

LEAD & CARE

Association of Family Child Care Professionals



Partnering with Providers, Supporting Family Child Care Businesses

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RE: HF2617, Coulter, Child care conditional license requirements modified, commissioner directed to create standardized visit time lines and requirements, definition of education amended, background study liaison created, and money appropriated.

Chairs and Committee Members:

My name is Cyndi Cunningham. I have been a Licensed Family Child Care Provider in St. Paul for 27 years and am the current Public Policy Chairperson for Lead & Care, a 501c3 sitewide association for Licensed Child Care Providers.

I am testifying on behalf of Lead & Care in **support of SF2135 as it is presented.**

We have been involved in discussion regarding the licensing approach changes and support the work to move forward with a new approach to licensing. It is greatly needed as licensed programs struggle to provide care, abide by laws/rules and have successful businesses.

Section 1. Subd 2: Reconsideration of correction orders and request for interpretive guidance:

- Currently most settings experience a one-and-done approach to licensing. There is little to no discussion or education about the perceived violation.
- There also is little to no recourse to have such alleged violations be reconsidered in a fair and just manner.
- Creating a system to support programs, not just penalize.
- We would like to offer to the authors that having a statement on the licensing look up that a correction order is under reconsideration will bring transparency to the public that the violation is under review and being contested. This offers programs the opportunity to represent themselves and challenge the accusation.

Sec. 2. Office of Early Care and Education Program Support and Accountability

- We support the concept of an office which will oversee all areas of care. This approach will bring support to programs not just penalties.
- We support the concept that licensing should be focused on health and safety and leave the support of children's development, which licensors are not experts on, to the industry and care providers.
- We support the shift away from the current QRIS program and into an industry standard. We are actively participating in discussions with the bill's proponents to explore accreditation options. Our goal is to ensure that accreditation can reflect the diverse needs of our industry and maintain flexibility while upholding high quality benchmarks.

Sec. 4 Direction to Commissioner: Background study Liaison

- The establishment of this role has been asked for in the past and is desperately needed.
- Currently, FCC programs are in the process of conducting their 5-year fingerprint background checks. There are many reports of providers being on hold with background study for long periods of time, and possibly not getting necessary answers.
- Programs need a dedicated person who understands our industry and can expedite solutions as our time is limited during care hours.

Sec.6. Directing to commissioner: Standardized county-delegated licensing

- February 2024, the Office of Legislative Auditors released their report of the state's support to counties. There are specific areas which FCC programs feel the failings.
- Delegated systems are complicated in the sense that communication becomes a bad game of telephone where the law is implemented by the state, implementation and standards sent to the county units and then to the programs.
- What we see happening is that the current process of communicating expectations is not working and is creating a very inconsistent implementation of law.
- Our understanding is that the state holds informational trainings for licensors at least once a month. Licensors are not required to attend or show receipt of the information; therefore, some receive the information and others do not. When providers are attempting to follow the laws and comply with regulations, we may have a licensor who is not knowledgeable themselves.
- Programs receive an implementation guide in the fall after session. DHS/licensing has indicated that they will no longer be updating this guide as it is the counties' responsibility.
- That means programs are needing to base our practices based on communication from licensors who may or may not understand the current law.
- Recent examples: 1) A county released direction to their providers regarding expectation on Emergency Preparedness. They were using expectations that had been overturned and changed in 2019. It took providers and me to alert the state of this wrong expectation. I do not know if this expectation has been corrected by the county. 2) DHS/Licensing communicated to licensors through training in March 2024, that

providers own children only count in ratios and that parental rights allow us to parent and interact with our children as we see fit, as long as it doesn't affect other children in care. We were made aware of this change and engaged with DHS/Licensing in June/July 2024. It was clarified that this is true, and that the information was given to licensors, but would not be shared with programs. Our research showed that not all licensors knew or understood any of this change. DHS/Licensing has indicated that it is 'too complicated' to attempt to implement. (This issue is brought forward in SF1232 amendment today).

- This section sets standards which can attempt to ensure that communication is consistent and clearly understood by licensors and programs. This will strengthen the ground programs stand on and stop the shifting sand we experience. If we don't know what the speed limit sign says, how can we comply?
- The expectation of licensor bringing the ELICI tool with them to programs allows clarity and engagement between the licensor and the provider in real time. This empowers licensors to ensure in real time what the rules/regulations are without having to return to an office to verify and then communicate back to the program, without being in person. Providers are able to ask for clarification and ask to dispute correction orders prior to them being issued and on public records.
- This section will bring a level clear playing field between licensing and programs, knowledge is power. We are not asking for change away from the county delegated license, that was attempted some years ago by one county. Most programs appreciate local oversight. We do however want a clearly communicated, fair & equitable system.

Thank you to Rep Coulter for bringing this bill forward for movements forward.

Cyndi Cunningham

Lead & Care Public Policy Chairperson

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Recommended Reading:

- The Great Disconnect in Early Childhood Education by Michael Gramling