

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FIRST SESSION**

**S.F. No. 2**

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DATE	D-PG	OFFICIAL STATUS
01/10/2019	45	Introduction and first reading Referred to Family Care and Aging
01/14/2019	83	Authors added Benson; Kiffmeyer; Nelson; Weber
03/14/2019	958a	Comm report: To pass as amended and re-refer to Human Services Reform Finance and Policy
03/20/2019	1016a	Comm report: To pass as amended and re-refer to Jobs and Economic Growth Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to human services; modifying human services licensing provisions;
- 1.3 directing the commissioner of human services to develop a plain-language handbook
- 1.4 for family child care providers; requiring county licensors to seek clarification
- 1.5 from Department of Human Services before issuing correction orders in certain
- 1.6 circumstances; reforming child care provider licensing inspections; establishing
- 1.7 an abbreviated inspection process for qualifying child care providers; establishing
- 1.8 risk-based violation levels and corresponding enforcement actions; directing the
- 1.9 commissioner of human services to assign rules and statutory provisions to violation
- 1.10 risk levels; directing the commissioner of human services to develop key indicators
- 1.11 that predict full compliance for use in abbreviated inspections; authorizing
- 1.12 additional special family child care home licenses; modifying requirements for
- 1.13 drinking water in child care centers; modifying family child care program training
- 1.14 requirements; directing the commissioner of human services to develop an annual
- 1.15 refresher training for family child care providers; clarifying and extending child
- 1.16 care training timelines; exempting certain individuals from child care training
- 1.17 requirements; modifying family child care emergency preparedness plan
- 1.18 requirements; creating the Office of Ombudsperson for Child Care Providers;
- 1.19 providing appointments; increasing time a child care substitute can provide care;
- 1.20 establishing Family Child Care Working Group; directing commissioner of human
- 1.21 services to streamline child care licensing and background study record
- 1.22 requirements; directing the commissioner of human services to codify certain rules
- 1.23 and propose legislation re-codifying chapter 245A; requiring reports; appropriating
- 1.24 money; amending Minnesota Statutes 2018, sections 245A.04, subdivision 4, by
- 1.25 adding a subdivision; 245A.06, subdivision 1, by adding a subdivision; 245A.065;
- 1.26 245A.14, subdivision 4, by adding a subdivision; 245A.16, subdivision 1; 245A.50,
- 1.27 subdivisions 1, 2, 3, 4, 5, 6, 7, 9, by adding subdivisions; 245A.51, subdivision 3;
- 1.28 proposing coding for new law in Minnesota Statutes, chapter 245A.
- 1.29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.30 Section 1. Minnesota Statutes 2018, section 245A.04, subdivision 4, is amended to read:
- 1.31 Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner
- 1.32 shall conduct an inspection of the program. The inspection must include but is not limited
- 1.33 to:

- 2.1 (1) an inspection of the physical plant;
- 2.2 (2) an inspection of records and documents;
- 2.3 (3) an evaluation of the program by consumers of the program;
- 2.4 (4) observation of the program in operation; and
- 2.5 (5) an inspection for the health, safety, and fire standards in licensing requirements for
- 2.6 a child care license holder.

2.7 For the purposes of this subdivision, "consumer" means a person who receives the

2.8 services of a licensed program, the person's legal guardian, or the parent or individual having

2.9 legal custody of a child who receives the services of a licensed program.

2.10 (b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph

2.11 (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the

2.12 commissioner issues an initial license under subdivision 7, these requirements must be

2.13 completed within one year after the issuance of an initial license.

2.14 (c) Before completing a licensing inspection in a family child care program or child care

2.15 center, the licensing agency must offer the license holder an exit interview to discuss all

2.16 violations of law or rule observed during the inspection and offer technical assistance on

2.17 how to comply with applicable laws and rules. The commissioner shall not issue a correction

2.18 order or negative action for violations of law or rule not discussed in an exit interview.

2.19 Nothing in this paragraph limits the ability of the commissioner to issue a correction order

2.20 or negative action for violations of law or rule ~~not discussed in an exit interview~~ or in the

2.21 event that a license holder chooses not to participate in an exit interview.

2.22 (d) The commissioner or the county shall inspect at least annually a child care provider

2.23 licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for compliance

2.24 with applicable licensing standards. Inspections of family child care providers shall be

2.25 conducted in accordance with section 245A.055. It shall not constitute a violation of rule

2.26 or statute for an individual who is related to a licensed family child care provider as defined

2.27 in section 245A.02, subdivision 13, to be present in the residence during business hours,

2.28 unless the individual provides sufficient hours or days of child care services for statutory

2.29 training requirements to apply, or the spouse is designated to be a caregiver, helper, or

2.30 substitute in the family child care program.

2.31 (e) No later than November 19, 2017, the commissioner shall make publicly available

2.32 on the department's website the results of inspection reports of all child care providers

2.33 licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the

3.1 number of deaths, serious injuries, and instances of substantiated child maltreatment that  
3.2 occurred in licensed child care settings each year.

3.3 Sec. 2. Minnesota Statutes 2018, section 245A.04, is amended by adding a subdivision to  
3.4 read:

3.5 Subd. 18. **Plain-language handbook.** By January 1, 2020, the commissioner of human  
3.6 services shall, following consultation with family child care license holders, parents, and  
3.7 county agencies, develop a plain-language handbook that describes the process and  
3.8 requirements to become a licensed family child care provider. The handbook shall include  
3.9 a list of the applicable statutory provisions and rules that apply to licensed family child care  
3.10 providers. The commissioner shall electronically publish the handbook on the Department  
3.11 of Human Services website, available at no charge to the public. Each county human services  
3.12 office and the Department of Human Services shall maintain physical copies of the handbook  
3.13 for public use.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.15 Sec. 3. **[245A.055] FAMILY CHILD CARE PROVIDER INSPECTIONS.**

3.16 Subdivision 1. **Inspections.** The commissioner shall conduct inspections of each family  
3.17 child care provider pursuant to section 245A.04, subdivision 4, paragraph (d).

3.18 Subd. 2. **Types of child care licensing inspections.** (a) "Initial inspection" means an  
3.19 inspection before issuing an initial license under section 245A.04, subdivision 4, paragraph  
3.20 (a).

3.21 (b) "Full inspection" means the inspection of a family child care provider to determine  
3.22 ongoing compliance with all applicable legal requirements for family child care providers.  
3.23 A full inspection shall be conducted for temporary provisional licensees and for providers  
3.24 who do not meet the requirements needed for an abbreviated inspection.

3.25 (c) "Abbreviated inspection" means the inspection of a family child care provider to  
3.26 determine ongoing compliance with key indicators that statistically predict compliance with  
3.27 all applicable legal requirements for family child care providers. Abbreviated inspections  
3.28 are available for family child care providers who have been licensed for at least three years  
3.29 with the latest inspection finding no Level 4 violations. Providers must also not have had  
3.30 any substantiated licensing complaints that amount to a Level 4 violation, substantiated  
3.31 complaints of maltreatment, or sanctions under section 245A.07 in the past three years. If

4.1 a county licenser finds that the provider has failed to comply with any key indicator during  
4.2 an abbreviated inspection, the county licenser shall immediately conduct a full inspection.

4.3 (d) "Follow-up inspection" means a full inspection conducted following an inspection  
4.4 that found more than one Level 4 violation.

4.5 Subd. 3. **Enforcement actions.** (a) Except where required by federal law, enforcement  
4.6 actions under this subdivision may be taken based on the risk level of the violation as follows:

4.7 (1) Level 1: a violation that presents no risk of harm or minimal risk of harm, warranting  
4.8 verbal technical assistance under section 245A.066, subdivision 1;

4.9 (2) Level 2: a violation that presents a low risk of harm, warranting issuance of a technical  
4.10 assistance notice under section 245A.065, subdivision 2;

4.11 (3) Level 3: a violation that presents a moderate risk of harm, warranting issuance of a  
4.12 fix-it ticket under section 245A.065; and

4.13 (4) Level 4: a violation that presents a substantial risk of harm, warranting issuance of  
4.14 a correction order or conditional license under section 245A.06.

4.15 (b) The commissioner shall, following consultation with family child care license holders,  
4.16 parents, and county agencies, issue a report by January 1, 2020, that identifies the violations  
4.17 of this chapter and Minnesota Rules, chapter 9502, that constitute Level 1, Level 2, Level  
4.18 3, or Level 4 violations based on the schedule in paragraph (a). The commissioner shall  
4.19 also identify the rules and statutes that may be violated at more than one risk level, such  
4.20 that the county licenser may assign the violation a risk level according to the licenser's  
4.21 discretion during an inspection. The report shall also identify all rules and statutory provisions  
4.22 that must be enforced in accordance with federal law. The commissioner shall provide the  
4.23 report to county agencies and the chairs and ranking minority members of the legislative  
4.24 committees with jurisdiction over child care, and shall post the report to the department's  
4.25 website. By July 1, 2020, the commissioner shall develop, distribute, and provide training  
4.26 on guidelines on the use of the risk-based violation levels in paragraph (a) during family  
4.27 child care provider inspections.

4.28 Subd. 4. **Follow-up inspections.** If, upon inspection, the commissioner finds more than  
4.29 one Level 4 violation, the commissioner shall conduct a follow-up inspection within six  
4.30 months. The date of the follow-up inspection does not alter the provider's annual inspection  
4.31 date.

4.32 **EFFECTIVE DATE.** This section is effective July 1, 2020, with the exception that  
4.33 subdivision 3, paragraph (b), is effective the day following final enactment.

5.1 Sec. 4. Minnesota Statutes 2018, section 245A.06, subdivision 1, is amended to read:

5.2 Subdivision 1. **Contents of correction orders and conditional licenses.** (a) Except as  
5.3 provided in paragraph (c), if the commissioner finds that the applicant or license holder has  
5.4 failed to comply with an applicable law or rule and this failure does not imminently endanger  
5.5 the health, safety, or rights of the persons served by the program, the commissioner may  
5.6 issue a correction order and an order of conditional license to the applicant or license holder.  
5.7 When issuing a conditional license, the commissioner shall consider the nature, chronicity,  
5.8 or severity of the violation of law or rule and the effect of the violation on the health, safety,  
5.9 or rights of persons served by the program. The correction order or conditional license must  
5.10 state the following in plain language:

5.11 (1) the conditions that constitute a violation of the law or rule;

5.12 (2) the specific law or rule violated;

5.13 (3) the time allowed to correct each violation; and

5.14 (4) if a license is made conditional, the length and terms of the conditional license, and  
5.15 the reasons for making the license conditional.

5.16 (b) Nothing in this section prohibits the commissioner from proposing a sanction as  
5.17 specified in section 245A.07, prior to issuing a correction order or conditional license.

5.18 (c) For family child care license holders, the commissioner may issue a correction order  
5.19 or conditional license as provided in this section if, upon inspection, the commissioner finds  
5.20 a Level 4 violation as provided in section 245A.055, subdivision 3, or if a child care provider  
5.21 fails to correct a Level 3 violation as required under section 245A.065, paragraph (e).

5.22 **EFFECTIVE DATE.** This section is effective July 1, 2020.

5.23 Sec. 5. Minnesota Statutes 2018, section 245A.06, is amended by adding a subdivision to  
5.24 read:

5.25 Subd. 10. **Licensing interpretation disputes.** When a county licenser and child care  
5.26 provider dispute the interpretation of a licensing requirement, a county licenser must seek  
5.27 clarification from the Department of Human Services in writing before issuing a correction  
5.28 order related to the disputed interpretation. The license holder must be included in all  
5.29 correspondence between the county and the Department of Human Services regarding the  
5.30 dispute. The provider must be given the opportunity to contribute pertinent information that  
5.31 may impact the decision by the Department of Human Services.

6.1 Sec. 6. Minnesota Statutes 2018, section 245A.065, is amended to read:

6.2 **245A.065 CHILD CARE FIX-IT TICKET.**

6.3 (a) ~~In lieu of a correction order under section 245A.06,~~ The commissioner ~~shall~~ may  
6.4 issue a fix-it ticket to a ~~family child care or~~ child care center license holder if, upon  
6.5 inspection, the commissioner finds that:

6.6 (1) the license holder has failed to comply with a requirement in this chapter or Minnesota  
6.7 Rules, chapter 9502 or 9503, that the commissioner determines to be eligible for a fix-it  
6.8 ticket;

6.9 (2) the violation does not imminently endanger the health, safety, or rights of the persons  
6.10 served by the program;

6.11 (3) the license holder did not receive a fix-it ticket or correction order for the violation  
6.12 at the license holder's last licensing inspection;

6.13 (4) the violation can be corrected at the time of inspection or within 48 hours, excluding  
6.14 Saturdays, Sundays, and holidays; and

6.15 (5) the license holder corrects the violation at the time of inspection or agrees to correct  
6.16 the violation within 48 hours, excluding Saturdays, Sundays, and holidays.

6.17 (b) The commissioner may issue a fix-it ticket to a family child care license holder if,  
6.18 upon inspection, the commissioner finds a Level 3 violation as provided in section 245A.055,  
6.19 subdivision 3.

6.20 (c) The fix-it ticket must state:

6.21 (1) the conditions that constitute a violation of the law or rule;

6.22 (2) the specific law or rule violated; and

6.23 (3) that the violation was corrected at the time of inspection or must be corrected within  
6.24 48 hours, excluding Saturdays, Sundays, and holidays.

6.25 ~~(d)~~ (d) The commissioner shall not publicly publish a fix-it ticket on the department's  
6.26 website, unless required by federal law.

6.27 ~~(e)~~ (e) Within 48 hours, excluding Saturdays, Sundays, and holidays, of receiving a fix-it  
6.28 ticket, the license holder must correct the violation and within one week submit evidence  
6.29 to the licensing agency that the violation was corrected.

6.30 ~~(f)~~ (f) If the violation is not corrected at the time of inspection or within 48 hours,  
6.31 excluding Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to

7.1 establish that the license holder corrected the violation, the commissioner ~~must~~ may issue  
 7.2 a correction order for the violation of Minnesota law or rule identified in the fix-it ticket  
 7.3 according to section 245A.06.

7.4 ~~(f) The commissioner shall, following consultation with family child care license holders,~~  
 7.5 ~~child care center license holders, and county agencies, issue a report by October 1, 2017,~~  
 7.6 ~~that identifies the violations of this chapter and Minnesota Rules, chapters 9502 and 9503,~~  
 7.7 ~~that are eligible for a fix-it ticket. The commissioner shall provide the report to county~~  
 7.8 ~~agencies and the chairs and ranking minority members of the legislative committees with~~  
 7.9 ~~jurisdiction over child care, and shall post the report to the department's website.~~

7.10 **EFFECTIVE DATE.** This section is effective July 1, 2020.

7.11 Sec. 7. **[245A.066] CHILD CARE TECHNICAL ASSISTANCE.**

7.12 Subdivision 1. **Verbal technical assistance.** The commissioner may provide verbal  
 7.13 technical assistance to a family child care or child care center license holder if, upon  
 7.14 inspection, the commissioner finds a Level 1 violation as provided in section 245A.055,  
 7.15 subdivision 3.

7.16 Subd. 2. **Technical assistance notice.** (a) The commissioner may issue a written technical  
 7.17 assistance notice to a family child care license holder if, upon inspection, the commissioner  
 7.18 finds a Level 2 violation as provided in section 245A.055, subdivision 3.

7.19 (b) The technical assistance notice must state:

7.20 (1) the conditions that constitute a violation of the law or rule;

7.21 (2) the specific law or rule violated; and

7.22 (3) examples of how to correct the violation.

7.23 (c) The commissioner shall not publicly publish a written technical assistance notice on  
 7.24 the department's website, unless required by federal law.

7.25 **EFFECTIVE DATE.** This section is effective July 1, 2020.

7.26 Sec. 8. Minnesota Statutes 2018, section 245A.14, subdivision 4, is amended to read:

7.27 Subd. 4. **Special family day care homes.** Nonresidential child care programs serving  
 7.28 14 or fewer children that are conducted at a location other than the license holder's own  
 7.29 residence shall be licensed under this section and the rules governing family day care or  
 7.30 group family day care if:

8.1 (a) The license holder is the primary provider of care and the nonresidential child care  
8.2 program is conducted in a dwelling that is located on a residential lot;

8.3 (b) The license holder is an employer who may or may not be the primary provider of  
8.4 care, and the purpose for the child care program is to provide child care services to children  
8.5 of the license holder's employees;

8.6 (c) The license holder is a church or religious organization;

8.7 (d) The license holder is a community collaborative child care provider. For purposes  
8.8 of this subdivision, a community collaborative child care provider is a provider participating  
8.9 in a cooperative agreement with a community action agency as defined in section 256E.31;

8.10 (e) The license holder is a not-for-profit agency that provides child care in a dwelling  
8.11 located on a residential lot and the license holder maintains two or more contracts with  
8.12 community employers or other community organizations to provide child care services.  
8.13 The county licensing agency may grant a capacity variance to a license holder licensed  
8.14 under this paragraph to exceed the licensed capacity of 14 children by no more than five  
8.15 children during transition periods related to the work schedules of parents, if the license  
8.16 holder meets the following requirements:

8.17 (1) the program does not exceed a capacity of 14 children more than a cumulative total  
8.18 of four hours per day;

8.19 (2) the program meets a one to seven staff-to-child ratio during the variance period;

8.20 (3) all employees receive at least an extra four hours of training per year than required  
8.21 in the rules governing family child care each year;

8.22 (4) the facility has square footage required per child under Minnesota Rules, part  
8.23 9502.0425;

8.24 (5) the program is in compliance with local zoning regulations;

8.25 (6) the program is in compliance with the applicable fire code as follows:

8.26 (i) if the program serves more than five children older than 2-1/2 years of age, but no  
8.27 more than five children 2-1/2 years of age or less, the applicable fire code is educational  
8.28 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003,  
8.29 Section 202; or

8.30 (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable  
8.31 fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code 2003,  
8.32 Section 202; and



9.1 (7) any age and capacity limitations required by the fire code inspection and square  
 9.2 footage determinations shall be printed on the license; ~~or~~

9.3 (f) The license holder is the primary provider of care and has located the licensed child  
 9.4 care program in a commercial space, if the license holder meets the following requirements:

9.5 (1) the program is in compliance with local zoning regulations;

9.6 (2) the program is in compliance with the applicable fire code as follows:

9.7 (i) if the program serves more than five children older than 2-1/2 years of age, but no  
 9.8 more than five children 2-1/2 years of age or less, the applicable fire code is educational  
 9.9 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003,  
 9.10 Section 202; or

9.11 (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable  
 9.12 fire code is Group I-4 Occupancies, as provided under the Minnesota State Fire Code 2003,  
 9.13 Section 202;

9.14 (3) any age and capacity limitations required by the fire code inspection and square  
 9.15 footage determinations are printed on the license; and

9.16 (4) the license holder prominently displays the license issued by the commissioner which  
 9.17 contains the statement "This special family child care provider is not licensed as a child  
 9.18 care center-"; or

9.19 (g) The license holder is the primary provider of care and has located the licensed child  
 9.20 care program in a portion of a building that is used exclusively for the purpose of providing  
 9.21 child care services, if the license holder meets the requirements in paragraph (f), clauses  
 9.22 (1) to (4), and if any available shared kitchen, bathroom, or other space that the provider  
 9.23 uses is separate from the indoor activity area used by the children.

9.24 Sec. 9. Minnesota Statutes 2018, section 245A.14, is amended by adding a subdivision to  
 9.25 read:

9.26 Subd. 16. **Water bottles in child care centers.** Notwithstanding Minnesota Rules, part  
 9.27 9503.0145, subpart 8, a child care center may provide drinking water for children in  
 9.28 individual covered water bottles, labeled with the child's name. Water bottles provided by  
 9.29 the child care center must be washed, rinsed, and sanitized daily after use and stored clean  
 9.30 and dry in a manner that protects them from contamination.

9.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 10. Minnesota Statutes 2018, section 245A.16, subdivision 1, is amended to read:

10.2 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private  
10.3 agencies that have been designated or licensed by the commissioner to perform licensing  
10.4 functions and activities under section 245A.04 and background studies for family child care  
10.5 under chapter 245C; to recommend denial of applicants under section 245A.05; to issue  
10.6 correction orders, to issue variances, and recommend a conditional license under section  
10.7 245A.06; or to recommend suspending or revoking a license or issuing a fine under section  
10.8 245A.07, shall comply with rules and directives of the commissioner governing those  
10.9 functions and with this section. The following variances are excluded from the delegation  
10.10 of variance authority and may be issued only by the commissioner:

10.11 (1) dual licensure of family child care and child foster care, dual licensure of child and  
10.12 adult foster care, and adult foster care and family child care;

10.13 (2) adult foster care maximum capacity;

10.14 (3) adult foster care minimum age requirement;

10.15 (4) child foster care maximum age requirement;

10.16 (5) variances regarding disqualified individuals except that, before the implementation  
10.17 of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding  
10.18 disqualified individuals when the county is responsible for conducting a consolidated  
10.19 reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and  
10.20 (b), of a county maltreatment determination and a disqualification based on serious or  
10.21 recurring maltreatment;

10.22 (6) the required presence of a caregiver in the adult foster care residence during normal  
10.23 sleeping hours; and

10.24 (7) variances to requirements relating to chemical use problems of a license holder or a  
10.25 household member of a license holder.

10.26 Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency must  
10.27 not grant a license holder a variance to exceed the maximum allowable family child care  
10.28 license capacity of 14 children.

10.29 (b) Before the implementation of NETStudy 2.0, county agencies must report information  
10.30 about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision  
10.31 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the  
10.32 commissioner at least monthly in a format prescribed by the commissioner.

11.1 (c) For family child care programs, the commissioner shall require a county agency to  
 11.2 conduct one unannounced licensing ~~review~~ inspection at least annually.

11.3 (d) For family adult day services programs, the commissioner may authorize licensing  
 11.4 reviews every two years after a licensee has had at least one annual review.

11.5 (e) A license issued under this section may be issued for up to two years.

11.6 (f) During implementation of chapter 245D, the commissioner shall consider:

11.7 (1) the role of counties in quality assurance;

11.8 (2) the duties of county licensing staff; and

11.9 (3) the possible use of joint powers agreements, according to section 471.59, with counties  
 11.10 through which some licensing duties under chapter 245D may be delegated by the  
 11.11 commissioner to the counties.

11.12 Any consideration related to this paragraph must meet all of the requirements of the corrective  
 11.13 action plan ordered by the federal Centers for Medicare and Medicaid Services.

11.14 (g) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
 11.15 successor provisions; and section 245D.061 or successor provisions, for family child foster  
 11.16 care programs providing out-of-home respite, as identified in section 245D.03, subdivision  
 11.17 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and  
 11.18 private agencies.

11.19 (h) A county agency shall report to the commissioner, in a manner prescribed by the  
 11.20 commissioner, the following information for a licensed family child care program:

11.21 (1) the results of each licensing ~~review~~ inspection completed, including the date of the  
 11.22 ~~review~~ inspection, and any ~~licensing~~ correction order issued; and

11.23 (2) any death, serious injury, or determination of substantiated maltreatment.

11.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.25 Sec. 11. Minnesota Statutes 2018, section 245A.50, subdivision 1, is amended to read:

11.26 Subdivision 1. **Initial training.** (a) License holders, caregivers, and substitutes must  
 11.27 comply with the training requirements in this section.

11.28 (b) Helpers who assist with care on a regular basis must complete six hours of training  
 11.29 within one year after the date of initial employment.

12.1 (c) Training requirements established under this section that must be completed prior  
 12.2 to initial licensure must be satisfied only by a newly licensed child care provider or by a  
 12.3 child care provider who has not held an active child care license in Minnesota in the previous  
 12.4 12 months. A child care provider ~~who relocates within the state or~~ who voluntarily cancels  
 12.5 a license or allows the license to lapse for a period of less than 12 months and who seeks  
 12.6 reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation  
 12.7 must satisfy the annual, ongoing training requirements, and is not required to satisfy the  
 12.8 training requirements that must be completed prior to initial licensure. A child care provider  
 12.9 who relocates within the state must (1) satisfy the annual, ongoing training requirements  
 12.10 according to the schedules established in this section and (2) not be required to satisfy the  
 12.11 training requirements under this section that the child care provider completed prior to initial  
 12.12 licensure. If a licensed provider moves to a new county, the new county is prohibited from  
 12.13 requiring the provider to complete any orientation class or training for new providers.

12.14 Sec. 12. Minnesota Statutes 2018, section 245A.50, subdivision 2, is amended to read:

12.15 Subd. 2. **Child development and learning and behavior guidance training.** (a) For  
 12.16 purposes of family and group family child care, the license holder and each adult caregiver  
 12.17 who provides care in the licensed setting for more than 30 days in any 12-month period  
 12.18 shall complete and document at least four hours of child growth and learning and behavior  
 12.19 guidance training prior to initial licensure, and before caring for children. For purposes of  
 12.20 this subdivision, "child development and learning training" means training in understanding  
 12.21 how children develop physically, cognitively, emotionally, and socially and learn as part  
 12.22 of the children's family, culture, and community. "Behavior guidance training" means  
 12.23 training in the understanding of the functions of child behavior and strategies for managing  
 12.24 challenging situations. ~~At least two hours of child development and learning or behavior~~  
 12.25 ~~guidance training must be repeated annually.~~ The training curriculum shall be developed  
 12.26 or approved by the commissioner of human services.

12.27 (b) Notwithstanding paragraph (a), individuals are exempt from this requirement if they:

12.28 (1) have taken a three-credit course on early childhood development within the past five  
 12.29 years;

12.30 (2) have received a baccalaureate or master's degree in early childhood education or  
 12.31 school-age child care within the past five years;

12.32 (3) are licensed in Minnesota as a prekindergarten teacher, an early childhood educator,  
 12.33 a kindergarten to grade 6 teacher with a prekindergarten specialty, an early childhood special  
 12.34 education teacher, or an elementary teacher with a kindergarten endorsement; or

13.1 (4) have received a baccalaureate degree with a Montessori certificate within the past  
13.2 five years.

13.3 **EFFECTIVE DATE.** This section is effective January 1, 2020.

13.4 Sec. 13. Minnesota Statutes 2018, section 245A.50, subdivision 3, is amended to read:

13.5 Subd. 3. **First aid.** (a) When children are present in a family child care home governed  
13.6 by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one staff person must be present  
13.7 in the home who has been trained in first aid. The first aid training must have been provided  
13.8 by an individual approved to provide first aid instruction. First aid training may be less than  
13.9 eight hours and persons qualified to provide first aid training include individuals approved  
13.10 as first aid instructors. First aid training must be repeated every two years before the license  
13.11 holder's license expires in the second year after the prior first aid training.

13.12 (b) A family child care provider is exempt from the first aid training requirements under  
13.13 this subdivision related to any substitute caregiver who provides less than 30 hours of care  
13.14 during any 12-month period.

13.15 (c) Video training reviewed and approved by the county licensing agency satisfies the  
13.16 training requirement of this subdivision.

13.17 Sec. 14. Minnesota Statutes 2018, section 245A.50, subdivision 4, is amended to read:

13.18 Subd. 4. **Cardiopulmonary resuscitation.** (a) When children are present in a family  
13.19 child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one  
13.20 caregiver must be present in the home who has been trained in cardiopulmonary resuscitation  
13.21 (CPR), including CPR techniques for infants and children, and in the treatment of obstructed  
13.22 airways. The CPR training must have been provided by an individual approved to provide  
13.23 CPR instruction, must be repeated at least once every two years before the license holder's  
13.24 license expires in the second year after the prior CPR training, and must be documented in  
13.25 the caregiver's records.

13.26 (b) A family child care provider is exempt from the CPR training requirement in this  
13.27 subdivision related to any substitute caregiver who provides less than 30 hours of care during  
13.28 any 12-month period.

13.29 (c) Persons providing CPR training must use CPR training that has been developed:

13.30 (1) by the American Heart Association or the American Red Cross and incorporates  
13.31 psychomotor skills to support the instruction; or

14.1 (2) using nationally recognized, evidence-based guidelines for CPR training and  
14.2 incorporates psychomotor skills to support the instruction.

14.3 Sec. 15. Minnesota Statutes 2018, section 245A.50, subdivision 5, is amended to read:

14.4 Subd. 5. **Sudden unexpected infant death and abusive head trauma training.** (a)

14.5 License holders must document that before staff persons, caregivers, and helpers assist in  
14.6 the care of infants, they are instructed on the standards in section 245A.1435 and receive  
14.7 training on reducing the risk of sudden unexpected infant death. In addition, license holders  
14.8 must document that before staff persons, caregivers, and helpers assist in the care of infants  
14.9 and children under school age, they receive training on reducing the risk of abusive head  
14.10 trauma from shaking infants and young children. The training in this subdivision may be  
14.11 provided as initial training under subdivision 1 or ongoing annual training under subdivision  
14.12 7.

14.13 (b) Sudden unexpected infant death reduction training required under this subdivision  
14.14 must, at a minimum, address the risk factors related to sudden unexpected infant death,  
14.15 means of reducing the risk of sudden unexpected infant death in child care, and license  
14.16 holder communication with parents regarding reducing the risk of sudden unexpected infant  
14.17 death.

14.18 (c) Abusive head trauma training required under this subdivision must, at a minimum,  
14.19 address the risk factors related to shaking infants and young children, means of reducing  
14.20 the risk of abusive head trauma in child care, and license holder communication with parents  
14.21 regarding reducing the risk of abusive head trauma.

14.22 (d) Training for family and group family child care providers must be developed by the  
14.23 commissioner in conjunction with the Minnesota Sudden Infant Death Center and approved  
14.24 by the Minnesota Center for Professional Development. Sudden unexpected infant death  
14.25 reduction training and abusive head trauma training may be provided in a single course of  
14.26 no more than two hours in length.

14.27 (e) Sudden unexpected infant death reduction training and abusive head trauma training  
14.28 required under this subdivision must be completed in person or as allowed under subdivision  
14.29 10, clause (1) or (2), at least once ~~every two years~~ before the license holder's license expires  
14.30 in the second year after the prior sudden unexpected infant death reduction training and  
14.31 abusive head trauma training. On the years when the license holder is not receiving training  
14.32 in person or as allowed under subdivision 10, clause (1) or (2), the license holder must  
14.33 receive sudden unexpected infant death reduction training and abusive head trauma training

15.1 through a video of no more than one hour in length. The video must be developed or approved  
15.2 by the commissioner.

15.3 (f) An individual who is related to the license holder as defined in section 245A.02,  
15.4 subdivision 13, and who is involved only in the care of the license holder's own infant or  
15.5 child under school age and who is not designated to be a caregiver, helper, or substitute, as  
15.6 defined in Minnesota Rules, part 9502.0315, for the licensed program, is exempt from the  
15.7 sudden unexpected infant death and abusive head trauma training.

15.8 Sec. 16. Minnesota Statutes 2018, section 245A.50, subdivision 6, is amended to read:

15.9 Subd. 6. **Child passenger restraint systems; training requirement.** (a) A license  
15.10 holder must comply with all seat belt and child passenger restraint system requirements  
15.11 under section 169.685.

15.12 (b) Family and group family child care programs licensed by the Department of Human  
15.13 Services that serve a child or children under ~~nine~~ eight years of age must document training  
15.14 that fulfills the requirements in this subdivision.

15.15 (1) Before a license holder, staff person, caregiver, or helper transports a child or children  
15.16 under age ~~nine~~ eight in a motor vehicle, the person placing the child or children in a passenger  
15.17 restraint must satisfactorily complete training on the proper use and installation of child  
15.18 restraint systems in motor vehicles. Training completed under this subdivision may be used  
15.19 to meet initial training under subdivision 1 or ongoing training under subdivision 7.

15.20 (2) Training required under this subdivision must be at least one hour in length, completed  
15.21 at initial training, and repeated at least once ~~every five years~~ before the license holder's  
15.22 license expires in the fifth year after the prior child passenger restraint system training. At  
15.23 a minimum, the training must address the proper use of child restraint systems based on the  
15.24 child's size, weight, and age, and the proper installation of a car seat or booster seat in the  
15.25 motor vehicle used by the license holder to transport the child or children.

15.26 (3) Training under this subdivision must be provided by individuals who are certified  
15.27 and approved by the Department of Public Safety, Office of Traffic Safety. License holders  
15.28 may obtain a list of certified and approved trainers through the Department of Public Safety  
15.29 website or by contacting the agency.

15.30 (c) Child care providers that only transport school-age children as defined in section  
15.31 245A.02, subdivision 19, paragraph (f), in child care buses as defined in section 169.448,  
15.32 subdivision 1, paragraph (e), are exempt from this subdivision.

16.1 Sec. 17. Minnesota Statutes 2018, section 245A.50, subdivision 7, is amended to read:

16.2 Subd. 7. **Training requirements for family and group family child care.** For purposes  
16.3 of family and group family child care, the license holder and each primary caregiver must  
16.4 complete ~~16~~ ten hours of ongoing training each year. For purposes of this subdivision, a  
16.5 primary caregiver is an adult caregiver who provides services in the licensed setting for  
16.6 more than 30 days in any 12-month period. Repeat of topical training requirements in  
16.7 subdivisions 2 to 8, and the annual refresher training course in subdivision 12, shall count  
16.8 toward the annual ~~16-hour~~ ten-hour training requirement. Additional ongoing training  
16.9 subjects to meet the annual ~~16-hour~~ ten-hour training requirement must be selected from  
16.10 the following areas:

16.11 (1) child development and learning training under subdivision 2, paragraph (a);

16.12 (2) developmentally appropriate learning experiences, including training in creating  
16.13 positive learning experiences, promoting cognitive development, promoting social and  
16.14 emotional development, promoting physical development, promoting creative development;  
16.15 and behavior guidance;

16.16 (3) relationships with families, including training in building a positive, respectful  
16.17 relationship with the child's family;

16.18 (4) assessment, evaluation, and individualization, including training in observing,  
16.19 recording, and assessing development; assessing and using information to plan; and assessing  
16.20 and using information to enhance and maintain program quality;

16.21 (5) historical and contemporary development of early childhood education, including  
16.22 training in past and current practices in early childhood education and how current events  
16.23 and issues affect children, families, and programs;

16.24 (6) professionalism, including training in knowledge, skills, and abilities that promote  
16.25 ongoing professional development; and

16.26 (7) health, safety, and nutrition, including training in establishing healthy practices;  
16.27 ensuring safety; and providing healthy nutrition.

16.28 **EFFECTIVE DATE.** This section is effective January 1, 2020.

16.29 Sec. 18. Minnesota Statutes 2018, section 245A.50, subdivision 9, is amended to read:

16.30 Subd. 9. **Supervising for safety; training requirement.** (a) Before initial licensure and  
16.31 before caring for a child, all family child care license holders and each adult caregiver who  
16.32 provides care in the licensed family child care home for more than 30 days in any 12-month



17.1 period shall complete and document the completion of the six-hour Supervising for Safety  
 17.2 for Family Child Care course developed by the commissioner.

17.3 (b) The family child care license holder and each adult caregiver who provides care in  
 17.4 the licensed family child care home for more than 30 days in any 12-month period shall  
 17.5 complete and document: the completion of the two-hour courses Health and Safety I and  
 17.6 Health and Safety II at least once before the license holder's license expires in the fifth year  
 17.7 after the prior supervising for safety training.

17.8 ~~(1) the annual completion of a two-hour active supervision course developed by the~~  
 17.9 ~~commissioner; and~~

17.10 ~~(2) the completion at least once every five years of the two-hour courses Health and~~  
 17.11 ~~Safety I and Health and Safety II. A license holder's or adult caregiver's completion of either~~  
 17.12 ~~training in a given year meets the annual active supervision training requirement in clause~~  
 17.13 ~~(1).~~

17.14 **EFFECTIVE DATE.** This section is effective January 1, 2020.

17.15 Sec. 19. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision  
 17.16 to read:

17.17 Subd. 12. **Annual refresher training course.** Beginning January 1, 2020, license holders,  
 17.18 staff persons, caregivers, substitutes, and helpers must complete an annual refresher training  
 17.19 course, as developed by the commissioner of human services. The annual refresher training  
 17.20 course must incorporate training on: (1) active supervision; (2) child development and  
 17.21 learning, and behavior guidance; and (3) any training required by the child care development  
 17.22 block grant. The annual refresher training course shall not exceed two hours. Providers may  
 17.23 complete the annual refresher training course online through self-study. Providers must  
 17.24 document completion of the annual refresher training course.

17.25 Sec. 20. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision  
 17.26 to read:

17.27 Subd. 13. **Related individual training exemption.** An individual who is related to a  
 17.28 child in a child care program may care for or have contact with that child at the child care  
 17.29 site without completing the training requirements under this chapter, unless the individual  
 17.30 is designated to be a caregiver, helper, or substitute in the child care program.

18.1 Sec. 21. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision  
18.2 to read:

18.3 Subd. 14. **Emergency substitute caregiver training exemption.** During an emergency,  
18.4 substitute caregivers are exempt from training requirements under this section.

18.5 Sec. 22. Minnesota Statutes 2018, section 245A.51, subdivision 3, is amended to read:

18.6 Subd. 3. **Emergency preparedness plan.** (a) No later than September 30, 2017, a  
18.7 licensed family child care provider must have a written emergency preparedness plan for  
18.8 emergencies that require evacuation, sheltering, or other protection of children, such as fire,  
18.9 natural disaster, intruder, or other threatening situation that may pose a health or safety  
18.10 hazard to children. The plan must be written on a form developed by the commissioner and  
18.11 updated at least annually. The plan must include:

18.12 (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;

18.13 (2) a designated relocation site and evacuation route;

18.14 (3) procedures for notifying a child's parent or legal guardian of the evacuation,  
18.15 shelter-in-place, or lockdown, including procedures for reunification with families;

18.16 (4) accommodations for a child with a disability or a chronic medical condition;

18.17 (5) procedures for storing a child's medically necessary medicine that facilitate easy  
18.18 removal during an evacuation or relocation;

18.19 (6) procedures for continuing operations in the period during and after a crisis; and

18.20 (7) procedures for communicating with local emergency management officials, law  
18.21 enforcement officials, or other appropriate state or local authorities.

18.22 (b) The license holder must train caregivers before the caregiver provides care and at  
18.23 least annually on the emergency preparedness plan and document completion of this training.

18.24 (c) The license holder must conduct drills according to the requirements in Minnesota  
18.25 Rules, part 9502.0435, subpart 8. The date and time of the drills must be documented.

18.26 (d) The license holder must have the emergency preparedness plan available for review  
18.27 and posted in a prominent location. ~~The license holder must provide a physical or electronic~~  
18.28 ~~copy of the plan to the child's parent or legal guardian upon enrollment.~~

19.1 Sec. 23. **[245A.60] OMBUDSPERSON FOR CHILD CARE PROVIDERS.**

19.2 Subdivision 1. **Appointment.** The governor shall appoint an ombudsperson in the  
19.3 classified service to assist child care providers, including family child care providers and  
19.4 legal nonlicensed child care providers, with licensing, compliance, and other issues facing  
19.5 child care providers. The ombudsperson must be selected without regard to the person's  
19.6 political affiliation. The ombudsperson shall serve a term of two years and may be removed  
19.7 prior to the end of the term for just cause.

19.8 Subd. 2. **Duties.** (a) The ombudsperson's duties shall include:

19.9 (1) addressing all areas of concern to child care providers related to the provision of  
19.10 child care services, including licensing, correction orders, penalty assessments, complaint  
19.11 investigations, and other interactions with agency staff;

19.12 (2) assisting providers with interactions with county licensors and with appealing  
19.13 correction orders;

19.14 (3) providing recommendations for child care improvement or child care provider  
19.15 education;

19.16 (4) operating a telephone line to answer questions and provide guidance to child care  
19.17 providers; and

19.18 (5) assisting child care license applicants.

19.19 (b) The ombudsperson must report annually by December 31 to the commissioner and  
19.20 the chairs and ranking minority members of the legislative committees with jurisdiction  
19.21 over child care on the services provided by the ombudsperson to child care providers,  
19.22 including the number, types, and locations of child care providers served, and the activities  
19.23 of the ombudsperson to carry out the duties under this section. The commissioner shall  
19.24 determine the form of the report and may specify additional reporting requirements.

19.25 Subd. 3. **Staff.** The ombudsperson may appoint and compensate out of available funds  
19.26 a deputy, confidential secretary, and other employees in the unclassified service as authorized  
19.27 by law. The ombudsperson and the full-time staff are members of the Minnesota State  
19.28 Retirement Association. The ombudsperson may delegate to members of the staff any  
19.29 authority or duties of the office except the duty to formally make recommendations to a  
19.30 child care provider or reports to the commissioner or the legislature.

19.31 Subd. 4. **Access to records.** (a) The ombudsperson or designee, excluding volunteers,  
19.32 has access to data of a state agency necessary for the discharge of the ombudsperson's duties,  
19.33 including records classified as confidential data on individuals or private data on individuals

20.1 under chapter 13 or any other law. The ombudsperson's data request must relate to a specific  
20.2 case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the  
20.3 ombudsperson or designee shall first obtain the individual's consent. If the individual cannot  
20.4 consent and has no legal guardian, then access to the data is authorized by this section.

20.5 (b) On a quarterly basis, each state agency responsible for licensing, regulating, and  
20.6 enforcing state and federal laws and regulations concerning child care providers must provide  
20.7 the ombudsperson copies of all correction orders, penalty assessments, and complaint  
20.8 investigation reports for all child care providers.

20.9 Subd. 5. **Independence of action.** In carrying out the duties under this section, the  
20.10 ombudsperson shall operate independently of the department and may provide testimony  
20.11 or make periodic reports to the legislature to address areas of concern and advocate for child  
20.12 care providers.

20.13 Subd. 6. **Civil actions.** The ombudsperson or designee is not civilly liable for any action  
20.14 taken under this section if the action was taken in good faith, was within the scope of the  
20.15 ombudsperson's authority, and did not constitute willful or reckless misconduct.

20.16 Subd. 7. **Qualifications.** The ombudsperson must be a person who has at least five years  
20.17 of experience providing child care. The ombudsperson must be experienced in dealing with  
20.18 governmental entities, interpretation of laws and regulations, investigations, record keeping,  
20.19 report writing, public speaking, and management. A person is not eligible to serve as the  
20.20 ombudsperson while holding public office and must not have been previously employed  
20.21 by the Department of Human Services or as a county licenser.

20.22 Subd. 8. **Office support.** The commissioner shall provide the ombudsperson with the  
20.23 necessary office space, supplies, equipment, and clerical support to effectively perform the  
20.24 duties under this section.

20.25 Subd. 9. **Posting.** (a) The commissioner shall post on the department's website the address  
20.26 and telephone number for the office of the ombudsperson. The commissioner shall provide  
20.27 all child care providers with the address and telephone number of the office. Counties must  
20.28 provide child care providers with the name, address, and telephone number of the office.

20.29 (b) The ombudsperson must approve all posting and notice required by the department  
20.30 and counties under this subdivision.

21.1 Sec. 24. **DIRECTION TO COMMISSIONER; ABBREVIATED INSPECTION**  
21.2 **MODEL.**

21.3 (a) By January 1, 2020, the commissioner of human services shall, following consultation  
21.4 with family child care license holders, parents, and county agencies, develop the key  
21.5 indicators for use in the abbreviated inspection process under Minnesota Statutes, section  
21.6 245A.055, subdivision 2, paragraph (c), and report the results to the chairs and ranking  
21.7 minority members of the legislative committees with jurisdiction over child care. In  
21.8 developing the key indicators that predict full compliance with the statutes and rules  
21.9 governing licensed child care providers, the commissioner shall utilize an empirically based  
21.10 statistical methodology similar to the licensing key indicator systems as developed by the  
21.11 National Association for Regulatory Administration and the Research Institute for Key  
21.12 Indicators.

21.13 (b) By July 1, 2020, the commissioner of human services shall develop, distribute, and  
21.14 provide training to implement abbreviated inspections as described in Minnesota Statutes,  
21.15 section 245A.055, subdivision 2, paragraph (c).

21.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.17 Sec. 25. **DIRECTION TO COMMISSIONER; CHILD CARE TRAINING**  
21.18 **REQUIREMENTS.**

21.19 (a) The commissioner of human services shall develop an annual refresher course as  
21.20 described in Minnesota Statutes, section 245A.50, subdivision 12, for child care providers  
21.21 who previously completed the training requirements under Minnesota Statutes, chapter  
21.22 245A.

21.23 (b) The commissioner must propose any necessary legislative changes to develop and  
21.24 implement the annual refresher training course in paragraph (a) and to eliminate duplicative  
21.25 training requirements for the 2020 legislative session.

21.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.27 Sec. 26. **DIRECTION TO COMMISSIONER; CORRECTION ORDER**  
21.28 **ENFORCEMENT REVIEW.**

21.29 By January 1, 2020, the commissioner of human services shall develop and implement  
21.30 a process to review licensing inspection results provided under Minnesota Statutes, section  
21.31 245A.16, subdivision 1, paragraph (h), clause (1), by county to identify trends in correction  
21.32 order enforcement. The commissioner shall develop guidance and training as needed to

22.1 address any imbalance or inaccuracy in correction order enforcement. The commissioner  
 22.2 shall include the results in the annual report on child care under Minnesota Statutes, section  
 22.3 245A.153, provided that the results are limited to summary data as defined in Minnesota  
 22.4 Statutes, section 13.02, subdivision 19.

22.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.6 Sec. 27. **DIRECTION TO COMMISSIONER; SUBSTITUTE CAREGIVER**  
 22.7 **PERMISSION.**

22.8 (a) The commissioner of human services shall amend Minnesota Rules, part 9502.0365,  
 22.9 subpart 5, to permit licensed providers to use substitute caregivers for a cumulative total of  
 22.10 720 hours in any 12-month period.

22.11 (b) The commissioner of human services may use the good cause exemption under  
 22.12 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this  
 22.13 section, and Minnesota Statutes, section 14.386, does not apply except as provided under  
 22.14 Minnesota Statutes, section 14.388.

22.15 Sec. 28. **FAMILY CHILD CARE TASK FORCE.**

22.16 Subdivision 1. **Establishment; purpose.** The Family Child Care Task Force is established  
 22.17 to increase the number of licensed family child care providers throughout the state, identify  
 22.18 family child care licensing alternatives, and establish family child care regulatory reforms  
 22.19 to improve efficiencies.

22.20 Subd. 2. **Membership.** (a) The Family Child Care Task Force shall consist of 16  
 22.21 members, appointed as follows:

22.22 (1) two members representing family child care providers from greater Minnesota,  
 22.23 including one appointed by the speaker of the house of representatives and one appointed  
 22.24 by the senate majority leader;

22.25 (2) two members representing family care providers from the metropolitan area as defined  
 22.26 in Minnesota Statutes, section 473.121, subdivision 2, including one appointed by the speaker  
 22.27 of the house of representatives and one appointed by the senate majority leader;

22.28 (3) one member appointed by the Minnesota Association of Child Care Professionals;

22.29 (4) one member appointed by the Minnesota Child Care Provider Information Network;

22.30 (5) two members from the house of representatives, including one appointed by the  
 22.31 speaker of the house of representatives and one appointed by the minority leader;

23.1 (6) two members from the senate, including one appointed by the senate majority leader  
23.2 and one appointed by the senate minority leader;

23.3 (7) two members representing Department of Human Services-recognized family child  
23.4 care associations from greater Minnesota, including one appointed by the senate majority  
23.5 leader and one appointed by the senate minority leader;

23.6 (8) two members appointed by the Association of Minnesota Child Care Licensors,  
23.7 including one from greater Minnesota and one from the metropolitan area, as defined in  
23.8 Minnesota Statutes, section 473.121, subdivision 2;

23.9 (9) one member appointed by the Greater Minnesota Partnership; and

23.10 (10) one member appointed by the Minnesota Chamber of Commerce.

23.11 (b) Appointments to the task force must be made no later than July 15, 2019, and members  
23.12 of the task force may be compensated as provided by Minnesota Statutes, section 15.059,  
23.13 subdivision 3.

23.14 Subd. 3. **Duties.** The task force must:

23.15 (1) develop a proposal for a child care provider licensing structure based on a differential  
23.16 monitoring framework;

23.17 (2) identify licensing requirements that have led to the closure of family child care  
23.18 programs and recommend business development and technical assistance resources to  
23.19 promote provider recruitment and retention;

23.20 (3) identify family child care licensing alternatives, including permitting multiple family  
23.21 child care providers to operate in a commercial or other building other than the providers'  
23.22 residences;

23.23 (4) identify and recommend family child care regulatory reforms to improve licensing  
23.24 efficiencies, including a variance structure and updated child ratios; and

23.25 (5) review Parent Aware program participation and identify obstacles and improvements.

23.26 Subd. 4. **Officers; meetings.** (a) The task force must elect a chair and vice-chair from  
23.27 among its members and may elect other officers as necessary.

23.28 (b) The task force must meet at least monthly. The commissioner of human services  
23.29 must convene the first meeting no later than August 1, 2019.

23.30 (c) The task force is subject to the Minnesota Open Meeting Law under Minnesota  
23.31 Statutes, chapter 13D.

24.1 Subd. 5. **Staff.** The Office of Inspector General from the Department of Human Services  
 24.2 must provide staff assistance and meeting space to support the task force as needed.

24.3 Subd. 6. **Report required.** No later than March 1, 2020, the task force must submit a  
 24.4 written report to the chairs and ranking minority members of the legislative committees  
 24.5 with jurisdiction over child care regarding each of the duties under subdivision 3 describing  
 24.6 the work of the task force and its recommendations.

24.7 Subd. 7. **Expiration.** The task force expires upon submission of the report in subdivision  
 24.8 6 or March 1, 2020, whichever is later.

24.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.10 Sec. 29. **INSTRUCTION TO COMMISSIONER; REVIEW OF CHILD CARE**  
 24.11 **LICENSING AND BACKGROUND STUDY PROVISIONS.**

24.12 The commissioner of human services shall review existing statutes and rules relating to  
 24.13 child care licensing and background study requirements and propose legislation for the 2020  
 24.14 legislative session that eliminates unnecessary and duplicative record keeping or  
 24.15 documentation requirements for child care providers. The commissioner shall also establish  
 24.16 a process for child care providers to electronically submit requested information to the  
 24.17 commissioner.

24.18 Sec. 30. **APPROPRIATION; FAMILY CHILD CARE TASK FORCE.**

24.19 \$75,000 in fiscal year 2020 is appropriated from the general fund to the commissioner  
 24.20 of human services for the Family Child Care Task Force under section 22.

24.21 Sec. 31. **APPROPRIATION; OMBUDSPERSON FOR CHILD CARE PROVIDERS.**

24.22 \$114,000 in fiscal year 2020 and \$120,000 in fiscal year 2021 are appropriated from the  
 24.23 general fund to the commissioner of human services for the ombudsperson for child care  
 24.24 providers under Minnesota Statutes, section 245A.60.

24.25 **EFFECTIVE DATE.** This section is effective July 1, 2019.

24.26 Sec. 32. **APPROPRIATION; CHILD CARE PROVIDER GRANTS.**

24.27 (a) \$649,000 in fiscal year 2020 is appropriated from the general fund to the commissioner  
 24.28 of employment and economic development for grants to local communities to increase the  
 24.29 supply of quality child care providers to support economic development. At least 60 percent  
 24.30 of grant funds must go to communities located outside of the seven-county metropolitan



25.1 area as defined under Minnesota Statutes, section 473.121, subdivision 2. Grant recipients  
 25.2 must obtain a 50 percent nonstate match to grant funds in either cash or in-kind contributions.  
 25.3 Grant funds available under this section must be used to implement projects to reduce the  
 25.4 child care shortage in the state, including but not limited to funding for child care business  
 25.5 start-ups or expansion, training, facility modifications or improvements required for licensing,  
 25.6 and assistance with licensing and other regulatory requirements. In awarding grants, the  
 25.7 commissioner must give priority to communities that have demonstrated a shortage of child  
 25.8 care providers in the area. This is a onetime appropriation.

25.9 (b) Within one year of receiving grant funds, grant recipients must report to the  
 25.10 commissioner on the outcomes of the grant program, including but not limited to the number  
 25.11 of new providers, the number of additional child care provider jobs created, the number of  
 25.12 additional child care slots, and the amount of cash and in-kind local funds invested.

25.13 **Sec. 33. APPROPRIATION; CHILD CARE BUSINESS TRAINING PROGRAM.**

25.14 \$140,000 in fiscal year 2020 is appropriated from the general fund to the commissioner  
 25.15 of employment and economic development for a grant, through a competitive bidding  
 25.16 process, to a nonprofit organization with expertise in small business advising to operate a  
 25.17 business training program for child care providers and to create materials that could be used,  
 25.18 free of charge, for start-up, expansion, and operation of child care businesses statewide,  
 25.19 with the goal of helping new and existing child care businesses in underserved areas of the  
 25.20 state become profitable and sustainable. The commissioner shall report data on outcomes  
 25.21 and recommendations for replication of this training program throughout Minnesota to the  
 25.22 governor and the committees of the house of representatives and the senate with jurisdiction  
 25.23 over child care by December 15, 2021. This is a onetime appropriation and is available until  
 25.24 June 30, 2021.

25.25 **Sec. 34. APPROPRIATION; MINNESOTA INITIATIVE FOUNDATIONS.**

25.26 (a) \$2,000,000 in fiscal year 2020 is appropriated from the general fund to the  
 25.27 commissioner of employment and economic development for a grant to the Minnesota  
 25.28 Initiative Foundations. This is a onetime appropriation and is available until June 30, 2023.

25.29 (b) The Minnesota Initiative Foundations must use grant funds under this section to:

25.30 (1) facilitate planning processes for rural communities resulting in a community solution  
 25.31 action plan that guides decision making to sustain and increase the supply of quality child  
 25.32 care in the region to support economic development;

26.1 (2) engage the private sector to invest local resources to support the community solution  
 26.2 action plan and ensure quality child care is a vital component of additional regional economic  
 26.3 development planning processes;

26.4 (3) provide locally based training and technical assistance to rural child care business  
 26.5 owners through a learning cohort. Access to financial and business development assistance  
 26.6 must prepare child care businesses for quality engagement and improvement by stabilizing  
 26.7 operations, leveraging funding from other sources, and fostering business acumen that  
 26.8 allows child care businesses to plan for and afford the cost of providing quality child care;  
 26.9 or

26.10 (4) recruit child care programs to participate in Parent Aware, Minnesota's quality and  
 26.11 improvement rating system, by providing targeted resources designed to encourage high  
 26.12 levels of participation in Parent Aware. The Minnesota Initiative Foundations must work  
 26.13 with local partners to provide low-cost training, professional development opportunities,  
 26.14 and continuing education curricula. The Minnesota Initiative Foundations must fund, through  
 26.15 local partners, an enhanced level of coaching to rural child care providers to obtain a quality  
 26.16 rating through Parent Aware.

26.17 Sec. 35. **APPROPRIATION.**

26.18 \$..... in fiscal year 2020 is appropriated from the general fund to the commissioner of  
 26.19 human services to develop, distribute, and provide training on child care provider inspections  
 26.20 based on the risk-based violation levels under Minnesota Statutes, section 245A.055,  
 26.21 subdivision 3, including use of an abbreviated inspection that is based on key indicators  
 26.22 that predict full compliance with the statutes and rules governing licensed child care providers  
 26.23 under Minnesota Statutes, section 245A.055, subdivision 2, for qualifying child care  
 26.24 providers. This is a onetime appropriation.

26.25 Sec. 36. **REVISOR INSTRUCTION; MINNESOTA RULES, CHAPTER 9502.**

26.26 The revisor of statutes, in consultation with the House Research Department, Office of  
 26.27 Senate Counsel, Research and Fiscal Analysis, and the Department of Human Services shall  
 26.28 prepare legislation for the 2020 legislative session to repeal and enact as statutes Minnesota  
 26.29 Rules, chapter 9502, and recodify Minnesota Statutes sections governing licensing of child  
 26.30 care facilities. The revisor of statutes shall provide a courtesy copy of the proposed legislation  
 26.31 to the chief authors in the house of representatives and senate of this act.

26.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.1 Sec. 37. **REVISOR INSTRUCTION; MINNESOTA RULES, CHAPTER 9503.**

27.2 The revisor of statutes, in consultation with the House Research Department, Office of  
27.3 Senate Counsel, Research and Fiscal Analysis, and the Department of Human Services shall  
27.4 prepare legislation for the 2020 legislative session to repeal and enact as statutes Minnesota  
27.5 Rules, chapter 9503, and recodify Minnesota Statutes sections governing licensing of child  
27.6 care facilities. The revisor of statutes shall provide a courtesy copy of the proposed legislation  
27.7 to the chief authors in the house of representatives and senate of this act.

27.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.9 Sec. 38. **REVISOR INSTRUCTION; RECODIFY MINNESOTA STATUTES,**  
27.10 **CHAPTER 245A; RECODIFY MINNESOTA RULES, CHAPTER 9502.**

27.11 The revisor of statutes, in consultation with the House Research Department, Office of  
27.12 Senate Counsel, Research and Fiscal Analysis, and Department of Human Services, shall  
27.13 prepare legislation for the 2020 legislative session to: (1) recodify Minnesota Statutes,  
27.14 chapter 245A; and (2) repeal and enact as statutes the rules governing day care facility  
27.15 licensing in Minnesota Rules, chapter 9502.