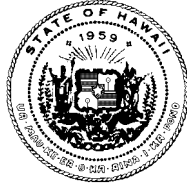


SB 2872

Measure Title:	RELATING TO REQUIREMENTS FOR CHILD CARE PROVIDERS.
Report Title:	Requirements for Child Care Providers
Description:	<p>Brings state law into alignment with changes to federal law regarding the Child Care and Development Block Grant, Public Law 113-186. Requires the Department of Human Services 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.</p>
Companion:	HB2343
Package:	Governor
Current Referral:	HMS/CPH, JDL
Introducer(s):	KOUCHI (Introduced by request of another party)



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 3, 2016

TO: The Honorable Senator Suzanne Chun Oakland, Chair
Senate Committee on Human Services

The Honorable Senator Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Rachael Wong, DrPH, Director

SUBJECT: **SB 2872 – RELATING TO REQUIREMENTS FOR CHILD CARE PROVIDERS**

Hearing: Thursday, February 04, 2016, 1:15 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this Administration bill.

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.

It is essential that Hawaii continue to meet the requirements of the CCDBG to receive the federal funds.

Thank you for the opportunity to testify on this bill.

THE CIVIL BEAT
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Senate Committee on Human Resources
Honorable Suzanne Chun Oakland, Chair
Honorable Gil Riviere, Vice Chair

Senate Committee on Commerce, Consumer Protection, and Health
Honorable Rosalyn H. Baker, Chair
Honorable Michelle N. Kidani, Vice Chair

**RE: Testimony Supporting S.B. 2872,
Relating to Requirements for Child Care Providers**
Hearing: February 4, 2016 at 1:15 p.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 S.B. 2872. The Law Center **provides comments** questioning amendments to existing law regarding public access to inspection results for child care facilities.

HRS § 346-153 currently provides that the Department of Human Services records concerning inspections of child care facilities are public record under specified circumstances. The 1984 Legislature enacted that provision because it recognized that “[t]here must be continuing confidence that the State is regulating in a way and in areas where reasonable protection is being provided to children.” Conf. Comm. Rep. No. 54-84, in 1984 Senate Journal at 932-33.

Section 3 of S.B. 2872 proposes to limit the scope of the publicly accessible records to only records of deficiencies and substantiated complaints. It is unclear why the public should be denied access to any inspection records that concern the facilities that care for one of the State’s most vulnerable populations. The DHS Justification Sheet does not offer any explanation for this amendment to existing law.

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

Thank you again for the opportunity to testify.