

CHAPTER 157—S.F.No. 308

VETOED

CHAPTER 158—H.F.No. 1246

An act relating to child care; requiring child care for school age children not operated by a school to be licensed; changing the definition of toddler and preschooler for family day care programs serving siblings; appropriating money; amending Minnesota Statutes 1994, sections 245A.02, by adding subdivisions; 245A.03, subdivision 2; 245A.10; and 245A.14, subdivision 6.

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

Section 1. Minnesota Statutes 1994, section 245A.02, is amended by adding a subdivision to read:

Subd. 16. SCHOOL AGE CHILD. "School age child" means a child who is at least of sufficient age to have attended the first day of kindergarten, or is eligible to enter kindergarten within the next four months, but is younger than 13 years of age.

Sec. 2. Minnesota Statutes 1994, section 245A.02, is amended by adding a subdivision to read:

Subd. 17. SCHOOL AGE CHILD CARE PROGRAM. "School age child care program" means a nonresidential program serving more than ten children with the primary purpose of providing child care for school age children. School age child care program does not include programs such as scouting, boys clubs, girls clubs, nor sports or art programs.

Sec. 3. Minnesota Statutes 1994, section 245A.03, subdivision 2, is amended to read:

Subd. 2. **EXCLUSION FROM LICENSURE.** Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental ill-

New language is indicated by underline, deletions by ~~strikeout~~.

ness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of economic security;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education in a school as defined in section 120.101, subdivision 4, and programs serving children in combined special education and regular prekindergarten programs that are operated or assisted by the commissioner of education;

(6) nonresidential programs primarily for children that provide care or supervision, without charge for ten or fewer days a year, and for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness who have refused an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1990;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a calendar year;

(12) programs operated by a school as defined in section 120.101, subdivision 4, whose primary purpose is to provide; ~~for adults or child care to school-age children, including children who will be eligible to enter kindergarten within not more than four months, social and recreational activities, such as scouting, boys clubs, girls clubs, sports, or the arts; except that a program operating in a school building is not excluded unless it provided the program~~ is approved by the district's school board;

(13) head start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period;

New language is indicated by underline, deletions by ~~strikeout~~.

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregated care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with mental retardation or related conditions from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with mental retardation or a related condition, in the person's primary residence;

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17; or

(24) the placement of a child by a birth parent or legal guardian in a pre-adoptive home for purposes of adoption as authorized by section 259.47.

For purposes of clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

Sec. 4. Minnesota Statutes 1994, section 245A.10, is amended to read:

245A.10 FEES.

The commissioner shall charge a fee for evaluation of applications and inspection of programs, other than family day care and foster care, which are licensed under sections 245A.01 to 245A.16. The commissioner may charge a fee for the licensing of school age child care programs, in an amount sufficient to cover the cost to the state agency of processing the license.

Sec. 5. Minnesota Statutes 1994, section 245A.14, subdivision 6, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 6. **DROP-IN AND SCHOOL AGE CHILD CARE PROGRAMS.**

(a) Except as expressly set forth in this subdivision, drop-in and school age child care programs must be licensed as a drop-in or school age program under the rules governing child care programs operated in a center.

(b) Drop-in and school age child care programs are exempt from the following Minnesota Rules:

(1) part 9503.0040;

(2) part 9503.0045, subpart 1, items F and G;

(3) part 9503.0050, subpart 6, except for children less than 2-1/2 years old;

(4) one-half the requirements of part 9503.0060, subpart 4, item A, subitems (2), (5), and (8), subpart 5, item A, subitems (2), (3), and (7), and subpart 6, item A, subitems (3) and (6);

(5) part 9503.0070; and

(6) part 9503.0090, subpart 2.

(c) A drop-in and school age child care program must be operated under the supervision of a person qualified as a director and a teacher.

(d) A drop-in and school age child care program must have at least two persons on staff whenever the program is operating, except that the commissioner may permit variances from this requirement under specified circumstances for parent cooperative programs, as long as all other staff-to-child ratios are met.

(e) Whenever the total number of children present to be cared for at a drop-in child care center is more than 20, children that are younger than age 2-1/2 must be in a separate group. This group may contain children up to 60 months old. This group must be cared for in an area that is physically separated from older children.

(f) A drop-in child care program must maintain a minimum staff ratio for children age 2-1/2 or greater of one staff person for each ten children. A school age child care program must maintain a minimum staff ratio of one staff person for every 15 children.

(g) If the drop-in child care program has additional staff who are on call as a mandatory condition of their employment, the minimum child-to-staff ratio may be exceeded only for children age 2-1/2 or greater, by a maximum of four children, for no more than 20 minutes while additional staff are in transit.

(h) In a drop-in child care program, the minimum staff-to-child ratio for infants up to 16 months of age is one staff person for every four infants. The minimum staff-to-child ratio for children age 17 months to 30 months is one staff for every seven children.

New language is indicated by underline, deletions by ~~strikeout~~.

(i) In drop-in care programs that serve both infants and older children, children up to age 2-1/2 may be supervised by assistant teachers, as long as other staff are present in appropriate ratios.

(j) The minimum staff distribution pattern for a drop-in child care program serving children age 2-1/2 or greater and a school age child care program serving school age children is: the first staff member must be a teacher; the second, third, and fourth staff members must have at least the qualifications of a child care aide; the fifth staff member must have at least the qualifications of an assistant teacher; the sixth, seventh, and eighth staff members must have at least the qualifications of a child care aide; and the ninth staff person must have at least the qualifications of an assistant teacher.

(k) A drop-in child care program may care for siblings 16 months or older together in any group. For purposes of this subdivision, sibling is defined as sister or brother, half-sister or half-brother, or stepsister or stepbrother.

Sec. 6. FAMILY DAY CARE AGE RESTRICTIONS.

(a) For purposes of Minnesota Rules, chapter 9502, specifically for siblings to be in the same day care program, the following terms are defined as follows:

(1) "preschooler" means a child at least 24 months of age up to enrollment in the first day of school in the local school district; and

(2) "toddler" means a child at least 12 months of age but younger than 24 months of age.

(b) Until July 1, 1997, for purposes of reimbursement for child care assistance, a licensholder or legally unlicensed provider shall be reimbursed at the toddler age category rate for children between the ages of 24 and 30 months.

(c) The commissioner may grant variances to these age restrictions using the standards in Minnesota Statutes, section 245A.04, subdivision 9.

Sec. 7. RECOMMENDATIONS ON REGULATING CHILD CARE PROGRAMS.

The commissioner of human services shall review and make recommendations to the legislature regarding what programs should be regulated that provide child care for children, and the manner in which these programs should be regulated.

The commissioner shall submit the recommendations to the chairs of the house health and human services committee and the health and human services finance division, and of the senate family services committee and the health care and family services finance division.

Sec. 8. APPROPRIATION.

New language is indicated by underline, deletions by ~~strikeout~~.

\$60,000 in fiscal year 1996 and \$50,000 in fiscal year 1997 are appropriated from the general fund to the commissioner of human services for the purposes of this act.

Presented to the governor May 10, 1995

Signed by the governor May 11, 1995, 9:45 a.m.

CHAPTER 159—S.F.No. 243

An act relating to state lands; authorizing the sale of certain tax-forfeited lands bordering public waters in Dakota county to the city of Eagan.

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

Section 1. PRIVATE SALE OF TAX-FORFEITED LAND; DAKOTA COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, paragraph (a), and the public sale provisions of Minnesota Statutes, chapter 282, Dakota county may convey to the city of Eagan, without consideration, the lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The conveyance must provide that, except as provided in section 2, the land reverts to the state if it is not used for public park or open space purposes.

(c) The lands that may be conveyed are located in Dakota county, are designated by the Dakota county parcel number contained within the parentheses, and are described as:

(1) (Parcel No. 10-01100-011-75) as:

That part of the East Half of the East Half of the Southeast Quarter of Section 11, Township 27 North, Range 23 West, described as follows:

Commencing at the southeast corner of said Section 11; thence North 0 degrees 04 minutes 54 seconds East assumed bearing, along the east line of the Southeast Quarter of said Section 11, 878.96 feet to the northeast corner of OUTLOT I, GOPHER INDUSTRIAL PARK 2ND ADDITION, record plat and the point of beginning of the tract to be described; thence North 89 degrees 37 minutes 34 seconds West along the north line of said OUTLOT I 660.45 feet to the easterly line of EAGANDALE CENTER INDUSTRIAL PARK NO. 4, record plat; thence North 0 degrees 07 minutes 28 seconds East along the easterly line of said EAGANDALE CENTER INDUSTRIAL PARK NO. 4 1406.80

New language is indicated by underline, deletions by ~~strikeout~~.