

LEAD & CARE

Association of Family Child Care Professionals



Partnering with Providers, Supporting Family Child Care Businesses

PO Box 1136

Prior Lake, MN 55372

507-330-3110

March 12, 2024

RE: SF4665 Department of Human Services Office of Inspector general policy bill

Madam Chair and Committee Members:

My name is Cyndi Cunningham. I have been a Licensed Family Child Care Provider in St. Paul for 26 years and am the current Public Policy Chairperson for Lead & Care (rebranded Minnesota Child Care Provider Information Network, MCCPIN), a 501c3 sitewide association for Licensed Child Care Providers.

I am testifying on behalf of licensed family child care providers regarding background studies.

Licensed Family Child Care is repeatedly said to be important to the system and yet with half of our industry eliminated people wonder why half of our programs have been eliminated. Retirement isn't it. Leaving a job poorly supported by DHS (OLA report and repeated conversations between Lead & Care and DHS) and complicated is why. Having regulations which are high and yet inconsistently implemented, wondering when the next 'trouble we're in' is why many FCCs leave.

We believe that the safety of children is paramount and frankly the first criteria of care. Background checks can and should screen 'bad actors' and people who would not provide safety in a care setting.

This bill is long and detailed, we have attempted to engage over the years with DHS regarding our input however, we have not had any positive response or inclusion in this bill. There are a few areas I would like to address:

- **NetStudy2 is a fingerprint fed/state background check. However, counties cannot transfer this fingerprint check from one county to the other.** I and others have had challenges processing employees and/or substitutes which hinders our ability to manage our businesses. **It seems a data-based finger print/picture background check should be able to be accessed by all approved entities, not require providers to have the complete check redone, incurring costs, time and effort involved which can take a up to at minimum 45 days.**
- **We are asking that there be a filter where records can be public data, and a distinction from public posting.** The public has a right to access information regarding a program, however as care providers we should be afforded an equitable process. When a licensed family child care has a licensing action the letters distributed to the provider and the information in background checks is made available on the licensing look up which is then public to anyone anywhere. (I

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understand there is a new version, however, there has not been any provider input on content/presentation on this page). There is shock and shame when material is posted which is negative against a person written strictly from the DHS perspective with no room to publicly defend the accusations and findings. The provider has not had their appeal and accusations may be found to be inaccurate. Even when a program is cleared of wrong doing, the accusatory letters continue to be on the website, continuing to be perceived as guilty. Guilty until proven innocent, then still guilty.

When a center or a certified center has background studies (or other licensing actions) individual information is not made public, the program is stated, not the name and address of the person.

This is just another reason why Family child Care providers do not enter and/or leave the field.

- **Consequences for background checks should be comparable across care settings.** If a Family Child Care provider has a BGC violation there is at minimum a fine if not a Temporary Immediate suspension. If a Certified Center has a violation they are issued a correction order.
- **Page 3 line 16 regarding denial of license:** those applying should be given ample information to ensure that they know whether there could be a denial of license prior to running a background check. The list of denial information is extensive and even reaches into juvenile records which would likely not be expected.
- **Page 18 line 15 refers to annual distribution by the counties regarding variance.** This is not consistently happening. Many providers are having to make multiple requests to find what the counties policies are. **What can be done to ensure providers have the accurate information to manage enrollment in their businesses when the counties nor DHS provide us with accurate up-to-date information?**

These are a few of the discussion points we have attempted to engage with DHS to ensure that FCCs have a fair and equitable correction system. I would be open to all discussion with legislators to attempt to create change so FCCs can be held accountable for licensing requirements and treated respectfully.

Thank you for your time working to support children, families and those providing for their care.

Cyndi Cunningham, Lead & Care Public Policy Chairperson

SF4665 Background Studies

3.12.2024 Senate Hearing