

Child Care Regulation Modernization Project – 2023 year in review

The [Child Care Regulation Modernization Project](#) – the Department of Human Services’ (DHS) multi-year effort to develop new licensing standards and data-driven regulatory tools for licensed child care centers (CCC) and family child care (FCC) – has completed multiple milestones in 2023. This document includes some project highlights from 2023, as well as what can be expected in 2024.

Weighted risk system

In spring 2023, the project team worked with the National Association for Regulatory Administration (NARA) to create a weighted risk system assessment for stakeholders to assign a numerical score, or weight, to each child care center and family child care licensing standard, ranging from 1-10 where 1 means “almost no risk” and 10 means “certain risk.” This survey was completed by many stakeholders such as child care providers, licensors, parents/guardians/family members, early child care organizations, and others. For child care centers, 999 total respondents completed the assessment, and 760 of those were child care providers. For family child care, 1,295 respondents completed the assessment, and 1,102 were child care providers.

The weighted risk system will use the weights that were assigned during the weighted risk system assessment to directly inform a tiered enforcement framework that will give Minnesota a quantifiable, objective, and stakeholder-supported method to show the potential impact a violation poses to children in care. In Fall 2023, the project team and NARA developed the weighted risk system and ran a pilot project in September and October to test the concept of the tiered enforcement system. NARA reported that the pilot went well and they gained valuable insight on how to improve the concept.

In 2024, stakeholders can expect DHS to propose the weighted risk system in the 2024 Legislative Session. The weighted risk system is anticipated to create three different tiers of regulations, with each tier corresponding to a different level of risk if the regulation is violated and thus a different approach to enforcement. The three tiers would be high-risk, medium-risk, and lower-risk. The three tiers and the regulations that fall within each will be publicly shared once they are finalized.

Items in the low-risk tier would be eligible for documented technical assistance. Items cited for documented technical assistance would not be cited in a correction order or publicly posted as a violation, however they would still be documented by the licensor internally on the Electronic Licensing Inspection Checklist Information (ELICI) tool. As a safeguard to prevent chronic non-compliance with lower risk standards, providers would not be eligible for documented technical assistance if cited again for the same documented technical assistance-eligible violation during their next annual inspection. Because of the new enforcement tiers and the documented

technical assistance requirement, DHS recommends replacing the current “fix-it ticket” system with the weighed risk system. The weighed risk system is expected to result in a greater number of regulations eligible for documented technical assistance and thus fewer violations being publicly posted. The weighted risk system also improves consistency in decision-making, by providing data-driven information about the risk associated with different violations.

Abbreviated inspections

Throughout 2023, NARA and DHS discussed processes and updated internal systems to implement abbreviated inspections. Abbreviated inspections are shortened licensing inspections that include a subset of licensing standards sorted into three categories:

- **Key indicators** – A subset of standards which statistically predict compliance with the entire list of standards. These were determined through statistical analysis of data from previous annual licensing inspections Minnesota.
- **High-risk rules** – A subset of standards that, if violated, have an increased risk of harming the children in care. These were determined through stakeholder input on the Weighted Risk System assessment completed in Spring 2023.
- **Random rules** – A set of five rules that are randomly generated for each licensing inspection and do not fall within the other two categories.

To receive an abbreviated inspection, providers must meet eligibility criteria. These criteria will be informed by stakeholder input. To see a summary of stakeholder input and the types of criteria being considered, see the [Eligibility Criteria Stakeholder Report](#). Eligibility criteria will be shared publicly once finalized.

In 2024, providers and licensors can expect abbreviated inspections to go live after the Provider Hub is fully implemented for both child care centers and family child care providers. Additionally, licensors will receive training for abbreviated inspections prior to the rollout, and informational sessions will be made available for providers and other stakeholders interested in learning about the abbreviated inspection process.

Revised licensing standards

In Spring 2023, the project team received the first draft of revised licensing standards from NARA. Throughout the year, the project team met with topic experts, providers, licensors, and other regulatory experts to discuss ways to improve licensing standards for both child care centers and family child care based on priority topics identified within the [Survey to Guide Revised Licensing Standards](#) completed by stakeholders in Fall 2022. Some examples of what the project team has been focusing on are:

- **CCC staff qualifications workgroup** – A work group was formed of about 20 early childhood education and child care center stakeholders, including provider associations (e.g., Minnesota Child Care Association, Minnesota Head Start Association), child care center providers and other child care experts (e.g., Child Care Aware, Children’s Cabinet). The group met monthly September through December to identify priorities for proposing revised child care center staff qualification requirements.

- **FCC training requirements** – The project team utilized the expertise within the Family Child Care Training Advisory Committee in May and September 2023. Discussions will continue in 2024.
- **Environmental health** – The project team met with the Minnesota Department of Health (MDH), Ramsey County, and Hennepin County environmental health teams to discuss feasible steps to improve this topic within child care.
- **Caring for children with special needs** – The project team met with the Minnesota Department of Education (MDE), DHS Disability Services Division, and conducted a focus group with providers who care for children with special needs to discuss ways to expand care for this demographic.
- **Food and nutrition** – The project team met with the MDH and MDE nutrition teams regarding the U.S. Department of Agriculture (USDA) Child and Adult Food Program (CACFP) meal pattern and nutrition requirements, and the protocols for vended meals.
- **Sanitation and health** – The project team met with the MDH sanitation teams and child care center health consultants to discuss ways to promote better sanitation practices in programs while still keeping them practical.
- **Fire code** – The project team met with the State Fire Marshal to ensure that revised standards accurately reflect the current fire code.
- **And more!**

During the first half of 2024, stakeholders can expect a second draft of the revised licensing standards to be publicly posted and shared. In Spring 2024, the project team will be organizing a pilot project where one-on-one interviews will be conducted with stakeholders to solicit feedback on high priority topics. Additionally, all stakeholders will be able to provide feedback on the second draft via an online survey. After all feedback is received, NARA will analyze the stakeholder input and create a third and final draft of the revised licensing standards. The third draft will then be proposed in the 2025 legislative session and will follow the legislative process.

Thank you!

The Child Care Regulation Modernization project team is thankful for all the work that child care providers, licensors, parents and families, early childhood organizations and others have put toward the creation of the weighted risk system, abbreviated inspections, and revised licensing standards. The project's success hinges on your contributions and expertise, and the team looks forward to what 2024 will bring for the future of child care!

If you have questions about the project, please email the project team at ceregmodernization.dhs@state.mn.us.