not support the application of one organization over another in regard to support for the same project.

C. Organizations requesting support letters which identify their organization as a priority for funding must submit the request to the full Commission for review.

D. To avoid conflict of interest, any Commissioner requesting a support letter from the Commission staff (Division Director) must have the request approved by the full Commission prior to issuance of the letter.

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April 16, 2013