

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

- 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; expanding child care fix-it ticket violations; authorizing additional
- 1.7 special family child care home licenses; modifying requirements for drinking water
- 1.8 in child care centers; modifying family child care program training requirements;
- 1.9 directing the commissioner of human services to develop an annual refresher
- 1.10 training for family child care providers; clarifying and extending child care training
- 1.11 timelines; exempting certain individuals from child care training requirements;
- 1.12 modifying family child care emergency preparedness plan requirements; creating
- 1.13 the Office of Ombudsperson for Child Care Providers; providing appointments;
- 1.14 increasing time a child care substitute can provide care; establishing Family Child
- 1.15 Care Working Group; directing commissioner of human services to streamline
- 1.16 child care licensing and background study record requirements; directing the
- 1.17 commissioner of human services to codify certain rules and propose legislation
- 1.18 re-codifying chapter 245A; requiring reports; appropriating money; amending
- 1.19 Minnesota Statutes 2018, sections 245A.04, subdivision 4, by adding a subdivision;
- 1.20 245A.06, by adding a subdivision; 245A.065; 245A.14, subdivision 4, by adding
- 1.21 a subdivision; 245A.50, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, by adding subdivisions;
- 1.22 245A.51, subdivision 3; proposing coding for new law in Minnesota Statutes,
- 1.23 chapter 245A.
- 1.24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.25 Section 1. Minnesota Statutes 2018, section 245A.04, subdivision 4, is amended to read:
- 1.26 Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner
- 1.27 shall conduct an inspection of the program. The inspection must include but is not limited
- 1.28 to:
- 1.29 (1) an inspection of the physical plant;
- 1.30 (2) an inspection of records and documents;

2.1 (3) an evaluation of the program by consumers of the program;

2.2 (4) observation of the program in operation; and

2.3 (5) an inspection for the health, safety, and fire standards in licensing requirements for
2.4 a child care license holder.

2.5 For the purposes of this subdivision, "consumer" means a person who receives the
2.6 services of a licensed program, the person's legal guardian, or the parent or individual having
2.7 legal custody of a child who receives the services of a licensed program.

2.8 (b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph
2.9 (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the
2.10 commissioner issues an initial license under subdivision 7, these requirements must be
2.11 completed within one year after the issuance of an initial license.

2.12 (c) Before completing a licensing inspection in a family child care program or child care
2.13 center, the licensing agency must offer the license holder an exit interview to discuss all
2.14 violations of law or rule observed during the inspection and offer technical assistance on
2.15 how to comply with applicable laws and rules. The commissioner shall not issue a correction
2.16 order or negative action for violations of law or rule not discussed in an exit interview.
2.17 Nothing in this paragraph limits the ability of the commissioner to issue a correction order
2.18 or negative action for violations of law or rule ~~not discussed in an exit interview~~ or in the
2.19 event that a license holder chooses not to participate in an exit interview.

2.20 (d) The commissioner or the county shall inspect at least annually a child care provider
2.21 licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for compliance
2.22 with applicable licensing standards. It shall not constitute a violation of rule or statute for
2.23 the spouse of a licensed family child care provider to be present in the residence during
2.24 business hours, unless the spouse provides sufficient hours or days of child care services
2.25 for statutory training requirements to apply, or the spouse is designated to be a caregiver,
2.26 helper, or substitute in the family child care program.

2.27 (e) No later than November 19, 2017, the commissioner shall make publicly available
2.28 on the department's website the results of inspection reports of all child care providers
2.29 licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the
2.30 number of deaths, serious injuries, and instances of substantiated child maltreatment that
2.31 occurred in licensed child care settings each year.

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

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

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

3.13 Sec. 3. Minnesota Statutes 2018, section 245A.06, is amended by adding a subdivision to
3.14 read:

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

3.22 Sec. 4. Minnesota Statutes 2018, section 245A.065, is amended to read:

3.23 **245A.065 CHILD CARE FIX-IT TICKET.**

3.24 (a) In lieu of a correction order under section 245A.06, the commissioner shall issue a
3.25 fix-it ticket to a family child care or child care center license holder if the commissioner
3.26 finds that:

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

3.30 (2) the violation: (i) does not imminently endanger the health, safety, or rights of the
3.31 persons served by the program; or (ii) can be corrected immediately;

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

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

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

4.7 (b) The fix-it ticket must state:

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

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

4.10 (3) that the violation was corrected at the time of inspection or must be corrected within
4.11 48 hours, excluding Saturdays, Sundays, and holidays.

4.12 (c) The commissioner shall not publicly publish a fix-it ticket on the department's website.

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

4.16 (e) If the violation is not corrected at the time of inspection or within 48 hours, excluding
4.17 Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to establish that
4.18 the license holder corrected the violation, the commissioner must issue a correction order
4.19 for the violation of Minnesota law or rule identified in the fix-it ticket according to section
4.20 245A.06.

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

4.27 Sec. 5. Minnesota Statutes 2018, section 245A.14, subdivision 4, is amended to read:

4.28 Subd. 4. **Special family day care homes.** Nonresidential child care programs serving
4.29 14 or fewer children that are conducted at a location other than the license holder's own
4.30 residence shall be licensed under this section and the rules governing family day care or
4.31 group family day care if:

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

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

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

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

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

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

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

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

5.22 (4) the facility has square footage required per child under Minnesota Rules, part
5.23 9502.0425;

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

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

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

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

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

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

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

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

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

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

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

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

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

6.24 Sec. 6. Minnesota Statutes 2018, section 245A.14, is amended by adding a subdivision to
6.25 read:

6.26 Subd. 16. **Water bottles in child care centers.** Notwithstanding Minnesota Rules, part
6.27 9503.0145, subpart 8, a child care center may provide drinking water for children in
6.28 individual covered water bottles, labeled with the child's name. Water bottles provided by
6.29 the child care center must be washed, rinsed, and sanitized daily after use and stored clean
6.30 and dry in a manner that protects them from contamination.

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

7.1 Sec. 7. Minnesota Statutes 2018, section 245A.50, subdivision 1, is amended to read:

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

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

7.6 (c) Training requirements established under this section that must be completed prior
7.7 to initial licensure must be satisfied only by a newly licensed child care provider or by a
7.8 child care provider who has not held an active child care license in Minnesota in the previous
7.9 12 months. A child care provider ~~who relocates within the state or~~ who voluntarily cancels
7.10 a license or allows the license to lapse for a period of less than 12 months and who seeks
7.11 reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation
7.12 must satisfy the annual, ongoing training requirements, and is not required to satisfy the
7.13 training requirements that must be completed prior to initial licensure. A child care provider
7.14 who relocates within the state must (1) satisfy the annual, ongoing training requirements
7.15 according to the schedules established in this section and (2) not be required to satisfy the
7.16 training requirements under this section that the child care provider completed prior to initial
7.17 licensure. If a licensed provider moves to a new county, the new county is prohibited from
7.18 requiring the provider to complete any orientation class or training for new providers.

7.19 Sec. 8. Minnesota Statutes 2018, section 245A.50, subdivision 2, is amended to read:

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

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

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

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

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

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

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

8.11 Sec. 9. Minnesota Statutes 2018, section 245A.50, subdivision 3, is amended to read:

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

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

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

8.24 Sec. 10. Minnesota Statutes 2018, section 245A.50, subdivision 4, is amended to read:

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

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

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

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

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

9.9 Sec. 11. Minnesota Statutes 2018, section 245A.50, subdivision 5, is amended to read:

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

9.11 License holders must document that before staff persons, caregivers, and helpers assist in
9.12 the care of infants, they are instructed on the standards in section 245A.1435 and receive
9.13 training on reducing the risk of sudden unexpected infant death. In addition, license holders
9.14 must document that before staff persons, caregivers, and helpers assist in the care of infants
9.15 and children under school age, they receive training on reducing the risk of abusive head
9.16 trauma from shaking infants and young children. The training in this subdivision may be
9.17 provided as initial training under subdivision 1 or ongoing annual training under subdivision
9.18 7.

9.19 (b) Sudden unexpected infant death reduction training required under this subdivision
9.20 must, at a minimum, address the risk factors related to sudden unexpected infant death,
9.21 means of reducing the risk of sudden unexpected infant death in child care, and license
9.22 holder communication with parents regarding reducing the risk of sudden unexpected infant
9.23 death.

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

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

10.1 (e) Sudden unexpected infant death reduction training and abusive head trauma training
10.2 required under this subdivision must be completed in person or as allowed under subdivision
10.3 10, clause (1) or (2), at least once ~~every two years~~ before the license holder's license expires
10.4 in the second year after the prior sudden unexpected infant death reduction training and
10.5 abusive head trauma training. On the years when the license holder is not receiving training
10.6 in person or as allowed under subdivision 10, clause (1) or (2), the license holder must
10.7 receive sudden unexpected infant death reduction training and abusive head trauma training
10.8 through a video of no more than one hour in length. The video must be developed or approved
10.9 by the commissioner.

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

10.15 Sec. 12. Minnesota Statutes 2018, section 245A.50, subdivision 6, is amended to read:

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

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

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

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

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

11.5 (c) Child care providers that only transport school-age children as defined in section
 11.6 245A.02, subdivision 19, paragraph (f), in child care buses as defined in section 169.448,
 11.7 subdivision 1, paragraph (e), are exempt from this subdivision.

11.8 Sec. 13. Minnesota Statutes 2018, section 245A.50, subdivision 7, is amended to read:

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

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

11.19 (2) developmentally appropriate learning experiences, including training in creating
 11.20 positive learning experiences, promoting cognitive development, promoting social and
 11.21 emotional development, promoting physical development, promoting creative development;
 11.22 and behavior guidance;

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

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

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

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

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

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

12.4 Sec. 14. Minnesota Statutes 2018, section 245A.50, subdivision 9, is amended to read:

12.5 Subd. 9. **Supervising for safety; training requirement.** (a) Before initial licensure and
 12.6 before caring for a child, all family child care license holders and each adult caregiver who
 12.7 provides care in the licensed family child care home for more than 30 days in any 12-month
 12.8 period shall complete and document the completion of the six-hour Supervising for Safety
 12.9 for Family Child Care course developed by the commissioner.

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

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

12.17 ~~(2) the completion at least once every five years of the two-hour courses Health and~~
 12.18 ~~Safety I and Health and Safety II. A license holder's or adult caregiver's completion of either~~
 12.19 ~~training in a given year meets the annual active supervision training requirement in clause~~
 12.20 ~~(1).~~

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

12.22 Sec. 15. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision
 12.23 to read:

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

13.1 Sec. 16. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision
13.2 to read:

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

13.7 Sec. 17. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision
13.8 to read:

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

13.11 Sec. 18. Minnesota Statutes 2018, section 245A.51, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

14.6 Sec. 19. **[245A.60] OMBUDSPERSON FOR CHILD CARE PROVIDERS.**

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

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

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

14.17 (2) assisting providers with interactions with county licensors and with appealing
 14.18 correction orders;

14.19 (3) providing recommendations for child care improvement or child care provider
 14.20 education;

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

14.23 (5) assisting child care license applicants.

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

14.30 Subd. 3. **Staff.** The ombudsperson may appoint and compensate out of available funds
 14.31 a deputy, confidential secretary, and other employees in the unclassified service as authorized
 14.32 by law. The ombudsperson and the full-time staff are members of the Minnesota State

15.1 Retirement Association. The ombudsperson may delegate to members of the staff any
15.2 authority or duties of the office except the duty to formally make recommendations to a
15.3 child care provider or reports to the commissioner or the legislature.

15.4 Subd. 4. **Access to records.** (a) The ombudsperson or designee, excluding volunteers,
15.5 has access to data of a state agency necessary for the discharge of the ombudsperson's duties,
15.6 including records classified as confidential data on individuals or private data on individuals
15.7 under chapter 13 or any other law. The ombudsperson's data request must relate to a specific
15.8 case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the
15.9 ombudsperson or designee shall first obtain the individual's consent. If the individual cannot
15.10 consent and has no legal guardian, then access to the data is authorized by this section.

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

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

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

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

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

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

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

16.3 Sec. 20. **DIRECTION TO COMMISSIONER; CHILD CARE TRAINING**
 16.4 **REQUIREMENTS.**

16.5 (a) The commissioner of human services shall develop an annual refresher course as
 16.6 described in Minnesota Statutes, section 245A.50, subdivision 12, for child care providers
 16.7 who previously completed the training requirements under Minnesota Statutes, chapter
 16.8 245A.

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

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

16.13 Sec. 21. **DIRECTION TO COMMISSIONER; SUBSTITUTE CAREGIVER**
 16.14 **PERMISSION.**

16.15 (a) The commissioner of human services shall amend Minnesota Rules, part 9502.0365,
 16.16 subpart 5, to permit licensed providers to use substitute caregivers for a cumulative total of
 16.17 720 hours in any 12-month period.

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

16.22 Sec. 22. **FAMILY CHILD CARE TASK FORCE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.14 Subd. 7. **Expiration.** The task force expires upon submission of the report in subdivision
18.15 6 or March 1, 2020, whichever is later.

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

18.17 Sec. 23. **INSTRUCTION TO COMMISSIONER; REVIEW OF CHILD CARE**
18.18 **LICENSING AND BACKGROUND STUDY PROVISIONS.**

18.19 The commissioner of human services shall review existing statutes and rules relating to
18.20 child care licensing and background study requirements and propose legislation for the 2020
18.21 legislative session that eliminates unnecessary and duplicative record keeping or
18.22 documentation requirements for child care providers. The commissioner shall also establish
18.23 a process for child care providers to electronically submit requested information to the
18.24 commissioner.

18.25 Sec. 24. **APPROPRIATION; FAMILY CHILD CARE TASK FORCE.**

18.26 \$75,000 in fiscal year 2020 is appropriated from the general fund to the commissioner
18.27 of human services for the Family Child Care Task Force under section 22.

19.1 **Sec. 25. APPROPRIATION; OMBUDSPERSON FOR CHILD CARE PROVIDERS.**

19.2 \$114,000 in fiscal year 2020 and \$120,000 in fiscal year 2021 are appropriated from the
19.3 general fund to the commissioner of human services for the ombudsperson for child care
19.4 providers under Minnesota Statutes, section 245A.60.

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

19.6 **Sec. 26. APPROPRIATION; CHILD CARE PROVIDER GRANTS.**

19.7 (a) \$649,000 in fiscal year 2020 is appropriated from the general fund to the commissioner
19.8 of employment and economic development for grants to local communities to increase the
19.9 supply of quality child care providers to support economic development. At least 60 percent
19.10 of grant funds must go to communities located outside of the seven-county metropolitan
19.11 area as defined under Minnesota Statutes, section 473.121, subdivision 2. Grant recipients
19.12 must obtain a 50 percent nonstate match to grant funds in either cash or in-kind contributions.
19.13 Grant funds available under this section must be used to implement projects to reduce the
19.14 child care shortage in the state, including but not limited to funding for child care business
19.15 start-ups or expansion, training, facility modifications or improvements required for licensing,
19.16 and assistance with licensing and other regulatory requirements. In awarding grants, the
19.17 commissioner must give priority to communities that have demonstrated a shortage of child
19.18 care providers in the area. This is a onetime appropriation.

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

19.23 **Sec. 27. APPROPRIATION; CHILD CARE BUSINESS TRAINING PROGRAM.**

19.24 \$140,000 in fiscal year 2020 is appropriated from the general fund to the commissioner
19.25 of employment and economic development for a grant, through a competitive bidding
19.26 process, to a nonprofit organization with expertise in small business advising to operate a
19.27 business training program for child care providers and to create materials that could be used,
19.28 free of charge, for start-up, expansion, and operation of child care businesses statewide,
19.29 with the goal of helping new and existing child care businesses in underserved areas of the
19.30 state become profitable and sustainable. The commissioner shall report data on outcomes
19.31 and recommendations for replication of this training program throughout Minnesota to the
19.32 governor and the committees of the house of representatives and the senate with jurisdiction

20.1 over child care by December 15, 2021. This is a onetime appropriation and is available until
 20.2 June 30, 2021.

20.3 **Sec. 28. APPROPRIATION; MINNESOTA INITIATIVE FOUNDATIONS.**

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

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

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

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

20.14 (3) provide locally based training and technical assistance to rural child care business
 20.15 owners through a learning cohort. Access to financial and business development assistance
 20.16 must prepare child care businesses for quality engagement and improvement by stabilizing
 20.17 operations, leveraging funding from other sources, and fostering business acumen that
 20.18 allows child care businesses to plan for and afford the cost of providing quality child care;
 20.19 and

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

20.27 **Sec. 29. REVISOR INSTRUCTION; MINNESOTA RULES, CHAPTER 9502.**

20.28 The revisor of statutes, in consultation with the House Research Department, Office of
 20.29 Senate Counsel, Research and Fiscal Analysis, and the Department of Human Services shall
 20.30 prepare legislation for the 2020 legislative session to repeal and enact as statutes Minnesota
 20.31 Rules, chapter 9502, and recodify Minnesota Statutes sections governing licensing of child

21.1 care facilities. The revisor of statutes shall provide a courtesy copy of the proposed legislation
21.2 to the chief authors in the house of representatives and senate of this act.

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

21.4 Sec. 30. **REVISOR INSTRUCTION; MINNESOTA RULES, CHAPTER 9503.**

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

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

21.12 Sec. 31. **REVISOR INSTRUCTION; RECODIFY MINNESOTA STATUTES,**
21.13 **CHAPTER 245A; RECODIFY MINNESOTA RULES, CHAPTER 9502.**

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