

**Subject** Child care centers: variances to licensed capacity

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## Summary

To operate in the state, child care programs – child care centers and family child care providers – must be licensed. The requirements for licensing are outlined in statute (chapter 142B) and rules (chapters 9502 and 9503). The commissioner of human services has the authority to grant variances to any licensing requirements that do not affect the health and safety of the children in the program and that meet the requirements outlined in statute.

Minnesota Rules require child care programs to have a minimum of 35 square feet of indoor space available for each child in attendance, which aligns with the State Fire Code (Minnesota Rules, part 9503.0155, subpart 9, and part 9502.0425, subpart 1). This bill, as amended by the A2, directs the commissioner to grant a variance to this requirement if the program's indoor space is within 100 square feet of what would be required for maximum enrollment in the program based on the program's number and qualifications of staff and the variance request is submitted in accordance with the requirements in statute.