



Minnesota Department of **Human Services**

Regulatory Infrastructure of Licensed Child Care in Minnesota

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Task Force on Access to Affordable Child Care

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Licensed Care in Minnesota by the Numbers

- Child Care Centers (CCC)
 - 1,667 providers
 - Licensed capacity to serve 119,258 children
 - Percentage of CCC providers in Greater MN: 38%
 - Percentage of CCC capacity in Greater MN: 28.9%
- Family Child Care (FCC)
 - 9,006 providers
 - Licensed capacity to serve 105,737 children
 - Percentage of FCC providers in Greater MN: 62.5%
 - Percentage of FCC capacity in Greater MN: 63.4%

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
 - 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 three broad categories:

1. Health, safety, ratio, and other requirements
2. Training requirements
3. Background study requirements

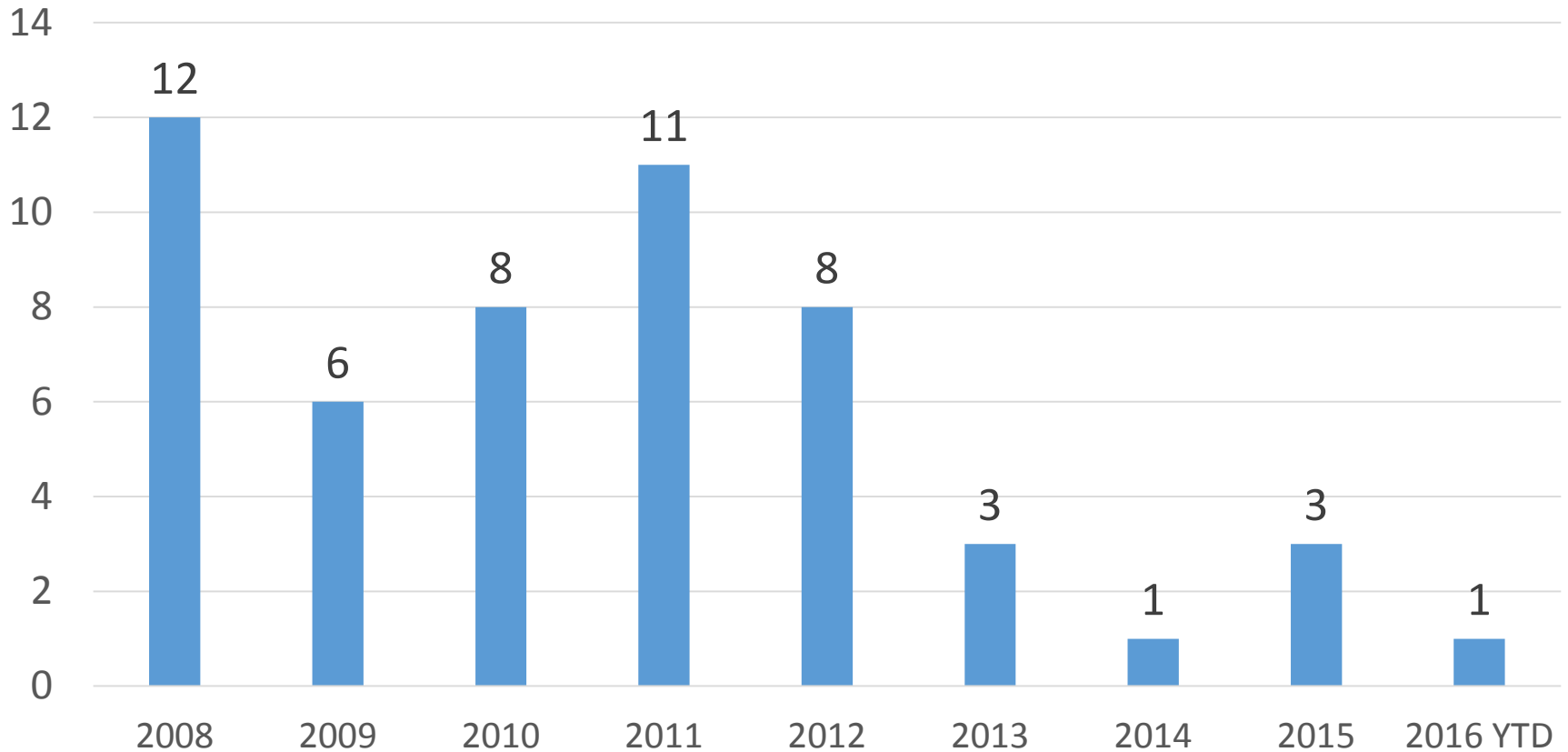
Health, Safety, Ratio, and Other Requirements for Licensed Child Care Providers

- 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
- Requirements span several areas to ensure health and safety of children in care, including:
 - Dietary, cleanliness, and other standards
 - Safe sleep requirements
 - Ratio/group size restrictions
 - Background study requirements

Minnesota 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

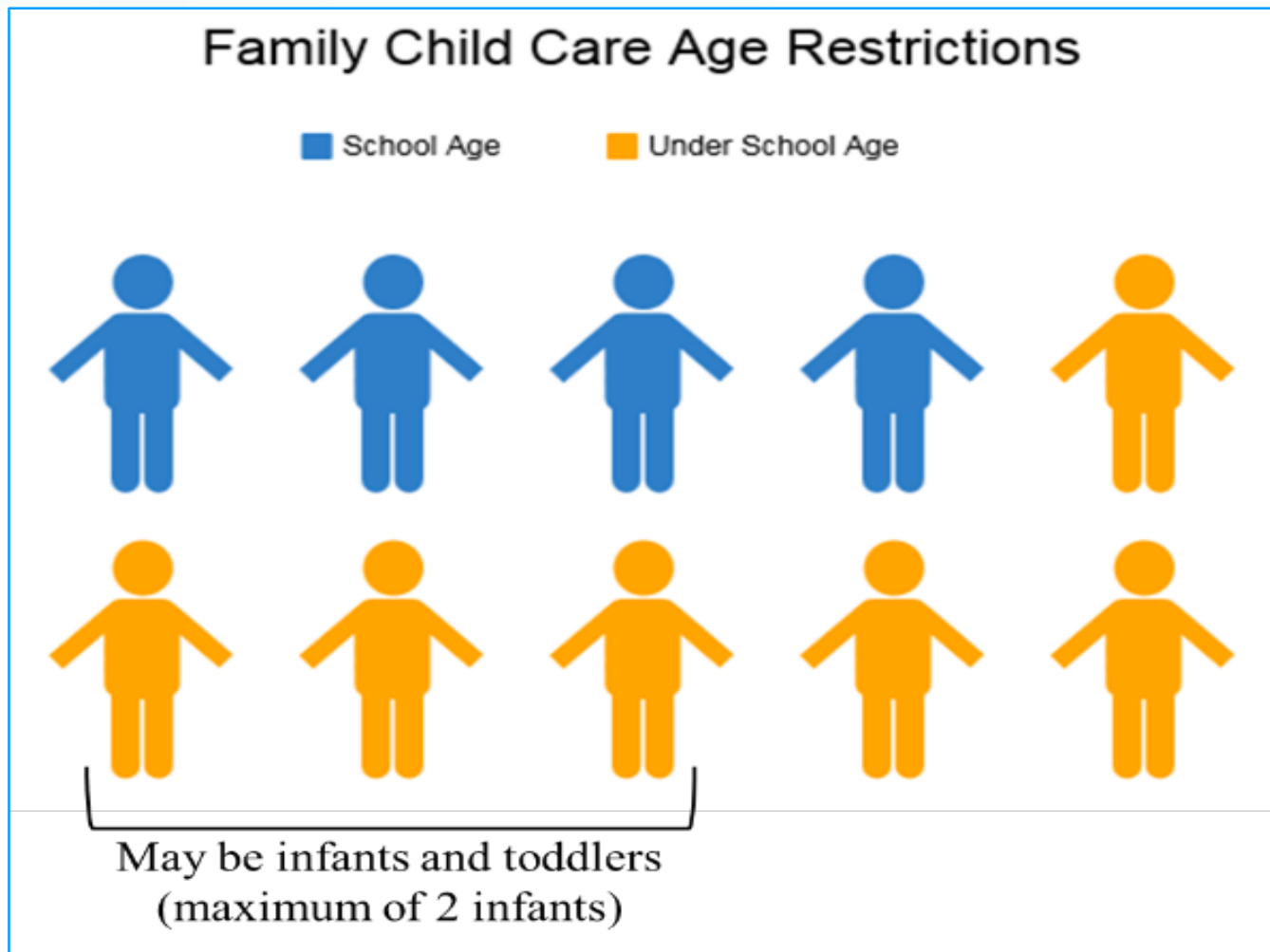
Infant Deaths in Licensed Child Care: 2008-Present



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



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

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

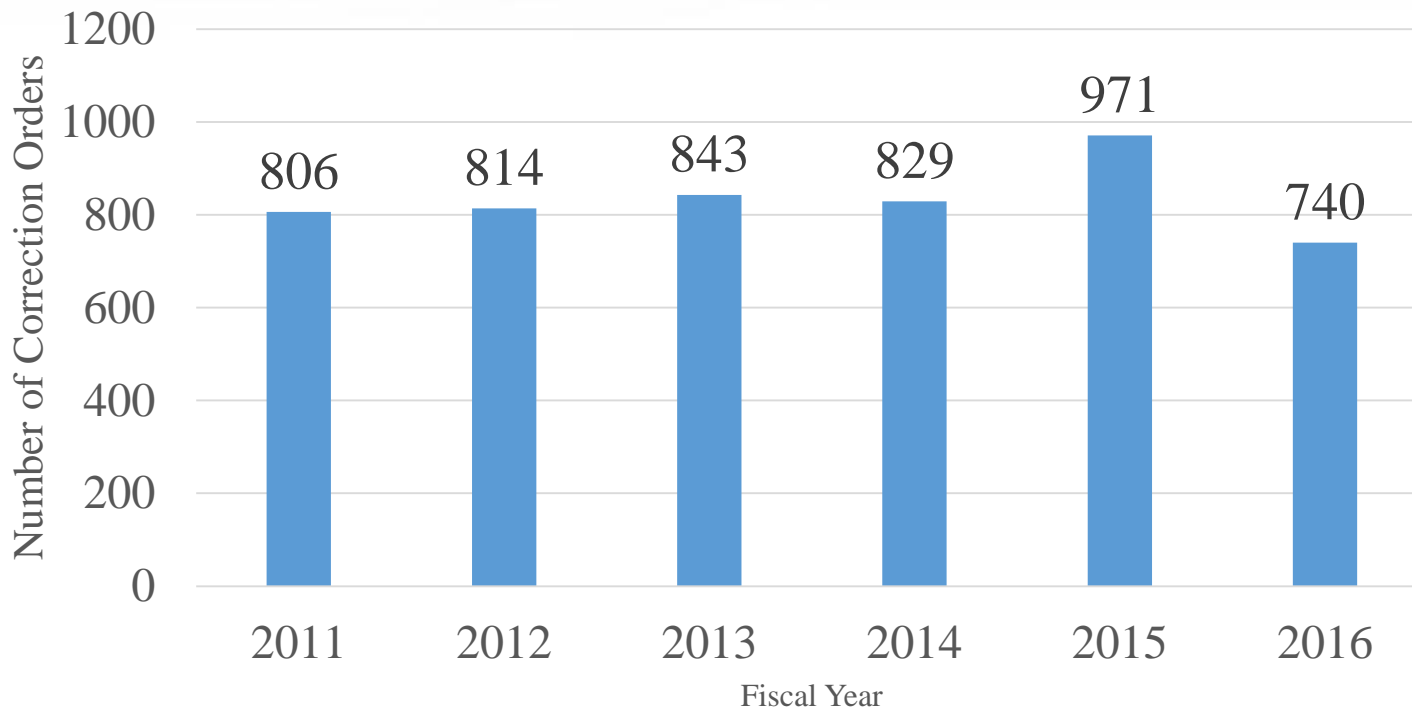
Licensed Child Care Background Study Requirements: Who Needs a Background Study?

- 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.

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 Issued in Child Care Centers



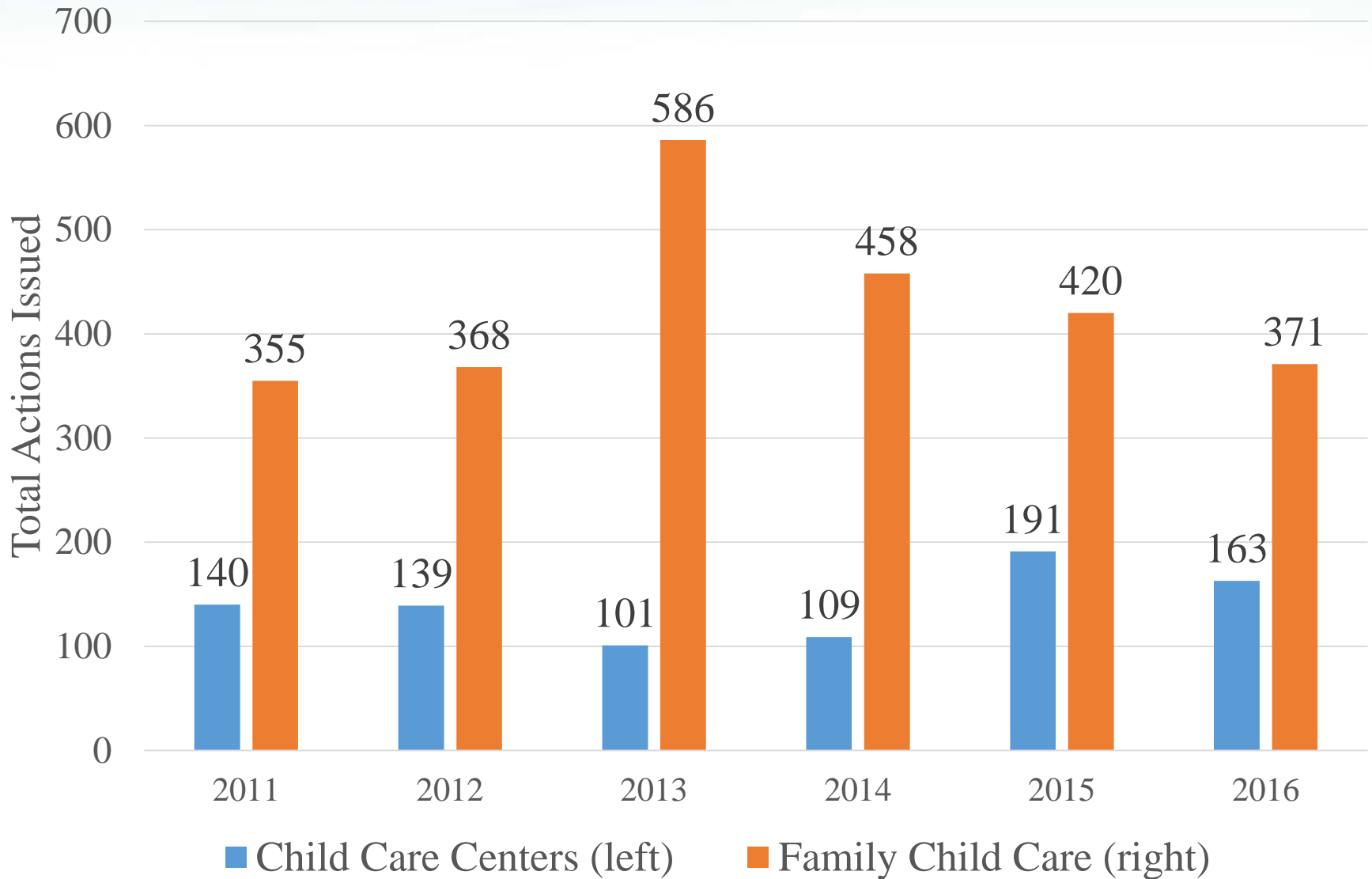
*County licensors have delegated authority to issue correction orders to family child care programs. This data is not currently shared with DHS. By the end of 2016, the Licensing Division will begin piloting a web-based electronic checklist by which DHS and county licensors will enter correction information 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

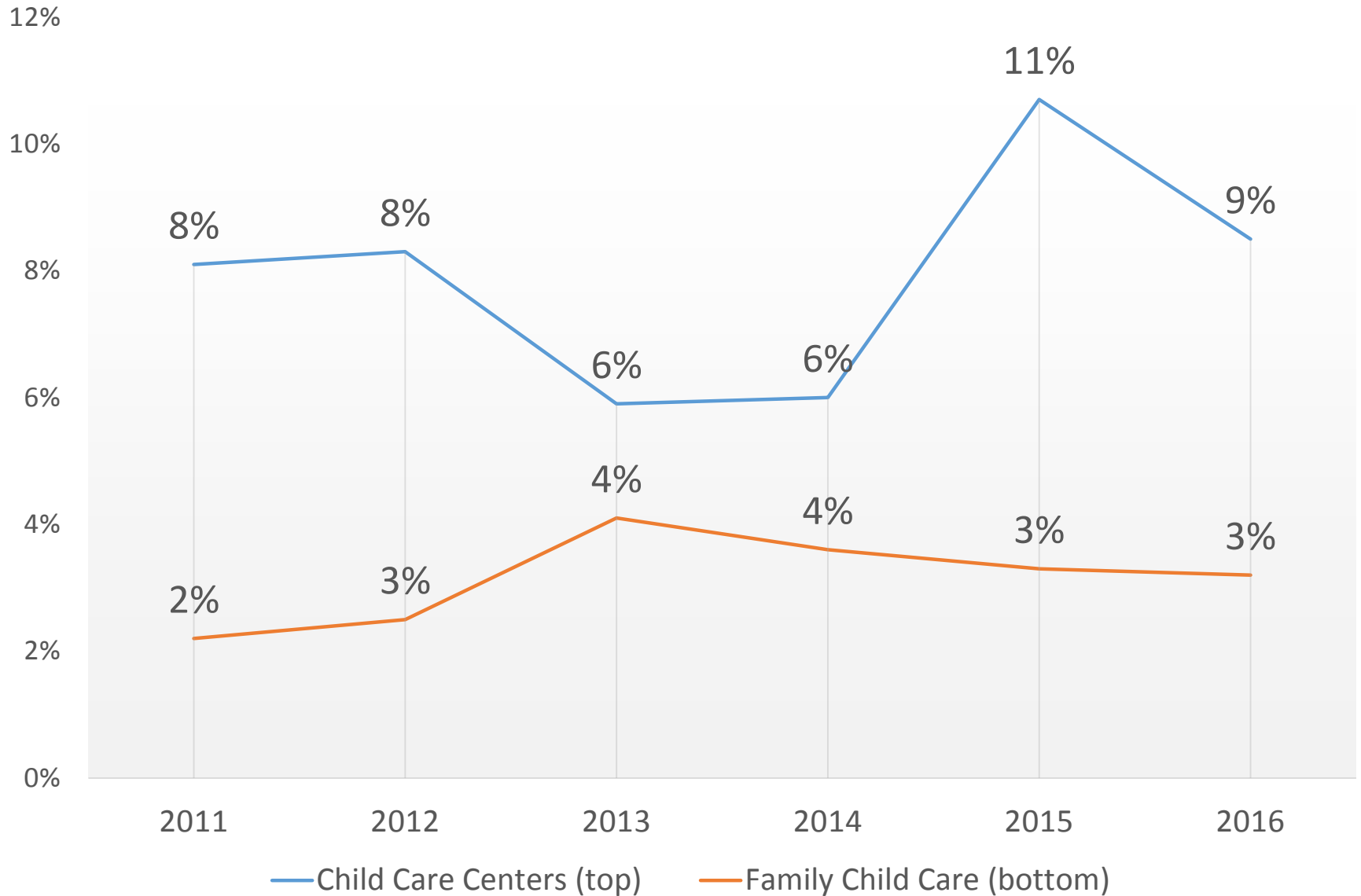


In FY16, approximately **37%** of all Child Care Centers received a correction order.

Negative Actions in Child Care



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
Total Appeals of Negative Actions*	20 of 420 issued	138 of 191 issued
Affirmed	6 (30%)	45 (33%)
Reversed/Rescinded	1 (5%)	12 (9%)
Settled	10 (50%)	24 (17%)
Total Reconsiderations of Correction Orders	25 of 971 issued	51 of unknown** issued
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>		