

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

S.F. No. 2343

(SENATE AUTHORS: HOUSLEY)

DATE
03/11/2019

D-PG

Introduction and first reading
Referred to Family Care and Aging

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to child care; authorizing additional special family child care home licenses;
1.3 appropriating money; amending Minnesota Statutes 2018, section 245A.14,
1.4 subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2018, section 245A.14, subdivision 4, is amended to read:

1.7 Subd. 4. **Special family day care homes.** Nonresidential child care programs serving
1.8 14 or fewer children that are conducted at a location other than the license holder's own
1.9 residence shall be licensed under this section and the rules governing family day care or
1.10 group family day care if:

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

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

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

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

1.20 (e) The license holder is a not-for-profit agency that provides child care in a dwelling
1.21 located on a residential lot and the license holder maintains two or more contracts with
1.22 community employers or other community organizations to provide child care services.

2.1 The county licensing agency may grant a capacity variance to a license holder licensed
2.2 under this paragraph to exceed the licensed capacity of 14 children by no more than five
2.3 children during transition periods related to the work schedules of parents, if the license
2.4 holder meets the following requirements:

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

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

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

2.10 (4) the facility has square footage required per child under Minnesota Rules, part
2.11 9502.0425;

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

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

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

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

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

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

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

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

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

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

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

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

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

3.14 Sec. 2. **APPROPRIATION.**

3.15 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the general
3.16 fund to the commissioner of employment and economic development for a grant to First
3.17 Children's Finance to award subgrants through a competitive grant application process for
3.18 child care providers licensed under Minnesota Statutes, section 245A.14, subdivision 4,
3.19 paragraph (g). Eligible subgrant applicants must consult with the grant recipient or a similar
3.20 organization for financing, training, and business development assistance.