

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

S.F. No. 2789

(SENATE AUTHORS: HAYDEN)

DATE
04/04/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act
1.2 relating to human services; providing payment to child care providers for emergency
1.3 closures; clarifying requirements for tracking absences; amending Minnesota
1.4 Statutes 2018, section 119B.13, subdivision 7.

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

1.6 Section 1. Minnesota Statutes 2018, section 119B.13, subdivision 7, is amended to read:

1.7 Subd. 7. **Absent days.** (a) Licensed child care providers and license-exempt centers
1.8 must not be reimbursed for more than 25 full-day absent days per child, excluding holidays,
1.9 in a fiscal year, or for more than ten consecutive full-day absent days. Legal nonlicensed
1.10 family child care providers must not be reimbursed for absent days. If a child attends for
1.11 part of the time authorized to be in care in a day, but is absent for part of the time authorized
1.12 to be in care in that same day, the absent time must be reimbursed but the time must not
1.13 count toward the absent days limit. Child care providers must only be reimbursed for absent
1.14 days if the provider has a written policy for child absences and charges all other families
1.15 in care for similar absences.

1.16 (b) Notwithstanding paragraph (a), children with documented medical conditions that
1.17 cause more frequent absences may exceed the 25 absent days limit, or ten consecutive
1.18 full-day absent days limit. Absences due to a documented medical condition of a parent or
1.19 sibling who lives in the same residence as the child receiving child care assistance do not
1.20 count against the absent days limit in a fiscal year. Documentation of medical conditions
1.21 must be on the forms and submitted according to the timelines established by the
1.22 commissioner. A public health nurse or school nurse may verify the illness in lieu of a
1.23 medical practitioner. If a provider sends a child home early due to a medical reason,

2.1 including, but not limited to, fever or contagious illness, the child care center director or
2.2 lead teacher may verify the illness in lieu of a medical practitioner.

2.3 (c) Notwithstanding paragraph (a), children in families may exceed the absent days limit
2.4 if at least one parent: (1) is under the age of 21; (2) does not have a high school diploma or
2.5 commissioner of education-selected high school equivalency certification; and (3) is a
2.6 student in a school district or another similar program that provides or arranges for child
2.7 care, parenting support, social services, career and employment supports, and academic
2.8 support to achieve high school graduation, upon request of the program and approval of the
2.9 county. If a child attends part of an authorized day, payment to the provider must be for the
2.10 full amount of care authorized for that day.

2.11 (d) Child care centers and licensed family providers may bill for emergency closures on
2.12 any day that (1) the public school district where the provider is physically located closes
2.13 for an emergency including but not limited to inclement weather, (2) the public school
2.14 district is closed for the entire school day, (3) the provider is closed for the entire day, and
2.15 (4) a child was authorized to be in the provider's care. A county or agency shall make an
2.16 additional payment to another registered CCAP provider who provides care for a child if
2.17 the child's regular provider closed due to an emergency under this paragraph. The additional
2.18 payment is excluded from the maximum amount of child care assistance a local agency may
2.19 pay under section 119B.09, subdivision 6.

2.20 ~~(d)~~ (e) Child care providers must be reimbursed for up to ten federal or state holidays
2.21 or designated holidays per year when the provider charges all families for these days and
2.22 the holiday or designated holiday falls on a day when the child is authorized to be in
2.23 attendance. Parents may substitute other cultural or religious holidays for the ten recognized
2.24 state and federal holidays. Holidays do not count toward the absent days limit.

2.25 ~~(e)~~ (f) A family or child care provider must not be assessed an overpayment for an absent
2.26 day payment unless (1) there was an error in the amount of care authorized for the family,
2.27 (2) all of the allowed full-day absent payments for the child have been paid, or (3) the family
2.28 or provider did not timely report a change as required under law.

2.29 ~~(f)~~ (g) The provider and family shall receive notification of the number of absent days
2.30 used upon initial provider authorization for a family and ongoing notification of the number
2.31 of absent days used as of the date of the notification.

2.32 ~~(g)~~ (h) For purposes of this subdivision, "absent days limit" means 25 full-day absent
2.33 days per child, excluding holidays and emergency closures under paragraph (d), in a fiscal
2.34 year; and ten consecutive full-day absent days.