

1.1 Liebling and Scott from the Committee on Judiciary Finance and Civil Law to which
1.2 was referred:

1.3 H. F. No. 1916, A bill for an act relating to child care; establishing program integrity
1.4 requirements in the child care assistance program; directing the commissioner of children,
1.5 youth, and families to establish an electronic record-keeping system for child care enrollment;
1.6 requiring reports; appropriating money; amending Minnesota Statutes 2024, sections 13.461,
1.7 subdivision 28; 142A.03, subdivision 2; 142E.17, subdivision 9; proposing coding for new
1.8 law in Minnesota Statutes, chapters 142D; 142E.

1.9 Reported the same back with the following amendments:

1.10 Page 1, delete section 1 and insert:

1.11 "Section 1. Minnesota Statutes 2024, section 13.461, subdivision 28, is amended to read:

1.12 Subd. 28. **Child care ~~assistance program~~ programs.** (a) Data collected, maintained,
1.13 used, or disseminated by the welfare system pertaining to persons selected as legal
1.14 nonlicensed child care providers by families receiving child care assistance are classified
1.15 under section 142E.02, subdivision 6, paragraph (a). Child care assistance program payment
1.16 data is classified under section 142E.02, subdivision 6, paragraph (b).

1.17 (b) Video footage of child care provider and early childhood program operations collected
1.18 or maintained by a government entity is classified under sections 142D.251, subdivision 5,
1.19 and 142E.161, subdivision 5."

1.20 Page 9, delete section 3 and insert:

1.21 "Sec. 3. [142D.251] INSPECTIONS AND VIDEO MONITORING FOR EARLY
1.22 LEARNING SCHOLARSHIPS.

1.23 Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this
1.24 subdivision have the meanings given.

2.1 (b) "Facility" means the indoor and outdoor space in which child care is provided that
2.2 is owned, leased, or operated by the program.

2.3 (c) "Video monitoring" means the ability for the commissioner to see recorded video of
2.4 public and shared areas of the program's facility any time the program has children on the
2.5 premises.

2.6 Subd. 2. **General requirements.** (a) The commissioner must conduct inspections and
2.7 video monitoring of early childhood programs that receive funding under section 142D.25
2.8 in accordance with this section.

2.9 (b) The video monitoring system must:

2.10 (1) be turned on and recording any time the program has children on the premises;

2.11 (2) record and display the accurate date and time;

2.12 (3) have a display resolution of 720p or higher; and

2.13 (4) have a frame-per-second rate of 15 or higher.

2.14 Subd. 3. **Inspections.** (a) If a program receives \$1,000,000 or more under section 142D.25
2.15 in a calendar year, the commissioner may:

2.16 (1) conduct unannounced inspections of the program's facility in the year following the
2.17 receipt of the funding; and

2.18 (2) review video footage collected pursuant to subdivision 4.

2.19 (b) Inspections required under this section must be in addition to any licensing inspections
2.20 required under chapter 142B.

2.21 Subd. 4. **Video monitoring.** (a) A program that receives \$1,000,000 or more under
2.22 section 142D.25 in a calendar year is subject to video monitoring by the commissioner for
2.23 one year following the receipt of the funding.

2.24 (b) Within 90 days of being notified by the commissioner that a program is subject to
2.25 video monitoring under this subdivision, a program is required to:

2.26 (1) install video cameras or other devices that capture or record video in public and
2.27 shared areas of the program's facility and cover public entrances and exits to the facility
2.28 and entrances and exits to areas where a parent or legal guardian signs a child in or out of
2.29 the facility; and

2.30 (2) notify all parents and legal guardians who apply for placement or enroll a child in
2.31 the program that the program is subject to video monitoring by the commissioner.

3.1 (c) The commissioner may review recordings or copies of a program's operation during
3.2 certain times and dates. If the program fails to produce recordings or copies for any of the
3.3 requested times and dates, the commissioner may use that failure as prima facie evidence
3.4 that the program cared for zero children during the missing times and dates.

3.5 Subd. 5. **Government data practices.** (a) To the extent data are not classified under
3.6 section 13.32, video footage collected or maintained by the commissioner under this section
3.7 is classified as protected nonpublic data, as defined in section 13.02, subdivision 13.

3.8 (b) Video footage collected, created, or maintained by an early childhood program that
3.9 is a government entity, as defined in section 13.02, subdivision 7a, is classified as private
3.10 data on individuals, as defined in section 13.02, subdivision 12, and is subject to the
3.11 requirements under subdivision 6.

3.12 (c) If the requirements under section 13.32 conflict with the requirements under
3.13 subdivision 6, the requirements of subdivision 6 prevail.

3.14 (d) Audit reports submitted to the commissioner under subdivision 7 are classified as
3.15 public data not on individuals, as defined in section 13.02, subdivision 14.

3.16 Subd. 6. **Retention, dissemination, and disposal of recordings; access to**
3.17 **recordings.** (a) A program must retain video monitoring recordings required under this
3.18 section for 60 calendar days after the date of the recording. Except as provided under
3.19 paragraph (b), a program must dispose of video monitoring recordings required under this
3.20 section after 60 calendar days.

3.21 (b) A program that receives notice from a law enforcement official of a suspected crime
3.22 committed against a child at the facility must not dispose of any video monitoring recordings
3.23 required under this section until the law enforcement investigation of the suspected crime
3.24 is complete.

3.25 (c) A program must adhere to additional requirements issued by the commissioner
3.26 regarding the retention and disposal of video monitoring recordings required under this
3.27 section.

3.28 (d) A program must not sell, share, transmit, or disseminate a video monitoring recording
3.29 required under this section to any person except as authorized by this section.

3.30 (e) A program must disseminate a video monitoring recording required under this section
3.31 pursuant to a valid court order, search warrant, or subpoena in a civil, criminal, or
3.32 administrative proceeding, including an investigation by the commissioner.

4.1 (f) A program must establish appropriate security safeguards for video monitoring
 4.2 recordings required under this section, including procedures to ensure that the recordings
 4.3 are only accessible to individuals whose work assignments reasonably require access to the
 4.4 recordings and are only accessed by those individuals for purposes described in the
 4.5 procedures. All queries and responses, and all actions in which the recordings are accessed,
 4.6 shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit
 4.7 trail are subject to the same requirements as the underlying recording under this section.

4.8 Subd. 7. **Audits.** (a) A program that is not licensed under chapter 142B must arrange
 4.9 for an independent, biennial audit to determine whether the program's video monitoring
 4.10 complies with the requirements of this section, including but not limited to the requirements
 4.11 under subdivision 6. A report summarizing the results of each audit must be provided to
 4.12 the commissioner no later than 30 days following completion of the audit. The report must
 4.13 not contain a video monitoring recording or identifying information on children enrolled
 4.14 in the program.

4.15 (b) For a program licensed under chapter 142B, the commissioner must conduct, as part
 4.16 of the annual licensing inspection required under chapter 142B, an audit to determine whether
 4.17 the program's video monitoring complies with the requirements of this section, including
 4.18 but not limited to the requirements under subdivision 6.

4.19 **EFFECTIVE DATE.** This section is effective September 1, 2025. Initial biennial audits
 4.20 under subdivision 7, paragraph (a), are due by December 1, 2027."

4.21 Page 10, delete section 4 and insert:

4.22 "Sec. 4. **[142E.161] INSPECTIONS; VIDEO MONITORING.**

4.23 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this
 4.24 subdivision have the meanings given.

4.25 (b) "Facility" means the indoor and outdoor space in which child care is provided that
 4.26 is owned, leased, or operated by the provider.

4.27 (c) "Video monitoring" means the ability for the commissioner to see recorded video of
 4.28 public and shared areas of the provider's facility any time the provider has children on the
 4.29 premises.

4.30 Subd. 2. **General requirements.** (a) The commissioner must conduct inspections and
 4.31 video monitoring of providers that receive funding under this chapter in accordance with
 4.32 this section.

5.1 (b) The video monitoring system must:

5.2 (1) be turned on and recording any time the provider has children on the premises;

5.3 (2) record and display the accurate date and time;

5.4 (3) have a display resolution of 720p or higher; and

5.5 (4) have a frame-per-second rate of 15 or higher.

5.6 Subd. 3. **Inspections.** (a) If a provider receives \$1,000,000 or more under this chapter
5.7 in a calendar year, the commissioner may:

5.8 (1) conduct unannounced inspections of the provider's facility in the year following the
5.9 receipt of the funding; and

5.10 (2) review video footage collected pursuant to subdivision 4.

5.11 (b) Inspections required under this section must be in addition to any licensing inspections
5.12 required under chapter 142B.

5.13 Subd. 4. **Video monitoring.** (a) A provider that receives \$1,000,000 or more under this
5.14 chapter in a calendar year is subject to video monitoring by the commissioner for one year
5.15 following the receipt of the funding.

5.16 (b) Within 90 days of being notified by the commissioner that a program is subject to
5.17 video monitoring under this subdivision, a provider is required to:

5.18 (1) install video cameras or other devices that capture or record video in public and
5.19 shared areas of the provider's facility and cover public entrances and exits to the facility
5.20 and entrances and exits to areas where a parent or legal guardian signs a child in or out of
5.21 the facility; and

5.22 (2) notify all parents and legal guardians who apply for placement or enroll a child in
5.23 the program that the program is subject to video monitoring by the commissioner.

5.24 (c) The commissioner may review recordings or copies of a provider's operation during
5.25 certain times and dates. If the provider fails to produce recordings or copies for any of the
5.26 requested times and dates, the commissioner may use that failure as prima facie evidence
5.27 that the provider cared for zero children during the missing times and dates.

5.28 Subd. 5. **Government data practices.** (a) To the extent data are not classified under
5.29 section 13.32, video footage collected or maintained by the commissioner under this section
5.30 is classified as protected nonpublic data, as defined in section 13.02, subdivision 13.

6.1 (b) Video footage collected, created, or maintained by a provider that is a government
6.2 entity, as defined in section 13.02, subdivision 7a, is classified as private data on individuals,
6.3 as defined in section 13.02, subdivision 12, and is subject to the requirements under
6.4 subdivision 6.

6.5 (c) If the requirements under section 13.32 conflict with the requirements under
6.6 subdivision 6, the requirements of subdivision 6 prevail.

6.7 (d) Audit reports submitted to the commissioner under subdivision 7 are classified as
6.8 public data not on individuals, as defined in section 13.02, subdivision 14.

6.9 **Subd. 6. Retention, dissemination, and disposal of recordings; access to**
6.10 **recordings.** (a) A provider must retain video monitoring recordings required under this
6.11 section for 60 calendar days after the date of the recording. Except as provided under
6.12 paragraph (b), a provider must dispose of video monitoring recordings required under this
6.13 section after 60 calendar days.

6.14 (b) A provider that receives notice from a law enforcement official of a suspected crime
6.15 committed against a child at the facility must not dispose of any video monitoring recordings
6.16 required under this section until the law enforcement investigation of the suspected crime
6.17 is complete.

6.18 (c) A provider must adhere to additional requirements issued by the commissioner
6.19 regarding the retention and disposal of video monitoring recordings required under this
6.20 section.

6.21 (d) A provider must not sell, share, transmit, or disseminate a video monitoring recording
6.22 required under this section to any person except as authorized by this section.

6.23 (e) A provider must disseminate a video monitoring recording required under this section
6.24 pursuant to a valid court order, search warrant, or subpoena in a civil, criminal, or
6.25 administrative proceeding, including an investigation by the commissioner.

6.26 (f) A provider must establish appropriate security safeguards for video monitoring
6.27 recordings required under this section, including procedures to ensure that the recordings
6.28 are only accessible to individuals whose work assignments reasonably require access to the
6.29 recordings and are only accessed by those individuals for purposes described in the
6.30 procedures. All queries and responses, and all actions in which the recordings are accessed,
6.31 shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit
6.32 trail are subject to the same requirements as the underlying recording under this section.

7.1 Subd. 7. Audits. (a) A provider that is not licensed under chapter 142B must arrange
 7.2 for an independent, biennial audit to determine whether the provider's video monitoring
 7.3 complies with the requirements of this section, including but not limited to the requirements
 7.4 under subdivision 6. A report summarizing the results of each audit must be provided to
 7.5 the commissioner no later than 30 days following completion of the audit. The report must
 7.6 not contain a video monitoring recording or identifying information on children enrolled
 7.7 in the program.

7.8 (b) For a provider licensed under chapter 142B, the commissioner must conduct, as part
 7.9 of the annual licensing inspection required under chapter 142B, an audit to determine whether
 7.10 the provider's video monitoring complies with the requirements of this section, including
 7.11 but not limited to the requirements under subdivision 6.

7.12 **EFFECTIVE DATE.** This section is effective September 1, 2025. Initial biennial audits
 7.13 under subdivision 7, paragraph (a), are due by December 1, 2027."

7.14 With the recommendation that when so amended the bill be re-referred to the Committee
 7.15 on Children and Families Finance and Policy.

7.16 This Committee action taken March 27, 2025

7.17, Co-Chair

7.18, Co-Chair