



# Licensed Child Care Sanctions

Fact Sheet | Years 2011 - 2015

A primary function of the Department of Human Services (DHS) and counties is to monitor and enforce the rules and statutes governing child care centers (CCCs) and family child care (FCC). DHS and county licensors issue correction orders when licensing violations are found in licensed programs. When there are serious or chronic violations, or maltreatment occurs, negative actions may be issued.

## Correction Orders

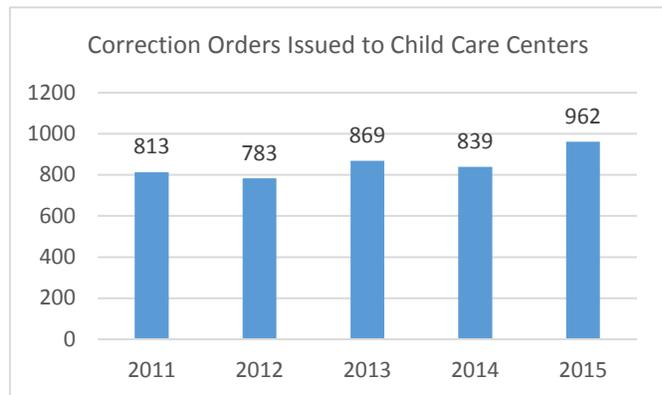
Licensors issue a correction order when they find licensing violations in a program. A correction order is not a sanction; rather, it is a notification that the licensed program was out of compliance. After receiving a correction order, license holders have a specified amount of time to correct the violation(s) or request reconsideration if they disagree with the determination.

County licensors have delegated authority to issue correction orders to family child care programs. This data is not currently provided to DHS.

### *Trends in Correction Orders*

Among child care centers, the number of correction orders issued since 2011 has remained relatively stable. DHS issued 962 orders in 2015, an all-time high, which is likely due to the elimination of DHS's maltreatment investigation backlog.

Figure 1: Correction Orders in Child Care Centers



## Negative Actions

In some cases, the nature, severity, or chronicity of licensing violations can warrant action beyond a correction order. In these situations, DHS may issue a negative action. Negative actions include fines, conditional licenses, revocation, or suspension of a license. Negative actions may also be issued when maltreatment allegations are substantiated. DHS determines which of these actions is appropriate based on the nature, severity, and chronicity of the violation(s). In addition, if there is imminent risk of harm, DHS is required to issue a temporary immediate suspension (TIS) pending the completion of an investigation.

## Negative Actions, continued

Table 1 shows the total number of negative actions issued in 2015. At the end of 2015, there were 9,215 licensed family child care programs and 1,641 licensed child care centers. As such, family child care programs receive more sanctions overall.

Table 1: Total Number of Negative Actions Issued in 2015

	Fine	Conditional	Suspension	TIS	Revocation	Denial	Total
<b>Center</b>	157	13	0	1	7	1	179
<b>Family</b>	100	41	7	92	98	34	372

### Trends in Negative Actions

- The annual number of negative actions issued since 2011 to Family Child Care programs rose 2011 through 2013, before falling in 2014 and 2015. Actions against Child Care Centers fell from 2011 through 2013, before rising in 2014 and 2015.
- Fines are the most frequently issued action in both child care centers and family child care, though more than one action may be issued to a program.
- Child Care Centers are more likely than Family Child Care programs to receive a negative action. In 2015, 158 (10%) Child Care Centers were issued at least one negative action, while 285 (3%) Family Child Care programs were issued a negative action. A program may be issued more than one negative action.

## Reconsiderations and Appeals

According to Minnesota law, license holders have due process rights and may request reconsideration of a correction order (CO) or the issuance of a conditional license, and they may appeal a sanction. Reconsiderations and appeals follow different legal processes but allow the license holder to challenge DHS findings.

### Trends in Reconsiderations and Appeals

- In 2015, 2% of correction orders issued to child care centers were appealed through the reconsideration process. Of those, 5% were reversed or rescinded.
- Of the correction orders issued to family child care providers in 2015, providers requested reconsideration on 58. Of those, none were reversed or rescinded in full but 31% were reversed in part and affirmed in part.
- In 2015, 12% of negative actions issued to child care centers were appealed and 32% of negative actions issued to family child care programs were appealed.
- In 2015, 43% of the child care center appeals of negative actions were affirmed in full, 33% were settled, 14% were withdrawn, none were reversed, and 10% remain in progress. For family child care program appeals of negative actions, 33% were affirmed, 16% were settled, and 15% were reversed. 4% were affirmed in part and reversed in part, 4% remain in progress, and 29% were withdrawn.

Figure 2: Total Negative Actions Issued

