

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2248

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DATE
03/01/2023

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to child care licensing; modifying employment qualifications for child
1.3 care centers and amending child care center staffing rules; amending Minnesota
1.4 Statutes 2022, section 245A.02, subdivision 6b; proposing coding for new law in
1.5 Minnesota Statutes, chapter 245A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 245A.02, subdivision 6b, is amended to read:

1.8 Subd. 6b. **Experience.** For purposes of child care centers, "experience" ~~includes~~ is paid
1.9 or unpaid employment ~~serving children as a teacher, assistant teacher, aide, or a student~~
1.10 ~~intern in a licensed child care center, in a public or nonpublic school, or in a program licensed~~
1.11 ~~as a family day care or group family day care provider.:~~

1.12 (1) caring for children as a teacher, assistant teacher, aide, or student intern:

1.13 (i) in a licensed child care center, a licensed family day care or group family day care,
1.14 or a Tribally licensed child care program in any United States state or territory; or

1.15 (ii) in a public or nonpublic school;

1.16 (2) caring for children as a staff person or unsupervised volunteer in a certified,
1.17 license-exempt child care center under chapter 245H;

1.18 (3) providing direct contact services in a home or residential facility serving children
1.19 with disabilities that requires a background study under section 245C.03; or

1.20 (4) providing direct contact services to elderly or disabled adults that requires a
1.21 background study under section 245C.03.

2.1 Sec. 2. **[245A.42] CHILD CARE CENTER HIRING PRACTICES.**

2.2 As part of the employment assessment process, a child care center license holder or staff
2.3 person may observe how a prospective employee interacts with children in the licensed
2.4 facility. The prospective employee is not considered a child care background study subject
2.5 under section 245C.02, subdivision 6a, provided the prospective employee is under
2.6 continuous direct supervision by a staff person when the prospective employee has physical
2.7 access to a child served by the center. The observation period shall not be longer than two
2.8 hours, and a prospective employee must not be counted in staff-to-child ratios.

2.9 Sec. 3. **DIRECTION TO COMMISSIONER; AMENDING STAFF DISTRIBUTION**
2.10 **RULES FOR CHILD CARE CENTERS.**

2.11 (a) The commissioner of human services must amend Minnesota Rules, part 9503.0040,
2.12 subpart 2, item B, to allow an aide who is at least 18 years old or an assistant teacher to
2.13 substitute for a teacher during morning arrival and afternoon departure times if the total
2.14 arrival and departure time does not exceed 25 percent of the center's daily hours of operation.

2.15 (b) For purposes of this section, the commissioner may use the good cause exemption
2.16 process under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota
2.17 Statutes, section 14.386, does not apply.

2.18 Sec. 4. **DIRECTION TO COMMISSIONER; AMENDING STAFF QUALIFICATION**
2.19 **RULES FOR CHILD CARE CENTERS.**

2.20 (a) The commissioner of human services must amend Minnesota Rules, parts 9503.0032
2.21 and 9503.0033, to allow a child care center to hire an individual as a teacher or assistant
2.22 teacher if the individual is at least 18 years old, has been employed in a direct child-serving
2.23 role at the center for a minimum of 30 days, is enrolled in a child development associate
2.24 credential program at the time of hire or will be within 60 days of being hired, and is expected
2.25 to complete the child development associate credential from the Council for Professional
2.26 Recognition within one year of the individual's hiring date.

2.27 (b) For purposes of this section, the commissioner may use the good cause exemption
2.28 process under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota
2.29 Statutes, section 14.386, does not apply.