

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 3310**

(SENATE AUTHORS: WEBER, Abeler, Nelson, Housley and Rosen)

DATE	D-PG	OFFICIAL STATUS
03/14/2018	6486	Introduction and first reading Referred to Human Services Reform Finance and Policy
03/26/2018	6989	Author added Abeler
04/09/2018	7244a	Comm report: To pass as amended
	7252	Second reading
05/07/2018	8738	Author added Nelson
	8742a	Special Order: Amended
	8746	Third reading Passed
05/08/2018	8787	Author added Housley
05/09/2018	8799	Author added Rosen
05/16/2018	8994	Returned from House with amendment
	8894	Senate not concur, conference committee of 3 requested
	9258	Senate conferees Weber; Kiffmeyer; Wiklund
05/17/2018	9264	House conferees Peterson; Franson; Quam
05/19/2018		Conference committee report Senate adopted CC report and repassed bill Third reading
05/20/2018		House adopted SCC report and repassed bill

1.1 A bill for an act

1.2 relating to human services; modifying provisions relating to child care licensing;

1.3 amending Minnesota Statutes 2016, sections 245A.04, subdivision 9; 245A.14,

1.4 by adding a subdivision; 245A.152; 245A.16, subdivision 2.

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. **Variiances.** (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 in accordance with paragraph (a) and must include a plan for the staff  
2.7 person 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, including but not limited to steps completed  
2.10 on the Minnesota career lattice.

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

2.13 Subd. 4a. **Specialized infant and toddler family child care.** A group family day care  
2.14 program licensed as a class D specialized infant and toddler group family day care under  
2.15 Minnesota Rules, part 9502.0367, may operate as a class B specialized infant and toddler  
2.16 family day care program on days when only one caregiver is present.

2.17 Sec. 3. Minnesota Statutes 2016, section 245A.152, is amended to read:

2.18 **245A.152 CHILD CARE LICENSE HOLDER INSURANCE.**

2.19 (a) A license holder must provide a written notice to all parents or guardians of all  
2.20 children to be accepted for care prior to admission stating whether the license holder has  
2.21 liability insurance. This notice may be incorporated into and provided on the admission  
2.22 form used by the license holder.

2.23 (b) If the license holder has liability insurance:

2.24 (1) the license holder shall inform parents in writing that a current certificate of coverage  
2.25 for insurance is available for inspection to all parents or guardians of children receiving  
2.26 services and to all parents seeking services from the family child care program;

2.27 (2) the notice must provide the parent or guardian with the date of expiration or next  
2.28 renewal of the policy; and

2.29 (3) upon the expiration ~~date~~ of the policy or a change in coverage, the license holder  
2.30 must provide a new written notice informing all parents or guardians of children receiving  
2.31 services of the change and indicating whether the insurance policy has lapsed or whether  
2.32 the license holder has renewed the policy.

3.1 ~~If the policy was renewed, the license holder must provide the new expiration date of the~~  
3.2 ~~policy in writing to the parents or guardians.~~

3.3 If a license holder has a continuous insurance policy that renews each year, the license  
3.4 holder may indicate the policy's renewal date in the initial written notice to parents and  
3.5 guardians. This initial written notice shall remain valid and no further notices are required  
3.6 until the insurance coverage changes or the policy lapses.

3.7 (c) If the license holder does not have liability insurance, the license holder must provide  
3.8 an annual notice, on a form developed and made available by the commissioner, to the  
3.9 parents or guardians of children in care indicating that the license holder does not carry  
3.10 liability insurance.

3.11 (d) The license holder must notify all parents and guardians in writing immediately of  
3.12 any change in insurance status.

3.13 (e) The license holder must make available upon request the certificate of liability  
3.14 insurance to the parents of children in care, to the commissioner, and to county licensing  
3.15 agents.

3.16 (f) The license holder must document, with the signature of the parent or guardian, that  
3.17 the parent or guardian received the notices required by this section.

3.18 Sec. 4. Minnesota Statutes 2016, section 245A.16, subdivision 2, is amended to read:

3.19 Subd. 2. **Investigations.** (a) The county or private agency shall conduct timely  
3.20 investigations of allegations of maltreatment of children or adults in programs for which  
3.21 the county or private agency is the commissioner's designated representative and record a  
3.22 disposition of each complaint in accordance with applicable law or rule. The county or  
3.23 private agency shall conduct similar investigations of allegations of violations of rules  
3.24 governing licensure of the program.

3.25 (b) If an investigation conducted under paragraph (a) results in evidence that the  
3.26 commissioner should deny an application or suspend, revoke, or make conditional a license,  
3.27 the county or private agency shall make that recommendation to the commissioner within  
3.28 ten working days. If the commissioner's determination differs from the county's  
3.29 recommendation, the commissioner must, on the notice of the determination, provide the  
3.30 applicant or license holder with the reasons for the deviation, with specificity and in clear  
3.31 and plain language.

3.32 (c) If an investigation conducted under paragraph (a) does not result in evidence that  
3.33 the commissioner should deny an application or suspend, revoke, or make a conditional

4.1 license, and the commissioner's determination differs from the county's determination, the  
 4.2 commissioner must, on the notice of the determination, provide the applicant or license  
 4.3 holder with the reasons for the deviation, with specificity and in clear and plain language.

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

4.5 **Sec. 5. DIRECTION TO COMMISSIONER; CHILD CARE LICENSING REFORM.**

4.6 (a) By December 31, 2018, the commissioner shall:

4.7 (1) make enhancements to the department's licensing information lookup Web site that  
 4.8 comply with federal requirements to make program-specific monitoring results available,  
 4.9 including the date of inspections, any violations noted, and how the violation was addressed  
 4.10 by the provider;

4.11 (2) provide each license holder with a printed copy of the posting guidelines for child  
 4.12 care licensing information; and

4.13 (3) convene regional meetings with license holders and county licensing agencies to  
 4.14 review the posting guidelines and the enhancements made to the department's licensing  
 4.15 Web site and obtain feedback and recommendations for future enhancements to ensure  
 4.16 accuracy and transparency for license holders and families using or seeking licensed child  
 4.17 care.

4.18 (b) In the 2019 report to the legislature on the status of child care required under  
 4.19 Minnesota Statutes, section 245A.153, the commissioner shall include the following:

4.20 (1) a description of the federal and state requirements and any guidelines established  
 4.21 for the posting of child care licensing information and monitoring results;

4.22 (2) a summary of how the department is engaging licensed child care providers, county  
 4.23 licensing agencies, and families seeking or using child care services to obtain feedback  
 4.24 about the posting guidelines on the department's Web site;

4.25 (3) a summary of the administrative reform and actions identified by licensed child care  
 4.26 providers through stakeholder meetings that could be implemented without statutory changes  
 4.27 that would reduce the regulatory and administrative burden to license holders;

4.28 (4) a description of administrative reforms and actions the department has taken in the  
 4.29 prior year or is in the process of implementing; and

4.30 (5) an evaluation of existing laws, models, and initiatives from other states that have  
 4.31 implemented child care licensing reforms to reduce barriers and unnecessary administrative  
 4.32 burdens for child care providers.