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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **107**

01/17/2013 Authored by Moran, Abeler, Fritz, Franson and Clark

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

02/06/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act  
1.2 relating to human services; modifying child care assistance absent days;  
1.3 amending Minnesota Statutes 2012, section 119B.13, subdivision 7.

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

1.5 Section 1. Minnesota Statutes 2012, section 119B.13, subdivision 7, is amended to read:

1.6 Subd. 7. **Absent days.** (a) Licensed child care providers and license-exempt centers  
1.7 must not be reimbursed for more than ~~ten~~ 25 full-day absent days per child, excluding  
1.8 holidays, in a fiscal year, or for more than ten consecutive full-day absent days. Legal  
1.9 nonlicensed family child care providers must not be reimbursed for absent days. If a child  
1.10 attends for part of the time authorized to be in care in a day, but is absent for part of the  
1.11 time authorized to be in care in that same day, the absent time must be reimbursed but  
1.12 the time must not count toward the ~~ten~~ absent day days limit. Child care providers must  
1.13 only be reimbursed for absent days if the provider has a written policy for child absences  
1.14 and charges all other families in care for similar absences.

1.15 (b) Notwithstanding paragraph (a), children with documented medical conditions  
1.16 that cause more frequent absences may exceed the 25 absent days limit, or ten consecutive  
1.17 full-day absent days limit. Absences due to a documented medical condition of a parent  
1.18 or sibling who lives in the same residence as the child receiving child care assistance  
1.19 do not count against the absent days limit in a fiscal year. Documentation of medical  
1.20 conditions must be on the forms and submitted according to the timelines established by  
1.21 the commissioner. A public health nurse or school nurse may verify the illness in lieu of  
1.22 a medical practitioner. If a provider sends a child home early due to a medical reason,  
1.23 including, but not limited to, fever or contagious illness, the child care center director or  
1.24 lead teacher may verify the illness in lieu of a medical practitioner.

2.1           ~~(b)~~ (c) Notwithstanding paragraph (a), children in families may exceed the ~~ten~~ absent  
2.2 days limit if at least one parent: (1) is under the age of 21; (2) does not have a high school  
2.3 or general equivalency diploma; and (3) is a student in a school district or another similar  
2.4 program that provides or arranges for child care, parenting support, social services, career  
2.5 and employment supports, and academic support to achieve high school graduation, upon  
2.6 request of the program and approval of the county. If a child attends part of an authorized  
2.7 day, payment to the provider must be for the full amount of care authorized for that day.

2.8           ~~(e)~~ (d) Child care providers must be reimbursed for up to ten federal or state holidays  
2.9 or designated holidays per year when the provider charges all families for these days and the  
2.10 holiday or designated holiday falls on a day when the child is authorized to be in attendance.  
2.11 Parents may substitute other cultural or religious holidays for the ten recognized state and  
2.12 federal holidays. Holidays do not count toward the ~~ten~~ absent ~~day~~ days limit.

2.13           ~~(d)~~ (e) A family or child care provider must not be assessed an overpayment for an  
2.14 absent day payment unless (1) there was an error in the amount of care authorized for the  
2.15 family, (2) all of the allowed full-day absent payments for the child have been paid, or (3)  
2.16 the family or provider did not timely report a change as required under law.

2.17           ~~(e)~~ (f) The provider and family shall receive notification of the number of absent  
2.18 days used upon initial provider authorization for a family and ongoing notification of the  
2.19 number of absent days used as of the date of the notification.

2.20           (g) For purposes of this subdivision, "absent days limit" means 25 full-day absent  
2.21 days per child, excluding holidays, in a fiscal year; and ten consecutive full-day absent days.