

## Child Care Licensing

To protect the health, safety, and welfare of children in child care settings, state law requires child care programs to be licensed. Licensure of child care programs is primarily governed by [Minnesota Statutes, chapter 245A](#), and [Minnesota Rules, chapters 9502 and 9503](#).

### *Who must be licensed?*

Any individual, corporation, or organization providing child care services must be licensed. Operating a program without a license is a misdemeanor. The Minnesota Department of Human Services (DHS) is phasing in certification for license-exempt child care centers participating in the Child Care Assistance Program (CCAP).

The following types of child care are considered to be legal nonlicensed or license-exempt, under [Minnesota Statutes, section 245A.03](#), subdivision 2:

- care provided to children who are related to the child care provider
- care provided by an unrelated individual to children from a single family
- programs operated by a public school for children 33 months or older
- services provided for children for less than three hours a day while the child's parent or legal guardian is in the same or contiguous building
- recreation programs operated or approved by a park and recreation board
- programs operated by a school, YMCA, YWCA, or JCC whose primary purpose is providing child care or services to school-age children
- Head Start programs that operate for less than 45 days a year
- programs for children such as scouting, boys and girls clubs, arts, and sports, provided for a total of less than 30 days in any 12-month period
- religious instruction of school-age children; Sabbath or Sunday schools; or care by a church, congregation, or religious society during regular worship
- programs operated by an accredited nonpublic school serving only children who are age 33 months or older, for no more than four hours per day per child, with no more than 20 children at any one time
- programs operated by a nonprofit organization that provide structured, supervised youth development and K-12 educational opportunities

### *What are the roles of state and local governments in the licensing process?*

Both state and local governments have child care licensing duties. The state:

- issues licenses to all child care programs;
- conducts licensing inspections and investigates alleged licensing violations or child maltreatment in child care centers; and
- conducts background studies of child care staff in licensed child care centers and licensed family and group family child care programs. If a background study reveals certain crimes, conduct, or maltreatment, the commissioner may disqualify the individual from child care service.

The local county social services or human services agency:

- performs specified licensing functions for family and group family child care programs; and
- conducts licensing inspections and investigates alleged licensing violations or child maltreatment for family and group family child care.

***What licensing changes were made in 2017 and 2018?***

**Background Studies.** All child care provider staff and household members 18 or older must undergo an “enhanced” fingerprint-based background study. The study reviews state criminal records, predatory offender and abuse and neglect registries, and FBI criminal records data. All existing providers and household members must undergo an enhanced study by the end of 2020. The timeline for implementation of these enhanced studies is as follows:

- Any new staff person in a licensed child care center will undergo an enhanced background study after the first week of October 2018.
- Certified license-exempt centers will begin submitting background studies on new employees through the DHS system beginning in November 2018.
- All *new* studies for licensed family child care staff and household members after January 1, 2019, will be submitted by counties to DHS, and will be enhanced studies. DHS will work with providers and counties to perform enhanced studies on existing license holders and household members.
- All *new* studies after January 1, 2019, for legal nonlicensed child care providers will be submitted by counties to DHS, and will be enhanced studies. Existing providers and household members will undergo the enhanced studies at their biennial renewal.

A household member aged 13 to 18 is required to undergo a background study based on name and date of birth (not fingerprints), unless the household member meets the criteria for a national criminal history check.

**Training, Health, and Safety Requirements**

- Protocols were modified in 2017 to comply with federal block grant requirements relating to: parental access; orientation training; child growth and development and behavior guidance training; first aid and CPR training; in-service training completion and documentation; allergy prevention and response; handling and disposal of bodily fluids; and emergency planning and preparedness.
- Providers are exempt from the positive support strategies rule and the required training, but must continue to comply with a child’s individual education plan (IEP) and are prohibited from using certain procedures.

**Inspections and Correction Orders**

- Counties and DHS will inspect licensed family child care programs and child care centers annually.
- Licensors will issue a fix-it ticket in lieu of a correction order for specified minor licensing violations, and must offer an exit interview before completing an inspection.
- DHS will issue amended correction orders if reversed or rescinded.
- Licensed family child care providers may request expedited review of a correction order in certain circumstances.
- Providers are no longer required to physically post correction orders.

**For more information:** Providers can refer to the DHS website, which has both a Q&A page and an FAQ page. For other family child care questions, individuals should contact their local county agency. For questions about child care center licensing, individuals should call the DHS licensing division, at 651-431-6500.

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