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January 30, 2023

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: [HB 341](#) – RELATING TO CHILD CARE.

Hearing: Tuesday, January 31, 2023, 9:30 a.m.
Conference Room 329 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the bill and provides comments. DHS respectfully requests that any appropriation not reduce or replace priorities identified in the executive budget.

PURPOSE: The purpose of the bill is to require that child care providers provide certain information to the Department of Human Services each year.

Act 292, Session Laws of Hawaii (SLH) 2022, similarly authorized DHS to set up the Early Childhood Registry to maintain an annual repository of early childhood provider and staff information. Act 292 is codified in section 346-187, Hawaii Revised Statutes (HRS), and describes substantially the same information as requested in HB 341. Therefore, DHS respectfully asks that the legislature refrains from adding a new section substantially similar to section 346-187, HRS.

However, there are several differences between section 346-187, HRS, and this measure. Section 346-187, HRS, does not mandate licensed providers and their employees to

provide the information annually; rather, it is voluntary. Section 346-187, HRS, also does not include information from individuals and child care facilities exempt from licensing.

To meet HB 341 provisions, licensed providers, employees of licensed providers, and persons and child care facilities exempt from DHS licensure will be mandated to provide information annually. In addition, DHS will need to add persons and child care facilities exempt from DHS licensure to the early childhood registry database, and the early childhood database will need to be modified.

For the committee's information, DHS contracts with the non-profit organization People Attentive to Children (PATCH) to maintain the early childhood registry database. This database is for child care staff in licensed group child care centers, group child care homes, and infant and toddler centers which determines staff education and training experience to meet DHS licensing qualifications.

The Department respectfully recommends that the desired information be provided voluntarily, as mandating licensed providers and employees of licensed providers creates additional regulation that will create a barrier for providers to maintain their licensure. The Department also recommends that persons and child care facilities exempt from DHS licensure not be required to provide the information in the early childhood registry database.

The universe of all persons and child care facilities exempt under section 346-152, HRS, in the State of Hawaii is unknown. DHS determines whether persons or child care facilities meet one of the exemptions in section 346-152, HRS, upon written request by a person or child care facility. DHS does not collect and maintain information such as employee names and qualifications from persons and child care facilities exempt from DHS licensure.

If the measure passes, DHS respectfully requests that the effective date is after or later than December 31, 2023, to give DHS time to make the necessary program and system changes and develop administrative processes and rules.

The Department's current program priorities and efforts are focused on complying with provisions of the federal Child Care and Development Block Grant, which provides annual federal Child Care and Development Fund grants. Additionally, DHS is developing a program to distribute child care supplemental block grant funds appropriated by the American Rescue Plan Act.

DHS will update the resources needed to implement additional changes as the session progresses. Lastly, we ask that any appropriation not supplant fiscal priorities identified in the Executive Budget.

Thank you for the opportunity to provide comments on this measure.