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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3433**

03/21/2016 Authored by Franson, Theis, Kresha and Backer

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

03/31/2016 Adoption of Report: 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; appropriating money; modifying certain provisions
1.3 governing child care programs; creating a legislative task force on child care;
1.4 proposing coding for new law in Minnesota Statutes, chapter 245A.

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

1.6 Section 1. **[245A.043] ELECTRONIC APPLICATION; INFORMATION.**

1.7 (a) The commissioner shall conduct a feasibility study regarding the development
1.8 of a single, easily accessible Web site that complies with the requirements contained in
1.9 the federal reauthorization of the federal Child Care Development Fund and would allow
1.10 child care providers and prospective child care providers to:

1.11 (1) access a guide on how to start a child care business;

1.12 (2) access all applicable statutes, administrative rules, and agency policies and
1.13 procedures, including training requirements;

1.14 (3) access up-to-date contact information for state and county agency licensing staff;

1.15 (4) access information on the availability of grant programs and other resources
1.16 for providers; and

1.17 (5) submit a single electronic application and license renewal, including information
1.18 related to child care assistance program registration and application for rating in the
1.19 quality rating and improvement system.

1.20 (b) The commissioner shall submit the feasibility study to the chairs and ranking
1.21 minority members of the house of representatives and senate committees with jurisdiction
1.22 over child care by September 30, 2016.

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

2.1 **Sec. 2. [245A.055] NOTIFICATION TO PROVIDER.**

2.2 (a) When the county employee responsible for family child care and group family
2.3 child care licensing conducts a licensing inspection or conducts a home visit, the employee
2.4 must provide, prior to departure from the residence or facility, a written notification to
2.5 the licensee of any potential licensing violations noted. The notification must include
2.6 the condition that constitutes the violation, the action that must be taken to correct the
2.7 condition, and the time allowed to correct the violation.

2.8 (b) Providing this notification to the licensee does not relieve the county employee
2.9 from notifying the commissioner of the violation as required by statute and administrative
2.10 rule.

2.11 **Sec. 3. [245A.55] TRAINING FOR COUNTY LICENSING STAFF ON FAMILY**
2.12 **CHILD CARE AND GROUP FAMILY CHILD CARE REQUIREMENTS;**
2.13 **SUPERVISION.**

2.14 (a) Within the first two months of employment, county staff who license and inspect
2.15 family child care and group family child care programs must complete at least eight hours
2.16 of training on state statutes, administrative rules, and department policies related to the
2.17 licensing and regulation of family child care and group family child care programs. The
2.18 department must develop the training curriculum to ensure that all county staff who perform
2.19 licensing and inspection functions receive uniform training. This training must include:

2.20 (1) explicit instructions that county staff who license and perform inspections
2.21 must apply only state statutes, administrative rules, and Department of Human Services
2.22 policies in the performance of their duties. Training must reinforce that county staff are
2.23 prohibited from imposing standards or requirements that are not imposed by statute, rule,
2.24 or approved state policy;

2.25 (2) the rights of license holders, including their grievance and appeal rights. This
2.26 training must include information on the responsibility of the county staff to inform license
2.27 holders of their rights, including grievance and appeal rights; and

2.28 (3) the procedure for county staff to seek clarification from the Department of
2.29 Human Services prior to issuing a correction order or other notice of violation to a license
2.30 holder if there is a dispute between the license holder and the county licensor regarding
2.31 the applicability of a statute or rule to the alleged violation.

2.32 (b) To ensure consistency among all licensing staff, the commissioner must develop
2.33 a procedure by which the department will implement increased training and oversight of
2.34 county staff who perform licensing functions related to family child care licensing. This

3.1 procedure must ensure that the commissioner conducts at least biennial reviews of county
3.2 licensing performance.

3.3 (c) Each calendar year, county agency staff who license and regulate family child
3.4 care providers and group family child care providers and their supervisors must receive
3.5 notice from the commissioner on new laws enacted or adopted in the previous 12-month
3.6 period relating to family child care providers and group family child care providers. The
3.7 commissioner shall provide the notices each year to include information on new laws and
3.8 disseminate the notices to county agencies.

3.9 **Sec. 4. CHILD CARE PROVIDER LIAISON AND ADVOCATE.**

3.10 The commissioner of human services must designate a full-time employee of
3.11 the department to serve as a child care provider liaison and advocate. The child care
3.12 provider liaison and advocate must be responsive to requests from providers by providing
3.13 information or assistance in obtaining or renewing licenses, meeting state regulatory
3.14 requirements, or resolving disputes with state agencies or other political subdivisions.

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

3.16 **Sec. 5. LEGISLATIVE TASK FORCE ON CHILD CARE.**

3.17 Subdivision 1. **Creation.** A legislative task force on child care is created to review
3.18 the loss of child care providers in the state, assess affordability issues for providers and
3.19 parents, and identify areas that need to be addressed by the legislature.

3.20 Subd. 2. **Membership.** Task force members shall include:

3.21 (1) four members from the house of representatives appointed by the speaker, two
3.22 from the majority party and two from the minority party; and

3.23 (2) four members from the senate appointed by the majority leader, two from the
3.24 majority party and two from the minority party.

3.25 Subd. 3. **Duties.** (a) The task force may:

3.26 (1) evaluate factors that contribute to child care costs for providers and families;

3.27 (2) assess the child care provider shortage in greater Minnesota;

3.28 (3) review the current preservice and in-service training requirements for family
3.29 child care providers and child care center staff. This review shall include training required
3.30 for licensure, including staff credentialing for child care center staff positions and the ways
3.31 in which this training aligns with Minnesota's Career Lattice and Minnesota's Knowledge
3.32 and Competency Framework for Early Childhood and School-Aged Care Practitioners;

3.33 (4) review the availability of training that is in place to meet the training needs of
3.34 providers, including the content of this training, cost, and delivery methods;

4.1 (5) consider creation of a board of child care to be responsible for all matters related
4.2 to licensing of child care providers, both in-home and center-based programs, and to
4.3 employ an advocate for child care providers;

4.4 (6) review the process of issuing and resolving correction orders issued to child
4.5 care providers;

4.6 (7) consider uniform training requirements for county employees and their
4.7 supervisors who perform duties related to licensing;

4.8 (8) review progress being made by the commissioner of human services to streamline
4.9 paperwork and reduce redundancies for child care providers;

4.10 (9) review the time it takes for the department to provide Child Care Assistance
4.11 program reimbursement to providers; and

4.12 (10) consider options for conducting exit interviews with providers who leave the
4.13 child care field or choose not to be relicensed.

4.14 (b) Task force members may receive input from the commissioners of human
4.15 services and economic development, providers, and stakeholders to review all action items.

4.16 Subd. 4. **Recommendations and report.** The task force, in cooperation with the
4.17 commissioner of human services, shall issue a report to the legislature and governor by
4.18 December 31, 2016. The report must contain summary information obtained during
4.19 the task force meetings and recommendations for additional legislative changes and
4.20 procedures affecting child care.

4.21 **EFFECTIVE DATE.** This section is effective the day following final enactment
4.22 and sunsets on December 31, 2016.

4.23 Sec. 6. **CHILD CARE BUSINESS DEVELOPMENT; APPROPRIATION.**

4.24 (a) \$..... in fiscal year 2017 is appropriated from the general fund to the
4.25 commissioner of employment and economic development for grants to local communities
4.26 to develop and implement a community solution action plan to sustain and increase the
4.27 supply of quality child care providers in order to support regional economic development.
4.28 Grant funds available under this section must be used to assess, identify, and implement
4.29 solutions to reduce the child care shortage in the state, including but not limited to
4.30 funding for child care business start-up or expansion, training, facility modifications or
4.31 improvements required for licensing, and assistance with licensing and other regulatory
4.32 requirements. In awarding grants, the commissioner must give priority to communities in
4.33 greater Minnesota that have documented a shortage of child care providers in the area.

4.34 (b) By September 30, 2017, grant recipients must report to the commissioner on the
4.35 outcomes of the grant program, including but not limited to the number of new providers,

5.1 the number of additional child care provider jobs created, the number of additional child
5.2 care slots, and the amount of local funds invested.

5.3 (c) By January 1, 2018, the commissioner must report on the outcomes to date of
5.4 the program to the standing committees of the legislature having jurisdiction over child
5.5 care and economic development.

5.6 Sec. 7. **CHILD CARE BUSINESS START-UP MANUAL; APPROPRIATION.**

5.7 \$..... in fiscal year 2017 is appropriated from the general fund to the commissioner
5.8 of employment and economic development to produce an easy-to-understand manual to
5.9 instruct aspiring business owners in how to start a child care business. The commissioner
5.10 shall work in consultation with relevant state and local agencies and affected stakeholders
5.11 to produce the manual. The manual must be made available electronically to interested
5.12 persons. This is a onetime appropriation and is available until June 30, 2019.