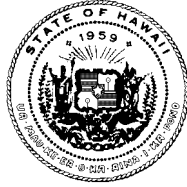


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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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March 1, 2016

TO: The Honorable Representative Karl Rhoads, Chair
House Committee on Judiciary

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 2343 HD1 – RELATING TO REQUIREMENTS FOR CHILD CARE PROVIDERS**

Hearing: Thursday, March 3, 2016, 2:00 p.m.
Conference Room 325, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration bill and provides proposed language to address concerns raised in testimony for the companion bill SB 2872.

PURPOSE: The purpose of the bill is to bring state law into alignment with changes to federal law regarding the Child Care and Development Block Grant, Public Law (P.L.) 113-186. Requires the DHS to establish minimum health and safety requirements for child care providers, including applicants, household members, employees, and prospective employees of licensed and registered child care homes and facilities, as well as persons exempt pursuant to section 346-152, Hawaii Revised Statutes, to be eligible to provide care to a child whose family receives a child care subsidy from the Department.

This measure will align state law with P.L. 113-186, the Child Care and Development Block Grant (CCDBG) Act of 2014, enacted on November 19, 2014, which made significant changes to the Child Care and Development Block Grant requirements to ensure the health, safety, and well-being of children served under the grant including:

- 1) Requiring training for and conducting health and safety monitoring inspections of unregulated child care providers caring for children receiving the Department's child care subsidies which is funded through the Child Care and Development Fund (CCDF);
- 2) Conducting background checks on child care providers, employees, and individuals who have unsupervised access to children that shall include searches of the national and state sex offender registries and state-based child abuse and neglect registries in each State where the individual resided within the preceding 5 years;
- 3) Establishing prohibiting convictions or non-compliance with the completion of the background check that will prevent an individual from being a child care provider; and
- 4) Making available records of results of monitoring inspections and substantiated complaints on a public website.

The Department's Child Care Connection Hawaii (CCCH) child care subsidy program is federally funded through CCDF monies. Hawaii's federal fiscal year 2015 CCDF grant allocation totaled \$20,950,922. Failure to pass this measure would jeopardize the CCDF block grant award if the Department does not have the authority to implement the requirements required by P.L. 113-186 without the authorizing provisions addressed by this measure.

In state fiscal year 2015, the CCDF block grant award provided federal funding for

- 1) The CCCH subsidy program which served over 21,000 children and 16,000 families;
- 2) Administrative costs for the Department's staff statewide which regulated over 1,100 licensed child care facilities and registered family child care homes that provided over 35,000 child care slots statewide; and
- 3) Costs for services of the Department's 20 contracts totaling \$5.8 million which provided a variety of services for Hawaii's children, families, and child care providers to ensure the health, safety, well-being of children in care, and to promote quality in the various child care settings that Hawaii's working families use.

Testimony submitted for companion bill SB 2872 had raised a concern about the proposed language possibly restricting access to public records available under Chapter 92F, Hawaii Revised Statutes (HRS). As this was not the Department's intent, the Department requests the deletion of proposed new language of HB 2343 HD 1, on page 4, line 7, "substantiated," so that the revised proposed language reads:

"~~[§346-153]~~ **Records of deficiencies and complaints; release to public.** For every child care facility, the department shall maintain records for the current and previous two years of: results of its inspections; notifications to providers of deficiencies; corrective action taken; complaints of violations of rules adopted under this part; results of its investigations; resolution of complaints; and suspensions, revocations, reinstatements, restorations, and reissuances of licenses, temporary permits, and registrations issued under this part. Notwithstanding any other law to the contrary, ~~[such records]~~ the records described in this section shall be available for inspection in the manner set forth in ~~[section 92-51;]~~ chapter 92F and may be posted by the department on a public website; provided that with respect to records of family child care homes and group child care homes, sensitive personal information, including home addresses, or information provided to the department with the understanding that it would not be publicly divulged shall be deleted or obliterated prior to making the records available to the public. Nothing in this section shall authorize the department to release the names of or any other identifying information on complainants. The department may withhold information on a complaint for which an investigation is being conducted for not more than ten working days following the date of filing of the complaint; provided that if an investigation relates to an alleged criminal offense, no information shall be released until the investigation has been completed and the director has determined that no legal proceeding will be jeopardized by its release."

It is essential that Hawaii continue to meet the requirements of the CCDBG to receive the federal funds and respectfully requests the Committees to consider incorporating the revised proposed language.

Thank you for the opportunity to testify on this bill.



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Children's Action Network
Building a unified voice for Hawaii's children

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March 3, 2016

To: Rep. Karl Rhoads, Chair
Rep. Joy San Buenaventura, Vice Chair
House Committee on Judiciary

From: Deborah Zysman, Executive Director
Hawaii Children's Action Network

Re: **HB 2343, HD1 – Relating to Requirements for Childcare Providers - Support
Hawai'i's State Capitol, Conference Room 325 – March 3, 2016 – 2 PM**

On behalf of Hawaii Children's Action Network (HCAN), formerly Good Beginnings Alliance, we are writing in support of HB 2343, HD1 Relating to Requirements for Childcare Providers.

HCAN is committed to improving lives and being a strong voice advocating for Hawai'i's children. Last fall, HCAN convened input in person and online from more than 50 organizations and individuals that came forward to support or express interest for a number of issues affecting children and families in our state that resulted in the compilation of 2016 Hawai'i Children's Policy Agenda, which can be accessed at <http://www.hawaii-can.org/2016policyagenda>.

HCAN supports HB 2343, HD1, which would bring Hawai'i into alignment with the federal update of the Child Care Development Block Grant Act (Public Law 113-186). This program provides nearly \$21 million in federal block grant funds toward childcare that help more than 21,000 children in 16,000 local families in Hawai'i.

Passage of this bill will mark a very critical step toward the state's compliance with required under the Act, which covers:

- Training for and conducting health and safety monitoring inspections of unlicensed childcare providers for children receiving Child Care Development Fund (CCDF) also known as Child Care Connection (CCC);
- Background checks on childcare providers, employees and individuals who have unsupervised access to children (including national and state sex offender registries and state child abuse and neglect registries where an individual resided within the past five years);

- Establishing policy prohibiting individuals with convictions or non-compliance with completion of background check from becoming a provider;
- Making records of monitoring inspections and substantiated complaints publicly available online.

HCAN also applauds the HD1 amendment to clarify that intention of the legislation is preserve and not to restrict public access to Department's inspection records by requiring that the records be available for inspection in a manner that is set forth by Chapter 92F, Hawai'i Revised Statutes.

While HCAN is supportive of this legislation, we urge the state to pursue the goal of exceeding minimum qualifications toward compliance with federal changes under this act to help Hawai'i's most at risk families to gain economic stability and prosper in our communities. Federal and state childcare programs like CCDF/CCC and Preschool Open Doors give parents the support they need to search for employment or higher education or job training and be productive workers and students. These programs also provide children the opportunity to develop skills they need to succeed in school and in life. Some of the changes in CCDF/CCC that would raise the bar for our local families could include:

- Increasing the number of days for eligibility for childcare assistance from 30 days to 60 days to allow parents time to gain employment or attend school;
- Reinstating a deduction of the countable income limit for families (this was 20 percent in 2001 as published by the National Women's Law Center's: *Building Blocks, State Child Care Assistances Policies 2015*), so that other subsidies received do not count toward their overall income limit; and
- Maintaining a waiting list for childcare assistance.

Even if families are eligible for childcare assistance, they may not necessarily receive it according to the National Women's Law Center's report on childcare assistance policies, as states my freeze intake (turn families away without adding their names to a waiting list) causing parents/guardians to wait months to wait for assistance or some to never receive it.

HCAN is grateful for all the work that has been done by the state and particularly by the Hawai'i Department of Human Services toward enabling the state to be in compliance with the Child Care Development Block Grant Act and looks forward to building strong partnerships with community leaders and organizations that help families and keiki in our state build a pathway toward greater economic stability and a healthier thriving community.

For these reasons, HCAN respectfully requests that the committee vote to pass this bill.



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LATE

House Committee on Judiciary
March 3, 2016, 2:00 PM
Hawai'i State Capitol, Room 325

HB 2343 HD1 – Relating to Requirements for Child Care Providers

Hawai'i Association for the Education of Young Children (HAEYC) has more than 800 members statewide. Our mission is to promote, support, and expand quality and professionalism in early childhood programs and services for Hawaii's children (0-8) and their families.

HAEYC **supports** HB 2343 HD1 which establishes minimum health and safety requirements for child care providers, including applicants, household members, employees, and prospective employees of licensed and registered child care homes and facilities, as well as persons exempt pursuant to section 346-152, Hawaii Revised Statutes, to be eligible to provide care to a child whose family receives a child care subsidy from the Department of Human Services.

This measure is an important step to help assure that all keiki and their 'ohana have equitable access to important early childhood services, care, and education.

Thank you for the opportunity to testify.

Our mission is to promote, support, and expand quality and professionalism in early childhood programs and services for Hawai'i's young children (B-8) and their families.

Testimony In Support of HB 2343 HD1
RELATING TO REQUIREMENTS FOR CHILD CARE PROVIDERS

Testimony of Irene Martin Student,
University of Hawai'i at Mānoa School of Social Work

Thank you representatives SOKI for introducing this important housekeeping measure. I am in strong support of its passage.

As former worker of the Head Start program and now soon to be parent, child care is an essential commodity for families. The measure of trust in which a parent bestows upon a child care provider is vital for both the family and the child. Health and safety concerns are significant interests and must be updated frequently to ensure premium care for children.

By conducting regular requiring trainings of health and safety with monitoring inspections; background checks on child care providers, employees, and individuals who have unsupervised access to children using the national and state sex offender registries and state-based child abuse and neglect registries in each state where the individual resided within the preceding 5 years.

Establishing prohibiting convictions or non-compliance with the completion of the background check that will prevent an individual from being a child care provider; and making available records of results of monitoring inspections and substantiated complaints on a public website.

Your support of this housekeeping measure is appreciated.

Thank you for your time and consideration.