



Last Updated: 11/9/2023

RESPONSE TO INTERIM COMMITTEE REQUEST FOR INFORMATION

FOR: Children, Families, Health, and Human Services Interim Committee (CFHHS)

REQUESTED INFORMATION: The Department received the following questions related to child care regulations:

1. How is the department meeting the requirements of 45 CFR 98.53?
2. Are the reports 45 CFR 98.33(a)(4) available, and if so could the committee have access?

RESPONSE:

1. How is the department meeting the requirements of 45 CFR 98.53?

The agency takes a comprehensive approach to assess quality of child care in Montana. Licensing, which requires health and safety standards to be achieved, is the foundation of quality child care and ensures compliance with the aforementioned CFR.

The Department contracts with regional Child Care Resource and Referral (CCR&R) agencies to support providers with training and technical assistance to enhance quality.

The STARS to Quality program is available to all licensed providers. This program allows providers to apply and submit evidence of their quality work resulting in a rating of 1-5 being assigned. There are two financial benefits for providers participating in STARS. First, depending upon the level the provider is rated, a quarterly payment is made to the provider to support their quality initiatives. Second, for those who serve children receiving a Best Beginnings Scholarship (BBS), the provider receives an enhanced rate for BBS if they are in the STARS program. Incentives can be found on the DPHHS website, <https://dphhs.mt.gov/ecfsd/ChildCare/STARS/Incentives>.



2. Are the reports 45 CFR 98.33(a)(4) available, and if so could the committee have access?

Yes, per the requirements for 45 CFR 98.33 (a) (4), the results of monitoring inspections for all eligible and licensed child care providers are publicly available on our website, <https://dphhs.mt.gov/ecfsd/childcare/childcarelicensing/providersearch>.

The Early Childhood and Family Support Division (ECFSD) at DPHHS has been working on business process updates, and included in those processes is the design and implementation of a new tiered enforcement matrix and process for licensing violations which went into effect following training on October 31, 2023. As a result, beginning November 1, 2023, deficiencies will only be posted to the public portal when they are a first-time high-risk incident, 2nd to 3rd time medium risk, or 4th to 5th low risk violation. This allows for the providers with low and medium risk deficiencies (actions that do not pose a threat to the safety of a child) to be addressed through immediate correction or supported correction plans and technical assistance prior to a repeat finding being made public on the portal.

Enforcement action	Immediate correction	Supported correction	Deficiency and correction	License modification	Suspension or revocation
Level of non-compliance	Non-compliance on inspection report	Non-compliance on the CCL internal record	Deficiency on the public record		
Low risk	1 st	2 nd -3 rd	4 th -5 th	6 th	
Medium risk		1 st	2 nd -3 rd	4 th -5 th	6 th
High risk			1 st	2 nd	3 rd
Incident			1 st	1 st or 2 nd	1 st -3 rd