



# Licensed Child Care Sanctions

September 2016

One of the primary functions of the Licensing Division is to monitor and enforce the rules and statutes governing child care centers (CCCs) and family child care (FCCs). DHS and county licensors issue correction orders when there are licensing violations found in licensed programs. When there are serious or chronic violations, or maltreatment occurs, negative actions are issued.

## Correction Orders

When licensors find licensing violations in a program, they issue a correction order. A correction order is not a sanction; rather it is a notification that the licensed program was out of compliance. After receiving a correction order, the license holder has a specified amount of time to reach compliance or request reconsideration if they disagree with the determination.

County licensors have delegated authority to issue correction orders to family child care programs. This data is not currently shared with DHS.<sup>1</sup>

### *Trends in Correction Orders*

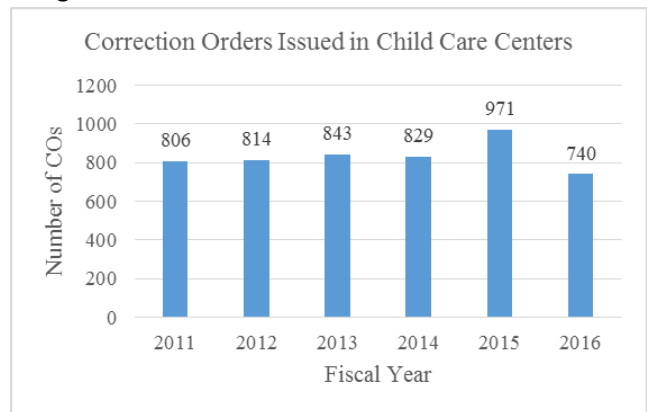
Among child care centers, the number of correction orders issued since 2011 has remained relatively stable. There were 740 issued in FY 2016, a six year low due to staff retirements that decreased capacity for reviews.

## Negative Actions

In some cases, the nature, severity, or chronicity of licensing violations can warrant action beyond a correction order. In these situations, DHS may issue a negative action. Negative actions include: fines, conditional licenses, revocation, or suspension of a license. Negative actions may also be issued when maltreatment allegations are substantiated. The Licensing Division determines which of these actions is appropriate based on the nature, severity, and chronicity of the violation(s). In addition, if there is imminent risk of harm, DHS is required to issue a temporary immediate suspension (TIS) pending the completion of an investigation.

Table 1 shows the total number of negative actions issued in fiscal year 2016. At the end of fiscal year 2016, there were 9,006 licensed family child care programs and 1,667 licensed child care centers, resulting in a naturally higher volume of negative actions taken against family child care licenses.

Figure 1: Correction Orders in Child Care Centers



<sup>1</sup> 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.



## Minnesota Department of **Human Services**

Table 1: Total Number of Negative Actions Issued in FY2016

	Fine	Conditional	Suspension	TIS	Revocation	Denial	Total
<b>Center</b>	127	27	0	0	8	1	<b>163</b>
<b>Family</b>	110	46	7	86	90	32	<b>371</b>

### Trends in Negative Actions

- The annual number of negative actions issued since 2011 remained relatively stable (Figure 1).
- Fines are the most frequently issued action in both child care centers and family child care, though more than one action may be issued to a program.
- There is a higher percentage of individual child care centers that have received a negative action (8% over 5 years) than family child care programs (3% over 5 years).

Figure 2: Total Negative Actions Issued

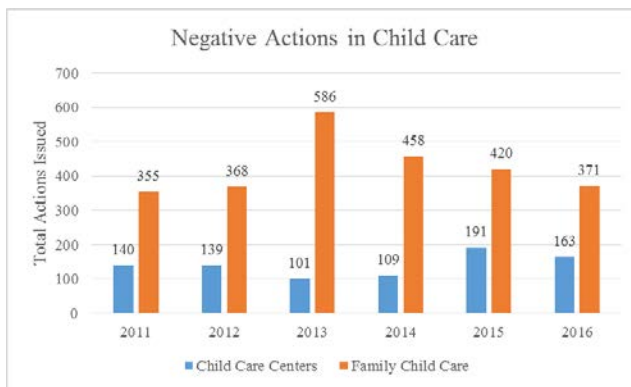
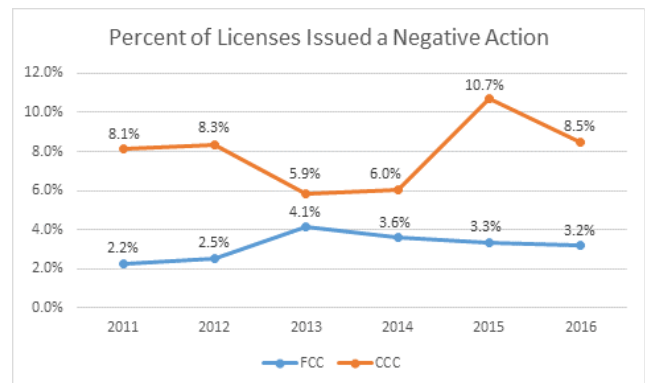


Figure 3: Programs with at Least One Negative Action



## Reconsiderations and Appeals

According to Minnesota law, license holders have due process rights and may request reconsideration of a correction order (CO) or the issuance of a conditional license, and they may appeal a sanction. Reconsiderations and appeals follow different legal processes but allow the license holder to challenge DHS findings.

### Trends in Reconsiderations and Appeals <sup>2</sup>

- In FY 2015, 3% of corrections orders issued to CCCs were appealed through the reconsideration process.
- 15% of negative actions issued to child care centers are appealed and just over 30% of negative actions issued to family child care programs are appealed.
- Of child care center appeals, about half were settled and less than 10% were reversed since 2011. Of the family child care appeals since 2011, 40% were affirmed and 12% were reversed. The remaining appeals were withdrawn, settled, or dismissed (Figure 4).

Table 2: Appeals and Reconsiderations in FY2015

	CCCs	FCCs
<b>Total Appeals of Neg. Actions*</b>	<b>20</b>	<b>138</b>
Affirmed	6 (30%)	45 (33%)
Reversed/Rescinded	1 (5%)	12 (9%)
Settled	10 (50%)	24 (17%)
<b>Total Reconsiderations of COs</b>	<b>25</b>	<b>51</b>
Affirmed	18 (72%)	34 (67%)
Reversed/Rescinded	1 (4%)	3 (6%)

\*Additional determinations include withdrawn, affirmed in part/reversed in part, dismissed, modified, remanded, or pending.

<sup>2</sup> Data may change due to ongoing appeals.



Figure 4: Appeal Outcomes for Family Child Care

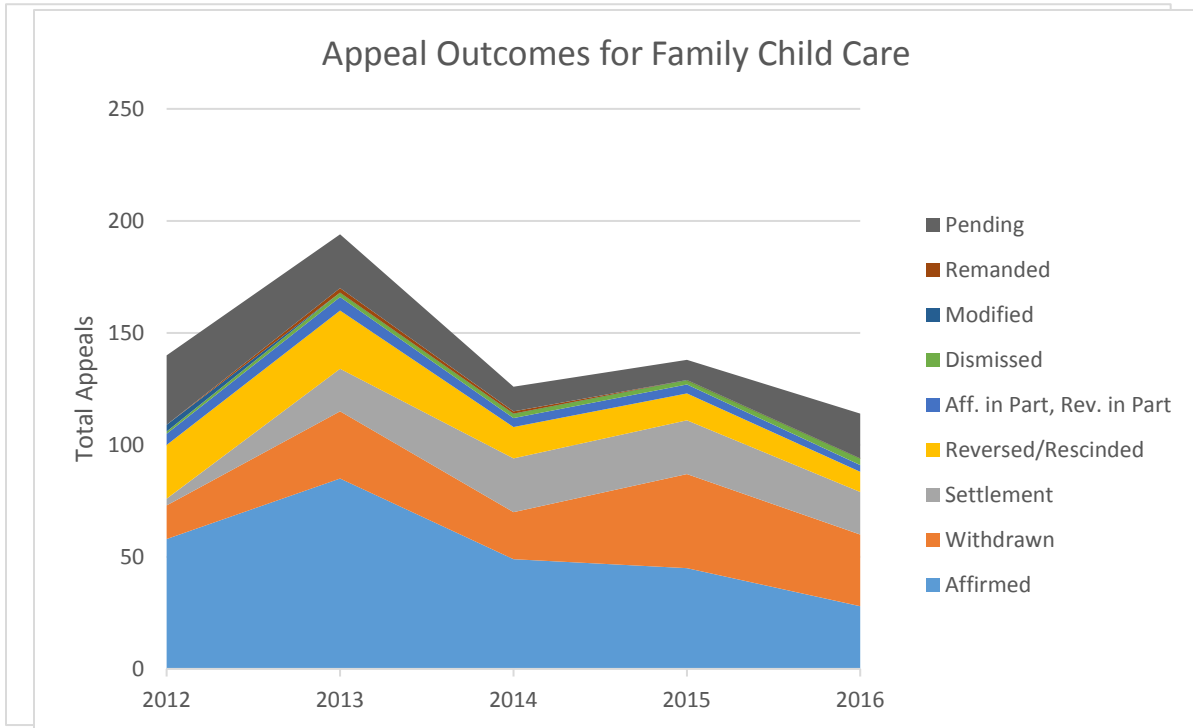


Figure 5: Appeal Outcomes for Child Care Centers

