



Family Child Care Task Force Transcription

November 12, 2019

6:00 pm to 9:00 pm

Creekside Community Center, 9801 Penn Ave S, Bloomington, MN 55431

Room 105

Sen. Mary Kiffmeyer: —have three people on the phone, and Stella, I just remembered one name, Dan, and who was the other two?

Stella Zimmerman: JoAnn and Samantha.

Sen. Kiffmeyer: Dan, JoAnn, and Samantha. Okay. So welcome, everybody. I think you all made it through the rush hour traffic, obviously. I thought I was going to be a half hour early, but fortunately, I'm here, and it's at least close on time, so we're for that. So I appreciate all of you coming, and it means a lot to have this group all here together each time we do. We have a very full agenda tonight. A lot of things that we have to do, but tonight's agenda's very full, and we've worked very hard in between to get things ready for you. So we're going to quickly go again around the table.

And if you have—if you're not new, we don't know if—I don't remember for sure if anybody's new. But if you're new, then say your name a little bit, what you want to get out of this task force, what's the most important thing to you. But if you are returning and you're not new, then just your name and who you're representing like the Minnesota Initiative Foundation. Scott, you get to set the example.

Scott Marquardt: Well, thank—I will follow directions. Scott Marquardt, representing the Minnesota Initiative Foundation, so I take my home in Montevideo.

Liz Harris: Liz Harris, I'm a family child care provider in Cottage Grove.

Ariane Bromberg: Ariane Bromberg, I'm representing FCCI, Family Child Care Incorporated of Olmstead County.

Ann McCully: And I'm Ann McCully with Child Care Aware of Minnesota.

Tiffany Grant: I'm Tiffany Grant, and I'm representing the Metropolitan area as a family child care provider.

Brad Krueger: I'm Brad Krueger, I'm here with ACET team helping to facilitate.

Rep. Lisa Demuth: Representative Lisa Demuth, state representative from Cold Spring.

Lauryn Schothorst: Lauryn Schothorst with the Minnesota Chamber of Commerce, and this is my first meeting.

Sen. Kiffmeyer: Well, tell us, Laura, then, a little more about yourself. And you just have 30 seconds. What's most important to you to get out of the task force?

Lauryn: We would like to help provide solutions to what we're seeing in the space and ensure that from the child care provider's perspective as well as from the [inaudible 00:02:19] perspective that we're applying the right mix of [inaudible 00:02:24] here so that we're—be productive.

Sen. Kiffmeyer: Thank you very much, Laura. Go ahead, Kim.

Kim Leipold: I'm Kim Leipold from the Association of Minnesota Family Child Care Licensors, and I'm representing the metro area.

Marit Woods: Marit Woods, I'm a parent of a child who was in a child care program.

Sen. Melissa Wiklund: I'm Melissa Wiklund, state senator, and I represent Bloomington.

Stephanie Hogenson: Stephanie Hogenson, I'm representing the Governor's Children's Cabinet.

Lanay Miller: Lanay Miller, I'm representing the Association of Minnesota Family Child Care Providers for Greater Minnesota.

Reggie Wagner: Reggie Wagner, and I oversee the Licensing Division at Department of Human Services.

Heidi Hagel Braid: Heidi Hagel Braid, First Children's Finance.

Kelly Martini: Kelly Martini, and I am a representative for SBCCA, Stearns Benton Child Care Association.

Cyndi Cunningham: Cyndi Cunningham, I am the representative [inaudible 00:03:16], for Minnesota Child Care Provider Information Network, I'm in the Public Policy Board. Sorry.

Sen. Kiffmeyer: Thanks, Cyndi.

Erin Echternach: Erin Echternach, I'm from Bemidji, Minnesota, I'm a parent representative as well as working in economic development at Greater Bemidji.

Sen. Kiffmeyer: And Erin, you are a returnee.

Erin: I was on the phone the last time, so this is my first time in person here.

Sen. Kiffmeyer: All right. Thank you. Glad you're here.

Rep. Ami Wazlawik: Representative Ami Wazlawik, District 38B, which is White Bear Lake and surrounding suburbs and I'm co-chair of the task force.

Sen. Kiffmeyer: Senator Mary Kiffmeyer representing the Senate from District 30. So I live in Big Lake, Elk River, Otsego, Albertville, St. Michael, Hanover, and 14 homes in Dayton. Jot that down. So that's great. We just really appreciate that. It's really kind of funny, isn't it to actually recognize some of the people from our other meetings. It feels really good to be at that point where we're getting to have that familiarity, that's always really helpful. So in your packet, you have the meeting notes. Julie, we just went around and said our name and who we're representing, if you want to do that.

Julie Seydel: Julie Seydel, MACCP and also a family child care provider.

Stella: And if we can have the three on the phone introduced.

Sen. Kiffmeyer: Oh, sure. Okay. Dan, JoAnn, and Samantha. Dan, could you start? Dan, could you take it off mute and say your name and what you represent.

Dan Dorman: I had to get it off mute there, senator, sorry. Dan Dorman, I'm the executive director of Greater Minnesota Partnership.

Sen. Kiffmeyer: Thanks, Dan. JoAnn?

JoAnn Smith: JoAnn Smith from International Falls, and I'm with the Economic Development Authority.

Sen. Kiffmeyer: Great. And Samantha.

Samantha Chukuske: I'm Samantha from Welcome and I'm a daycare provider from Greater Minnesota.

Sen. Kiffmeyer: What city, Samantha?

Samantha: Welcome.
[crosstalk 00:05:28]

Sen. Kiffmeyer: Hey, that was really good. I don't think I'll forget that ever again, Samantha. That's great. Super. Thank you. All right. In your packet then, you have meeting notes, and it has draft across it, and so a motion would be in order to adopt the minutes as presented.

Ann: So moved.

Sen. Kiffmeyer: So Ann McCully moved. Is there a second.

Ariane: I'll second. Ariane Bromberg, I'll second.

Sen. Kiffmeyer: Ariane. Okay, seconding it. And Stella, remind me again, is this one of those that we need to vote on?

Stella: Yes. And if everybody can please just state your name before you speak so that it's for the audio recording, as well as for the transcription, that would be great.

Sen. Kiffmeyer: And just to let you know, we have a humming thing behind us here, so it's really hard to hear more than usual, so this background. Can you hear, Scott, [inaudible 00:06:37]?

Scott: Yeah.

Sen. Kiffmeyer: I start picking the green balls up and we know I'm in trouble. Thanks, Scott. Okay. So on the minutes then, I'm just going to call off your name, just say aye if it's yes, nay if it's no, or yes or no, whichever you're comfortable with. Ann McCully?

Ann: Aye.

Sen. Kiffmeyer: Ariane Bromberg.

Ariane: Aye.

Sen. Kiffmeyer: Cindi Yang.

Cindi Yang: Aye, but—

Unidentified Speaker: Cindi Yang? That should be Reggie, DHS Commissioner's rep? We're the commissioner's rep, Cindi and I so there's probably two names there. Yeah, that's fine. Aye.

Sen. Kiffmeyer: All right. Cyndi Cunningham.

Cyndi: Aye.

Sen. Kiffmeyer: Dan Dorman. Off mute, Dan.

Dan: Yes. I'm here.

Sen. Kiffmeyer: He forgot to say yup or nope. That'll work. Whatever.

Dan: Yes.

Sen. Kiffmeyer: Erin—

Erin: Echternach.

Sen. Kiffmeyer: —Echternach.

Erin: Aye.

Sen. Kiffmeyer: All right. Thank you. Great. Erin Johnson-Balstad.

Unidentified Speaker: Not here.

Sen. Kiffmeyer: Erin Johnson-Balstad not here? She's absent. Okay. Heidi Hagel Braid?

Heidi: Aye.

Sen. Kiffmeyer: Hollee is absent tonight. JoAnn Smith.

JoAnn: Aye.

Sen. Kiffmeyer: Thank you, JoAnn. Julie Seydel.

Julie: Aye.

Sen. Kiffmeyer: Kelly Martini.

Kelly: Aye.

Sen. Kiffmeyer: Kim Leipold.

Kim: Aye.

Sen. Kiffmeyer: Lanay Miller.

Lanay: Aye.

Sen. Kiffmeyer: Lauryn Schothorst.

Lauryn: Aye.

Sen. Kiffmeyer: Liz Harris.

Liz: Aye.

Sen. Kiffmeyer: Marit Woods.

Marit: Aye.

Sen. Kiffmeyer: Representative Ami Wazlawik.

Rep. Wazlawik: Aye.

Sen. Kiffmeyer: Representative Lisa Demuth.

Rep. Demuth: Aye.

Sen. Kiffmeyer: Reggie Wagner.

Reggie: Aye.

Sen. Kiffmeyer: Samantha Chukuske.

Samantha: Aye.

Sen. Kiffmeyer: Scott Marquardt.

Scott: Aye.

Sen. Kiffmeyer: Me, aye. Melissa Wiklund. Senator Wiklund.

Senator Wiklund: Aye.

Sen. Kiffmeyer: Stephanie Hogenson.

Stephanie: Aye.

Sen. Kiffmeyer: And Tiffany Grant.

Tiffany: Aye.

Sen. Kiffmeyer: Okay. Good. The ayes have it. And this is on minutes. All right. The next item on our agenda.

Rep. Wazlawik: Yeah. So I'm going to go over briefly the meeting feedback summary from the last meeting. So feedback from the last meeting, it looks like the vast majority, actually everyone, the meeting met expectations, so agree or strongly agree. And given opportunity to ask questions, agree and strongly agree. Everyone chose those answers. Agenda topics were addressed at the meeting, agree and strongly agree. I felt my voice was heard, everyone said agree or strongly agree. I learned something new at this meeting, everyone said agree or strongly agree except one person. I am satisfied with the level of progress made at today's meeting, agree and strongly agree. A clear picture of what follow up steps would be, agree and strongly agree and a couple of disagrees there.

So most folks felt like the meeting met expectations and that they had time to answer questions and that they felt their voices were heard. General responses to why folks disagreed with the statements, more information or people either felt they needed more information or they were familiar with everything already. And then, someone said that they hope to bring more helpful information in the future, somebody who was on the phone. And then, in terms of important things people took away from the meeting, lots of folks didn't know about liability that we talked about last time, so that was a good

discussion. Common ground, solutions and shared support, complexity of the issue.

So I'll just leave it at that. I don't think we need to dwell on that. So pretty good feedback overall from the last meeting, but looking forward to this meeting to round some things up and bring some information together as well.

Sen. Kiffmeyer: So the next thing we're going to do is another vote, and this has to do with, if you notice a discussion we had was about meeting being recorded, okay? The first meeting was also recorded. However, at that time, you didn't know it. So before we posted that audio or any anything about it, we felt there should be a vote for you because you didn't know at the time, now you do. There wasn't anything we think that wasn't done properly or anything like that, it's just a matter of process. So we had a discussion about that, and it's most comfortable to just have—rather than posting it and then you don't, so we just want wanted to do that.

So any discussion on the posting, the recording of the first meeting? Okay. Then we'll go ahead, and we do need to take a vote of this and we'll go through the script again. And it is—looks like it's alphabetical by your first name, is that right, Stella or is that just coincidentally?

Stella: Yes.

Sen. Kiffmeyer: Okay. So if you just think ahead a little bit. So Ann.

Ann: Aye.

Sen. Kiffmeyer: Ariane.

Ariane: Aye.

Sen. Kiffmeyer: Cindi Yang. She's actually not, Reggie, you're down lower. Cyndi Cunningham.

Cyndi: Aye.

Sen. Kiffmeyer: Dan Dorman.

Dan: Aye.

Sen. Kiffmeyer: Ann Echternach.

Erin: I was absent so can I abstain?

Sen. Kiffmeyer: Okay. Yes. Erin Johnson-Balstad.

Unidentified Speaker: Not here.

Sen. Kiffmeyer: He's absent. Heidi Hagel Braid.

Heidi: Aye.

Sen. Kiffmeyer: Hollee is absent. JoAnn Smith.

JoAnn: Aye.

Sen. Kiffmeyer: Julie Seydel.

Julie: Aye.

Sen. Kiffmeyer: Kelly Martini.

Kelly: Aye.

Sen. Kiffmeyer: Kim Leipold.

Kim: Aye.

Sen. Kiffmeyer: Lanay Miller.

Lanay: Aye.

Sen. Kiffmeyer: Lauryn Schothorst.

Lauryn: I was off and not present last time.

Sen. Kiffmeyer: Lauryn, not?

Lauryn: I was not present the last time [inaudible 00:13:17].

Sen. Kiffmeyer: Okay. All right. Marit Woods.

Marit: Aye.

Sen. Kiffmeyer: Representative Wazlawik.

Rep. Wazlawik: Aye.

Sen. Kiffmeyer: Representative Demuth.

Rep. Demuth: Aye.

Sen. Kiffmeyer: Reggie Wagner.

Reggie: Aye.

Sen. Kiffmeyer: Samantha Chukuske.

Samantha: Aye.

Sen. Kiffmeyer: Scott Marquardt.

Scott: Aye.

Sen. Kiffmeyer: Senator Kiffmeyer, aye. Senator Wiklund.

Senator Wiklund: Aye.

Sen. Kiffmeyer: Stephanie Hogenson.

Stephanie: Aye.

Sen. Kiffmeyer: And Tiffany Grant.

Tiffany: Aye.

Sen. Kiffmeyer: Okay. The ayes have it. That one's done. And then the next item on the agenda is we're going to have Beth Fraser from DHS—sorry?

Liz: I wasn't called.

Sen. Kiffmeyer: Liz. Okay. Liz.

Liz: Aye.

Sen. Kiffmeyer: All right. I just skipped over you there? I didn't say your name at all?

Liz: No, I don't think so.

Sen. Kiffmeyer: All right. Okay. I'm sorry, I didn't mean to.

Liz: That's okay.

Sen. Kiffmeyer: Okay. Thank you. Thank you for speaking up though, appreciate that. Okay, Beth is going to do an update. We had a discussion last time about doing another survey, sending it out to providers to get a sense of what the problems are, what the issues are for those who have left. So it's one thing for those who are currently practicing, but especially focusing on those who have left. So that's in general, and Beth if I—there you are.

Beth Fraser: I moved to the table just to speak.

Sen. Kiffmeyer: Okay. All right. So if you want to just recap some that if I didn't get anything just right, then just fix it up, okay?

Beth:

Yes. Thank you. I'm Beth Fraser with the Department of Human Services, the policy manager for Licensing. And we wanted to provide an update to you all about what we've done on moving forward to put out a survey for former providers since the last meeting. And one of the things we heard very clearly at the last meeting was that the sense of the task force was it you want a different entity to provide advice on the survey and to conduct the survey to be sure that it is done independently.

And so one of the first things we did was we laid out the scope of the work that would need to be done by a vendor, which we looked at consulting on the structure format and wording of the questions, determining the timing for the distribution, providing guidance on materials that would encourage people to respond to the survey, which would probably be both e-mails and a postcard because we don't have e-mails for a lot of the former providers, so it would be both of those. Building the survey in an online survey tool that they would host, testing it, troubleshooting any technical issues that survey respondents encounter, and then collecting and analyzing the resulting data and providing an analysis to the task force. So we laid out the scope of what we were looking for. One of the suggestions last time was to potentially work with another state agency called DEED. So we reached out to them to see if they would be able to undertake the project because they do a lot of surveys of employers. They are not available, they don't have that capacity right now to conduct the survey or analyze the data, but did provide feedback and suggestions about the survey questions and structure. We consulted with four potential vendors about the scope of the project and the potential cost. And we had originally hoped that it would cost less than \$5,000 because there are different guidelines for state agencies with contracting, and if it's less than \$5,000, you have a lot of latitude, you can very quickly sign a contract with almost anyone.

What we learned fairly quickly is it will cost more than \$5,000. We're looking more around \$25,000. And so what that means is that in most cases, state agencies have to take extra steps to enter into a contract, so we would have to print a notice in the state register and issue requests for proposals and then grade the proposals. So two exceptions, and when I last spoke to the co-chairs, there was one exception, so there's now two exceptions. So one is, there is a part of the Department of Administration called the Management Analysis Division, and they work for different parts of state governments.

And so because they're another part of state government, we could very easily do an interagency agreement with them to do the work. They have the expertise, this is something that they do a lot, and we have gotten a quote from them to do the work. They also have a list of vendors that they have contracted with and we can, through them, contract with vendors on this very specific list. And so one of the vendors we'd already been talking to happens to be on that list. Late today, we got an updated estimate from them, so we do have two estimates.

The estimate from the outside vendor is more expensive. It's a little unclear how much more expensive because, MAD when they—Management Analysis Division, MAD, when they gave us the quotes, they gave us two different quotes, one, if there were about 2000 respondents and the other, if there are about 6,000 respondents because we haven't been necessarily clear about how many people we would be surveying. The cost for the 6,000 respondents is between \$23,000 to \$24,000 for a MAD to do the work.

For the other private entity, it's about 23,000, but they weren't clear how many people that would be. And we said, "Well, how many would that be?" And they said, "Well, in a lot of the places on our quote, they put 4,000 plus." And so I think the plus is anything bigger than 2,000. I don't have clarification on that because they just said, "Oh, we left wiggle room to discuss that." But it makes me worried that their cost would be substantially higher. But we don't have a firm number. But those are the two options that we have.

Some of the other work we've done before we come back to that, one is, many institutions, a lot of universities and DHS have what are called institutional review boards, which are entities that examine surveys to be sure that they're being done ethically, that you're not asking inappropriate questions or questions that would cause harm or trauma. And so DHS has an institutional review board. And so one of the other things we've done has been in conversation with them about whether this survey would need to go through their review process. And what they said is that because the money to pay for the survey is flowing through DHS, it does have to go through some sort of review. But because the population would be surveying, it can go through an expedited review, not the full review.

So the expedited review would take about two weeks. So that's the good news is that it's the expedited review, not the whole review. They also warned us that we need to be careful not to ask questions that would identify the individual or encourage oversharing because that would then be private data. We also have been looking at whether the dataset and the results would be public or private data, and at the last meeting, I stated that it would be public data and that may have been incorrect, so I apologize for potentially misstating that. Under the Data Practices Act, by default, most government data is public data.

What we have learned is that data in the hands of the Management Analysis Division, including survey results is private data. So either of these two choices that we could go with would it be private data. So what that means is that the dataset, it minimally would be private data. So nobody else would be able to grab the dataset and do their own analysis. What I would need to talk to them more about is, I mean, at least the analysis would be public and hopefully, some—we would need to clarify exactly what's public and what's private, but at least the dataset would not be public based upon the information [inaudible 00:21:59].

Sen. Kiffmeyer: When you say dataset, you're talking about the actual answers of people, right?

Beth: Right. I'm talking about the answers. Respondent One said six to this, and forty-seven to this, and no to this. Yes.

Sen. Kiffmeyer: Similar to what we did with our surveys or feedback.

Beth: Right. But I believe that aggregated data would be available to everybody, but we would need to double check that. I wasn't able to do that.

Sen. Kiffmeyer: There's not much point to having a survey that nobody can see.

Beth: Right. And their analysis and summaries would be public, so we would need to clarify that further. So that is the update of what we've done and where we're at. Basically in terms of moving forward with contracting with a vendor, we can go with the Management Analysis Division. We could go with this other company that is contracted through the Management Analysis Division, although we don't have a clear sense of exactly what that would cost. The other option if you wanted us to explore more options would be to go through the full solicitation process and publish an RFP, but that would take substantially longer.

Sen. Kiffmeyer: Okay. Open for discussion. Thoughts in regards to what Beth has talked about? One of the things is to do a survey or not, right? The second one is if we say yes to doing the survey, do we go directly with MAD or to MAD's contract, right? Those two things. So we already had the discussion that we wanted to get information about doing a survey of previous child care providers to find out from them why did they leave doing family child care. So I think for me, it's important to know, do you want to go ahead and do the survey? To affirm that.

Julie: How are we going to get this accomplished so that we have this data back to be able to use it? That's my question. Are we going to end up spending all of this money and it's going to take so long to get the survey written, get it approved, get it out, get the responses back and then get it put together, is it really going to do us any good? Are we going to be past a timeline where we need that information to use it? I would love to have the information, but is it literally going to be a waste of money because we're not going to get it in a timely manner where it's going to be useful for us?

Sen. Kiffmeyer: That's a very good point. We do have a two year task force, so not all of our work will be done, you might say. So it may have value, maybe not as much in the more immediate basis cause it still have value, that's my one thought. But I think your point is still well made. Ariane and Scott.

Ariane: So I guess I want to go on the same line as Julie because yes, we have a two year task force, but my question to you is, realistically, what are we looking at? When's the soonest do you think the survey could go? Are we looking at April, May? I mean, by the time we get all the pieces in place.

Sen. Kiffmeyer: Good question. Let's just take—if you have another one, but let's just answer this one. So Beth, say we said by tonight, yes, we want to do a survey and yes we want to do it with MAD or through MAD or something like that, what kind of—and then would expedite a review about how soon do you think the survey could actually go out?

Beth: So this is Beth. And I believe that it could go out in January. I mean, I think that getting the contract in place and working with the vendor, we have been very clear with them that everybody wants this information as soon as possible. I think that it could go out January, I guess, February the latest. But I think that we would certainly have the results by the time we reconvened after the legislative session.

Sen. Kiffmeyer: Any other question, Ariane?

Ariane: No, not right now.

Sen. Kiffmeyer: Scott?

Scott: This is Scott Marquardt. Just so I understand the roles, and again, not thinking about the price but just duties, I think in some of the questions last time about the breakdown, I mean, the folks at the MAD division obviously have expertise in survey methodology and interpretation, but probably not child care policy is not on their mind every day. What's the role of this group versus the administration, versus the survey experts? And I think question writing is going to be a key issue to not only get legitimacy, but public transparency and also a good valid response. Who's sending out the survey?

I think we all agreed last time this isn't a statement about the department, but sending out from an organization that regulates may not be in our best interest, so who that neutral party is, and then who the interpreter is that gives the report back versus 6,000 people said X if there's going to be some narrative. So I guess I wonder what's the role of this group versus the folks at MAD if they're the vendor, versus the administration and those key things because I think there could be some bottlenecks on writing the question. The list doesn't concern me, but getting it out, boom, boom, where do you see the department's role versus this role?

Beth: This is Beth. I mean, we did review some draft questions at the last meeting and have been getting feedback from others with survey expertise about how to ask the questions. What we've been talking about with the consultants is bringing a near final draft to the task force for review before it is sent out, which could potentially happen in December or January the latest I will assume. And, yeah, so if anybody has a lot of feedback at this point, please send it because we are trying to narrow the questions and took everybody's feedback from last time.

Scott: If I may, I have a follow up, Senator.

Sen. Kiffmeyer: Sure.

Scott: So if again, if MAD hypothetically was the—would they be the, "Hi, we're sending you this on behalf of the task force as mad the survey," or would we be it? Could've said that clear but I hope it's coming out.

Sen. Kiffmeyer: Well, I think what you mean is that when somebody gets the actual survey—

Scott: Who's it from?

Sen. Kiffmeyer: —what will be the—who is this from? I think that's an open question. I don't know that it's always decided, but Management Analysis Division, I don't know if you send out the survey and people are going to say, "Well, who are they? Why should I answer a survey from them?"

Beth: So this is Beth. And that there are two different questions, I think one is the postcard which can say anything on it and would clearly, I think say it's from the task force. An e-mail is slightly different because it has to come from an address that—and so I think it would probably come from the MMB or Department of Administration like us, but—

Sen. Kiffmeyer: Just like we do know, and I talked to Stella before about having a special e-mail address so that when all of you had it in your inbox, you'd know, okay, this is—I got to pay attention, this is my task force. Is that from Stella or sometimes MAD or somebody else , and then you're uncertain after a while and that's been very helpful. But you can do it on behalf of the task force kind of a thing, an explanation, right? One thing to just mention, we have Dr. Fiene online and we need to give to our next item on the agenda. We can come back and revisit this if you'd like to do that, but I think we should go ahead and get into our next portion of the agenda so we don't spend all our time on this.

I appreciate all the effort that has been made to get Dr. Fiene here on the line with us. And so we're going to go to that next. So we're going to have, Brad, I guess you're going to introduce Dr. Fiene.

Brad: Sure.

Sen. Kiffmeyer: And there we have him up on the—

Brad: Hi, Dr. Fiene, we're all smiling at you.

Sen. Kiffmeyer: Does he get to see us or is it just a one way?

Brad: He could see these people, so I'm going to turn, otherwise, he'll be shortsighted. So I'm going to do a quick introduction here, Dr. Fiene, and then I'll hand it to you, okay?

Unidentified Speaker: Brad, I don't have audio [inaudible 00:30:40].

Brad: You'll have to unmute yourself and or call in while I'm doing your introduction here, Dr. Fiene. So Dr. Richard Fiene is a research psychologist and retired professor of psychology at Penn State University and is regarded as a leading international researcher and scholar on licensing measurement in differential monitoring systems. His theory of regulatory compliance has altered regulatory science and licensing measurement dramatically in thinking about how to best monitor and assess licensing rules and regulations.

His measurement and monitoring methodologies have led to targeted or radiated inspections in all aspects of human service licensing through risk assessment, key indicators, and differential monitoring approaches. He has maintained an international database on regulatory compliance for the past 40 years, which is housed at the Research Institute for Key Indicators and the Pennsylvania State University, and has led to the development of statistical techniques for dealing with highly skewed, nonparametric data distributions. He has written extensively on regulatory compliance and with human services, and his research has been disseminated all over the world via his website, rikiinstitute.com. He presently directs the research Institute for communicators and is a senior research consultant with the National Association or Pierce Prevention Research Center—sorry. Is a senior research consultant with the National Association for Regulatory Administration and as an affiliate professor with the Edna Bennett Pierce Prevention Research Center, consultant to the College of Medicine at Penn State Hershey and then College of Ag Science at Penn State. And he is here calling in from his phone with us tonight. So with that, Dr. Fiene, I'll hand over to you. No, we cannot hear you. If you want to toggle back just to your computer audio on that control panel, and then we should be able to hear you.

Dr. Richard Fiene: Can you hear this?

Brad: Yes, we can. Thank you.

Dr. Fiene: Okay. Sorry. Going on the phone line but that didn't seem to work. So Brad, can you hear me okay now?

Brad: We sure can. Yes, thank you.

Dr. Fiene: Okay. Great. All right. So what I'd like to do this evening briefly is give you an overview to abbreviated inspections, differential monitoring indicators, and weighted risk assessment from a national perspective that's happened both in the US and also in Canada, through an exclusive agreement between the institutes that I direct and National Association for Regulatory Administration is the—an international organization that deals with developing rules, developing regulations, and then looking at the proper implementation of those rules and regulations.

We've been working together a great deal over the last five years in the continuing development of key indicators, and as Brad indicated, to this international database that I've been developing for several decades. I've been fine tuning the methodology as we go along. And in Minnesota's case, what I've done and in the process of doing, is just working on indicators, at this point for family child care to see are there particular rules or regulations that statistically predict overall compliance with all new rules and regulations that providers have to be in compliance with. And that's the real advantage of key indicators is that there are statistical, predictable rules.

You go out and you're using well beyond 10 percent of all the rules that you've selected as indicators, but they statistically predict that as if he would have ministered the full comprehensive tool that you use, and you look at all of the rules and regulations that providers need to be in compliance with. We've developed this now in many states. The National Association for Regulatory Administration and the institute that I derived, we worked with a number of states, several provinces in Canada who also had interest.

I mean, the whole purpose of coming up with abbreviated reviews is to really have targeted monitoring reviews so that it's not the usual way of monitoring or review their—most science gets off. It doesn't matter what your history of regulatory compliance is, you face it, we get the same every year on a regular basis. The difference with abbreviated reviews and with differential monitoring is that compliance history really plays a very, very large role. So that key indicators and you have this opportunity to talk about risk assessments tools are only used with your best providers. I mean, this is not a methodology that gets used across the board, it's not geared for individuals who are having difficult to find the new rules and regulations. It's really made for your best providers. And our experience nationally is that depending on how stringent your rules are, that could be 10 percent of your providers or 15, but then they go up and they'd be 25 or 30, but it's not the majority of your providers. Whenever I've done quality scores [inaudible 00:37:28] licensing, looking at quality, that even over the years. But when it does, [inaudible 00:37:39].

Sen. Kiffmeyer: You're back at it, Dr. Fiene.

Dr. Fiene: What it does is it gives you the opportunity to take the time that you saved with the providers who are doing a really, really good job, and you reallocate it to those particular individuals writing a great deal with complying with your rules and regulations. And again, what we find is that the majority of your providers or individuals are doing a mediocre job, I'm saying kids that are in your program, are they healthier because of being in those—looking at compliance levels and everything, and for instance, looking at immunization status and particular outcomes like that.

On the output end, we have done more comparisons in looking at how rules and regulations and compliance with rules and regulations relate to quality rating improvement systems and the class environment rating systems, the

environment rating scales provider in looking at the relationships there. And our results so far have been very, very positive. I mean, compliance really does—our best programs are also our most highly-compliant programs as well. But there's definitely a relationship there. And from previous studies that I've done, children appear to be really developmentally better in those particular programs.

Sen. Kiffmeyer: Thank you, Dr. Fiene. Now, the question I have—

Dr. Fiene: But that's a great question, and it is an area that I'd like to see us learning more. A lot of the attention right now has been spent more with quality rating improvement systems and looking at some of those relationships. We need to also extend that licensing system.

Sen. Kiffmeyer: Thank you, Dr. Fiene. I think one of the things that I have seen is that you have a much of a input kind of a situation with those. And I'm interested in, are they K ready? Are they kindergarten ready versus some of those kinds of things, versus they spent so much time or other things like that. That's where my question was going. I've not seen much of the measurable output in regards to—such as kindergarten ready, which is a big discussion here in Minnesota, so I wanted to get your input. Do you have other comments in that area?

Dr. Fiene: Yeah. I think many states, it's definitely an interest area in discussing a lot with states and looking at their overall systems, especially we've been seeing this happening a little bit more in Canada where a couple of provinces we're working with, there's a real interest in tying their developmental systems that ease the tracking kids' development and looking at the relationship with particular standards and everything. And so the states are interested in that, too. I mean, now, I know that in Pennsylvania, they've developed a really sophisticated developmental assessment system where they're collecting data on kids statewide and everything.

So I think that that is—the only thing to keep in mind, and you got to be careful with all of this, is that I don't want to see those types of systems starting to dry curriculum emphasis and moving us away from developmentally appropriate practices with young kids which are more individually focused that you start worrying too much about ultimately, how well—if the child's scores on an assessment. So I don't want—I hate to see the [inaudible 00:42:45] beginning to [inaudible 00:42:46] this one. It's something that we can talk about. We have to—in maintaining a proper balance and looking at all the various systems. But we're still too early on—and we just don't have the data [inaudible 00:43:04].

Sen. Kiffmeyer: Thank you, Dr. Fiene. We have another question from Cyndi Cunningham. Cyndi?

Cyndi: Yes. Hi, I'm a provider and if I understood you correctly, this weighted piece is with whatever, 10 percent in the not having problems, a majority in what you termed that mediocre compliance, and then a small percentage in the severe.

So there's evidently percentage numbers that have been identified in these states to do that. So what's been the follow up both on those—I mean, the attempt is to create better compliance, so how have those numbers shifted in any of those states? One part, the second part, when you referred to safety and lack of injury, has there been a shift in those states of improvement with this kind of a rating? So is compliance better and is the injury and negative rate better?

Sen. Kiffmeyer: Dr. Fiene.

Dr. Fiene: Well, the first part of the answer is, yes, compliance has, over the decades that I've been keeping these data, there's no doubt about that compliance has improved over the years. I would say that rules and regulations are more stringent than what they used to be. I think a lot of that has to do with particular documents like caring for our children and a lot of the iterations that come out of that particular thought. So I think over the years, we have seen improvement there. It's still too early to really look at—we're just at beginning stages related to looking at injury data and everything, we really don't have [inaudible 00:45:00].

I'm working with this in Washington right now where we're looking three series of validation starters in the state. We're looking at measures, we're looking at outputs and we're looking at outcomes. But we really, really have to get our hands around the outcome data. And I think that's an area that really has to be more fully developed than what it has been in the past.

Sen. Kiffmeyer: Thank you, Dr. Fiene. Is there anybody else that has a question for Dr. Fiene? Dr. Fiene, at this time, we don't have any more questions, you've been—thank you very much.

Dr. Fiene: Yeah. Sure. And if for whatever reason, when people are driving home and there's something that you think about, please don't hesitate to just shoot me an e-mail and everything. I'll be more than willing to dialogue with folks, okay?

Sen. Kiffmeyer: Thank you very much, Dr. Fiene.

Dr. Fiene: All right. I'm going to hop off guys, okay?

Sen. Kiffmeyer: Sounds good.

Dr. Fiene: All right. Bye-bye.

Sen. Kiffmeyer: Bye.

Unidentified Speaker: Bye.

Sen. Kiffmeyer: You guys did a pretty good job with being able to see Dr. Fiene, to hear him, that's a very difficult thing, actually. You made quite well. I've been in others

that have not been so successful, so I want to commend you for that. We're going to—we're a little bit ahead, but I maybe like to take this opportunity to—we've got about another 10 minutes or so until we just take a break. While it's fresh in our minds, do you want to discuss it or—I think we were going to come back after break and go into a small group discussion. We can take our break early and then go into small group discussion. Would you like to take a break early? Why don't we do that? Take a 10 minute break and then we'll come back and go into small group, all right?

There's coffee up here. There's—okay. We're going to go ahead and get started again. And we're going to break up into small groups. And Stella, do you have how we're going to break up? Did you—

Stella: Yes. So Brad, if you could—

Brad: So we're going to get you back up on your feet a little bit. We're going to break into three groups and talk through the questions the questions that are on the board back there that are on your agenda and they're out in the hallway where one group of you will go as well. We're going to get into three groups and we've got about 30 minutes, give or take, to talk through these items. So I'm going to draw imaginary lines and then we'll wait and come back together.

So we're going to go Representative Ami through [inaudible 00:48:12], you guys are one group here if you can imagine your group. You guys can go—Stella's got a room out there for you to go to. Stella, will you take these folks with you to the extra room? And then Reggie through—

Unidentified Speaker: We're by the large group, [inaudible 00:48:27].

Unidentified Speaker: No, Marit.

Brad: [inaudible 00:48:30] are going to go out at the hallway, there's—

Unidentified Speaker: No, no, no, because then you have these three. They have the three columns.

Brad: I know it's down. So Reggie and Marit, you guys are going to stay here and you're going to be on—Dan, Sam, and JoAnn, you guys are going to be in with that group. And—

Sen. Kiffmeyer: Kim.

Brad: Through Senator Mary, you guys are going to go out to the hallway where Stella's going to take a set up for you, and we'll come back in 30 minutes.

Unidentified Speaker: Well, as I mentioned, they have 20 minutes and then 10 minutes for reporting back.

Sen. Kiffmeyer: Twenty minutes, yeah, so that means that 10:02, be back in here in your chair.

Brad: And we'll do a five-minute warning while you're talking through a designated presenter because they'll be sharing back what you guys discussed.
[crosstalk 00:49:15]

Sen. Kiffmeyer: Okay. We're ready to get started and have the reports from our groups. So the first ones back in the room, Kim, you are the reporter, so we're going to hear from Kim on the hour. Folks we're going to have to try—we got more work to do tonight, so I'm going to be kind of—

Kim: Interest in the risk base tiered violation, we said yes. Adding abbreviated inspections, we said yes. You should have let someone else go first. And then factors, we looked over the ones that were on the sheet but realized that they don't really pertain to a lot of Minnesota. But instead of whatever—however many years of service, we did say like three to five years of service with no violations. That word says sanction, we didn't really know what that meant, is that correction orders, is that licensing violations, is it fix it tickets. Then someone else brought up if it's new provider and they get a correction order or anything, then that's not good for retention of provider, and that's what we're looking at. And then the other one, the other factor that we thought of was no substantiated complaints. We didn't really say what timeframe, so that's it.

Sen. Kiffmeyer: And then there were—on item number three and four, they were yeses, right?

Kim: Well, I didn't know what three and four were.

Sen. Kiffmeyer: I put them down. Okay.

Unidentified Speaker: Corrected, previous violations corrected.

Sen. Kiffmeyer: No significant validated complaints, you did cover that one and you just didn't give it the number four. And then number five, we didn't feel pertained, right? Okay. All right. Next group. Who wants to go next to Kim?

Unidentified Speaker: I'll go next. All right. So we talked about, we thought that we wanted to move forward with both things. But we said if we were moving forward with the risk-based system that we wanted to also update the rule, because if we change the rule later on after we have a system in place, then the system isn't really applicable anymore. So we would want to have a simultaneous process happening where the rule is updated and we have these two things happening as well. Wanting to formalize the process of the abbreviated infections because there were some thought that that was already happening with some inspectors with good providers. So wanting to formalize this and make sure there's some consistency there.

And then we talked about a few things similar to what was on the sheet that was shared, but making sure that violations are corrected and then prior

inspections results. So through that number of years of service, making sure that there aren't violations there as well, so general agreement.

Unidentified Speaker: Well, we talked, too, about number five and six about the total number of consumers served not increased by more than a specified percentage. That's a really hard thing to do because I had four kids leave for kindergarten, that's almost 50 percent of my child care and you're going to look at it and go, "Oh, my gosh, 50 percent." But it was for a good reason, they graduated and went on. And then with the centers of staff turnover, a center will never get an abbreviated inspection because there's always constant turnover in the centers. So I think that would be tough for them to even be involved if we're going to use that as one of their criteria.

Sen. Kiffmeyer: Okay. Thank you. And by the way, we pretty much said the same thing.

Unidentified Speaker: Great minds.

Sen. Kiffmeyer: What's the other group?

Unidentified Speaker: So it's our group over here. I think to some extent, we pretty much agree based on what everyone have said, it's the same idea that yes, we should move forward with both questions. And the idea is that in terms of question number two, if we are to move forward, we should ensure that the licenser, we should look at the history and the length of time within license, as well as a special report that you show that whoever is getting the abbreviated version has some history that we can utilize, so it will actually ensure they get the revision. However, we shouldn't eliminate in what is going on because new licensers need that. For number one, pretty same with the rest of the group as well. We didn't get to number three to some extent, but we briefly went over that. So if anyone would like to say something else, you could do that.

Sen. Kiffmeyer: Anybody else from your group? Okay. So what we really want to do though is it seems like there's a pretty strong consensus. And Stella, are you saying that we need to vote on this or not, right? No. So the main thing is, there's a very strong consensus from all three groups that we do want to do that, and I would say then, what would be the next steps in regards to that? I think there was— Representative Wazlawik talked about what's some structure that we could look at as a task force. What might that look like?

And I think that Representative Wazlawik and your group brought up one thing that's really important, if we take current statutes and rules, some of them even conflict, they've been around for a while, we need to maybe take a deeper look at all of that so we don't build a model on current statute that's outdated, right? So Beth, could you comment on what can DHS do to help us in regards to having something we can look at for a future meeting on this?

Beth: I prefer that Reggie—

Sen. Kiffmeyer: Reggie. I'm sorry.

Reggie: That's okay.

Sen. Kiffmeyer: I'm sorry. Reggie, I apologize.

Reggie: Well, no, no, no, that's okay. Beth and I are doing a little channeling and mirroring on this. So I guess, are you wondering, Senator, what the department might be able to do to take some of this, and I guess I just want to be clear about the question, maybe give a couple of options of things to react to or something. I guess I'm—I mean, just to frame up some next steps, I'm just trying to see—

Sen. Kiffmeyer: Yes. I would say yes to that. I'm just trying to get the discussion going. And also, one of the things I know with Representative Wazlawik and myself, we can go to our research staff and we can come up with some ideas, but we just need something that helps the task force have a discussion for the next step.

Reggie: Sure. Certainly, we can do that. I mean, DHS licensing, I've been working with NARA on a range of things to update our own—how we do our licensing, getting the ELICI tool's a big piece of what we've built on from other states. So we can certainly try to take both what the presentation was about, the comments that people are giving and begin to tee something up that could be options or reactions or you're like, "Oh, this, this or not that." I think we would put right out there that we have always seen that possibly abbreviated inspections as maybe even a bridge if there is going to be a little bit more time to get to any of that standards or something. We know that providers are saying, can't we see something sooner so that ELICI data is giving us something?

So we could put that in the mix for different ways to take this and maybe get a little bit more concrete for the task force to then pick apart, which is appropriate. I mean, I think that's what folks would do is say, this seems to resonate with what we want, this really isn't.

Sen. Kiffmeyer: I think one thing that I would find helpful, what have other states done and react to a model?

Scott: Is there a case study? I think back to the days of before [Job Z 00:57:58] when there was tax rezones, two or three states came out and talked about what they did and that was extremely helpful from the implementer's perspective of what it meant for somebody out on the streets. So is there a stage or a case study that we could have some time with that would be applicable and relevant? Similar to—I think that—thinking back again to the [Job Z 00:58:19] stuff, that really helped flush out a lot of the bumps along the way, I think, to learn from other people's mistakes and other people's successes.

Reggie: Right. I mean, sure.

Sen. Kiffmeyer: There are three states, there's—

Unidentified Speaker: Well, isn't that thing we got? Doesn't that have five states on it that went through the tiered system?

Unidentified Speaker: It does. But the one that's missing on here, which really bothers me is Colorado, and it was more of a recent. And speaking to providers in Colorado, it's been a complete disaster, it's actually been more punitive, and I would really like to see us look into Colorado so that we don't make those mistakes here.

Reggie: And I'd be curious to know why. I'd be curious to know. I don't know if you know this, Julie, if they've worked with NARA and Dr. Fiene or not because—

Julie: I don't know that.

Reggie: Well, I just know that what he did say is there are definitely states that look at other states and jumpstart it, and they feel, you know, that's them, right? They got a product, but we believe in it, relicensing. But they have said that there have been other states that started down a path, and it really did not turn out very well. And some of those states would call them and say, so here's what we tried to do, right? So I have no idea. What I can say though is Colorado's not one of the states that's on my radar for things they've done. Maybe they worked with them, maybe they brought them in later, I don't know, but I could follow up on that, too.

Unidentified Speaker: Well, maybe because it failed.

Reggie: Sure. No, but I'm just saying, I mean—

Unidentified Speaker: You might not want to look at it because it failed.

Reggie: Well, but usually, they would tell us, but I think they're being diplomatic about what states started down a path and then it wasn't.

Sen. Kiffmeyer: Yeah. They're not going to say, you don't want to top that.

Reggie: Well, in any event. So are you wondering about whether DHS could frame that up or are you wondering whether we could get people from those states to talk about how they did it? When you say a couple of states, how concrete are you wondering?

Scott: A case study, some committee type team, and they come out and do a little spiel or even something like this about what worked, what didn't, and then some of that interaction time. I know there's questions on people's minds here and even some of the stuff we plugged out here, just some time to engage.

Reggie: Sure. I mean, I think we could look at—

Sen. Kiffmeyer: Like you did with Dr. Fiene, that we—

Reggie: Right. But now, this is more the application of that from a couple of states' perspectives.

Sen. Kiffmeyer: Well, an example. So what are the—I've heard, what are the other four states? Anybody know what—

Stella: And before folks answer that question, my apologies, but I do need to have folks state their names, please, for people on the phone as well as for the transcription. I just want to make sure that we get that captured, thank you.

Erin: This is Erin. I think it's on page five of that packet. And they had—am I looking at that right? Florida, Georgia, North Carolina, Texas, and Utah?

Sen. Kiffmeyer: Yes.

Ann: And this is Ann. Washington State is also talking about a key indicator system, and Washington is a good a comparison for us on a lot of levels.

Kim: So there are six, whatever—this is Kim, there are six studies right there, Texas—
Sen. Kiffmeyer: The question is, for—this is Mary. So the question is, do we need to even have them involved, or do we just need to see what the structure is and compare each one of them and the pros and con? At some point, the reason why I'm saying this, at some point, we need to flush it out for Minnesota and you ain't need to have a starting point usually. So if you have that kind of a discussion on one of those states, one of my questions is, which one of those states has had some measurable track record been in place for five, six years and hasn't been—I mean, that's not necessarily a lot of time, but have had some measurable success or at least the lack of complaints, you might say or that are not working well.

Ann: This is Ann. I mean, this where I guess maybe the age could help us, too, the starting place for each one of the states is so different in terms of what is even defined as family child care, what's the license, what's in rule? So they tried to narrow down to find—if we're going to look at comparison states, at least find some that are in a starting place or were at a starting place closer to us, doing this work nationally, it's all over the country.

Kim: This is Kim. And also going to, do we find the model first or do we work on the rule and statutes first, or parallel?

Reggie: This is Reggie. And I guess what I would say from the states that I've looked at and talked to and seen some presentations on, I think what you're going to find is that there's maybe some similarities, but then the states are going to do it different. A piece of what I don't know if Dr. Fiene spoke as much about is on the front side of the risk, here's a standard, new world, here's a standard, here's the vetted agreement as to what the risk associated with it is, but really, the

important next ingredient is, and then what is the enforcement that the provider can expect that is measured, appropriate, corresponds to the level of risk?

And so we really don't have that, all the fix it ticket was certainly that start. So again, I mean, we could certainly try to take these states that are listed here, they're the ones that I hear about. I think Washington is probably even updated theirs after 2014. I think they just recently redid another, but we could check and see from these that people have read about, if one of these seems to be one to whether we bring them in on a relay piece or talk, if that makes sense about we'd want to care about how it's been implemented from family providers, that would be an important piece to make sure that the state isn't just based on center only.

Sen. Kiffmeyer: Thank you, Reggie. This is Mary. And I think that sometimes, we get so much input that it almost just sinks the whole discussion. I think with the information that you already have and that's in our packet for these states, sometimes a good way to go is it seems as though the fix it ticket is a little bit the start of, and I wonder also, to help encourage us to have something that we could do, could we have a discussion about Minnesota, what other things could we add to the fix it ticket category that would help us start moving towards that tier, because the fix it tickets are probably going to be that tier, that first level that we would use as a basis for, this is a fix it ticket level. My concern is, we can talk this to death and then we end up like some other task force have done, you just don't move, and I don't want that to happen.

So I think fix it tickets are a Minnesota basis for that tier already. And then we can take one state that we most think looks like something, we could follow it. Could I just ask you to have a discussion of those states? Do any of you have an opinion about which one of those states who might start from as a foundation for taking the next level?

Kim: Well, Ann—this is Kim. Ann, you said that Washington would probably be the most like us, right? Why?

Ann: This is Ann. I think if we look to on some other fronts for child care and comparable to Minnesota, that leads to rural and metro. I would say the climate's the same. Leaving that aside for a minute, I don't know as much about its mix of family to center ratio. We're so predominantly family child care, that, I don't know. But there have been some other factors we've looked at. That's just one.

Sen. Kiffmeyer: Liz?

Liz: This is Liz. The one thing that keeps ringing in or going over my head is the purpose as to why we're all here, which is why our family child care providers leaving the field, and why are we not being able to retain good providers. And so I think whatever model we choose has to show some sort of data where

we're seeing providers stay in the field and even getting more providers in if that data was available.

Sen. Kiffmeyer: With the other states?

Liz: Yes. And is it being more successful.

Julie: Or at least because those—sorry, this is Julie. Those factors, yes, a lot of it is licensing regulation stuff, too, but a lot of providers are leaving because of universal pre-K because they're not able to fill their spots. So I'm not sure we're going to find a state that's actually been able to raise it, but if we can find one that's leveled off, that they're not losing hundreds and hundreds of providers every single year like we are. If we could find one that since this was implemented, it's helped, it's leveled things off for them.

Liz: Right. And if there—and this is Liz. And if there is the universal pre-K, we can't find that, but if the student's already provide that, that can be implemented into it, as long as like you said, yes, we need to see something where providers start leaving the field because of the regulations by these states.

Sen. Kiffmeyer: Remember, the question here right now is about which state might we use as a framework? Not the decision, not we're going to copy it exactly, but just a starting point because we need a starting point. Lauryn?

Lauryn: This is Lauryn. And I think maybe you could build off of what others would say a little bit. We're doing a survey to discern what factors are contributing to the providers leaving. Is there any correlation to that being used to [inaudible 01:08:22], what factor should be used as criteria for deciding which family child care providers would be eligible for a repeated inspection, and is there any productivity there?

Sen. Kiffmeyer: I appreciate that, Lauryn. But we have a very good stakeholder group here already. And I know from all the hours of testimony that we put before, their frustration is that the one size fits all, so those who've been around a long time and no corrections and no issues get treated the same as the first year, second year, and so on. Is that still true? So those of you who are providers.

Julie: Yes, it is still true. And one thing about picking one of these states, my only concern is just, okay, let's pick state. We don't really have enough information on that state, and so it's concerning that we would decide tonight, "Okay, we're going to follow Washington or Texas" because we don't really know what's going on there. Was this a positive thing? Was it a negative thing? My concern is if we pick the wrong state, we might go in the wrong direction.

Sen. Kiffmeyer: Thanks, Julie. But I just want to clarify again, it's a discussion point, not an endpoint. We got to have—it's like a draft. Have you ever dealt with somebody who's done a draft for you and then you all tear it apart, right? Okay. It's like a draft, that's what that is. Just like tonight, we have three questions, right? You

had it—it's so helpful to have something to start from, but boy, it prompted a lot of discussion. It wasn't an endpoint, just to start point. So that's all I'm thinking. We got to have a start point, I think otherwise, we may have so much discussion, we just can't quite get off the dime.

Unidentified Speaker: Does anybody know how many—when these were implemented? That would be nice to know because I don't want to go for a state that only implemented a year or two ago, I'd like to see somebody that's got a sense of background.

Kim: This is Kim. This report is from in 2014, so I think our first would be to gather information from 2019 and maybe make the decision from there. I mean, I don't—this is a report that I think if—I mean, I'm willing to do it, to call it and say, can I get updated reports on these five states? I'll do it. I mean, because I think 2014, to Julie's point, these may have failed. These may not even be in place anymore, we don't know.

Sen. Kiffmeyer: Or there may be new ones.

Kim: Or there may be new ones where they may be doing great, we don't know. This is from 2014.

Sen. Kiffmeyer: Okay. This is five years after 2014, and I think that's very relevant. But what else could we have as a starting point to put our tiered licensing structure together? We can start it from scratch. We can have a sticky note thing and start from scratch. I find that to be a little bit difficult. I'd rather have something, even if it was a failure, but I prefer success, to start from something.

Rep. Wazlawik: This is Ami Wazlawik. So the document on page five says Florida as part of a 1996 piece of legislation. They developed an intimate and abbreviated inspection plan, so that might be someone to look at in terms of how long they've been doing that. And they also—Florida also, later on in the document, they also do something with—they have different classes of violations, I don't know if that was at the same time that they did their abbreviated inspection legislation, but they might be something to look at for how long they've been—

Sen. Kiffmeyer: What's the source of this report and where did it come from?

Rep. Wazlawik: This was in our—

Sen. Kiffmeyer: No, no, no, we didn't. Office of Child Care from where?

Reggie: Sorry, this is Reggie. This document that you have is produced from the Federal Office of Child Care.

Sen. Kiffmeyer: Is this the most recent—this is Mary. Is that the most recent one, Reggie?

Reggie: This the most recent one on this very specific topic, okay? So this was a compendium of some states.

Sen. Kiffmeyer: Have you taken a look at, is there anything new at all?

Reggie: Yes. This is Reggie. I will say that at a NARA conference that I was at I think two years ago, I saw Washington state's what I believe is their current one. So again, it is current, but I think it's where they've evolved. And it was basically assigning risks within eight different categories. And so then—no, but it's like, then you knew, these standards, you get a one, these, you get a two. If you violate this one more than four times in three years, you get this, right? I mean, it was very thoughtful. It might be a little bit more than what we want, but it also shows a very data-driven and very transparent approach.

So if I were to stick on one that I think is moving us where we want to go, and I've been trying to hear a lot of where people say we could do this differently, I would say that we could look at what Washington has moved to. Again, there may be some similarities, there's also definitely going to be some differences, but it's a model that spoke to me that I've said, "Wow, what would that look like for us?" So I think it could be a starting place to depart from.

Sen. Kiffmeyer: The other one that I also—this is Mary, that I heard from Representative Wazlawik, had to do with Florida. I would like to have more than one at this stage, so the State of Washington. Do you think the State of Florida has some potential, too?

Rep. Wazlawik: This is Ami. I think just because they've had this in place for so long that they've probably had time to see how it's working and maybe make changes along the way.

Sen. Kiffmeyer: Okay. State of Washington, State of Florida.

Scott: Senator, could we get Dr. Fiene's recommendation, too, on one? I mean, he knows us and studied us and maybe if somebody could reconcile the conversation tonight and get the expert's thought.

Sen. Kiffmeyer: So asking Dr. Fiene if he—we have to remember, his report is due to come out approximately next month, right? That's what I heard him say. So at that point, maybe yes, maybe no, I'm not sure, but I don't want to just wait for that.

Scott: No. Maybe he'd have an immediate thought.

Sen. Kiffmeyer: But maybe for the next thing is, Dr. Fiene's report so we can all take a look at it. Washington State, Florida State, anybody else from reading, think there's another state? Kim, I'm thinking, if you want to get more what's out there more.

Kim: I'm googling it right now.

Sen. Kiffmeyer: You're googling it right now. Isn't that great? I don't want to say, "Hey, Siri" because then she'll start talking.

Unidentified Speaker: Do we want to do a Colorado as a case study of their—

Unidentified Speaker: It'd be nice. Yeah, even Colorado, yes. If we think it's not, let's find out.

Cyndi: This is Cyndi. Also, for the question about how do we merge the rule and discussion of the rule with this, so opening rule two has been an interesting debate.

Sen. Kiffmeyer: Okay. I think that we have to go on to our next item on our agenda. We're—that's a very important discussion as well. So Cyndi, did you want to make one last comment on this subject?

Cyndi: Well, I just wanted input—I mean, if we're going to—you've all said, rule two's a mess, how would we integrate starting opening up 9502 to have that discussion because it's been quite controversial in any other setting.

Sen. Kiffmeyer: 9502 is—

Cyndi: Is the rule.

Sen. Kiffmeyer: —the rules, yes.

Cyndi: Not the 245A which is the statutes.

Sen. Kiffmeyer: This is Mary again. I think sometimes, this is a chicken and egg. I don't know that we can say we do this or then we do that, I think they're going to feed into each other. I think it's hard to know what do you want to do with Rule Two if you don't even know the structure for tiers, right?

Cyndi: But we have a procedural problem with Rule Two, right? Which is rule has to be opened by Iran?

Unidentified Speaker: Okay. That's my question is, well, we can talk about 9502, so Cyndi, how do we do that?

Reggie: Right. I guess—and I know you want to move on, Senator and Representative Wazlawik, this is Reggie from Licensing. What I would say is, and we have heard this discussion, I think that it is far more important that if decisions are going to be made about updating standards that we talk about updating standards, whether those standards go into statute as we are already are doing in various ways whether they go into rule, whether they go into rule and statute because people might say, this is like core basic stuff, that's okay if it's in a rule. So the department, I can tell you, we can say, what is more important is that people decide do the rules need to be updated into a comprehensive set of standards and then have that decision about is it a rule, is it a statute, is it potentially a little bit of both through agreement? But I don't think that that concern, which I know is legitimate about rule versus statute should preclude that real substantive discussion about standards that haven't been updated in 30 years, that I think somebody has said, is that why there's a lot of variances

that are happening? Is that why there's a lot going into statute, and how do you look at standards in our current climate, to retain, to incent, to ensure that providers feel that the rules that are governing them are worth hanging in there for.

Unidentified Speaker: And to make sure children are safe.

Reggie: Absolutely.

Sen. Kiffmeyer: And I think all those things are very important. And again, a little bit of that. But here's my question sometimes. It makes a difference whether you're driving to Florida, to New York, or Chicago, or Seattle, you've got to decide and then you set out your roadmap. How are you going to get there? You need to know where you are going. I think it is easier sometimes to set out that framework and then go to the rules and statutes and say, well, now, this needs to change because it's better to have it, where are you going to go? Just my thought.

Julie: Where we would put it in the tier is what you're saying. Get our tiers, get the— sorry, this is Julie. Get those things set and then pull in rule and statute and start looking at where they go or are they really even relevant anymore.

Sen. Kiffmeyer: Right. Yes. I think that's—

Julie: Agreed.

Sen. Kiffmeyer: Okay. All right. Which leads to having Washington State, Florida State, Colorado State, Dr. Fiene, to get some little bit more input and see we can go from there. Okay. Need to move you on to the next step for duty number three, legal research from the House Senate liability. This has to do with variances. Duty three is the variances. So we're dealing with the reality of what we have today. What's that? Okay.

Unidentified Speaker: We're going to pass out the summaries from the house and senate research on the variant stuff that we talked about.

Sen. Kiffmeyer: And the house has a statutory reference at the top of it, 245, and the senate, this title is Family Child Care Licensing Legal Concern, okay? So just pass them around. If you want to help out, Brad, with getting it going faster? Can you get some of that, Steph, to Brad so he can go—
[crosstalk 01:21:12]

Sen. Kiffmeyer: There we go. Brad going around the middle almost. So I took a little different approach in the Senate Research. The question that I asked them was, is there a statute specifically that puts legal responsibility personally to the licensors? That was my question that I posed to our Senate Research, and that's why the answer there is that there's no statute that affirmatively requires licensors to be personally liable for claims arising from the family child daycare inspections. I don't want to read, but you can read in front of you, except to point out. The

next bullet is counties are exempt from liability for claims unless the county had actual awareness of the issue that led to injury. And they quote Minnesota Statute 466.03, subdivision 6D.

The fact that counties are exempt for liability exposes licensors to potential personal liability because an injured plaintiff may seek recovery from the individual licensor upon learning that the county is immune. Those are interesting factors here. Counties are generally liable for the torts, meaning wrongdoing of their workers, but liability is subject to limits of the amount and for incident. Those limits also apply to claims against workers. And then, counties are generally required to defend and indemnify employees against claims so long as the employee was acting, and this is really important, within the scope of their work duties, that is their personal defense. And the employee did not commit malfeasance, willful neglect, or act in bad faith. That's really, really important.

In addition, the state may also have to indemnify the county. A statute requires counties to be treated the same as state employees when carrying out inspection and licensing duties. In conclusion, while it is true that a family daycare licensor may be exposed to personal liability, their liability is capped by statute and the county and perhaps the state is required to defend and indemnify the licensor to the extent the licensor is found to be liable, provided the licensor has not committed malfeasance, willful neglect, or bad faith. So if they haven't committed malfeasance, willful neglect or bad faith, they are not personally liable. So do you have more input to that and on this subject?

Unidentified Speaker: The second document that has a couple of sections of statutes that it refers to, goes through what the variances are and then talks about similar to what was on the Senate document. I think one of the things we were questioning about background is the—on the bottom section, 466.03, and that section talks about the background on why we think—why the research staff thought that this went into place in the beginning because of a case that happened in 1986, which is when this went into place. So that's a little bit of background on that. But her rating of it and she said she's—I'm not a lawyer, so don't take it as legal advice, but if that they're following the criteria for variances then there shouldn't be an issue because it goes back to that you have these things that are allowed or not allowed.

But then, she also said that if licensors have questions, they should go see their county attorney, and I think that's where we have the conflict, is that county attorneys are saying one thing and licensors are wanting to do another. So I don't know that we resolved the issue, but we wanted to get a little more background on why it's happening and where the pieces are.

Sen. Kiffmeyer: So Kim, you're the only representative here or—

Kim: Lanay is.

Sen. Kiffmeyer: Lanay. Sorry, Lanay. I'm so sorry, Lanay. So Kim and Lanay, in reading what you've gotten here from the House and the Senate as county licensors, would you have a comment to this kind of input?

Kim: Go ahead, Lanay.

Lanay: This is Lanay. The thing that I get stuck on is on the handout from Mary.

Unidentified Speaker: The Senate one?

Lanay: The Senate one. The second dash, that counties are exempt from liability claims unless the county had actual awareness of the issue that led to the injury. So if we're granting a variance and an injury happens when that variance is in place, I still don't feel like we're covered, I still think we have personal liability based on that statement. Maybe I just don't understand this really.

Kim: This is Kim. I think that is the common thread. I don't think that's just Lanay and I thinking that, I've worked in two different counties in this position where that was the understanding. So I don't think it's—I think it does go back to county attorneys in the interpretation of this, and that's where it came from. And also, I think based on that other form that came out, the statement, position statement from the Minnesota Association of Social Services Professionals, Administrators, whatever it is now, they basically say the same thing. I mean, that's what—they want DHS to take variances because of our liability. So I think that—yeah, I think there's more look at with it.

And variances are weird. Variances—I think we need to be specific about what variances we're talking about. I think we're talking about capacity variances because we do variances. I've talked about sugar gliders and I've talked about pets that are old and don't get vaccinated that don't go anywhere near the kids. We do variances for that. We don't do variances for capacity in Dakota County, so I think we have to be really specific about what variances are. We do variances for a person to move up in a class of licensure before their year is up, some counties don't. So I think we have to be specific with what variances we're talking about here.

Julie: And I agree with—sorry Julie, with that. The problem with the variances for providers is the capacity and it's not so much you want to go over capacity, it's that age range in capacity, that's where we're having the big problem is. I've got an 11 month old and I need to start another infant and I can't now for a month until that child turns one. That's where we're having those problems is with the age capacity variances.

Sen. Kiffmeyer: Some of that is siblings as well, right?

Julie: Yes. It usually is—ends up being siblings is what it is. Or I just got a call from a parent that wants to drive 20 miles to my house one way because she cannot find child care and nobody can get a variance to help her. And I just so happen

to have a child age out. This woman's going to drive 40 miles round trip just to go to daycare before she goes to work. That's sad.

Sen. Kiffmeyer: So Reggie, do you have a comment?

Reggie: Well, I mean, I think there's a couple of places that folks could possibly look at. One could be however detailed folks want to get, are there recommendations about either carving out some specific criteria on a couple of key variances that have been impactful related to that very kind of a ratio issue, that's a common one. The other is, does it make sense to consider statutory language with whatever the right legal count drafters up there would be that would ensure that granting a variance does not automatically equate to actual knowledge of a condition. I mean a variance is, I can't comply and here's what I'm going to do as an alternative to ensure that I'm still meeting the spirit of the reg.

But maybe what's happening is, there's no magic language in statute that says—so I mean, there's different ways. It looks like MACSSA has proposed striking that language had actual knowledge, that's in statute, maybe that does it. The other could be stating very clearly that a variance promulgated, blah, blah, blah does not equate to or does not increase. I mean, so I think there's a couple of different ways to go and maybe there's—maybe all of those might be needed, I don't know. I mean, people might want to put parameters around when would you allow not exceeding the capacity but exceeding that ratio distribution, people either say it's okay, and doing that will not result in any increased liability. I think there's a couple of ways to go.

Sen. Kiffmeyer: Thank you very much. Kelly?

Kelly: This is Kelly. And as far as capacity and stuff like that, years ago, and maybe I'm wrong, I don't know, but I think parents weren't finding out how many kids we're supposed to have or the ratios or anything like that, and that's when providers were sneakingly have been over capacity or over the limits where if we would get parents to sign off saying, yes, they know what's going on, would that help?

Reggie: Right. I mean, again, it could be a condition of variance or something just this past session, got put into law around the extended use of a substitute for a very long period of time, and that's a variance that got given to the commissioner, it's not for the counties, and it clearly says in there that if one of these is granted that the provider must ensure that every parent or legal guardian has notice of this extended use of a sub because usually, it's the provider is your caregiver you want to have with your kids. So I mean, there's examples of where that's beginning to happen and being put that sort of notice protection, which I think protects both the provider and all of the families in care.

Sen. Kiffmeyer: Okay. I would say there are two things. One is you're delving into a specific of a type of variance or a specific one. The issue really though, is the legal liability, the personal liability that is a stumbling block to those variances, okay? So I

think there's—so there's two things going on here. So one of them was talked about the paper, the long name of social service, FAR, to just strike that language, that personally knowledgeable, or stating that, clarifying what it actually means. Those are two different ways of going at it.

One of the things I think that we need something to work from that we could run by the county attorney association because they are a key part of this to sign off on that, will this work or would this work, right? That's often the way we deal with that legal liability thing is you need to really go to your county attorneys. Secondly, it is more the issue of how do we handle the different types of variances. One is capacity, the other is some of those other ones, but it seems like the capacity, how do you handle that? I think Reggie gave an example already of the extended use of a substitute and how that was handled. We can handle that, we can do those, but we need a list of those, which capacity could be one of them. We're going to have to first address the legal liability or you aren't going to get there, right?

Kim: This is Kim. Is this then the time that we look at instead of doing variances, that we look at license capacity? So A license, B1, B2, D, C1, C2, C3, maybe it's time to add an E or an F where it is more kids, and the variance thing's off the table because you can write and give a variance for anything in the law. You can do variance because all it is varying the law, that's what it is. And I mean, and maybe if we're going to talk about the rules and the laws as a whole, maybe it's time to talk about expanding the classification of—

Sen. Kiffmeyer: Capacity.

Unidentified Speaker: Capacity.

Kim: And not necessarily maybe any more children, but like people talked about before, more infants or what—I mean, it would be a discussion for the entire group, not a couple of people, but that would maybe then, too, get the—but I think obviously for right now, it would be talking to the county attorneys, all of them because I think it's been written every county.

Sen. Kiffmeyer: This is Mary. On a legal liability, county attorneys because that's legal, okay, that's how I see it. The variances or capacity, that's different.

Unidentified Speaker: In what way? Sorry.

Sen. Kiffmeyer: Well, it's statutory or it's a variance for capacity. You could do a variance capacity or what Kim is talking about, is changing the statute so there's more flexibility in the statute rather than having to go with the variances.

Unidentified Speaker: Okay. Thank you.

Scott: This is Scott. Everything I've heard so far, I think back to our meeting a few Saturdays ago about concerns about both the county attorney's perspective and

the licensor's perspective and those are very different, but will my personal balance sheet, my family be sued, versus something else. And I think most of the conversation tonight has been on that actual awareness clause, which would actually then increase the exemption threshold for counties, which should theoretically make the county attorneys more comfortable. But that's just going to make more exemption for the counties which has caused, if I read this document correctly, is causing more a risk or concern for liability placed on the individual. For those of you that—Kim and Lanay, after looking at this, the fact that counties have to do that indemnification or be liable for the torts or their workers up to the statutory cap, is that enough comfort for the people? Because I heard last time equal concerns about both the county attorney's perspective and the individual, those are two very different voices. And if we have public servants out there doing the best that they can to work with providers and they go home at night wondering if their family is going to be sued, is there enough here to think they're shielded enough because just focusing on striking that clause does not appear to remove liability from the individual. If anything, it could increase it more. But after reading this, the statutory cap, if the counties follow the statute, they're fine. So is that no longer an issue because I don't want that to get lost in the concerns here about county attorney stuff.

Sen. Kiffmeyer: And this is Mary. I just want to add to that. Remember that only the county has due diligence, but remember, it's malfeasance with neglect or act in bad faith. Those are the three things that have to trigger a personal liability versus an employee county liability.

Ann: This is Ann. Are we going to talk about the other option that placed here in this paper from MACSSA about moving into the state level?

Sen. Kiffmeyer: Sure we can talk about anything. You just brought it up, so we're talking about it.

Ann: Okay. Then we will. That's the other way to address it obviously, is to take that risk off the table by centralizing either all, or I think there's something here about being just the ones with age descriptions. But for all the options that are talked about in in here, that's another one, right?

Julie: This is Julie. The one problem I see with that is when you're talking about variance, and I think you guys will agree, when you're talking about a variance in age capacity for a provider, how I feel is as a licensor, they need to know that provider personally before saying, "Yeah, go ahead and just give them the variance." DHS isn't going to have that personal knowledge of a provider, and when the licensor visits, everything in chaos. Because I've heard the stories from my licensor that they come in and there's stuff all over the floors and the kids aren't picking up and the provider's like, "Well, what am I supposed to do?" Is that somebody you really want to give that variance to, versus to the provider who has control of the kids and they listen and they know what they're doing?

DHS isn't going to have that capacity to make that decision where a county licensor is because they have that one on one relationship with them.

Lanay: And this is Lanay. I can say that the MACSSA position statement came from an administrative level. And if you talk to the people on the ground working, which is the licensors, they do not want variances to go to the state because of reasons like Julie has said.

Sen. Kiffmeyer: Cyndi, you're next, and just raise your hand so that I see you.

Cyndi: So Cyndi here. This has been on my literal agenda for a few years to try to figure this out because of counties like Ramsey who will do nothing. And part of my interject in that conversation was it's really good to hear what the licensors think, and I appreciate that there was—the discussions that I've been in or when I read this, there's this point where the licensors are the ones putting recommendation into DHS to give us our license or not give us license. This would be the same kind of process, so it would be on the recommendation of the licensor. But then that final decision making then would be on the state, so then that's where the liability would shift.

So it would not take out the county licensor's actions any more than it does in anything else, recommend negative actions or anything else that licensors are putting forth, it would have that same direction. Now, that's my view of the world and I'm not a licensor. So that would be my interject, and then that we did have a meeting actually a week ago in Ramsey County because we've pushed to get better answers on the variances, and we actually have a new department head who is willing to push this issue on the county level, and she's very interested in all of these conversations and talked about coming up with kind of that weighted severity issues, when to give a variance and have more structure with it.

So if it stays at the county level, I think the two things would be the coverage, the insurance of the liability of the licensors and not in statute necessarily, but good structure from DHS or someplace about these are the kinds of things to take into consideration when granting a variance sign capacity so that there's mutually partnerships.

Kim: This is Kim. Cyndi, is she going to talk to county attorneys though?

Cyndi: Yeah. We actually have—we're actually doing a—I'm sorry, it's really like a file review where variances over the last couple of years are being pulled and being looked at, and a discussion with county attorney and with all the county licensors. So we finally have somebody who's really going to—I think from a bigger picture, I think some of the answers we're going to finally end up with will be potentially go to cross farther, but yeah, it's all being looked at carefully. Sorry.

Sen. Kiffmeyer: This is all really, really good. I have the job of helping move us through other things on the agenda that are really important, and one of them is another small group discussion and a decision we need to make about going with MAD with the material analysis division with Minnesota Management and Budget for our survey, okay? That's a decision thing we need to do. But Beth has a document that she's worked on that's really important on variances. Beth, will you want to just—and you have a handout for this.

Beth: I think it's in the packet.

Sen. Kiffmeyer: It's in the packet, okay. I was looking for mine and I couldn't find it.

Beth: So there's a document in the packet that says variances, potential administrative, legislative actions that could be task force recommendations.

Sen. Kiffmeyer: There it is. Yeah.

Beth: And so this is a list that we compiled, taking a lot of the ideas from last time's discussion. A few other ideas we came up with and then try to categorize them as two different things that you all might want to recommend. Some of them conflict with each other, so you probably would not choose all of the above. But the idea is trying to have groups, you in small groups if there's time tonight, talk through what direction do you want to go. Liability is first on the list. And you all have come up with some additional options for liability that aren't reflected here. I put structural changes next because some of these, for example, the first one, if you wanted to move approval of all variances to DHS, and I've heard that you may not want to, but if you chose that, then a lot of these other ones are moved.

So it seems—so that's why that's toward the beginning of the document because some of the other things wouldn't matter if you chose that option. The thought was to break up into three groups and have you all decide, okay, which of these are we interested in looking at further? Which of these seem like the best ideas here? And then when the three groups reported back, if all three groups said, "Oh, we want to go with J1, which isn't on here, then it would be clear that there was consensus among everybody, oh, everyone chose that. We had easy consensus. If two of the groups chose it, well, we need to discuss it further. And if one group chose it, maybe you'd get to it. But it might be a way to begin narrowing in on ideas where there was some broad consensus. So that was what this document is.

Sen. Kiffmeyer: I found this document when I first saw it, just really helpful to have them grouped into those areas. We can break up into a small group for about the same small groups as before. This is a lot of stuff to have seven minutes to have a discussion or we can have a whole group discussion.

Unidentified Speaker: And Senator Kiffmeyer, I like to add, if it's possible, for DHS to be able to move forward on selecting a vendor or the processes of getting a vendor if we could

get that both of moving forward then that way, it gives them time between now and the next meeting if there's a different course of action, if we could do that.

Sen. Kiffmeyer: All right. They need to have a decision from—DHS does. And so the question before us, we're just going to put a pause on this other discussion of variances. So the question that I have for us right now is, do you want the—it's a discussion, do you want to go ahead with a survey on previous providers who have left to find out why did they leave or more information about that? So that's kind of the question. Do you want to go ahead and have that action be initiated? Senator Wiklund.

Senator Wiklund: So deciding on this survey, does it preclude other activities that might cost money later on or do we have—I mean, I don't know whether this is paid for out of—what the task force has for a budget.

Sen. Kiffmeyer: Could we use that money some other way that might be better than this one?

Senator Wiklund: Well, I just would like to know, I guess, upfront, I mean, if we're deciding evidently, and then later we find out where we spent the money on, the survey on. I wasn't sure.

Sen. Kiffmeyer: Reggie, do you want to respond to that?

Reggie: Well, this is Reggie, and I feel like that Howie Mandel show where I want to call my banker. So what we—there was a small appropriation for the—mainly for the work of the facilitator, but also for some staffing costs at DHS that we're just looking at how could we be fungible to make sure that we've got something, but there isn't a dedicated line item for additional things in the task force. So I would say, the ability for the department to be able to absorb any additional costs, I would not say the answer is no because sometimes smaller amounts of one time money could be happening, but I don't know that that means that we could, and I don't know what is really small and what's not, but we feel given that we're looking at the contract with the vendor and the appropriation from the session, we feel that we can make this survey within this range work. I think that's one reason we're trying to say this other vendor that has a lot of asterisks, we're concerned that we don't quite know where it would end and we might be on the hook and then we turn over more seat cushions, right? So I don't know what the future topics will bring, there is a lot more meetings to go and I guess the department in good faith would try to see if we could be a partner in anything that would come up, but I think it's pretty clear, there really isn't a full blown appropriation, and I think the survey would have at least used up whatever that understanding of our contract and that. So I don't know what the future tasks—the items would be, and—

Lauryn: This is Lauryn, I have a question. Is the issue that we don't have access—

Sen. Kiffmeyer: This is Lauryn.

Lauryn: Is the issue that we don't have access to this information at all, in other words, industry organization hasn't already collected this information and there's verifiable or credible data that could drive the same data we're looking for, and/or then is it not deemed credible if it is not done for appropriation of the state?

Reggie: Well, this is Reggie. It's not the latter. There have been several studies, and I know Lauryn, you weren't at the appointed rep for the first ones, but what people felt is that, the charges to look at what are the specific licensing reasons that have caused people to leave, and so the study was really trying to build upon—there was a quick overview of other studies and trying to build deeper on what really gets more meaningful for reform, for addressing the actual reasons.

Lauryn: That this study would get information you already have.

Reggie: It would try to go deeper than what the other studies were trying to get at.

Lauryn: Thank you for the confirmation.

Unidentified Speaker: And the other studies were in Anoka County.

Sen. Kiffmeyer: Okay. We'll have Scott go next and then Stephanie.

Scott: This is Scott. Beth, would you quickly clarify, again, because I think that's where we paused before, the role of this task force up to pushing the send button, what would be our engagement with it up to pushing the send button out to providers?

Beth: So this is Beth. And at the last meeting, we did look at some draft questions. You all gave feedback, we have tried to incorporate it. You all were clear that you wanted to see it again before it was sent, and so we had been talking to the vendors about that. I think our assumption is since everyone did already give some feedback, that there wouldn't be a lot more feedback, that this would be a pretty final blessing. Our understanding is that we would try to make clear through any communication with providers, former providers, that the survey was being done on behalf of the task force, so the postcard and e-mail would explain—there wouldn't be a lot of texts, but there'd be enough text to say, this is being done on behalf of this task force that wants to know this information.

Scott: If we're complying to the open meeting, well, we won't want to have any interim engagement, it would be just at the next meeting, is that correct? Just to keep things moving along. If I heard you correctly the last time, we really can't do interim type conversations, right?

Beth: This is Beth. So there cannot be interim meetings, or—but if people have other ideas you want to send to us, I mean, please do.

Sen. Kiffmeyer: Okay. Stephanie.

Stephanie: Oh, I just wanted to clarify that the other surveys were done by a list of organizations that I think we could all agree are reputable, and—but just might not get at the questions that—so for the people who weren't at the previous meetings that they understand.

Sen. Kiffmeyer: Okay. Julie and then Cyndi.

Julie: This is Julie. My concern here is, we have a really hard time getting people to fill out surveys, and now, we're going to ask providers that have been out of the business for up to three to five years to fill out a survey about why they left child care. My concern is we're going to spend an awful lot of money and we're not going to get any responses. And I think some of the other organizations here can agree with that where I know that there has been surveys that have gone out to over a hundred people or providers, they get back 14 of them. That's not going to do us any good, and I would like to see this, I would like to see some good results, but I'm leaning to the point of are we going to waste money and time because we're just not going to get that response.

Sen. Kiffmeyer: Cyndi?

Cyndi: Cyndi. That's my concern is with that, if there's data out there and if we're looking at, we have a crisis right now and we have providers not leaving and not joining, I think the population, we need one message that this is important and we need your feedback to empower to maybe be invested in the profession are the people that are current or maybe within the last year left, and the reasons why they're staying or not staying now. One, it's a message to current providers that you're important. And I wasn't at the beginning of the meeting last time, sorry, but it's a strong message to the current providers that we're here with you, we're trying to work on it, and stay stable with it. And then get that women venture just did a survey that included information about why are you leaving, why staying, whatever, I think that's a stronger message.

Sen. Kiffmeyer: Liz?

Liz: This is Liz. Kim, is there anything at county level that maybe you keep data on as to why these providers are leaving?

Kim: This is Kim. We don't usually ask. Well, we will—we'll ask why, but it's not official. I can probably tell you why everyone on my caseload has left, but I don't know about my coworkers, you know what I mean? And I was thinking as we're all talking about it, it would be good instead of the exit interview that we have to do when we leave your homes, an exit interview just for providers when they leave, however, it goes back to, they might not answer questions from me or us and DHS. People—I have good relationships with my providers, so they'll tell me I'm retiring, I'm sick of it, I don't like this, I love this but my kids are grown, whatever it is. But that's why we wanted to go to an outside source was

because we don't want it to come from us or DHS because people won't answer it.

Sen. Kiffmeyer: I would say, the question is, and remember, we've just got three minutes left of our meeting time, officially, so you have enough to say go or no go so DHS can quit or proceed, all right? That's where we're at, right now. Lauryn and then Kelly.

Lauryn: This is Lauryn. Is anybody on this stakeholder group a former child care provider that left because of the issues we're discussing tonight?

Sen. Kiffmeyer: Can you ask that again?

Lauryn: Are any of the stakeholders around the table former child care providers that left because of the issues that we're discussing today?

Sen. Kiffmeyer: That's a hard thing to put them on the spot, I think to ask them that.

Unidentified Speaker: No, that's not providing the care anymore.

Unidentified Speaker: So there's not a—well, a slot for that.

Unidentified Speaker: No, there's not a spot for a provider who's left the business.

Sen. Kiffmeyer: Oh, I get what you mean. I didn't get it. Thank you.

Unidentified Speaker: We don't want to know if anyone was thinking of leaving.

Lauryn: But as an active stakeholder, perhaps there should be a [inaudible 01:54:58] this table with that constituency.

Sen. Kiffmeyer: I appreciate what you're asking, Lauryn. I don't always swivel my head fast enough to see. Kelly. Okay.

Kelly: This is Kelly, and just real quick. I know Stearns County started a survey. After the exit interview, Stearns County will send a link and say, how did everything go? So check with the counties, because they might have some surveys out there.

Sen. Kiffmeyer: Which I think is what Liz was getting at. We already have 87 counties that might have some information that we could pool, right? Liz, is that what you're asking?

Unidentified Speaker: I know Anoka County does ask, I don't know what kind of response they get. I can ask them.

Sen. Kiffmeyer: Okay. We're back to the question though. For DHS tonight, they need to know, and by the way, it doesn't mean that maybe you couldn't decide to do it next month, right? Just that you're going to do a month's delay on the whole thing

and they've contacted people and done all that. Do you want to decide to, yes, have DHS do this survey as of tonight, or do you want to maybe just wait on it?

Erin: This is Erin. Is there a way that we can postpone and reach out to the counties in the intermediate—between now and the December meeting?

Sen. Kiffmeyer: Reggie?

Reggie: This is Reggie. I would just say that if part of reaching out to the counties is to say, have you been doing surveys? Can we canvas them? The answer is there's not very formal surveys that are being done, we've asked this question of the counties and they're not done consistently and they're not done in a way that you can actually get any of that data and use it. So I think—I don't think that it would be productive to reach out, I think it's very hit or miss and it's mostly miss.

Sen. Kiffmeyer: Ariane?

Ariane: I'm going to reiterate from a provider standpoint what Julie said, talking from our local association, we sent out information to providers and we rarely get it back. And I'm really struggling with spending that amount of money to do a survey, not knowing what's coming down the pipe on the other issues.

Sen. Kiffmeyer: Okay. Heidi, one last comment and then we're going to decide.

Heidi: I concur for a number of reasons, but also, I am here really from the business perspective of it. And many family child care providers go out of business because of financial reasons. They may have a personal financial crisis, sometimes related to a medical issue, and they are not going to tell you about their financial condition when you ask them a question about why they're leaving. They're very private, they're very entrepreneurial. And if that is the reason that they left, they're not going to reveal that to a stranger.

Sen. Kiffmeyer: This is Mary. And sometimes, I think my question is, we already have stakeholders who are providers for other people we've had other surveys, do we need to spend that money there? So I'm hearing a consensus to not decide, to decide, to not do it tonight, anyway. I'm seeing heads nodding, not do it tonight.

Unidentified Speaker: We're not voting.

Sen. Kiffmeyer: So Stella, if we're not going to do it, do we need an official vote, or if we're just going to delay to next month or just—

Stella: So I'm going to go ahead and I would say at this point, be delaying it until next month, putting it on the agenda, yeah.

Sen. Kiffmeyer: So we don't want to have to vote tonight. Okay.

Erin: This is Erin. Do we have any action that needs to happen between now and next month, or are we just having another discussion in December? What are the items that we're concerned about, or what are we deciding going forward?

Sen. Kiffmeyer: Well, that's part of—Erin, I just want to—I don't want to put Stella on the spot, she's the facilitator.

Erin: Oh, I'm sorry. I was asking the group, I was looking at Stella.

Sen. Kiffmeyer: Okay. I thought you were asking her specifically.

Erin: No, sorry.

Rep. Wazlawik: This is Ami. I think one of the things would be, if there would be any way to do—I understand the concerns about response rates because they're terrible whenever you do a survey, especially when it's something that's sent in an e-mail. But I think there is a potential to get some really good informative information from the survey, so I'm wondering if maybe there can be some thought to how we increase the response rates. If there could be some discussion around that from people who work with providers and other folks. If we're thinking about doing this, if there could be a discussion about what maybe works best or if we have some of that input from MAD or DEED or somebody who does this on a regular basis to tell us what helps increase those response rates, if there is any sort of information that we have about that, I think that would be something that would help inform the discussion next month.

Sen. Kiffmeyer: This is Mary again. So one of my concerns as we—there is money that is spent on doing a survey, there is also time, DHS time, our time, okay? So I want to be really careful. We have variances, we have tiered licensing, we have a lot of the stuff, fix it tickets and some other things, are we better off spending—this is spending time on those sorts of things and saving the money in the future for when we say, "Yeah, we really need to do this." I hate to spend 25,000 and we don't have enough consensus. But the other thing is, I don't necessarily want to spend a lot more time either by DHS or us, okay, because that's spending, too, and our time is precious. And I think we have some really key things to talk about at our next meeting. And I think Representative Wazlawik, we're going to just—we're not going to do it for tonight, we're not going to do the survey. Beth, relax.

Beth: Thank you.

Sen. Kiffmeyer: Thanks. And by the way, I want to tell you, for DHS to say we don't have any specific pot of money to do this, but they were willing to step out and find it if we really thought it was important enough to do it, I really appreciate that. I appreciate that. So the thing is for next month's meeting, we had really good

discussion and you have a variance sheet. Stella, do we have an agenda for next month, or is it to come out of this meeting?

Stella: It would be—we'll be meeting together as a leadership group to craft that agenda for next month. So it'll be something that we'll want to schedule the leadership group. But no, I cannot have a draft of that agenda yet.

Sen. Kiffmeyer: We don't have a draft agenda yet. And the idea was it's pretty hard to make an agenda if you haven't had all this discussion first. But Representative Wazlawik, and Stella, and others as well, we're going to talk about it, take these notes and say, "Okay, with all of your input, how do we get ready for you?" Which is what we did for this meeting, both the House, the Senate, the variance list and all of that stuff was done in between for you to have a more rich discussion. At this point, our meeting time is really over, but any of you have—we have the State of Washington, Florida, Colorado, Dr. Fiene, we have some other things. If you have thoughts or ideas on what you like to have on the agenda, feel free to just e-mail Representative Wazlawik or myself, or both of us, whatever you like, and say, we like to do that, okay? You can certainly give that input. Do it in the next week or so, so that when we have a leadership discussion, we have your input.

Stella: Senator Kiffmeyer, the evaluation form?

Sen. Kiffmeyer: Fill out your evaluation form. If you can just take a moment to do it, it's really helpful to have that. And then also, submit any—that vendor form is your—you're used to that, right? You can fill it out before you leave, then you don't have to remember to do it and just take a few moments to just do that. But otherwise, when you're done with that, we are adjourned.