



# Regulatory Infrastructure of Licensed Child Care

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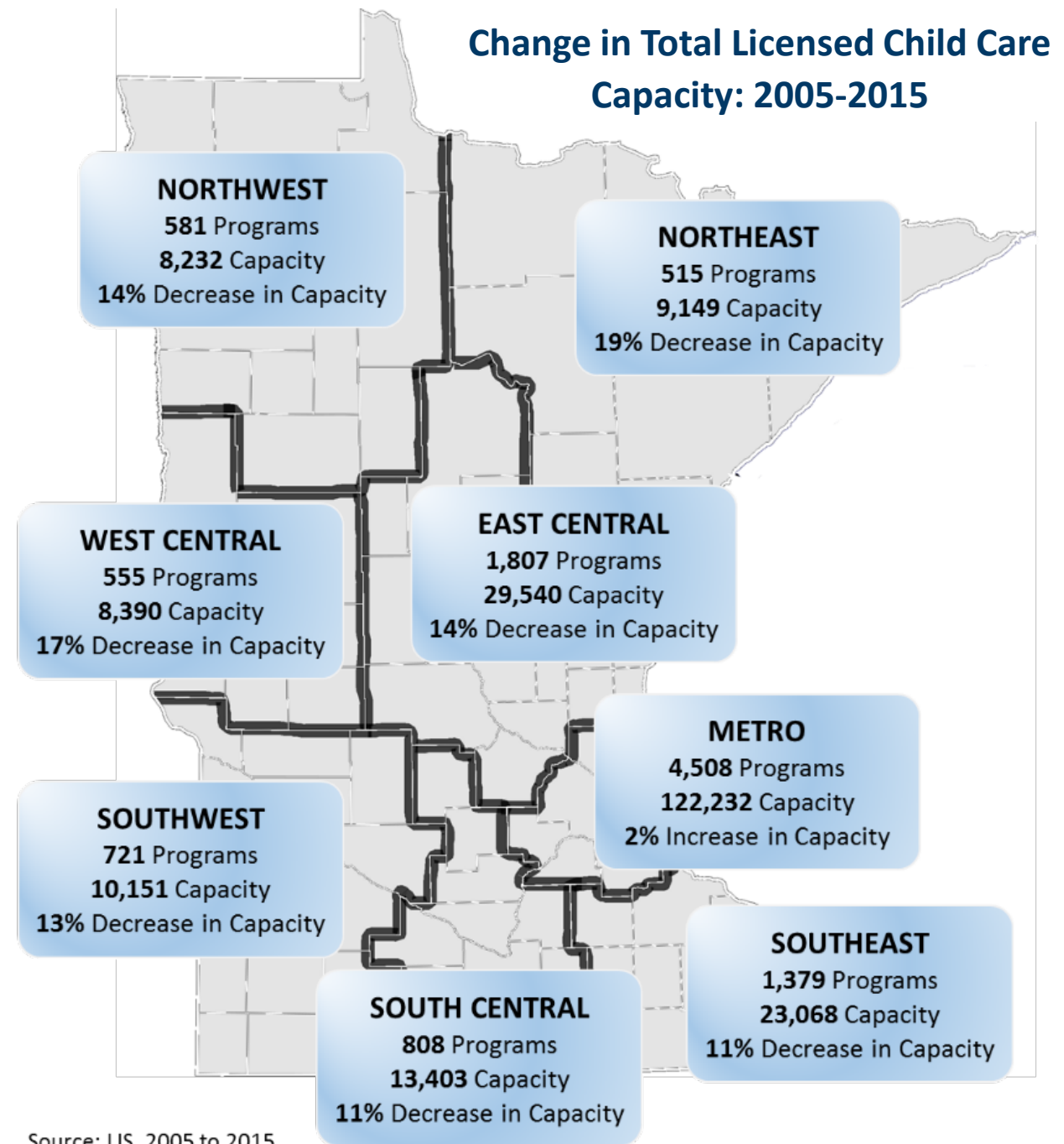
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# Who Needs a License?

- An individual who intends to care for children from more than one unrelated family must obtain a license
- Both child care centers and family child care programs must be licensed according to Minnesota Statutes, Chapter 245A.
- In general, child care centers are in an out-of-home location, caring for larger numbers of children.
- Family child care is generally provided in the caregiver's home with no more than 14 children cared for at any one time.

# Licensed Care in Minnesota by the Numbers

- Child Care Centers (CCC)
  - 1,709 providers
  - Licensed capacity to serve 123,428 children
- Family Child Care (FCC)
  - 8,890 providers
  - Licensed capacity to serve 104,142 children



Source: LIS, 2005 to 2015

# Licensed Child Care Regulation – A Partially Delegated System

- Child Care Centers are directly licensed by the Department of Human Services
  - Licenses are issued directly by DHS
  - DHS licensors perform inspections and visits
- Family Child Care is licensed through a delegated system in partnership with counties (245A.16)
  - DHS licenses family child care providers based on the recommendation of counties
  - County licensors perform inspections and visits
  - Counties recommend sanctions to be issued by DHS

# Regulatory Requirements for Licensed Child Care Providers

Regulatory requirements fall into four broad categories:

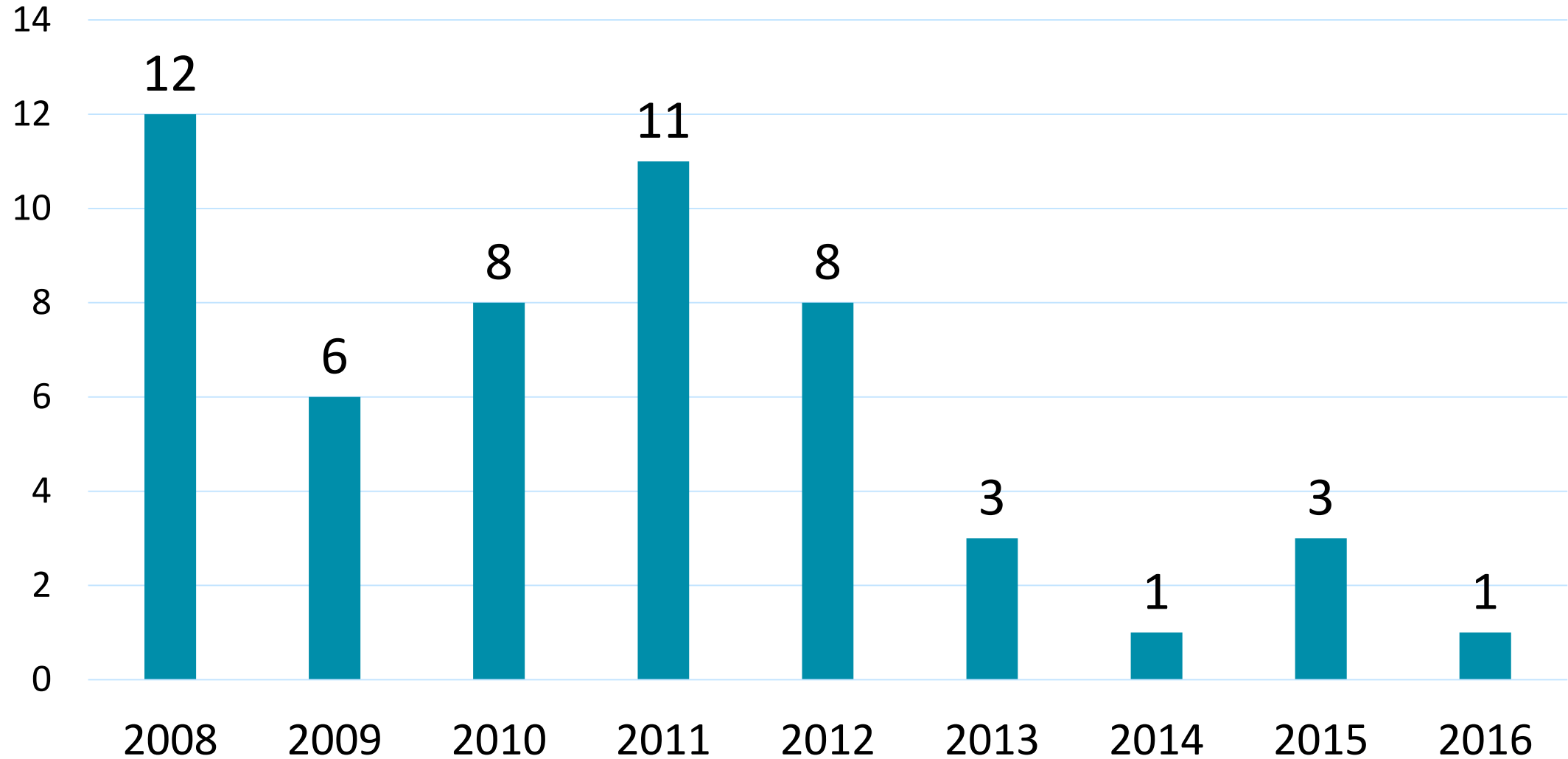
1. Health and safety requirements, including infant safe sleep and ratio requirements
  2. Staff qualification and training requirements
  3. Physical standards
  4. Background study requirements
- Many of the requirements for licensed child care providers are listed in:
    - 245A & Rule 2 (chapter 9502) – Family Child Care
    - 245A & Rule 3 (chapter 9503) – Child Care Centers

# Health & Safety, Including Infant Safe Sleep and Ratios

# Minnesota Infant Safe Sleep Requirements

- Infant-specific safe sleep requirements help to avoid deaths of children in child care
- Requirements include:
  - Back sleeping position, unless otherwise directed by a physician
  - Keeping cribs clear of items that may restrict infant breathing
  - Encouraging in-person checks of infants
  - Monthly crib inspections for safety

# Infant Deaths in Licensed Child Care 2008-2016

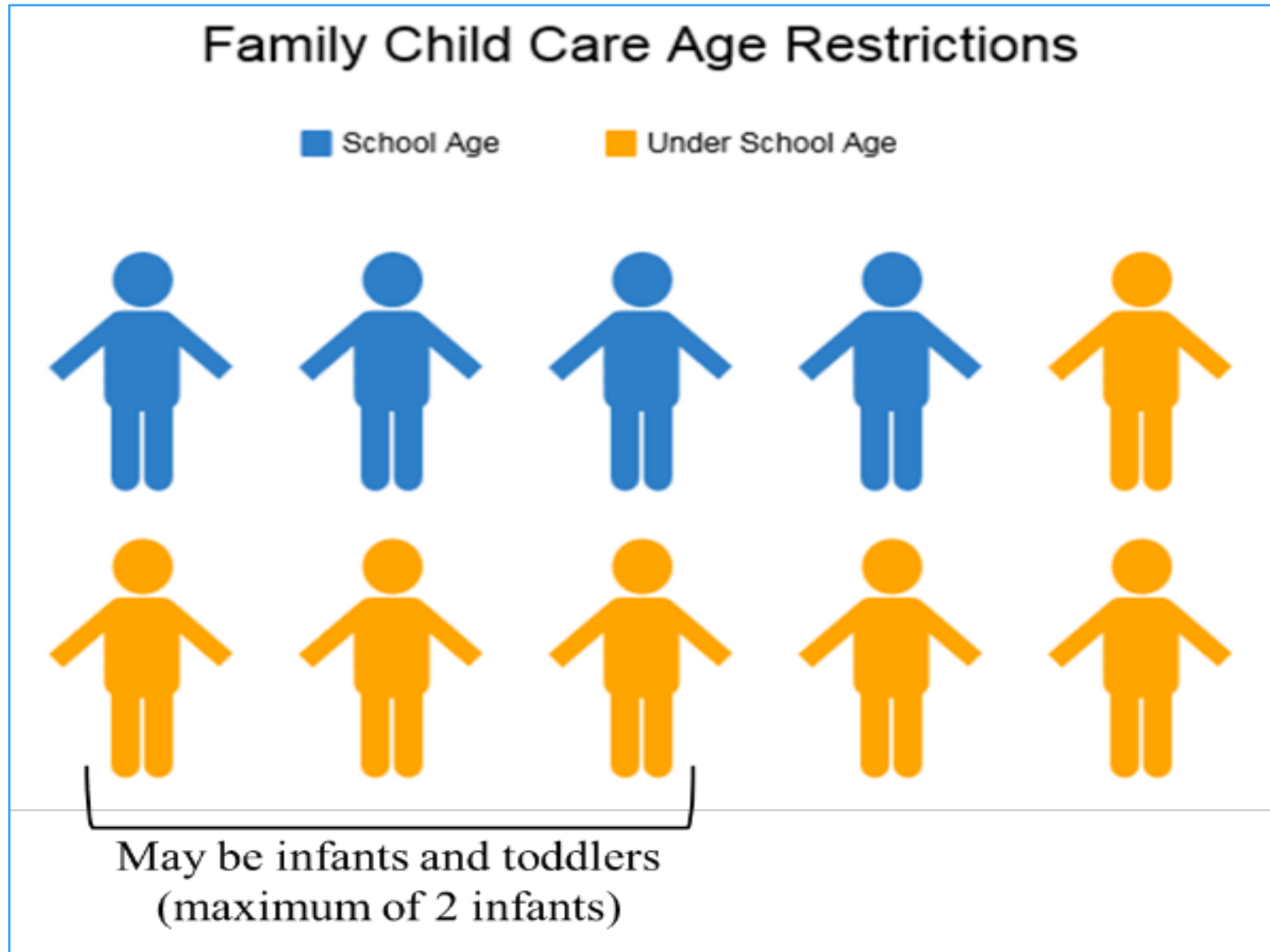




# Group Size & Ratio Restrictions

- Staff-to-child ratios, group sizes, and age distributions for licensed child care settings are critical to ensuring a minimum level of safety, supervision, and quality
- Staff-to-child ratio and group size requirements vary for child care centers and family child care and are based on the age of children in care

# Family Child Care – Ratio & Group Size



- Minnesota offers seven classes of family child care licenses to offer flexibility to providers on the type of care they wish to provide
- The license holder is generally the primary care giver
- Child to adult ratios, maximum capacity, and age restrictions vary across family child care license classes

In family child care, of the non-school-age children, 3 may be infants and toddlers with a maximum of 2 infants.

# Child Care Centers – Ratio & Group Size

<b>Age Category</b>	<b>Minimum Staff-to-Child Ratio</b>	<b>Maximum Group Size</b>
<b>Infant</b>	1:4	8
<b>Toddler</b>	1:7	14
<b>Preschooler</b>	1:10	20
<b>School-age child</b>	1:15	30

# Caregiver Training and Qualifications



# Caregiver Qualifications and Training

- Minnesota law and rule requires child care center staff and caregivers in family child care programs to meet certain qualifications, depending on the caregiver's role
- These specifications may include credentialing, education requirements, experience requirements and requisite training.
- A child care center must have the appropriate number of staff qualified as teachers, assistant teachers and aides based on the number of children in each age group.
- In family child care programs, all caregivers must undergo training each year, and the programs that are licensed to care for more than 10 children require caregivers to have additional experience or education.

# Physical Standards for Licensed Child Care

# Physical Standards

- Child Care Centers and Family Child Care Homes must meet certain physical plant standards to ensure that children are safe while in care. Requirements include:
  - Fire marshal inspection (if necessary) and compliance with building codes
  - Cleanliness and maintenance
  - Crib inspections
  - Equipment specifications
  - Water temperature and safety
  - Electrical appliance safety
  - Restricting access to toxic or dangerous items

# Background Study Requirements



# Licensed Child Care Background Study Requirements: Who Needs a Background Study?

- 1) The person or persons applying for a license;
- 2) An individual age 13 and over living in the household where the licensed program will be provided;
- 3) Current or prospective employees or contractors of the applicant who will have direct contact with persons served by the facility, agency, or program;
- 4) Volunteers or student volunteers who will have direct contact with persons served by the program to provide program services if the contact is not under the continuous, direct supervision by an individual listed in clause 1) or 3);
- 5) An individual age ten to 12 living in the household where the licensed services will be provided when the commissioner has reasonable cause;
- 6) An individual who, without providing direct contact services at a licensed program, may have unsupervised access to children or vulnerable adults receiving services from a program, when the commissioner has reasonable cause.

# Enforcement of Licensing Standards: Correction Orders and Negative Actions

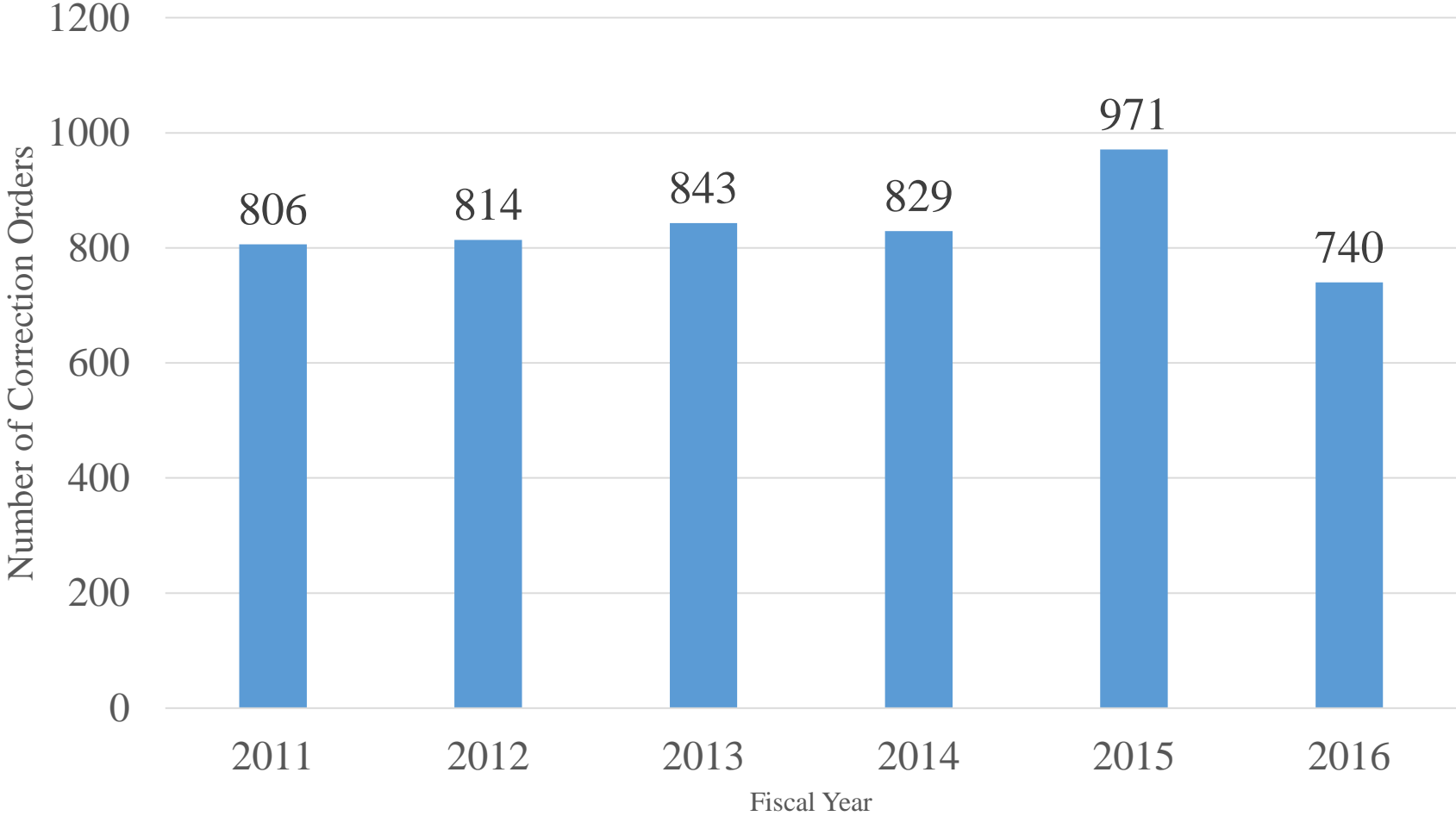
# Correction Orders & Negative Actions

- When licensors find licensing violations in a program, the licensor issues a **correction order**
  - A correction order is *not* a sanction. It is a notification that the provider is out of compliance. The provider may request reconsideration of a correction order
- If the nature, severity, or chronicity of the licensing violation warrants it, DHS may issue a **negative action**. Negative actions include:
  - Conditional license
  - Fine
  - Revocation of licenses
  - Suspension of license
  - Temporary immediate suspension of license

# Correction Orders in Family Child Care

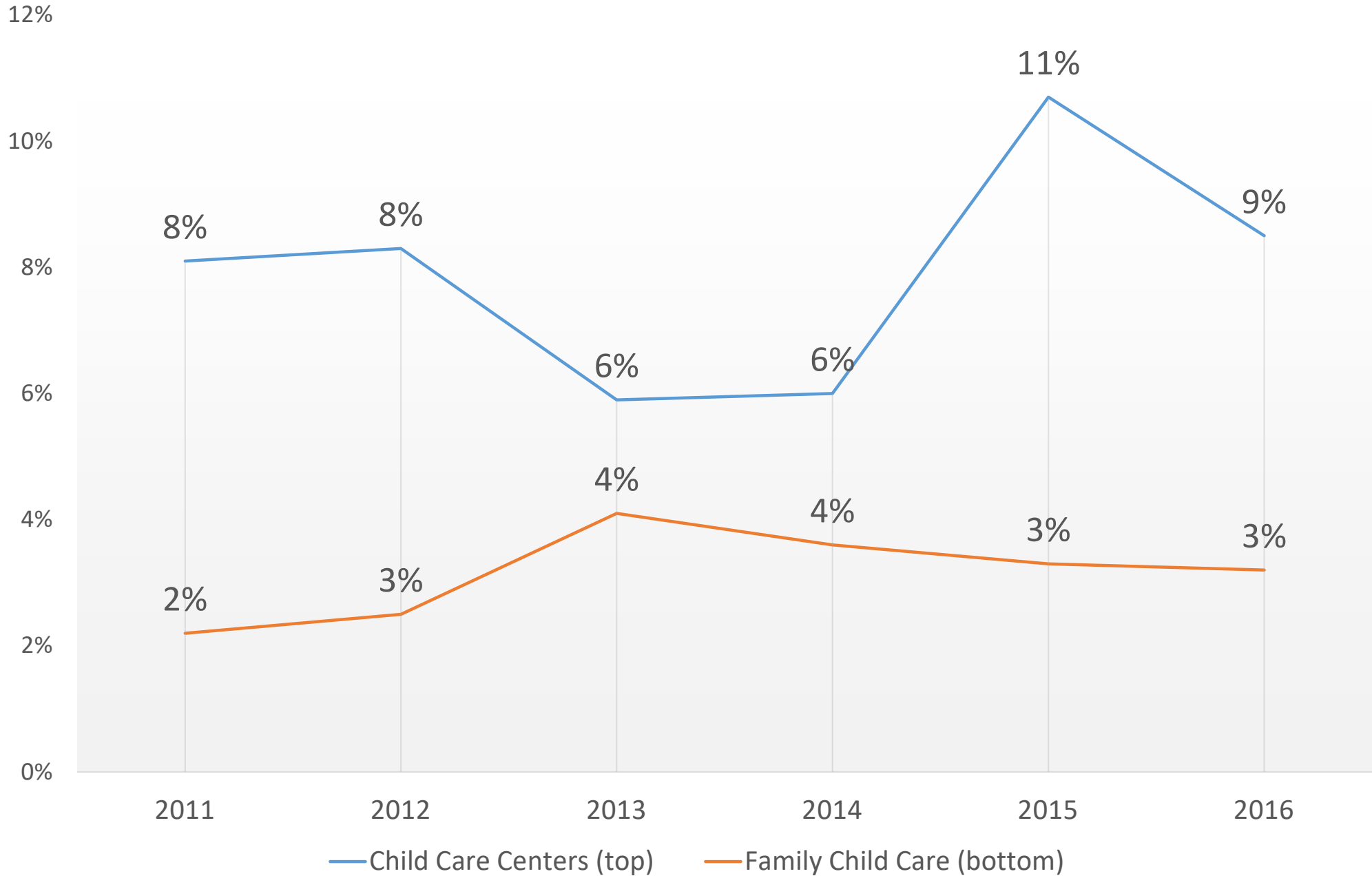
- County licensors have delegated authority to issue correction orders to family child care programs.
- This data is not currently shared with DHS.
- By the end of 2016, the Licensing Division will begin piloting a web-based electronic checklist by which DHS and county licensors will enter correction information into a secure, centralized database.
- Once the electronic checklist is fully implemented, the Licensing Division will know the number and types of correction orders issued to family child care providers.

# Correction Orders Issued in Child Care Centers



In FY16, approximately **37%** of all Child Care Centers received a correction order.

# Percent of Programs with a Negative Action



# Reconsiderations & Appeals

- License holders have due process rights to challenge negative actions using two legal processes
  - Request for reconsideration
    - Correction orders
    - Conditional licenses
  - Contested Case Hearing Appeal
    - Sanctions including: fines, revocations, suspensions, and temporary immediate suspensions

# Reconsiderations in FY2015

	CCCs	FCCs
<b>Total Appeals of Negative Actions*</b>	<b>20</b> of 420 issued	<b>138</b> of 191 issued
Affirmed	6 (30%)	45 (33%)
Reversed/Rescinded	1 (5%)	12 (9%)
Settled	10 (50%)	24 (17%)
<b>Total Reconsiderations of Correction Orders</b>	<b>25 of 971 issued</b>	<b>51 of unknown** issued</b>
Affirmed	18 (72%)	34 (67%)
Reversed/Rescinded	1 (4%)	3 (6%)
<p>*Additional determinations include withdrawn, affirmed in part/reversed in part, dismissed, modified, remanded, or pending.</p> <p>**County licensors have delegated authority to issue correction orders to family child care programs. This data is not currently shared with DHS.</p>		