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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 4128

03/21/2018 Authored by Peterson  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to human services; modifying child care licensing requirements; requiring  
1.3 a report; amending Minnesota Statutes 2016, sections 245A.04, subdivision 9;  
1.4 245A.14, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2016, section 245A.04, subdivision 9, is amended to read:

1.7 Subd. 9. **VariANCES.** (a) The commissioner may grant variances to rules that do not affect  
1.8 the health or safety of persons in a licensed program if the following conditions are met:

1.9 (1) the variance must be requested by an applicant or license holder on a form and in a  
1.10 manner prescribed by the commissioner;

1.11 (2) the request for a variance must include the reasons that the applicant or license holder  
1.12 cannot comply with a requirement as stated in the rule and the alternative equivalent measures  
1.13 that the applicant or license holder will follow to comply with the intent of the rule; and

1.14 (3) the request must state the period of time for which the variance is requested.

1.15 The commissioner may grant a permanent variance when conditions under which the  
1.16 variance is requested do not affect the health or safety of persons being served by the licensed  
1.17 program, nor compromise the qualifications of staff to provide services. The permanent  
1.18 variance shall expire as soon as the conditions that warranted the variance are modified in  
1.19 any way. Any applicant or license holder must inform the commissioner of any changes or  
1.20 modifications that have occurred in the conditions that warranted the permanent variance.  
1.21 Failure to advise the commissioner shall result in revocation of the permanent variance and  
1.22 may be cause for other sanctions under sections 245A.06 and 245A.07.

2.1 The commissioner's decision to grant or deny a variance request is final and not subject  
2.2 to appeal under the provisions of chapter 14.

2.3 (b) The commissioner shall consider variances for child care center staff qualification  
2.4 requirements under Minnesota Rules, parts 9503.0032 and 9503.0033, that do not affect  
2.5 the health and safety of children served by the center. A variance request must be submitted  
2.6 to the commissioner according to paragraph (a) and must include a plan for the staff person  
2.7 to gain additional experience, education, or training as requested by the commissioner.  
2.8 When reviewing a variance request under this section, the commissioner shall consider the  
2.9 staff person's level of professional development and completion of child care training courses.

2.10 Sec. 2. Minnesota Statutes 2016, section 245A.14, is amended by adding a subdivision to  
2.11 read:

2.12 Subd. 4a. **Specialized infant and toddler family child care.** A group family day care  
2.13 program licensed to care for a combined total of no more than four infants and toddlers and  
2.14 of that total no more than three infants, under Minnesota Rules, part 9502.0367, may operate  
2.15 as a class B specialized infant and toddler family day care program on days when only one  
2.16 caregiver is present.

2.17 Sec. 3. **DIRECTION TO COMMISSIONER; CHILD CARE LICENSING REFORM.**

2.18 The commissioner of human services shall:

2.19 (1) review best practices and related research regarding child care licensing and technical  
2.20 assistance to providers;

2.21 (2) review best practices and related research regarding the alignment of child care  
2.22 licensing and technical assistance with other programs and supports related to child care,  
2.23 including but not limited to the Quality Rating and Improvement System and the Child and  
2.24 Adult Food Care Program, in order to maximize available resources and supports and avoid  
2.25 duplication;

2.26 (3) review relevant administrative data to assist the commissioner and the legislature  
2.27 with efforts to reform existing child care licensing and technical assistance practices;

2.28 (4) establish and implement a stakeholder engagement process to present the  
2.29 commissioner's findings under this section and receive feedback about potential rulemaking  
2.30 and other regulatory reform; and

2.31 (5) by January 31, 2019, deliver a report on the commissioner's activities under this  
2.32 section, timeline for child care reforms, and plan for the rulemaking process to the chairs

- 3.1 and ranking minority members of the legislative committees with jurisdiction over child
- 3.2 care.