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State of Minnesota

HOUSE OF REPRESENTATIVES

SEVENTH SPECIAL SESSION

H. F. No. 5

12/14/2020 Authored by Pinto
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to human services; appropriating money for public health support funds
1.3 for child care providers; appropriating money for the basic sliding fee program.

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

1.5 Section 1. COVID-19 PUBLIC HEALTH SUPPORT FUNDS FOR CHILD CARE
1.6 PROGRAMS; APPROPRIATION.

1.7 Subdivision 1. Public health support funds. The commissioner of human services shall
1.8 distribute COVID-19 public health support funds to eligible child care programs to support
1.9 the higher costs to operate safely as defined by state and federal public health guidance,
1.10 including but not limited to efforts to create smaller and consistent child groupings, screening
1.11 procedures, quarantine periods, cleaning and sanitation, additional sick leave, substitute
1.12 teachers, supports for distance learning and incentive pay, and other public health measures
1.13 that prevent transmission of COVID-19 and protect families and staff.

1.14 Subd. 2. Eligible programs. (a) The following programs are eligible to receive public
1.15 health support funds under this section:

1.16 (1) family and group family day care homes licensed under Minnesota Rules, chapter
1.17 9502;

1.18 (2) child care centers licensed under Minnesota Rules, chapter 9503;

1.19 (3) certified license-exempt child care centers under Minnesota Statutes, chapter 245H;
1.20 and

1.21 (4) tribally licensed child care programs.

2.1 (b) Programs must not be:

2.2 (1) the subject of a finding of fraud;

2.3 (2) prohibited from receiving public funds under Minnesota Statutes, section 245.095;

2.4 or

2.5 (3) under revocation, suspension, temporary immediate suspension, or decertification,  
2.6 regardless of whether the action is under appeal.

2.7 (c) Public health support funds under this section must be made available to all eligible  
2.8 programs on a noncompetitive basis.

2.9 Subd. 3. Requirements to receive public health support funds. (a) To receive funds  
2.10 under this section, an eligible program must have completed an application for October to  
2.11 December COVID-19 public health support funds, attesting and agreeing in writing that  
2.12 the program has been operating and serving children as of September 15, 2020. An applicant  
2.13 program must further attest and agree in writing that the program intends to remain operating  
2.14 and serving children through February 15, 2021. Exceptions to this operating requirement  
2.15 are:

2.16 (1) service disruptions that are necessary due to public health guidance to protect the  
2.17 safety and health of children and child care programs issued by the Centers for Disease  
2.18 Control and Prevention, commissioner of health, commissioner of human services, or a  
2.19 local public health agency; and

2.20 (2) planned temporary closures for provider vacation and holidays for up to three weeks  
2.21 over the duration of the funding months from September 15, 2020, to February 15, 2021,  
2.22 but not sequentially.

2.23 Temporary closures must be reported to the Department of Human Services using a form  
2.24 prescribed by the commissioner. For licensed and certified centers, only temporary closures  
2.25 of the entire program need to be reported; classroom closures or other operating adjustments  
2.26 do not need to be reported.

2.27 (b) Providers who close permanently for any reason are subject to recovery of funds for  
2.28 any period of time after program closure. Permanent closures must be reported to the  
2.29 Department of Human Services using a form prescribed by the commissioner.

2.30 (c) Notwithstanding paragraphs (a) and (b), if the commissioner determines that the  
2.31 temporary or permanent closure of one program is undertaken to ensure the continued  
2.32 availability of services to children by another program, the commissioner may issue the  
2.33 closed program's public health support funds to the program that has agreed to accept the

3.1 children previously cared for by the closed program whether or not all the children choose  
3.2 to go to the remaining program and whether or not the remaining program is already receiving  
3.3 public health support funds.

3.4 (d) To receive funds under this section, an eligible program must:

3.5 (1) continue to comply with all other requirements listed in the application for October  
3.6 to December COVID-19 public health support funds; and

3.7 (2) prioritize use of these funds during the monthly award periods, and must use the  
3.8 funds to cover costs incurred during the peacetime emergency declared by the governor  
3.9 relating to COVID-19.

3.10 Subd. 4. **Maximum payment to programs.** (a) For December 2020, an eligible family  
3.11 child care program may receive no more than \$1,200, including money paid by the  
3.12 commissioner from the federal coronavirus relief fund.

3.13 (b) For January and February 2021, an eligible family child care program may receive  
3.14 up to \$1,200 in monthly public health support funds.

3.15 (c) For December 2020, an eligible licensed child care center may receive no more than  
3.16 \$8,500, including money paid by the commissioner from the federal coronavirus relief fund.

3.17 (d) For January and February 2021, an eligible licensed child care center may receive  
3.18 up to \$8,500 in monthly public health support funds.

3.19 (e) For December 2020, eligible certified child care centers will not receive additional  
3.20 public health support funds.

3.21 (f) For January and February 2021, an eligible certified child care center may receive  
3.22 up to \$3,000 in monthly public health support funds.

3.23 Subd. 5. **Appropriation.** (a) \$53,122,000 in fiscal year 2021 is appropriated from the  
3.24 general fund to the commissioner of human services for public health support funds under  
3.25 this section. Of this amount, up to \$142,000 is for the commissioner to administer the support  
3.26 funds in accordance with this section.

3.27 (b) This is a onetime appropriation and is available until June 30, 2021, or until 60 days  
3.28 after the expiration of the peacetime emergency declared by the governor in an executive  
3.29 order that relates to the infectious disease known as COVID-19, whichever occurs earlier.  
3.30 Any unobligated or unexpended amounts cancel on June 30, 2021, or 60 days after the  
3.31 expiration of the peacetime emergency declared by the governor in an executive order that  
3.32 relates to the infectious disease known as COVID-19, whichever occurs earlier.

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

4.2 Sec. 2. **DIRECTION TO COMMISSIONER; BASIC SLIDING FEE PROGRAM;**  
 4.3 **APPROPRIATION.**

4.4 Subdivision 1. **Appropriation.** (a) \$9,980,000 in fiscal year 2021 is appropriated from  
 4.5 the general fund to the commissioner of human services for modifications to the basic sliding  
 4.6 fee program in subdivision 2. This is a onetime appropriation. Notwithstanding Minnesota  
 4.7 Statutes, section 119B.03, subdivisions 6, 6a, and 6b, money must be distributed  
 4.8 proportionately based on the average number of families as reported on the most recent six  
 4.9 months of published waiting lists, weighted by the average cost per family in each of those  
 4.10 counties over the same six month period.

4.11 (b) \$1,521,000 in fiscal year 2021 is appropriated from the general fund to the  
 4.12 commissioner of human services for the transition year extension expenditures. This is a  
 4.13 onetime appropriation.

4.14 Subd. 2. **Temporary program changes.** The following changes to the basic sliding fee  
 4.15 program are in effect through April 30, 2021:

4.16 (1) a county may allow a family to maintain their spot on the basic sliding fee waiting  
 4.17 list if the family does not currently have a need for child care; and

4.18 (2) notwithstanding Minnesota Statutes, section 119B.03, subdivision 4, the funding  
 4.19 priority under the basic sliding fee program shall be as follows:

4.20 (i) first priority must be given to non-MFIP families who do not have a high school  
 4.21 diploma or commissioner of education-selected high school equivalency certification, or  
 4.22 who need remedial and basic skills courses in order to pursue employment or to pursue  
 4.23 education leading to employment and who need child care assistance to participate in the  
 4.24 education program. This includes student parents as defined under Minnesota Statutes,  
 4.25 section 119B.011, subdivision 19b. Within this priority, the following subpriorities must  
 4.26 be used:

4.27 (A) child care needs of minor parents;

4.28 (B) child care needs of parents under 21 years of age; and

4.29 (C) child care needs of other parents within the priority group described in this clause;

4.30 (ii) second priority must be given to families in which at least one parent is a veteran as  
 4.31 defined under Minnesota Statutes, section 197.447;

5.1 (iii) third priority must be given to all eligible families who do not belong to any other  
5.2 priority groups listed in this clause;

5.3 (iv) fourth priority must be given to parents who have completed their MFIP or  
5.4 diversionary work program transition year, or parents who are no longer receiving or eligible  
5.5 for diversionary work program supports; and

5.6 (v) fifth priority must be given to families who are eligible for portable basic sliding fee  
5.7 assistance through the portability pool under Minnesota Statutes, section 119B.03, subdivision

5.8 9.

5.9 **EFFECTIVE DATE.** This section is effective January 1, 2021.