

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 1327**

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DATE	D-PG	OFFICIAL STATUS
03/13/2013	967	Introduction and first reading Referred to Health, Human Services and Housing
03/20/2014	6473a	Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act  
 1.2 relating to human services; modifying child care provider requirements; requiring  
 1.3 a report; amending Minnesota Statutes 2012, sections 119B.09, subdivision  
 1.4 5; 119B.125, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2012, section 119B.09, subdivision 5, is amended to read:

1.7 Subd. 5. **Provider choice.** Parents may choose child care providers as defined under  
 1.8 section 119B.011, subdivision 19, that best meet the needs of their family. Beginning  
 1.9 July 1, 2018, parents or guardians must choose a participating provider under section  
 1.10 124D.142 for their children not yet attending kindergarten, unless a waiver is granted  
 1.11 under section 119B.125, subdivision 1, by the commissioner of human services. Counties  
 1.12 shall make resources available to parents in choosing quality child care services. Counties  
 1.13 may require a parent to sign a release stating their knowledge and responsibilities in  
 1.14 choosing a legal provider described under section 119B.011, subdivision 19. When a  
 1.15 county knows that a particular provider is unsafe, or that the circumstances of the child  
 1.16 care arrangement chosen by the parent are unsafe, the county may deny a child care  
 1.17 subsidy. A county may not restrict access to a general category of provider allowed under  
 1.18 section 119B.011, subdivision 19.

1.19 Sec. 2. Minnesota Statutes 2012, section 119B.125, subdivision 1, is amended to read:

1.20 Subdivision 1. **Authorization.** (a) Except as provided in subdivision 5, a county  
 1.21 must authorize the provider chosen by an applicant or a participant before the county can  
 1.22 authorize payment for care provided by that provider. The commissioner must establish  
 1.23 the requirements necessary for authorization of providers.

2.1 (b) In order to be authorized to care for a child not yet attending kindergarten, a  
2.2 provider must:

2.3 (1) beginning July 1, 2018, participate in the quality rating and improvement system  
2.4 under section 124D.142; and

2.5 (2) beginning July 1, 2020, have at least a one-star rating in the quality rating and  
2.6 improvement system.

2.7 (c) In order to comply with federal regulations, the requirements in paragraph (b) do  
2.8 not apply to unlicensed or license-exempt providers, including legal nonlicensed providers  
2.9 or providers licensed by a state other than Minnesota. In addition, the commissioner may  
2.10 waive the requirements in paragraph (b), if:

2.11 (1) the parents' authorized activities occur during times when care is not available or  
2.12 not practicable from providers participating in the quality rating and improvement system,  
2.13 for all or a part of the authorized activities;

2.14 (2) a family lives in an area where care from providers participating in the quality  
2.15 rating and improvement system is not available;

2.16 (3) a family has a school-aged sibling whose provider is not participating in the  
2.17 quality rating and improvement system, and the family wishes to keep the children with  
2.18 that same provider;

2.19 (4) no providers participating in the quality rating and improvement system are  
2.20 willing or able to care for one or all of the children in the family;

2.21 (5) a family has a child with a disability as defined in section 125A.02; or

2.22 (6) a family is using a nonparticipating provider prior to July 1, 2018, or July 1,  
2.23 2020, and wishes to continue using that provider.

2.24 (d) A provider must be reauthorized every two years. A legal, nonlicensed family  
2.25 child care provider also must be reauthorized when another person over the age of 13 joins  
2.26 the household, a current household member turns 13, or there is reason to believe that a  
2.27 household member has a factor that prevents authorization. The provider is required to  
2.28 report all family changes that would require reauthorization. When a provider has been  
2.29 authorized for payment for providing care for families in more than one county, the county  
2.30 responsible for reauthorization of that provider is the county of the family with a current  
2.31 authorization for that provider and who has used the provider for the longest length of time.

2.32 **Sec. 3. WAIVER PROCESS RELATED TO CHILD CARE PROVIDER CHOICE.**

2.33 (a) The commissioner of human services shall develop a simple waiver process  
2.34 related to Minnesota Statutes, section 119B.125, subdivision 1.

3.1 (b) Eligibility for child care assistance is determined under Minnesota Statutes,  
3.2 section 119B.09, subdivision 7, and payments are authorized retroactively from that date,  
3.3 regardless of when a waiver is approved.

3.4 (c) The commissioner must monitor the waiver process and report on the usage  
3.5 of waivers to the legislative committees having jurisdiction over child care and Parent  
3.6 Aware policy and finance.

3.7 Sec. 4. **PARENT AWARE QUALITY RATING AND IMPROVEMENT SYSTEM**  
3.8 **ACCESSIBILITY REPORT.**

3.9 Subdivision 1. **Recommendations.** The commissioner of human services, in  
3.10 consultation with representatives from the child care and early childhood advocacy  
3.11 community, child care provider organizations, child care providers, organizations  
3.12 administering Parent Aware, the Departments of Education and Health, counties,  
3.13 and parents, shall make recommendations to the legislature on increasing statewide  
3.14 accessibility for child care providers to the Parent Aware quality rating and improvement  
3.15 system and for increasing access to Parent Aware-rated programs for families with  
3.16 children. The recommendations must address the following factors impacting accessibility:

3.17 (1) availability of rated and nonrated programs by child care provider type, within  
3.18 rural and underserved areas, and for different cultural and non-English-speaking groups;

3.19 (2) time and resources necessary for child care providers to participate in Parent  
3.20 Aware at various rating levels, including cultural and linguistic considerations;

3.21 (3) federal child care development fund regulations; and

3.22 (4) other factors as determined by the commissioner.

3.23 Subd. 2. **Report.** By February 15, 2015, the commissioner of human services  
3.24 shall report to the legislative committees with jurisdiction over the child care  
3.25 assistance programs and the Parent Aware quality rating and improvement system with  
3.26 recommendations to increase access for families and child care providers to Parent Aware,  
3.27 including benchmarks for achieving the maximum participation in Parent Aware-rated  
3.28 child care programs by families receiving child care assistance.

3.29 The recommendations may also include, but are not limited to, potential  
3.30 modifications to sections 1 to 3, if necessary, which may include a delayed effective  
3.31 date, different phase-in process, or repealer.

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