



National Association for
Regulatory Administration

State of Minnesota Department of Human Services (DHS)

Risk-Based Violation System

Report of Stakeholder Sessions

Town & Country Drive Suite 119, #121 Fredericksburg, VA 22405888-674-7052
www.naralicensing.org
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Background

After years of interest from providers and others in regards to reform and updated regulations for Minnesota's child care licensing programs, legislation was passed in 2021 supporting regulation modernization projects for licensed family child care and child care centers.

Through Minnesota legislation, which can be found by clicking [here](#)¹, DHS was directed by the legislature to proceed with a modernization process consisting of a three-component methodology that has been utilized by the National Association for Regulatory Administration (NARA) with a number of other states across the country, as well as provinces in Canada. DHS executed a contract with NARA in March 2022.

The Minnesota child care regulation modernization project consists of three components:

1. Key indicator systems for abbreviated inspections
2. Risk-based tiered violation systems
3. Revised licensing standards

The purpose of this document is to report to MN DHS the results of the first set of stakeholder engagement processes used with respect to the risk-based tiered violation system.

Scope of the Stakeholder Meetings

Working directly with DHS staff, NARA created a [PowerPoint presentation](#) to guide a discussion with a variety of stakeholders--including licensed child care providers, licensors, experts in child development, parents, and others. These engagement opportunities took place over a period of eight weeks with 13 separate sessions being presented. The PowerPoint presentation is posted on the project webpage.

All sessions were held remotely with NARA staff facilitating each 2-hour session, via a WebEx platform. Following a brief explanation, including the history of child care licensing in Minnesota and how the decisions to modernize came to fruition, participants were broken into groups (utilizing WebEx breakout sessions) to answer the two primary questions. These

¹ [MN Laws 2021, First Special Session, Chapter 7, Article 2, sections 75 and 81.](#)

questions and the corresponding data are explained in detail below in the analysis section of this report.

NARA moderators facilitated each breakout session; DHS staff did not attend the individual break-out sessions. The reason for this was to facilitate a straightforward dialogue without the complication of participants fearing judgments from DHS staff.

Results of Stakeholder Input

Two primary questions were asked of participants:

1. What are the most important standards for protecting the health and safety of children being served? and
2. What factors should we consider when determining the severity of a violation?

A total of 476 individuals registered to participate in these sessions. Sessions were held at varying times of the day to allow for greater participation of the identified stakeholders. Throughout all sessions, NARA gathered information from 285 participants (to answer the above questions). Additionally, 11 participants completed surveys rather than attending the sessions, bringing the total participants to 296. A total of 13 sessions were held comprising of:

- Four (4) family child care (FCC) provider sessions including one session specifically for family child care organizations,
- Four (4) child care center provider sessions including one specifically for child care center organizations and,
- two (2) family child care licensor sessions,
- one (1) child care center licensor session and,
- two (2) parent sessions (one family child care and one center child care).

Stakeholders who participated in online engagement sessions were broken into small groups and asked two specific questions (above). Responses were recorded into the online platform Jamboard during the sessions in a sticky notes format. Once each session was completed, notes were transferred into an Excel Spreadsheet by the moderators. Once all sessions were concluded, all comments (data) were combined into one Excel spreadsheet where they were coded into primary and secondary themes. Thematic coding (the process of putting themes into content categories), and the resulting analysis, uses qualitative data analysis (the process of counting and comparing category numbers) to find themes in text or statements by analyzing the meaning of statements to evaluate and draw initial conclusions.

Analysis and Trends/Themes

As indicated above, participants were asked two specific questions. Below are the responses to those questions.

Question 1: What are the most important standards for protecting the health and safety of children being served?

Overall, there were over four hundred mentions of regulations and related topics that the MN stakeholders believed were the most critical rules for keeping children attending licensed child care safe. Table 1 represents the collective input from all stakeholder groups for question one. The following sections will provide a brief analysis and summary of the most mentioned themes.

Table 1: Primary Themes and Counts for Question 1

Theme	Count
Access	1
Child Activity	2
Allergy management	2
Background studies	23
Basic safety	1
Behavioral health	13
Building security	1
Capacity	5
Cleanliness/sanitation	20
Communication	10
Consumer safety	1
Curriculum	1
Diaper changing	10
Diversity	1
Documentation	6
Emergency planning	11
Emotional health	1
Environment	11
Equipment	25
Escape prevention	1
Exclusions	2

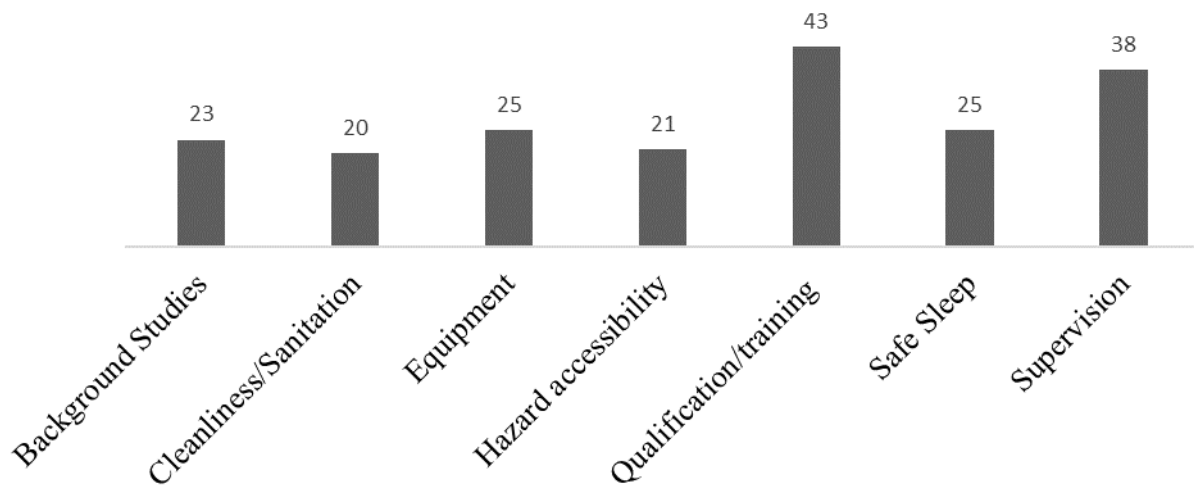
Theme	Count
Exits	1
Fall hazards	7
Fire safety	7
Food safety	8
Grouping	2
Guns/Weapons	7
Handwashing	5
Hazard accessibility	21
Health and safety	9
Immunizations	1
Indoor environment	4
Infant safety	3
Interactions	4
Mandated reporting	1
Mask	1
Medication management	2
Nutrition	8
Outdoor environment	11
Qualification/training	43
Ratio	17
Relationship building	2
Reputation	1
Risk adversity	1
Safe sleep	25
Schedules	1
Secure	1
Social emotional	2
Special needs	1
Staff ongoing training	2
Supervision	38
Toys	3
Transparency	1
Transportation	9
Vaccinations (Covid-19)	1
Water hazards	15

Theme	Count
Total	413

Primary Themes for Question 1

The highest thematic mention was centered on regulations related to staff qualifications and training (43) and included a wide array of the training’s participants felt were most important for child care staff to have. The next most mentioned theme was supervision (recorded 38 times) and was in reference to the fact that many (not all) injuries or harm to children may not happen if staff are actively supervising children in their care. Other primary themes within question one included: equipment in good repair and age appropriate; safe sleep practices; cleared background studies; keeping hazards such as chemicals, poisonous and toxic materials inaccessible to children; and maintaining clean and sanitary environments.

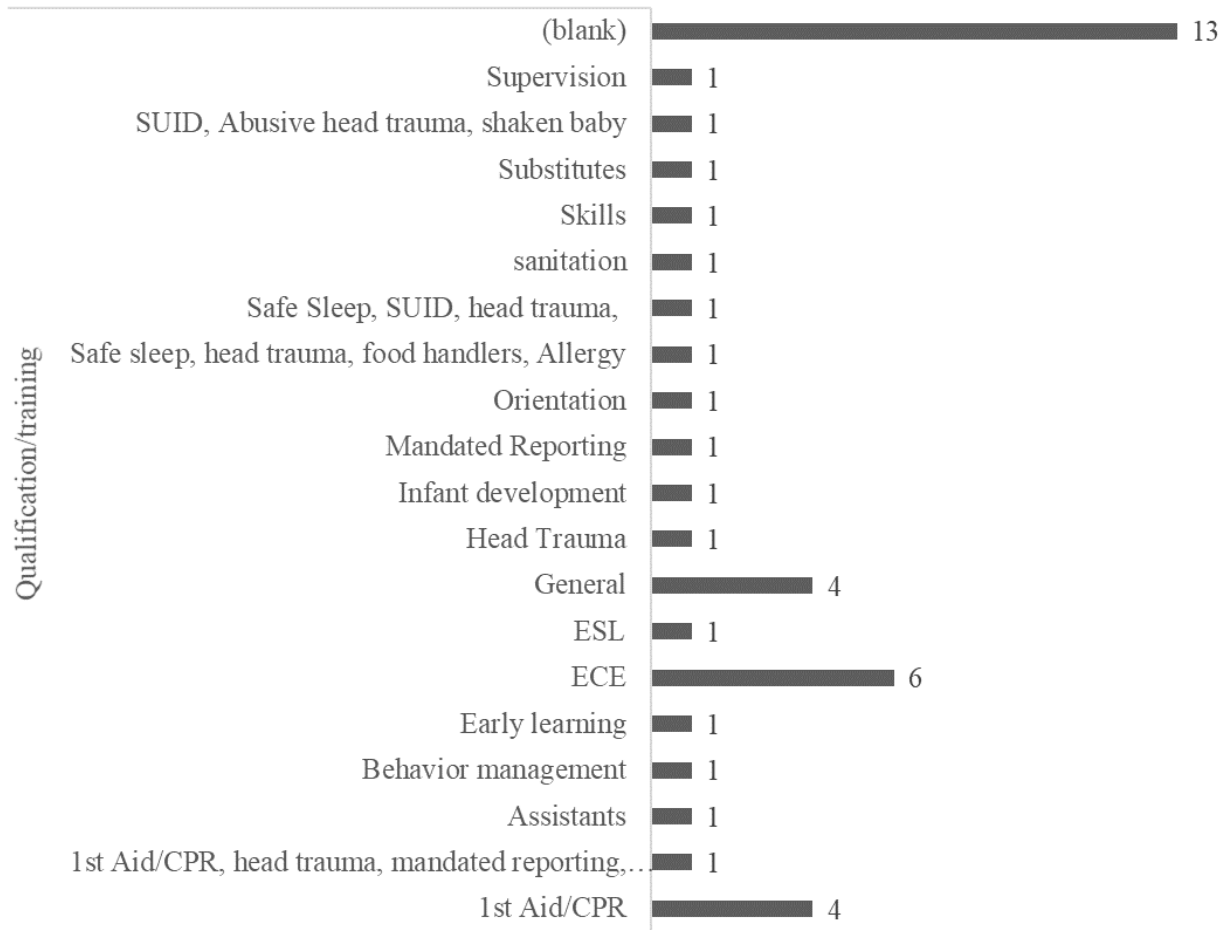
Graph 1: Highest Theme Mentions for Question 1



Secondary Themes for Question 1

Within each primary theme, secondary comments were coded into secondary themes to provide details, when needed, to what specific regulations are most important to participants. Graph 2 identifies the specific training and staff qualifications mentioned:

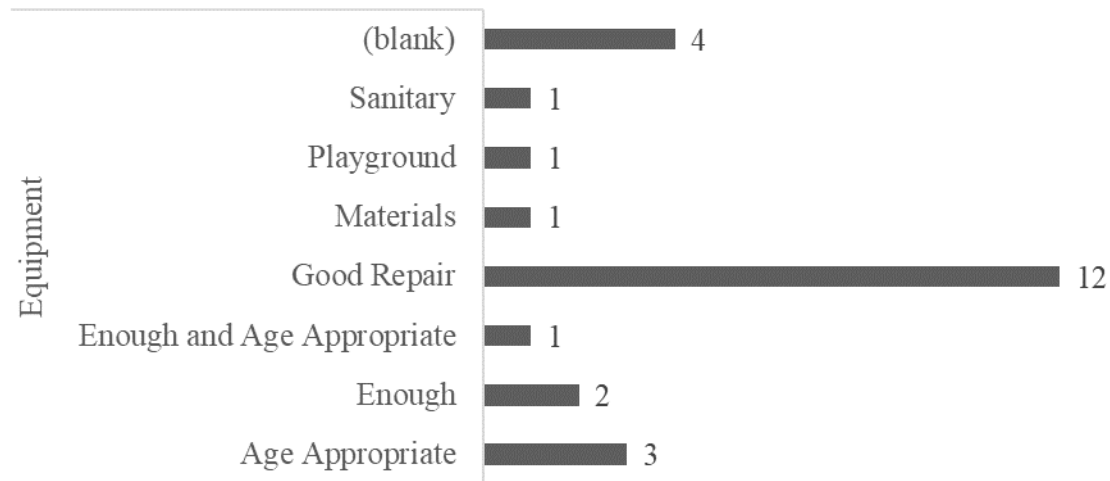
Graph 2: Secondary Themes within Qualifications and Training



Note: “(blank)” refers to only general statements to the theme.

Graph 3 describes the various themes for the safety considerations for equipment and materials:

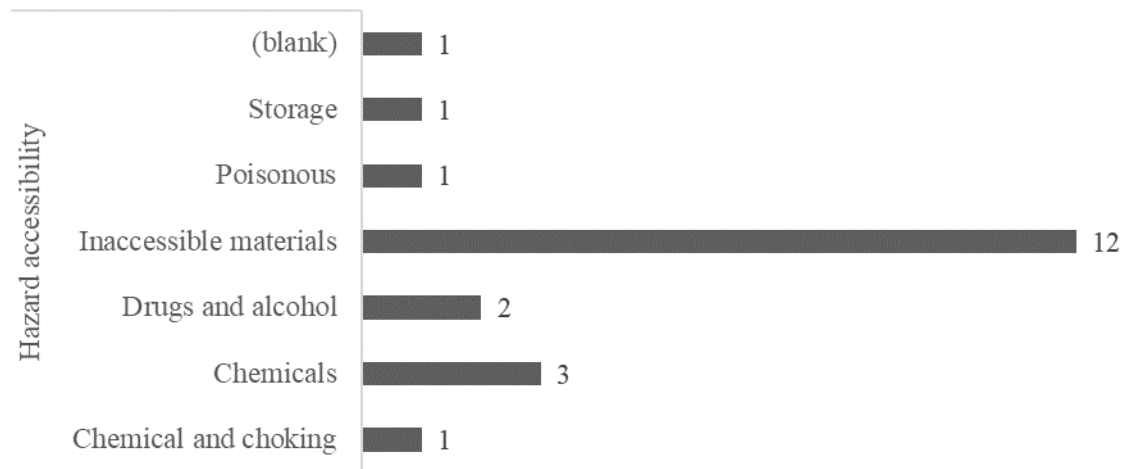
Graph 3: Secondary Themes within Equipment



Note: “(blank)” refers to only general statements to the theme.

Graph 4 describes the themes for how hazardous materials should be stored:

Graph 4: Secondary Themes within Hazard Accessibility



Note: “(blank)” refers to only general statements to the theme.

Primary Themes by Participant Type for Question 1

Looking at a comparison of primary themes identified by child care center (CCC) licensors versus family child care (FCC) licensors, licensors that work with centers emphasized staff interactions with children and the behavioral health of staff as well as qualifications and training.

Family child care licensors were most concerned with safe sleep practices, supervision, and concerns around water hazards (including temperature) in addition to qualifications and training.

Table 2: Primary Themes for Licensors - Question 1

Primary Theme	CCC Licensor	FCC Licensor	Total
Behavioral Health	6	3	9
Qualification/training	7	7	14
Safe Sleep	2	7	9
Supervision	3	7	10
Water Hazards	0	7	7

When considering provider input, the six highest primary themes mentioned included six areas as seen in table 3. Supervision, equipment that is in good repair and age appropriate, inaccessible hazards such as chemicals and toxins, and safe sleep practices were almost evenly represented by the two provider types. However, background studies were mentioned more often by child care center staff than any other group.

Table 3: Primary Themes for Providers – Question 1

Primary Theme	CCC Provider	FCC Provider	Total
Background studies	10	2	13
Equipment	5	7	12
Hazard accessibility	7	8	15
Qualification/training	9	10	19
Safe Sleep	9	6	15
Supervision	13	11	24

Parents, guardians, and others responsible for children were a much smaller group than the other participant types. Table 4 outlines all their feedback concerning question one. The top themes included qualifications and training while the second most mentioned were communication and equipment.

Table 4: Primary Themes for Parents, Guardians, and Others Responsible – Question 1

Primary Theme	CCC Parent	FCC Parent	Total
Background studies	1	0	1
Building security	1	0	1
Cleanliness/Sanitation	3	1	4

Primary Theme	CCC Parent	FCC Parent	Total
Communication	5	0	5
Curriculum	0	1	1
Diversity	1	0	1
Documentation	1	0	1
Emergency planning	1	0	1
Environment	1	2	3
Equipment	4	1	5
Exclusions	1	0	1
Fall hazards	1	0	1
Handwashing	2	0	2
Indoor Environment	1	0	1
Interactions	1	1	2
Mask	1	0	1
Outdoor Environment	1	0	1
Pet Safety	0	1	1
Qualifications/Training	10	0	10
Ratios	2	1	3
Relationship Building	1	0	1
Reputation	0	1	1
Risk Adversity	1	0	1
Safe Sleep	0	1	1
Supervision	3	1	4

Question 2: What factors should we consider when determining the severity of a violation?

Question two focused on the direction of the risk-based tiered violation system. These topics provide stakeholder input on what DHS should consider when determining the risk of harm (actual or potential) a violation may or did cause a child. Overall, there were over 260 mentions of themes that the MN stakeholders believed influences the actual or perceived level of risk from a single violation, or combination of violations. Table 5 represents the collective input from all stakeholder groups for question two.

Table 5: Primary Themes and Counts for Question 2

Theme	Count
Age of children	7

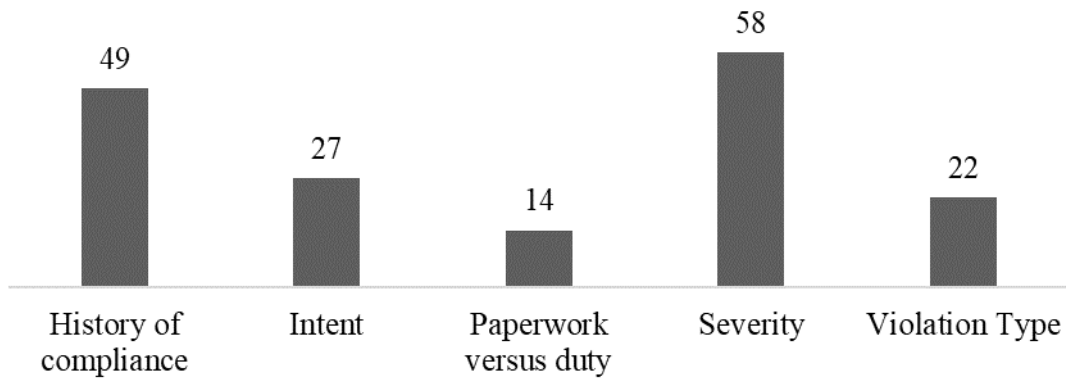
Theme	Count
Authority	2
Background studies	2
Capacity	2
Cooperation	5
Child Protective Services/Law enforcement involvement	3
Documentation	1
Environment	4
Experience	6
Frequency	1
History of compliance	49
Intent	27
Length of license	4
Length of non-compliance	2
Level of cooperation	2
License type	1
Mitigation strategy	13
Multiple violations	1
Outcome	1
Paperwork versus duty	14
Parent instructions	1
Probability	14
Qualifications/training	8
Severity	58
Supervision	4
Transparency	6
Timely correction	2
Training	3
Violation type	22
Clarity of rule	1
Total	266

The following sections will provide a brief analysis and summary of the most mentioned themes.

Primary Themes for Question 2

The highest thematic mention (the count each theme was mentioned) was centered on the severity of a child injury (58) and included a mix between when a child was *actually* hurt (and there was a subsequent violation(s)) or the potential of how bad a child *could* get hurt when a provider is out of compliance. All stakeholder groups mentioned the importance of considering a provider’s history of non-compliance (49) leading to the idea that providers with a strong history of compliance should be treated with less severity when they are out-of-compliance. This naturally lends itself to the theme of intent (27); meaning if the violation was done in malice or with intention, then the licensing action should be more severe. Violation type was mentioned 22 times while there was some discussion around the idea that a paperwork violation should be considered less risky because it does not directly relate to child interactions and, therefore, is less risky to children.

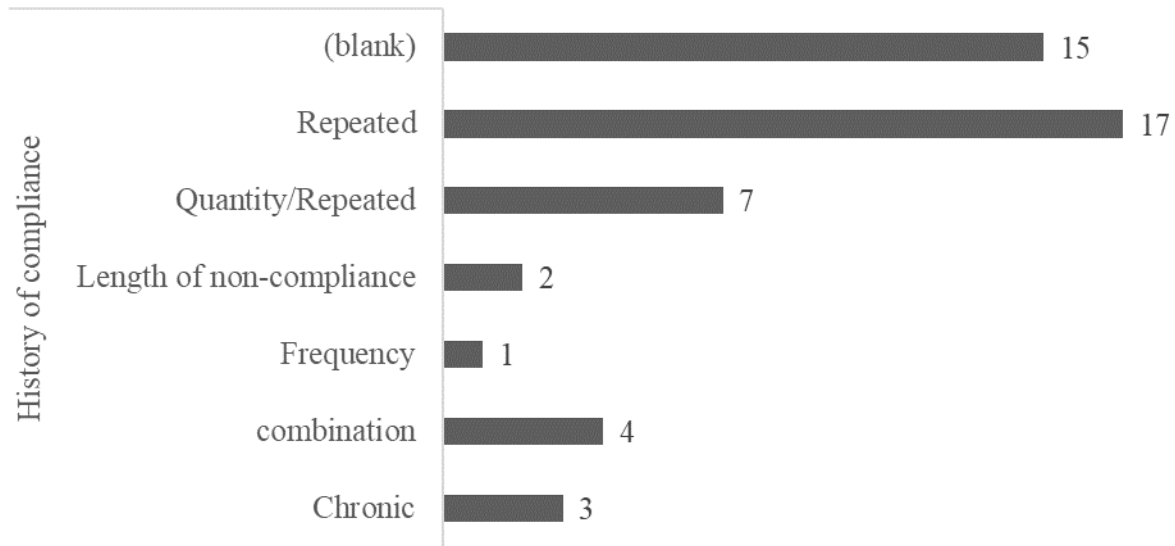
Graph 5: Highest Theme Mentions for Question 2



Secondary Themes for Question 2

Within each primary theme, secondary comments were coded into secondary themes to provide details, when needed, of what specific risk-based considerations are most important to participants. Graph 6 identifies the specific topics to consider within a provider’s history of compliance:

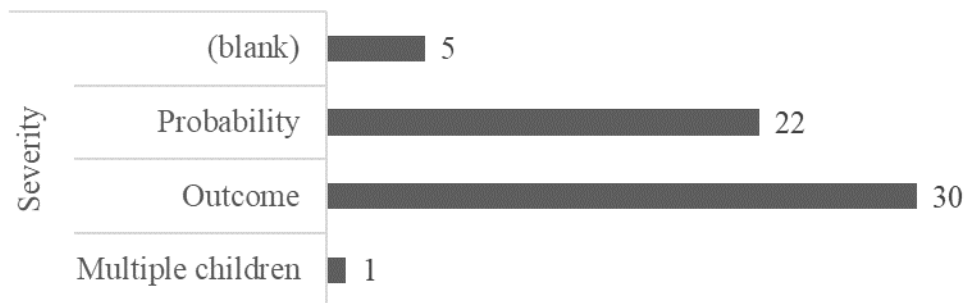
Graph 6: Secondary Themes within History of Compliance



Note: “(blank)” refers to only general statements to the theme.

Graph 7 describes the various considerations within severity issues to a licensing violation including: what is the probability a child (or children) could get hurt; was a child hurt and to what degree (outcome); and whether there were multiple children involved in an actual or potential injury.

Graph 7: Secondary Themes within Severity

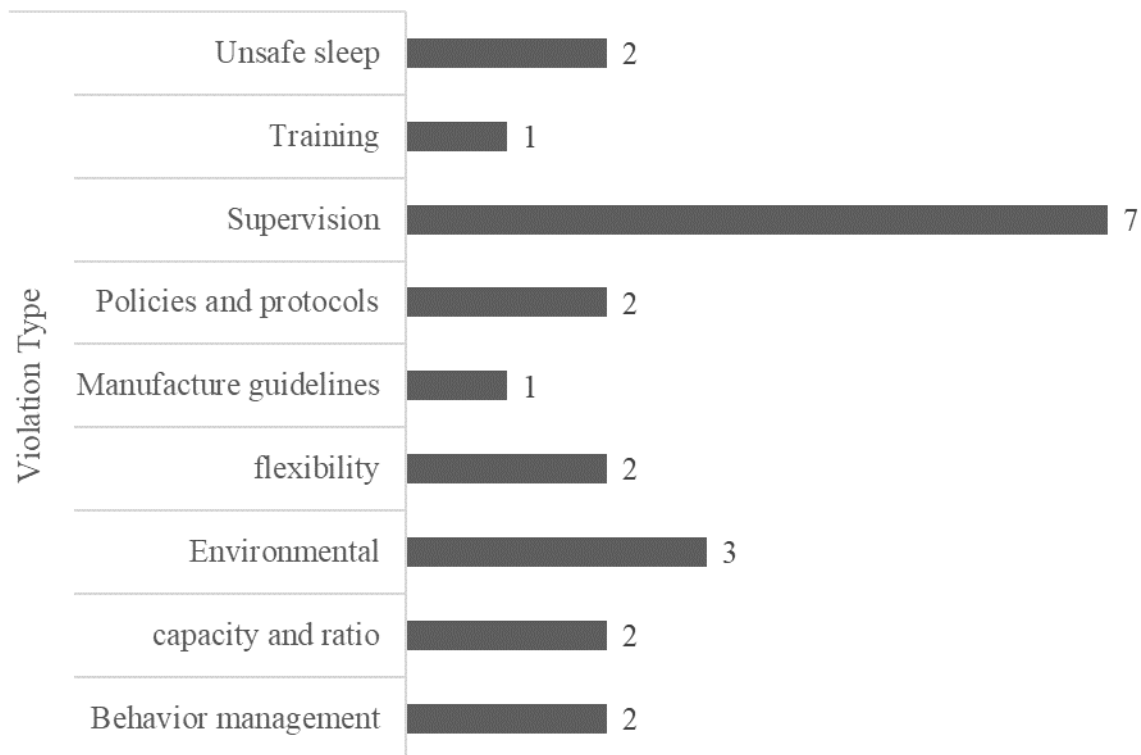


Note:

“(blank)” refers to only general statements to the theme.

Graph 8 describes the type of violations that participants thought should be considered more severe when thinking about licensing actions. As can be noted here, there are some direct correlations to the type of violations participants mentioned in the first exploratory question. For example, supervision (or lack of) was mentioned highly in both questions one and two. The same is true for safe sleep practices and environmental hazards.

Graph 8: Secondary Themes within Violation Type



Primary Themes by Participant Type for Question 2

Looking closer at the primary themes by licensor type: Child care center (CCC) licensors and family child care (FCC) licensors emphasized history of compliance and probability. FCC licensors were most concerned with severity and violation type.

Table 6: Primary Themes for Licensors – Question 2

Primary Theme	CCC Licensor	FCC Licensor	Total
History of compliance	8	9	17
Probability	4	5	9
Severity	4	12	16
Violation type	0	8	8

When considering provider input, primary themes mentioned the most included five areas of consideration as seen in table 7. Providers considered severity the highest priority for both centers and family home providers. Similarly important in both groups was the provider’s history of compliance and the violation types. However, providers mentioned mitigation strategies at a higher rate amongst family child care providers.

Table 7: Primary Themes for Providers - Question 2

Primary Theme	CCC Provider	FCC Provider	Total
History of compliance	11	14	25
Intent	10	9	19
Mitigation strategy	4	6	10
Severity	21	15	36
Violation type	6	7	13

As mentioned earlier, parents, guardians, and others responsible for children were the smallest participant group included in the stakeholder engagement. Table 8 outlines their feedback concerning question two. The top themes included the provider’s history of compliance, the severity of an injury or potential severity of an injury, the intent, and transparency of the provider with the family when an injury does occur.

Table 8: Primary Themes for Parents, Guardians, and Others Responsible – Question 2

Primary Theme	CCC Parent	FCC Parent	Total
Documentation	1	0	1
Environment	1	0	1
History of compliance	3	4	7
Intent	4	1	5
Paperwork versus duty	0	1	1
Severity	3	3	6
Supervision	3	0	3
Transparency	2	0	2
Violation Type	1	0	1

In addition to collecting information through breakout room discussion, NARA also instituted a less formal, but enjoyable engagement method to create a “Word Cloud.” Utilizing the Mentimeter application, we asked participants to enter a word or short phrase “that struck you as important about today’s session,” into the word cloud. Over the 13 sessions, we saw words such as:

- Collaboration
- Thought provoking
- Collective voices
- Common sense
- Looking at risk as threshold
- Hopeful about the change to come
- Inclusion in the process
- Feel heard
- Grace

Conclusion

Stakeholder engagement helps organizations to proactively consider the needs and desires of anyone who has a stake in their organization, which can foster connections, trust, confidence, and buy-in for an organization's key initiatives. Additionally, as addressed earlier in this report, such engagement also provides information such as constraints or requirements based on information from their industry; it helps organizations understand the project risks (positive and negative) and constraints. The more stakeholders are involved and engaged, the more an organization can uncover and reduce project risk.

One of the objectives of these engagement sessions was to determine themes based upon stakeholder input. NARA staff identified both primary and secondary themes based upon the two pre-selected questions. Those findings are related in the tables and individual graphs outlined on pages 3-15 of this report.

This report shows considerable information was gathered through this first engagement process; and demonstrated that engaging stakeholders was not only beneficial but elemental. Through this first stage of stakeholder engagements, it was learned that DHS licensing staff and providers largely agree on similar rules that place children at greatest risk if not followed. This includes rules that have to do with ensuring individuals charged with caring for children are safe and well trained, environments are clean and free of hazards with safe equipment, and supervision is adequate and active. There was also general agreement that regulations where a child likely would be hurt physically, or an injury could be severe should be considered with more severity than rules that potentially would not directly harm a child if violated. Providers articulated a strong opinion that intent behind a violation (meaning if there was an intent to be harmful to a child or if a violation was accidental but still resulted in an injury) should be considered when creating a risk-based violation system. Information from this experience can and should influence improving each phase of this modernization project and should be utilized accordingly.

NARA is excited to continue our work with Minnesota DHS to utilize information gained to fully implement the Child Care Regulation Modernization Project.