



LEGISLATIVE UPDATE / FINAL REPORT for 2018

Welcome to the final Child Care Aware Legislative Update for 2018. Narrative updates, along with our Bill Tracker, were posted each **Tuesday** during the legislative session (reflecting activity through the previous Friday) on the [Child Care Aware of Minnesota website](#).

Each week we provided a brief overview of bills that were introduced, actions taken at the committee level or on the floor, and any other pertinent news related to **early care and education and school-age care** issues.

If you have additions to recommend to the bill tracker, please contact [Ann McCully](#).

OVERVIEW

The Minnesota Legislature **adjourned on Sunday, May 20** at midnight after a flurry of final bills were passed off the House and Senate Floor.

The main vehicle for all spending (and most policy) related to early care and education and school age care was the **Omnibus Supplemental Finance Bill (SF 3656)**, which passed the Senate 35-2 and the House 76-49. **This bill was vetoed by Governor Dayton on Wednesday, May 23.**

A description of the early care and education and school-age care elements that were included in the vetoed bill are highlighted in the [preliminary final Legislative Update](#) from **Tuesday, May 22**.

Four **child care-related** bills passed the House and Senate and were sent to the Governor this session. Three of these were signed and one became law without the Governor's signature. Their content is reviewed in more detail below.

The status of all bills introduced/actions taken during the 2018 Legislative session can be found on the [Child Care Aware of Minnesota website](#).

The Legislature now stands adjourned until **January 8, 2019 at noon**.

BILLS PASSED INTO LAW IN 2018

SF 2683 - Human Services Background Study Requirements Modification

Chief Authors: Senator Kiffmeyer and Representative Albright

Passed the Senate 59-5 and the House 127-0. Governor Dayton signed the bill on May 19.

- Modifies the definition of a child care background study subject to include individuals who supervise children and **strikes the blanket requirement that all persons 13 years of age and older submit fingerprints for a background study.**
- Defines the new term “**national criminal history record check,**” which means the check of records maintained by the Federal Bureau of Investigation (FBI) through the submission of fingerprints through the Bureau of Criminal Apprehension (BCA) to the FBI.
- Defines the new term “**reasonable cause to require a national criminal history record check,**” which means that information or circumstances exist that provide the commissioner with articulable suspicion that merits a national criminal history record check and specifies under what circumstances the commissioner has reasonable cause under this section.
- Provides that the FBI will **only retain fingerprints of subjects with a criminal history.**
- Requires that fingerprints must be **submitted by the commissioner to the BCA** and, when specifically required by law, **to the FBI** for a national criminal history record check. The fingerprints **must not be retained** by the Department of Public Safety, and the FBI will only retain fingerprints of subjects with a criminal history.
- Establishes background study requirements for minors, which **does not require fingerprints unless there is reasonable cause** to require a national criminal history record check or if the subject is employed or supervises children served in the program.
- **Caps the fee** for background studies when the subject is a minor at \$20.
- Requires the commissioner to **notify all background study subjects** that the Department of Human Services, Department of Public Safety, and BCA do not retain fingerprint data after the background study is complete, and the FBI only retains the fingerprints of subjects who have a criminal history.

SF 2685 - Positive Support Strategies Training Rule Child Care Provider Exemption

Chief Authors: Senator Lang and Representative Franson

Passed the Senate 65-0 and the House 127-0. The bill became law without the Governor’s signature on May 19.

- **Exempts programs** licensed as family child care, group family child care, or child care centers that care for a child with a developmental disability or related condition from the **positive supports strategies training rule.**
- A program licensed as a **family child care**, group family child care must comply with the individualized education program (IEP) developed if one exists for a child.
- A program licensed as a **child care center** that cares for a child with a developmental disability or related condition must comply with the individual child care program if one exists for the child.
- When providing services to a child with a developmental disability or a related condition, staff at these programs are **prohibited from using procedures identified** in state statute (chemical restraints, mechanical restraints, manual restraints, time-out, seclusion, or any other aversive or deprivation procedure) as a substitute for adequate staffing, for a behavioral or therapeutic program to reduce or eliminate behavior, as punishment, or for staff convenience.

HF 3015 – Correction Order Posting Requirements for Child Care Licensing Modified

Chief Authors: Senator Nelson and Representative Quam

Passed the Senate 66-0 and the House 126-0. Governor Dayton signed the bill on May 19.

- **Removes the statutory requirement** from licensed family child care providers and child care centers to physically **post correction orders** on site.
- **Continues** to require the physical posting of **conditional licenses** and maltreatment investigation memorandums.

SF 3310 - Child Care Licensing Provisions Modified

Chief Authors: Senator Weber and Representative Peterson

Passed the Senate 63-1 and the House 125-0. Governor Dayton signed the bill on May 29.

- Requires the commissioner to **consider variances for child care center staff qualification requirements** that do not affect the health and safety of children served by the center. When reviewing a variance request, the commissioner shall consider the staff person's level of professional development.
- Requires the commissioner to explain in **plain language why a license application is denied**, reasons for a correction order or conditional license, reasons why a license is suspended, revoked, or why a fine was ordered, and changes in statutes, rules, regulations, and policies affecting child care providers, respectively.
- Provides flexibility to group family day care providers to **operate at a different license level** depending on the children in the program on any given day.
- Amends **child care license holder insurance**. Current law requires the license holder to provide written notice when the policy expires, and whether the policy has been renewed, and the date of the new policy's expiration. The new language requires the policy holder to **provide written notice to all parents or guardians of children receiving services upon expiration of the policy or a change in coverage**. If the policy renews each year, the license holder may indicate the renewal date in the notice to parents and guardians, and the initial notice is valid until the coverage changes or lapses.
- Requires the commissioner to make **enhancements to the website** to make program-specific monitoring results available to license holders, including the date of inspections, any violations noted and how violations were addressed, provide each license holder with a **printed copy of posting guidelines**, and **convene regional meetings** to review posing guidelines and enhancements made to the website, and obtain feedback and recommendations to ensure transparency. Requires the commissioner to **include in the 2019** child care report to the Legislature the **list of descriptions, summaries, and information under this paragraph**.