

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2799

03/12/2012 Authored by Slawik and Abeler

The bill was read for the first time and 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 provisions; amending
1.3 Minnesota Statutes 2010, section 119B.13, subdivision 3a; Minnesota Statutes
1.4 2011 Supplement, section 119B.13, subdivision 7.

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

1.6 Section 1. Minnesota Statutes 2010, section 119B.13, subdivision 3a, is amended to
1.7 read:

1.8 Subd. 3a. **Provider rate differential for accreditation.** A family child care
1.9 provider or child care center shall be paid a ~~15~~ 17 percent differential above the maximum
1.10 rate established in subdivision 1, up to the actual provider rate, if the provider or center
1.11 holds a current early childhood development credential or is accredited. For a family
1.12 child care provider, early childhood development credential and accreditation includes
1.13 an individual who has earned a child development associate degree, a child development
1.14 associate credential, a diploma in child development from a Minnesota state technical
1.15 college, or a bachelor's or post baccalaureate degree in early childhood education from
1.16 an accredited college or university, or who is accredited by the National Association for
1.17 Family Child Care or the Competency Based Training and Assessment Program. For a
1.18 child care center, accreditation includes accreditation by the National Association for the
1.19 Education of Young Children, the Council on Accreditation, the National Early Childhood
1.20 Program Accreditation, the National School-Age Care Association, or the National Head
1.21 Start Association Program of Excellence. For Montessori programs, accreditation includes
1.22 the American Montessori Society, Association of Montessori International-USA, or the
1.23 National Center for Montessori Education.

Sec. 2. Minnesota Statutes 2011 Supplement, section 119B.13, subdivision 7, is amended to read:

Subd. 7. **Absent days.** (a) ~~Licensed~~ Child care providers ~~and license-exempt centers~~ ~~must~~ may not be reimbursed for more than ~~ten~~ 25 full-day absent days per child, excluding holidays, in a fiscal year, or for more than ten consecutive full-day absent days, unless the child has a documented medical condition that causes more frequent absences. Absences due to a documented medical condition of a parent or sibling who lives in the same residence as the child receiving child care assistance do not count against the 25-day absent day limit in a fiscal year. Documentation of medical conditions must be on the forms and submitted according to the timelines established by the commissioner. A public health nurse or school nurse may verify the illness in lieu of a medical practitioner. If a provider sends a child home early due to a medical reason, including, but not limited to, fever or contagious illness, the child care center director or lead teacher may verify the illness in lieu of a medical practitioner. ~~Legal nonlicensed family child care providers must not be reimbursed for absent days.~~ If a child attends for part of the time authorized to be in care in a day, but is absent for part of the time authorized to be in care in that same day, the absent time ~~must~~ will be reimbursed but the time ~~must~~ will not count toward the ten consecutive or 25 cumulative absent day limit limits. Children in families where at least one parent is under the age of 21, does not have a high school or general equivalency diploma, and is a student in a school district or another similar program that provides or arranges for child care, as well as parenting, social services, career and employment supports, and academic support to achieve high school graduation, may be exempt from the absent day limits upon request of the program and approval of the county. If a child attends part of an authorized day, payment to the provider must be for the full amount of care authorized for that day. Child care providers ~~must~~ may only be reimbursed for absent days if the provider has a written policy for child absences and charges all other families in care for similar absences.

(b) Child care providers must be reimbursed for up to ten federal or state holidays or designated holidays per year when the provider charges all families for these days and the holiday or designated holiday falls on a day when the child is authorized to be in attendance. Parents may substitute other cultural or religious holidays for the ten recognized state and federal holidays. Holidays do not count toward the ten consecutive or 25 cumulative absent day limit limits.

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

3.1 (d) The provider and family must receive notification of the number of absent days
3.2 used upon initial provider authorization for a family and when the family has used 15
3.3 cumulative absent days. Upon statewide implementation of the Minnesota Electronic
3.4 Child Care System, the provider and family shall receive notification of the number of
3.5 absent days used upon initial provider authorization for a family and ongoing notification
3.6 of the number of absent days used as of the date of the notification.

3.7 (e) A county may pay for more absent days than the statewide absent day policy
3.8 established under this subdivision if current market practice in the county justifies payment
3.9 for those additional days. County policies for payment of absent days in excess of the
3.10 statewide absent day policy and justification for these county policies must be included in
3.11 the county's child care fund plan under section 119B.08, subdivision 3.

3.12 **EFFECTIVE DATE.** This section is effective January 1, 2013.