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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3495

03/23/2016 Authored by Loon

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to child care; providing a temporary exemption from certain positive
1.3 support strategy rules; proposing coding for new law in Minnesota Statutes,
1.4 chapter 245A.

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

1.6 Section 1. **[245A.23] POSITIVE SUPPORT STRATEGIES.**

1.7 (a) The commissioner of human services, in conjunction with licensed programs
1.8 that provide group family day care and family day care under Minnesota Rules, chapter
1.9 9502, and child care centers licensed under Minnesota Rules, chapter 9503, must review
1.10 and evaluate the applicability of Minnesota Rules, chapter 9544, the positive support
1.11 strategies and restrictive interventions rules, to child care programs. The commissioner
1.12 must consider the undue hardship, including increased cost and reduction in child care
1.13 services, experienced by child care providers and child care centers as a result of the
1.14 application of chapter 9544. The commissioner must determine which rules must apply
1.15 to each type of program, to what extent each rule must apply, and consider granting
1.16 variances to the requirements to programs that submit a request for a variance. The
1.17 commissioner must complete this review and evaluation process of the applicability of
1.18 Minnesota Rules, chapter 9544, to child care programs no later than December 31, 2016.
1.19 The commissioner must submit a written plan to modify application of rules for child care
1.20 programs to the house of representatives and senate committees with jurisdiction over
1.21 child care no later than January 15, 2017.

1.22 (b) Until the commissioner has completed the review and evaluation process and
1.23 submitted a written plan to the legislature required under paragraph (a), programs licensed
1.24 as family day care and group family day care facilities under Minnesota Rules, chapter

2.1 9502, and programs licensed as child care centers under Minnesota Rules, chapter 9503,
2.2 are exempt from the following rules:

2.3 (1) part 9544.0040, functional behavior assessment, unless the child has a case
2.4 manager under section 256B.092, subdivision 1a, paragraph (e); and

2.5 (2) part 9544.0090, staff qualifications and training.

2.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.