

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Drop-In Child Care

4

5 Rules as Adopted

6 9503.0015 OPTIONS FOR CHILD CARE PROGRAMS.

7 A license holder must provide at least one of the following
8 child care programs:

9 [For text of item A, see M.R.]

10 B. A "drop-in child care program" means a child care
11 program that operates for more than 30 days in any 12-month
12 period and is not excluded by Minnesota Statutes, section
13 245A.03, subdivision 2. The program is not a day program and
14 does not provide care to any child for more than five hours in
15 any one day and 40 hours in any one calendar month. The center
16 where the program operates is licensed exclusively to provide a
17 drop-in child care program and does not have a regularly
18 scheduled, ongoing child care program with a stable enrollment.

19 [For text of items C and D, see M.R.]

20 9503.0075 DROP-IN CHILD CARE PROGRAM.

21 Subpart 1. Exemptions for drop-in child care programs. A
22 license holder operating a drop-in child care program as defined
23 in part 9503.0015 must comply with parts 9503.0005 to 9503.0170
24 with the following exceptions:

25 A. The staff ratios and group size restrictions in
26 part 9503.0040 do not apply and are replaced by the requirements
27 in subparts 2 to 6.

28 B. Part 9503.0045, subpart 1, items F and G, of the
29 child care program plan do not apply.

30 C. The requirement in part 9503.0050, subpart 6, that
31 separate bedding be provided for each child in care applies only
32 to those children in care who are less than 30 months old. The
33 provisions in part 9503.0050, subpart 6, requiring washing and
34 cleaning of bedding and blankets remain in effect and apply to
35 all bedding or blankets used by the drop-in child care program.

1 D. Half the furnishings, equipment, materials, or
2 supplies specified by the following subparts of part 9503.0060
3 are required:

4 (1) subpart 4, item A, subitems (2), (5), and
5 (8);

6 (2) subpart 5, item A, subitems (2), (3), and
7 (7); and

8 (3) subpart 6, item A, subitems (3) and (6).

9 E. Part 9503.0070, regarding night care programs,
10 does not apply.

11 F. Part 9503.0090, subpart 2, regarding parent
12 conferences and daily reports, does not apply.

13 Subp. 2. **Supervision.** A drop-in child care program must:

14 A. be operated under the supervision of a person who
15 qualifies both as a director under part 9503.0031 and as a
16 teacher under part 9503.0032; and

17 B. have at least two staff persons present at the
18 center whenever the program is operating even when the ages and
19 numbers of children present are such that the staff-to-child
20 ratio requirements established in subpart 3 could be met by
21 having only one staff person.

22 Subp. 3. **Staff ratios.** The minimum ratio of staff persons
23 to children that a license holder may maintain is:

24 A. for infants ages six weeks through 16 months, one
25 staff person for every four infants;

26 B. for children ages 17 months through 29 months, one
27 staff person for every seven children; and

28 C. for children ages 30 months through 12 years, one
29 staff person for every ten children.

30 Subp. 4. **Exception to staff ratio for ages 30 months**
31 **through 12 years.** The number of children per staff person
32 specified in subpart 3 may be increased only with children ages
33 30 months through 12 years, only by a maximum of four children,
34 and only for a time period, not to exceed 20 minutes, required
35 for additional staff to arrive at the center. A center that
36 exceeds the ratio in subpart 3, item C, must be able to document

1 having staff persons who, as a condition of their employment,
2 are on call to come to the center as needed and arrive at the
3 center within 20 minutes after receiving notification to report.

4 Subp. 5. **Age category grouping.** Whenever the total number
5 of children present to be cared for at a center is more than 20,
6 children younger than 30 months must be cared for in an area
7 that is physically separated from older children. All children
8 30 months old and older may be cared for in the same group in
9 the same area.

10 Subp. 6. **Staff distribution.** Staff distributions for
11 drop-in child care programs must meet the requirements in items
12 A and B.

13 A. If a drop-in child care program serves both
14 infants and older children, the following minimum staff
15 distribution pattern applies for the supervision of infants ages
16 six weeks through 16 months and children ages 17 months through
17 29 months:

18 (1) The first staff person needed to meet the
19 staff-to-child ratios required in subpart 3, items A and B, must
20 have at least the qualifications of an assistant teacher as
21 specified in part 9503.0033.

22 (2) The second staff person needed to meet the
23 staff-to-child ratios required in subpart 3, items A and B, must
24 have at least the qualifications of an aide as specified in part
25 9503.0034, subpart 1.

26 (3) The third staff person needed to meet the
27 staff-to-child ratios required in subpart 3, items A and B, must
28 have at least the qualifications of an assistant teacher as
29 specified in part 9503.0033.

30 (4) The fourth staff person needed to meet the
31 staff-to-child ratios required in subpart 3, items A and B, must
32 have at least the qualifications of an aide as specified in part
33 9503.0034, subpart 1.

34 (5) The fifth staff person needed to meet the
35 staff-to-child ratios required in subpart 3, items A and B, must
36 have at least the qualifications of an assistant teacher as

1 specified in part 9503.0033.

2 (6) The sixth staff person needed to meet the
3 staff-to-child ratios required in subpart 3, items A and B, must
4 have at least the qualifications of an aide as specified in part
5 9503.0034, subpart 1.

6 B. The following minimum staff distribution pattern
7 applies for the supervision of children 30 months and older.

8 (1) The first staff person needed to meet the
9 required staff-to-child ratio specified in subpart 3, item C,
10 must meet the qualifications for teachers specified in part
11 9503.0032.

12 (2) The second, third, and fourth staff persons
13 needed to meet the required staff-to-child ratio specified in
14 subpart 3, item C, must have at least the qualifications of an
15 aide as specified in part 9503.0034, subpart 1.

16 (3) The fifth staff person needed to meet the
17 staff-to-child ratio required in subpart 3, item C, must have at
18 least the qualifications of an assistant teacher as specified in
19 part 9503.0033.

20 (4) The sixth, seventh, and eighth staff persons
21 needed to meet the staff-to-child ratio required in subpart 3,
22 item C, must have at least the qualifications of an aide as
23 specified in part 9503.0034, subpart 1.

24 (5) For any additional staff persons needed after
25 the eighth staff person to meet ratio requirements, the pattern
26 of required staff qualifications established in subitems (3) and
27 (4) applies.

28 9503.0170 LICENSING PROCESS.

29 [For text of subps 1 to 5, see M.R.]

30 Subp. 6. **Variances.** An applicant or license holder may
31 request a variance to parts 9503.0005 to 9503.0170 with the
32 exception of those specified in item D if the request follows
33 the procedures and standards specified in items A, B, and C.

34 [For text of items A to C, see M.R.]

35 D. A variance will not be granted from:

- 1 (1) any law or rule prohibiting the maltreatment
2 of children including but not limited to illegal or unauthorized
3 use of physical, mechanical, or chemical restraint; the illegal
4 or unauthorized use of aversive or deprivation procedures; and
5 corporal punishment;
- 6 (2) part 9503.0005, subpart 25 (supervision);
- 7 (3) part 9503.0030, subpart 3 (disqualification
8 factors);
- 9 (4) part 9503.0040 (staff ratios and group size),
10 subparts 1; 2, items A to C; and 3, items A and B, subitems (2)
11 to (4);
- 12 (5) part 9503.0050, subpart 3 (confinement
13 limitation);
- 14 (6) part 9503.0055 (prohibited actions);
- 15 (7) part 9503.0070, subpart 6 (staffing);
- 16 (8) part 9503.0080 (exclusion of sick children);
- 17 (9) part 9503.0085 (sick care program);
- 18 (10) part 9503.0130, subparts 1 and 2
19 (reporting);
- 20 (11) part 9503.0140, subpart 17 (hazardous
21 objects);
- 22 (12) part 9503.0145, subpart 3 (sanitation);
- 23 (13) part 9503.0150 (transportation), items A to
24 D, and F; and
- 25 (14) part 9503.0155, subparts 1 (occupancy
26 designation), 2 (fire inspection), and 3 (reinspection for
27 cause).

28 [For text of subp 7, see M.R.]