

**JOINT ASSEMBLY SCHOOL BOARD FACILITY PLANNING COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

MAY 7, 2019 12:15 PM
CITY HALL CONFERENCE ROOM 224
CHILDCARE WORK SESSION

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. Draft Minutes - April 18, 2019 Meeting

IV. STAFF REPORTS

V. AGENDA TOPICS

- A. Review Joint JSD/CBJ Assembly Committee's draft Summary of Findings regarding integration of child care in public school facilities

VI. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

VII. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

JSD/CBJ JOINT FACILITY COMMITTEE MEETING MINUTES

DATE: April 18, 2019
SUBJECT: CHILDCARE FACILITY OPTIONS
ATTENDEES: Mary Becker, (MB) – CBJ Assembly
Bridget Weiss, (BW) – JSD Superintendent
Robert Barr, (RB) – CBJ Library/Childcare Committee
Brian Holst (BH) – JSD School Board
Wade Bryson (WB) – CBJ Assembly
Paul Kelly (PK) – JSD School Board
Loren Jones (LJ) – CBJ Assembly
Robert Palmer (RP) – CBJ Law
Nathan Coffee, (NC) – CBJ Engineering

1. Chair MB called meeting to order and draft meeting minutes from March 13, 2019 meeting were approved.
2. POTENTIAL SPACE AT JSD FACILITIES FOR CHILD CARE

MB asked BW for summary of available space in JSD facilities for child care. BW noted that it appears that only the two modular classrooms at FDMS are currently available as a dedicated space for child care, but noted that they lack water and sewer service. BW noted that as next year's enrollments are finalized they may be able to identify additional classroom spaces but won't know until enrollments for 2019-2020 school year are finalized. BW noted that last year the Charter School relocated to JDHS and administrative staff occupies some space at TMHS so there is not much space available in either of the high schools.

BW summarized JSD's Pre-K programs as follows: 13 Pre-K classrooms total comprised of 3 Kinder Ready, 2 Head Start, 7 Integrated Spec Ed/Peer Group, and 1 Montessori Pre-K. BW noted that all teachers in Pre-K programs housed in JSD facilities must be certified staff. BH noted that JSD does not have the space capacity to house all of Juneau's additional child care needs (which MB noted is ~486 unhoused children) so there is a need for private operators to also provide such a service. BH noted there may be some opportunity to expand Pre-K offerings by maximizing classroom usage throughout the full day as some programs are only half day programs.

BW and BH emphasized that they fully support expansion of the Pre-K programs at the JSD facilities and the programs have expanded dramatically over the last five years, but they are running out of spare classrooms into which they can expand the program and are now looking for ways to maximize current available space. BW noted that JSD is investigating after school Pre-K programs so that a full day of care can be provided for children of working parents. BW confirmed that the majority of the students in JSD Pre-K programs are ages 4 and 5, but some 3 year olds also attend.

BW noted that JSD currently has 27 students on the wait list for Pre-K programs. BW shared that Head Start has two openings in their Pre-K programs. BW noted that Head Start programs have to comply with Federal regulations, whereas as JSD Kinder-Ready has to comply with State of Alaska regulations due to funding source.

3. LEGAL IMPLICATIONS OF A PRIVATE CHILD CARE OPERATOR IN A JSD FACILITY

BW noted that integration of child care for 0-3 year olds in JSD has not occurred in past and has different legal and regulatory requirements than Pre-K. BH noted that if the school district was to try to integrate such a child care program, potentially utilizing a private operator within the school, they would likely want to dedicate a wing or group of rooms that had a separate entry and could be closed off from the rest of the facility to establish boundaries between the programs.

BW and BH emphasized that they are not opposed to investigating the housing of 0-3 year old child care programs in the school, but felt that expansion of existing Pre-K programs within the schools would be easier way to address immediate need. MB and WB agreed with their assessment. WB noted that from an economic perspective, maximizing the current Pre-K program made the most sense and it would potentially free up space elsewhere in community for more private 0-3 child care operations. WB also expressed concern that JSD should not be competing against private 0-3 child care providers.

RP noted that he recently discussed the legal implications of housing 0-3 year old child care and/or the use of private operators within JSD facilities with BW and BH. RP noted that each scenario has different legal implications that would have to be researched on a case-by-case basis. RP noted that the separation of programs, for instance use of the FDMS modular classrooms which are detached from the main school building rather than housing a child care program in a classroom within a school, would simplify the legal guidelines required to delineate liability of the parties involved. RP noted that while nothing is insurmountable, some operating scenarios are simpler and would require fewer guidelines than others. WB noted that use of a private operator in a public school facility does not eliminate or simplify the insurance requirements of either party.

There was a brief discussion on the potential to integrate 0-3 year old child care with a high school Early Childhood course as BH noted that such a program is utilized in some schools in the Lower 48. However, BW noted that the interaction of high school students as care providers for 0-3 year olds in a classroom setting creates additional legal questions.

4. CHILD CARE COMMITTEE FINDINGS

WB recapped the Child Care Committee findings as follows:

- The cost of the facility to house a child care program is the biggest obstacle to establishing a program. Therefore, utilization of existing JSD facilities makes economic sense.
- The downtown area has a greater need for child care than the valley. ~90% of the need for child care is in the downtown area. Therefore, additional child care programs in the downtown area are preferred.
- 0-3 year old child care programs are more costly to operate than Pre-K programs primarily due to the maximum child/staff ratios; 6 children/staff for 0-3 year olds versus 10 children/staff for Pre-K.
- It is undesirable for JSD child care programs to compete with private programs for children. Optimally, the two programs should complement one another.

BH noted that line 45 of the report stated that additional facilities for child care programs are the most immediate need. Therefore, expansion of JSD Pre-K programs, to the extent possible, appears desirable. WB concurred. Discussion ensued on a hypothetically scenario of vacating six classrooms in Harborview Elementary School and utilizing them for child care.

WB inquired if CBJ were to provide additional funding to JSD for Pre-K, could JSD expand their Pre-K operations. BW noted that JSD could expand slightly, but also noted that funding of Pre-K programs is declining due to DEED grant funding of Kinder-Ready program is declining and will sunset in a couple years. WB noted that CBJ is interested in providing additional funding to JSD for child care. LJ noted that first the Child Care Committee needs to submit their final report to the Mayor, who can in turn forward it to the Assembly for potential funding but, currently, there is not a placeholder in the FY2020 budget for additional funding to JSD for Pre-K or child care programs.

5. SUMMARY

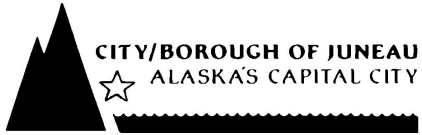
MB summarized that JSD will explore expanding Pre-K offerings. MB noted that child care priority should be as follows:

1. Preparing children for Kindergarten
2. Providing parents with child care so they can work

6. ACTION ITEMS

- BW to develop a list of current Pre-K programs, their locations, and hours of operation.
- NC to draft a Summary of Finding document for the CBJ/JSD Joint Facility Committee

MB noted that next meeting is scheduled for April 30, 2019 at 12:15 pm in Room 224 City Hall. MB adjourned the meeting.



CITY/BOROUGH OF JUNEAU
Engineering Department
155 South Seward Street
Juneau, Alaska 99801

JSD/CBJ JOINT FACILITY COMMITTEE

CHILD CARE IN JSD FACILITIES – SUMMARY OF FINDINGS

CURRENT CHILD CARE PROGRAMS

The Juneau School District (JSD) currently houses Pre-K programs in their elementary schools. The Pre-K programs primarily serve children between the ages of four to five years old, but also serve some three year old children. JSD does not provide any child care programs for children between the ages of zero to three years old. There is currently a wait list to enroll in JSD Pre-K programs. A summary of current Pre-K programs is provided below:

School	Pre-K Type	Room #	Seats Available	# of Students	# of Staff	Hours
MRCS	SPED-Integrated	356	8 IEP 5-8 Peers x 2	29	1 teacher 2.5 paras	Two Sessions: 8:00 - 11:00 11:30 - 2:30 Tues-Friday
MRCS	SPED-Integrated	357	10 IEP 3-5 Peers	17	1 teacher 2.5 paras	One Session: 8:00 - 12:00 (intensive population) Tues-Friday
MRCS	Kinder Ready	358	16-20	21	1 teacher 2.5 paras	Two Sessions: 8:00 - 11:00 11:30 - 2:30 Tues-Friday
MRCS	Head Start	169	20	20	1 teacher 2 paras	One session 8-12
GAST	SPED-Integrated	124	8 IEP	22	1 teacher	Two Sessions: 8:00 - 11:00

			5-8 Peers x 2		2.5 paras	11:30 - 2:30 Tues-Friday
GAST	Head Start	129	19	19	1 teacher 2 paras	One session 8:30-12:30
HBVW	SPED-Integrated	109	8 IEP 5-8 Peers x 2	21	1 teacher 2.5 paras	Two Sessions: 8:00 - 10:30 12:00 - 2:30 Tues-Friday
HBVW	Kinder Ready	108	16-20	20	1 teacher 1 para	Two Sessions: 8:00 - 11:00 11:30 - 2:30 Tues-Friday
RVBD	SPED-Integrated	23	8 IEP 5-8 Peers x 2	22	1 teacher 2.5 paras	Two Sessions: 8:00 - 10:30 12:00 - 2:30 Tues-Friday
GV	SPED-Integrated	112	8 IEP 5-8 Peers x2	25	1 teacher 2.5 paras	Two Sessions: 8:00 - 10:30 12:00 - 2:30 Tues-Friday
GV	Kinder Ready	110	16 -20	22	1 teacher 1.5 para	Two Sessions: 8:00 - 11:00 11:30 - 2:30 *next year will be 8:00 - 1:30 one session and M-F
AB	SPED-Integrated	212	8 IEP 5-8 Peers	23	1 teacher 2.5 paras	Two Sessions: 8:00 - 10:30 and 12:00 - 2:30 Tues-Friday
MB	Children's House (PK/K)	320/321	7 PK students (with 7 Ks)		1 teacher 3 paras	7:00 - 5:00 option for care Class is 8:00 - 2:30 M-F

POTENTIAL EXPANSION OF CHILD CARE PROGRAMS

AVAILABLE SPACE: Currently, the only unused space available for child care programs in JSD facilities are two modular classrooms at Floyd Dryden Middle School. These portable classrooms are detached from the main school building but lack water and sewer service. Each portable classroom is approximately 960 square feet. Facility improvements to add water and sewer service would be required if these portables were to be utilized for child care programs. Future space availability in the elementary schools is dependent on future enrollments. There is no space available for child care in the middle schools. There may a classroom or two that could be made available in the high schools but would likely required relocation of existing programs to vacate the classroom.

MAXIMIZING CURRENT SPACE: JSD is investigating expanding the hours of operation of some of their Pre-K programs to provide full school day programs and even after-school care for working parents. This is one way that the JSD could increase the number of children who participate in their Pre-K programs.

CHILD CARE FOR ZERO TO THREE YEAR OLD CHILDREN: JSD never has provided child care programs for children younger than three years old. Child care requirements for younger children are different than those applied to Pre-K children and JSD does not have experience with these regulations. Therefore, expanding the JSD's programs to address child care for zero to three year old children would likely be a time-consuming process that required significant legal and administrative review of procedures and policies. For this reason the Joint Facilities Committee found it more appropriate for JSD to focus on expansion of current Pre-K programs.

PRIVATE OPERATORS IN JSD FACILITIES: JSD currently has two Head Start Pre-K programs that operate within their school facilities so this is a viable delivery model. However, additional legal guidelines to delineate the responsibilities of each party are required making it a more cumbersome delivery model when compared to a JSD operated Pre-K. In either case (privately operated versus JSD operated), the Pre-K instructors must be certified staff. Some private operators may have access to program funding that is not available to JSD so the combination of outside funding and JSD facilities is a benefit to both parties and the community. JSD will continue to evaluate private operator requests on a case-by-case basis.

CHILD CARE FUNDING

Current JSD Pre-K programs are funded in a variety of ways as follows:

- Spec Ed Integrated Program – Federal pass-through funding and peer group tuition
- Kinder-Ready Program – STEPS grant funding, tuition fees and Alaska Department of Education and Early Development (DEED) grant funding (the DEED grant funding is declining and will likely not exist next year).
- Head Start Program – Federal funding to a private operator.
- Montessori Pre-K Program – Tuition

All JSD programs benefit from State of Alaska funding and local City & Borough of Juneau (CBJ) contribution for school operations as the Pre-K programs are housed in school facilities whose operations are funded by these two sources. In order to maintain current programs and expand Pre-K programs, JSD will need additional funding. The CBJ is the most likely source to fill this funding shortfall.



MEMORANDUM

DATE: May 6, 2019
 TO: Mary Becker, Chair Joint Assembly/School Board Facility Planning Committee
 CC: Superintendent Bridget Weiss, City Manager Rorie Watt
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Certificated Teachers and Child Care Providers

At the meeting on April 18, 2019, the following question was discussed: Does a child care provider who works in the Juneau School District need to be a certificated teacher?

Short Answer: No. If the primary function of the program is child care, then a certificated teacher is not required; if the primary function of the program is education, then a certificated teacher is required. Whether non-certificated teachers should be employed as child care providers at a school-based child care facility is a policy question.

Discussion

Alaska Statute 14.20.010 provides the starting point: "A person may not be employed as a teacher in the public schools of the state unless that person possesses a valid teacher certificate...." A "'teacher' means an individual who, for compensation, has primary responsibility to plan, instruct, and evaluate learning of elementary or secondary school students in the classroom or an equivalent setting and also includes individuals holding other positions as determined by the department by regulation." AS 14.20.215(7). Elementary school consists of

- grades kindergarten through grade eight;
- a pre-elementary program supervised by the department under AS 14.07.020("§(a) The department shall...(8) exercise general supervision over pre-elementary schools that receive direct state or federal funding;" "§(e) In this section, 'pre-elementary school' means a school for children ages three through five years if the school's primary function is educational");
- a pre-elementary program operated by the department as a head start program under AS 14.38.010; or
- a pre-elementary program located in a public school for federal funding purposes.

AS 14.03.060(a) & (e). Thus, a child care program whose primary function is child care, instead of education, and funded by local dollars does not require a certificated teacher.

That conclusion is buttressed by the following Department of Education regulations. The Department defines a teacher as a person that instructs or teaches students from preschool and above. 4 AAC 12.900. Additionally, the Department has an early childhood education certificate for people that assist a regular classroom teacher, 4 AAC 12.390, and regulations for pre-elementary schools. 4 AAC 60. However, those regulations do not apply if the child care facility is licensed under AS 47.32. 4 AAC 60.020(3-4); 7 AAC 57.015(a)(5).

Although a child care facility sited at a school could be staffed with approved child care providers instead of certificated teachers, the Juneau School District has established pre-school programs. Those existing preschool programs may be easier to expand than to create a new child care program. For example, most of the preschool programs are half day and do not independently provide educational/child care long enough for a person to work a regular full time job. Additionally, if the school facility was constructed or repaired with tax-free bonds and the bonds have not been paid off, then the CBJ or a non-profit entity would likely have to operate a child care program because the CBJ would likely be prohibited from leasing or allowing a for-profit entity to operate a child care program in the school.

In summary, a child care facility sited at a school and licensed under AS 47.32 & 7 AAC 57 whose primary function is child care does not require the child care provider to be a certificated teacher. However, if the primary purpose of the program is educational, then it is a pre-elementary school program and the "child-care provider" must be a certificated teacher. In short, a child care facility is regulated primarily by the Department of Health and Social Services but a school program is primarily regulated by the Department of Education and Early Development and each department has different regulations. For specific child care facility requirements, please see 7 AAC 57.

RP