

Subject Child Care Governor's Proposals

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Overview

This bill makes various changes to the child care assistance programs, including changes needed to comply with the federal Child Care and Development Block Grant Act of 2014.

Summary

| Section | Description |
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| 1 | Homeless. Amends § 119B.011, by adding subd. 13b. Defines “homeless” under the statute governing the child care assistance program. Provides a September 21, 2020, effective date. |
| 2 | Provider. Amends § 119B.011, subd. 19. Modifies the definition of “provider” under the statute governing the child care assistance program. Provides a July 1, 2019, effective date. |
| 3 | Transition year families. Amends § 119B.011, subd. 20. Modifies the definition of “transition year families” under the statute governing the child care assistance program. Provides a March 23, 2020, effective date. |
| 4 | Child care market rate survey. Amends § 119B.02, subd. 7. Changes the frequency of the child care market rate survey from once every two years to once every three years beginning in state fiscal year 2021. Provides an immediate effective date. |
| 5 | Applications. Amends § 119B.025, subd. 1. Specifies the process counties must follow when handling applications of families who meet the definition of homeless. Provides a September 21, 2020, effective date. |

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| 6 | <p>Portability pool.</p> <p>Amends § 119B.03, subd. 9. Modifies the portability pool by requiring families who are receiving basic sliding fee child care assistance and move from one county to another to notify the family's previous county of residence of the move (under current law, families must notify the new county of residence within 60 days of moving and submit information to the new county of residence to verify eligibility for the basic sliding fee program). Removes the six-month time limit on receipt of portability pool assistance. Provides a December 2, 2019, effective date.</p> |
| 7 | <p>General eligibility requirements.</p> <p>Amends § 119B.09, subd. 1. Specifies a family remains eligible for child care assistance until the redetermination if the family has a child that reaches 13 years of age or the child has a disability and reaches 15 years of age. Provides a June 29, 2020, effective date.</p> |
| 8 | <p>Maintain steady child care authorizations.</p> <p>Amends § 119B.095, subd. 2. Requires the amount of child care authorized to continue at the same number of hours or more hours until redetermination when a child reaches 13 years of age or a child with a disability reaches 15 years of age. Provides a June 29, 2020, effective date.</p> |
| 9 | <p>Assistance for persons who are homeless.</p> <p>Amends § 119B.095, by adding subd. 3. Makes homeless applicants for child care assistance eligible for 60 hours of child care assistance per service period for three months from the date the county receives the application. Allows additional hours to be authorized as needed based on the applicant's participation in employment, education, or MFIP or DWP employment plan. Requires the parent to verify that the parent meets eligibility and activity requirements for child care assistance to continue receiving assistance after the initial three months. Provides a September 21, 2020, effective date.</p> |
| 10 | <p>Subsidy restrictions.</p> <p>Amends § 119B.13, subd. 1. Paragraph (a) modifies the child care assistance program maximum rates to be based on the most recent child care provider survey and to be automatically updated to the most recent survey in September after the most recent rate survey.</p> <p>Paragraph (i) modifies the maximum registration fee paid under child care assistance and automatically updates maximum registration fees based on the market rate surveys.</p> <p>Provides a September 20, 2019, effective date for paragraph (a) and a September 23, 2019, effective date for paragraph (i).</p> |

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| 11 | <p>Fair hearing allowed for applicants and recipients.</p> <p>Amends § 119B.16, subd. 1. Modifies the fair hearings process under the child care assistance program. Provides a February 26, 2021, effective date.</p> |
| 12 | <p>Fair hearing allowed for providers.</p> <p>Amends § 119B.16, subd. 1a. Modifies the fair hearings process for providers under the child care assistance program. Provides a February 26, 2021, effective date.</p> |
| 13 | <p>Joint fair hearings.</p> <p>Amends § 119B.16, subd. 1b. Modifies the joint fair hearings process for providers and families under the child care assistance program. Provides a February 26, 2021, effective date.</p> |
| 14 | <p>Notice to providers.</p> <p>Amends § 119B.16, by adding subd. 1c. Requires the county or commissioner to mail written notice to the provider against whom the action is being taken prior to taking an appealable action. Specifies timelines for mailing the notice and the information that must be included in the notice. Provides a February 26, 2021, effective date.</p> |
| 15 | <p>Fair hearing stayed.</p> <p>Amends § 119B.16, by adding subd. 3. Specifies circumstances under which a provider's fair hearing must be stayed. Provides a February 26, 2021, effective date.</p> |
| 16 | <p>Final department action.</p> <p>Amends § 119B.16, by adding subd. 4. Specifies the county agency's or the commissioner's action is considered final unless the commissioner receives a timely and proper request for an appeal. Provides a February 26, 2021, effective date.</p> |
| 17 | <p>Administrative review.</p> <p>Creates § 119B.161.</p> <p>Subd. 1. Applicability. Specifies conditions under which a provider has the right to administrative review.</p> <p>Subd. 2. Notice. Specifies the timeline a county agency or the commissioner has for mailing a written notice to a provider when suspending payment or denying or revoking the provider's authorization. Lists the information that must be included in the notice. Requires the county agency or commissioner to send notice to each affected family if payment to a provider is suspended or the provider's authorization is denied or revoked.</p> |

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| | <p>Subd. 3. Duration. Specifies the duration of a payment suspension or the denial or revocation of a provider's authorization.</p> <p>Subd. 4. Good cause exception. Lists the conditions under which the commissioner may find that good cause exists not to deny, revoke, or suspend a provider's authorization, or not to continue a denial, revocation, or suspension of a provider's authorization.</p> <p>Provides a February 26, 2021, effective date.</p> |
| 18 | <p>Appeal of department action.</p> <p>Amends § 245E.06, subd. 3. Specifies a provider's rights related to the department's action taken under the child care assistance program fraud investigation statute against a provider are established in sections 119B.16 and 119B.161. Provides a February 26, 2021, effective date.</p> |
| 19 | <p>Decertification.</p> <p>Amends § 245H.07.</p> <p>Subd. 1. Generally. Modifies the list of conditions under which the commissioner may decertify a center.</p> <p>Subd. 2. Reconsideration. Specifies the process for a certification holder to request reconsideration of a decertification. Provides a February 26, 2021, effective date.</p> |
| 20 | <p>Appropriation; basic sliding fee waiting list allocation.</p> <p>Appropriates \$8,676,000 in fiscal year 2020 and \$17,701,000 in fiscal year 2021 from the general fund to the commissioner of human services to reduce the basic sliding fee waiting list. Specifies the manner in which the commissioner must allocate the funds to counties.</p> |
| 21 | <p>Repealer.</p> <p>Repeals the following statutes and rules effective February 26, 2021:</p> <ul style="list-style-type: none">• section 119B.16, subd. 2 (informal conference);• section 245E.06, subsd. 2 (written notice of department sanction), 4 (consolidated hearing with licensing sanction), and 5 (effect of department's administrative determination or sanction); and• part 3400.0185, subp. 5 (notice to providers of actions adverse to the provider). |



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