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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1422

02/20/2017 Authored by Franson

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

03/09/2017 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; modifying definition relating to child care licensing;
1.3 modifying child care correction order posting requirements; prohibiting correction
1.4 order quotas for child care licensing; requiring the commissioner to inform child
1.5 care license holders of changes in statute, rule, federal law, regulation, and policy;
1.6 requiring a report to the legislature on the status of child care; amending Minnesota
1.7 Statutes 2016, sections 245A.02, subdivision 2b, by adding a subdivision; 245A.06,
1.8 subdivision 8, by adding a subdivision; proposing coding for new law in Minnesota
1.9 Statutes, chapter 245A.

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

1.11 Section 1. Minnesota Statutes 2016, section 245A.02, subdivision 2b, is amended to read:

1.12 Subd. 2b. **Annual or annually.** With the exception of subdivision 2c, "annual" or
1.13 "annually" means prior to or within the same month of the subsequent calendar year.

1.14 Sec. 2. Minnesota Statutes 2016, section 245A.02, is amended by adding a subdivision to
1.15 read:

1.16 Subd. 2c. **Annual or annually; family child care training requirements.** For the
1.17 purposes of section 245A.50, subdivisions 1 to 9, "annual" or "annually" means the 12-month
1.18 period beginning on the license effective date or the annual anniversary of the effective date
1.19 and ending on the day prior to the annual anniversary of the license effective date.

1.20 Sec. 3. Minnesota Statutes 2016, section 245A.06, subdivision 8, is amended to read:

1.21 Subd. 8. **Requirement to post correction order.** (a) For licensed family child care
1.22 providers and child care centers, upon receipt of any correction order or order of conditional
1.23 license issued by the commissioner under this section, and notwithstanding a pending request

for reconsideration of the correction order or order of conditional license by the license holder, the license holder shall post the correction order or order of conditional license in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. When the correction order or order of conditional license is accompanied by a maltreatment investigation memorandum prepared under section 626.556 or 626.557, the investigation memoranda must be posted with the correction order or order of conditional license.

(b) If the commissioner reverses or rescinds a violation in a correction order upon reconsideration under subdivision 2, the commissioner shall issue an amended correction order and the license holder shall post the amended order according to paragraph (a).

(c) If the correction order is rescinded or reversed in full upon reconsideration under subdivision 2, the license holder shall remove the original correction order posted according to paragraph (a).

Sec. 4. Minnesota Statutes 2016, section 245A.06, is amended by adding a subdivision to read:

Subd. 9. **Child care correction order quotas prohibited.** The commissioner and county licensing agencies shall not order, mandate, require, or suggest to any person responsible for licensing or inspecting a licensed family child care provider or child care center a quota for the issuance of correction orders on a daily, weekly, monthly, quarterly, or yearly basis.

Sec. 5. **[245A.1434] INFORMATION FOR CHILD CARE LICENSE HOLDERS.**

The commissioner shall inform family child care and child care center license holders on a timely basis of changes to state and federal statute, rule, regulation, and policy relating to the provision of licensed child care, the child care assistance program under chapter 119B, the quality rating and improvement system under section 124D.142, and child care licensing functions delegated to counties. Communications under this section shall include information to promote license holder compliance with identified changes. Communications under this section may be accomplished by electronic means and shall be made available to the public online.

Sec. 6. **[245A.153] REPORT TO LEGISLATURE ON THE STATUS OF CHILD CARE.**

Subdivision 1. **Reporting requirements.** Beginning on February 1, 2018, and no later than February 1 of each year thereafter, the commissioner of human services shall provide

to the chairs and ranking minority members of the legislative committees with jurisdiction over child care a report on the status of child care in Minnesota.

Subd. 2. **Contents of report.** (a) The report must include the following:

(1) summary data on trends in child care center and family child care capacity and availability throughout the state, including the number of centers and programs that have opened and closed and the geographic locations of those centers and programs;

(2) a description of any changes to statutes, administrative rules, or agency policies and procedures that were implemented in the year preceding the report;

(3) a description of the actions the department has taken to address or implement the recommendations from the Legislative Task Force on Access to Affordable Child Care Report dated January 15, 2017, including but not limited to actions taken in the areas of:

(i) encouraging uniformity in implementing and interpreting statutes, administrative rules, and agency policies and procedures relating to child care licensing and access;

(ii) improving communication with county licensors and child care providers regarding changes to statutes, administrative rules, and agency policies and procedures, ensuring that information is directly and regularly transmitted;

(iii) providing notice to child care providers before issuing correction orders or negative actions relating to recent changes to statutes, administrative rules, and agency policies and procedures;

(iv) implementing confidential, anonymous communication processes for child care providers to ask questions and receive prompt, clear answers from the department;

(v) streamlining processes to reduce duplication or overlap in paperwork and training requirements for child care providers; and

(vi) compiling and distributing information detailing trends in the violations for which correction orders and negative actions are issued;

(4) a description of the department's efforts to cooperate with counties while addressing and implementing the task force recommendations; and

(5) summary data on child care assistance programs including but not limited to state funding and numbers of families served.

(b) The commissioner may offer recommendations for legislative action.

Subd. 3. **Sunset.** This section expires February 2, 2020.