

Center Based Early Childhood in Minnesota: *Perspectives from the Field*

Minnesota House of Representatives
Subcommittee on Child Care Access and Affordability
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Areas of Perspective

- Child Care Center Licensing Barriers
- Child Care Center Licensing Rule 9503: Areas of Consideration
- Child and Adult Care Food Program
- Tuition Sources
- Exploration of Solutions to the “Quiet Crisis”

Background and Experience

- Child Care Center Management Experience
 - Non-Profit
 - For-profit
- Fiscal Management
 - Public School (4 years)
 - Non-profit (1 year)
 - For-profit (4 years)
- Education
 - BS, Elementary Education
 - MS, Educational Leadership
 - Current Teaching License, K-6 Elementary Education/5-8 Social Studies

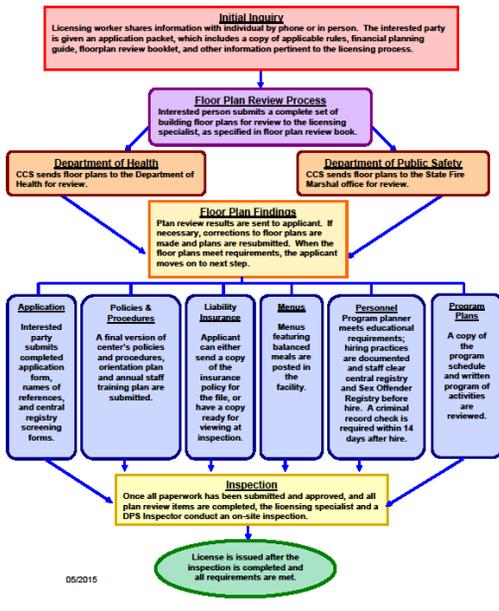
Barrier 1: Understanding the Components



Understanding the Components

- Zoning
- Early Intervention
- Pathway I Grant
- Rule 3
- Licensing Paperwork
- Parent Aware
- Pathway II Grant
- Annual Licensing Fee
- Health Department
- Child Care Assistance Program
- Citation
- Fire Marshal
- Child and Adult Care Food Program
- Staff Training
- Food and Lodging Certificate
- Human Resources
- Inspection

Licensed Program Licensing Process



South Dakota Department of Social Services Flowchart

- Provides visual understanding
- Briefly details each component
- Allows for a greater understanding of timelines and the order of the process

https://dss.sd.gov/docs/childcare/licensed_program_flowchart.pdf

Barrier 2: Navigating Licensing Legislation

- Current Positive Means of Decreasing Barriers:
 - DHS provides many forms for compliance with licensing legislation
 - DHS provides many checklists for completing various components of the licensing process
 - DHS forms are in one central location

The Licensing Process

The following pages provide an overview of the licensing process from the initial inquiry to the issuance of the license, for each of the three types of licensed facilities: Group Family Day Care Home, Day Care Center and Before and After School Programs.

Reminder: A program caring for 13 or more children is required to have a license before operating.

The licensing specialist should be one of the main contacts during the start-up of a program. There are several steps to the licensing process and the licensing specialist can provide assistance through each step. The steps involved in licensing are outlined in the following pages.

STEP 1: THE FLOOR PLAN REVIEW

One of the first steps in the licensing process is the floor plan review of the building to be used for care. The materials contained in the initial inquiry packet include a Floor Plan Review Process and Program Proposal Handbook. This handbook explains in detail the information needed for the floor plan review process.

Why a Plan Review? The floor plan review is completed in order to verify that the building meets fire and life safety codes as well as building codes, and to determine the maximum capacity of the licensed program. The floor plan review process must be completed before a license is issued and before the program begins operation. Some South Dakota cities also have requirements for operating a program, contact the local city government office for information on their requirements.

Timely Review. Submitting floor plans as early as possible and ensuring the plans contain all information outlined in the Floor Plan Review Process and Program Proposal Handbook will help ensure a review is completed as quickly as possible.

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South Dakota Department of Social Services Licensing Handbook

- Provides visual understanding
- Explains the legislation in terms which are more user friendly while also referencing the section of legislation to which it refers

<https://dss.sd.gov/docs/childcare/thelicensinghandbook.pdf>

Barrier 3: Updates to Legislative Guidelines

- Current Positive Means of Decreasing Barriers:
 - DHS provides updated forms for compliance with updated licensing legislation
 - Information is in one central location

Support for HF 1299

Lines 2.18-2.22

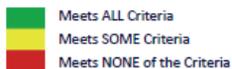
(b) Inform county agencies and affected license holders, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs and promotion of license holder compliance with these changes. Notification may be accomplished by electronic means. The commissioner must make notices of changes in statute, rule, federal law, regulation, and policy available to the public online.

Barrier 4: Assisting Parents/Guardians with understanding of the Licensing Guidelines and Parent Aware

Examples of areas that may be confusing:

- Staff Requirements
- Regulations regarding policies such as swaddling an infant or an infant sleeping in a swing
- Differences between Licensing and Parent Aware

During your site visit, consider the following physical space details and caregiver actions for Infants and Toddlers, Preschoolers, School Age, Meals, and Other Caregiver Aspects.



Infants and Toddlers

- ■ There is a clean area for crawling and exploring.
- ■ Toys are clean and free from rough edges.
- ■ Open stairways are blocked off by gates.
- ■ Children spend the majority of waking time out of cribs, highchairs, swings, play pens, etc.
- ■ There is enough age-appropriate equipment and materials for all children.
- ■ Music is played at a soft, comforting volume appropriate for infants and toddlers.
- ■ Staff hold babies when bottle feeding.
- ■ Babies sleep on their backs.
- ■ Staff hold, talk to and play with babies other than at feeding times.
- ■ Staff are situated near infants and toddlers to supervise and attend to their needs.

South Dakota Department of Social Services Choosing Child Care Guidebook

- Provides visual understanding
- Helps relate licensing guidelines to the care of their children
- Helps parents make an informed decision

<https://dss.sd.gov/formsandpubs/docs/CCS/choosingchildcareinSD.pdf>

Area of Consideration: Director Qualifications

Current: Minnesota 9503.0031 Directors

A director must:

- A. be at least 18 years old;
- B. be a graduate of a high school or hold an equivalent diploma attained through successful completion of the general education development (GED) test;
- C. have at least 1,040 hours of paid or unpaid staff supervision experience; and
- D. have at least nine quarter credits or 90 hours earned in any combination of accredited courses in staff supervision, human relations, and child development.

Subp. 2. Additional requirements.

If a director functions as a teacher or develops or revises the child care program plan, the director must meet the qualifications of a teacher specified in part 9503.0032.

Area of Consideration: Director Qualifications

Limitations of the Current Rule:

- The Director is not required to meet the qualifications of a Teacher, however the majority of Directors are responsible for the oversight of teachers. How is one to not only oversee, but mentor teachers if they are not themselves teacher qualified?
- 1,040 hours of paid or unpaid staff supervision experience (the equivalent of 6 months experience) is very broad; additionally the rule does not specify the setting or depth of the experience.
- No previous classroom is experience is required.
- Coursework in Early Childhood Development is an option, but not required.

Area of Consideration: Director Qualifications

Recommendations:

A director must:

- A. be at least 21 years old;
- B. meet the qualifications of a teacher as defined in part 9503.0032; and
- C. have at least 2,080 hours of paid or unpaid staff supervision experience relevant to the field of teaching

Subp. 2. Additional requirements.

The director must attend annually, either in person or via webinar, an orientation with the Department of Humans Services. This orientation would contain information such as updates to the licensing rules and regulations, or guidelines for creating policies.

Grandfathered Exemption: A director who does not have the updated credentials may remain a Director following enactment, providing they remain at their original center or transfer only to a center licensed prior to the effective date of the new regulations.

Area of Consideration: General Guidelines

9503.0155 FACILITY

Current: Subp. 7. Outdoor Activity Area

A.

A center must have an outdoor activity area of at least 1,500 square feet, and there must be at least 75 square feet of space per child within the area at any given time during use

Recommendation:

B. A licensee shall maintain or have access to an outdoor play area with at least 2,000 square feet, and there must be at least 75 square feet of space per child for the maximum number of children who will use the playground at one time with a space suitable for gross motor moderate to vigorous physical activities, including running. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time. (Delaware, Section 40, B)

Current: Subp. 13. Room temperature

A minimum temperature of 68 degrees Fahrenheit must be maintained in indoor areas used by children.

Recommendation: Include a maximum temperature between 78 and 82 degrees Fahrenheit

Area of Consideration: General Guidelines

9503.0060 FURNISHINGS, EQUIPMENT, MATERIALS, AND SUPPLIES

Current: Subp. 4. Equipment and Materials for Toddlers - Sampling

A

- (2) one book per child;
- (3) 24 large building blocks per group;
- (4) 100 small building blocks per group

Recommendation:

B. Consider removing the quantities. The requirement to have access to these items creates an environment that is very overstimulating for children. Current regulations require these materials be within reach of children throughout the day.

Centers have received citations for having some of these required materials out of reach during an inspection.

Area of Consideration: Breastfeeding

Breastfeeding:

Rule 9503 does not currently address or make reference to breastfeeding.

New York has a guide to Breastfeeding Friendly Child Care:

<https://www.health.ny.gov/prevention/nutrition/cacfp/breastfeedingspon.htm>

Rule Recommendation:

A center must provide a comfortable place for mothers to nurse their infants throughout the day. The location must be private and may not include areas such as restrooms or closets. Additionally, mothers must be allowed to breastfeed their child within the classroom if they so choose. Staff must be prohibited from requiring mothers to nurse their infants outside of the child care center in locations such as a vehicle.

Area of Consideration: Nature Schools

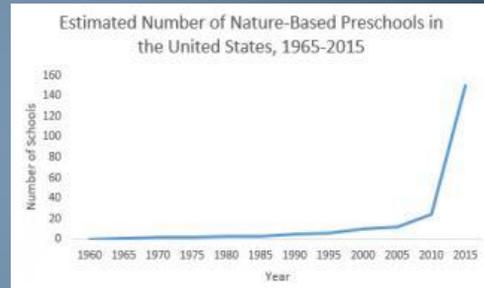
States such as Michigan, are in the process of adopting licensing options for Nature based programs. It is at times difficult to fully realize the philosophy of our program as some regulations prove challenging.

9503.0145 FOOD AND WATER

Subp. 8 Drinking water must be available to children throughout the hours of operation and offered at frequent intervals. Drinking water for children must be provided in single service drinking cups or from drinking fountains accessible to children.

Our variance request for water bottles was denied.

Our request included how we would prevent cross-contamination by labeling each bottle with a picture of each child and provide staff supervision. It is extremely challenging to keep children hydrated when a water fountain is unavailable and Toddlers do not have fine motor skills for paper or plastic cups.



Child and Adult Care Food Program

Participation:

Child Care Centers must be a registered non-profit organization. Should the center be for-profit it must have at least 25% of the children in attendance from low income families

Family Providers may participate and are without percentage restrictions relating to low income families

Reimbursement:

Child Care Centers reimbursement rates include a 3 Tier system based on individual family incomes. For example a center may have 10% of families in Tier 1, 70% in Tier 2, and 20% in Tier 3.

Family Providers reimbursement rates includes a 2 tiered system based a provider's area they live in, a providers household income, or the income of the families a provider serves

(<http://www.providerschoice.com/pages/providers/usda.asp?active=2>)

Child and Adult Care Food Program

Unintended Consequences:

For-profit child care centers may be discriminating against higher income families by electing to enroll lower income families to retain their CACFP reimbursement.

Healthy meals may not be available for children within a for-profit center if the average area rates do not support a higher tuition rate which allows for higher quality catering or meal options.

Recommendation:

Consider work at the Federal Level to amend the guidelines.

Consider gap funding at the State Level to ensure access to healthy meals for all children.

Tuition Sources

Child Care Assistance Program

Consider an online system for submitting provider paperwork that allows for paperwork to be shared between counties rather than duplicating forms.

Consider the option of requiring counties to provide the option of online billing in addition to paper.

Consider the option of re-aligning Parent Aware Grant Invoicing Periods with the 2-week Child Care Assistance Program Periods, as in the past.

Consider the development of an online webinar to better understand the requirements of the Child Care Assistance Program.

Current Factors Contributing to the “Silent Crisis”

Lack of available resources and tools for communities to understand how to assess the need for child care within their city planning.

Lack of available resources for communities, organizations, and individuals to understand the process of licensing, where to find resources to assist in the process, or how to find individuals, such as consultants, who are able to guide them through the process.

Lack of understanding on the components of a child care center including fiscal aspects, facility and location requirements, and ensuring adequate leadership to create sustainability.

Exploration of Solutions to the “Silent Crisis”

Create a series of Toolkits for various aspects surrounding child care considering means such as:

*Child care analysis tools for communities, to assist in planning, zoning, and supporting child care providers.

*Creating a system or central location for communities to share experiences, strategies, and policies that support and create child care opportunities within their community.

*Providing opportunities for ongoing communication between key stakeholders such as legislators, licensing officials, county officials, and providers.

*Providing ongoing research and data relating to child care.

*Retaining a legislative committee indefinitely to ensure progress and sustainability of child care in Minnesota.

