



Family Child Care Task Force Transcription

**February 4, 2020
6:00 pm to 9:00 pm
Brooklyn Center City Hall
6301 Shingle Creek Parkway, Brooklyn Center, MN 55430
Council Chambers**

- Rep. Ami Wazlawik: We're going to start with introductions. Go around the table and just introduce yourself with your name and the organization or group that you represent. I am Representative Amy Wazlawik, I'm the co-chair of the Family Task Force.
- Sen. Mary Kiffmeyer: Senator Mary Kiffmeyer, co-chair of the Task Force.
- Liz Harris: Liz Harris, sorry, daycare provider from Cottage Grove.
- Hollee Saville: Hollee Saville, family child care provider representing Greater Minnesota.
- Rep. Lisa Demuth: State Representative Lisa Demuth, representing District 13A.
- Cyndi Cunningham: Cyndi Cunningham representing Minnesota Child Care Provider Information Network or MCCPIN, and a family child care provider in St. Paul.
- Julie Seydel: Julie Seydel, family child care provider and representing the Minnesota Association of Child Care Professionals.
- Scott Marquardt: Scott Marquardt, representing the Minnesota Initiative Foundations, a resident of Montevideo.
- Kelly Martini: Kelly Martini, child care provider representing SBCCA, Stearns Benton Child Care Association.
- Kim Leipold: Kim Leipold, representing the metro area for child care licensing workers.
- Ariane Bromberg: Ariane Bromberg, representative FCCI, Family Child Care Incorporated of Olmstead County.
- Lanay Miller: Lanay Miller, representing the Association of Minnesota Family Child Care Licensors, Greater Minnesota.
- Ann McCully: Ann McCully, representing Child Care Aware of Minnesota.
- Meghan Adams: Meghan Adams with ACET facilitation team.

Jolene Roehlkepartain: Jolene Roehlkepartain with ACET facilitation team. We also have Gabbi Horsford who's out checking you in, and then we also have people on the line. So people who are calling in, can you please introduce yourselves?

JoAnn Smith: This is JoAnn Smith, I'm a parent and I also am a business consultant at the Koochiching Economic Development Authority in International Falls.

Jolene: Anyone else?

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

Jolene: And then Stephanie, I don't think she can speak just yet, so she also is joining us I think as of 6:15. Okay. So welcome everyone, Stella is sick, so thus you have an unusual ACET team here. So I'll be taking the lead, and we wish Stella gets well very soon. Just a few housekeeping things, your vendor invoices, make sure you turn them in. If you've been hanging onto them to turn it all at once at the end, this is the end of the first fiscal cycle, so this is a time to do it. So anything from meetings one through six, make sure you turn it in today or in the next couple days or whatever, you can send them to ACET. So don't hang them up until the very, very end because that's not cool.

You also have a meeting schedule survey. We would like you to fill this out during the meeting and turn that in so that we can tabulate those results and get those results to you during this meeting, so take a look at that as well. I will remind you again about that. Please note that we will not be taking public testimony or questions. And then also, to better engage those participating in the call throughout the meeting and for the audio recording, can everyone please state your name before speaking and speak into the microphone.

And then, just to reminder about our ground rules. We have five ground rules, respect participants' time by starting and ending the meetings in time, agree to the agenda and stick to it, stay mentally and physically present, listen actively and with an understanding towards others' views, and tackle issues, not people.

Rep. Wazlawik: This is Ami. We just had several members of the Task Force show up to sign in, so we're going to wait for those folks to get seated and they'll do introductions. In the meantime, now's a great time to fill out any of those forms that Jolene mentioned.

Jolene: And I'll take them. Okay. This is Jolene. If you finish a survey just to hold it up or whatever and we'll come and get it from you.

Rep. Wazlawik: This is Ami. If we could have the Task Force members who just joined us, just introduce yourself with your name and who you represent.

Reggie Wagner: Reggie Wagner, DHS designee.

Tiffany Grant: Tiffany Grant, I'm representing Brooklyn Park, Excellent Care, Metro State.

Rep. Wazlawik: Thank you. We're going to get started with the approval of the meeting notes from last time, you should have those in your packet of things. If you want to take a look at those, and I'll give you a minute or two to review them and then we'll vote on approving those.

Sen. Kiffmeyer: Question I have here, Jolene. When you do this meeting scheduled survey, do you want names on it when we turn them in?

Jolene: No. No names. Yeah.

Rep. Wazlawik: All right. So we're going to do a voice vote for this. If I say your name please aye if you're okay with the minutes, nay if you're not. Ann McCully.

Ann: Aye.

Rep. Wazlawik: Ariane Bromberg.

Ariane: Aye.

Rep. Wazlawik: Cyndi Cunningham.

Cyndi Cunningham: Aye.

Rep. Wazlawik: Dan Dorman. Reggie Wagner.

Participant: I don't think he's here.

Rep. Wazlawik: Reggie Wagner.

Reggie Wagner: Aye.

Rep. Wazlawik: Erin Echternach.

Participant: I don't think she's here either.

Rep. Wazlawik: Erin Johnson-Balstad.

Participant: Also not here.

Rep. Wazlawik: Heidi Hagel Braid also gone. Hollee Saville.

Hollee: Yes.

Rep. Wazlawik: JoAnn Smith.

JoAnn: Aye.

Rep. Wazlawik: Julie Seydel.

Julie: Aye.

Rep. Wazlawik: We knew what you meant. Kelly Martini.

Kelly: Aye.

Rep. Wazlawik: Kim Leipold.

Kim Leipold: Aye.

Rep. Wazlawik: Lanay Miller.

Lanay: Aye.

Rep. Wazlawik: Lauryn is not here. Liz Harris.

Liz: Aye.

Rep. Wazlawik: Marit Woods is not here. I'm an aye. Representative Lisa Demuth.

Rep. Demuth: Aye.

Rep. Wazlawik: Samantha Chukuske.

Samantha: Aye.

Rep. Wazlawik: Scott Marquardt.

Scott: Aye.

Rep. Wazlawik: Senator Kiffmeyer.

Sen. Kiffmeyer: Aye.

Rep. Wazlawik: Senator Wiklund not here. Stephanie Hogenson.

Participant: I don't think she's on yet.

Rep. Wazlawik: Tiffany Grant.

Tiffany: Aye.

Rep. Wazlawik: Did I get everybody who's here? Okay.

Participant: The motion passes. It does.

Rep. Wazlawik: We have meeting notes approved.

Sen. Kiffmeyer: Okay. I'll cover the topic now on meeting feedback from the last meeting. In summary, meeting met my expectations, 91 percent agree, opportunities to ask questions was 86 percent, agenda topics addressed at the meeting, 100 percent, felt my voice was heard about 95, learned something new at this meeting, 84,

but 15 percent disagree. I'm satisfied with the level of progress made at today's meeting, that was spread out, strongly agree 25, agree 33, so that's a 58 altogether, and disagree was 42 percent. I have a clear picture of what my follow-up steps will be, 8 percent said agree, 50 percent strongly agree, 50 percent just agree, and 33 percent disagree. So those two satisfied with the level of progress and your clear picture were not as happy about that. And on the very last one, a clear picture, strongly disagree, eight percent.

Then then there were some other written responses. As usual, it takes a little bit too long, but are mainly focused on collaborative work is difficult, laborious, but can become good. Felt frustrated with new issues. There are several issues underneath these that need to be discussed, tired of waiting, is not a collaborative statement or approach, simple things are dragged on. Forms are given ahead of time! Very confusing, meeting was good progress towards our goals. It's interesting, one person says one thing and the other is almost the opposite. Too much to cover, disorganization, and emotions.

Next section was bogged down on what we are to be achieving. What was the important thing you took away from this meeting were bogged down. I appreciate the variance discussions, sticker activity was helpful but review of reading, reading numbers took too long. Thanks for not doing the activity that doesn't relate to our purpose. We need to move on the important issues, need to ensure our members have the opportunity to share. We aren't just discussing capacity variances, we are discussing all variances. Good that some decisions were finally made. Good to bring information. Need to be approved by ACET before distributing. I am appreciative of knowing now that items from my area of the state can be shared with the Task Force such as proposed legislation. Feet dragging.

We still haven't agreed on survey questions, pain points, progress. More open microphone time, more opportunity to discuss pros and cons of any proposal. All information presented electronically to members at least four days beforehand. It goes for agendas, I mean, those two surveys that have taken place already should be shared. By the way, just to let you know, they were put in your binders at the very first meeting, all previous surveys, so you might want to take a look at that and see them. Past surveys being referenced from the previous Task Force. Any legislative stuff should be set up before the meetings to folks who's trying to review it. Encourage the leadership to limit addition of bills proposed legislation during a meeting, these materials need to be available for review and evaluated for relevance prior to the meeting. So that's a summary of the comments.

Hollee: I might have information that I don't believe.

Jolene: Sorry, Hollee, can you say that to the mic so we can hear you?

Hollee: Hollee Saville here. The point of information, the Minnesota Association of Child Care Professionals survey, I don't believe was shared in the binder at the beginning.

Sen. Kiffmeyer: The results of it?

Hollee: Yes. I don't believe it was.

Rep. Wazlawik: Jolene's going to look into that for us.

Hollee: Thank you. Yeah.

Rep. Wazlawik: All right. This is Ami again. And I just want to talk a little bit about—I know there were questions that came up at the last meeting about process going forward if we were talking about legislation, of the folks that had concerns about wanting to see things beforehand. So I just want to—we don't have an exact process that we know we're going to follow at this point, but wanted to acknowledge that that was a concern that a lot of people raised at the last meeting. And so we're going to be talking, as a leadership group, about how we want that process to work. I think there's been some confusion around if things go to ACET, if they go to who they go to. So we're going to work on defining that process and making sure folks are getting information in a timely manner.

And then we're going to talk more about that and we'll let the group know once we've come to a decision about how that process would work. There's a couple of options that we've discussed. We've discussed using—as long as it's relevant to the Task Force, using ACET as a way to distribute information. We've also talked about having some sort of system where there's a listing somewhere of relevant information.

So we're still working out how we want that process to work going forward, but know that we are talking about it and want to make sure that folks are able to share information and we're able to distribute information to members of the Task Force, to enable us to have these conversations especially as we move forward with the rest of our duties. Know that we're working on that and we'll be back in touch once we figure out a final solution to that problem. We're going to transition now into talking about the interim report, so I'm going to hand it over to Jolene.

Jolene: Thank you. So this is Jolene. So you each got a copy of the interim report, a draft. Again, it's a draft, so that's the work for tonight. And then you also got the review guidelines, and we're particularly interested in page two, and by the end of this meeting or whatever, we actually want to collect all of these so that we get your individual comments in addition to the small group and the full group discussion. So I just want to give you a heads up about that that we would really like that. And if you have marked up your interim report, again, we will also collect those as well because we want to include all your feedback into this, okay?

So we're going to just review here. So there are five sections in this. Section one is the executive summary, and we want to keep it to one page. However, if you've done work on reports before, talk about the executive summary last because all the other stuff feeds into the executive summary. So section two is the introduction, section three is the legislation and organization, section four are the topics discussed, section five are the findings and recommendations. And there is an appendix which has all the original legislation language about this Task Force.

So all of this we're going to be doing discussions around this. We will circle back to that in a moment here. So the three duties that the interim report addresses is duty one which is identify difficulties that providers face regarding licensing and inspection, including specific licensing requirements that have led to the closure of family child care programs by reviewing previous survey results and conducting follow-up surveys if necessary. Duty number two is to propose regulatory reforms to improve licensing efficiency, including the progression of criteria that would qualify a provider for an abbreviated licensing review based on statistically significant key indicators that predict full compliance with all applicable rules and statutes and discussion of the development of a risk-based, data-driven, tiered violation system with corresponding enforcement mechanisms that are appropriate to the risk presented by a violation.

And then the third duty that's addressed in this interim report is duty number three, review existing variance authority delegated to counties and recommend changes if needed. So now we're going to transition to our co-chairs who are going to provide two-minute overviews of findings and recommendations of each of those activities. And so we'll start with Representative Wazlawik. Sorry.

Rep. Wazlawik: Thank you. Does everybody have a copy of the report? I don't have a copy of the interim report either.

Participant: I would've printed it.

Rep. Wazlawik: So I don't know if there are extra copies if folks need them.

Participant: Does anybody else have any of these you want me to collect? Thank you very much.

Rep. Wazlawik: All right. Now, does everybody have a copy? All right. So I'm just going to briefly walk through findings and recommendations under duty one. I'm not going to read right from this, but essentially, we had a discussion over several meetings about doing a survey, who would get the survey, what questions would be on there, lots of discussion around those issues. And our findings and recommendations, we wanted to do a survey to dig deeper into some of the issues we were finding specifically with the licensing regulations. And so the Task Force moved forward and it's having the Minnesota Children's Cabinet conduct a survey of former family child care providers based upon the draft developed by the Task Force. And then the Task Force is going to review and discuss the survey results [inaudible 00:19:22] later this year.

So that was the findings and recommendations from duty number one. And I'm going to turn it over to Senator Kiffmeyer to talk about duty number two.

Sen. Kiffmeyer:

So duty number two, propose regulatory reforms to improve licensing efficiency, including discussion of criteria that would qualify for an abbreviated licensing based on statistically significant key indicators, and you can read the rest of it. And then also, development of a risk-based, data-driven, tiered violation system with corresponding enforcement mechanisms that are appropriate to the risk. So the recommendation of the Task Force is to pursue a risk-based violation system as described by Dr. Fiene.

I have a question here in regards to the duty two. Is there a difference between tiered licensing and abbreviated inspection? So on the first sentence it says, a risk-based violation system as described by Dr. Fiene. The licensing standards for family child care providers should be updated as part of this process. The Task Force recommends having abbreviated instructions to the family child care licensing model as described by Dr. Fiene.

So when I read through this, for me it was there's risk-based violation system and then there is abbreviated instruction. I just wanted to be sure that those words, as we've put it together here, reflect clear enough. So tiered licensing was always the phrase that I heard said, and I don't see that as literally said here and then abbreviated inspections. I don't know, does that—I'm not sure that this paragraph starting with the Task Force does that. It's close, maybe something else—Reggie?

Reggie:

Senator Kiffmeyer, part of what I thought I heard was also maybe a little bit of clarification, so I'll just put that in there, and then I think there still could be some feedback on how it's written. So there are two very different and distinct things, the abbreviated checklist, which is, as Dr. Fiene has described it and as we've seen some of the states use it, it's a data-driven model where not every violation needs to be looked for, right, not every rule compliance needs to be looked for. And so it's a subset of violations that predicts full compliance. So that's the abbreviated part. And then as he described it, it's not in here, but part of it is that it's used on a fairly compliant group that gets the benefit of that no streamlined inspection.

Then the risk-based, and sometimes, yeah, it's been called tiered licensing or tiered violation, but that concept is more, every applicable rule and standard is somehow through this kind of stakeholder community vetting process, assigned in, I'm sure there's different models out there, but some level of yes, we all agree this is a valid standard, and if it's violated, what is the risk to a child, and then what is the appropriate regulatory response for a violation so that it's more tiered enforcement maybe.

So I know at different times there were folks wondering, is that risk-based, is that tiered, is it all helpful. So I think somewhere in here, helping to really clarify that language, but the first question that—well, I thought I heard a question was

are they separate things and so they would be, abbreviated inspection is different. And to some extent, can stand alone from a risk-based violation system? Those are two different things.

Sen. Kiffmeyer: Anybody else?

Ann: This is Ann. I don't know if this is the time, it sounds like we're going to do another process to get to edits, but maybe it's as simple as saying a risk-based system sometimes known as tiered licensure, or if our concern is that readers—

Reggie: I'm sorry, this is Reggie. I would just say, I would not want to use the tiered licensure because I think as soon as you start to talk about a license or a licensure, it's the status of being licensed. I think that is very different and I think there probably are models out there that we could talk about and go in a different direction, but I would strongly urge that we not talk about it as a tiered licensure. I think it's really, the violations are risk-based and I think the enforcement action is either tiered or just appropriate to the level of risk.

Well, I think it could—I think we might mean something by it, but I just know even in the group when we've talked about it, others have said, "Oh, tiered licensure means what, a license for three years and then you get a license for six years." It's like they've looked at tiered licensure in a really different way, and I don't think that's really what we want, so I think—and I've not seen this talked about as tiered licensure, I think it's maybe how even I probably mangled some of it as we're learning about it.

Julie: Julie Seydel here. The question I have is, with the word pursuing, are we saying that in this legislative session, DHS or somebody who's going to go forward with language to start this new system? Because my understanding from the meetings we were in, we still had more talk about, and so when we're using the word pursuing, the first thing I think of is that we're moving forward with this, and I didn't think we were at that point yet.

Rep. Wazlawik: If I can just jump in. We're actually going to get to discussion in a little bit, so we're just going through the overview of things now, and we'll get to the discussion and you can—we'll remember that for the discussion and bring that up because that's a good point. And language things are certainly part of the process, too, so if it seems that doesn't fit in, we can talk about that. So I'm just going to—if everyone feels like they're good, I'm going to go over the findings and recommendations for duty three and then we'll move on to the part where we actually get to talk about these things.

So duty number three is all about variances. And the Task Force has looked at a bunch of different options for how to make variances work better and has recommended the adoption of legislation around removing liability from counties when a variance has been granted to a licensed family child care provider. We've also recommended changes to the county in terms of requiring counties to post policies on our website and requiring them to distribute those policies to providers. We've also talked about—I also recommended

collaborating with county to develop best practices for counties and licensors under which variances are not appropriate.

Communicating with county boards and county attorneys to make sure they understand the use of variances and what those are. And then providing training on variances for licensors, and collaborating with counties to develop guidance for licensors to ensure that licensors and counties understand alternative variances. So a couple—several different recommendations under that duty number three. And now, we're going to move into—I'm going to turn it over to Jolene to move into the discussion piece.

Jolene:

Thank you. Now, we're going to get into small groups. So before you move, I'm going to tell you what the small groups are and then I'm going to tell you about the process and then I'll let you move. So group A is going to be with Representative Wazlawik through Lanay. So Tiffany, Ann, Lanay, and then the people on the phone. Okay. So that's group A, and here are your sheets. We'll get into that. Group B, we'll start with Ariane and go through Scott, that's group B. And group C will be Julie through Senator Kiffmeyer, okay? We're going to look at that report in two major sections. So we're going to go through two processes that are similar.

So the first thing I'm going to have you do is you'll get into your small groups and you'll take 10 minutes to discuss sections 1 through 4, okay? Assign a note taker who can write on this paper because we will collect those, okay? Designate a spokesperson who can summarize and do a three-minute recap after the ten minutes to the full group. And then after we get these, so there'll be 10 minutes of discussion in your group, there'll be a 3-minute recap for each group, so that's 9 minutes, and then we'll have a full group discussion for 10 minutes. Any questions? Okay. So why don't we go ahead and do that. A, so that's you guys, if you can do a brief report.

Ann:

We did not do the executive summary because we felt like that would change anyway with the discussion and the findings. We just had a couple three things.

Jolene:

And this is Ann.

Ann:

This is Ann, sorry. I thought everyone knew by now. First of all, whether it'd be at this section or in the appendix, we thought including the roles of the members, so there's places where we list the members and there's places where the number of the different roles are listed, to blend those would be good so people can see who represented who. This was Representative Wazlawik's, include the last sentence of legislative language in section three. So that was taken out because it had to do with including draft legislative language, that her recommendation was to keep it in and then note that there's not going to be any draft legislative language.

We were talking about the fact that it's repetitive that in section—where are we by the time, section three or—yeah, so legislation and organization, really almost all of it repeats again as in the appendix as part of the legislation. And

the only thing that looks different, at least to me, was the top of page seven, a couple of paragraphs about organization. So if we were looking to streamline, although it's pretty short report, we can maybe not have to repeat everything here and in the appendix.

And then we talked about maybe if people were—this is a pretty short description under topics discussed, page eight, but maybe there's a way to have some high points of meetings and then add in the appendix some of the notes, right? If you wrote it, I don't know. Okay. So those were our four, I guess, recommendations.

Jolene: Great. Thank you, Ann. Group B. We need a mic for Scott.

Scott: Thanks. This is Scott. We had some of the same things that Ann's group had talked about, matching the names of the affiliations in the listing. We did have a philosophical conversation, although we're not to talk about section five yet, the relationship between the executive summary and section five, this isn't a doctoral dissertation that we're trying to get a hundred page report down into two. I understand the philosophy behind an executive summary, but we're condensing two and a half pages into one to avoid length and even repeating paragraphs, does it make sense to have both of those?

Now, there is some information like Dr. Fiene's background that may only be in one or not the other, so they're not a perfect match, but just is this the best structure for an interim small report to condense it from two and a half down to one? Because one could argue the bulleted structure might be clearer versus the other, so philosophical for when we get to the next part about section five. One little thing and I'll just relate it to the list of legislation and organization, section three, Minnesota Initiative Foundations, and again, that only applies to me, but the other one is actually a thing, this is more of a concept, so foundations.

And then in the executive summary, assuming it does stay as is, we talked a lot about clarifying who's tasked to do the action verbs. There's collaborate, there's communicate, there is some directives in here, but it's not crystal clear, is that the department, is that licenser, regulator, or party X, Y, or Z. So we think we need some meat around who's tasked to do the action verbs.

Jolene: Great. Thank you. Anything else from group B? Okay. Group C.

Hollee: Am I talking? Okay. Well, apparently, we focused on the—Hollee here. I have to hold this. Okay. We talked about the executive summary, and in duty one, we said that we hadn't seen a draft of the survey. Thanks, Ann. And then duty two, we talked about that the Task Force had discussed the tiered licensing system but the task force had not recommended pursuing anything yet. So we wanted to clarify that, maybe say that they recommend continuing the discussion about or something to that effect.

And then in section four, we were curious about the last two sentences because it says that we'll discuss—on that—what page, is that eight? Yeah. That the last two sentences says that—they discussed this and future duties will be discussed or other duties will be discussed in future meetings, so we wanted to make sure that that doesn't prevent us from being able to go back to discuss past ones. So I'm assuming that's true, but that was it. Anything else?

Jolene: Okay. So now, let's spend some time talking as a full group of your reactions to the reports out of the three groups. And I'm trying to think of how to best do this.

Participant: [inaudible 00:34:31] first back up, too.

Jolene: Yeah. So maybe it's helpful to—can we put all three together?

Participant: All three together? Okay. Over here.

Jolene: So I'm trying to figure out how to facilitate this. Is it best that we go through each bullet?

Ann: This is Ann. There's a couple that are crossover so maybe we can get those down. I mean, I heard two of the groups talk about this idea of blending the list and the names.

Jolene: What do we think of that? Do we have anyone who objects to that? Okay.

Participant: The Minnesota Initiative Foundation, make sure we got that [inaudible 00:35:52]. Is that why one is named that? No, joke. What is the significance of the S? I bet we could do that.

Scott: We need a special meeting for that.

Participant: I'm sure we can all agree on that.

Scott: Yeah, I think so.

Participant: I might abstain.

Participant: Do you want me to check them off?

Jolene: Yeah. Actually, that would be helpful. So the one though is clarification of action verbs. So that one probably will need some discussion. So that's around duty three. What—or is that recommendations?

Scott: This is Scott. I'm trying to think our assumption that that would be heavily discussed in our section five discussion. And I think some of that other stuff might be, too, because if we make adjustments to five, it'll talk back to this.

Jolene: Okay. So you're okay to defer that until we get into that?

Scott: Certainly. Yeah. I think we are. Yeah.

Participant: Cross it off then. I'm kidding. It'll be in five.

Participant: Let's compare them and we'll take a vote on.

Jolene: Okay. Include last sentence of legislative language in section three.

Rep. Wazlawik: So I can clarify that. The leadership group had talked about that. That was the sentence that said, we will include draft legislation in this report, and we didn't know if we would have draft legislation so we thought we would take that out. But I think we can leave it in there since it's part of the statute. And then if we need to say an asterisk that says we don't have any draft legislation to put in here, we can do that. I just thought it was important for consistency to keep that in there and make sure that they look the same.

Ann: However, this is Ann, if we do decide the next bullet which is to move the legislation just to the appendix and not have it here, then that would be moved, right?

Rep. Wazlawik: I think this is just—this legislation that we're talking about in section three—sorry, this is Ami. The legislation that we're talking about section three is just the legislation to do with the Task Force is my understanding, and I think any draft legislation would potentially be somewhere else in the report.

Ann: Sorry, I'll clarify. This is Ann. We had talked about maybe we wouldn't put the statute language, the legislation language here, we would just include the—because it's already repeated in the appendix, that was one recommendation.

Rep. Wazlawik: This is Ami. So I guess that leads us to the next thing, do we want to have legislation referenced in the body of the report and also in the appendix? Do we want it in one place or the other? I think it makes more sense to include it in both even if it's repetitive, just because that second piece that says organization is related to the other piece of legislation and so it might be confusing to only have a piece of it and not the rest of it. I know this is probably really confusing for people trying to follow along, but essentially, having the legislation that's talking about the Task Force in the report and the appendix, do we want to do both? I think it makes sense to leave it there because there are other pieces that follow it that refer back to it, if that makes sense.

Sen. Kiffmeyer: Well, this is Mary. If this were a 50-page document, I think that might be relevant, but it's really quite short. And in general, reference material should be in the appendix such as the statute or some of those kinds of things that referenced in there, but it's not like it's a 50-page document that is going to be really long to go find where that is to fill it up with that basically one whole page in two places. I think just because it's short, ordinarily I would agree you would do that just because it's so unwieldy to go back, but this is relatively short. I can live with it either way, but I think because it's short, I think it would be okay to just do it in one if somebody really cared about that.

Reggie: This is Reggie. So I'm wondering if we take the actual text that's in appendix A, which is actually, as I look at it, it seems verbatim from the statute, and put that in the body of the document because they're both two pages, right, so I would say maybe not have an appendix A legislation, but in the body of the report under section three, pretty much use verbatim so that you don't get into, are we leaving things that were in statute? I think on pages six and seven is almost as long and just paraphrasing in a few places what's already in statute. I don't think—this didn't dramatically reduce the statutory language such that having an appendix with a full language is there.

So I'm saying I think some people, I'm one of them saying, do we really need it both places? What would we lose? And I maybe would say, put the actual text of the language. I've worked in other reports, not that it has to be that way, but I certainly have worked in other reports with the actual text of the legislation requiring it is in the front of the document. So for me, I would just say, use the actual statutory language, move it up into section three, even if you have a little mini intro, move it up into section three and eliminate the appendix. Then you have it once, you don't try to spin it out a little bit and then people worry about what got left in or out or why.

Hollee: Hollee here. I know this is not necessarily our duty to think about this, but I'm wondering how many thousands of copies of this interim report are going to be made, and I'm like, well, saving a page or two might be nice. I mean, when I go to committee hearings, I cringe at the amount of paper being printed, and so it might be nice that since it's going to be printed a lot of times with the capitol, and so maybe it would be nice to shorten it because you don't lose anything as Reggie said. I mean, I'm fine either way, but I wouldn't mind cutting it back because it seems redundant.

Sen. Kiffmeyer: This is Mary. Reggie, I just want to be clear and understand what you were saying. So you're saying it on the current page six and seven, it's a summary of the legislation or an awful lot of detail. So your idea would be to delete all of that and replace it with just the actual legislation, is that right?

Reggie: Um-hum.

Sen. Kiffmeyer: Can we all agree to that? Good. Got that done. Ann's like, well, wait a minute.

Ann: So these are no longer relevant [inaudible 00:42:50].

Sen. Kiffmeyer: Maybe you should just rewrite it, Ann.

Jolene: Although, Representative Wazlawik, was that a different point though that you were making?

Rep. Wazlawik: No.

Jolene: So that's okay? Okay. I just want to make sure.

Sen. Kiffmeyer: Well, it's basically taking the language from appendix A and placing it into page six and seven. I was going to make some—I'll be on something, my back is to this so I don't know if I'm with you on the—okay. I was picking up on Scott's mentioning and I noticed this, too, a lot that's in the executive summary is also in the rest of the documents. And so findings and recommendations are here and then the executive summary has some of the same stuff. Again, it's duplicating those two. If that's the situation, again, a fairly short report, could we just skip the executive summary and do our findings and recommendations in one? It's a question, I'm not saying it has to be that way.

Scott: This is Scott, and that was the impetus of our conversation. If one of them was removed, they're not perfectly verbatim. There's a couple of things, they'd have to be overlaid, like for example, again, Dr. Fiene's description and a couple other things. But yes, I think that's what we're getting at is condensing two and a half into one. To Hollee's point, is that just an extra two and a half for one pages, and wait a minute, I just read this 30 seconds ago.

Jolene: So why don't we discuss that point though after we do the recommendations after we do section five, then I think that will become more clear, does that make sense?

Sen. Kiffmeyer: I don't know. What was that again?

Jolene: We thought about deferring that until after we've discussed the findings and recommendations.

Sen. Kiffmeyer: Deferring the decision of moving?

Jolene: Of the executive summary.

Sen. Kiffmeyer: Sure.

Jolene: So Ann.

Ann: The points we have left are putting some highlights or points about the meetings in the appendix. Somebody from our group might want to expand on that because I wasn't that person.

Rep. Wazlawik: Yes. So this is Ami. In our group, someone had mentioned that it might be more helpful to have some highlights from the meetings instead of just lifting the duties that we talked about, maybe putting some highlights. But again, I think that goes to how repetitive are we going to be if we do that. But they had just brought up the idea of maybe having some highlights so that it's more clear maybe what we discussed, for example, if we put something in there about Dr. Fiene's presentation. So that was just a thought that someone had, and then referencing the meeting minutes if folks wanted to go deeper on what we did at the meetings.

Julie: This is Julie Seydel. Could we add, and instead of adding more words and more language to it, could we just add links to the meeting minutes or the audio recording? I know not everybody's going to have electronic copies, but that way there would be a link to those minutes and we wouldn't have to add anything additional verbiage to the document.

Hollee: Hollee here. On the first page of the document, it has the link to the website, so would it be possible to expand on that and say, to listen to audio or view transcripts from the meetings? And then you wouldn't have to put anything more about—I mean, I'm fine either way with either saying what duties were discussed and whatnot.

Rep. Wazlawik: That was a comment made by someone on the phone. I think it was JoAnn. JoAnn, do you want to chime on this?

Jolene: It appears we've lost them.

Rep. Wazlawik: Yeah. She won't be chiming in.

Sen. Kiffmeyer: I wanted to bring up one of my thoughts. When I was thinking of adding a little more content about what we talked about or some of that, I thought, well, let me go back and take a look at the minutes because the minutes had a little more details in them and it's—to draw from there. And one of the things I thought was interesting was from the minutes actually for this meeting, actually, Task Force members recommended considering the following actions, require counties to post criteria policies on their website. And it was done in a nice bullet format instead of a paragraph narrative, so when you have a series of phrases strung along with only comments between, it's a lot easier if it's broken down into the bullets like it was done in the minutes.

And I thought, I don't know, I haven't compared it though, on page three of the minutes where it summarizes this. I don't know if these things that are in our minutes, as recommendations, are in the Task Force. I did not compare it yet to that, but it seems as though what we have in the minutes should be, and this is your case, they're itemized and listed right here, should be in the report as well. It doesn't have to be minutes on January 14 or anything, but the content of them certainly would—which is the majority of members voted to recommend the following actions in the interim legislative report about counties developing criteria policies for approving variances under what circumstance, process, including who has authority. Jolene, do you know where that is?

Jolene: Those are in the findings and recommendations.

Sen. Kiffmeyer: So is it in—I think it was so easy to here to find it because it was in the bullet formatting.

Jolene: So they sent a bullet formatting in findings and recommendations. Again, this is Jolene.

Sen. Kiffmeyer: Okay. We just haven't gotten there yet, is that right?

Jolene: Yes, we haven't gotten there yet.

Rep. Wazlawik: And this is Ami. When we talked about this report as a leadership group, when we saw a first draft of it, all of the meeting minutes were in here and it was really long, and it wasn't super—I said that's in our small group, but I don't think a lot of people enjoy reading meeting minutes. So we didn't think that they were important to have in there, but if people feel like we need a little more, even if it's just next to the list of meetings, like a sentence or two about what we talked about or what the conclusion was or something, I think that would be helpful. I don't know if it's necessary. If people feel it's necessary, we've all been here so we know what we've done, but for folks who maybe haven't been at these Task Force meetings, would it be helpful to have a little bit more information?

I know some of that's also in the findings and recommendations, not specifically to each meeting what we did, but just generally what we did at meetings. So I don't know if people feel like it's necessary to have that little bit of information, but as an outside person, it might be informative to know, so you talk about these duties, but maybe what does that mean, or what does that look like?

Jolene: So if you're comfortable, can we come back to that and revisit this after we've looked at the findings and recommendations, because that may become more clear. Does that make sense? Reggie?

Reggie: Yeah. I guess I was—what I think I'm realizing is in section five, there is some kind of a description of what got discussed at the meeting. So by looking at just the initial sections and feeling like there isn't a description, maybe when we look at five, maybe it'll become clear like, "Oh, that's actually a decent summary, it makes sense to keep it there." And maybe when we get to five, then people will have a sense of whether on an individual recommendation or a total, if that is some framework with these ideas about links the minutes or something like that. I mean, you could embed a link within each of the meetings or something where it was discussed. So I'm just realizing maybe some of this also what's tied into section five.

Jolene: So let's keep moving because we need to really dig into section five, which I think will make things more clear, but we need to finish this up. So let's see if we can quickly do this.

Hollee: I think the first two applied in section five, so I would recommend deferring until that. And then last two sentences of section four though, I mean—it's sentences, but it will resume meeting—sorry, this is Hollee here. It will resume meeting after the 2020 legislative session is over, this is page eight, to address the remaining duties assigned to the Task Force. So it says remaining duties, so that would seem to preclude everything that we had—all the other duties that had been discussed. So I would want to make sure that we're not done talking about—I don't know if we're done talking about duties one, two, and three.

Scott: Well, this is Scott. And Hollee, when you said that, it struck me. I didn't flag that first, but when I read it in the words you read it as, if this is implied that prohibiting a look back, we absolutely need to tweak that. For one thing, the survey is going to inform a lot of our stuff going forward, so we have to look back no matter what we do here. So yeah, if there's any chance that your read on this is how this could go forward, absolutely, we need to tweak this so that we have—I mean, we're not going to go back and dwell on everything, but that survey would inform a lot, so I appreciate you flagging that.

Hollie: This is Hollee. Julie is the one who—

Scott: Well, I'm still going to give you the credit.

Reggie: So this is Reggie. I wonder if you just put a period after "It will resume meeting after the 2020 legislative session," period, and then you don't get into anything else, it's really just trying to—because I think the point was this, some of us maybe read it. I thought it was, like, the point is there's a break, right? But I can see how the other language, maybe it looked a little more definitive, so I don't know, I guess we could just put a period then.

Participant: Agree. That'd be fine.

Jolene: Does anyone object to that? Kim? Go. Okay. We need to keep moving. So anything else about these four sections? Because, I mean, I think we're going to really get into the meat of stuff when we do the next part. Okay. Do you want to do that? Yeah.

Rep. Wazlawik: So since we—it seems like people are in agreement about the things we just talked about and decided if we can do a voice vote on those things just for these sections so we have a record of it. Are people okay doing that? All right. So we're going to do that real quick and then we'll move on to section five because I think that's where we're going to have a little bit more discussion. So if you approve of these things that we've talked about as a group, as being changes that we're going to make to the interim report, say aye, if you don't, say nay. Ann McCully.

Ann: Aye.

Rep. Wazlawik: Ariane Bromberg.

Ariane: Aye.

Rep. Wazlawik: Cyndi Cunningham.

Cyndi: Aye.

Rep. Wazlawik: Reggie Wagner.

Reggie: Aye.

Rep. Wazlawik: There's a lot of people gone, so I'm trying to find those people. Erin's not here, Heidi's not here. Hollee Saville.

Hollee: Aye.

Rep. Wazlawik: JoAnn—I don't think—are the phone people still not there? Okay.

JoAnn: We're here.

Rep. Wazlawik: Hello. I think we lost you for a second. So JoAnn, did you hear what we were discussing? Do you know what we're voting on?

JoAnn: Yes. I say aye.

Rep. Wazlawik: Okay. Julie Seydel.

Julie: Aye.

Rep. Wazlawik: Kelly Martini.

Kelly: Aye.

Rep. Wazlawik: Kim Leipold.

Kim: Aye.

Rep. Wazlawik: Lanay Miller.

Lanay: Aye.

Rep. Wazlawik: Liz Harris.

Liz: Aye.

Rep. Wazlawik: I'm an aye. Representative Lisa Demuth.

Rep. Demuth: Aye.

Rep. Wazlawik: Thank you. Samantha Chukuske.

Samantha: Aye.

Rep. Wazlawik: Scott Marquardt.

Scott: Aye.

Rep. Wazlawik: Senator Kiffmeyer.

Sen. Kiffmeyer: Aye.

Rep. Wazlawik: Stephanie Hogenson. I don't know if you're on the phone now. Tiffany Grant.

Tiffany: Aye.

Rep. Wazlawik: All right. So we just vote on that and we will make those changes to the interim report.

Jolene: Great. Thank you. So now we're going to go back and again, into your small group. And this time, we're going to follow the same process. Okay. So I'm going to do 10 minutes to discuss section five. And if you want to loop back into the executive summary, feel free to do that, but I'd really like you to focus on section five because that's the findings and recommendations. Again, find a note taker, use the other piece of paper that you have. Designate a spokesperson for a three-minute recap for the full group, and then again, we'll have a full discussion after all that. Any questions? Okay. So let's do that.

Jolene: Group A, do you want to give us a recap of what you found?

Ann: Okay. Let's see. This is Ann.

Participant: Were you a middle school teacher?

Ann: No, but I was a theater minor. Okay. The first thing we talked about was duty one, there's a section—there's a place where there is a link to the—I think it's the PowerPoint that shows the summary of all the surveys, and we talked about maybe being consistent about if we're going to have links there, there could be other places where there are links to key presentations like Dr. Fiene's information and/or make it part of the—print it out as the appendix. Two, Stephanie arrived, first of all, and she mentioned that the results of the—it's actually MMB is also partnering with the Children's Cabinet to put the survey out, so it probably should reflect MMB. And it can now—it has actually gone out so it can be used in—as has happened. And then it's just a good juncture for—or you want to give that update later?

Sen. Kiffmeyer: No. Might as well do it now.

Stephanie Hogenson: Well, yeah, I just wanted to note that the results team at MMB is administering the survey, the Children's Cabinet is not. I'm fine with language around partnering, but we ourselves are not administering the survey. But the survey has gone, went out, I believe on Friday, and as of 9:00 AM we've had a hundred respondents, about a third of them have not answered every question or completed the survey fully, but hopefully that's a good tell so that we'll get a decent response. And I cannot remember the total number of providers with data we had, but I'll try and look that up by the end of today, I know it's in my e-mail.

And then I know the survey draft that you all saw and provided feedback on was the basis of—there really—there were some changes, but the feedback that you provided was considered in making those changes and a few minor additional

tweaks, but you'll be able to see what the survey was and you could even compare it to that draft, and I think people would—there wasn't that much significant changes, but we did incorporate some of the feedback that the group provided two meetings ago, I believe in December.

Sen. Kiffmeyer: Stephanie, how did—when the survey was sent out, how did they put as far as this is a survey from MMB or this is a survey from the Task Force, survey what?

Stephanie: So I can pull up the exact language and maybe I'll do that, but it did mention that it will be used by the Family Child Care Task Force and will be used to understand why providers have closed in the efforts to inform for better support for providers. And I can even, if it's helpful, provide the specific language. And I believe the original survey had a draft of that language that we just updated with Results Management and maybe made a few tweaks here and there.

Sen. Kiffmeyer: I think the Task Force would really like to see a copy of that final survey that went out, which would include that introduction or whatever.

Ann: Okay. Back to our group A then. This is still Ann. The bottom of the page, and this has already mentioned not only the word pursuing, on page nine, pursuing risk-based violation system, but I had raised the question of through what process it mentions through this process and we didn't know what process that was, is it rule, is it—so being just defining the process. We also talked about this as another good section where these two paragraphs were talked about maybe—and there is a definition, but maybe just adding a little more flavor from the minutes, either about some of the other states that were shared by Dr. Fiene or maybe just a little bit more description of what these two terminology have abbreviated and risk-based, but also maybe just a little bit more flavor to help the readers understand what it is. Oh, do you want to explain it?

Rep. Wazlawik: So we had had a conversation in the leadership group about all of the things that are on the top of—this is actually under duty number three, so I'll wait for us to get there. Three was—you might need to help me because other variances—oh, that was mine. Sorry. Okay.

Participant: When you can't read your writing, I might be in trouble.

Rep. Wazlawik: Well, I did not write it, usually, I can't remember my own thoughts. I had—I think I've wondered about, you had kind of touched on it, Senator Kiffmeyer, there's a section in the minutes after the bullet points of what we did recommend when it came to the variances. There was a little paragraph that read, the majority of members voted to recommend the following actions but the Task Force decided they need more discussion. And there were two that we said needed more discussion, I didn't know if that should show up in the report as things that we will be discussing more or if the only things that go in the report are the things that we actually fully agreed to. So it's sort of one question and then just the corollary of to make sure, to Hollee's point, that we will circle back to these after session. So it's kind of a two-part.

Participant: And Ann, can I ask a clarification? When you say there are some things, two things that said need more discussion, are those in this list but not flagged, or are they not on this list?

Ann: They're not in the interim report, they're in the minutes.

Participant: Okay. That's what you were saying. They are in the minutes.

Sen. Kiffmeyer: I would say that in general, my feedback was just put in the report what was recommended. I think it'll start getting confusing for people, and so just leave that out. That's something for us and our minutes to know, but I don't know that it helps the report.

Ann: And this last one was, Stephanie had raised the question of the language, it's something about removing the liability from the county, doesn't necessarily also sound like it extends to the licensor and that some of the concerns seem to be that the individual licensors were liable. So being clear that whatever we're recommending takes away that by ability or that concern.

Sen. Kiffmeyer: I can comment to that. So yes, that is the whole point of it, is to remove that personal liability from the licensors. That in no other area of statutes does personal liability unless negligence, malfeasance, or bad faith. And that language has been elsewhere there, so it would remove the personal liability unless those kinds of bad things, right?

Ann: So Stephanie does that—I don't know exactly what you were pointing to, but—

Sen. Kiffmeyer: Well, she was the one who asked that question. Okay. So yes, legislation that I had passed out and went through with the county attorneys, who by the way, also reviewed that legislation or draft, it's not legislation, it's a draft language, from the revisor's office. They agreed with it. There's a couple of technical things, but otherwise, they were good with it. So we're actually going to be able to, Ami, to introduce legislation based upon that.

Rep. Wazlawik: And if I can chime in, too. I had a bill drafted the two pieces that we wanted to require counties to do, posting their various policies on their website, and providing that policy to providers. I can pass out the draft legislation if you want to see it, but it's literally that language just put into the statute that applies, that designates counties have to do a certain thing. So people are interested in it, I can certainly pass it around, but it's literally almost the exact same language that's in our—the documents we've discussed in bill form.

The other thing I wanted to point out with duty number three quickly is, on the top of page 11, it says adoption of legislation. And I just want to point out that not everything under that list requires legislation. So just that we're clear that not all of those things actually require us to make legislation to pass, so some of those things could be things that we're doing within the agency or somewhere else.

Sen. Kiffmeyer: So the more appropriate language then.

Hollee: Hollee Saville here. Can we just say the adoption of legislation if needed?

Reggie: So we call that out. This is Reggie. We wondered if—those are all the other suggestions, too, that we had is like, should you have two different lists of recommendations, recommendation and legislation two, and that looks like maybe those first three bullets seem pretty clear about legislation, and then additional recommendations, and then you can decide if there's two categories.

Sen. Kiffmeyer: Or to counties or DHS.

Reggie: Yeah, or something. Or just, the following recommendations may not require legislation but are probable, I don't know. Just a way to maybe—because I think we all were landing the same place, it looks like the first three bullets seem to be about legislation, and it looks like the last four bullets are less. I mean, yeah, you could put almost anything you guys want in statute, right, but is the recommendation to really put all this or is a recommendation to state and county and licensors and providers to all do some of it. So that was the other option we just were saying, recommendations.

Scott: This is Scott. And on that second bucket, clarifications about who's doing those tasks and who's tied to those, so yeah, that differentiation is—

Sen. Kiffmeyer: I would agree. This is Mary. I would agree, too, Scott, and breaking them out by what level they are, counties, DHS, legislation. That would be helpful.

Stephanie: And this is Stephanie. Just to—sorry, if it's okay, transition to the point Ann was making about the question I raised under the bullet number one and the adoption of legislation, it says remove liability from counties when a variance had been granted to a licensed family child care provider.

Sen. Kiffmeyer: Yeah. I see what you mean, yes.

Stephanie: So I wanted a point of clarity there. I'm not really weighing in on either side, but just what our recommendation was.

Sen. Kiffmeyer: Stephanie, this is under duty three, and what paragraph?

Stephanie: On page 11, the first bullet under the adoption of legislation two.

Sen. Kiffmeyer: Page 11, under the—okay.

Kim: This is Kim, and I don't know if it matters, but I do have Senator Kiffmeyer's legislative recommendation, and the one main thing it says is, an officer or employee of a municipality shall be immune from liability for a claim based on the failure of a provider to meet standards. I don't know still if that takes it off of—

Sen. Kiffmeyer: This is not the recommended legislation that's on page 10. And is that—

Kim: I was reading from your legislation.

Sen. Kiffmeyer: Oh, are you? Okay. The county attorney said, yes, it does. I'm just going to go by that. When we actually have a bill—

Kim: I understand that, but I think to make it clear, we all might understand that.

Sen. Kiffmeyer: Make it clear in the legislation or make it clear here?

Kim: Both.

Sen. Kiffmeyer: Both? Okay.

Hollee: Hollee Saville here. In the language that we're discussing, could we just make it say county licensors instead of counties?

Sen. Kiffmeyer: Well, it's personal liability from county licensors. It isn't a hundred percent liability.

Scott: To Hollee's point about if we added people and institutions both to that bullet, Senator Kiffmeyer, does your proposed bill refer back to that statute as individual to our liability 466.03, or is that something different? Because I agree with Stephanie that the clarity of both people and organizations is huge, but if we tie it back to that statute, Kim, I don't have that in front of me, is Senator Kiffmeyer's bill addressing 466.03 or is that a different one? Because if we add that in, we probably have to do something with that statutory reference so that it's clear.

Sen. Kiffmeyer: So Scott—this is Mary. On page 10 is the actual statute.

Scott: And does that tie—

Sen. Kiffmeyer: And the legislation is to amend 466.03 sub 6D, okay?

Scott: Your language, Senator, then adds the proposed—thank you, Kim. It adds language to 466.03, is that what I'm reading?

Sen. Kiffmeyer: To the [inaudible 01:10:45] and adds and strikes, it does all three in order to—if that's going to be confusing, then we should take that statute out of this report. They're going to think that this is the legislation we're recommending. Was that confusing? I'd like to know.

Scott: Can we add then remove liability from counties and employees?

Sen. Kiffmeyer: What we're doing is removing personal liability, not criminal neglect, not malfeasance or bad faith, that would be liability, that's too general. But personal liability from county licensors is what we're really doing. You can't remove

personal liability from a county, they're not a person per se. Reggie, do you have something to clarify for me?

Reggie: This is Reggie. So I'm wondering if—I'm pretty sure—I don't have it right in front of me, but I'm pretty sure when we've looked at it that statute, Section 466.03 is about the county municipal tort liability. And so I'm wondering if the recommendation should not focus on the actual statute, capture the concept, right, and allow the drafting of bills to figure out where and how they put that in statutes, right? So maybe just to not reference the 466 especially since we're not planning on attaching draft language to it and keep that concept of—so that could just be one way because I don't know how 466 in putting license or liability in that. Somebody might say that's confusing or whatever, so maybe we just stay general.

Participant: Just strike that statute then out of the report, is that what you mean?

Reggie: Um-hum.

Scott: This is Scott. Then I think probably need to add the person in because discussion that night was robust about the county as an institution or a unit of government being sued, and then it evolved to the conversation about the employee or the agent of the county being sued. So if we strike that statutory reference and to Stephanie's point, add people and institution, boom, probably the same amount of words.

Ann: This is Ann. Can we just say amend to remove personal liability from county licensors if that's what we're really doing.

Scott: But I think there was some conversation that night about the county as a unit of government being sued, too.

Kim: I also don't think—this is Kim. I don't think you can say county licensors because some of them don't work for county, so you have to be careful about that.

Hollee: Hollee here. Could we just use the proposed language that had been looked at from the revisor's office and just say, an officer or employee of the municipality? Even though we wouldn't be addressing the statutes, then it would remove liabilities from an officer or employee of a municipality when a variance is—and boom, there you go.

Sen. Kiffmeyer: Instead of county licensor, Hollee, is that what you—

Hollee: Yes, because that was what was in the statute and it seems like the attorneys who looked at it said that this would remove liability from licensors and other employees or people acting as licensors.

Kim: This is Kim. Maybe from personal liability. So an officer or employee of a municipality shall be immune from personal liability for a claim base, with the word personal in it.

Participant: Because that's really what—

Kim: It's what it means, but I'm a licenser.

Reggie: So this is Reggie. The minutes which we just adapted, say, the way it was captured, not that it has to be verbatim, but that sentiment was change liability for county/individual licensers. So clearly, like you're saying Scott, that was capturing it. It could be adoption of legislation to eliminate liability from counties and licensers except in limited circumstances. I mean, maybe flag because there will be those carve outs that you've mentioned. So it could just be more general that way and let the drafting capture the sentiment.

Kim: This is Kim. I don't know the counties are ever immune from being sued. The issue is, is that if I do—if I whatever, the variance thing, if I granted variance, a baby dies, the county is probably going to be sued anyway no matter what, and then—but the issue is, and I don't think we can ever avoid that, right? So to keep putting the word county in there I think is not necessarily necessary—like that? But then I think the point, again, is that it's the personal liability, because the county might get sued. I don't think we can take the liability off counties, right? I don't know.

Julie: This is Julie. We had talked in the beginning that part of the reason that counties aren't doing variances is because of the liability to the county also. So we've got to protect the county in some way, too, otherwise, they're not going to go for them.

Scott: This is Scott. At the bottom of page 10, it talks for an immunity provision regarding the swimming pool, which led to the conversation. And I apologize if I'm dwelling on this, but I'd highly recommend based on the robust conversation that night that the revisors can work their magic on this, but that we refer to both people in personal liability and institutional liability, because if we take away personal liability, that's great, then I'm not an attorney and I don't play one on TV, but the organization could still theoretically be sued is what we talked about that night. And do we want to go forward and say we want the institution wherever the employer of record is and the employee themselves to be shielded and then let's say revisors do their thing? I don't know, that's what I thought I heard that night. And again, it's been a while.

Sen. Kiffmeyer: This is Mary. We'd like to make a distinction between legislation and then a concept. So the most broad concept, because I hear all this conversation, is to change the liability provision of the statute, right? That would be the most general thing if we're going to change it. As soon as you start trying to say how we're going to change it, we run into issues which legislation actually nicely deals with it, all right? So if we just say change a liability that hinders granting variances.

Participant: Instead of saying county or licensers—

Sen. Kiffmeyer: Yeah, because now you start getting into legislative language, which is designed for it, but this report is just a concept.

Participant: I vote yes, let's move on.

Scott: That was wonderful.

Jolene: Can you repeat that one more time, the language?

Rep. Wazlawik: So this is—I'm just going to—clarification for myself and maybe just add to what Jolene said, the top of page 11 is what we're talking about on the adoption of legislation two is going to change to just saying change liability—what were the words you used, Senator Kiffmeyer?

Sen. Kiffmeyer: Statute.

Hollie: That hinders account—this is Hollie here.

Sen. Kiffmeyer: If this is on tape, I think the way I said it actually came out [crosstalk 01:18:24]. I would suggest, that's why we tape these things, listen to that.

Participant: I don't know that I can—we go back to the tape.

Jolene: Is everybody in agreement to this? Does anyone have any objections? Okay. We're needing to move along here, but these are all really important discussions. Because we still need to hear from group B, we still need to hear from group C, we also have slated for a break. So is it helpful to have a very short break for five minutes just so you can stretch and then we come back in here and keep going? Is that okay? We'll do that. So just a reminder, if you have not filled out this survey about the Task Force meeting schedule, please do that right now because we want to finish that up and report back out to you today about this for future meetings, that'd be very helpful.

Rep. Wazlawik: We'll come back at 7:58.

Jolene: Okay. Any last surveys? Because we want to tally these now. So any other surveys? Okay. So we're going to tally up those surveys. Now, we're going to continue—we'll have a report out of group B and then we'll do a report out of group C, and then have another discussion, okay? And we want to move this along because we're at 8:00 now practically, okay? So we just need to keep moving. This is all very important. So group B, don't say the ones that have already been named, anything in addition? This is Kim.

Kim: This is Kim. So we had, under duty two, we talked about—hold on, let me get there. So we talked about the pursuing or risk-based violation system as described by Dr. Fiene, the licensing standards for family child care providers should be updated as part of this process. We changed that, we took out that period and said, as described by Dr. Fiene, and then after developing new licensing standards. They're hand in hand, you can't do one without the other,

but having them be two separate things on here was a little bit weird. And then the other on duty number three—oh, no, forget it, that's it. Duty number three was separate, like legislation from recommendations, right? Everybody else said they talked about that, right?

Participant: Yeah. Do you want to talk about putting under section four? Go ahead.

Reggie: Well, this is Reggie. One of the things, again, we're hearing all of us struggling with how do you say there's enough info, but what if people want more, the handouts, all of that. So what we wondered is if actually on page eight, which is under section four, if when you list just as a point of fact the dates and the topics that were discussed, we wondered if there wasn't a way right after that to then link to the actual, maybe it's a tiny URL or something, the actual text where you could find the webpage, the minutes, something, right? Not every link to everything, but get to that page. So if somebody was like, "Oh, I wonder what was discussed," or "I wonder what the minutes say."

So we thought that might be a place to embed links only once and not worry about how many times the topic came up because we know we moved around and revisit it. So that was part of that. And then we—with others agreed, maybe don't do any hyperlinks anywhere. I mean, otherwise, you got to go through and figure out all the hyperlinks. So we just weren't certain if there should be hyperlinks, we were questioning if that prior surveys was actually a hyperlink or what that was, and then we just wondered, should we really embed hyperlinks anywhere, should we just link to the minutes? And any materials that are up on the public website would be available through that.

Jolene: Okay. So let's go on to group C and then we're going to circle back and discuss all of this, okay? So group C.

Hollee: Section five, that's duty one.

Jolene: This is Hollee.

Hollee: Yes. Sorry, this is Hollee. Duty one we recommended because we did not discuss prior survey results. We recommend deleting everything in that first sentence before the comma. So delete after learning about the results of prior surveys, which is not a hyperlink, the font is blue and underlined, but I don't remember it being a hyperlink, but conducted a former licensed family child care provider. So the sense of paragraph would start with Task Force members agreed that survey, not a follow-up survey because we didn't discuss any other surveys except one I think was mentioned from DHS, so that would be under duty one.

We haven't seen a draft of a survey. I know we talked about it and we were curious about where it was coming from because the Task Force hadn't officially approved, even a final draft. We wanted to make sure it wasn't coming from the Task Force. Obviously, it's a moot point right now. Duty two, there was no recommendations for still a tiered licensing system, so we've thought about

something like the Task Force recommends exploring the possibility of a tiered licensing system or something to that effect.

And then, adding details about the state. I know you mentioned that, too, so that it would just say instead of thinking—talk about space, mention those space to give a little more meat to it. And then duty three, adding creation of a uniform variance forms be used by all counties and develop the DHS, licensors and providers equal representation, it doesn't have to be a big one because that was not listed as one of the bullet points. It was mentioned in the draft, rough draft legislation. But we just had to make that clear because that was important that a uniform form was created for the entire state.

Ann: So this is Ann. Can I clarify because I actually looked at what it is, that link that he's on there does take you to the PowerPoint from our second meeting, and we did walk through post closure surveys summaries from Anoka County, SourceWell, Think Small, MACCP, DHS, and had other states. So it isn't the full survey, you're right, but there's a summary of the results of the MACCP survey in there.

Participant: Okay. The first meeting, we didn't discuss—

Ann: Second meeting.

Participant: Second meeting. Okay. Thank you.

Sen. Kiffmeyer: This is Mary. I would say, Ann, I remember we mentioned those surveys and they were in the [inaudible 01:25:40], but I always had thought we would go through those surveys and their results and discuss them a little more, and I don't recall that we did that.

Ann: And this is Ann, no, I'm not suggesting we didn't, but we did receive and had somebody walk through, and that's what the mention of that first sentence links to. We made different links it sounds like, but I'm just saying there is a source for it, and I was actually just reviewing it again the other day.

Reggie: So this is Reggie. And I think we could—yes. I mean, what I really recall is that those materials were presented on that Saturday session and most of that Saturday session was spent reviewing whatever available external surveys had been conducted, talking about what the outcomes were and then trying to use the breakout times that Saturday to go deeper into what else could be captured. So I actually feel that the surveys that were listed, it wasn't just here's the summary, it was a lot of discussion and trying to go deeper to it. I mean, I'm sure we could all land on a continuum of how much you thought was discussed, but that was our whole Saturday in that basement room.

Participant: I'm not kidding like that, that's what I'm saying [crosstalk 01:26:56].

Reggie: So I'm not certain that I would be comfortable thinking we didn't spend a fair bit of time. I actually felt like that was almost all we talked about that Saturday. I

wouldn't say all, we talked about some of the liability and the county stuff, too, but—

Participant: The one morning was because I was not—

Ann: Well, yeah. And this is Ann. That's why I was reviewing it because it seemed to me that's how we got to that place of thinking about, well, when we look across all of these, they come out at different places, what's missing, what could we go deeper on? That's what led to some of those discussions about what questions we might want to ask.

Reggie: My only other comment is I certainly can see though that maybe not having the word follow-up in there makes sense because it's—there were a whole range of different surveys from a whole different group, so what does follow-up really mean? I mean, I certainly don't think that that needs to necessarily be there, it's just another survey. Go ahead.

Kim: This is Kim. And I was going to say to the point about collaborating or whatever the part about DHS with licensing workers and I think providers regarding the variances. It seems like this group, and that doesn't mean it's the end-all, be-all, decided the DHS was not going to be or do variances, which means no offense, it will be decided within each county what those are going to look like. So each county may have different variance structure. So that's what I'm saying. I don't know that it was ever agreed upon that DHS would be—I don't want it in statute, so I need to be clear, unless it's in statute, DHS can't govern what we do. And I don't mean that disrespectfully at all.

Reggie: This is Reggie. And I just want to acknowledge, I mean, Kim is right. And I think that's one of the things that lurks through a lot of our conversations around here is we have, based upon rule and statute 2458.16 and rule 9543, we have a delegated system in which the legislature and then promulgated through rules, thus the counties with a great deal of decision making. So somewhere in the desire to see things being uniform and standard, which hear, there is that fundamental issue of if we have 87 counties, I know we don't license that way, there's a lot of joint powers going on, but I'm just saying that's just a challenge that we're all really trying to both wrestle with and respect but acknowledge that.

So I mean, it's okay, we can sit in each other and I hear you and we're trying to work with the counties, but fundamentally to say 87 counties are going to do the exact same way I think is hard to make sure that we operationalize given our current rule and statute. So I don't know, that's, I guess what I think is the challenge for a lot us.

Sen. Kiffmeyer: This is Mary, and I hear what you're saying, both of you. I think this is important. That is current statute and current rule, and so what we're talking about here now is do we want to change that? That's the big question, do you want to change it so that there is one uniform application for a variance that would be used by all counties, which would be required through statute? So that would

be the change. And so my question is to Kim and Lanay and so on, in regards to, is it helpful to have an application form that all counties use developed by a stakeholder group, or is it that you say, we just know we want each county to do our own thing? I'm just abbreviating, our own thing.

Reggie: Well, this is Reggie. Kim and I were just doing a quick thing here and maybe some of the clarity is, in terms of having, which is not uncommon, a uniform, the commissioner, on a form developed by the commissioner, right, that gets to the form, that gets to the structure, that gets to what should be asked. So that is common and it's not uncommon to put in statute on a form developed by the commissioner, then that doesn't necessarily get to decisions and outcomes, but it does standardize. And I mean, our directly licensed—I'm going to check that, but our directly licensed, we use I think the exact same form across our different service classes.

So I think if it's about the form that's being used, getting that level of consistency so at least people are being asked them with the same info, knowing that every variance is so fact dependent, it's going to be a generic form I suspect. Go ahead.

Sen. Kiffmeyer: So I'm just going to refer back to what I had I think was being referenced here was that I had passed out the drafting thing idea, and also the county attorneys civil law group reviewed it in its entirety as well, but I didn't specifically ask them about that, but it reads, in case some don't have it, commissioner of human services shall after consultation as county licensors, and the idea was providers or whatever stakeholder group you want to call it, at the consultation with them, develop and issue to counties, a uniform application form for counties to use for family child care variance requests along with any necessary training or guidance. That's just the language that I have put there. But it would change it instead of—this is just—but this was only to the application form itself, nothing else.

Hollee: This is Hollee here. I did say—I wrote it there and I read it, said that a uniform variance form, so at that meeting, it all seemed there was consensus in the entire group that we wanted that. My point, not what our group discussed, was that on the interim report it doesn't mention a form, so I didn't—did I miss it?

Ann: And this is Ann. I was looking back through the minutes of the dot exercise, and I don't think that one in that way got posted as one of the things we put thoughts on, so that might be a part of the problem. It was the uniform criteria and policies, and that's one of those things that fell into that bucket of things we need to discuss more, but I'm quickly skimming through here and I don't see that exact language is anything that we voted on. I mean, we discussed it, you're right, but I don't think we put top thought in that [inaudible 01:33:46].

Rep. Wazlawik: This is Ami. To clarify, this is just a form, this has nothing to do with what the policies actually are.

Hollee: This is Hollee here, that's [inaudible 01:33:54]. And we did discuss at length the legislation, draft legislation submitted by Senator Kiffmeyer just for everyone to look at. And we did talk about if everyone seemed okay with the language. I don't remember if we took an actual vote on that, I have to look again, but—

Sen. Kiffmeyer: I don't think we did.

Hollee: We talked at length about that. So it wasn't during the sticker activity, it was during the legislation activity. I also want to say that about regarding the surveys, we talked about Vermont and Connecticut, which have nothing to do with Minnesota and we spent two—so there were two slides doing a very, very brief summary of the MACCP survey, so we really did not get into great detail about the survey results. And that's fine, you can put whatever sentence in that that you want to, I guess. But I just don't think that we—duty one was talking about past surveys and we really didn't spend much time on them at all.

Jolene: So this is Jolene. It is now 8:14. And so we need to figure out a process for—these are all great discussions, but it seems like some of them we may need to defer until the next meeting or something in order to be able to figure out what findings and recommendations we're going to actually—so I mean, are we going to go through these one at a time? Yes? Okay.

Rep. Wazlawik: So this is Ami. I think the process that we just went through where we circle ones that we—so the first four sections where we say these are ones in common and then talk if we all support them, are people okay doing it that way for at least the ones that we think we will all support? And I can stand up there and—

Participant: Ariane, did you have—

Participant: Okay. I think she answered my question.

Ariane: This is Ariane. And the only question that I have that we brought back is under the dates, because we had already voted on one through four, but can we—I don't know if we can make that change to add the link, so on October 12 we can add that meeting. Do we have to vote on that since we've already voted on that or no?

Rep. Wazlawik: I think we're just—we're going to talk about what we want to do and then we'll vote on all of it together, but we're going to talk about the things we agree on now, and anything that needs a little bit more discussion. This is Ami. Because we're not—we're off the agenda right now, but I do want to respect people's time and say we want to get this done tonight, that's our goal. And so the piece where we talked about our priorities for other duties, we can do that. We can get people's ideas via e-mail and distribute that. I want to get this done because this is something we need to get done. And I personally do not want to have another meeting to discuss this, so let's try and get this done and we'll move forward on that. And the rest, we can always gather people's ideas and send those out as we move along into session.

Participant: Can we just move those sheets up so we can see them?

Participant: That's what I was going to suggest.

Rep. Wazlawik: So I'm just going to talk really loud because I don't have a mic, but one thing that we talked about was this, we want to just move the length of the daily minutes for this meeting, so not have hyperlinks and if we all agreed on that.

Kim: This is Kim. We're going to have to link the meeting [inaudible 01:37:35] section, or is this each meeting and duties as well?

Rep. Wazlawik: This part about just clarifying the partnership that worked on the survey, folks okay with that? So this is one that we talked about on a couple of—we talked about pursuing that language around pursuing. So we talked about it replacing it with exploring the possibilities of such a system. Are people okay with that language? We didn't really say go forward with it, we said we want to explore it.

Stephanie: Just a point of clarification on that. This is Stephanie. What would exploring mean, within the Task Force or charging the state to explore it, charging the legislature to explore it?

Reggie: Well, this is Reggie. I just, again, I'm not saying that we can't clarify that's what the whole point of this is, but the minutes say at least how we captured it in the minutes from that meeting was, are you interested in pursuing a risk-based, tiered violation licensing structure described by Dr. Fiene? Are you interested in adding abbreviated inspections as described by Dr. Fiene to the family child—if so, what factors should be used? All three groups answered yes to both questions one and two and specific suggestions for question three. I mean, I think that's one of the reason why that language of pursuing shows up because I'm sure after you went back and looked at the minutes, and so I'm just saying that's—

Julie: This is Julie. Maybe we should change it to saying, the Task Force will pursue, because that was our concern is that we don't want lawmakers to pick up on it, no offense, we don't want DHS to drop legislation until the Task Force has time to explore it. So that's why we went with explore, but maybe we should change it to the Task Force will pursue. But it's very clear that we're not putting forth, we don't want anybody to just jump in and put forth legislation when we haven't had the time to explore it. Does that make sense?

Reggie: So this is Reggie. I mean, obviously, the Task Force recommendation can reflect what the body wants. The only thing I guess I would put out there is one, the Task Force is at least right now, time limited until February of 2021 or until the report gets introduced. So it doesn't mean it can't be extended, but it is time limited, this is not an ongoing standing body. And there are a whole bunch of other duties that we know we haven't gotten to yet and everybody's really clear they still want to be able to go back to other duties, so that makes sense, but I'm just not certain how the Task Force—maybe the recommendation of the Task Force continues for the next three years, I don't know.

I mean, I'm not saying that's wrong, I'm just wrestling with what does it mean to put that as a recommendation when by statute the Task Force is going to expire and has all these other duties. So I'm just wrestling with what can the Task Force really get to within the next set of meetings following session and final reports. I don't know.

Sen. Kiffmeyer: This is Mary. My question is, when you talk about exploring, that's a very broad kind of a word considering exploring, but there needs to be some action to it, how do you explore that? We did start exploring it by having Dr. Fiene come, and I liked a lot of things that Dr. Fiene had said. I think the devil's in the details of implementation, my concern is more with its implementation. However, we aren't even there yet to implementation. I mean, somehow, some way it's like getting a draft document. Don't kill the messenger, but sometimes you need a draft, you need something. And I think what I hear is that folks want to be sure to have input into that before it's maybe acted upon as legislation, because right now we have a concept. So concept to a draft and then to something more final, but you got to get somehow to a draft.

And doing this sort of stuff, what are our words now, abbreviated inspections and tiered violations, okay. Somehow, one of my thoughts was, and let me just run this by you, when I think of Dr. Fiene's presentation and things that he had and worked with other states, I mean, somebody's got to get us a draft, a framework, an outline for us to, I'll take a look at it and consider what to do with it. What if we recommended Dr. Fiene as a more neutral entity, because I don't know that even in the legislature they need something more than just us saying we're interested in this idea, this is something that needs more flesh on the bones to do that.

The concept didn't seem to be something that we were objecting to, it was its detailed implementation, but we need someone who can put that draft down for us. And I know that at some of these other states, Dr. Fiene was hired to do that, and that can be—doing that with the Task Force so that maybe we could get that funded. And then when it came to our summer meetings, we'd have that in place to work with him on what would that look like. We need something to get us off to that draft.

Liz: This is Liz. So is your recommendation, with great thought, is that when at the session, it would be we want to fund Dr. Fiene to look at this so then we get something—

Sen. Kiffmeyer: With the Task Force.

Liz: With the Task Force, that then in the summer—

Sen. Kiffmeyer: Come up with a draft.

Liz: —we can start working with him?

Julie: I like that idea. And we'd also talked to at that last—sorry, this is Julie, at the last meeting that we were going to do some research in the states that he had worked with and then also their—I know Colorado and I don't remember the other state, that I believe did it on their own and it was a complete disaster to bring that information back to say, yes, this is what we do not want to do.

Sen. Kiffmeyer: Well, I think the main idea though is to just capture that, exploring, pursuing whatever we want to do with that, but to put a little more meat on the bones, and the Task Force recommends contracting with Dr. Fiene to work with the Task Force on drafting possible legislation for the Task Force to consider for the 2021 legislative session.

Jolene: 8:24, make sure you record that.

Rep. Wazlawik: This is Ami. I'm just wondering if—so I have concerns around one, if Dr. Fiene's available to help us in this timeframe. So I think if we can maybe don't use his name necessarily, but say that we want to contract with somebody who's an expert in this field to help us so that if he's not available or if he charges a million dollars an hour—

Sen. Kiffmeyer: I'm just helping [inaudible 01:45:20].

Rep. Wazlawik: Yeah. No, no, I know. I just want to be clear that anything that we're talking about, if we're going to put it in text somewhere that we're clear about not doing that so that we don't get locked in a box.

Stephanie: And this is Stephanie. One thing that was the point that helped understand this process for me was in our group, it was discussed that this could be pursued through rule and not through legislation, am I accurate here? That was what I thought was talked about in our group, that if there was a recommended system, it could be pursued through rule. So is that correct? Is there anyone who—

Reggie: This is Reggie. I think you could be—do rule or statute. I mean, what's most important is you key it out and develop what you want to develop. And then where it goes is always that next question, but whether you do statute, whether you do rule, you need to have something that everybody says this is the model. So I think—I mean, the answer is certainly yes, you can do rule, but you can certainly do statutes, but it's likely the same kind of stakeholder and input process gets you there.

Stephanie: This is Stephanie. Not that I was recommending either way, I mean, by way of the group, I just wanted to make that information I receive known.

Julie: This is Julie. I just want to make a point to that where—and I'll say this is my opinion, but as a provider, I would prefer it'd be done in statute versus rule because as rule is written right now, DHS is allowed to open rule any time, make changes, and then go to lawmakers and say, this is why we had to make the changes. If we're changing things in statute, it has to go through the process of

changing it. It doesn't get changed first, it has to go through the legislative process before it's changed. So as a provider, I would rather have to go through a legislative process than to have DHS just make a change and then come and say why they made the change.

Reggie: And this is Reggie. This is certainly true from a process standpoint, but let's acknowledge the reality, DHS has not gone in and opened up a 30-year-old rule, so that could be one reason why we're going to statute as much. But for those that aren't as familiar, that comment seems to suggest that we're just constantly going in and changing the rule. It's actually hard to go in and just reopen a rule. It doesn't happen very often. So just as a point of information, it certainly is easier to go in and make changes in statute, and although the agency can open up a rule and can override a rule and make changes, it doesn't happen very often in most agencies and it's a big undertaking to do. So it's not something that creates a whole lot of opportunity for the agency to go in. And our history has been, we haven't opened up Rule 2 or Rule 3—

Rep. Wazlawik: So this is Ami. We're not going to have a rule or statute discussion tonight, that'll take us another hour. What we're talking about is that we want to, with legislation, get some money to start this process. So that's what we're talking about. I don't want to have that discussion because it'll take forever and we're never going to come to a conclusion. So what we're talking about is proposing legislation to get funding to start the process of examining these two things and getting some sort of structure to move forward with the Task Force and the duties.

Cyndi: Cyndi Cunningham. One is, yeah, we're not going to go to that question. If the question is about the funding, I agree with the not putting the name in. I think the elephant in the room question is, if I can ask, is for DHS, is there any intention on DHS's part to move forward any kind of this tier process outside of this group working?

Reggie: Is there any concern—this is Reggie, any concern—

Cyndi: Is there any intent on DHS's part to pursue a tier-rated what we're talking about here outside and just go ahead with that process outside of what we're talking about here as Task Force, or would DHS wait for this kind of a process to take place?

Reggie: So this is Reggie. What I would say is if you've read our status of child care reports, we've been calling this out and building upon that. So the department from the program side likes this idea and we've been engaging with other states that have done it. Whether we move forward is up to our governor ultimately to say. So all I can say is we've been very transparent that we think this is a great direction to go in. We're very aware of the work that's going on in the Task Force of this very clear charge, so that factors in to whatever we're going to be doing, right? Absolutely.

Rep. Wazlawik: So I think what we'll do here is, we'll change the language a little bit up there and we'll say, the Task Force will pursue proposing or supporting—whatever language we want to use, legislation to fund an effort to assist in developing a structure for systems moving forward. Something to that extent. We can flush out all of the details of the language, but that's the general idea that we're putting forward.

All right. So the other one I think was talked about—this is how we figured out that was the question about [inaudible 01:51:18]. We want to include information about other states it sounds like, in that summary of our [inaudible 01:51:25]. So other states in there as well. This is a question that came up—so including the definition of the violation system and abbreviating section, they're focusing with having a clearer definition of what those are in our interim report so people understand that.

And then we talked about, this is related to separate legislation, so separating out what's legislation and what's not. We agreed that that would be a good—

Sen. Kiffmeyer: That's a duty three bullet, right, on page eleven.

Rep. Wazlawik: Yeah. So that's duty three, so putting those in two separate sections, we talked through and agreed on. I don't think we're doing a link here from prior surveys.

Participant: We weren't asking that, but they covered it, that's why—

Rep. Wazlawik: And then, let's see, I think we decided not to put anything from other variance stuff that we talked about as a Task Force, recommending there, so we felt that also was not good. Clarification of who will do what. We wanted some clarification around action verbs.

Scott: This is Scott. I think that ties down to the bottom check there, but now that we're separating the two—yeah.

Participant: It was more to the point of—there's like collaborate with, and who's collaborating with who, or training for variance stuff, who's doing the training?

Rep. Wazlawik: So just clarifying in that language who's doing what?

Participant: Yes.

Rep. Wazlawik: So we have a couple here. This one is about the survey, that language after—under duty one. Do we have a rephrasing that people would be okay with?

Scott: This is Scott. And it seemed like the question on the table that I've heard from the folks is, yeah, how much history is given as to what we're implying the due diligence that was done? And I don't think there's consensus on that, so is it critically important we address the homework that was done, and if so I guess we'll have to wordsmith it, but I heard one person who had proposed, we just start with the Task Force says we're going to do a survey, and there was some

conversation about the—I don't have an opinion on this, but seem like we haven't resolved people's perceptions and interpretations of the survey analysis that was done, if that's relevant to this report.

Stephanie: This is Stephanie. I do believe the link to the surveys is helpful to our summary of what was presented at the meeting for people to have. And I believe—I didn't clarify this link, but I believe the link is to the actual PowerPoint presentation. And maybe if it—it's not all prior survey, so it could be some prior surveys that some could be added. But I do think calling out that information is available to people who are interested in this work is a helpful piece of the document.

Ann: This is Ann. I think we've—and maybe the one place we do make an exception, but we talked about not having these links and having them under each meeting, so I wasn't sure which—

Stephanie: Yeah, wherever.

Ann: And if it's important enough to illustrate, you could say the number of surveys.

Hollee: Hollee here. I'm just clarifying, no matter what's done, whether it's the link to the words prior surveys or whether it's done in the appendix, it would just be the link to the presentation that very briefly had some surveys, or would it be actual links to—or we wouldn't have all those surveys, the full surveys for each?

Rep. Wazlawik: I don't know if we have that or where it might be. If you're talking about the full survey.

Hollee: That was my concern with the first sentence, that's why I would suggest the Task Force is not presented with surveys, and so—

Rep. Wazlawik: What if we did after reviewing summaries of some prior surveys, is that more accurate? So I think it is important to acknowledge that we did that because we did take a significant amount of time at a meeting, but if the language needs work, we could do that. But we only have 25 minutes left. We have to figure this out.

Ann: This is Ann. I think summary results of—and I think it was five, unless you count the other states, I don't know. Folks are waiting to get the right number, but that would help give scope. It wouldn't imply that we read everything, just link to all of them, but it give us some basis for the discussion we then had.

Sen. Kiffmeyer: Summary results of prior surveys.

Rep. Wazlawik: Would that work? And then we can find out a way to get that—to link it or do whatever in the appendix. How long is that presentation? Is it really long? Do you have it?

Participant: No, it's right here.

Rep. Wazlawik: Okay. So that could be an appendix and then we can figure that out. And then the other, we addressed this, the other thing was talking with you from variance forms. Did we come to any consensus on that? I don't know.

Kim: Can you read exactly what that says because I'm the one that set that off the rail.

Rep. Wazlawik: Yeah. So this says, at creation of a uniform—

Kim: I'll admit it.

Rep. Wazlawik: —variance form to be used by all counties developed with DHS, licensors and providers, with equal representation from each.

Kim: Yes, I'm fine. Sorry, I wasted everyone's time. This is Kim.

Rep. Wazlawik: This is just a form, this isn't policy per se, it's just having a form so the form looks the same for everybody else.

Kim: I don't know what I heard, but I'm very good.

Ann: So just to clarify, this is Ann. So just one more bullet on that list of things we would recommend for variances.

Rep. Wazlawik: Yes. This would be one more bullet under duty three.

Ann: Non-legislative.

Sen. Kiffmeyer: Yes. Correct.

Rep. Wazlawik: Okay. So I'm just going to review this really quick, the things that we all agreed to for under findings and recommendations and then we're going to take a voice vote on all of these things we changed that section.

Scott: Just clarification. Is this the time and the place to reissue my question about, is the executive summary still relevant as part of this motion potentially considering striking the executive summary due to duplication and size of reports?

Sen. Kiffmeyer: I thought you're going to bring up that—

Scott: Yeah. Are the nouns plural and—

Rep. Wazlawik: Yes. I think this is the place we can address that. Do people have a preference? I feel like it's just repetition and we could—do we want to have some sort of putting things together and just have that be in the body of the report because there are some points in there that would be helpful to have.

Scott: I think it—this is Scott. And a robust section five would be great. Then it's going to be come four, but five.

Rep. Wazlawik: So this is Ami. So folks are okay with scrapping the executive summary and merging that into section five and having a more robust section five including that information? Okay. And folks on the phone, are you—I don't know if you've heard everything because I haven't had a mic, but I'm going to walk through the changes now so you can hear them and chime in. So we, in section five, we are going to change language around the partnership for the survey, or going to include information from other states in the section that talks about duty number two. We are going to—there's one we didn't talk about but I think we covered it with the Dr. Fiene thing. We're going to separate out, in duty number three, separate out what's legislative and what's not.

We are going to define the tiered violation system and abbreviated inspections so folks understand that. Clarifying who's doing what in duty number three, so we have an understanding of that, including links to the minutes and transcripts in each meeting and section four, so if folks want to access that, they can. Tweaking the language in duty one to say after reviewing summary results of prior surveys, Task Force members agreed, dot, dot, dot. And then, we are going to recommend that we have some sort of legislation to find an expert to work on the tiered violation system and abbreviated inspection, things that we would like to move forward with but are looking for more structure. And then lastly, the uniform variance form. Those are all the things that we talked about that we agreed to. Folks on the phone have any questions or feedback?

JoAnn: No, no question. No.

Rep. Wazlawik: Okay. So now, we are going to—we're going to vote including all of those things that we just went through and talked about as a group, as changes to the findings and recommendations section of the interim draft report. So I'm going to read names and—same as before. Yes, aye, some sort of indication of positive votes for yeses and the opposite for nos. Ann McCully.

Ann: Aye.

Rep. Wazlawik: Always good to be first.

Ann: I love it.

Rep. Wazlawik: Ariane Bromberg.

Ariane: Aye.

Rep. Wazlawik: Cyndi Cunningham.

Cyndi: Aye.

Rep. Wazlawik: Dan Dorman's not here. Reggie Wagner.

Reggie: Aye.

Rep. Wazlawik: Erin Echternach, Erin Johnson, Heidi are gone. Hollee Saville.

Hollee: Aye.

Rep. Wazlawik: JoAnn Smith.

JoAnn: Aye.

Rep. Wazlawik: Julie Seydel.

Julie: Aye.

Rep. Wazlawik: Kelly Martini.

Kelly: Aye.

Rep. Wazlawik: Kim Leipold.

Kim: Aye.

Rep. Wazlawik: Lanay Miller.

Lanay: Aye.

Rep. Wazlawik: Lauren's gone. Liz Harris.

Liz: Aye.

Rep. Wazlawik: Marit's gone. I am an aye as well. Representative Lisa Demuth.

Rep. Demuth: Aye.

Rep. Wazlawik: Samantha Chukuske.

Samantha: Aye.

Rep. Wazlawik: Scott Marquardt.

Scott: Aye.

Rep. Wazlawik: Senator Kiffmeyer.

Sen. Kiffmeyer: Aye.

Rep. Wazlawik: Stephanie Hogenson.

Stephanie: Aye.

Rep. Wazlawik: Tiffany Grant.

Tiffany: Aye.

Rep. Wazlawik: All right. The ayes have it. We're going to move forward with those changes to the findings and recommendations section of the interim draft report.

Jolene: All right. Thank you for all your work on this.

Sen. Kiffmeyer: I have a question. You have more to do yet, right, on our agenda?

Jolene: Yes.

Sen. Kiffmeyer: Okay. I just have a question. Reggie, when you mentioned before when we've talked about the tiered violation abbreviated stuff, and you mentioned that, I just wanted to be clear, was your answer, no, DHS is not initiating anything like that through rules or anything else, or is it we're waiting for direction from the governor and he may ask you to do that or not, do you know?

Reggie: Sure. This is Reggie. I think for those of you that don't know, sometimes there's this little tap dance that isn't very helpful when state agencies are asked to talk about legislation because our final policy and budget proposals have to always be approved by the governor, so sometimes state agencies sound less helpful and evasive when we talk about things. What I am trying to say is one, we have clearly been, I think helping to lay the groundwork for this good conversation and helping to arrange Dr. Fiene to come in, so it's a very important place the department is going.

We're in this place where our governor's office is finalizing proposals, and so I can't really comment. I don't think I can on yay or nay of what we're doing. I mean, I'm just saying—I'm not trying to not be helpful, I'm just trying to say I have a process I have to follow. But I do want you to know that our leadership, we've had these conversations with the deputy commissioner at our agency about the charge, the work of the Task Force, so we understand that this is something that the legislature has directed this group to look at. So that is clearly in our conversation.

So I'm just trying to tell you, we're in these weird places at the agency about what we do and don't talk about as we get this close to session. So I'm not trying to not be helpful, but I'm just trying to acknowledge we're very aware that this charge is there and we're very aware that we've been putting this as a direction we hope to go in and we're just really grateful that it's in here and we had this amount of time for it. And I don't think we want to do anything that upsets the balance of having us all trying to move a big system forward, we're very aware of that, too.

Jolene: So this is Jolene. If you have any marks on your interim report that you want to turn into us, we'll take them. If you did anything with the review guidelines and want to turn them into us, please do so at the end of this meeting. We're not saying that you needed to do any of that, but just saying that if you happen to do that, we want that information. I also wanted to give you the results of this

survey for the next—after the legislative session finishes, about the meeting schedule survey. So question one was what is your availability this summer to resume our next Task Force meeting? The number one result was the last two weeks of July, the 71 percent, and then there was a tie between the last two weeks of June and the last two weeks of August, both at 64 percent, okay?

What are the best days and times for you to meet? Circle all that apply. There was a tie between three dates and times. Mondays after 5:00 PM, Tuesdays after 5:00 PM, and Thursdays after 5:00 PM, those were 92 percent, all three of them. The last one is, are you available to meet on Saturday from 9:00 AM to 4:00 PM? 69 percent of people said yes and three people said it depends on the date. So just wanted to let you know those are the results of that. We will be working on sending out a meeting poll with dates like we did the first time with a bunch of days to tell us about your availability, so we'll give you lots of options.

And then I just wanted to again, just remind you about the priorities for the next fiscal year since we have not tackled duties four through eight. And then if there's things we need to circle back on on duties one to three. So just wanting to lay that out, I don't need to read the language for that, you have that language. So that's it for me. Yes?

Participant: I just have one clarification. When you guys say after 5:00, being that we're family child care providers and most of us work until 5:00 and we have to make that flexibility. So are you guys thinking starting at 6:00 like we currently have? Okay. So we got some drive time and stuff like that?

Jolene: Yes.

Participant: Okay. I just wanted to clarify that.

Jolene: Yeah. No, that's a very good question.

Participant: Okay. Thank you.

Kim: This is Kim. I have a question, too. Are we going to be able to see the new legislative report, the one that you guys fixed, will you send that out to us?

Rep. Wazlawik: Yeah, we can do that.

Sen. Kiffmeyer: Also, I wanted to add that it should go out to the Task Force members first before it gets released beyond that, because I think that's a courtesy to whoever originated with the report that they should see the final version first.

Rep. Wazlawik: This is Ami. I think we're all at a point now where—what I want to do is just give folks time to fill out their meeting response surveys, your vendor information, all that kind of stuff. If you have things that you want to focus on and then the meetings that are coming up after session, please send those—they have to be related to the duties that are assigned to us in statute, please send those to

ACET, and they'll compile them and we'll send them out to the groups so we at least have that as a starting point for discussions. And then the leadership group will be looking at that, too, to think about how are we going to craft our agendas for future meetings.

So didn't quite have enough time for today. I want to give people time to do that, to brainstorm that and to share those ideas. But I know a lot of our brains are tired right now, and so we're going to just do the meeting feedback form please, and then we'll be done after that.