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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2817

01/31/2022 Authored by Rasmusson and Haley
The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy

1.1 A bill for an act
1.2 relating to child care licensing; amending child care center staffing and group size
1.3 rules; requiring a report.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. DIRECTION TO COMMISSIONER OF HUMAN SERVICES;
1.6 AMENDING CHILD CARE STAFFING AND GROUP SIZE RULES.

1.7 Subdivision 1. Changes to staffing and group size rules. (a) The commissioner of
1.8 human services must amend Minnesota Rules, part 9503.0040, to require child care centers
1.9 to have the following staff persons on site at all times when one or more children are in a
1.10 center's care:

- 1.11 (1) a teacher-qualified staff person; and
1.12 (2) a staff person who is responsible for overseeing the operation of the daily activities
1.13 of the program, ensuring the health and safety of the children, and supervising staff. The
1.14 staff person is not required to meet the qualifications of a director.

1.15 (b) The commissioner must amend Minnesota Rules, part 9503.0040, subpart 2, item
1.16 D, to require that the first staff member that a child care center includes to meet the
1.17 staff-to-child ratio has at least the qualifications of an aide and is at least 18 years old.

1.18 (c) The commissioner must amend Minnesota Rules, part 9503.0040, subpart 3, item B,
1.19 to allow a child care center to mix children, excluding infants, in different age categories
1.20 during the center's regular hours of operation if:

- 1.21 (1) the staff-to-child ratio, group size, and staff distribution applied are for the age
1.22 category of the youngest child present; and

2.1 (2) the group is divided when the number of children present reaches the maximum
2.2 group size of the youngest child present.

2.3 (d) For purposes of this subdivision, the commissioner may use the good cause exemption
2.4 process under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota
2.5 Statutes, section 14.386, does not apply.

2.6 Subd. 2. **Required report.** By February 3, 2026, the commissioner of human services
2.7 must submit a report to the legislative committees with jurisdiction over early childhood
2.8 programs and child care licensing that describes any effects the changes required under
2.9 subdivision 1 have on the safety of children receiving care in child care centers.