

Subject Family child care licensing

Authors Wazlawik and Demuth

Analyst Annie Mach

Date March 15, 2021

## Overview

The 2019 Legislature established the Family Child Care Task Force and directed the task force to make recommendations related to family child care licensing and the Parent Aware program. The task force submitted its final report to the legislature in February 2021. This bill includes proposals needed to implement the legislative recommendations in the final report, and the bill is organized according to the duties assigned to the task force and the corresponding recommendations.

## Article 1: Family Child Care Task Force Recommendations; Duty 2

Section	Description
---------	-------------

- |   |   |
|---|---|
| 1 | <p><b>Family child care regulation modernization.</b></p> <p>Requires the Department of Human Services (DHS) to contract with an organization or consultant to: (1) develop a proposal for a risk-based model for monitoring compliance with family child care licensing standards; (2) develop a proposal for updated family child care licensing standards; (3) develop and implement a stakeholder engagement process that solicits input about licensing standards, tiers for violations of the standards, and licensing sanctions for each tier; and (4) solicit input about which family child care providers should be eligible for abbreviated inspections. Directs DHS to submit a report and proposed legislation for implementing the new licensing model and the new standards to the legislature no later than February 1, 2024.</p> |
| 2 | <p><b>Appropriation; family child care regulation modernization.</b></p> <p>Appropriates \$1.17 million in fiscal year 2022 to DHS for the family child care regulation modernization project.</p>  |

## Article 2: Family Child Care Task Force Recommendations; Duty 3

Section	Description
1	<p><b>Licensing of providers.</b></p> <p>Amends § 466.03, subd. 6d. Provides that an officer or employee of a municipality is immune from liability for a claim based on the failure of the child care provider to meet licensing standards, unless the officer or employee is found guilty of malfeasance in office, willful neglect of duty, or bad faith. Further provides that granting a licensing variance to a child care facility does not constitute (1) actual knowledge of a failure to meet licensing standards that resulted in a dangerous condition that foreseeably threatened the plaintiff, or (2) malfeasance in office, willful neglect of duty, or bad faith by an officer or employee involved in granting the variance.</p>

## Article 3: Family Child Care Task Force Recommendations; Duty 4

Section	Description
1	<p><b>Direction to commissioner of human services; family child care one-stop assistance network.</b></p> <p>Requires DHS to develop a proposal for a one-stop regional assistance network to assist individuals with matters relating to starting or sustaining a licensed family child care program. DHS must develop the proposal by January 1, 2022.</p>
2	<p><b>Direction to the commissioner of human services; recommended family child care orientation training.</b></p> <p>Requires DHS to develop recommended, but not required, orientation training for newly licensed family child care providers by July 1, 2022.</p>
3	<p><b>Appropriation; child care provider grants.</b></p> <p>Provides a blank, onetime appropriation in fiscal year 2022 to the Department of Employment and Economic Development (DEED) for grants to local communities to increase the supply of child care providers. Grant recipients must provide a 50 percent nonstate match, and grant recipients must report to DEED on the outcome of the grant program.</p>
4	<p><b>Appropriation; child care business training program.</b></p> <p>Provides a blank, onetime appropriation in fiscal year 2022 to DEED for a competitive grant to a nonprofit organization to operate a business training program for child care providers and to create materials that help child care providers with the start-</p>

Section	Description
---------	-------------

up, expansion, and operation of their businesses. DEED must report on the outcomes of the training program to the governor and the legislature by December 15, 2023.

## Article 4: Family Child Care Task Force Recommendations; Duty 5

Section	Description
---------	-------------

- 1 Family child care or group family child care program.**  
Amends § 245A.02. Defines “family child care program” and “group family child care program.”
- 2 Special family child care program.**  
Amends § 245A.02. Defines “special family child care program.”
- 3 Special family child care homes.**  
Amends § 245A.14, subd. 4. Modifies the existing statute governing licensure of special family child care programs to have “special family child care programs” refer only to programs operated in a dwelling other than the license holder’s own residence. Retains DHS authority to grant a variance to this section to allow a primary provider of care to be licensed according to the provisions that apply to nonprofit agencies or programs operated in a commercial space.
- 4 Alternative child care program licensing.**  
Creates § 245A.141. Copies the text removed from the existing § 245A.14, subd. 4, and reproduces the programs as “alternative child care programs.” Doing so distinguishes “alternative child care programs” from “special family child care programs.” Modifies the copied text to provide that DHS may approve up to four licenses at a single location for license holders that have programs for the purpose of providing child care services to children of the license holder’s employees and license holders that are churches or religious organizations.
- 5 Delegation of authority to agencies.**  
Amends § 245A.16, subd. 1. Provides a technical correction to a statutory reference.

## Article 5: Family Child Care Task Force Recommendation; Duty 6

Section	Description
1	<p><b>Quality rating and improvement system.</b></p> <p>Amends § 124D.142. Directs DHS to arrange an independent evaluation of Minnesota’s quality rating and improvement system (QRIS), commonly known as Parent Aware. The evaluation must examine Parent Aware’s effectiveness and impact on outcomes, including children’s progress toward school readiness, the quality of the early care and education workforce, and parents’ ability to access and use meaningful information about the quality of early care and education programs. The evaluation findings and DHS recommendations for revisions and potential future evaluations must be reported to the legislature by December 31, 2024.</p>
2	<p><b>Appropriation; quality rating and improvement system.</b></p> <p>Appropriates \$1.65 million over the base in fiscal year 2022 for the evaluation of Parent Aware.</p>

## Article 6: Family Child Care Task Force Recommendations; Duty 7

Section	Description
1	<p><b>Training requirements for family and group family child care.</b></p> <p>Amends § 245A.50, subd. 7. Allows a family child care provider to count up to two hours of training instruction toward the provider’s annual 16-hour training requirement.</p>
2	<p><b>Supervising for safety; training requirement.</b></p> <p>Amends § 245A.50, subd. 9. Adds training courses that meet family child care provider’s active supervision training requirement.</p>
3	<p><b>Family child care training advisory committee.</b></p> <p>Establishes a training advisory committee to advise DHS on the training requirements for licensed family child care providers. DHS must report annually to the legislature on any recommendations from the advisory committee. The committee expires December 1, 2025.</p>

## Article 7: Family Child Care Task Force Recommendations; Duty 8

Section	Description
1	<p><b>Ombudsperson for child care providers.</b></p> <p>Creates § 119B.27. Requires the governor to appoint an ombudsperson in the classified service to assist child care providers with licensing, compliance, and other issues. Lists the duties of the ombudsperson and requires the ombudsperson to report annually to DHS and the legislature on the ombudsperson’s activities. Specifies the ombudsperson’s access to state data and requires certain state agencies to provide the ombudsperson with copies of specified data and reports related to child care. Allows the ombudsperson to act independently of DHS to provide testimony to the legislature, make periodic reports to the legislature, and address areas of concern to child care providers.</p>
2	<p><b>Appropriation.</b></p> <p>Provides blank appropriations in fiscal years 2022 and 2023 to DHS for the ombudsperson for child care providers.</p>



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155