

S.F. No. 1762 – Family Child Care Task Force recommendations implementation, 3rd engrossment

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S.F. No. 1762 implements recommendations from the Family Child Care Task Force final report, issued February 1, 2021. Article 1 includes two miscellaneous recommendations. Beginning with Article 2, the bill is organized according to the task force’s duties listed in the final report.

ARTICLE 1 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; MISCELLANEOUS

Article 1, Section 1 (245A.16, subdivision 1) requires county agencies to forward all communications from DHS regarding family child care to all family child care providers in that county.

Article 1, Section 2 requires DHS to include family child care provider representatives in any work groups developed to create plans to implement Family Child Care Task Force recommendations.

ARTICLE 2 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 2

Article 2, Section 1 requires the commissioner of human services to contract with a consultant in order to develop a proposal that would implement a risk-based model for monitoring and enforcing child care licensing compliance. The consultant must engage with relevant stakeholders and solicit input on how to develop the risk-based compliance system. The commissioner’s report and proposed legislation based on the consultant’s work must be submitted to the legislature by February 1, 2024.

Article 2, Section 2 provides a onetime general fund appropriation of \$1,500,000 available until June 30, 2024, to fund the risk-based licensing development project contract.

ARTICLE 3 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 3

Article 3, Section 1 (466.03, subdivision 6d) amends tort liability for municipalities. This section provides that a grant of a licensing variance for a child day care facility does not constitute actual knowledge of a failure to meet licensing standards that resulted in a dangerous condition that foreseeably threatened the plaintiff.

ARTICLE 4 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 4

Article 4, Section 1 directs the commissioner of human services to develop a proposal that would create a “one-stop” assistance network resource for new or existing family child care providers to contact individuals with experience starting a licensed family child care program, or individuals with technical expertise regarding the applicable licensing statutes and procedures. The proposal must also include an estimated timeline and budget for the assistance network, as well as a plan to raise awareness of the assistance network.

Article 4, Sections 2-4 fund grant proposals presented in the Senate child care omnibus bill (S.F. No. 2) during the 2019 legislative session that were intended to address the child care industry shortage.

Section 2 is a fillable onetime general fund appropriation to the commissioner of employment and economic development for grants to communities to increase the supply of child care providers. At least 60% of the grants must be awarded to communities outside the metro area, and recipients are required to obtain a 50% match of either cash or in-kind contributions. The grants must be used to implement projects to reduce the child care shortage in the state, which includes starting or expanding businesses, provider training, facility modification or required licensing improvements. Communities that have a demonstrated shortage of child care are given priority. All grant recipients must report on the results of their grant awards within one year of receipt.

Section 3 is a fillable onetime general fund appropriation to the commissioner of employment and economic development for a competitive grant to a nonprofit organization to operate a business training program for child care providers that will help expand access to child care services in underserved areas of the state. The commissioner must report the outcomes and recommendations for replication of this training initiative throughout the state, by December 15, 2021.

Section 4 is a fillable onetime general fund appropriation to commissioner of employment and economic development for a grant to the Minnesota Initiative Foundations. The foundations must use grant funds to help rural communities develop an action plan to sustain and increase their supply of child care, including by engaging the private sector, to provide locally based business and operations training for rural child care business owners, and to recruit and train child care providers to participate in the Parent Aware certification program.

ARTICLE 5 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 5

Article 5, Section 1 (245A.14, subdivision 4) modifies the existing statute governing licensure of special family day care homes to have “special family day care” refer only to programs operated outside of the license holder’s home, in a dwelling other than the license holder’s own residence.

The statute retains the provision authorizing the commissioner to grant a variance for a primary provider of care to be licensed according to the provisions that apply to nonprofit agencies or programs operated in a commercial space.

Article 5, Section 2 [245A.141] establishes a new section of law that reproduces the provider types removed from 245A.14, subdivision 4, as “alternative day care programs.” The text is copied from the existing language in 245A.14, subdivision 4. The new title is meant to distinguish a “special family day care” program from these “alternative day care” programs. The text is identical to the existing language in 245A.14, subdivision 4, that is deleted according to section 1, except that the commissioner may approve up to 4 licenses at a single location pursuant to 245A.141, subdivision 2. The current statute permits approval of two or more licenses.

ARTICLE 6 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 6

Article 6, Section 1 includes a fillable onetime general fund appropriation for the commissioner of human services to conduct a validation study of the Parent Aware program and report on the results to the legislature by February 1, 2022. The commissioner is not permitted to update Parent Aware standards and indicators until the validation study is complete.

ARTICLE 7 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 7

Article 7, Section 1 (245A.50, subdivision 1a) adds adults directly supervised by the license holder to the definition of “helper” for family child care programs.

Article 7, Section 2 (245A.50, subdivision 7) authorizes child care training instructors who are also family child care providers to count up to two hours of training instruction toward the 16-hour annual training requirement for family child care providers.

Article 7, Section 3 establishes a Family Child Care Training Advisory Committee to begin January 1, 2022 and expiring December 1, 2025, with members serving two-year terms. The advisory committee will advise and make recommendations to the commissioner of human services on updates to, modernization of, or difficulties facing providers with family child care training requirements, as well as any other aspect of family child care training as requested by a committee member, a member of the public, or the commissioner or commissioner’s designee.

The advisory committee’s membership consists of eight family child care providers, with four from greater Minnesota and four from the metropolitan area, and up to seven individuals who have expertise in child development, instructional design, or training delivery. The speaker of the house and the majority leader of the senate each appoint two of each type of child care provider, as well as up to two of the seven individuals with expertise. Each of the remaining three members with expertise will be appointed by the Minnesota Association of Child Care Professionals, the Minnesota Child Care Provider Network, and the Greater Minnesota Partnership. Advisory committee members are not permitted to be employed by DHS, and must represent diverse cultural communities. Initial member appointments must be made by December 1, 2021, and replacement appointments must be made by December 1 of the year in which a member’s two-year term expires.

The advisory committee must meet at least twice annually, and the commissioner or

commissioner's designee must also attend all meetings. The commissioner must report to the relevant legislative committees on any recommendations issued by the advisory committee.

ARTICLE 8 - FAMILY CHILD CARE TASK FORCE RECOMMENDATIONS; DUTY 8

Article 8, Sections 1 and 3 create and fund a new Office of the Ombudsperson for Child Care Providers.

Section 1 (245A.60) directs the governor to appoint an ombudsperson for child care providers to serve a two-year term and carry out duties to support and inform child care providers with all areas of concern related to the provision of child care services, including licensing and regulatory compliance correction orders and appeals, service improvement, and application assistance. The ombudsperson is authorized to hire staff, to access data necessary for discharging the duties of the office, and to receive copies of all provider correction orders, penalty assessments, and complaint investigations on a quarterly basis. The ombudsperson must operate independently of the department of human services and must have experience providing child care, interpretation of laws and regulations, investigations, record keeping, report writing, public speaking, and management. A person is not eligible to serve as ombudsperson while holding public office and cannot have been previously employed by the department of human services or as a county licensor. The commissioner of human services must provide the ombudsperson with office space, supplies, and other support, and must post provide child care providers with the contact information for the ombudsperson.

Section 3 is a fillable appropriation for ongoing money from the general fund to the Office of the Ombudsperson for Child Care Providers.

Article 8, Section 2 directs the commissioner of human services to modify the "Ask DHS" website function for family child care providers to permit providers to submit the form anonymously and without identifying the provider's licensor.