



The Weighted Risk System in Family Child Care

March 2024

About the Weighted Risk System

The purpose of licensing regulations in child care settings is to protect the health and safety of children. Some regulations, if violated, pose a greater risk of harm than others.

A challenge faced by many licensing oversight agencies is how to acknowledge that some regulations pose more risk than others in a fair and consistent manner. The Minnesota Department of Human Services (the Department), with assistance from the National Association for Regulatory Administration (NARA), has worked to address this issue by designing a **Weighted Risk System** for use in family child care.

The Weighted Risk System assigns a numerical score, or weight, to each family child care (FCC) regulation. Weights range from 1 – 10, where 1 represents “almost no risk” and 10 represents “certain risk.”

By assigning a weight to each regulation, the Department has a quantifiable, objective, stakeholder-supported method to show the potential impact to children in care if a regulation is violated when compared with all other regulations.

How Weights Were Assigned

Licensors, providers, parents, and other stakeholders assigned weights to the regulations through an online survey process. DHS and NARA analyzed the responses to produce a final weight for each regulation.

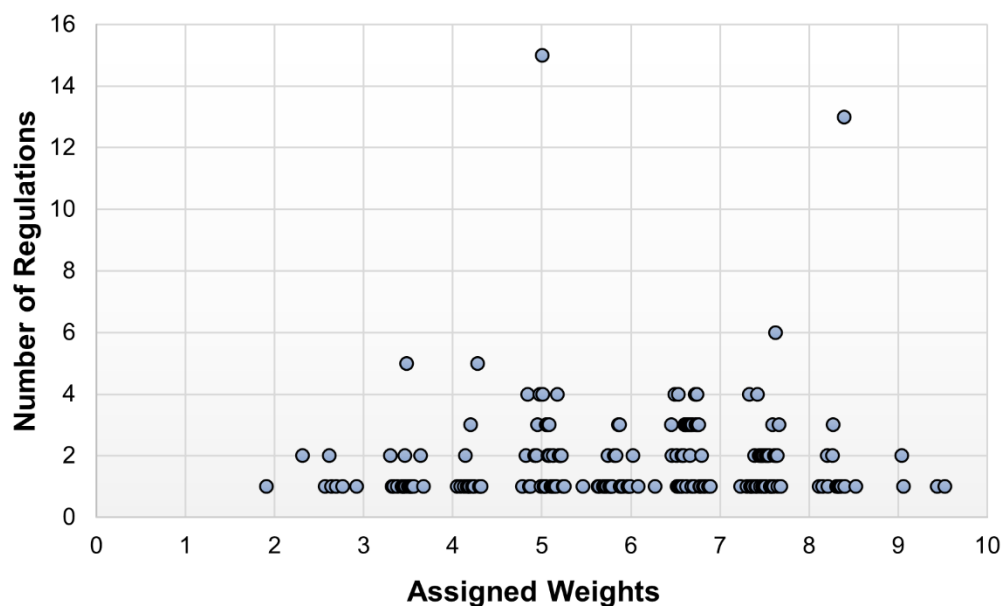
Stakeholder Type	Number of Survey Participants	% of Total Survey Participants
FCC provider	1,102	85%
FCC licensor	138	11%
Other	28	2%
Representative of early childhood/childcare-related organization	14	1%
Parent, guardian, or family member	13	1%
Total	1,295	100%

About the Weights

Weights were assigned to **328** regulations.

- The average weight was **6.04**.
- The lowest weight was **1.91**, for a regulation requiring license applicants to submit a form in the county where the applicant resides.
- The highest weight was **9.52**, for a regulation that prohibits drinking and drug use when children are present.

This chart shows the distribution of the 328 regulations by the weights assigned.



Applying the Weighted Risk System

It is proposed that the Weighted Risk System will replace the current fix-it-ticket process with documented technical assistance.

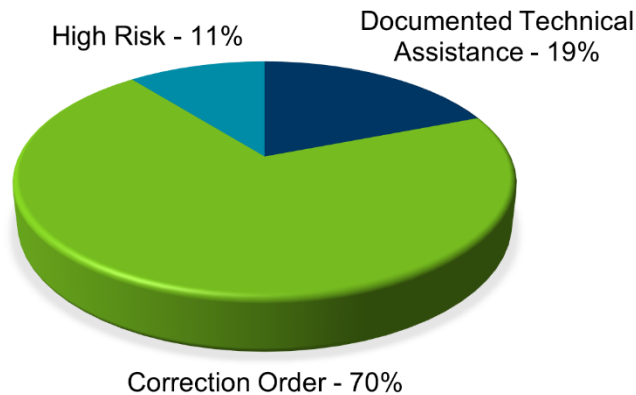
In general, violations of regulations with weights **less than 5.0** will be recorded in the Electronic Licensing Inspection Checklist Information (ELICI) tool as documented technical assistance.

Violations of regulations with weights **between 5.0 and 7.99** will be managed through correction orders.

Regulations with a weight of **8.0 or higher** will be considered High Risk regulations. Violations of these regulations may indicate the need for licensing action such as a fine, conditional license, temporary immediate suspension, suspension, or revocation. These regulations pose more risk to children if violated than 90% of all other family child care regulations, according to the weights assigned in the WRS assessment process.

The chart below shows the percentages of all regulations that will be managed through documented technical assistance, correction orders, and possible licensing action.

Licensing Regulations on the New Weighted Risk System Scale



Comparing Fix-It Tickets and Documented Technical Assistance

There are currently 28 regulations eligible for a fix-it ticket if certain conditions exist. By replacing the fix-it ticket process with documented technical assistance, the number of regulations that can be resolved via documented technical assistance will increase from 28 regulations to 63 regulations.

Other Uses for the Weighted Risk System

The Weighted Risk System will also be used to:

- *Identify additional regulations to be measured during abbreviated inspections.* In addition to the regulations most closely associated with overall compliance, compliance with the “High Risk” regulations will also be measured during abbreviated inspections. This provides another layer of protection for children in care.
- *Prepare inspection history reports from a risk-based perspective.* The Department’s licensing system will be enhanced to prepare reports showing a license holder’s comprehensive inspection history, including the weights for any regulations that were violated.
- *Inform decisions about licensing actions.* When one or more licensing violations are identified, the Department considers the “severity, nature, and chronicity” of the violation(s) when determining what action is most appropriate. When regulations are not weighted, decisions about licensing actions are dependent heavily on subjective judgment, experience, and past practices in similar situations. The Weighted Risk System establishes a consistent and equitable approach to such decisions while still respecting the fact that the circumstances surrounding any noncompliance are unique.