

State of Minnesota

H. F. No. **2106**

2.1       Sec. 2. **[245A.42] CHILD CARE CENTER HIRING PRACTICES.**

2.2       As part of the employment assessment process, a child care center license holder or staff  
2.3 person may observe how a prospective employee interacts with children in the licensed  
2.4 facility. The prospective employee is not considered a child care background study subject  
2.5 under section 245C.02, subdivision 6a, provided the prospective employee is under  
2.6 continuous direct supervision by a staff person when the prospective employee has physical  
2.7 access to a child served by the center. The observation period shall not be longer than two  
2.8 hours, and a prospective employee must not be counted in staff-to-child ratios.

2.9       Sec. 3. **DIRECTION TO COMMISSIONER; AMENDING STAFF DISTRIBUTION**  
2.10 **RULES FOR CHILD CARE CENTERS.**

2.11       (a) The commissioner of human services must amend Minnesota Rules, part 9503.0040,  
2.12 subpart 2, item B, to allow an aide who is at least 18 years old or an assistant teacher to  
2.13 substitute for a teacher during morning arrival and afternoon departure times if the total  
2.14 arrival and departure time does not exceed 25 percent of the center's daily hours of operation.

2.15       (b) For purposes of this section, the commissioner may use the good cause exemption  
2.16 process under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota  
2.17 Statutes, section 14.386, does not apply.

2.18       Sec. 4. **DIRECTION TO COMMISSIONER; AMENDING STAFF QUALIFICATION**  
2.19 **RULES FOR CHILD CARE CENTERS.**

2.20       (a) The commissioner of human services must amend Minnesota Rules, parts 9503.0032  
2.21 and 9503.0033, to allow a child care center to hire an individual as a teacher or assistant  
2.22 teacher if the individual is at least 18 years old, has been employed in a direct child-serving  
2.23 role at the center for a minimum of 30 days, is enrolled in a child development associate  
2.24 credential program at the time of hire or will be within 60 days of being hired, and is expected  
2.25 to complete the child development associate credential from the Council for Professional  
2.26 Recognition within one year of the individual's hiring date.

2.27       (b) For purposes of this section, the commissioner may use the good cause exemption  
2.28 process under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota  
2.29 Statutes, section 14.386, does not apply.