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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2651**

03/21/2019 Authored by Pryor
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to human services; establishing a child care advisory working group;
1.3 modifying child care assistance program requirements; providing directions to the
1.4 commissioner; requiring a report; amending Minnesota Statutes 2018, sections
1.5 119B.02, subdivision 3, by adding a subdivision; 119B.025, by adding a
1.6 subdivision; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

1.8 Section 1. Minnesota Statutes 2018, section 119B.02, subdivision 3, is amended to read:

1.9 Subd. 3. **Supervision of counties and providers.** (a) The commissioner shall supervise
1.10 child care programs administered by the counties through standard-setting, technical
1.11 assistance to the counties, approval of county child care fund plans, and distribution of
1.12 public money for services. The commissioner shall provide training and other support
1.13 services to assist counties in planning for and implementing child care assistance programs.
1.14 The commissioner shall adopt rules under chapter 14 that establish minimum administrative
1.15 standards for the provision of child care services by county boards of commissioners.

1.16 (b) The commissioner shall:

1.17 (1) provide technical assistance and training to support child care providers to ensure
1.18 proper billing and attendance records are submitted for reimbursement under this chapter;
1.19 and

1.20 (2) ensure that the training and technical assistance provided to child care providers is
1.21 linguistically and culturally accessible.

2.1 Sec. 2. Minnesota Statutes 2018, section 119B.02, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 8. **Child care capacity and attendance.** By January 1, 2020, the commissioner
2.4 shall develop an electronic system for counties and providers to use to track the child care
2.5 provider's authorizations under this chapter to ensure that attendance reported for billing
2.6 purposes under this chapter does not exceed authorized care capacity.

2.7 Sec. 3. Minnesota Statutes 2018, section 119B.025, is amended by adding a subdivision
2.8 to read:

2.9 Subd. 5. **Information to applicants; child care fraud.** At the time of initial application
2.10 and at redetermination the county must provide written notice to the applicant or participant
2.11 listing the activities that constitute child care fraud and the consequences of committing
2.12 child care fraud. An applicant or participant shall acknowledge receipt of the child care
2.13 fraud notice in writing.

2.14 Sec. 4. [245A.154] **CHILD CARE ADVISORY WORKING GROUP.**

2.15 Subdivision 1. **Establishment; Membership.** (a) A working group to advise the
2.16 Department of Human Services on child care licensing policy is established.

2.17 (b) The working group shall include 19 members as follows:

2.18 (1) two members of the house of representatives, one member appointed by the speaker
2.19 of the house and one member appointed by the minority leader of the house of
2.20 representatives;

2.21 (2) two members of the senate, one member appointed by the senate majority leader and
2.22 one member appointed by the senate minority leader;

2.23 (3) the commissioner of human services or a designee;

2.24 (4) two representatives from county social services agencies, appointed by the governor;

2.25 (5) two parents, appointed by the governor, of children served in licensed child care
2.26 centers, one from within the seven-county metropolitan area as defined in section 473.121,
2.27 subdivision 2, and one from outside the seven-county metropolitan area;

2.28 (6) two parents, appointed by the governor, of children served in licensed family or
2.29 group family day care programs, one from within the seven-county metropolitan area as
2.30 defined in section 473.121, subdivision 2, and one from outside the seven-county
2.31 metropolitan area;

3.1 (7) two teachers, appointed by the governor, who are employed at licensed child care
3.2 centers, one from a center within the seven-county metropolitan area as defined in section
3.3 473.121, subdivision 2, and one from a center outside the seven-county metropolitan area;

3.4 (8) two caregivers, appointed by the governor, who are employed at licensed family or
3.5 group family day care programs, one from a program within the seven-county metropolitan
3.6 area as defined in section 473.121, subdivision 2, and one from a program outside the
3.7 seven-county metropolitan area;

3.8 (9) two licensed child care providers, appointed by the governor, one from a center
3.9 within the seven-county metropolitan area as defined in section 473.121, subdivision 2, and
3.10 one from a center outside the seven-county metropolitan area; and

3.11 (10) two licensed family or group family day care providers, appointed by the governor,
3.12 one from within the seven-county metropolitan area as defined in section 473.121, subdivision
3.13 2, and one from outside the seven-county metropolitan area.

3.14 (c) The appointing authorities under this subdivision shall, if possible, ensure that the
3.15 working group's membership reflects the diversity of the families participating in child care
3.16 assistance programs.

3.17 (d) The appointing authorities under this subdivision must complete their appointments
3.18 no later than July 1, 2019.

3.19 Subd. 2. Duties. (a) The working group must:

3.20 (1) make recommendations on improving child care licensing processes;

3.21 (2) assess the cost implications of current licensing standards and any proposed licensing
3.22 changes, and assess whether current child care assistance program reimbursement rates
3.23 adequately cover the costs of regulatory compliance;

3.24 (3) clarify teacher and caregiver qualifications under Minnesota Rules, chapters 9502
3.25 and 9503, including requirements related to transferable credits;

3.26 (4) conduct a survey of licensed child care providers about licensing requirements and
3.27 the licensing process;

3.28 (5) identify licensing requirements that have led to the closure of new child care programs
3.29 and recommend business development and technical assistance resources to promote provider
3.30 recruitment and retention; and

3.31 (6) consider creating specific licensing requirements for child care settings located in
3.32 rural Minnesota in order to address barriers to finding quality teachers and caregivers.

4.1 (b) The working group shall consult with stakeholders and the public as necessary as
 4.2 the working group reviews and carries out the responsibilities listed under paragraph (a).

4.3 Subd. 3. **Meetings.** The commissioner of human services or a designee shall convene
 4.4 the first meeting of the working group no later than August 1, 2019. The commissioner or
 4.5 a designee shall serve as the chair of the working group. Meetings of the working group are
 4.6 open to the public and subject to the Minnesota Open Meeting Law under chapter 13D.

4.7 Subd. 4. **Compensation.** Members of the working group shall receive compensation
 4.8 according to section 15.059, subdivision 3.

4.9 Subd. 5. **Administrative support.** The Department of Human Services shall provide
 4.10 administrative support for the working group and arrange for meeting space.

4.11 Subd. 6. **Report.** No later than February 1, 2020, the working group shall provide
 4.12 recommendations and proposed legislation related to child care licensing requirements and
 4.13 processes, appeal rights and processes, teacher qualifications, and teacher licensing
 4.14 requirements for rural Minnesota settings to the chairs and ranking minority members of
 4.15 the legislative committees with jurisdiction over human services.

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

4.17 **Sec. 5. DIRECTION TO COMMISSIONER.**

4.18 (a) The commissioner of human services shall:

4.19 (1) develop equity and implicit bias training for state and county child care licensors
 4.20 and require all licensors to receive this training within 30 days of initial hiring and once
 4.21 every two years thereafter. The training must be offered at no cost to the lead agencies or
 4.22 licensors;

4.23 (2) actively recruit child care licensors to more accurately reflect the racial and ethnic
 4.24 diversity of families participating in child care assistance programs;

4.25 (3) create an accountability process for child care providers to submit complaints about
 4.26 a licensor;

4.27 (4) hire an equity coordinator to serve in the Office of Inspector General using existing
 4.28 funds. The equity coordinator's responsibilities include:

4.29 (i) developing and maintaining the Office of Inspector General's internal equity initiatives
 4.30 and community engagement strategies;

5.1 (ii) advising management and staff on developing an equitable and inclusive
5.2 organizational culture, and inclusive and culturally sensitive processes, policies, and practices;

5.3 (iii) conducting an annual audit to assess the success of efforts to improve equity and
5.4 inclusiveness across the department; and

5.5 (iv) working with other equity leaders within the department, including the community
5.6 relations director and the Office for Equity, Performance and Development; and

5.7 (5) reorganize the department to remove the licensing function from the Office of
5.8 Inspector General and move it to another division of the department.

5.9 (b) The commissioner shall report to the chairs and ranking minority members of the
5.10 legislative committees with jurisdiction over human services on the implementation of the
5.11 directions under paragraph (a) by January 1, 2020.