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February 11, 2016

TO: The Honorable Representative Dee Morikawa, Chair
House Committee on Human Services

The Honorable Representative Della Au Belatti, Chair
House Committee on Health

FROM: Rachael Wong, DrPH, Director

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

Hearing: Tuesday, February 16, 2016, 9:15 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly 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 raised the concern that proposed language may possibly restrict access to public records available under Chapter 92F, Hawaii Revised Statutes (HRS). As this was not the Department's intent, the following revised proposed language is offered for consideration:

"[§]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 92-54;]~~ 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.

THE CIVIL BEAT
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House Committee on Human Services
Honorable Dee Morikawa, Chair
Honorable Bertrand Kobayashi, Vice Chair

House Committee on Health
Honorable Della Au Belatti, Chair
Honorable Richard P. Creagan, Vice Chair

**RE: Testimony Supporting H.B. 2343,
Relating to Requirements for Child Care Providers**
Hearing: February 16, 2016 at 9:15 a.m.

Dear Chairs and Members of the Committees:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on H.B. 2343. The Law Center **strongly supports** the Department of Human Services proposed revision concerning Section 3 of H.B. 2343.

The Department's proposed revision will clarify that H.B. 2343 is not intended to limit the current scope of public access to Department inspection records. The Law Center further supports the bill's intent to provide the Department express discretion to post information on the Internet.

The Law Center takes no position regarding other portions of the bill.

Thank you again for the opportunity to testify.



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House Committee on Human Services and
House Committee on Health
February 16, 2016, 9:15 AM
Hawai'i State Capitol, Room 329

HB 2343 – 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 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 (0-8) and their families.

I am in support of this bill, as an early childhood educator and a social worker I believe that personnel who regularly interact with children must be of good character, law abiding and fit to have responsibility for children. The state of Hawaii must ensure the health, safety and well-being of children and reduce the risk for child abuse and neglect in all Hawaii state programs and/or activities. Individuals who regularly interact with children under 18 years of age in a program should be required to undergo specific initial background checks and periodic re-verification. Anyone who is involved in any of the following: “child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs and detention, correctional, or treatment services.”) must be subject of a thoroughly background investigation.

State agencies must enforce that childcare programs must provide child care services, and ensure that background check screening and checks are initiated, coordinated and tracked, and results are reviewed to identify whether they contain derogatory information.

I believe is the state is responsible to implement and require a background check screening process. Coordinating with different agencies such as: Local Civilian Law Enforcement checks, Child Care National Agency Check and Inquiries (CNACI) and Federal Bureau of Investigation (FBI) fingerprint (FP) checks for providers and any family members 18 and over.

Any child work related positions, should be by law required to follow a thoroughly process of background check screening and a process starts before they are hired/open for business. This screening process should include:

- a. A signed, written application;
- b. A careful review of the employment record;
- c. A check of personal and professional references and
- d. A personal interview



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February 16, 2016

To: Rep. Dee Morikawa, Chair
Rep. Bertrand Kobayashi, Vice Chair
House Committee on Human Services

Rep. Della Au Belatti, Chair
Rep. Richard P. Creagan, Vice Chair
House Committee on Health

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

Re: **HB 2343 – Relating to Requirements for Childcare Providers - Support
Hawaii State Capitol, Conference Room 329 – February 16, 2016 – 9:15 AM**

LATE

On behalf of Hawaii Children's Action Network (HCAN), formerly Good Beginnings Alliance, we are writing in support of HB 2343, 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, which would bring Hawaii 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 Hawaii.

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.

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 Hawaii'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 Assurances 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 Hawaii 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.