

1.1 moves to amend H.F. No. 4382, the delete everything amendment
1.2 (H4382DE4), as follows:

1.3 Page 116, after line 28, insert:

1.4 "ARTICLE 3

1.5 MINNESOTA BOARD OF EARLY CARE AND EDUCATION

1.6 Section 1. [142D.40] TITLE.

1.7 Sections 142D.40 to 142D.45 shall be known as the "Minnesota Board of Early Care
1.8 and Education Act."

1.9 Sec. 2. [142D.41] DEFINITIONS.

1.10 Subdivision 1. **Scope.** As used in sections 142D.40 to 142D.45, the following terms
1.11 have the meanings given.

1.12 Subd. 2. **Board.** "Board" means the Minnesota Board of Early Care and Education.

1.13 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of children, youth,
1.14 and families.

1.15 Subd. 4. **Early care and education program.** "Early care and education program"
1.16 means:

1.17 (1) a family and group family child care home licensed under Minnesota Rules, chapter
1.18 9502;

1.19 (2) a child care center licensed under Minnesota Rules, chapter 9503;

1.20 (3) a Tribally licensed child care program;

1.21 (4) a Head Start or Early Head Start organization; and

2.1 (5) a school-based early care and learning program for children in the period of life from
2.2 birth to kindergarten.

2.3 Subd. 5. **Early childhood.** "Early childhood" means the period of life from birth to
2.4 kindergarten.

2.5 Subd. 6. **Licensed health and safety program.** "Licensed health and safety program"
2.6 means an early care and education program subject to licensing requirements under chapter
2.7 142B and Minnesota Rules, chapters 9502 and 9503.

2.8 Subd. 7. **Metropolitan area.** "Metropolitan area" has the same meaning given in section
2.9 473.121, subdivision 2.

2.10 Subd. 8. **Quality recognition pathway.** "Quality recognition pathway" means a
2.11 standardized process approved by the board designed to demonstrate an early care and
2.12 education program's excellence in providing early childhood cognitive, physical, social,
2.13 and emotional development.

2.14 Subd. 9. **Recognized program.** "Recognized program" means an early care and education
2.15 program that has completed all requirements of a quality recognition pathway and has
2.16 attained a recognized early care and education program designation from the board.

2.17 Sec. 3. **[142D.42] BOARD OF EARLY CARE AND EDUCATION;**
2.18 **ESTABLISHMENT.**

2.19 The Board of Early Care and Education is created to support the cognitive, physical,
2.20 social, and emotional development of children attending early care and education programs
2.21 through the development of program quality standards, improved early childhood educator
2.22 qualifications, and the consolidation of existing state supports for early care and education
2.23 programs and educators.

2.24 Sec. 4. **[142D.43] BOARD STRUCTURE.**

2.25 Subdivision 1. **Membership; officers.** (a) The board must carry out and enforce the
2.26 purposes, powers, and duties of sections 142D.40 to 142D.45. The governor must appoint
2.27 the following members in accordance with section 15.066:

2.28 (1) three employees of a child care center licensed under Minnesota Rules, chapter 9503,
2.29 at least one from greater Minnesota and at least one from the metropolitan area;

3.1 (2) three individuals who are license holders of a family or group family child care home
3.2 licensed under Minnesota Rules, chapter 9502, at least one from greater Minnesota and at
3.3 least one from the metropolitan area;

3.4 (3) two employees of an early child care and education program operated by a public
3.5 school district or charter school, one from greater Minnesota and one from the metropolitan
3.6 area;

3.7 (4) one representative of a federally recognized Tribe in Minnesota who has expertise
3.8 in the Tribal early care and education system;

3.9 (5) one representative of a Head Start or Early Head Start program;

3.10 (6) two parents of children currently attending or who have attended any type of early
3.11 care and education program in the past three years, one from greater Minnesota and one
3.12 from the metropolitan area;

3.13 (7) one pediatrician with expertise in developmental and behavioral pediatrics or early
3.14 childhood mental health, or a licensed mental health professional with expertise in early
3.15 childhood development;

3.16 (8) one faculty member or researcher of a higher education or research institution with
3.17 expertise in early childhood education or development; and

3.18 (9) the commissioner or the commissioner's designee.

3.19 (b) In making appointments under this subdivision, the governor must, to the extent
3.20 practicable, reflect the racial, ethnic, cultural, and linguistic diversity of children, families,
3.21 and early childhood educators in Minnesota and include representation from individuals
3.22 with experience serving children with disabilities.

3.23 (c) Initial appointments must be made by August 1, 2027.

3.24 (d) The board must elect a member to serve as the chairperson at the first meeting.

3.25 Subd. 2. **Terms; compensation; removal; vacancies.** The membership terms,
3.26 compensation, removal of members, and filling of vacancies on the board are governed by
3.27 section 15.0575.

3.28 Subd. 3. **Meetings.** (a) The commissioner or the commissioner's designee must convene
3.29 the first meeting within 60 days after appointments to the board are completed.

3.30 (b) The board must meet at least quarterly.

3.31 (c) Meetings of the board are subject to chapter 13D.

4.1 Subd. 4. **Department support.** The commissioner must provide support staff, office
4.2 space, and administrative services for the board.

4.3 Sec. 5. **[142D.44] DUTIES.**

4.4 Subdivision 1. **Quality recognition pathways.** The board must identify and approve
4.5 multiple quality recognition pathways in accordance with section 142D.45.

4.6 Subd. 2. **Educator standards.** The board must establish standards for early childhood
4.7 educator qualifications in accordance with section 142D.46.

4.8 Subd. 3. **Supports.** The board must review and consolidate existing state policies for
4.9 supporting an early care and education program in accordance with section 142D.47.

4.10 Subd. 4. **Reports.** The board must provide reports in accordance with section 142D.48,
4.11 subdivision 3.

4.12 Subd. 5. **Variances.** (a) The board may grant variances to requirements established
4.13 under sections 142D.40 to 142D.48 that do not affect the health or safety of individuals in
4.14 an early care and education program if the following conditions are met:

4.15 (1) the variance must be requested by an applicant on a form and in a manner prescribed
4.16 by the board;

4.17 (2) the request for a variance must include the reasons that the applicant cannot comply
4.18 with a requirement as stated and the alternative equivalent measures that the applicant will
4.19 follow to comply with the intent of the standard; and

4.20 (3) the request must state the period of time for which the variance is requested.

4.21 (b) The board's decision to grant or deny a variance request is final and not subject to
4.22 appeal under the provisions of chapter 14.

4.23 Subd. 6. **Review of standards.** The board must review and update approved quality
4.24 recognition pathways, educator requirements, and supports at least every two years.

4.25 Subd. 7. **Considerations.** In exercising its duties under this section, the board must:

4.26 (1) consider data on child development and learning, early care and education program
4.27 supply, and the early care and education workforce, including data disaggregated by race,
4.28 ethnicity, geography, income, and disability status;

4.29 (2) review current research on child development and effective early care and education
4.30 practices;

5.1 (3) solicit and consider information from families, early childhood educators, program
5.2 leaders, experts in the field, and community organizations, including those representing
5.3 racially, culturally, and linguistically diverse communities;

5.4 (4) consider information from Tribal governments and state and local government entities
5.5 with responsibilities related to early care and education; and

5.6 (5) assess the estimated impacts and costs for early care and education programs of
5.7 proposed board actions.

5.8 **Sec. 6. [142D.45] DUTIES; QUALITY RECOGNITION PATHWAYS.**

5.9 Subdivision 1. **Pathway approval.** (a) The board must:

5.10 (1) identify and approve multiple quality recognition pathways;

5.11 (2) approve a sufficient number of quality recognition pathways to accommodate different
5.12 early care and education program types and sizes; and

5.13 (3) provide quality recognition pathways for licensed health and safety programs and
5.14 early care and education programs not subject to licensing requirements under chapter 142B
5.15 and Minnesota Rules, chapters 9502 and 9503.

5.16 (b) The board may approve a national accreditation or certification as a quality recognition
5.17 pathway or an alternative quality recognition pathway designed to provide more flexibility
5.18 and reflect differences in early care and education program methodology and settings. The
5.19 board must establish clear parameters and measures for each alternative pathway option.

5.20 (c) All quality recognition pathways approved by the board must:

5.21 (1) be based in current early childhood development and learning research;

5.22 (2) rely on industry-led quality standards and measures of child care excellence;

5.23 (3) align with the Department of Children, Youth, and Families early childhood indicators
5.24 of progress;

5.25 (4) use comparable evidence of practice and child development; and

5.26 (5) include third-party verification methods.

5.27 (d) The board must approve each third-party verification entity that has the authority to
5.28 verify whether an early care and education program has met the requirements of a quality
5.29 recognition pathway. Third-party verification entities include, but are not limited to, a
5.30 professional membership organization, a postsecondary institution, a research organization,

6.1 or a Tribal or cultural organization. The board must publicly post a list of approved third-party
6.2 verification entities.

6.3 Subd. 2. **Interaction with licensing.** (a) Nothing in this section alters the health and
6.4 safety licensing requirements under chapter 142B and Minnesota Rules, chapters 9502 and
6.5 9503. A licensed health and safety program must comply with all health and safety
6.6 requirements in addition to all requirements established by the board for the program's
6.7 selected quality recognition pathway.

6.8 (b) The board must provide a clear process for the transition from a licensed health and
6.9 safety program to a recognized early care and education program.

6.10 (c) The board must not duplicate statutory and administrative rule requirements when
6.11 approving quality recognition pathways and adopting rules under section 142D.48.

6.12 Subd. 3. **Mandatory participation.** Participation in a quality recognition pathway is
6.13 mandatory. An early care and education program must become a recognized program to
6.14 receive state and federal funds under sections 142A.44, 142D.21, and 142D.25 and chapter
6.15 142E.

6.16 Sec. 7. **[142D.46] DUTIES; EDUCATOR STANDARDS.**

6.17 (a) The board must identify and approve standards for different levels of qualifications.
6.18 In developing standards, the board must consult with early childhood educators across
6.19 different types of early care and education programs, postsecondary institutions, Tribal
6.20 governments, and relevant state agencies.

6.21 (b) Standards for all levels of qualification established by the board must:

6.22 (1) be based in current early childhood development and learning research;

6.23 (2) rely on industry-led quality standards and measures of early childhood professional
6.24 excellence;

6.25 (3) align with national knowledge and competencies frameworks for early childhood
6.26 professionals; and

6.27 (4) reflect multiple methods of demonstrating competency beyond a postsecondary
6.28 degree.

6.29 (c) The board must work with the commissioner to ensure board standards are reflected
6.30 in rules and policies promulgated by the commissioner.

7.1 **Sec. 8. [142D.47] DUTIES; SUPPORTS.**

7.2 (a) The board must review state policies to improve program access to state support.
7.3 The board must focus its review on aligning existing state supports with quality recognition
7.4 pathways approved under section 142D.45 and educator qualifications established under
7.5 section 142D.46.

7.6 (b) The board may recommend rule, statutory, or budgetary changes to existing state
7.7 policies. Recommendations must be submitted in writing to the commissioner and the chairs
7.8 and ranking minority members of the legislative committees with jurisdiction over early
7.9 childhood care and education.

7.10 **Sec. 9. [142D.48] AUTHORITY OF THE BOARD; REPORTS.**

7.11 Subdivision 1. **Rulemaking authority.** (a) The board may adopt rules subject to the
7.12 provisions of chapter 14 necessary to carry out the powers, duties, and responsibilities given
7.13 to the board under sections 142D.40 to 142D.45.

7.14 (b) In the event of a conflict between a rule adopted by the board and a rule adopted by
7.15 another state agency, the rule adopted by the board applies.

7.16 (c) Notwithstanding paragraph (b), if the commissioner determines a rule adopted by
7.17 the board conflicts with a licensing provision under chapter 142B or Minnesota Rules,
7.18 chapter 9502 or 9503, the board rule does not apply.

7.19 (d) The commissioner may, upon receipt of a board proposal, accept, adopt, and issue
7.20 it by rule with any modifications or amendments the commissioner finds appropriate. The
7.21 commissioner may refer a proposal back to the board with recommendations for further
7.22 study, consideration, or revision. If the commissioner refuses to adopt or issue by rule or
7.23 other appropriate action a board proposal, the commissioner must provide a written
7.24 explanation of the reason for the refusal to the board within 30 days after the board submitted
7.25 the proposal to the commissioner. Any amendments to a board proposal made by the
7.26 commissioner must be shared in writing with the board.

7.27 Subd. 2. **Advisory task force.** The board may create an advisory task force under section
7.28 15.014 with a majority of members who have a working knowledge of early child care and
7.29 education.

7.30 Subd. 3. **Reports.** (a) On or before December 1 of each year, the board must submit a
7.31 report to the governor and the chairs and ranking minority members of the legislative
7.32 committees with jurisdiction over child care licensing summarizing the work of the board.

8.1 The report must include, at a minimum, any recommended statutory changes or administrative
8.2 rule proposals and the funding necessary to implement the recommendations.

8.3 (b) On or before December 1 of each year, the board must publicly report on the impacts
8.4 of state policies on child development and learning, early care and education program supply,
8.5 and early care and education workforce qualifications and stability.

8.6 (c) The board may request data and information from state agencies to carry out the
8.7 board's duties under sections 142D.40 to 142D.45. To the extent permitted by law, state
8.8 agencies must provide the requested data or information or a written explanation of any
8.9 limitations on providing the data or information.

8.10 Sec. 10. Minnesota Statutes 2024, section 142E.07, subdivision 3, is amended to read:

8.11 Subd. 3. **Child care development fund plan development; review.** (a) In an effort to
8.12 improve state legislative involvement in the development of the Minnesota child care and
8.13 development fund plan, the commissioner must present a draft copy of the plan to the
8.14 legislative finance committees that oversee child care assistance funding no less than 30
8.15 days prior to the required deadline for submission of the plan to the federal government.
8.16 The legislature must submit any adjustments to the plan to the commissioner for consideration
8.17 within ten business days of receiving the draft plan. The commissioner must present a copy
8.18 of the final plan to the chairs of the legislative finance committees that oversee child care
8.19 assistance funding no less than four days prior to the deadline for submission of the plan to
8.20 the federal government.

8.21 (b) The commissioner must present a draft copy of the plan and funds reserved for
8.22 activities to improve the quality of child care services under the child care and development
8.23 block grant to the Board of Early Care and Education no less than 30 days prior to the
8.24 required deadline for submission of the plan to the federal government. The Board of Early
8.25 Care and Education must submit any adjustments to the plan to the commissioner for
8.26 consideration within ten business days of receiving the draft plan. The commissioner must
8.27 present a copy of the final plan to the Board of Early Care and Education no less than four
8.28 days prior to the deadline for submission of the plan to the federal government. The
8.29 commissioner must include with the submission of the final plan a written explanation of
8.30 the Board of Early Care and Education adjustments pertaining to the use of quality set-aside
8.31 funds that were rejected.

9.1 Sec. 11. **APPROPRIATION.**

9.2 \$..... in fiscal year 2027 is appropriated from the general fund to the Board of Early
9.3 Care and Education for the purposes of carrying out the board's duties under Minnesota
9.4 Statutes, sections 142D.40 to 142D.45.

9.5 Sec. 12. **EFFECTIVE DATE.**

9.6 This act is effective the day following final enactment."

9.7 Renumber the articles in sequence

9.8 Amend the title accordingly