Child Care and Development Block Grant Reauthorization & Family Child Care

Office of the Inspector General – Licensing Division
October 25, 2016
Child Care and Development Block Grant (CCDBG) Act of 2014

• CCDBG is the primary source of federal funding for child care subsidies and child care quality supports

• November 2014 – signed into law after receiving bipartisan and bicameral support in Congress

• Fully authorizes the child care program for the first time since 1996 – historic re-envisioning of the Child Care and Development Fund (CCDF) program
CCDBG Focus Areas

• Family-Friendly Eligibility Policies
• Health and Safety Requirements for Child Care Providers
  • 10 Health and Safety Requirements, and provider training requirements
  • Annual Inspections
  • Training for Licensors
  • FBI Criminal Background Studies
• Transparent Consumer and Provider Education Information
2016 Session Wrap-Up

• What happened?
  • Senator Lourey introduced S.F. 3332, which included the Department’s legislative language intended to achieve compliance with the Child Care and Development Block Grant (CCDBG) Act of 2014

• What didn’t happen?
  • None of the licensing federal compliance language was enacted

• What does that mean for federal compliance?
Family Child Care & CCDBG – What’s Next?

• DHS proposal development
• Governor’s budget recommendations
• Session starts January 3, 2017
S.F.3332 – Health and Human Services Budget Bill

- Inspections
- Public posting
- Parental access
- Licensor training
- Supervising for Safety

- Health and Safety Requirements
  - Immunization records
  - Allergy prevention and response
  - Bio-contaminants
  - Emergency preparedness
  - Background Studies
Pre-Licensure Inspections & Annual Inspections

• Pre-licensure inspections – line 48.34
  • Amending 245A.04 subd. 4(a) to add (5)
  • Inspection for health, safety, and fire standards prior to granting a license

• Annual inspections – lines 49.8, 53.12
  • Amending 245A.04 subd. 4 to add (c)
  • Amending 245A.09 subd. 7 to add (f)
  • All licensed family child care programs must be inspected annually for compliance with licensing standards
Inspection Reports

• Amending 245A.04, subd. 4 to add (d) – line 49.11
  • DHS must publicly post
  • Results of licensing inspection reports for all licensed child care providers
  • Numbers of
    • Deaths
    • Serious injuries
    • Instances of substantiated child maltreatment
Parental Access

• Amending 245A.14 to add subd. 15 – line 51.14
  • Parent or legal guardian must be allowed to visit the program any time during the hours of operation when the child is in the care of the program

• NOTE: DHS received feedback from providers regarding this provision and we are revising legislative language with this feedback in mind
Parental Access

• In addition to feedback from providers, the final rule issued in September 2016 provides additional clarity regarding the requirements of the CCDBG reauthorization:
  • Parents must have “unlimited access to their children, and to the providers caring for their children, during normal hours of provider operation and whenever the children are in the care of the provider”
County Reporting

• Amends 245A.16 to add (h) – line 53.29
  • Counties must report to DHS monthly on:
    • Results of licensing inspections
    • Numbers of
      • Deaths
      • Serious injuries
      • Instances of substantiated child maltreatment
County Licensor Training

- Final CCDBG rule requires that all child care licensors
  - Are qualified to inspect child care providers
  - Receive training in
    - Health and safety standards
    - State licensure requirements
County Licensor Training

• Amends 245A.16 to add subd. 7 – line 54.3
  • Only staff trained by the commissioner on family child care licensing standards . . . Shall conduct licensing inspections
• Training must occur within 90 days of beginning employment
Federal Requirements: Health & Safety Standards & Training

• Prevention of sudden infant death syndrome and use of safe sleep practices
• Medication administration
• Building and physical premises safety
• Prevention of abusive head trauma
• Transportation precautions
• First aid and CPR
• Prevention and control of infectious diseases, including immunization
• Allergy prevention and response
• Emergency preparedness
• Handling and storage of hazardous materials and disposal of bio-contaminants, including bodily fluids
Supervising for Safety

• Amends 245A.50 subd. 9 – line 59.12
  • Updates the topics included in “supervising for safety” to include all of the health and safety training topics required under the CCDBG reauthorization not otherwise currently required of family child care providers
  • Added to achieve compliance with the CCDBG reauthorization
New health and safety standards start at line 59.28

Requires family child care providers to obtain, update and maintain dates of immunization

- Frequency of updating depends on age of the child
Health and Safety – Allergy Prevention and Response

• Line 60.1

• Three requirements
  • Develop policies and procedures to prevent and respond to allergic reaction and train caregivers on the policies and procedures
  • Obtain documentation of the child’s allergy
  • Make child’s food allergy information readily available in the area where food is prepared
Health and Safety - Handling and Disposal of Biocontaminants

• Line 60.17

• Requires family child care providers to develop written policies and procedures for safely handling and disposing of bodily fluids

• NOTE: DHS received feedback from providers regarding this provision and we are revising legislative language with this feedback in mind
Health and Safety – Emergency Preparedness Plan

• Line 60.20
• Requires family child care providers to have a written emergency plan
• Must be written on a form developed by the commissioner and updated annually
• Caregivers must be trained on the plan and drills must be conducted
• Plan must be available for review, be posted in a prominent location, and provided to the child’s parent or guardian upon enrollment
BACKGROUND STUDIES, CCDBG, AND FAMILY CHILD CARE

Kristin Johnson – Director, Background Studies Division
Current FCC Background Study Requirements

- Search for county substantiated maltreatment against children and vulnerable adults
- Information from juvenile courts:
  - 13-23 year olds living in home
  - Others with reasonable cause
- Minnesota Bureau of Criminal Apprehension (BCA)
- FBI – with reasonable cause
- Records from other counties of residence – past 5 years
New Background Study Requirements

- Fingerprint-based state and FBI record check
- State criminal, sex offender registry, and child abuse and neglect database in Minnesota and any state where the staff member has resided in the last 5 years
- National Sex Offender Registry
NetStudy 2.0

• On-line system for submitting background study requests and receiving results
  • Fingerprint-based criminal history check
    • Automated BCA and FBI interfaces
  • Updated info eliminates need for yearly study
    • Minnesota Courts
    • County AP/CP; DHS investigations; OHFC investigations
      • Maltreatment of minors and vulnerable adults
• Counties will have access to results on-line
• State-wide network of sites to collect fingerprints/photos of background study subjects
Fees

• Fee for fingerprinting/photograph
  • $9.10 – paid to vendor

• Fee for background study
  • Will be different than that charged by the county
  • May result in a higher family fee, however the determination will not need to be repeated
New Background Study Requirements: Who Needs a Study?

• **Providers**
  - All providers who are licensed, regulated, registered by the state OR who receive CCDBG assistance
  - Legal Non-Licensed providers caring for all relative children are exempt

• **Individuals** (*Expands who needs a study*)
  - Staff who are employed by a provider for compensation
  - An individual whose activities involve the care or supervision of children
  - Adult household members
  - An individual who has unsupervised access to children*
Disqualifying acts and offenses

• Section 245C.15
  • Same list used by counties
    • Additional requirements related to certain offenses
New Background Study Requirements; Disqualifying Crimes

• Expands permanent bar offenses
  • Provider is ineligible to receive assistance from the CCDBG if the individual has been convicted of a:
    • Felony consisting of murder, child abuse/neglect, a crime against a child, spousal abuse, rape or sexual assault, kidnapping, arson, physical assault, or a drug-related crime in last 5 years.
    • A violent crime committed as an adult against a child (any level)
    • Misdemeanor involving child pornography
  • Registered on a state or federal state sex offender registry
Disqualification – “what next?”

• Due process
  • Administrative reconsideration
    • Requests for reconsideration to county for review and recommendation to DHS
    • DHS issues decision after reviewing request for reconsideration and county recommendation

• Decisions:
  • Rescind – information used to disqualify was incorrect
  • Set aside
  • Not set aside
    • Variance granted or denied

• Other due process may apply
CHILD CARE ASSISTANCE PROGRAM (CCAP) UPDATE

Elizabeth Roe, Manager – Child Care Assistance
Who does CCAP serve?

30,000 children
16,000 families

BIRTH - 5

- Birth - 1
- 2-3
- 4-5

6-12
What type of child care do they use?

- Licensed family: 23%
- Legal non-licensed: 4%
- License exempt center: 9%
- Licensed center: 64%
Why do we need changes?
We can do better for Families & Children

Support families trying to achieve self-sufficiency

Support children and their need for security and consistency in caregivers
We can do better for providers

Support the cost of providing quality child care

Support the need for consistent income when running a business
We are required to make changes

- Most changes required by 9/30/2016, however...
- MN’s waiver is for 1 year (until 9/30/2017)
- Possible financial penalties
What changes are proposed?
12-month Redeterminations

6 months

12 months
Continuous Eligibility

- MFIP Child Care
- BSF
- Transition Year Child Care
  - Allow Education
  - Reduce # of months of MFIP receipt required

- Eliminate 6 month limit on Portability Pool

Basic Sliding Fee Child Care
Reporting Requirements

**Current**

Report changes in:
- Address
- Provider
- Earned income: $100 per month or more
- Unearned income: $50 per month or more
- Work or school ending
- Work schedule or hours
- School schedule or hours
- Immigration status
- Family status
- Visitation or custody schedule

**Proposed**

Report changes in:
- Address
- Provider
- Income over 85% SMI
- Work or school ending
- Immigration Status
- Family Status
- Custody schedule
Copays and Graduated Phase-Out

- Copays do not increase during 12 month period.
- Assistance continues during 12 month period if income is less than 85% SMI.

Family of 3
- 47% SMI = $36,365
- 67% SMI = $51,841
- 85% SMI = $65,767
Maintain Consistent Child Care

Steady Authorization
Fewer decreases in amount of care authorized

Employment Requirements
Care continues if work hours decrease

Temporary Changes
- medical leave
- school break
- seasonal work

Extended Eligibility
3 months of care when work or school ends
Payment Policies

Payment Timeframe
Bills paid within 21 days

Increase Maximum Rates
Update maximum rates after each market rate survey.
Questions and Ideas

We can do better for
• Families & Children
• Child Care Providers

Let’s work together!
ELECTRONIC CHECKLIST
Paul Kjer – Checklist Project Manager
Agenda

• Introduction
• Why
• What Is The Checklist
  – The Checklist
  – The Software
• Status
• Future
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The electronic checklist is a way to capture information from monitoring visits in order to comply with federal requirements.

The checklist will be delivered through a browser and data will be consolidated in a database at the DHS.
Why We Are Doing This

Primary Reason

1. Comply with the Federal Requirements of the CCDBG

Key Areas of the CCDBG
- Family-Friendly Eligibility Policies (CCAP)
- Monitor Health and Safety Requirements for Child Care Providers
- Provide Transparent Consumer and Provider Education Information, including monitoring results
- Increasing Access for CCDF Children to Safe and High Quality Care

A secondary reason to for the checklist is to improve quality and consistency in the review process.
What Is the Checklist

It is a combination of two things:

1. **The Checklist**
   A collection of regulation based monitoring items that could be used whether there was any software or not.

2. **Software**
   Uses the checklist definition and allows a licensor to record and store compliance information
The Checklist

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Key Concepts
• Written by the MN DHS
• Based entirely on applicable rules and statutes.
  – Minnesota Administrative Rules Chapter 9502 Licensing of Day Care Facilities,
  – Minnesota Statutes Chapter 245A Human Services Licensing
• Not all items on the checklist apply to all reviews, so the checklist is broken out into different pieces that apply at different times
• The checklist is organized the way the rules and statutes are organized
The Checklist

The Checklist is Organized the Way the Rules and Statutes are Organized

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Because not all items apply to all reviews, the checklist is segmented into four pieces:

1. **Pre-Licensing**
   before a license is issued

2. **Licensing Review**
   when a license is due for renewal

3. **Off-Year**
   years between renewals

4. **Back-Office**
   items that might not be observable or applicable during a site review
The Software

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Key Concepts
• Items can be marked
  • Met
  • Unmet
  • Not Observed
• Items are referenced back to their corresponding rule and/or statute
• Language is standardized, but clarifying details can be added by the licensor
The Software

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- Still under development
- Beta Test Planned to Begin in late October
- Productive use will be phased in gradually
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