

The Joy Initiative Report
First Release – Approximately 300 out of 1807 Licensed Child Care Centers
March 7, 2018

Researchers: Educators from Here We Grow Early Childhood Center, Mankato, MN
Elizabeth Bangert, BS Elementary Education; MS Educational Leadership
Haylee Blauert, BS Early Childhood Education & Elementary Education; MS Experiential Education

Purpose: The title “Joy Initiative” was purposefully selected for this work, as our goal is to bring joy back to the child care profession so that we may be viewed as competent individuals who are capable of making decisions while working to preserve the wonder of childhood.

Source of Data: The data was copied and pasted verbatim from the DHS Licensing Information Lookup Website. <https://licensinglookup.dhs.state.mn.us/> - Please note: We established a cutoff date of December 12, 2017. Any licensing actions following this date are not included in this research.

Analysis of Data: The data is purposefully compiled in an Excel Workbook so that it can be filtered in search of specific evidence utilizing the “filter feature”. We filtered the following six categories that we found to demonstrate the greatest number of inconsistencies or evidence of overreaching in interpretation:

Minnesota Rules, part 9503.0045, subpart 2 - Interest Areas - (33 total citations)

Minnesota Rules, part 9503.0060 - Furnishings, Equipment, Materials & Supplies - (86 total citations)

Minnesota Rules, part 9503.0140, subpart 9 - Cleanliness - (91 total citations)

Minnesota Rules, part 9503.0140, subpart 19 - Condition of Equipment and Furniture (111 total citations)

Minnesota Statutes, section 245A.02, subdivision 18 - Supervision - (113 total citations)

Minnesota Statutes, section 245A.66, subdivision 2 - Accessibility of hazardous items - paragraph (e) (124 total citations)

Continuing Work: As the documentation within the First Release clearly demonstrates inconsistencies and overreaching in interpretation of Rule and Statute, we will continue to compile data until such time that legislation which better protects the rights of children, families, and providers, is adopted and respectfully implemented.

Questions:

What measures are the Department of Human Services utilizing to ensure consistency in interpretation of Rule and Statute?

What measures does the Department of Human Services intend to take to increase transparency with providers and stakeholders?

Where are the rights of providers and families, relating to processes for Maltreatment Investigations, Appeals or other related items made accessible to the public?

What measures are taken to audit the actions taken by the Department of Human Services?

What are the thresholds/circumstances for a conditional license?

Recommendations:

We feel this data supports the recommendation of:

- The MCCA's proposal relating to the exemption of Child Care Providers from the Positive Support Strategies Training Rule. (HF 3253 Franson)
- The MCCPIN's proposal relating to the Administrative Law Judge's ruling to be final, rather than a recommendation to DHS – with inclusion of **both** Center and Family Providers.
- The MCCPIN's proposal relating to a modification in the definition of swaddle products to include all sleep products available on the market, not under recall or warning from CPSC.org.
- Creation of a timeline for opening Rule Two and Rule Three with provisions that require provider input.
- Modification of correction order posting requirements for child care licensing. (HF3015 Quam)

In addition, we feel this data supports development/establishment of the following:

- A systematic approach relating to fines, to avoid discriminatory actions in the future.
- An interpretive document to provide clear guidance relating to Rule and Statute that are applicable within a licensed child care setting.
- An ongoing Advisory Council similar to and in collaboration with the Minnesota Children's Cabinet, with representation from each area of the state utilizing defined regions (such as those already established as regions within Parent Aware).
- A timeline by the Department of Human Services which details timelines for creation of required forms and documents which support providers in their efforts to comply with the new Rule and Statute.
- A system of accountability for the Department of Human Services which monitors their compliance with Minnesota Statute 245A.153 "Report to Legislature on the Status of Child Care".
- A public website with resources designed for ease of use by all parties.

Conclusion: The current regulatory climate does not convey respect for providers or the rights of families and children. This is evidenced by clearly documented cases of inconsistency and overreaching of interpretation. We feel strongly it is the role of providers to help children acquire skills such as navigating basic "everyday hazards" through exploration and curiosity to prepare them for life. Furthermore, we believe families should have the right to make decisions that directly impact their child, such as decisions relating to behavior guidance through separation from the group. We believe that each child is a unique individual and as such broad sweeping application of outdated rules is impeding their ability to be successful in their learning environment and beyond. Therefore, we will continue to advocate for change until such time as the aforementioned Rule and Statute are amended in a manner that reflect the competency of providers and families.

*The full data workbook file for downloading can be found beginning 3/7/18 at: www.herewegrowllc.com
Please note: The data content is locked to preserve the integrity of the data. Individuals intending to analyze the data may copy and paste the content of the data into a new workbook to unlock its functionality.*