

Child Care Advisory Task Force Recommendations

Minnesota Department of Human Services
Children and Family Services

January 2010

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Introduction

The Minnesota Legislature established the Child Care Advisory Task Force in 2008. Legislative language in 2008 Session Laws, Chapter 361, Article 2, section 4, directs the commissioner of the Minnesota Department of Human Services to convene a Child Care Advisory Task Force. The Task Force is directed to review child care assistance laws, rules, and policies, and to make recommendations to remove barriers facing families that are applying for or receiving benefits from the Child Care Assistance Program (CCAP). The legislation states that by January 15, 2010, the Department of Human Services (DHS) must report the Child Care Advisory Task Force recommendations to remove barriers facing families in applying for and receiving child care assistance to the legislative committees with jurisdiction over the CCAP. This report provides Task Force recommendations.

DHS convened a task force. Members include DHS staff, staff from counties and nonprofit organizations that administer the CCAP, a parent receiving child care assistance, and members of the child care and antipoverty advocacy communities. The list of Task Force members is included as an appendix to this report.

The Child Care Advisory Task Force met eight times between December 17, 2008, and December 15, 2009. The members reviewed federal and state child care assistance laws, rules, policies, and other documents to gain an understanding of the CCAP requirements and current policies. Members identified barriers facing families under these policies and developed recommendations for changes that would reduce or remove barriers. The documents reviewed and discussed by the Task Force are included as an appendix to this report. As directed in the legislation, barriers that were reviewed included, but were not limited to:

- The length of application forms
- The consistency of the application and reauthorization forms statewide
- Documentation requirements, including frequency of producing documentation
- Barriers facing parents with limited English
- Length of reauthorization periods.

Task Force members participated in presentations on federal and state laws that impact the CCAP, Limited English Proficiency (LEP) laws and issues, and Minnesota Electronic Child Care (MEC²), the statewide eligibility and payment system for the CCAP. In addition, issues and concerns were discussed that were brought forward by Task Force members and the constituencies they represent. Recommendations were developed based on research, information gained and discussed in presentations, and through discussions among Task Force members.

The changes recommended by the Task Force reflect the guiding principles established by Task Force members that CCAP eligibility should follow a child rather than the parent(s); should encourage continuity of child care; and that

services should be easily available and accessible to applicants and participants in convenient locations and at reasonable times.

Background

The CCAP provides child care subsidies to low-income families to support work and work preparation activities. Minnesota Family Investment Program (MFIP) child care is available for eligible families who receive assistance from MFIP or the Diversionary Work Program (DWP). Transition Year (TY) child care is available to eligible families for a full year after their MFIP/DWP case closes. Basic Sliding Fee (BSF) child care is available for other income eligible families, but this subprogram is not a forecasted program, and has limited funding so counties may have waiting lists for services. Transition Year Extension (TYE) child care is available for eligible families who finish their transition year of the CCAP but are unable to access BSF due to lack of available funds. Families can receive TYE until they reach the top of the waiting list for BSF. Portability Pool (PP) child care is available for families who move from a Minnesota county where they are receiving BSF to a county with a waiting list for BSF. Eligible families can receive PP until they reach the top of the waiting list for BSF, up to a maximum of six months. Child care subsidies primarily are funded through the federal Child Care and Development Fund (CCDF), state funds, and funds that states transfer from their Temporary Assistance for Needy Families (TANF) programs. While CCDF regulations provide guidance for child care subsidies, states have a significant amount of control over child care subsidy policies.

The CCAP can assist families in achieving stable, self-sufficient employment, and can support access to safe, affordable child care for their children. Some policies and procedures, however, can make it difficult for families to receive and retain child care assistance. Changes to policies and procedures that inhibit a family's ability to access and retain child care assistance can increase the likelihood that a family will maintain stable employment, and that children can retain stable child care. Disruptions in the CCAP are likely to create disruptions in children's child care settings, which can impact their development and learning. Additionally, complicated policies and processes increase agency administrative expenses and heighten the likelihood of improper payments through the CCAP. The Task Force believes that targeted changes in the CCAP policies and procedures could increase client access and retention of the CCAP, reduce agency administrative workloads and expenses, and decrease improper payments.

Task Force Recommendations

The Task Force recommendations are organized under the themes of Funding, Increased Flexibility, Simplification and Consistency across Programs and Customer Focus. In most cases, Task Force recommendations have financial implications. If proposals are developed for legislative changes, cost analysis through the fiscal note process would be required.

I. Funding

Funding remains a challenge for families, providers and agencies. Some families are unable to access the CCAP due to limited funds and waiting lists for services, or due to low entrance eligibility limits. For families receiving child care assistance, high copayments and low provider reimbursement rates can be a barrier. Child care providers also are burdened when families are unable to pay the copayment, in addition to the amount the provider charges that is not covered by the CCAP subsidy. Administering agencies face funding barriers due to administrative budgets that cause high worker caseloads and cuts to other critical services.

The Task Force has identified specific areas where the CCAP could be funded to serve more families, to improve family's retention of child care assistance, and child care providers' willingness to continue to serve families receiving child care assistance. All of the recommendations in the Funding section require legislative action.

- A. The Task Force recommends increasing funding for the CCAP so services are available to all eligible families.** MFIP, TY and TYE child care are forecasted programs so all eligible families are served. BSF child care has an allocated amount; the funds available do not cover all eligible families. Changing BSF child care to a forecasted program would provide child care assistance for more families.
- B. The Task Force recommends that unspent funds be protected and kept in the CCAP.**
- C. The Task Force recommends increasing the minimum provider reimbursement rate to at least the 75th percentile of the current market rate for child care.** Additionally, a market rate survey should be completed on an annual basis to determine the reimbursement rate; the rates should be adjusted annually to reflect market changes. Federal law requires that the CCAP ensures parent access to all types of care available to the private market. [45 CFR 98.43] The Child Care Bureau, Department of Health and Human Services, has not identified a floor for setting a rate that would meet the equal access requirement, but has suggested that setting payments at least at the 75th percentile of the market would be considered as providing equal access. Although the Department of Health and Human Services approved Minnesota's Child Care and Development Fund (CCDF) Plan, department staff expressed concern that rates below the 75th percentile of those reflected in the current market rate survey may not ensure equal access.
- D. The Task Force recommends increasing CCAP eligibility to 75 percent of Minnesota's state median income.** The current CCAP entrance eligibility threshold is 47 percent of the state median income, and the current maximum eligibility is 67 percent of state median income. By increasing eligibility, more working families will be able to access quality child care programs.

E. The Task Force recommends changing the BSF waiting list priority order so families without access to child care assistance can access the CCAP.

Currently, families receiving child care assistance through TYE funds are a higher priority on the BSF waiting list than families who are not receiving child care assistance. Moving TYE families to the end of the waiting list for BSF because they continue to receive child care assistance while on the waiting list, would allow more families to receive child care assistance. Additionally, families receiving assistance who remain eligible but move to a county with a waiting list should be able to retain child care assistance through Portability Pool funds until they reach the top of the waiting list, and not be limited to six months of child care assistance.

F. The Task Force recommends ensuring that administering agencies have sufficient funds to administer the CCAP. Counties are short staffed, which prohibits proper administration of the program. Some counties have BSF funds available and could add families to the CCAP, but are unable to do so because they lack administrative funding and staff, and are unable to add additional cases and the corresponding case management workload to already overloaded staff.

II. Increased Flexibility

Task Force members believe that flexibility in the CCAP can lead to improved access and retention of child care assistance for families. Current CCAP policies require families to report, and agencies that administer the CCAP to act on, changes in income, schedule and activity, no matter the magnitude of the change. Families with frequent changes are more likely to experience loss of their child care assistance and, subsequently, their child care provider. These changes create additional challenges for already stressed families, and may cause unnecessary transitions for children potentially already at risk who may not be able to return to the same child care provider if the family temporarily loses child care assistance. More flexible CCAP authorizations can prevent breaks in eligibility and service, as well as improve results for families. Additionally, the necessity to act on every reported change increases the administering agency's workload, and the opportunity for error.

The Task Force has identified specific areas where the CCAP could be more flexible to better reflect family circumstances. All of the recommendations in the Increased Flexibility section require legislative action.

- A. The Task Force recommends that laws requiring families to report, and agencies to act on, all changes that might affect a family's eligibility be changed.** The Task Force recommends that families only be required to report changes at redeterminations, which are conducted at least every six months.
- B. The Task Force recommends that, after the initial CCAP authorization, the amount of child care assistance authorized would not decrease for six**

months, except in specific situations. The initial CCAP authorization for child care is for a specific number of hours that is meant to reflect best available information on the needs of a family. Each time a family reports a change in their circumstances, the amount of care authorized might change. Frequent or significant changes affect both families and child care providers, and may affect a family's ability to access or retain the most appropriate child care setting for their child. If changes in circumstances increase a family's need for child care, the CCAP authorization would be increased.

- C. The Task Force recommends limiting the situations where administering agencies are required to act on reported information if a family experiences a break in eligibility, or temporarily does not have a need for child care.** This change would limit the breaks in child care for families who are experiencing situations that are expected to be short term. There are multiple reasons why a family may temporarily not be eligible for or not need child care assistance. If agencies are not required to end child care assistance to families during these short breaks, families could retain their provider which could increase family stability and children's consistency of care. Additionally, the workload for agency workers would decrease.
- D. The Task Force recommends that the authorization period be extended from six months to 12 months for families whose circumstances are less likely to change during the course of a year.** Current CCAP policy requires that families have their eligibility redetermined at least every six months. This policy requires families to submit information and verification to show their continued eligibility. Families with stable activities and family circumstances may not typically experience changes in a six month time period. Allowing these families to complete the redetermination process at the end of one year rather than six months reduces agency workload and the burden on the family. Families would still be required to report family changes.
- E. The Task Force also recommends additional flexibility in determining eligibility for teen parents in school-based child care programs, homeless clients, and other mobile, high risk populations.** Additional flexibility could include:
- Presumptive eligibility – allowing for CCAP eligibility before all documentation is received or verified in specific situations and for a limited time period. Criteria for presumptive eligibility could be set at a level that decreases the possibility that families would eventually be found ineligible.
 - Teen parent eligibility based on the school calendar – allowing for CCAP eligibility based on the school year schedule and the time period a student attends school.
 - Minimized documentation requirements – requiring that homeless or highly mobile clients provide documentation of identity or residence may prevent a family from receiving CCAP services.

- Immediate services – assuming eligibility for up to 45 days for teen parents attending school and placing their children in a school-based or center-based child care program. Teen parents attending high school/GED are a priority group. Teen parents in need of child care to attend school are often denied coverage due to the teen’s inability to understand or gather supporting documents. An assumed eligibility period would allow teens to access child care and remain enrolled in school while support personnel assist them in the collection of supporting documentation.

F. The Task Force recommends increasing flexibility for self-employed, contracted and hourly employees regarding the eligibility requirement that a participant must work at least 20 hours a week at minimum wage. Although the requirement supports the CCAP goal of movement towards financial responsibility, it is counter productive for this goal to end a family’s child care assistance if they experience a period where they are not working 20 hours per week. In addition, participants who are newly self-employed often work many unpaid hours building up their business. The Task Force believes that it is reasonable to offer these workers a defined time period to build up their business, or to weather occasional business lulls. The Task Force recommends that the defined time period that a participant can be eligible for child care assistance while working less than 20 hours a week be limited to a maximum of six months.

G. The Task Force recommends increased flexibility for self-employed or contracted workers in the amount of child care assistance that can be authorized. Current CCAP policies require the number of hours of child care authorized to be based on the participant’s contracted or self-employment earnings divided by the applicable minimum wage. As indicated in the preceding recommendation, participants who are newly self-employed often work many unpaid hours. Because of this, newly self-employed CCAP participants only qualify for a small number of child care hours while they work. The Task Force recommends that the time period that a participant can receive child care assistance for more hours than the participant’s earnings divided by the minimum wage be limited to a maximum of six months to ensure that the increase in flexibility supports clients whose businesses are making progress towards supporting family self-sufficiency.

H. The Task Force also recommends increased flexibility for self-employed workers in how income is determined for these clients to reflect the money that is available to families. Current CCAP policy determines which deductions are and are not allowed as part of a family’s income. Clients who have tax returns that indicate a minimal income due to deductions legally allowed under IRS requirements, specifically depreciation, may not meet the eligibility requirement of 20 hours per week at minimum wage, or might not be eligible for a sufficient number of hours of child care assistance.

III. Simplification and Consistency across Programs

Simplification and consistency in the CCAP can lead to improved access and retention of child care assistance. Many families applying for or receiving child care assistance are also receiving other benefits such as MFIP or Food Support. Consistent requirements across programs can assist both families and agencies by preventing duplicative reporting requirements and administrative processes.

The Task Force has identified specific areas where the CCAP could be simplified and be more consistent across programs to better reflect family circumstances and agency requirements. The recommendations for changing application and redetermination forms and policies, and to lessen repetitive and excessive documentation requirements, would not require legislative change. The remaining recommendations in the Simplification and Consistency across Programs section would require legislative action.

- A. The Task Force recommends that the forms and associated processes that a client uses when applying for or redetermining eligibility for child care assistance be simplified and consistent across counties.** Clients fill out the CCAP application if applying only for child care assistance. When clients are applying for other programs in addition to CCAP, the CCAP addendum should be used as a supplement to the Combined Application Form (CAF). The information requested on the CCAP addendum should only be the additional information required to determine CCAP eligibility, and should not duplicate information collected on the CAF. Additionally, the feasibility of combining the CAF and the addendum should be explored. The CCAP addendum is currently an optional form. The Task Force recommends that agencies be required to use the addendum if the client is applying for CCAP in addition to other services. Once receiving child care assistance, families must fill out and return the redetermination form and supporting documentation every six months. The redetermination form should be simplified to require only the minimal information needed in a user-friendly format.
- B. The Task Force recommends changing the rule language requiring that an agency accept the application received “within 15 calendar days after the date of signature,” to “within 30 calendar days after the date of signature,” so that delays in remitting the application do not lead to client ineligibility.**
- C. The Task Force recommends that policies be implemented to lessen repetitive and excessive documentation requirements.** Policies and procedures implemented should prevent collection of documentation that has already been obtained, and should include processes for sharing documents already obtained across programs and counties. Policies and processes for the collection of information and documentation should be aligned across counties.
- D. The Task Force recommends repeal of the absent day policy that limits the cumulative number of absences paid for a child.** The Minnesota legislature passed language in 2005 limiting the total number of absent day payments to 25,

unless a child has a documented medical condition. Subsequent changes expanded the circumstances exempt from the absent limits. Implementation of the exemptions is not consistent across counties and is time-intensive for families, providers and agency staff. Prior to 2005, payment for absent days was limited to 10 consecutive days (although counties could choose to adopt child absence payment limits that exceed this) but did not have an annual limit.

E. The Task Force recommends that the state require that provider payments be made in a timely manner, and require that counties offer online billing for providers through MEC² PRO. Current law requires that payments be made within 30 days if a bill is submitted in a timely manner. For many child care providers, waiting 30 days for a payment creates cash flow challenges, especially when the typical provider requires payment in advance of services from private pay families. MEC² processes payments nightly, and payments submitted through MEC² PRO offer an opportunity for providers to receive payments faster than payments submitted on a paper billing form.

F. The Task Force recommends that CCAP policies and procedures should align with other programs administered by DHS, where possible and reasonable. Lack of alignment occurs in more and less significant areas. A more significant lack of alignment is in the area of non-parental caregivers. An applicant or recipient of child care assistance must be a child's parent, stepparent, or legal guardian as defined under statute or tribal law. A grandparent caring for a grandchild is not eligible to apply for the CCAP unless legal guardianship has been granted. Other DHS programs have different policies for custody and guardianship. MFIP allows most relatives to be considered the caregiver of a child, and to apply for assistance for that child. Other areas lacking in alignment include notice periods, closure dates, income determination, overpayments and redetermination cycles. Although it may not be practical or desirable to align all policies and procedures, the Task Force recommends alignment where feasible.

G. The Task Force recommends allowing child care assistance for education activities for clients receiving TY or TYE child care assistance. Even within the CCAP there is lack of alignment across subprograms. Clients receiving child care assistance through the Transition Year or Transition Year Extension subprograms are not able to receive assistance for education activities. It is difficult for assistance to remain seamless when differences between subprograms disrupt the parent's participation in activities or support for the child to attend child care.

IV. Customer Focus

Providing services in a customer-friendly manner can increase the likelihood that families receive and retain child care assistance. The ability of clients and child care providers to understand program policies, to submit information timely and easily, and to be able to contact agency staff, can impact whether the family is able to retain their child care

assistance. The Task Force believes changes in policies and procedures could improve the client's and provider's experience working with the CCAP, the child care provider's willingness to accept CCAP families, and the likelihood that a family will retain their child care assistance.

The Task Force has identified specific areas where CCAP services could be provided in a more customer-friendly manner to improve client and provider experiences, improve client retention of child care assistance, and increase the likelihood that child care providers will continue to care for children from families receiving child care assistance. The recommendations regarding overpayments, waiting list management, and training requirements would require legislative action.

- A. The Task Force recommends that waiting list information be entered and maintained in MEC², but that waiting list entry and management remain at the county level.** Counties maintain BSF waiting list information in the county. MEC² currently does not maintain waiting list information. The Task Force recommends that MEC² be programmed to include waiting list information and that waiting list names be entered at the county level, but reporting information be available at both the county and state level. This change would provide the ability to maintain county and statewide waiting list reporting information, and would add the ability to identify families who may be on the waiting list in more than one county.
- B. The Task Force recommends that families have one waiting list date, and that if a family moves while on the waiting list they keep their original waiting list date from the original county.**
- C. The Task Force recommends that the CCAP should be fully automated.** Applicants should be able to apply for the CCAP and to view eligibility results and program information online. Clients and providers should be able to access, review and update information online. Providers should be able to bill for services online, and view payment information. Access should be available 24/7 except for periods of maintenance and processing.
- D. The Task Force recommends that the obligation of a family or provider to repay overpayments due to agency error be eliminated.** Current policies require that any CCAP payments that a family or provider receives for which they were not eligible is an overpayment, even if the overpayment was due to agency error. The Task Force recommends that clients and providers not be liable for repaying funds determined improperly paid due to agency error.
- E. The Task Force recommends increased and improved county collaboration, particularly in the areas of shared resources, knowledge and interpreter services.** Both large and small counties can benefit from collaboration by increasing the number and quality of services offered, and by combining knowledge and resources to help meet the needs of diverse populations. Sharing

resources also allows counties to save on costs without cutting essential services, such as interpreters.

- F. The Task Force recommends that policies and procedures support employment service providers, school-based teen parent program workers, and child care providers in their efforts to help families meet their requirements under the CCAP.** Providers and programs that might assist parents with CCAP forms and paperwork should be able to receive copies of the forms, notices, and information on a family's status if the family authorizes release of information. MEC² access and training should be available to these providers so they can obtain information to assist a family in meeting program requirements.
- G. The Task Force recommends that policies and procedures be developed and implemented to improve family-friendly services to clients and providers.** Agency communication best practices should be identified and followed. Agencies should have customer service plans that identify performance measures that are indicative of positive customer service. Respectful communication and client interaction should be emphasized, including appropriate cultural communication.
- H. The Task Force recommends improving communication and training to CCAP workers, workers from other programs, and child care providers.** Although all new CCAP workers receive policy and MEC² training, ongoing training should be required for CCAP staff to promote consistency and best practices. Training should be required in customer service best practices, including respectful communication and cultural sensitivity. Additionally, county staff should be educated about the Limited English Proficiency plan for their agency. County and contracted agency staff should receive LEP training every year. Training should be available for child care providers, and they should be required to provide annual training for their staff on LEP requirements and best practices. Information about LEP requirements and best practices also should be made available to child care providers through the CCAP Provider Guide.

2008 Session Laws
Chapter 361, Article 2
CHILD CARE

Sec. 4. CHILD CARE ADVISORY TASK FORCE.

Subdivision 1. Establishment. The commissioner of human services shall establish a Child Care Advisory Task Force of stakeholders to review and make recommendations to the legislature to remove barriers facing families applying for and receiving child care assistance under Minnesota Statutes, chapter 119B.

Subd. 2. Membership. The commissioner of human services shall appoint Child Care Advisory Task Force members. The Child Care Advisory Task Force shall include, but is not limited to, representatives from:

- (1) the Department of Human Services;
- (2) counties and nonprofit organizations administering the child care assistance programs;
- (3) a parent receiving child care assistance;
- (4) the child care advocacy community; and
- (5) the antipoverty advocacy community.

Subd. 3. Duties. The Child Care Advisory Task Force shall review child care assistance laws, rules, and policies and make recommendations to remove barriers facing families applying for child care assistance or completing reauthorization for child care assistance to the legislative committees with jurisdiction over the child care assistance programs under Minnesota Statutes, chapter 119B. Barriers to review include, but are not limited to:

- (1) length of application forms;
- (2) consistency of application and reauthorization forms statewide;
- (3) documentation requirements, including frequency of producing documentation;
- (4) barriers facing parents with limited English; and
- (5) length of reauthorization periods.

Subd. 4. Report. By January 15, 2010, the Department of Human Services shall report to the legislative committees with jurisdiction over the child care assistance programs with the Child Care Advisory Task Force recommendations to remove the barriers facing families in applying for and receiving child care assistance.

Subd. 5. Task force expenses. Notwithstanding Minnesota Statutes, section 15.059, task force members must not be paid a per diem or reimbursed for any expenses associated with their membership on the task force.

Subd. 6. Expiration. The Child Care Advisory Task Force expires June 30, 2010. EFFECTIVE DATE. This section is effective the day following final enactment.

Referenced Materials

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Child Care Advisory Task Force Members

Rico Alexander – Parents In Community Action, Inc.

Kara Arzamendia – research director, Children's Defense Fund Minnesota

Jim Carlson – director of public policy, Child Care Works

Alyce Dillon – Parents In Community Action, Inc.

Lynn Ealy – parent

Nancy Jost – early childhood coordinator, West Central Initiative

Cisa Keller – New Horizon Academy

Laura Knutson – Minneapolis Public Schools' Teenage Pregnancy and Parenting Program

Barbara Kyle – Minneapolis Public Schools' Teenage Pregnancy and Parenting Program

Candy Lockwood-Botz – Hennepin County program manager, Eligibility and Work Supports, Child Care Assistance Office

Lisa Jenkins McBroom – Financial Assistance Services supervisor, Ramsey County Community Human Services Department

Ann McCully – executive director, Minnesota Child Care Resource and Referral Network

Melody Peterson – co-owner, Playhouse Child Care Centers, Inc., Sartell, Minn.

Carole Spektor – Legislative Affairs and Advocacy director, Children's Defense Fund Minnesota

Kathy Stevens – Family child care provider, Brainerd, Minn., Minnesota Licensed Family Child Care Association mentor

Dawn van Hees – manager, Community and Family Partnerships, Lakes and Pines CAC Head Start

Naly Yang – child care planner, Ramsey County Community Human Services Department

DHS Staff

Joan Anderson – Child Care Assistance Program, Department of Human Services

Dawn Van Ryn – Child Care Assistance Program, Department of Human Services