

1.1 ..... moves to amend H.F. No. 2003 as follows:

1.2 Page 2, delete article 1

1.3 Page 4, after line 23, insert:

1.4 "(b) The consultant must develop a proposal for updated family child care licensing  
1.5 standards and solicit input from stakeholders as described in paragraph (d)."

1.6 Page 4, line 24, delete "(b)" and insert "(c)"

1.7 Page 4, line 30, delete "(c)" and insert "(d)"

1.8 Page 5, lines 1, 2, and 3, delete "appropriate"

1.9 Page 5, line 4, delete "(d)" and insert "(e)"

1.10 Page 5, line 11, delete "(e)" and insert "(f)"

1.11 Page 5, line 12, after "model" insert "and the new licensing standards"

1.12 Page 5, line 16, delete "\$1,500,000" and insert "\$1,170,000"

1.13 Page 5, delete section 1 and insert:

1.14 "Sec. .... Minnesota Statutes 2020, section 466.03, subdivision 6d, is amended to read:

1.15 Subd. 6d. **Licensing of providers.** (a) A claim against a municipality based on the failure  
1.16 of a provider to meet the standards needed for a license to operate a ~~day~~ child care facility  
1.17 under chapter 245A ~~for children~~, unless the municipality had actual knowledge of a failure  
1.18 to meet licensing standards that resulted in a dangerous condition that foreseeably threatened  
1.19 the plaintiff. A municipality shall be immune from liability for a claim arising out of a  
1.20 provider's use of a swimming pool located at a family ~~day~~ child care or group family ~~day~~  
1.21 child care home under section 245A.14, subdivision 10, unless the municipality had actual  
1.22 knowledge of a provider's failure to meet the licensing standards under section 245A.14,

2.1 subdivision 10, paragraph (a), clauses (1) to (3), that resulted in a dangerous condition that  
 2.2 foreseeably threatened the plaintiff. An officer or employee of a municipality shall be  
 2.3 immune from liability for a claim based on the failure of a provider to meet the necessary  
 2.4 standards for a license to operate a child care facility under chapter 245A, unless the officer  
 2.5 or employee is found guilty of malfeasance in office, willful neglect of duty, or bad faith.

2.6 (b) For purposes of paragraph (a), the fact that a licensing variance had been granted for  
 2.7 a child care facility under chapter 245A shall not constitute:

2.8 (1) actual knowledge by the municipality that granted the variance of a failure to meet  
 2.9 licensing standards that resulted in a dangerous condition that foreseeably threatened the  
 2.10 plaintiff; or

2.11 (2) malfeasance in office, willful neglect of duty, or bad faith by an officer or employee  
 2.12 of a municipality involved in granting the variance."

2.13 Page 6, lines 10, 12, and 17, delete "day" and insert "child"

2.14 Page 6, after line 17, insert:

2.15 "Sec. .... **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**  
 2.16 **RECOMMENDED FAMILY CHILD CARE ORIENTATION TRAINING.**

2.17 (a) By July 1, 2022, the commissioner of human services shall develop, in consultation  
 2.18 with licensed family child care providers and representatives from counties, recommended  
 2.19 orientation training for newly licensed family child care providers to ensure that all newly  
 2.20 licensed family child care providers have access to information about Minnesota Statutes,  
 2.21 chapters 245A and 245C, and Minnesota Rules, chapter 9502.

2.22 (b) The orientation training is voluntary and completion of the orientation is not required  
 2.23 to receive or maintain a family child care license."

2.24 Page 7, delete section 4

2.25 Page 8, after line 9, insert:

2.26 "Sec. .... Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision  
 2.27 to read:

2.28 Subd. 23. **Family child care or group family child care program.** "Family child care  
 2.29 program" or "group family child care program" means a licensed child care program provided  
 2.30 in the residence in which the license holder lives. The license holder is the primary provider  
 2.31 of care and can hold only one family child care license.

3.1 Sec. .... Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 24. **Special family child care program.** "Special family child care program"  
3.4 means a licensed child care program provided in a residence where the license holder does  
3.5 not live. The license holder is the primary provider of care."

3.6 Page 8, lines 11, 13, and 14, strike "day" and insert "child"

3.7 Page 10, line 16, delete "DAY" and insert "CHILD"

3.8 Page 10, line 17, delete "day" and insert "child"

3.9 Page 12, line 7, delete "day" and insert "child" and delete "day" and insert "child"

3.10 Page 12, after line 20, insert:

3.11 "Sec. .... Minnesota Statutes 2020, section 245A.16, subdivision 1, is amended to read:

3.12 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private  
3.13 agencies that have been designated or licensed by the commissioner to perform licensing  
3.14 functions and activities under section 245A.04 and background studies for family child care  
3.15 under chapter 245C; to recommend denial of applicants under section 245A.05; to issue  
3.16 correction orders, to issue variances, and recommend a conditional license under section  
3.17 245A.06; or to recommend suspending or revoking a license or issuing a fine under section  
3.18 245A.07, shall comply with rules and directives of the commissioner governing those  
3.19 functions and with this section. The following variances are excluded from the delegation  
3.20 of variance authority and may be issued only by the commissioner:

3.21 (1) dual licensure of family child care and child foster care, dual licensure of child and  
3.22 adult foster care, and adult foster care and family child care;

3.23 (2) adult foster care maximum capacity;

3.24 (3) adult foster care minimum age requirement;

3.25 (4) child foster care maximum age requirement;

3.26 (5) variances regarding disqualified individuals except that, before the implementation  
3.27 of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding  
3.28 disqualified individuals when the county is responsible for conducting a consolidated  
3.29 reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and  
3.30 (b), of a county maltreatment determination and a disqualification based on serious or  
3.31 recurring maltreatment;

4.1 (6) the required presence of a caregiver in the adult foster care residence during normal  
4.2 sleeping hours;

4.3 (7) variances to requirements relating to chemical use problems of a license holder or a  
4.4 household member of a license holder; and

4.5 (8) variances to section 245A.53 for a time-limited period. If the commissioner grants  
4.6 a variance under this clause, the license holder must provide notice of the variance to all  
4.7 parents and guardians of the children in care.

4.8 Except as provided in section ~~245A.14, subdivision 4, paragraph (e)~~ 245A.141, subdivision  
4.9 1, paragraph (a), clause (4), a county agency must not grant a license holder a variance to  
4.10 exceed the maximum allowable family child care license capacity of 14 children.

4.11 (b) A county agency that has been designated by the commissioner to issue family child  
4.12 care variances must:

4.13 (1) publish the county agency's policies and criteria for issuing variances on the county's  
4.14 public website and update the policies as necessary; and

4.15 (2) annually distribute the county agency's policies and criteria for issuing variances to  
4.16 all family child care license holders in the county.

4.17 (c) Before the implementation of NETStudy 2.0, county agencies must report information  
4.18 about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision  
4.19 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the  
4.20 commissioner at least monthly in a format prescribed by the commissioner.

4.21 (d) For family child care programs, the commissioner shall require a county agency to  
4.22 conduct one unannounced licensing review at least annually.

4.23 (e) For family adult day services programs, the commissioner may authorize licensing  
4.24 reviews every two years after a licensee has had at least one annual review.

4.25 (f) A license issued under this section may be issued for up to two years.

4.26 (g) During implementation of chapter 245D, the commissioner shall consider:

4.27 (1) the role of counties in quality assurance;

4.28 (2) the duties of county licensing staff; and

4.29 (3) the possible use of joint powers agreements, according to section 471.59, with counties  
4.30 through which some licensing duties under chapter 245D may be delegated by the  
4.31 commissioner to the counties.

5.1 Any consideration related to this paragraph must meet all of the requirements of the corrective  
5.2 action plan ordered by the federal Centers for Medicare and Medicaid Services.

5.3 (h) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
5.4 successor provisions; and section 245D.061 or successor provisions, for family child foster  
5.5 care programs providing out-of-home respite, as identified in section 245D.03, subdivision  
5.6 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and  
5.7 private agencies.

5.8 (i) A county agency shall report to the commissioner, in a manner prescribed by the  
5.9 commissioner, the following information for a licensed family child care program:

5.10 (1) the results of each licensing review completed, including the date of the review, and  
5.11 any licensing correction order issued;

5.12 (2) any death, serious injury, or determination of substantiated maltreatment; and

5.13 (3) any fires that require the service of a fire department within 48 hours of the fire. The  
5.14 information under this clause must also be reported to the state fire marshal within two  
5.15 business days of receiving notice from a licensed family child care provider."

5.16 Page 12, delete section 1

5.17 Page 12, after line 22, insert:

5.18 "Section 1. Minnesota Statutes 2020, section 124D.142, is amended to read:

5.19 **124D.142 QUALITY RATING AND IMPROVEMENT SYSTEM.**

5.20 Subdivision 1. System established. ~~(a)~~ There is established a quality rating and  
5.21 improvement system (QRIS) framework, known as Parent Aware, to ensure that Minnesota's  
5.22 children have access to high-quality early learning and care programs in a range of settings  
5.23 so that they are fully ready for kindergarten ~~by 2020. Creation of a standards-based voluntary~~  
5.24 ~~quality rating and improvement system includes:~~

5.25 Subd. 2. System components. The standards-based, voluntary quality rating and  
5.26 improvement system includes:

5.27 (1) quality opportunities in order to improve the educational outcomes of children so  
5.28 that they are ready for school. ~~The;~~

5.29 (2) a framework shall be based on the Minnesota quality rating system rating tool and  
5.30 a common set of child outcome and program standards and informed by evaluation results;

6.1 ~~(2)~~ (3) a tool to increase the number of publicly funded and regulated early learning and  
6.2 care services in both public and private market programs that are high quality;

6.3 (4) voluntary participation that ensures that if a program or provider chooses to participate,  
6.4 the program or provider will be rated and may receive public funding associated with the  
6.5 rating. ~~The state shall develop a plan to link future early learning and care state funding to~~  
6.6 ~~the framework in a manner that complies with federal requirements; and~~

6.7 ~~(3)~~ (5) tracking progress toward statewide access to high-quality early learning and care  
6.8 programs, progress toward the number of low-income children whose parents can access  
6.9 quality programs, and progress toward increasing the number of children who are fully  
6.10 prepared to enter kindergarten.

6.11 ~~(b) In planning a statewide quality rating and improvement system framework in~~  
6.12 ~~paragraph (a), the state shall use evaluation results of the Minnesota quality rating system~~  
6.13 ~~rating tool in use in fiscal year 2008 to recommend:~~

6.14 ~~(1) a framework of a common set of child outcome and program standards for a voluntary~~  
6.15 ~~statewide quality rating and improvement system;~~

6.16 ~~(2) a plan to link future funding to the framework described in paragraph (a), clause (2);~~  
6.17 ~~and~~

6.18 ~~(3) a plan for how the state will realign existing state and federal administrative resources~~  
6.19 ~~to implement the voluntary quality rating and improvement system framework. The state~~  
6.20 ~~shall provide the recommendation in this paragraph to the early childhood education finance~~  
6.21 ~~committees of the legislature by March 15, 2011.~~

6.22 ~~(c) Prior to the creation of a statewide quality rating and improvement system in paragraph~~  
6.23 ~~(a), the state shall employ the Minnesota quality rating system rating tool in use in fiscal~~  
6.24 ~~year 2008 in the original Minnesota Early Learning Foundation pilot areas and additional~~  
6.25 ~~pilot areas supported by private or public funds with its modification as a result of the~~  
6.26 ~~evaluation results of the pilot project.~~

6.27 Subd. 3. Evaluation. (a) By February 1, 2022, the commissioner of human services  
6.28 must arrange an independent evaluation of the quality rating and improvement system's  
6.29 effectiveness and impact on:

6.30 (1) children's progress toward school readiness;

6.31 (2) the quality of the early learning and care system supply and workforce; and

7.1 (3) parents' ability to access and use meaningful information about early learning and  
7.2 care program quality.

7.3 (b) The evaluation must be performed by a staff member from another agency or a  
7.4 consultant. An evaluator must have experience in program evaluation and must not be  
7.5 regularly involved in implementation of the quality rating and improvement system.

7.6 (c) The evaluation findings, along with the commissioner's recommendations for  
7.7 revisions, potential future evaluations, and plans for continuous improvement, must be  
7.8 reported to the chairs and ranking members of the legislative committees with jurisdiction  
7.9 over early childhood programs by December 31, 2024.

7.10 (d) At a minimum, the evaluation must:

7.11 (1) analyze the effectiveness of the quality rating and improvement system, including  
7.12 but not limited to reviewing:

7.13 (i) whether quality indicators and measures used in the quality rating and improvement  
7.14 system are consistent with evidence and research findings on early learning and care program  
7.15 quality; and

7.16 (ii) patterns or differences in observed quality of participating early learning and care  
7.17 programs in comparison to programs at other quality rating and improvement system star  
7.18 rating levels and accounting for other factors;

7.19 (2) perform evidence-based assessments of children's developmental gains in ways that  
7.20 are appropriate for children's linguistic and cultural backgrounds and are aligned with the  
7.21 state early childhood indicators of progress;

7.22 (3) analyze the extent to which differences in developmental gains among children  
7.23 correspond to the star ratings of the early learning and care programs, providing disaggregated  
7.24 findings by:

7.25 (i) children's demographic factors, including geographic area, family income level, and  
7.26 racial and ethnic groups;

7.27 (ii) type of provider, including family child care providers, child care centers, Head Start  
7.28 and Early Head Start, and school-based early childhood providers; and

7.29 (iii) any other categories identified by the commissioner, in consultation with the  
7.30 commissioners of health and education or the entity performing the evaluation;

7.31 (4) analyze the accessibility for providers to participate in the quality rating and  
7.32 improvement system, including ease of application and supports for a provider to receive

8.1 or improve a rating, and provide disaggregated findings by geographic area and type of  
 8.2 provider, including family child care providers, child care centers, Head Start and Early  
 8.3 Head Start, and school-based early childhood providers; and

8.4 (5) analyze the availability of providers participating in the quality rating and  
 8.5 improvement system to families, and provide disaggregated findings by geographic area  
 8.6 and type of provider, including family child care providers, child care centers, Head Start  
 8.7 and Early Head Start, and school-based early childhood providers.

8.8 **Sec. 2. APPROPRIATION; QUALITY RATING AND IMPROVEMENT SYSTEM.**

8.9 (a) The sums in this section are appropriated from the general fund to the commissioner  
 8.10 of education in the fiscal years designated for a transfer to the commissioner of human  
 8.11 services for the purposes of expanding the quality rating and improvement system under  
 8.12 Minnesota Statutes, section 124D.142, in greater Minnesota and increasing supports for  
 8.13 providers participating in the quality rating and improvement system:

8.14	<u>\$</u>	<u>3,400,000</u>	<u>.....</u>	<u>2022</u>
8.15	<u>\$</u>	<u>1,750,000</u>	<u>.....</u>	<u>2023</u>

8.16 (b) The amounts in paragraph (a) must be in addition to any federal funding under the  
 8.17 child care and development block grant authorized under Public Law 101-508 in that year  
 8.18 for the system under Minnesota Statutes, section 124D.142.

8.19 (c) Any balance in the first year does not cancel but is available in the second year.

8.20 (d) The onetime, supplemental funds appropriated in fiscal year 2022 are for the purposes  
 8.21 of the quality rating and improvement system's evaluation, and remain available until June  
 8.22 30, 2025.

8.23 (e) The base for each of fiscal years 2024 and 2025 is \$1,750,000."

8.24 Page 13, delete section 1

8.25 Page 14, after line 18, insert:

8.26 "Sec. 3. Minnesota Statutes 2020, section 245A.50, subdivision 9, is amended to read:

8.27 **Subd. 9. Supervising for safety; training requirement.** (a) Courses required by this  
 8.28 subdivision must include the following health and safety topics:

8.29 (1) preventing and controlling infectious diseases;

8.30 (2) administering medication;

- 9.1 (3) preventing and responding to allergies;
- 9.2 (4) ensuring building and physical premises safety;
- 9.3 (5) handling and storing biological contaminants;
- 9.4 (6) preventing and reporting child abuse and maltreatment; and
- 9.5 (7) emergency preparedness.

9.6 (b) Before initial licensure and before caring for a child, all family child care license  
9.7 holders and each second adult caregiver shall complete and document the completion of  
9.8 the six-hour Supervising for Safety for Family Child Care course developed by the  
9.9 commissioner.

9.10 (c) The license holder must ensure and document that, before caring for a child, all  
9.11 substitutes have completed the four-hour Basics of Licensed Family Child Care for  
9.12 Substitutes course developed by the commissioner, which must include health and safety  
9.13 topics as well as child development and learning.

9.14 (d) The family child care license holder and each second adult caregiver shall complete  
9.15 and document:

9.16 (1) the annual completion of either:

9.17 (i) a two-hour active supervision course developed by the commissioner; or

9.18 (ii) any courses in the ensuring safety competency area under the health, safety, and  
9.19 nutrition standard of the Knowledge and Competency Framework that the commissioner  
9.20 has identified as an active supervision training course; and

9.21 (2) the completion at least once every five years of the two-hour courses Health and  
9.22 Safety I and Health and Safety II. When the training is due for the first time or expires, it  
9.23 must be taken no later than the day before the anniversary of the license holder's license  
9.24 effective date. A license holder's or second adult caregiver's completion of either training  
9.25 in a given year meets the annual active supervision training requirement in clause (1).

9.26 (e) At least once every three years, license holders must ensure and document that  
9.27 substitutes have completed the four-hour Basics of Licensed Family Child Care for  
9.28 Substitutes course. When the training expires, it must be retaken no later than the day before  
9.29 the anniversary of the license holder's license effective date."

9.30 Page 14, line 27, after "services" insert "and the contractors working on the family child  
9.31 care licensing modernization project"

- 10.1 Page 14, delete lines 30 and 31
- 10.2 Page 15, line 1, delete "(3)" and insert "(2)"
- 10.3 Page 15, line 3, delete "(4) any other aspect of family child care training, as requested  
10.4 by:" and insert "(3) other ideas for improving access to and quality of training for family  
10.5 child care providers."
- 10.6 Page 15, delete lines 4 to 11
- 10.7 Page 15, delete lines 15 to 29 and insert:
- 10.8 "(1) four members representing family child care providers from greater Minnesota,  
10.9 including two appointed by the speaker of the house and two appointed by the senate majority  
10.10 leader;
- 10.11 (2) two members representing family child care providers from the metropolitan area  
10.12 as defined in Minnesota Statutes, section 473.121, subdivision 2, including one appointed  
10.13 by the speaker of the house and one appointed by the senate majority leader;
- 10.14 (3) one member appointed by the Minnesota Association of Child Care Professionals;
- 10.15 (4) one member appointed by the Minnesota Child Care Provider Information Network;
- 10.16 (5) two members appointed by the Association of Minnesota Child Care Licensors,  
10.17 including one from greater Minnesota and one from the metropolitan area, as defined in  
10.18 Minnesota Statutes, section 473.121, subdivision 2; and
- 10.19 (6) five members with experience in child development, instructional design, and training  
10.20 delivery, with:
- 10.21 (i) one member appointed by Child Care Aware of Minnesota;
- 10.22 (ii) one member appointed by the Minnesota Initiative Foundations;
- 10.23 (iii) one member appointed by the Center for Inclusive Child Care;
- 10.24 (iv) one member appointed by the Greater Minnesota Partnership; and
- 10.25 (v) one member appointed by Achieve, the Minnesota Center for Professional  
10.26 Development."
- 10.27 Page 15, line 31, after "compensation" insert "for their participation in the advisory  
10.28 committee"
- 10.29 Page 16, line 7, after the second "report" insert "annually by November 1"
- 10.30 Page 18, delete section 2

- 11.1 Renumber the sections in sequence and correct the internal references
- 11.2 Amend the title accordingly