Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)

Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules; Executive Orders; Appointments; Commissioners' Orders; Revenue Notices; Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids, Contracts and Grants

Monday 13 June 2022

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Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- **Proposed Rules**
- **Adopted Rules**
- **Exempt Rules**
- **Expedited Rules**
- **Withdrawn Rules**
- **Executive Orders of the Governor**
- **Appointments**
- **Proclamations**
- **Vetoed Rules**
- **Commissioners' Orders**
- **Revenue Notices**
- **Official Notices**
- **State Grants and Loans**
- **Contracts for Professional, Technical and Consulting Services**
- **Non-State Public Bids, Contracts and Grants**

Printing Schedule and Submission Deadlines

Vol. 46 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#51	Monday 20 June	Noon Tuesday 14 June	Noon Thursday 9 June
#52	Monday 27 June	Noon Tuesday 21 June	Noon Thursday 16 June
#1	Tuesday 5 July	Noon Tuesday 28 June	Noon Thursday 23 June
#2	Monday 11 July	Noon Tuesday 5 July	Noon Thursday 30 June

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Federal Register
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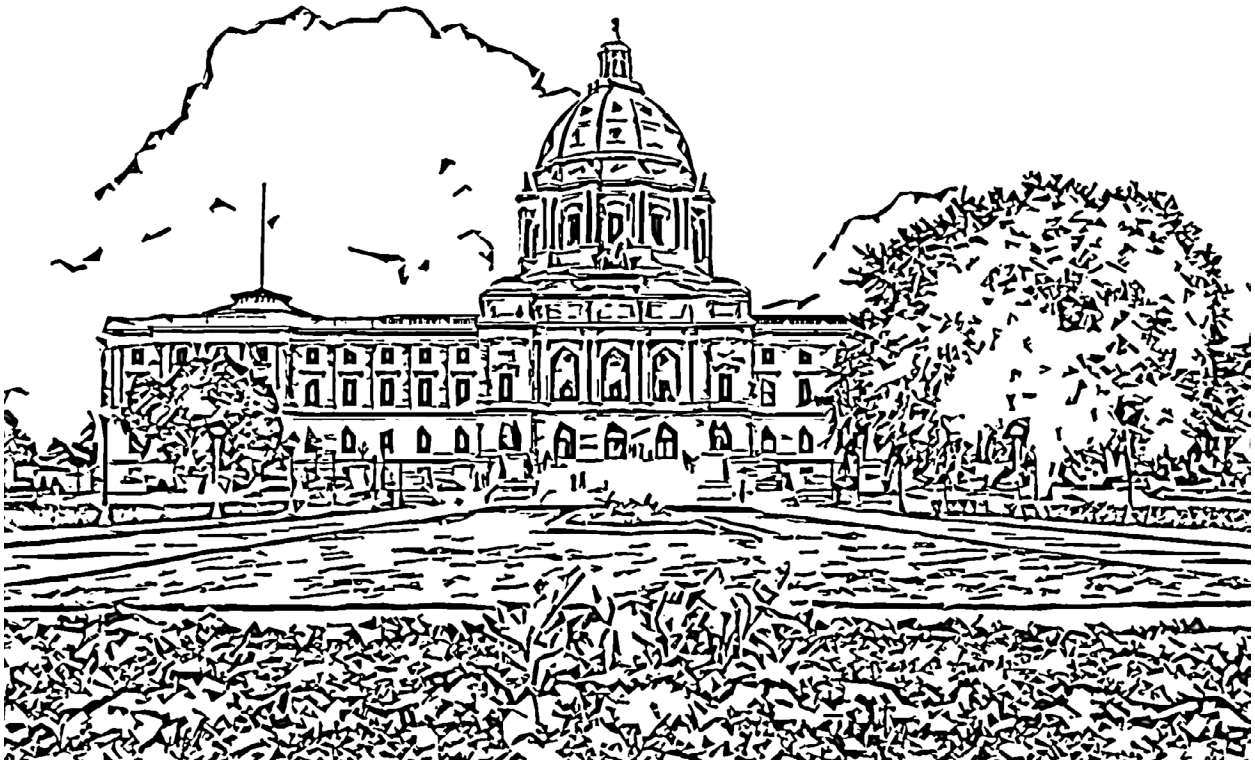
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NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Human Services

Children and Family Services Administration, Child Care Services

Proposed Permanent Rules Relating to Child Care Assistance Program; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4560

Proposed Amendment to Rules Governing the Child Care Assistance Program, *Minnesota Rules*, Parts 3400.0010 through 3400.0235

Introduction. The Department of Human Services intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, July 20, 2022, the Department will hold will hold a virtual public hearing on the proposed rule changes. **An Administrative Law Judge will conduct the hearing** starting at 9:30 a.m. on Wednesday, August 3, 2022, and continuing until the hearing is completed. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 20, 2022 and before August 3, 2022.

For video and audio connection to the virtual hearing, join through an internet connection, such as with a computer or tablet:

Enter ***https://minnesota.webex.com***
Event number (access code): 2490 165 8505
Event password: 9xBdDyTjN38

For audio connection only, join the hearing by phone:

Call: 1-415-655-0003 (US Toll)
Access code: 2490 165 8505

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is:

Vanessa Vogl
Minnesota Department of Human Services
Administrative Law Office
PO Box 64254
Saint Paul, MN 55164-0254
Email: ***Vanessa.Vogl@state.mn.us***
Phone: 651-431-3168

TTY users may call the Department at (800) 627-3529. You may also review the proposed rule and submit written comments via the ***Office of Administrative Hearings Rulemaking eComments website https://minnesotaoah.granicusideas.com/discussions*** .]

Subject of Rules and Statutory Authority. The proposed rules are about the Child Care Assistant Program (CCAP). During the 2017 legislative session, many changes were made to CCAP. Most of the changes were required under the Child Care and Development Block Grant (CCDBG) Act of 2014. The Department is amending the rules to align with these federal and state statutory changes, adding clarity and consistency. The proposed amendments focus on providing equal access to stable child care for low-income children and strengthening requirements to protect the health and safety of children in child care and receiving CCAP funding. The amendments address determination of income for eligibility, frequency of redetermination, determination of copayments, maintaining consistent child care authorizations for children, reporting responsibilities for participants, provider requirements, and payment policies.

Minnesota Statutes, sections 119B.02, subdivisions 1 and 3; 119B.04, subdivision 2; and 119B.06, subdivision 2, authorize DHS to adopt rules for administering CCAP, the child care development fund, and CCDBG. A copy of the proposed rules is published in the *State Register* and available on the Department's website at ***https://mn.gov/dhs/partners-and-providers/policies-procedures/rulemaking/***. A free copy of the rules is available upon request from Vanessa Vogl at the contact information listed above.

Comments. You have until 4:30 p.m. on Wednesday, July 20, 2022, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by Vanessa Vogl by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which Vanessa Vogl must receive by 4:30 p.m. on Wednesday, July 20, 2022. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining

whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact Vanessa Vogl at the email or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for August 3, 2022 if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also contact Vanessa Vogl after July 20, 2022 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara Case is assigned to conduct the hearing. Judge Case can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the ***Administrative Hearings' Rulemaking eComments website https://minnesotaoah.granicusideas.com/discussions***. If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by facsimile addressed to Judge Case at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Department of Human Services or on the agency's website at ***https://mn.gov/dhs/partners-and-providers/policies-procedures/rulemaking/***. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for

the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. You may review or obtain copies for the cost of reproduction (if any) by contacting Vanessa Vogl. The SONAR is also available on the Department of Human Service's website at ***https://mn.gov/dhs/partners-and-providers/policies-procedures/rulemaking/***.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to Vanessa Vogl.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by contacting Vanessa Vogl.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

March 28, 2022

Amy Akbay
Chief General Counsel
Minnesota Department of Human Services

3400.0010 PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of this chapter is to:

A. govern the administration of the child care fund, to reduce, according to a sliding fee schedule, the costs of child care services for eligible families to enable them to seek or retain employment or to participate in education or training programs to obtain employment~~.~~; and ~~to~~

B. provide eligible families with ~~the~~ financial resources to find and afford quality child care ~~for their children~~ supporting their children's development, school readiness, and well-being. This chapter ~~sets~~ establishes child care assistance eligibility and child care assistance authorization standards for ~~recipients~~ participants and registered child care providers and administrative requirements for child care assistance program (CCAP) agencies administering the child care ~~funds~~ fund.

Subp. 2. **Applicability.** This chapter applies to all ~~county and human service boards~~ CCAP agencies providing child care assistance services to eligible families, registered child care providers, and child care providers seeking to register for child care assistance under Minnesota Statutes, ~~sections 119B.011 to 119B.16~~ chapter 119B.

3400.0020 DEFINITIONS.

Subpart 1. **Scope.** ~~As used~~ In parts 3400.0010 to 3400.0230, the terms defined in Minnesota Statutes, section 119B.011, have the meanings given them in that section, and the following terms have the meanings given them in this part.

Subp. 1a. **12-month eligibility period.** "12-month eligibility period" means the time period after a CCAP agency has

approved a family's application or completed a redetermination of a family's eligibility until the family's next eligibility determination.

Subp. 1b. **12-month reporter.** "12-month reporter" means a family that is not a schedule reporter.

Subp. 1c. **15-day adverse action notice.** "15-day adverse action notice" means the written notification that a family or child care provider receives 15 days in advance of a negative action impacting the family's or child care provider's eligibility or authorization.

Subp. 1d. **A setting subject to public education standards.** "A setting subject to public education standards" means an education program that meets the state's expectations for student learning in K-12 public schools, such as Head Start programs and prekindergarten or school-age care programs.

Subp. 1e. **Activity schedule.** "Activity schedule" means the days and times when a parentally responsible individual works, attends school, or participates in an authorized activity allowed by Minnesota Statutes, section 119B.05, subdivision 1. When a parentally responsible individual has a job with a flexible schedule, activity schedule means the typical days and times that the parentally responsible individual works or the possible days and times when the parentally responsible individual may work.

Subp. 2. [Repealed, 26 SR 253]

Subp. 3. [Repealed, 26 SR 253]

Subp. 4. [See repealer.]

Subp. 5. **Administrative expenses.** "Administrative expenses" means costs associated with the direct services administration of the child care fund. Administrative expenses include:

A. salaries, wages, and related payroll expenses ~~incurred~~ that a CCAP agency incurs in the administration of the child care fund, including direct personnel costs, expenses for general administration and supervision, and expenses for secretarial, clerical, accounting, and other support services;

[For text of items B to E, see Minnesota Rules]

Subp. 6. [Repealed, 26 SR 253]

Subp. 7. [Repealed, 26 SR 253]

Subp. 8. **Allocation.** "Allocation" means the share of the total state appropriation of money from the child care ~~funds~~ fund that a county or Tribe may earn and ~~be reimbursed for in~~ use during an allocation period. The commissioner may raise or lower a county's or Tribe's allocation ~~may be raised or lowered~~ during the allocation period when the commissioner redistributes unexpended or unencumbered allocations or when additional ~~funds~~ money become available.

Subp. 9. [Repealed, 26 SR 253]

Subp. 9a. [Renumbered subp 11a]

Subp. 9a. **Authorized activity.** "Authorized activity" means a parentally responsible individual is seeking employment or participating in an employment, education, or training program as allowed by Minnesota Statutes, section 119B.10, or an MFIP family participating in an authorized activity as allowed by Minnesota Statutes, section 119B.05, subdivision 1.

Subp. 10. [Repealed, 26 SR 253]

Subp. 10a. **Authorized hours.** "Authorized hours" means the number of hours in a service period, not to exceed the maximum hour limit established in Minnesota Statutes, section 119B.09, subdivision 6, ~~that may be paid for~~ payable for a child from the child care ~~for a child~~ fund.

Subp. 10b. **Back-up child care provider.** "Back-up child care provider" means a child care provider that meets the criteria of part 3400.0120, subpart 1, and cares for a child on a sporadic basis when the child's primary or secondary child care provider is unavailable.

Subp. 10c. **Certified license-exempt child care center.** "Certified license-exempt child care center" has the meaning given in Minnesota Statutes, section 245H.01.

Subp. 11. [Repealed, 26 SR 253]

Subp. ~~9a.~~ 11a. **Child in an at-risk population.** "Child in an at-risk population" means a child with environmental or familial factors that create barriers to ~~a~~ the child's optimal achievement~~. Factors include, but are not limited to~~, such as a federal or state disaster, limited English proficiency in a family, a history of abuse or neglect, a determination that the ~~children are~~ child is at risk of abuse or neglect, family violence, homelessness, the age of the child's mother, the level of maternal education, mental illness, a developmental disability, ~~or~~ parental chemical dependency, or a history of other substance abuse.

[For text of subpart 12, see Minnesota Rules]

Subp. 12a. **Child care assistance household.** "Child care assistance household" means individuals living in the same home, including individuals who are temporarily absent from the home, who are a family as defined by Minnesota Statutes, section 119B.011, subdivision 13.

Subp. 12b. **Child care assistance program.** "Child care assistance program" means financial assistance for child care costs. The child care assistance program supports a parentally responsible individual with a low income who is employed, engaged in a job search, or engaged in education. The child care assistance program ensures that children of parentally responsible individuals have access to child care and are prepared to enter school.

Subp. 12c. **Child care center employee.** "Child care center employee" means:

A. a person employed by a licensed or certified license-exempt child care center;

B. a person who is not employed by a licensed or certified license-exempt child care center who has direct contact with children that the center serves and who has a background study required by Minnesota Statutes, section 245C.03, subdivision 1, paragraph (a), clause (3);

C. a person who is a contractor under Minnesota Statutes, section 245C.02, subdivision 9; or

D. a person who is a child care staff member under Code of Federal Regulations, title 45, section 98.43(a)(2)(ii).

Subp. 12d. **Commissioner.** "Commissioner" means the commissioner of the state agency that supervises the child care assistance program.

Subp. 12e. **Copayment.** "Copayment" means the amount that a family must contribute to child care costs as determined under Minnesota Statutes, section 119B.12.

Subp. 12f. **Child care assistance program agency or CCAP agency.** "Child care assistance program agency" or "CCAP agency" means a county agency, Tribal agency, or subcontracted agency designated by the county board or Tribal council to administer the child care assistance program (CCAP).

Subp. 12g. **Department.** "Department" means the state agency that supervises the child care assistance program.

Subp. 13. [Repealed, 26 SR 253]

Subp. 14. [Repealed, 26 SR 253]

Subp. 15. [Repealed, 26 SR 253]

Subp. 16. [Repealed, 26 SR 253]

Subp. 17. [Repealed, 26 SR 253]

[For text of subpart 17a, see Minnesota Rules]

Subp. 18. **Documentation.** "Documentation" means a written statement or record, including an electronic record, that substantiates or validates an assertion made by a person or an action taken by ~~an administering agency~~ a CCAP agency.

[For text of subpart 18a, see Minnesota Rules]

Subp. 19. [Repealed, 26 SR 253]

Subp. 20. **Eligible relative caregiver.** "Eligible relative caregiver" means a person identified under Minnesota Statutes, section 256J.08, subdivision 11, (1) who is a caregiver of a child receiving a MFIP child-only grant or (2) who is a caregiver receiving an MFIP ~~participant~~ grant and the MFIP caregiver of a child. A person has the status of an eligible relative caregiver for child care assistance if the person is a caregiver receiving assistance under Minnesota Statutes, chapter 256J. After an eligible relative caregiver begins receiving child care assistance, ~~status as an~~ the eligible relative caregiver ~~continues through~~ retains eligible caregiver status for all child care assistance programs until there is a break in the eligible relative caregiver's eligibility for child care assistance.

Subp. 20a. **Extended eligibility.** "Extended eligibility" means that a family continues to be eligible for child care assistance for up to three months or until the family's redetermination, whichever occurs first, after a parentally responsible individual experiences a permanent end to the individual's only authorized activity or when another parentally responsible individual moves into the household and is not participating in an authorized activity. During a family's extended eligibility period, a CCAP agency must not reduce the family's authorized amount of child care unless the family requests a reduction of the authorized amount of child care.

Subp. 21. [Repealed, 26 SR 253]

Subp. 22. [Repealed, 26 SR 253]

Subp. 23. [Repealed, 26 SR 253]

Subp. 24. [See repealer.]

Subp. 25. **Full calendar month.** "Full calendar month" means from the first day of a month ~~to~~ through the last day of that month.

Subp. 26. **Full-day basis.** "Full-day basis" means child care ~~provided by~~ that a family has scheduled and a CCAP agency has authorized with a child care provider for more than five hours per day.

Subp. 27. [Repealed, 30 SR 1318]

[For text of subpart 28, see Minnesota Rules]

Subp. 28a. **Imminent risk.** "Imminent risk" means an immediate and impending threat to the health, safety, or rights of a child while in the care of a child care provider.

Subp. 29. [Repealed, 26 SR 253]

Subp. 29a. **Immunization record.** "Immunization record" means the statement described in Minnesota Statutes, section 121A.15, subdivision 1~~,~~; 3, paragraph (c) or (d)~~,~~; or 4.

Subp. 30. [Repealed, 26 SR 253]

Subp. 31. [Repealed, 26 SR 253]

Subp. 31a. MR 2001 [Removed, L 2003 1Sp14 art 1 s 106]

[For text of subpart 31b, see Minnesota Rules]

Subp. 31c. **Legal nonlicensed child care setting.** "Legal nonlicensed child care setting" means the indoor and outdoor space where a legal nonlicensed child care provider provides child care.

Subp. 31d. **Licensed child care center.** "Licensed child care center" means a child care program operating at a facility requiring a license under Minnesota Statutes, chapter 245A. A licensed child care center is not excluded from licensure under Minnesota Statutes, section 245A.03, subdivision 2, and is not required to be licensed under parts 9502.0315 to 9502.0445 as a family or group family day care home.

Subp. 31e. **Licensed family child care provider.** "Licensed family child care provider" means:

A. an individual who is licensed to provide child care under Minnesota Statutes, chapter 245A, when the individual operates as a child care provider within the terms of the license;

B. an individual who: (i) holds a valid child care license issued by another state or a Tribe; (ii) provides child care services in the licensing state or in the area under the licensing Tribe's jurisdiction; and (iii) is in compliance with federal health and safety requirements certified by the licensing state or Tribe or determined by the receipt of child care development block grant funds in the licensing state; or

C. an individual who provides child care while operating under the jurisdiction of the federal government.

Subp. 31f. **Lump sum.** "Lump sum" means money or payments that a family receives on a nonrecurring or irregular basis, such as child support arrears, an inheritance, an insurance payment, or gambling winnings.

Subp. 32. [Repealed, 26 SR 253]

Subp. 32a. [Repealed, 33 SR 695]

Subp. 32b. **Minimum wage.** "Minimum wage" means the minimum wage applicable under Minnesota Statutes, chapter 177, and under Code of Federal Regulations, title 29, part 531, to the applicant or participant or the premises where the applicant or participant is employed.

Subp. 33. **Overpayment.** "Overpayment" means the portion of a child care payment that is greater than the amount for which a recipient is eligible or greater than the amount that a child care provider should have received.

Subp. 34. [Repealed, 26 SR 253]

[For text of subpart 34a, see Minnesota Rules]

Subp. 34b. **Parentally responsible individual.** "Parentally responsible individual" means a parent, stepparent, legal guardian, eligible relative caregiver, or eligible relative caregiver's spouse who is a member of the child care assistance family as defined under Minnesota Statutes, section 119B.011, subdivision 13, and who resides in the household that applies for child care assistance.

Subp. 34c. **Permanent end of an authorized activity.** "Permanent end of an authorized activity" means a parentally

responsible individual is no longer participating in an authorized activity as allowed under subpart 9a.

Subp. 34d. **Portability pool child care assistance.** "Portability pool child care assistance" means continuous child care assistance for eligible families who move between Minnesota counties under Minnesota Statutes, section 119B.03, subdivision 9.

Subp. 35. **Provider rate.** "Provider rate" means the amount that the child care provider charges for child care.

Subp. 36. [Repealed, 26 SR 253]

Subp. 37. **Redetermination.** "Redetermination" means the process by which information is collected ~~periodically~~ by ~~the county~~ a CCAP agency and ~~used~~ that the CCAP agency uses to determine whether a ~~recipient~~ participant is eligible for continued assistance ~~under~~ from the child care fund.

Subp. 37a. **Related to the child care provider.** "Related to the child care provider" means that the legal nonlicensed child care provider under Minnesota Statutes, section 119B.011, subdivision 16, is the child's sibling, aunt, uncle, grandparent, or great-grandparent, based on a blood relationship, marriage, or court decree.

Subp. 38. [See repealer.]

[For text of subpart 38a, see Minnesota Rules]

Subp. 38b. **Scheduled hours.** "Scheduled hours" means the specific days and hours during a service period that a child will attend child care as determined by the ~~child care worker~~ CCAP agency, the ~~parent~~ parentally responsible individual, and the child care provider based on the ~~parents'~~ parentally responsible individual's verified ~~eligible activities schedules~~ authorized activity schedule, the child's school schedule, and any other factors relevant to the family's child care needs.

Subp. 38c. **Schedule reporter.** "Schedule reporter" means a family that meets at least one of the following criteria:

A. a parentally responsible individual in the family is employed by a child care center licensed by the Minnesota Department of Human Services;

B. at least one child in the family is authorized for child care assistance with a legal nonlicensed child care provider; or

C. at least one child in the family is authorized for child care assistance with more than one child care provider.

Subp. 38d. **Service period.** "Service period" means the biweekly period that the child care assistance program uses for billing and payment purposes.

Subp. 39. **State median income.** "State median income" means the state's annual median income for a family of three, adjusted for family size, developed by the United States Bureau of the Census ~~and published annually by the United States Department of Health and Human Services in the Federal Register~~.

Subp. 39a. **Student parent.** "Student parent" means a person who meets the criteria in Minnesota Statutes, section 119B.011, subdivision 19b, who is not eligible for transition year child care.

Subp. 40. **Student.** "Student" means an individual enrolled in an ~~educational~~ education program as defined in Minnesota Statutes, section 119B.011, subdivision 11. A ~~non-MFIP student is a~~ student's full-time ~~student if the student~~ or part-time status is defined by the student's educational institution ~~as a full-time student. A non-MFIP student is a part-time student if the student is defined by the student's educational institution as a part-time student. A MFIP student is a student who is in compliance with the education or training requirements in the student's employment plan~~.

Subp. 40a. **Temporarily absent.** "Temporarily absent" means that a family member included in the child care

assistance program household is living away from the family's residence ~~but~~ and intends to return to the residence after a temporary absence. A temporarily absent adult who is in an authorized activity is not subject to the 60-day limit under Minnesota Statutes, section 119B.011, subdivision 13. Temporary absences include circumstances under which a family member is away from the household such as:

A. a family member who attends a school away from home;

B. a family member in foster care;

C. a family member in a residential treatment facility;

D. a family member in military service;

E. a family member in a rehabilitation program; and

F. an incarcerated family member.

Subp. 40b. **Transition year child care.** "Transition year child care" means child care assistance that an eligible family under Minnesota Statutes, section 119B.011, subdivision 20, may use to support a parentally responsible individual's employment, education, or job search.

Subp. 40c. **Unable to care.** "Unable to care" means that a parentally responsible individual is not capable of adequately caring for or supervising a child.

Subp. 40d. **Unsafe care.** "Unsafe care" means that a CCAP agency knows or has reason to believe that a child care provider is unsafe or the circumstances of the chosen child care arrangement are unsafe under Minnesota Statutes, section 119B.125, subdivision 4.

Subp. 40e. **Verification.** "Verification" means a written statement or record, in any form, including an electronic record, that substantiates or validates an assertion that a person makes. Information that a person reports on an application, at redetermination, or on a reporting form does not qualify as a verification.

Subp. 40f. **Verified activity schedule.** "Verified activity schedule" means a written statement or record that substantiates or validates the days and times when a parentally responsible individual works, attends school, or participates in an authorized activity under Minnesota Statutes, section 119B.05, subdivision 1.

Subp. 41. [Repealed, 26 SR 253]

Subp. 42. [Repealed, 26 SR 253]

Subp. 43. [Repealed, 26 SR 253]

Subp. 44. **Weekly basis.** "Weekly basis" means child care ~~provided by~~ that a CCAP agency authorizes with a child care provider for more than 35 ~~but not more than 50~~ hours per week.

3400.0035 APPLICATION PROCEDURE.

Subpart 1. ~~**Response to informational**~~ **Information requests.** When a family asks for information about ~~child care assistance~~ paying for child care, ~~the administering~~ a CCAP agency must give the family information supplied by the ~~department regarding~~ commissioner about the following items:

A. the child care assistance program and eligibility requirements;

B. ~~the availability of~~ federal and state child and dependent care tax credits;

C. federal earned income tax credits;

D. Minnesota working family credits;

E. early childhood family education, school readiness, and Head Start programs;

F. early childhood screening;

G. ~~MinnesotaCare~~ health care programs, including health care programs for children in Minnesota;

H. child care resource and referral services; ~~other programs with services for young children and families; and~~

I. financial assistance for families, including early learning scholarships established by Minnesota Statutes, section 124D.165, and the postsecondary child care grant program established ~~in~~ by Minnesota Statutes, section 136A.125.~~;~~ and

J. ~~The administering agency also must inform the family of the following items:~~ other programs and services for young children and families.

Subp. 1a **Child care assistance requests.** When a family requests an application for child care assistance, a CCAP agency must give the family an application or provide information about how to submit an application electronically. When a family applies for child care assistance, a CCAP agency must give the family the information in subpart 1 and the following information:

A. the eligibility requirements ~~under~~ for the child care fund;

B. the documentation necessary to confirm a family's eligibility;

C. ~~whether~~ if a waiting list exists ~~and, if so~~, the number of families on the waiting list or the estimated time that the applicant will spend on the waiting list before reaching the top of the list;

D. the procedure for applying for child care assistance;

E. the ~~family~~ requirement to pay a copayment ~~fee schedule and how the fee is computed~~ based on a family's size and income;

F. ~~information about~~ how to choose a child care provider;

G. ~~the~~ a family's rights and responsibilities when choosing a child care provider;

H. ~~information about the availability of~~ special needs rates;

I. ~~the~~ a family's responsibility for paying child care provider charges that exceed ~~county~~ the maximum ~~payments~~ child care payment in addition to the ~~family~~ copayment ~~fee~~; and

J. ~~the importance of prompt reporting of a move to another county to avoid overpayments and to increase the likelihood of continuing benefits, because child care assistance benefits may be affected by moving to another county~~ the family's reporting responsibilities under part 3400.0040, subpart 4.

Subp. 1b. **Application for child care assistance.** A family must apply for child care assistance in the family's county of residence.

Subp. 2. ~~**Application procedure**~~ **Accepting and processing applications.** ~~An administering~~ A CCAP agency

must ~~follow the application procedures in items A and B.~~

~~A. If a family requests child care assistance and it appears that the family is eligible for child care assistance and funds are available, or if a family requests an application, the administering agency must mail or hand the family a universal child care assistance application.~~

~~B. If a family requests child care assistance and funds are not available, the administering agency must inform the family of a waiting list, screen the family for potential eligibility, and place the family on the waiting list if they appear eligible. The administering agency must place the family on the waiting list in the highest priority for which the family is eligible. As child care funds become available, the administering agency must inform the family at the head of the waiting list and ask the family to complete an application.~~

~~C. The administering agency must~~ accept all signed and dated applications ~~that are submitted by mail or delivered to the agency within 15 calendar days after the date of signature~~ for child care assistance that the CCAP agency receives. A ~~county may~~ CCAP agency must accept an application from an applicant who does not reside in ~~that~~ a county ~~but~~ served by the CCAP agency or who does not meet the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves. If a CCAP agency receives an application from an applicant who does not reside in a county served by the CCAP agency or who does not meet the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves, the agency must immediately ~~must~~ forward the application to ~~the county where the applicant resides. The administering agency must mail a notice of approval or denial of assistance to the applicant within 30 calendar days after receiving the application. With the consent of the applicant, the administering agency may extend the response time by 15 calendar days~~ a CCAP agency that may serve the applicant's family based on the family's place of residence or forward to a Tribal CCAP agency if the applicant meets the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves.

Subp. 2a. **Application processing for family experiencing homelessness.** An applicant is not eligible for expedited application processing under Minnesota Statutes, section 119B.025, subdivision 1, paragraph (c), if less than six months have passed from the date that a CCAP agency approved a previous application using expedited application processing.

Subp. 3. **Informational release.**

A. When ~~it appears~~ the CCAP agency determines that an applicant may be eligible for child care assistance but is unable to document the applicant's eligibility for the program, the ~~administering~~ CCAP agency must offer an applicant the opportunity to sign an informational release to permit the ~~county~~ CCAP agency to verify whether an applicant qualifies for child care assistance.

B. ~~The administering~~ A CCAP agency must ~~also offer an applicant an opportunity to sign an~~ obtain a signed informational release from a family to permit the ~~county~~ CCAP agency to give the family's child care provider ~~the~~ additional information ~~listed in subpart 6 and in part 3400.0185, subparts 2 and 4, that is not required by~~ that is not required by part 3400.0185, subparts 9, 11, and 13, and Minnesota Statutes, section 119B.13, subdivision 5.

C. The ~~administering~~ CCAP agency must give the applicant the information required by Minnesota Statutes, section 13.04, subdivision 2.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Selection of child care provider.** An applicant must select a child care provider and the child care provider must meet the criteria in part 3400.0120, subpart 1, before a CCAP agency authorizes a child to receive child care from the child care provider and issues payments ~~can be made~~ to the child care provider from the child care fund. The same criteria applies if a parentally responsible individual selects a child care provider at a time other than at the time of

application.

Subp. 8. **Selection of legal nonlicensed child care provider.** Before a CCAP agency authorizes child care with a legal nonlicensed child care provider, an applicant or participant who selects a legal nonlicensed child care provider must ~~be informed about the following information and must~~ sign ~~an acknowledgment~~ a document that contains:

A. a description of the registration process for a legal nonlicensed ~~providers~~ child care provider;

B. a description of the ~~parent's~~ parentally responsible individual's rights and responsibilities when choosing a child care provider;

C. an acknowledgment that the ~~parent~~ parentally responsible individual and the legal nonlicensed child care provider have reviewed the health and safety information provided ~~by the county~~ during the registration process; ~~and~~

D. ~~if the parent has selected a legal nonlicensed family child care provider,~~ an assurance that the ~~parent~~ parentally responsible individual will provide an immunization record for each ~~child~~ of the parentally responsible individual's children to the legal nonlicensed ~~family~~ child care provider within ~~90~~ 30 days of the date that the CCAP agency authorizes child care to begin for ~~the~~ each child ~~begins~~ and will give the legal nonlicensed ~~family~~ child care provider the information necessary to update ~~the~~ each child's immunization record.;

E. an acknowledgment that the legal nonlicensed child care provider does not share a home or residence with a child whose family is applying for or receiving child care assistance;

F. an acknowledgment that the legal nonlicensed child care provider must complete training as outlined in part 3400.0120, subpart 6, and Minnesota Statutes, section 119B.125, subdivision 1b, before the CCAP agency authorizes the legal nonlicensed child care provider to provide child care for the child; and

G. an acknowledgment that if the CCAP agency knows that the child care provider is unsafe or that the circumstances of the child care arrangement are unsafe, the CCAP agency may deny CCAP payments to the child care provider.

Subp. 9. **Selection of in-home child care provider.** A CCAP agency must inform an applicant or a participant who selects a child care provider ~~who will~~ to provide child care in the applicant's or participant's home ~~must be informed~~ that ~~this choice of~~ selecting an in-home child care ~~may create~~ provider creates an employer/employee relationship between the parent and the child care provider ~~and~~. If an applicant or participant selects an in-home child care provider, a CCAP agency must ~~be referred~~ refer the applicant or participant to resources that are available for more information about ~~these~~ the applicable legal rights and responsibilities.

3400.0040 ELIGIBILITY REQUIREMENTS AND STANDARDS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. [Repealed, 26 SR 253]

Subp. 3. ~~**Documentation of eligibility information**~~**Verification requirements at application.**

A. In addition to the requirements in Minnesota Statutes, section 119B.025, subdivision 1, an applicant for child care assistance must ~~document the~~ provide verification to a CCAP agency of:

(1) the citizenship or immigration status ~~or participation in a program that makes a child exempt from this documentation requirement for all children for whom child care assistance is being sought~~ of children in the applicant's family according to item D;

~~(2) relationship of the children in the family to the applicant;~~

~~(3)~~ (2) ~~date~~ the dates of birth of ~~the~~ all children in the family;

~~(4)~~ (3) the date of birth of the applicant if the applicant is under 21 years of age;

(4) the income, if counted under Minnesota Statutes, chapter 256P, of each member of the applicant's family, including each member who is temporarily absent from the applicant's household;

(5) the identity~~, income eligibility,~~ and place of residence ~~for all members~~ of each member of the applicant's family, including ~~members~~ each member who is temporarily absent from the household ~~as defined in part 3400.0020, subpart 40a~~; ~~and~~

(6) the work, education, ~~or~~ and training activity status ~~for all applicants as defined in Minnesota Statutes, section 119B.011, subdivision 2.~~ of each parentally responsible individual; and

(7) the family's assets, if the family's total assets exceed $1,000,000.

~~B. The county must ask for the applicant's Social Security number, but the applicant is not required to disclose this information. Before asking for the applicant's social security number, the county must tell the applicant that:~~

~~(1) the disclosure is voluntary;~~

~~(2) the number is being solicited under the Code of Federal Regulations, title 45, section 98.71(a)(13); and~~

~~(3) the social security number will be used by county, state, and federal governments and their employees for the purposes of verification, reporting, research, and any other purpose authorized by law.~~

B. At the time of application for child care assistance, a family may verify:

(1) the income deductions allowed under part 3400.0170. A CCAP agency must process an application without income deductions if a family has not verified income deductions by the end of the application processing period in Minnesota Statutes, section 119B.025, subdivision 1;

(2) the school status of students six years of age and older with earned income. If a family has not verified a student's school status by the end of the application processing period in Minnesota Statutes, section 119B.025, subdivision 1, a CCAP agency must count the student's earned income under Minnesota Statutes, section 256P.06, subdivision 3, clause (1); and

(3) the Social Security number of all applicants as required by Minnesota Statutes, section 119B.025, subdivision 2.

C. For a CCAP agency to authorize care of children at the time of application, an eligible family must:

(1) verify the work, education, and training schedule of each parentally responsible individual; and

(2) provide the school schedule of each child who needs child care and attends school.

D. An applicant must have at least one child who meets the citizenship or immigration status requirement in the Federal Child Care and Development Fund, Code of Federal Regulations, title 45, section 98.20(c), or who is receiving child care in a setting subject to public education standards. For a CCAP agency to authorize care of a child, a family must verify the child's citizenship or immigration status unless a setting subject to public education standards is providing care for the child.

~~C.~~ E. ~~The county~~ A CCAP agency must determine an applicant's eligibility for child care assistance ~~at the time of~~

~~application. The county must redetermine eligibility according to part 3400.0180~~ within the time frames in Minnesota Statutes, section 119B.025, subdivision 1.

Subp. 4. **Participant reporting responsibilities.** ~~A participant must meet the reporting requirements in items A and B. A participant may report a change in person, by telephone, by facsimile, or by mail, including electronic mail.~~

~~A. When there is a change in the information reported by the participant at application or at the most recent redetermination of eligibility, the participant must report the new information to the county within ten calendar days after the change occurs. This reporting requirement applies to changes in income, residence, employment status, education or training status, family status, or family size. A change in income occurs on the day the participant receives the first payment reflecting the change in income.~~

~~B. Except in cases where the license of a provider licensed by the state of Minnesota has been temporarily immediately suspended or where there is an imminent risk of harm to the health, safety, or rights of a child in care with a legal, nonlicensed provider, license exempt center, or provider licensed by an entity other than the state of Minnesota, a participant must notify the county and the provider of the intent to change providers at least 15 calendar days before changing providers.~~

A. In addition to the reporting requirements in Minnesota Statutes, sections 119B.03, subdivision 9, and 256P.07, subdivisions 3 and 6, a family must report the following information to a CCAP agency within ten calendar days:

(1) the family's assets when the assets are listed under subpart 5b and are over $1,000,000 in total;

(2) the parentally responsible individual begins providing child care to children; or

(3) the parentally responsible individual begins working in a child care setting.

B. In addition to the reporting requirements in item A, a schedule reporter must report the following changes to a CCAP agency within ten calendar days of the change:

(1) a change in employment, education, or training status, including starting an authorized activity, ending an authorized activity, or temporary breaks in an authorized activity;

(2) changes in an employment schedule or education schedule; and

(3) changes in the number of hours of job search participation.

C. A family must notify a CCAP agency and the family's child care provider of the family's intent to change child care providers at least 15 calendar days in advance of the date when the change takes effect. A family is not required to notify a CCAP agency and the child care provider 15 calendar days in advance of the date when the change takes effect under one of the following conditions:

(1) when a child care provider is licensed by the state of Minnesota and the child care provider's license is temporarily immediately suspended under Minnesota Statutes, section 245A.07;

(2) when there is an imminent risk of harm to the health, safety, or rights of a child in the care of the child care provider and the child care provider is a legal nonlicensed child care provider, certified license-exempt child care center, or child care provider licensed by an entity other than the state of Minnesota;

(3) when a CCAP agency or the commissioner has suspended the child care provider's payment under Minnesota Statutes, chapter 245E; or

(4) when a CCAP agency or the commissioner has denied or revoked the child care provider's registration under Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), clause (1) or (2).

D. A participant may report a change to the CCAP agency in person, by telephone, by facsimile, by mail, electronically, by e-mail, or on a change reporting form.

Subp. 4a. **Verification requirements during 12-month eligibility period.**

A. A CCAP agency must request verification of a change when a 12-month reporter or a schedule reporter reports any of the following changes during the 12-month eligibility period:

(1) a change in income that results in income exceeding 85 percent of the state median income;

(2) a new authorized activity at the end of a job search, unless the job search is an authorized activity in an employment plan; or

(3) a move out of the state.

A CCAP agency must allow a 12-month reporter or schedule reporter 15 calendar days to return a verification to the CCAP agency. If a verification demonstrates that the 12-month reporter or schedule reporter is no longer eligible for child care assistance or if the 12-month reporter or schedule reporter does not return a verification to the CCAP agency after 15 days, the CCAP agency must terminate the 12-month reporter's or schedule reporter's eligibility with a 15-day adverse action notice.

B. The CCAP agency must request verification of a change when a 12-month reporter reports any of the following changes during the 12-month eligibility period:

(1) the permanent end of an authorized activity;

(2) new employment if the parentally responsible individual is employed by a child care center licensed by Minnesota; or

(3) authorized activity changes if the family is requesting authorization for more hours of child care.

A CCAP agency must allow a 12-month reporter 15 calendar days to return a verification to the CCAP agency. If the CCAP agency does not receive verification of the permanent end of an authorized activity and the 12-month reporter has no other authorized activity, a CCAP agency must place the 12-month reporter in extended eligibility according to part 3400.0175 on the date that the CCAP agency becomes aware of the permanent end of the authorized activity. If the CCAP agency does not receive verification from a 12-month reporter of a parentally responsible individual's new employment at a licensed child care center within 15 days, the CCAP agency must terminate the 12-month reporter's child care authorization with a 15-day adverse action notice and suspend the 12-month reporter's eligibility until the CCAP agency receives verification that allows the CCAP agency to authorize child care. If a CCAP agency does not receive a verification of an authorized activity change, the CCAP agency must not increase a 12-month reporter's authorized child care hours until the CCAP agency receives verification.

C. A CCAP agency must request verification of a change when a schedule reporter reports any of the following changes during the 12-month eligibility period:

(1) a schedule change;

(2) new employment;

(3) a temporary break from an authorized activity; or

(4) a permanent end of an authorized activity.

A CCAP agency must allow a schedule reporter 15 calendar days to return a verification to the CCAP agency. If the

CCAP agency does not receive a verification, the CCAP agency must terminate the schedule reporter's child care authorization with a 15-day adverse action notice and suspend the schedule reporter's eligibility until the CCAP agency receives verification that allows the CCAP agency to authorize child care. If the CCAP agency receives the verification and the change results in a reduction in authorized child care hours, the CCAP agency must send the schedule reporter and the child care provider a 15-day adverse action notice before the reduction in authorized child care hours is effective.

D. When a family's reported and verified change results in an increase in authorized child care hours, a CCAP agency must increase the amount of the family's authorized child care.

Subp. 5. **Employment, education, and training requirements.** In a family with a single ~~parent~~ parentally responsible individual, or unmarried legal guardian or eligible relative caregiver, the applicant or participant must meet employment, education, or training requirements and other eligibility requirements in this part and in part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or in which the family is participating.

In a family with more than one ~~parent~~ parentally responsible individual or any combination of parents, stepparents, legal guardians and spouses, and eligible relative caregivers and spouses, at least one parent, legal guardian, eligible relative caregiver, or spouse must meet employment, education, or training requirements and other eligibility requirements in this part and in part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or participating in. The other parents, legal guardians, eligible relative caregivers, or spouses must:

A. meet the employment, education, or training requirements and other eligibility requirements in this part and part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or participating in; or

B. be unable to care for the applicant's or participant's child or dependent as determined by a licensed physician, licensed psychologist, licensed psychiatrist, or ~~the local~~ licensed social ~~services agency~~ worker. The status of a parentally responsible individual who is unable to care for the child is permanent when the parentally responsible individual's condition is ongoing and unlikely to improve; or temporary when the individual's condition has an expected or defined end date.

Subp. 5a. **Child support cooperation.**

A. All applicants and participants of the child care assistance program must cooperate with ~~establishment of paternity and enforcement of~~ child support obligations ~~for all minor children in the family with an absent parent. For purposes of this part, a family has met the cooperation requirement when the family complies with Minnesota Statutes, section 256.741, or there is a finding under Minnesota Statutes, section 256.741, subdivision 10, of good cause for failing to cooperate.~~ under Minnesota Statutes, section 119B.09, subdivision 1, paragraph (c).

B. A family cooperating with child support at application is retroactively eligible for child care assistance within the time frames in Minnesota Statutes, section 119B.09, subdivision 7, paragraph (c).

C. A CCAP agency must deny an application for child care assistance if the applicant is not cooperating with child support by the end of the application processing time frame in Minnesota Statutes, section 119B.025, subdivision 1, paragraph (b).

D. A CCAP agency must terminate a family's eligibility when the family is not cooperating with child support at the time of redetermination. If a family meets the requirements in Minnesota Statutes, section 119B.025, subdivision 3, paragraph (c), clause (1), and cooperates with child support within 30 days after the date that the redetermination was due, a CCAP agency must reinstate the family's eligibility retroactively from the date that the family's eligibility ended.

E. The child care portion of the child support order for children receiving child care assistance must be assigned to the public authority as provided in Minnesota Statutes, section 256.741.

Subp. 5b. **Assets.** To be eligible for child care assistance, a family's countable assets must not exceed $1,000,000.

A. Countable assets include:

(1) the value of all cash held by all members of the family;

(2) the value of all bank accounts held by all members of the family;

(3) the value of stocks, bonds, pensions, and retirement funds held by all members of the family that are readily accessible without a financial penalty;

(4) the trade-in value of vehicles, excluding one vehicle per family member age 16 or older; and

(5) the value of real property, excluding property where the family resides, real property that is homesteaded, and property that the family uses for self-employment or self-support.

B. When a family declares or reports that the family's assets exceed $1,000,000, a CCAP agency must request verification of the family's assets. A CCAP agency must allow a family 15 calendar days to return the verification. If the verification confirms that the value of a family's countable assets is over $1,000,000 or if a family does not return the verification, a CCAP agency must deny the family's application or terminate the family's eligibility with a 15-day adverse action notice.

Subp. 6. [Repealed, 26 SR 253]

Subp. 6a. **Ineligibility ~~for~~ due to failure to pay fees under the child care fund.**

A. A family that fails to pay the required ~~family~~ copayment ~~fee~~ under ~~the child care fund~~ Minnesota Statutes, section 119B.09, subdivision 1, paragraph (d), is ineligible for child care assistance until the family pays the fees ~~are paid~~ or until the family reaches an agreement for payment with the child care provider and the ~~county~~ CCAP agency and ~~then~~ continues to comply with the payment agreement.

B. When a child care provider provides child care in a child's home and the ~~county pays the parent, a~~ child's family ~~that~~ fails to pay the child care provider the amount of the child care assistance payment, the family is ineligible for child care assistance until the family makes the child care assistance payment ~~is made~~ or until the family reaches an agreement for payment with the child care provider and the ~~county~~ CCAP agency and ~~then~~ continues to comply with the payment agreement.

[For text of subpart 6b, see Minnesota Rules]

Subp. 6c. **Date of eligibility for child care assistance.** A CCAP agency must determine the date of a family's eligibility for child care assistance under parts 3400.0060 and 3400.0080 ~~must be determined~~ according to Minnesota Statutes, section 119B.09, subdivision 7. The date of eligibility for child care assistance under part 3400.0090 ~~is~~ begins on the date ~~the~~ that a family's MFIP or DWP case ~~was~~ closed.

Subp. 7. [See repealer.]

Subp. 8. **Child care assistance during employment.**

A. In addition to meeting other eligibility requirements, an employed ~~persons~~ person who is eligible for child care assistance under part 3400.0060, 3400.0080, or 3400.0090 must work at least an average of 20 hours per week and receive at least ~~the~~ minimum wage for all hours ~~worked~~ that the employed person works. An employed ~~persons~~ person who is eligible for child care assistance under part 3400.0080 ~~are~~ is exempt from this requirement if ~~they have~~ the person's work is an authorized activity in an approved employment plan that allows fewer work hours or a lower wage.

B. ~~The county~~ A CCAP agency and ~~the~~ an applicant or participant ~~may~~ must determine a length of time, not to exceed the most recent six months, over which the number of hours ~~worked~~ that an employed person works weekly ~~can be~~ is averaged and counted toward the ~~participant's~~ applicant or participant meeting the average of 20 hours per week

requirement. ~~If the number of hours worked during the designated time period actually averages less than 20 hours per week, any child care assistance funds paid by the county on the participant's behalf during the designated time period are subject to recoupment or recovery.~~

C. When a participant does not ~~work by the hour and is not paid~~ receive an hourly wage, the participant's earned income over a given period must be divided by the minimum wage to determine whether the participant has met the requirement to average at least 20 hours of work per week at minimum wage.

D. A CCAP agency must authorize child care assistance during a parentally responsible individual's employment ~~shall be authorized~~ for the number of hours that the individual is scheduled to ~~be worked~~ work, including break and meal time during the individual's employment, and up to two hours per day for the individual's travel time.

E. An employed person must meet minimum work requirements under item A at application, redetermination, or upon completing a job search. If a parentally responsible individual's work hours decrease below 20 hours per week or if the parentally responsible individual's wage drops below minimum wage during the 12-month eligibility period, the parentally responsible individual's eligibility for child care assistance continues until redetermination.

Subp. 9. **Child care assistance in support of employment.** A ~~county~~ CCAP agency must authorize child care assistance in support of employment for nonwork hours to an employed person who is eligible for child care assistance under parts 3400.0060 and 3400.0090, and an employed person who is eligible for child care assistance under part 3400.0080 without an approved employment plan, when the following conditions exist:

A. the employee cannot reasonably modify ~~his or her~~ the employee's nonwork schedule to provide child care; and

B. the child care assistance does not exceed the amount of child care assistance that would be granted under subpart 8, item D, during employment.

Subp. 10. **Child care assistance during education or training.** ~~Counties shall~~ A CCAP agency must provide child care assistance to ~~students~~ a student who is eligible for child care assistance under part 3400.0060 ~~or,~~ 3400.0080, or 3400.0090 and enrolled in ~~county-approved~~ a CCAP agency-approved education or training ~~programs~~ program or employment ~~plans~~ plan according to items A to ~~C~~ E.

~~A. Counties must authorize child care for full-time students for the days of class and on nonclass days, if needed for study, as determined by the county, not to exceed the maximum biweekly child care allowed.~~

~~B.~~ A. ~~Counties~~ A CCAP agency must authorize child care for ~~part-time students~~ a student who is eligible under parts 3400.0060 and 3400.0090 as ~~needed~~ necessary for:

(1) all hours of actual class time and credit hours for independent study ~~and,~~ internships, and online courses;

(2) time periods between nonconsecutive classes;

(3) up to two hours per day for travel time; and

(4) two hours per week per credit hour for a postsecondary ~~students for~~ student to study and attend academic appointments.

~~When a part-time student has more than one hour between classes on any one day, the study and academic appointment time authorized under subitem (4) shall be reduced by the number of hours between classes.~~

B. A CCAP agency must authorize child care for a student who is eligible for child care assistance under part 3400.0080 according to an approved employment plan.

C. Child care assistance for basic or remedial classes is subject to ~~county~~ CCAP agency approval under subpart

12. Upon ~~county~~ CCAP agency approval of ~~the~~ a basic or remedial ~~class or classes~~ education program, ~~the county shall~~ a CCAP agency must authorize the necessary child care assistance ~~necessary to~~ hours that enable the student to attend ~~class~~ classes and to complete class assignments.

D. If a family who is eligible for child care assistance under part 3400.0060 or 3400.0090 had an approved education plan with a CCAP agency and the family begins receiving services from another CCAP agency, the education plan remains in effect until the family's next redetermination or until the family requests a change. When another CCAP agency redetermines the family's eligibility at redetermination, the student's education plan is subject to the CCAP agency's approval, rejection, or modification.

E. A student taking a school break who is expected to return to school following the break remains eligible for child care assistance during the school break. For 12-month reporters, a CCAP agency must not reduce authorized child care hours or terminate child care authorizations during school breaks. Notwithstanding item B, for schedule reporters, a CCAP agency must:

(1) not reduce authorized child care hours or terminate child care authorizations during a school break if the break is scheduled to last 15 calendar days or less;

(2) suspend a family's eligibility if the family's only authorized activity is education and the school break is scheduled to last more than 15 days; and

(3) reduce the number of authorized child care hours based on a family's other authorized activities if the school break is scheduled to last more than 15 days.

Subp. 11. **Child care assistance during employment and during education or training.**

A. Employed students, including students on work study programs, are eligible for child care assistance during employment and education or training. ~~Counties shall use~~ A CCAP agency must follow the standards in subparts 8 and 10 to determine the amount of child care assistance hours to authorize.

B. ~~When~~ At the time of application and redetermination, a full-time ~~students request~~ student who requests child care ~~for~~ during the student's employment~~, the employment hours~~ must work an average of at least ten hours per week ~~at~~ for which the student receives minimum wage. ~~For purposes of determining whether the ten hours at minimum wage requirement in this subpart applies to a student,~~ A full-time student retains full-time status during school breaks, including summers, if the student is expected to return to school full time after the break.

C. At the time of application and redetermination, a part-time student who requests child care during employment must work an average of at least 20 hours per week for which the student receives minimum wage.

D. To determine whether an employed student meets the hourly minimum wage requirement in this subpart, a CCAP agency must count the student's work-study hours and income as employment.

E. ~~Students~~ A student who is eligible for child care assistance under part 3400.0080 ~~are~~ is exempt from the ~~ten~~ minimum hours per week ~~at~~ requirement and the minimum wage requirement if ~~they have~~ the student has an approved employment plan that allows fewer work hours or a lower wage than the minimum otherwise required. ~~For purposes of determining whether the ten hours at minimum wage requirement in this subpart has been met, work-study hours and income must be counted as employment.~~

Subp. 12. **Acceptable course of study.** An acceptable course of study for a student who is eligible for child care assistance under part 3400.0060 or 3400.0090 is an education or training program approved by the ~~county~~ CCAP agency according to the standards in the CCAP agency's child care fund plan that will reasonably lead to full-time employment ~~opportunities as determined by the county~~. An acceptable course of study for a student who is eligible for child care assistance under part 3400.0080 is an approved education or training program described in the MFIP participant's employment plan.

Subp. 13. **Satisfactory progress in education or training program.** Subject to the limitation in subpart 14, a ~~county shall~~ CCAP agency must provide child care assistance to ~~students~~ a student with an approved education or training program ~~for the length~~ during the time of the student's education or training program if the student is making satisfactory progress ~~in the education or training program~~. Satisfactory progress in the education or training program means that a student remains in good academic standing ~~in the education or training program~~ as determined by the educational institution and meets the requirements of the student's education plan under part 3400.0060 or 3400.0090, or employment plan under part 3400.0080. A CCAP agency must not terminate a student's approved education plan during the 12-month eligibility period. At redetermination, if ~~the county determines~~ a CCAP agency receives documentation from an educational institution demonstrating that a student is not making satisfactory progress ~~towards~~ toward completion of an education or training program, the ~~county shall~~ CCAP agency must notify the student and ~~discontinue child care assistance according to part 3400.0185~~ terminate approval of the student's education plan with a 15-day adverse action notice.

Subp. 14. **Maximum education or training under child care fund.** The maximum length of time that a student is eligible for child care assistance under the child care fund for education or training is described in items A to ~~D~~ E.

A. A student eligible under part 3400.0060 is eligible for child care assistance according to Minnesota Statutes, section ~~119B.07~~ 119B.10.

B. A student eligible under part 3400.0080 is eligible for child care assistance for the length of time necessary to complete authorized activities ~~authorized~~ in the student's employment plan according to the standards in Minnesota Statutes, chapter 256J.

C. A student who is eligible under part 3400.0090 is eligible for child care assistance according to Minnesota Statutes, section 119B.10.

~~C~~ D. A student who is eligible under part 3400.0060 or 3400.0090 who has completed or who has participated in but failed to complete an education or training program under the child care fund ~~may~~ is eligible to receive child care assistance for a second education or training program if:

(1) a CCAP agency approves of the new education or training program ~~is approved by the county~~; and

(2) ~~the county~~ a CCAP agency expects that completing the program will lead to the student's full-time employment.

~~D~~ E. A student who is eligible under part 3400.0060 or 3400.0090 with a baccalaureate degree ~~may~~ is only ~~obtain~~ eligible to receive child care assistance for education or training if the education or training is for continuing education units, certification, or coursework that is related to the baccalaureate degree or current employment and that is necessary to update credentials to obtain or retain employment.

Subp. 15. **Changes in education or training programs.** A proposed change in an education or training program for a participant who is eligible for child care assistance under parts 3400.0060 and 3400.0090 is subject to ~~county~~ CCAP agency approval before the participant makes the change ~~may be made~~. A CCAP agency must describe the approval policy for a participant's change to an education or training program in the CCAP agency's child care fund plan. A ~~county may~~ CCAP agency must not deny a request for a change in an education or training program when the student requesting the change ~~can show~~ demonstrates that changing a course or focus of study is necessary for reasons related to the health and safety of the student.

Subp. 15a. **Child care assistance during job search.**

A. A ~~county shall~~ CCAP agency must provide ~~up to 240 hours per calendar year of child care assistance for job search activities to participants~~ child care assistance to an applicant or participant at application and redetermination for job search activities as required by Minnesota Statutes, section 119B.10, subdivision 1, and for no more than 40 hours in

a service period if the applicant or participant is:

(1) eligible under part 3400.0080 ~~who do~~ and does not have an approved ~~job search support plans~~ employment plan;

(2) ~~or whose~~ eligible under part 3400.0080 and has an approved employment ~~plans do~~ plan that does not include a job search as an authorized activity;

~~(2)~~ (3) eligible under part 3400.0090 ~~who are~~ and is seeking employment; ~~and~~ or

~~(3)~~ (4) eligible under part 3400.0060 ~~who are~~ and is seeking employment.

B. ~~The county shall grant child care assistance for job search activities:~~ For an applicant or a participant who is eligible under part 3400.0080 with an employment plan that includes a job search as an authorized activity, a CCAP agency must provide child care assistance to the applicant or participant for job search activities for the number of hours in the applicant's or participant's approved employment plan for job search activities.

~~(1) according to the number of hours in the individual's approved job search plan;~~

~~(2) by applying the criteria identified in its child care fund plan; or~~

~~(3) by verifying the actual number of hours spent on job search.~~

C. ~~At the option of the individual in job search and with prior county approval, child care may be used at a rate that is less than full time provided the total child care assistance does not exceed 240 hours of child care per calendar year.~~ A CCAP agency must not authorize a job search in combination with any other activity for an applicant or a participant who is eligible under item A.

[For text of item D, see Minnesota Rules]

Subp. 16. [Repealed, 26 SR 253]

Subp. 17. **Temporary ineligibility for participants.** ~~Counties~~ A CCAP agency must reserve a family's position under the child care ~~assistance~~ fund if a family has been receiving child care assistance but is temporarily ineligible for assistance. A child care assistance participant who is a student may be temporarily ineligible for a maximum of one academic quarter or semester as determined by the student's academic calendar at the educational institution. Any other participant, including an employed participant, may be temporarily ineligible for a maximum of 90 days. A CCAP agency must place a family in temporary ineligibility when:

A. a family meets all eligibility requirements at redetermination in Minnesota Statutes, sections 119B.09 and 119B.10, but is on an unverified temporary break from the family's authorized activity. To end a family's temporary ineligibility, a parentally responsible individual must meet and verify the minimum authorized activity requirements in Minnesota Statutes, section 119B.10;

B. a family is ineligible for child care assistance due to increased income from active military service as provided in Minnesota Statutes, section 119B.09, subdivision 4a; or

C. a family is eligible under Minnesota Statutes, section 119B.025, subdivision 1, paragraph (c), but has not submitted a verification of eligibility within the time frame required by Minnesota Statutes, section 119B.025, subdivision 1, paragraph (d).

Subp. 17a. **Authorization after temporary ineligibility.**

A. If a family in temporary ineligibility becomes eligible for child care assistance, the family's eligibility begins on the date that the family meets all eligibility requirements. For a family that is eligible for child care assistance under

Minnesota Statutes, section 119B.025, subdivision 1, paragraph (c), the family's eligibility begins retroactively from the date that temporary ineligibility began, or on the date that the family began participating in an authorized activity, whichever is later.

B. If a schedule reporter in temporary ineligibility becomes eligible for child care assistance, a CCAP agency must authorize child care based on the parentally responsible individual's verified activity schedule.

C. If a 12-month reporter in temporary ineligibility becomes eligible for child care assistance during the 12-month eligibility period, a CCAP agency must authorize the same amount of child care that the family received before the family became temporarily ineligible, unless the family requests less child care or the family verifies that the family needs more child care. If a 12-month reporter who is temporarily ineligible becomes eligible when a CCAP agency approves the 12-month reporter's redetermination, the CCAP agency must authorize child care based on the amount of child care that the family needs and the verification that the family provides at redetermination. If a CCAP agency determines that a 12-month reporter is temporarily ineligible at redetermination and on a different date the 12-month reporter becomes eligible, a CCAP agency must authorize child care based on the amount of child care that the 12-month reporter needed and verified at the time that the family was no longer temporarily ineligible.

Subp. 17b. **Temporary ineligibility of family on waiting list.** A ~~county may~~ CCAP agency must reserve a family's position under the child care ~~assistance~~ fund for up to 90 days if a family ~~is approved to receive child care assistance and~~ reaches the top of the basic sliding fee waiting list but is temporarily ineligible for child care assistance. In ~~its~~ a CCAP agency's child care fund plan, ~~a county~~ the CCAP agency must specify whether ~~it~~ the agency reserves positions under the child care ~~assistance~~ fund longer than 90 days for temporarily ineligible families who reach the top of the basic sliding fee waiting list and, if so, the ~~criteria used to make the decision whether to reserve a position. Employed participants may be temporarily ineligible for a maximum of 90 days. Child care assistance participants who are students may be temporarily ineligible for a maximum of one academic quarter or semester as determined by the educational institution~~ amount of additional time that the CCAP agency will reserve a family's position and the conditions under which the CCAP agency will reserve a family's position longer than 90 days.

Subp. 18. **Suspension.**

A. ~~Counties~~ A CCAP agency must suspend~~,~~ and ~~may~~ not terminate~~,~~ a family's eligibility for child care assistance for up to one continuous year if:

(1) there are temporary breaks when the family does not need child care assistance ~~is not needed~~;

(2) the CCAP agency is unable to authorize child care due to missing schedule verifications; or

(3) the family does not have an ~~authorized~~ eligible child care provider ~~but the family remains eligible for child care assistance~~.

B. A CCAP agency must not decrease a 12-month reporter's authorized child care during the 12-month eligibility period if there is a temporary break or a change in the parentally responsible individual's employment, education and training, or employment plan activity, unless the 12-month reporter requests a reduction in authorized child care hours or requests that the CCAP agency suspend child care.

C. A CCAP agency must end a schedule reporter's authorization and suspend the schedule reporter's eligibility if there is a temporary break in the schedule reporter's employment, education or training, or employment plan activity and the parentally responsible individual has no other authorized activity, unless the parentally responsible individual meets the criteria in part 3400.0110, subpart 10.

Subp. 18a. **Authorization after suspension.**

A. If a schedule reporter is no longer suspended, a CCAP agency must authorize the schedule reporter's child care based on the parentally responsible individual's verified activity schedule.

B. If a 12-month reporter is no longer suspended during the 12-month eligibility period, a CCAP agency must authorize the same amount of child care that the 12-month reporter received before the 12-month reporter's suspension, unless the 12-month reporter requests less child care or the 12-month reporter verifies that the 12-month reporter needs more child care. If a 12-month reporter is no longer suspended when a CCAP agency approves the 12-month reporter's child care at redetermination, a CCAP agency must authorize the 12-month reporter's child care based on the amount of child care that the 12-month reporter needs and the verification that the 12-month reporter provides at redetermination. If a 12-month reporter is suspended at redetermination and on another date, becomes eligible, a CCAP agency must authorize the 12-month reporter's child care based on the amount of child care that the 12-month reporter needs and that the 12-month reporter verifies at the time that the 12-month reporter becomes eligible.

3400.0060 BASIC SLIDING FEE PROGRAM.

Subpart 1. [Repealed, 26 SR 253]

Subp. 2. **Basic sliding fee allocation.** The commissioner ~~shall~~ must allocate money from the child care ~~funds~~ fund for the basic sliding fee program as provided in Minnesota Statutes, section 119B.03, subdivisions 6 to 9. By July 1 of each year, the commissioner must notify all county, Tribal, and human services boards of their allocations under the basic sliding fee program, including the amount available for payment of administrative expenses.

Subp. 3. [Repealed, 26 SR 253]

Subp. 4. **Reallocation of unexpended or unencumbered funds.** The commissioner ~~shall~~ must reallocate unexpended or unencumbered funds according to items A to D.

A. The commissioner may reallocate unexpended or unencumbered funds following the first, second, and third quarters of the allocation period as provided in Minnesota Statutes, section 119B.03, subdivision 5. Following the fourth quarter of the allocation period, the commissioner ~~shall~~ must review county and Tribal expenditures under the basic sliding fee program and ~~shall~~ must reallocate unearned allocations to counties and Tribes that had direct service earnings in excess of their allocation.

B. The amount reallocated to any county ~~shall~~ or Tribe must be based on direct service earnings in excess of its allocation. The amount reallocated ~~shall~~ must not be greater than the direct service earnings in excess of allocation minus the county's or Tribe's fixed local match to be calculated as specified in Minnesota Statutes, section 119B.11, subdivision 1.

C. If the amount of funds available for reallocation is less than total county or Tribe direct service earnings in excess of allocations, the reallocated funds ~~shall~~ must be prorated to each county and Tribe based on the ratio of the county's or Tribe's direct service earnings in excess of its allocation to the total of all county and Tribal direct service earnings in excess of their allocation.

D. If the amount of funds available for reallocation is greater than total county or Tribe direct service earnings in excess of allocations under the basic sliding fee program, the funds remaining after the basic sliding fee reallocation ~~shall~~ must be carried forward and added to the funds available for allocation in the next allocation period.

Subp. 5. **Families eligible for assistance under the basic sliding fee program.** To the extent of available allocations, ~~a family~~ an applicant is eligible for child care assistance under the basic sliding fee program if:

[For text of items A to C, see Minnesota Rules]

Subp. 6. [See repealer.]

Subp. 6a. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. ~~County~~ **Child care responsibility when family moves.**

A. When a family receiving child care assistance from the basic sliding fee program moves to a new county ~~within~~ or moves to an area served by a Tribal CCAP agency in Minnesota, the original county or Tribal CCAP agency must continue to provide child care assistance to a family for two full calendar months after the family's move if the family needs child care and remains eligible for the basic sliding fee program. ~~The family is responsible for notifying the new county of residence within 60 days of moving and applying for basic sliding fee assistance in the new county.~~ Before a family transfers to a Tribal CCAP agency, the family must meet the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves. The limitation in Minnesota Statutes, section 119B.09, subdivision 1, paragraph (a), clause (2), regarding the family's household income at program entry does not apply when a family receiving assistance moves to another county or moves to an area served by a Tribal CCAP agency and ~~timely applies under this item to continue~~ continues receiving assistance ~~in~~ from the new county or Tribal CCAP agency.

B. If there is a waiting list for the basic sliding fee program in the receiving county or Tribal CCAP agency when ~~it~~ the county or Tribal CCAP agency assumes responsibility for the family after two full calendar months following the family's move, the receiving county or Tribal CCAP agency must fund child care assistance for the family through the portability pool while the family remains eligible. ~~Portability pool funding must continue for the lesser of six months or until the family is able to receive assistance under the receiving county's basic sliding fee program. The family must also be added to the basic sliding fee program waiting list according to portability pool priority group in the receiving county effective the date of the move. If the family reaches the top of the waiting list and funds become available before the six months have ended, the receiving county must immediately add the family to its basic sliding fee program. If basic sliding fee funds are not available when the six months has ended, services to the family must be terminated. The family must stay on the waiting list effective the date of the move. If funds become available after the family's child care assistance has been terminated due to the end of the portability pool period, the family must be treated as a new applicant and must have a household income that meets the income requirements in Minnesota Statutes, section 119B.09, subdivision 1, for program entry.~~ An eligible family must continue to receive child care assistance through the portability pool until the family is able to receive child care assistance through the receiving county's or Tribe's basic sliding fee program.

C. If there is no waiting list for the basic sliding fee program and funds are available, the receiving county or Tribal CCAP agency must immediately move the family into ~~its~~ the county's or agency's basic sliding fee program when ~~it~~ the county or agency assumes responsibility for the family after two full calendar months following the family's move according to Minnesota Statutes, section 256G.07, subdivision 1.

~~D. If the participant had an approved educational plan in the original county, the plan transfers with the participant. The plan remains in effect during the two months that the original county continues to pay for the family's child care assistance and during any time the family's child care assistance is paid through the portability pool. When the receiving county pays the family's basic sliding fee assistance from its own allocation, the receiving county may reject, approve, or modify the family's educational plan based on the receiving county's criteria for approving educational plans.~~

Subp. 10. **Continued eligibility under basic sliding fee program.** A ~~county may~~ CCAP agency must not refuse to provide continued child care assistance to a family receiving assistance ~~under~~ through the basic sliding fee program when there is a change in the family's financial or household status ~~provided that~~ as long as the family continues to meet the eligibility requirements in this part and the general eligibility requirements in part 3400.0040. Except for the job search time limit under Minnesota Statutes, section 119B.10, subdivision 1, paragraph (a)~~,~~; the education time limit in Minnesota Statutes, section ~~119B.07; and the time limit for the at-home infant care program in Minnesota Statutes, section 119B.035, subdivision 4, counties may~~ 119B.10, subdivision 3, paragraph (b); the extended eligibility period in Minnesota Statutes, section 119B.105; and the time limit to submit proof of eligibility under Minnesota Statutes, section 119B.025, subdivision 1, paragraph (d), a CCAP agency must not set a time limit for eligibility under the basic sliding fee program.

3400.0065 BASIC SLIDING FEE WAITING LIST.

Subpart 1. **Basic sliding fee program waiting lists.** When a family inquires about or applies for child care assistance and basic sliding fee funding is not immediately available, a CCAP agency must perform a preliminary determination of the family's eligibility. A CCAP agency must not request or require a family to submit verifications during the preliminary determination of eligibility. If a CCAP agency determines that a family is or will likely be eligible for child care assistance and funding is not immediately available, the CCAP agency must place the family on a waiting list. A CCAP agency must determine the highest priority group for which a family qualifies and must notify the family of this determination. A CCAP agency must keep a written record identifying each family that the CCAP agency places on the child care waiting list.

Subp. 2. **Waiting list dates.** Based on the funding priorities in Minnesota Statutes, section 119B.03, subdivision 4, a CCAP agency must add a family to the basic sliding fee program waiting list on the dates in items A to D.

A. A CCAP agency must add a family in priority group one or four to the basic sliding fee program waiting list on the date that the family makes the child care assistance request.

B. A CCAP agency must add a family in priority group two to the basic sliding fee program waiting list on the date that the family begins a transition year under part 3400.0090.

C. A CCAP agency must add a family in priority group three to the basic sliding fee program waiting list on the date that the family moves to a receiving county or moves to an area served by a Tribal CCAP agency.

D. A CCAP agency must add any other family who will likely be eligible under Minnesota Statutes, section 119B.03, subdivision 3, to the basic sliding fee program waiting list on the date that the participant makes the child care assistance request.

Subp. 3. **Temporarily ineligible family on basic sliding fee waiting list.** When a family inquires about or applies for child care assistance while the family is temporarily ineligible, a CCAP agency must place the family on the waiting list if it is likely the family will be eligible for child care assistance. When a family reaches the top of the CCAP agency's waiting list and is temporarily ineligible for child care assistance, a CCAP agency must follow the procedures in part 3400.0040, subpart 17b.

Subp. 4. **Transfer of family from waiting list to basic sliding fee program.** A CCAP agency must move a family on the basic sliding fee waiting list to the basic sliding fee program as funding permits according to the priorities listed in Minnesota Statutes, section 119B.03, subdivision 4. After a CCAP agency has complied with the priority requirements in section 119B.03, subdivision 4, the CCAP agency must comply with any priority requirements that the CCAP agency adopts under part 3400.0140, subpart 10, to move a family on the waiting list to the basic sliding fee program.

Subp. 5. **Transfer of transition year family to basic sliding fee program.**

A. If a transition year family under part 3400.0090 moves to another county or moves to an area served by a Tribal CCAP agency, the date that the original county or Tribal CCAP agency placed the family on the basic sliding fee waiting list must transfer with the family to the receiving county or Tribal CCAP agency.

B. A family who is eligible for, but does not use, transition year child care assistance retains the family's priority status for the basic sliding fee program. A family loses priority status at the conclusion of the transition year.

C. A county or Tribal CCAP agency must manage the county's or Tribal CCAP agency's basic sliding fee allocation to allow a family to move from a transition year to the basic sliding fee program without any interruption in child care. A CCAP agency must not serve a family under the basic sliding fee program who is a lower priority on the basic sliding fee waiting list than a transition year family unless the CCAP agency ensures that there is basic sliding fee program funding for the transition year family at the end of the family's transition year.

D. When a transition year ends, a CCAP agency must move a transition year family into the basic sliding fee program. A transition year family that does not reach the top of the CCAP agency's basic sliding fee program waiting list before completing a transition year is eligible to continue receiving transition year extension child care assistance under part 3400.0090, subpart 10. A CCAP agency must move a family receiving transition year extension child care assistance into the basic sliding fee program as funding becomes available according to the priorities in Minnesota Statutes, section 119B.03, subdivision 4.

Subp. 6. **Removal of family from waiting list.** If a family receives transition year extension child care assistance or portability pool child care assistance, or is a student parent as defined in part 3400.0020, subpart 39a, receiving MFIP child care, and the family is no longer eligible for child care assistance, a CCAP agency must remove the family from the basic sliding fee waiting list. If a family reapplies for child care assistance in a county or with a Tribal CCAP agency with a waiting list, the family is subject to the waiting list according to the priorities in Minnesota Statutes, section 119B.03. A family who loses eligibility for child care assistance while receiving a transition year extension is no longer eligible for second priority on the basic sliding fee waiting list.

3400.0080 MFIP CHILD CARE PROGRAM.

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. **Eligibility and authorization of sanctioned MFIP participant.**

A. At the time of application and redetermination, a 12-month reporter or schedule reporter who has been sanctioned under the MFIP program is eligible to receive child care assistance as allowed by part 3400.0110, subpart 3, item A.

B. A ~~MFIP participant eligible for~~ 12-month reporter receiving child care assistance who has been sanctioned under the MFIP program ~~may~~ is eligible to receive child care assistance~~:~~ as allowed under parts 3400.0110, subpart 3, item C, and 3400.0175.

C. A schedule reporter who receives child care assistance and has been sanctioned under the MFIP program is eligible to receive child care assistance as allowed by parts 3400.0110, subpart 3, item D, and 3400.0175.

~~A. for that portion of the participant's job search support or employment plan which the participant is complying with according to Minnesota Statutes, chapter 256J; or~~

~~B. according to Minnesota Statutes, section 119B.05, subdivision 1, clause (1).~~

Subp. 1b. **Child care assistance for approved job search.** A MFIP participant who has an approved ~~job search support plan or whose~~ employment plan that includes a job search as an authorized activity is not limited to ~~240 hours of job search child care assistance in a calendar year~~ the job search time frame in Minnesota Statutes, section 119B.10, subdivision 1.

Subp. 2. [Repealed, 26 SR 253]

Subp. 3. [Repealed, 26 SR 253]

Subp. 4. [Repealed, 26 SR 253]

Subp. 5. [Repealed, 26 SR 253]

Subp. 6. [Repealed, 26 SR 253]

Subp. 7. [Repealed, 26 SR 253]

Subp. 8. ~~County~~ Child care **responsibility when a family moves ~~to another county~~.** When a MFIP or DWP participant moves to ~~a new~~ another county or an area served by a Tribal CCAP agency and the ~~new~~ receiving county or Tribal CCAP agency accepts responsibility for the participant's approved ~~job search support or~~ employment plan under Minnesota Statutes, section 256J.55, subdivision 3, the ~~new~~ receiving county or Tribal CCAP agency is responsible for providing child care assistance to the MFIP or DWP participant effective on the date that the county or Tribal CCAP agency accepted responsibility for the employment plan. In all other cases, a county or Tribal CCAP agency must provide child care assistance ~~must be provided~~ according to Minnesota Statutes, section 256G.07, subdivisions 1, 3, and 4, when a MFIP or DWP participant moves to ~~a new~~ another county or an area served by a Tribal CCAP agency. A family must meet a Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves for the Tribal CCAP agency to provide child care assistance to the family.

3400.0090 TRANSITION YEAR CHILD CARE.

Subpart 1. **Notice to family of eligibility.** ~~The administering agency must notify a family, in writing,~~ At the time ~~the~~ that a family's MFIP or DWP case closes, the county or Tribal agency serving the family's MFIP or DWP case must send the family written notice of the family's potential eligibility for transition year child care. ~~The notification must include information on how to establish eligibility for transition year child care and on the family's rights and responsibilities under the transition year child care program.~~

Subp. 2. **Eligibility.**

A. A family must only use transition year child care assistance ~~may only be used~~ to support employment ~~and,~~ a job search ~~related expenses~~, and an approved education or training program that meets the requirements in Minnesota Statutes, section 119B.10. A family is eligible for transition year child care if the family meets the conditions in ~~items A to D are met~~ subitems (1) to (4).

~~A.~~ (1) The family's MFIP or DWP case has closed.

~~B.~~ (2) At least one caregiver in the family received MFIP or DWP in at least ~~three~~ one of the six months immediately preceding the month in which the family's MFIP or DWP case was closed.

~~C.~~ (3) The family meets the income eligibility requirements specified in Minnesota Statutes, section 119B.09, subdivision 1.

~~D.~~ (4) ~~Transition year child care may be paid for the care of a child who would have been eligible to receive a MFIP grant, or for children who would have been eligible for MFIP, except for the child's receipt of SSI or Title IV-E foster care benefits.~~ The child meets the definition of a family under Minnesota Statutes, section 119B.011, subdivision 13; or the child received, or would have been eligible to receive, an MFIP or DWP grant.

B. ~~Eligibility~~ A family becomes eligible for transition year child care ~~begins the first month after~~ on the date that the family's MFIP or DWP case ~~has closed~~ closes and continues to be eligible for 12 consecutive months. A family's temporary ineligibility for, suspension of, or failure to use child care assistance during the transition year does not suspend the transition year period.

C. A former MFIP or DWP participant may apply for transition year child care at any time during the transition year and, notwithstanding the application date, ~~shall~~ must receive retroactive transition year child care assistance according to Minnesota Statutes, section 119B.09, subdivision 7.

D. If a family was receiving child care assistance when the family's MFIP or DWP case closed, ~~determination of eligibility for transition year child care assistance must be treated as a redetermination rather than a new application~~ the family's child care assistance continues until the next redetermination as long as the family meets the transition year eligibility criteria in item A.

Subp. 3. **Loss of transition year child care eligibility.**

A. A family in which all caregivers have been disqualified from receiving MFIP or DWP due to fraud is not eligible for transition year child care assistance.

B. A county or Tribal CCAP agency must end a family's transition year child care assistance if the family meets one or more conditions for termination under part 3400.0183, subpart 2.

Subp. 4. **Reestablishment of MFIP or DWP eligibility during transition year period.** If a transition year family reopens ~~its~~ the family's MFIP or DWP case during the transition year period and subsequently meets the conditions in subpart 2, the family qualifies for a new 12-month transition year period. ~~If the family received MFIP or DWP for only one or two of the previous six months, but meets the requirements in subpart 2, items A, C, and D, the family is eligible for the remaining months of the transition year, treating the month or months on MFIP or DWP as a suspension of the child care benefit but not the transition year period.~~ A family who receives one month of MFIP or DWP assistance and who meets the other conditions in subpart 2 is eligible for another 12-month transition year period. To receive child care assistance while receiving MFIP or DWP, ~~the~~ a family must meet the MFIP child care requirements under part 3400.0080.

Subp. 5. [Repealed, 26 SR 253]

Subp. 6. [Repealed, 26 SR 253]

Subp. 7. [Repealed, 33 SR 695]

Subp. 8. [Repealed, 26 SR 253]

Subp. 9. [Repealed, 26 SR 253]

Subp. 10. **Transition year extension.**

A. A family must only use transition year extension child care assistance to support employment, a job search, and an approved education and training program that meets the requirements in Minnesota Statutes, section 119B.10.

B. A family that meets the requirements of Minnesota Statutes, section 119B.011, subdivision 20a, and all other applicable child care assistance eligibility requirements is eligible for transition year extension child care assistance.

C. A family's transition year extension child care assistance begins after the conclusion of 12 consecutive months of the family's transition year. Child care assistance continues for a family as long as the family continues to meet child care assistance eligibility requirements.

D. A family's transition year extension child care assistance continues until:

(1) basic sliding fee child care assistance funding becomes available;

(2) the family starts receiving MFIP or DWP assistance; or

(3) the family no longer meets child care assistance eligibility requirements.

E. A CCAP agency considers a family a new applicant when the family requests child care assistance after a transition year extension ends.

3400.0100 ~~FAMILY COPAYMENT FEE SCHEDULE~~ COPAYMENTS AND COPAYMENT SCHEDULES.

Subpart 1. [Repealed, 30 SR 1318]

Subp. 2. [Repealed, 26 SR 253]

Subp. 2a. **~~Copayment fees to be~~ Copayments prorated during ~~start-up~~ initial service period.** ~~Counties~~ A CCAP agency must prorate ~~all~~ a copayment ~~fees~~ during the service period when ~~the~~ a family first receives service based on the number of calendar days remaining in the service period.

Subp. 2b. [See repealer.]

Subp. 2c. [See repealer.]

Subp. 3. [Repealed, 30 SR 1318]

Subp. 3a. [Repealed, 30 SR 1318]

Subp. 4. [Repealed, 30 SR 1318]

Subp. 5. **Update and publication of ~~fee~~ copayment schedule ~~in State Register~~.** ~~The department shall publish annually in the State Register the state median income for a family of three, adjusted for family size, and a fee schedule. This information must be published after the date the state median income is published in the Federal Register by the United States Department of Health and Human Services. The department shall also distribute a copy of the fee schedule and the updated estimate of state median income to each county. The updated fee schedule shall take effect on July 1 or on the first day of the first full quarter following publication of the state median income in the State Register if publication occurs after July 1.~~ Under Minnesota Statutes, section 119B.12, the updated fee copayment schedule must take effect within three months of the date that the state median income and federal poverty guidelines become publicly available. The commissioner must publish and make the updated copayment schedule electronically available to each CCAP agency.

3400.0110 CHILD CARE ASSISTANCE AUTHORIZATIONS AND PAYMENTS.

Subpart 1. **~~Payment options~~ Use of money from child care fund.** ~~Counties~~ A CCAP agency must ~~monitor child care~~ issue child care assistance payments ~~to ensure that the funds are used~~ for eligible families to eligible child care providers under part 3400.0120, subpart 1, from the child care fund.

Subp. 1a. **Date of payments ~~must begin~~.** After ~~approval of an~~ a CCAP agency approves of a family's application for child care assistance, the CCAP agency must authorize payment of child care assistance ~~must be authorized to begin as of~~ to an eligible child care provider under part 3400.0120 beginning on the family's date of eligibility as determined under part 3400.0040, subpart 6c.

Subp. 2. **~~Authorization before~~ Payment of legal nonlicensed ~~providers~~ child care provider.** After a legal nonlicensed child care provider is ~~authorized by the county~~ registered as a child care provider and eligible for child care assistance under part 3400.0120, ~~the county must pay the provider or parent retroactive to~~ a CCAP agency must pay the child care provider retroactively from the date in item A, B, ~~or~~ C ~~that occurred most recently~~, or D, whichever is later:

A. the date ~~on which~~ that a CCAP agency authorizes child care to begin for ~~the~~ a family ~~was authorized to begin~~ that the legal nonlicensed child care provider serves;

B. the date ~~the~~ that a family ~~signed the application~~ that the legal nonlicensed child care provider serves became eligible for child care under part 3400.0040, subpart 6c; ~~or~~

C. the date ~~the~~ that a family began using the legal nonlicensed child care provider~~.~~; or

D. the date that the legal nonlicensed child care provider completed training required by part 3400.0120, subpart 6, and Minnesota Statutes, section 119B.125, subdivision 1b.

Subp. 2a. [See repealer.]

Subp. 2b. **Payment of certified license-exempt child care centers.** After a license-exempt child care center is certified under Minnesota Statutes, chapter 245H, registered, and eligible under part 3400.0120, subpart 1, a CCAP agency must pay the license-exempt child care center retroactively from the date in item A or B, whichever is later:

A. the date that a CCAP agency authorizes child care for a family to begin for a family that the certified license-exempt child care center serves; or

B. the date that a family that the certified license-exempt child care center serves became eligible for child care under part 3400.0040, subpart 6c.

Subp. 3. ~~County~~ **Authorization of child care.** Within the limits set by this chapter and Minnesota Statutes, chapter 119B, the amount of child care ~~authorized~~ that a CCAP agency authorizes must reflect the child care needs of the family and minimize out-of-pocket child care costs to the family according to items A to H.

A. ~~The amount of~~ At the time of application and redetermination, a CCAP agency must authorize child care ~~authorized must be~~ based on the ~~parents'~~ requirements in Minnesota Statutes, section 119B.095, and based on the parentally responsible individual's schedule of participation in authorized activities, the child's school schedule, the child care provider's availability, and any other factors that ~~would~~ affect the amount of child care that the ~~child~~ family needs. ~~The county must pay the provider's full charge up to the applicable maximum rate for all hours of child care authorized and scheduled for the family. When more than 50 hours of child care assistance for one child are authorized with one provider in a week, the county may reimburse the provider in an amount that exceeds the applicable maximum weekly rate, if the provider charges the same amount for more than 50 hours of care for a family not receiving child care assistance.~~

B. A ~~county~~ CCAP agency must not authorize ~~or pay for~~ more than 120 hours of child care assistance per child every two weeks, except as provided under subparts 3a and 3b. ~~To convert child care paid on a full-day or weekly basis into hours to determine if payment exceeds 120 hours of child care assistance, counties must follow the standards in items A and B.~~

~~A. A full-day is equal to ten hours of child care.~~

~~B. A week is equal to 50 hours of child care.~~

C. A CCAP agency must not decrease the amount of a 12-month reporter's authorized child care during the 12-month eligibility period due to a temporary break or a change in the parentally responsible individual's employment, education and training, or employment plan activity, unless the 12-month reporter requests a reduction in authorized hours or requests that the CCAP agency suspend the 12-month reporter's child care under part 3400.0040, subpart 18. Temporary breaks or changes include circumstances such as:

(1) medical leave;

(2) seasonal employment fluctuations;

(3) a school break between semesters; or

(4) a reduction in the parentally responsible individual's work, training, or education hours while the parentally responsible individual is still engaged in the activity.

D. A CCAP agency must authorize child care during the 12-month eligibility period for a schedule reporter based on the parentally responsible individual's activity schedule. A CCAP agency must decrease the number of a schedule reporter's authorized hours when there is a change in the parentally responsible individual's employment, education and training, or employment plan activity and as a result of the change, the schedule reporter needs fewer hours of child care.

A CCAP agency must terminate a child care authorization when there is a temporary break in the parentally responsible individual's employment, education and training, or employment plan activity and the parentally responsible individual has no other authorized activity, unless the parentally responsible individual meets the criteria in subpart 10 or part 3400.0040, subpart 10, item E, subitem (1). Temporary breaks include circumstances such as:

(1) a medical leave;

(2) seasonal employment fluctuations; and

(3) a school break between semesters.

E. If a parentally responsible individual experiences a permanent end of the parentally responsible individual's only authorized activity under part 3400.0175, a CCAP agency must authorize the same amount of child care for the family as the family received before the permanent end of the authorized activity for up to three months or until the family's next redetermination, whichever is sooner.

F. A CCAP agency must terminate a child's child care authorization on the child's birthday when the child reaches 13 years of age or the child has a disability and reaches 15 years of age. A family remains eligible until redetermination under Minnesota Statutes, section 119B.09, subdivision 1, paragraph (e). If continued child care is necessary, the parentally responsible individual must request a CCAP agency to authorize child care. For 12-month reporters, a CCAP agency must authorize the same amount of child care under this item as the family received before the child's birthday, unless the parentally responsible individual verifies that the family needs additional child care hours or requests fewer child care hours. For schedule reporters, a CCAP agency must authorize child care under this item based on the parentally responsible individual's verified activity schedule. If the child is attending a licensed child care center, the child care provider must have a variance under chapter 9503 for a CCAP agency to authorize child care for the child.

G. A CCAP agency must authorize 100 hours of child care biweekly for a child when the child, the parentally responsible individual's authorized activity, and the child's child care provider meet the criteria in Minnesota Statutes, section 119B.13, subdivision 3c, unless the family chooses to have fewer hours authorized.

H. A CCAP agency must limit the amount of child care that the CCAP agency authorizes with a secondary child care provider as provided in Minnesota Statutes, section 119B.097.

Subp. 3a. **Authorization during change in child care provider.** A CCAP agency must not authorize more than 120 hours of child care per child during each service period, except during a change in child care provider. Before authorizing a child's care with a new child care provider, a CCAP agency must give the previous child care provider proper notice under part 3400.0185, subpart 13. A CCAP agency is allowed to authorize child care with a new child care provider before the CCAP agency terminates the child care authorization of the previous child care provider if:

A. child care is no longer available with the previous child care provider;

B. the previous child care provider notifies the CCAP agency that the child care provider will not bill for child care during the 15-day adverse action period; or

C. the child is no longer receiving child care from the previous child care provider and the child has reached the absent day limit under Minnesota Statutes, section 119B.13, subdivision 7.

Subp. 3b. **Authorization of child care with back-up child care provider.** When the child's usual child care provider is unavailable, the family may request that a CCAP agency authorize child care with a back-up child care provider for a maximum of the entire time period that the child's usual child care provider is unavailable.

Subp. 3c. **Authorization of children of child care center employee.**

A. When a CCAP agency authorizes child care in excess of the limit of children of child care center employees in

Minnesota Statutes, section 119B.09, subdivision 9a, the CCAP agency must issue a 15-day adverse action notice and terminate the authorization of any child in excess of the limit. The CCAP agency must terminate the authorization of the child or children whose child care was most recently authorized until there are no authorizations in excess of the limit.

B. If a parentally responsible individual becomes a child care center employee at the same child care center where the individual's child is authorized to receive child care and the child care center exceeds the limit of children of child care center employees in Minnesota Statutes, section 119B.09, subdivision 9a, the CCAP agency must issue a 15-day adverse action notice and terminate authorization of the individual's child.

Subp. 3d. **Child care payment.**

A. A CCAP agency must pay a child care provider's full charge up to the applicable maximum rate, less the copayment, for all authorized hours of child care for a child.

B. A CCAP agency must not pay for more than 120 hours of child care assistance per child per service period. The 120-hour payment limit applies during a change in child care provider under subparts 3a and 3b.

C. Except as provided under subpart 8, a CCAP agency must not pay for the care of a child by more than one child care provider during the same period of time. If a child uses two child care providers under Minnesota Statutes, section 119B.097, the payment limits in Minnesota Statutes, section 119B.13, subdivision 1, apply. A CCAP agency must not pay more than one primary child care provider for care of a child on the same day and must not pay more than one secondary child care provider on the same day.

D. All hourly rates that a CCAP agency pays to a legal nonlicensed child care provider count toward the 120-hour limit.

E. A CCAP agency must follow the standards in subitems (1) and (2) to convert child care that a CCAP agency pays on a full-day or weekly basis into hours to determine if a payment exceeds 120 hours of child care assistance per service period for licensed and certified license-exempt child care providers.

(1) Payment at the daily maximum rate is equal to ten hours of child care.

(2) Payment at the weekly maximum rate is equal to 50 hours of child care.

Subp. 4. [Repealed, 33 SR 695]

Subp. 4a. **Reimbursement from other sources for child care costs.** A ~~county~~ CCAP agency must reduce the amount of a family's child care assistance payment by the amount of reimbursement earmarked for the same child care expenses that the family receives from sources other than the child care ~~assistance~~ fund. A CCAP agency must not reduce the amount of a family's child care assistance payments when another source pays for different child care expenses, such as copayments, differences between the applicable maximum rate and the child care provider's charge, or time periods that are not authorized under the child care fund.

Subp. 5. [Repealed, 26 SR 253]

Subp. 6. [Repealed, 26 SR 253]

Subp. 7. ~~**County**~~ **Payment policies and schedule.** A ~~county may~~ CCAP agency must not require ~~parents~~ a parentally responsible individual to pay ~~providers~~ a child care provider in advance of receiving payments from the child care fund ~~as a condition for receiving payments from the child care fund~~. ~~The county shall~~ A CCAP agency must make child care assistance payments ~~at least monthly~~ within 21 days of receiving a complete bill from a child care provider. A complete bill must include a child care provider's signature, unless the bill meets the good cause criteria defined in the CCAP agency's child care fund plan. ~~Providers must be sent~~ A CCAP agency must send a child care provider the forms

necessary to bill for payment on or before the beginning of the billing cycle if the ~~county~~ CCAP agency has ~~received the information necessary for child care to be~~ authorized child care before this date.

Subp. 8. **Sick child care.**

A. Sick child care means ~~child care services provided to children who as a result of illness cannot attend~~ that a child is unable to receive child care from the family's regular child care provider due to the child's illness. In addition to making payments for regular child care, ~~the county~~ a CCAP agency may make payments ~~for~~ to a second child care provider that provides sick child care. A CCAP agency must include the CCAP agency's policy to make payments to two child care providers when a child is sick in the CCAP agency's child care fund plan.

B. If ~~the county~~ a CCAP agency chooses to pay a special needs rate for the care of a sick child ~~care~~, payment for sick child care must be at a rate comparable to like care arrangements in the county. ~~The county's sick child care policy and~~ A CCAP agency must include the CCAP agency's special needs rate ~~shall be included~~ for child care of sick children in the ~~county's~~ CCAP agency's child care fund plan ~~required under part 3400.0150~~.

Subp. 9. **Payment during child absences and holidays.**

A. If a child care provider does not charge all families for days on which a child is absent from child care, the child care assistance program must not pay ~~that~~ the child care provider for days on which a child is absent from care.

B. If a child care provider charges all families for days on which a child is absent from child care, the child care assistance program must pay ~~that~~ the child care provider for child absent days according to Minnesota Statutes, section 119B.13, subdivision 7.

C. Child care provider charges for absent days in excess of the amount established by Minnesota Statutes, section 119B.13, subdivision 7, are the responsibility of the family receiving child care assistance.

D. A CCAP agency must pay a child care provider ~~must be paid~~ for a holiday ~~days~~ only if:

(1) ~~according to~~ the child care provider meets the requirements in Minnesota Statutes, section 119B.13, subdivision 7, paragraph ~~(b).~~ (d);

(2) the day is a state or federal ~~holidays are~~ holiday as determined according to Minnesota Statutes, section 645.44, subdivision 5~~.~~ or another cultural or religious holiday designated by the child care provider;

(3) ~~A provider can be paid for a holiday day only if the provider meets the requirements in Minnesota Statutes, section 119B.13, subdivision 7, paragraph (b),~~ the child care provider does not provide child care on ~~the holiday, and it is in the provider's policies to charge all families for the holiday.~~ that day;

(4) the child care provider gives notice of the holiday or other designated day to the CCAP agency before the holiday or designated day occurs or within ten calendar days after the day occurs; and

(5) the child care provider bills the day as a holiday.

If child care is available on ~~the~~ a holiday~~, but~~ and a child is scheduled and authorized to be in the child care provider's care on that day and the child is absent on that day, the child care provider must bill the day ~~is~~ as an absent day.

~~If a provider is closed on a cultural or religious holiday not identified in Minnesota Statutes, section 645.44, subdivision 5, a parent may substitute that holiday for one of the ten state and federal holidays identified in Minnesota Statutes, section 645.44, subdivision 5, if the parent gives notice of the substitution to the county before the holiday occurs or within ten days after the holiday.~~

[For text of item E, see Minnesota Rules]

F. A parentally responsible individual may substitute other cultural or religious holidays for the ten state and federal holidays identified in Minnesota Statutes, section 645.44, subdivision 5, if:

(1) the parentally responsible individual gives notice of the substitution to a CCAP agency before the holiday occurs or within ten calendar days after the holiday; and

(2) the substitution is for a day when the child care provider is closed and does not provide child care, and the child care provider agrees to bill the day as a holiday and notify the CCAP agency according to item D, subitem (4).

G. If a holiday falls on a Saturday, the preceding day is used as a holiday. If a holiday falls on a Sunday, the following day is used as a holiday.

H. A child with a documented medical condition may exceed the 25-absent-day limit, or ten consecutive full-day absent limit, as provided by Minnesota Statutes, section 119B.13, subdivision 7, paragraph (b). The following criteria apply.

(1) A medical practitioner, public health nurse, or school nurse must complete documentation of the child's medical condition. For purposes of this item, a medical practitioner includes a physician, physician's assistant, nurse practitioner, psychiatrist, psychologist, or chiropractor.

(2) If a child care provider sends a child home early from child care for a medical reason, documentation of the medical condition may be verified by a licensed or certified child care center director or child care center lead teacher. When the medical reason is verified by the child care center director or lead teacher, the exemption is limited to up to two weeks from the first day of the child's illness. To extend the exemption longer than two weeks, a person listed in subitem (1) must complete documentation of the child's medical condition.

(3) The exemption may begin on the first day of the child's illness, but not more than 30 days prior to the date that the CCAP agency receives documentation of the child's illness. When documentation is submitted by a medical practitioner, public health nurse, or school nurse, the exemption is limited to the time period of the child's medical condition or up to 12 months if the exemption is due to a chronic medical condition.

Subp. 10. **Payment during medical leaves of absence.** ~~Counties~~ A CCAP agency must ~~grant~~ authorize child care assistance for a schedule reporter during ~~a parent's~~ the schedule reporter's medical leave of absence from education ~~or~~, employment, or authorized activity in an employment plan if:

A. the ~~parent~~ parentally responsible individual is ~~incapable of providing~~ unable to provide child care ~~during~~ due to the individual's medical ~~leave or absence~~ condition;

B. the ~~parent~~ parentally responsible individual is expected to return to authorized employment ~~or~~, an approved education or training program, or employment plan activity within 90 calendar days after leaving the job, education~~,~~ or training program, or activity; and

C. the necessity of the medical leave and the inability to provide child care are documented by a licensed physician ~~or~~, licensed psychiatrist, licensed psychologist, or licensed social worker.

The amount of child care authorized during the medical leave of absence must not exceed ~~the equivalent of one month of full-time~~ 215 hours of child care per child.

[For text of subpart 11, see Minnesota Rules]

Subp. 12. **Payment for child care provided at short-term alternate locations.** When child care is not available at a certified license-exempt child care center where a CCAP agency has authorized a child to receive child care assistance and the child receives child care at an alternate location, a CCAP agency must make child care assistance payments under the child's current authorization if the following criteria are met:

A. the alternate location is a certified license-exempt child care center;

B. the alternate location is registered to receive child care assistance;

C. the alternate location is controlled by the same entity as the authorized certified license-exempt child care center and has the same tax identification number;

D. the alternate location is identified by the authorized certified license-exempt child care center as an alternate location before a CCAP agency issues payment for child care that the child receives at the alternate location;

E. child care is unavailable at the certified license-exempt child care center where the child is authorized to receive child care;

F. the child receives child care for no more than 21 consecutive calendar days at the alternate location; and

G. the alternate location fulfills all child care assistance program requirements in this chapter and Minnesota Statutes, chapter 119B, and all certification requirements in Minnesota Statutes, chapter 245H.

3400.0120 ELIGIBLE CHILD CARE PROVIDERS AND CHILD CARE PROVIDER REQUIREMENTS.

Subpart 1. **Eligible ~~providers~~ child care provider.**

A. ~~Providers~~ A registered child care provider who ~~meet~~ meets the definition of a child care provider in Minnesota Statutes, section 119B.011, subdivision 19, ~~are~~ is eligible for ~~payment~~ payments from the child care fund. ~~Within the limitations specified in Minnesota Statutes, sections 119B.09, subdivision 5, and 119B.25,~~

B. ~~parents~~ A parentally responsible individual may choose one or more eligible child care providers that best meet the needs of ~~their~~ the individual's family. ~~Parents may choose more than one provider. A county may not deny a parent eligible for child care assistance the use of a provider holding a valid child care license.~~ with the following limitations:

(1) licensed family and legal nonlicensed child care providers and the child care provider's employees are not eligible to receive child care subsidies for their own children or children in their family during the hours that the child care providers and employees provide child care or are paid to provide child care;

(2) a licensed child care center or a certified license-exempt child care center must have no more than 25 authorized center employees' children or dependents at the child care center; and

(3) a CCAP agency must not authorize a child to receive care from any more than two of the following child care providers receiving payments from the child care fund:

(a) a licensed child care center;

(b) a licensed family child care provider; or

(c) a certified license-exempt child care center.

C. A CCAP agency or the commissioner may take action against a child care provider according to Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), clauses (1) to (7). A CCAP agency must indicate in the agency's child care fund plan which clauses in Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), the agency is implementing and must apply the policies consistently. For the purposes of implementing Minnesota Statutes, section 119B.13, subdivision 6, paragraph (e), a CCAP agency or the commissioner must (1) develop standards to define when a child care provider has corrected a condition, and (2) describe the conditions under which the CCAP agency or commissioner will withhold a child care provider's payment within the three-month time period. If a CCAP agency or

the commissioner develops standards for escalating consequences to a child care provider within the three-month time period, any violation that the CCAP agency or the commissioner establishes under Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), is treated as a statewide occurrence. If the CCAP agency or commissioner terminates a child care provider's registration, the child care provider must complete the registration process in Minnesota Statutes, section 119B.011, subdivision 19a, and a CCAP agency or the commissioner must determine that the child care provider has re-established eligibility before the child care provider may receive any child care assistance payments.

Subp. 1a. **Child care provider registration and acknowledgment.** A child care provider must sign and submit a child care provider registration and acknowledgment ~~and the county must have a signed provider acknowledgment~~ form and register as a child care provider before the child care provider or ~~parent may~~ a parentally responsible individual is eligible to receive ~~payment under~~ payments from the child care fund. The process for registering a child care provider eligible for payments from the child care fund must not exceed 30 calendar days from the date that the child care provider's registration and acknowledgment form is received or the date the child care provider's background study determination required by Minnesota Statutes, section 119B.125, subdivision 1a, is received, whichever is later. The child care provider registration and acknowledgment form must include the following information:

A. the child care provider's rate, charges for child absences and holidays, any notice days required before a child discontinues receiving child care, and any required registration ~~or activity~~ fees;

B. documentation of the child care provider's license status and, if the child care provider is seeking ~~the provider accreditation rate bonus, any~~ a higher rate for quality based on accreditation or credential, documentation of the accreditation or credential held by the child care provider;

C. a statement acknowledging that charging child care assistance participants more than families who are not receiving child care assistance for like services or wrongfully obtaining child care assistance may be investigated and may be a crime;

D. a statement acknowledging that ~~parents~~ a parentally responsible individual must be given unlimited access to ~~their children~~ the individual's child and to the child care provider caring for the ~~children~~ child during all hours that the ~~children are~~ child is in the child care provider's care;

E. a statement acknowledging that the child care provider is responsible for notifying the ~~county~~ CCAP agency as provided in subpart 5 of child absence days, reduced attendance, and the end of child care;

F. a statement acknowledging that the child care provider is responsible for ~~immediately notifying the county of~~ reporting any changes to the information supplied by the child care provider in the provider's registration and acknowledgment form;

G. a statement acknowledging that the child care provider is a mandated reporter of maltreatment of minors under Minnesota Statutes, chapter 260E; ~~and~~

H. a statement acknowledging that when the ~~county~~ CCAP agency knows that a particular child care provider or child care arrangement is unsafe, the ~~county~~ CCAP agency may deny child care assistance payments to ~~that~~ the child care provider~~.~~ while following the termination notice requirements in part 3400.0185, subpart 13;

I. a statement acknowledging that the child care provider is responsible for maintaining daily attendance records according to Minnesota Statutes, section 119B.125, subdivision 6;

J. a statement acknowledging that the child care provider is responsible for maintaining documentation of payment of child care expenses by a source other than the child's family according to Minnesota Statutes, section 119B.09, subdivision 11;

K. a statement acknowledging that if the child care provider receives an overpayment from the child care fund,

the CCAP agency or the commissioner must deduct the overpayment from payments under part 3400.0187; and

L. a statement acknowledging that the child care provider must not bill for a holiday unless the child care provider provides child care on the holiday, the child is scheduled and authorized to be in child care on the holiday, and the child care provider correctly indicates the day of the holiday when billing.

Subp. 1b. [Repealed, 33 SR 695]

Subp. 1c. **Registration of licensed child care centers, licensed family child care providers, and certified license-exempt child care centers.** To register as a child care provider, a licensed child care center, a licensed family child care provider, and a certified license-exempt child care center must provide:

A. the child care provider registration and acknowledgment form required by subpart 1a;

B. a completed request for taxpayer identification number and certification when a child care provider is registering for the first time or registering after the child care provider's registration has been terminated; and

C. a statement acknowledging that the child care provider must not bill for absent days unless a child is absent for all scheduled hours on a day and the child care provider correctly indicates the absent day when billing.

Subp. 1d. **Certification of license-exempt child care centers.** For a license-exempt child care center to receive payments from the child care fund, the license-exempt child care center must be registered, eligible under subpart 1, and certified under Minnesota Statutes, chapter 245H. If the child care provider loses the child care provider's certification under Minnesota Statutes, chapter 245H, the child care provider's registration and all of the child care provider's child care authorizations must be terminated with a 15-day adverse action notice.

Subp. 2. ~~**Authorization**~~ **Registration of legal nonlicensed child care providers.**

A. ~~A legal nonlicensed provider must be authorized by the county before the provider or parent may receive a payment under the child care fund.~~ To ~~be authorized by the county~~ register, a legal nonlicensed child care provider must provide ~~the county with the following information~~:

(1) the child care provider's name, age, and address;

(2) the child care provider registration and acknowledgment form required by subpart 1a;

(3) an assurance that the child care provider is eligible to provide unlicensed child care under Minnesota Statutes, section 245A.03, subdivision 2, paragraph (a);

(4) a release to permit disclosure of information to the public on substantiated parental complaints concerning the health and safety of children in the child care provider's care ~~to be disclosed to the public~~ according to Minnesota Statutes, chapter 13;

(5) an assurance that the child care provider is in compliance with state and local health ordinances and building and fire codes applicable to the premises where the child care provider provides child care ~~is provided~~; ~~and~~

(6) ~~an acknowledgment~~ a statement acknowledging that the ~~parent~~ parentally responsible individual and the legal nonlicensed child care provider have reviewed the health and safety information provided ~~by the county.~~ during the registration process;

(7) a statement acknowledging that the legal nonlicensed child care provider must notify the CCAP agency when any of the following events occur: a child dies in the child care provider's care, a child has been maltreated in the child care provider's care, or a child has had a serious injury requiring treatment by a physician in the child care provider's care;

(8) a statement acknowledging that the legal nonlicensed child care provider is not currently excluded or debarred from being a child care provider in any program administered by the commissioner; and

(9) verification of training required by subpart 6 and Minnesota Statutes, section 119B.125, subdivision 1b.

B. A legal nonlicensed ~~providers~~ child care provider who will receive payment from the ~~county~~ child care fund must provide ~~the county with~~ the child care provider's Social Security number or tax identification number. ~~The county may ask legal nonlicensed providers who will not receive payment from the county for their Social Security numbers; but legal nonlicensed providers who will not receive payment from the county are not required to disclose this information. Before asking for a legal nonlicensed provider's Social Security number, the county must tell~~ The legal nonlicensed child care provider ~~whether that disclosure is mandatory or voluntary, by~~ must be informed under what statutory or other authority the number is solicited~~,~~ and how the number will be used.

C. Legal nonlicensed ~~family~~ child care providers ~~also~~ must provide ~~the county with~~ an assurance that the child care provider will obtain an immunization record for each child in the child care provider's care within ~~90~~ 30 days of ~~starting to~~ the first day providing child care for the child.

D. At the time of registration, a legal nonlicensed child care provider must be provided with health and safety materials supplied by the commissioner.

E. A legal nonlicensed child care provider must be informed that a record of substantiated parental complaints concerning the health and safety of children in the care of legal nonlicensed child care providers will be kept and that, upon request, information governing substantiated complaints must be released to the public as authorized under Minnesota Statutes, chapter 13.

Subp. 2a. **Release for in-home child care providers.** ~~To be authorized,~~ An in-home child care provider must register as a child care provider and sign a release allowing the ~~parent~~ parentally responsible individual employing ~~that~~ the child care provider to ~~see~~ receive information on the remittance advice about the amount of any funds being withheld from ~~the~~ payment ~~for~~ of the child care provider and the reason for ~~those~~ the withholdings. An in-home child care provider must be a legal nonlicensed child care provider or a child care provider licensed to provide child care in the child's home.

Subp. 3. **Parental access to children in child care.** ~~Providers~~ A child care provider must ~~permit parents~~ give a parentally responsible individual unlimited access to ~~their children~~ the parentally responsible individual's child and to the child care provider caring for ~~their children~~ the child during all hours ~~the children are~~ that the child is in the child care provider's care ~~of the provider~~.

Subp. 4. [Repealed, 26 SR 253]

Subp. 5. ~~**Notice to county required when care has terminated**~~ **Child care provider reporting requirements.**

A. In addition to the reporting requirements in Minnesota Statutes, section 119B.125, subdivision 9, when a child care provider knows that a family has ~~ended~~ terminated child care with the child care provider, the child care provider must notify the ~~county~~ CCAP agency that a family has terminated child care ~~has been terminated~~. When a child care provider believes that a family will be ending child care with the child care provider, the child care provider must ~~immediately~~ notify ~~the county~~ a CCAP agency of the date on which the child care provider believes that the family will end child care. A child care provider must also notify ~~the county~~ a CCAP agency if a child or children have been absent for more than seven consecutive scheduled days. With the exception of the reporting requirements in Minnesota Statutes, section 119B.125, subdivision 9, a child care provider may notify a CCAP agency of a change by reporting the change in person, by telephone, by facsimile, by mail, electronically, by e-mail, or by reporting the change when billing or on a change reporting form.

B. A legal nonlicensed child care provider must report to the CCAP agency when any of the following events

occur: a child dies in the child care provider's care, a child is maltreated in the child care provider's care, or a child has a serious injury requiring treatment by a physician in the child care provider's care.

Subp. 6. [Renumbered subp 7]

Subp. 6. **Legal nonlicensed child care provider training requirements.**

A. In addition to the training requirements in Minnesota Statutes, section 119B.125, subdivision 1b, a legal nonlicensed child care provider must complete:

(1) pediatric first aid training provided by an individual approved to provide pediatric first aid instruction. A child care provider's pediatric first aid training must be valid at the time of the child care provider's registration approval;

(2) preventing sudden unexpected infant death syndrome training approved by the commissioner that the child care provider completed within two years prior to receiving an initial authorization to care for a child under one year of age;

(3) preventing abusive head trauma training approved by the commissioner that the child care provider completed within two years prior to receiving an initial authorization to care for a child under five years of age; and

(4) federal health and safety requirements approved by the commissioner within 90 days of receiving authorization to care for a child who is not related to the child care provider. If a child care provider does not complete training under this subitem within 90 days of receiving an authorization to care for an unrelated child, the child care provider's authorization for all unrelated children must be terminated with a 15-day adverse action notice. If a child care provider completes training under this subitem, the child care provider is eligible for an authorization for an unrelated child effective on the date that the child care provider completes training under Minnesota Statutes, sections 119B.09, subdivision 7, and 119B.13, subdivision 6, paragraph (c).

B. At each registration renewal, a legal nonlicensed child care provider caring for an unrelated child must have:

(1) pediatric first aid training provided by an individual approved to provide pediatric first aid instruction. A child care provider's pediatric first aid training must be valid at the time of the child care provider's registration renewal approval;

(2) pediatric cardiopulmonary resuscitation training provided by an individual approved to provide pediatric cardiopulmonary resuscitation training. A child care provider's pediatric cardiopulmonary resuscitation training must be valid at the time of the child care provider's registration renewal approval; and

(3) federal health and safety requirements training approved by the commissioner that the child care provider completed within the last 12 months.

C. A legal nonlicensed child care provider must attest and verify that the legal nonlicensed child care provider has completed all required training.

Subp. ~~6~~ 7. **Legal nonlicensed child care provider capacity and age distributions.**

A. A legal nonlicensed child care provider, as defined by Minnesota Statutes, section 119B.011, subdivision 16, is eligible for payment from the child care fund for up to eight children who are ~~11~~ 12 years of age and younger and ~~for any additional children who are 12 years of age and older under Minnesota Statutes, section 119B.011, subdivision 4~~ 13 or 14 years of age with special needs due to a disability. The children must be:

(1) related to the child care provider;

(2) unrelated to the child care provider from a single family; or

(3) related to the child care provider and unrelated to the child care provider from a single family.

B. When a legal nonlicensed child care provider cares for children, the children must be within the following age distributions to be eligible for payment from the child care fund:

(1) there must be no more than two children who are at least six weeks old but less than 12 months old;

(2) there must be no more than three children who are less than 24 months old within the age limits of subitem (1); and

(3) there must be no more than six children who are five years of age or younger within the age limits of subitems (1) and (2).

C. ~~An administering~~ A CCAP agency must consider the following factors when authorizing child care with a legal nonlicensed child care provider:

(1) Children who are ~~11~~ 12 years of age and younger count toward the eight-child limit. ~~An administering agency may authorize child care for children who are 12 years of age and older up to the ages allowed by Minnesota Statutes, section 119B.011, subdivision 4. Children who are 12 years of age and older do not count toward the eight-child limit.~~ Children who are 13 or 14 years of age with special needs due to a disability and authorized for payment under the child care fund count toward the eight-child limit.

(2) The total number of children who are ~~11~~ 12 years of age and younger must include the legal nonlicensed child care provider's own children when the child care provider's own children are present at the child care site.

(3) The limit of eight children ~~who are 11 years of age and younger~~ as described in subitems (1) and (2) applies at all times to the child care site.

Subp. 8. **Legal nonlicensed child care provider health and safety requirements.**

A. A legal nonlicensed child care provider must comply with all applicable federal health and safety requirements, including preventing and controlling infectious diseases, administering medications, preventing and responding to allergic reactions, ensuring building and physical premises safety, handling and disposing of bodily fluids, transporting children, preventing and reporting child abuse and neglect, emergency preparedness and response, child development, and the federal health and safety training requirements in subpart 6.

B. A legal nonlicensed child care provider must develop an emergency preparedness plan and make the plan available to a CCAP agency upon request. A CCAP agency must give a child care provider 15 calendar days to submit an emergency preparedness plan, if requested by the CCAP agency. If a child care provider fails to make the child care provider's emergency preparedness plan available to a CCAP agency, the child care provider's registration and all of the child care provider's child care authorizations must be terminated with a 15-day adverse action notice.

Subp. 9. **Legal nonlicensed child care provider annual monitoring.**

A. Any legal nonlicensed child care provider who is authorized to care for an unrelated child must complete an initial annual monitoring visit within 12 months of child care authorization. The initial annual monitoring visit includes evaluating the child care environment and determining whether the child care provider meets the health and safety requirements in subpart 8.

B. After the initial annual monitoring visit, a legal nonlicensed child care provider must complete a subsequent annual monitoring visit within 12 months of the initial visit for child care authorization of an unrelated child to continue. If a CCAP agency terminates a child care provider's child care authorization of an unrelated child and the CCAP

agency later issues a new authorization to the child care provider for an unrelated child, the child care provider must complete an annual monitoring visit within 12 months of the previous visit or within 90 days from the date that a CCAP agency issued the child care authorization, whichever is later.

C. The commissioner must publicly post monitoring visit result summaries online.

D. If a legal nonlicensed child care provider does not demonstrate full compliance with the health and safety requirements in subpart 8 and the child care provider may demonstrate compliance by submitting additional written information, a CCAP agency must allow the child care provider 15 calendar days to submit the additional information. If a CCAP agency does not receive written information establishing the child care provider's compliance with health and safety requirements, the child care provider's registration and all of the child care provider's child care authorizations must be terminated with a 15-day adverse action notice.

E. If a legal nonlicensed child care provider does not comply with at least one health and safety requirement under subpart 8 and the child care provider is unable to demonstrate compliance by submitting additional written information, the child care provider's registration and all of the child care provider's child care authorizations must be terminated with a 15-day adverse action notice.

F. If a legal nonlicensed child care provider's registration is terminated for the child care provider's failure to demonstrate compliance with the annual monitoring visit, the CCAP agency must identify the conditions under which the child care provider may become eligible to receive child care assistance payments in the CCAP agency's child care fund plan.

G. If a legal nonlicensed child care provider is not available for a scheduled annual monitoring visit, a CCAP agency must allow 15 calendar days for the child care provider to reschedule the annual monitoring visit. If a child care provider is not available for a rescheduled visit, a CCAP agency must terminate the child care provider's authorizations for unrelated children with a 15-day adverse action notice. Once an annual monitoring visit is complete, a child care provider is eligible for child care authorizations for unrelated children effective on the date that the visit is completed under Minnesota Statutes, sections 119B.09, subdivision 7, and 119B.13, subdivision 6, paragraph (c).

H. If the annual monitoring visit reveals unsafe care as defined in the CCAP agency's child care fund plan, the child care provider's registration and all of the child care provider's child care authorizations must be terminated with a 15-day adverse action notice.

I. If the annual monitoring visit reveals imminent risk as defined in the CCAP agency's child care fund plan, the child care provider's registration and all of the child care provider's child care authorizations must be terminated as required by part 3400.0185, subpart 13.

3400.0130 CHILD CARE ~~PROVIDER~~ ASSISTANCE PROGRAM MAXIMUM RATES.

Subpart 1. **Rate determination.** The commissioner ~~shall~~ must determine the applicable child care assistance program maximum rate as described in Minnesota Statutes, section 119B.13. Any rate survey conducted by the commissioner ~~shall~~ as described in Minnesota Statutes, section 119B.02, must include a survey of registration fees when it is usual and customary for a category of child care provider to charge registration fees.

Subp. 1a. ~~**Maximum county**~~ **Child care assistance program maximum rate.** Except as provided in this part, the maximum rate ~~that~~ payable by a ~~county may pay~~ CCAP agency for child care assistance is the child care provider's rate or the applicable maximum rate determined by the commissioner under Minnesota Statutes, section 119B.13, whichever is less. ~~Except as provided in this part, if the provider's rate is more than the applicable maximum rate, the county may not pay more than the difference between the applicable maximum rate and the family's copayment fee.~~ In Minnesota, the child care assistance program maximum rate must be based on the county, or city when applicable, where a child care provider provides child care. Outside Minnesota, the child care assistance program maximum rate must be based on the participant's county of residence.

Subp. 1b. **Child care provider charges and registration fees in excess of maximum child care payment.** A CCAP agency must not pay a child care provider more than the child care assistance program maximum rate and registration fee. In addition to any copayment, a family is responsible for:

A. the difference between the child care assistance program maximum rate and the child care provider rate;

B. any charges that exceed the allowable CCAP payment under part 3400.0110, subpart 3d;

C. the difference between the applicable maximum registration fee and the child care provider registration fee when the child care provider charge does not include the registration fee;

D. the child care provider registration fee when a CCAP agency has paid two registration fees per child in a 12-month period; and

E. any other fees that the child care provider charge does not include.

A third party may pay part or all of a family's child care expenses under Minnesota Statutes, section 119B.09, subdivision 11.

Subp. 2. **Rate determination for certified license-exempt child care centers.** ~~Rates paid to~~ A CCAP agency must pay a certified license-exempt ~~centers~~ child care center as defined in Minnesota Statutes, section ~~245A.03, subdivision 2~~ 245H.01, subdivision 5, ~~must be~~ the applicable maximum rate for licensed child care centers or the child care provider rate, whichever is less.

Subp. 2a. [Repealed, 30 SR 1318]

Subp. 3. **Rate determination~~; children with special needs~~ for special needs due to disability or inclusion in at-risk population.** A ~~county~~ CCAP agency must submit a request to pay a special needs rate for a child with a disability or for a child care provider caring for a child in an at-risk population to the commissioner. ~~The request must be submitted with or as an amendment to the county child care fund plan. Upon written approval by the commissioner, the approved special needs rate must be paid retroactive to the date of the provider or parent request for the special needs rate.~~ The commissioner must evaluate a request for a special needs rate using the commissioner's methodology. Based on the commissioner's methodology, approved special needs rates may be lower than the requested rates.

Subp. 3a. **Rate determination; children with special needs due to disability.**

A. When a ~~parent~~ parentally responsible individual or a child care provider asks ~~the county~~ a CCAP agency for a special needs rate for ~~an individual~~ a child with ~~disabilities~~ a disability that exceeds the applicable maximum rate, the ~~county~~ CCAP agency must use the following process to determine whether a special needs rate is necessary and, if so, to establish the requested special needs rate. The ~~county~~ CCAP agency must:

~~A.~~ (1) obtain documentary evidence of the child's disability;

~~B.~~ (2) obtain the following documentation from the child care provider:

~~(1)~~ (a) a description of the specialized training, services, or environmental adaptations that the child care provider will furnish to meet the individual needs of the child;

~~(2)~~ (b) the child care provider's assurance of compliance with applicable provisions of the Americans with Disabilities Act;

~~(3)~~ (c) the child care provider's assurance that the rate ~~being sought~~ that the child care provider is requesting is the same as the rate that would be charged for similar services provided to a child with a disability in a family not receiving child care assistance; and

~~(4)~~ (d) if applicable, a statement from the child care provider explaining that the rate that the child care provider charges for all children in child care should be adopted as the special needs rate for the child with ~~disabilities~~ a disability because the child care provider has chosen to spread the cost of caring for children with special needs across all families in child care; ~~and~~

~~C.~~ (3) seek the commissioner's approval and determination of the special needs rate ~~as provided in subpart 3~~. The commissioner must evaluate the request and, upon approval, allow a CCAP agency to pay a special needs rate at 75 percent, 150 percent, or 200 percent of the applicable maximum rate by assessing the child's needs in the following areas:

(a) special medical needs and health;

(b) behavioral issues;

(c) mobility;

(d) communication skills;

(e) self-sufficiency; and

(f) extra supervision for safety; and

(4) notify the child care provider and parentally responsible individual of the commissioner's decision in writing, including the reasons for approval or denial.

B. Upon written approval by the commissioner, a CCAP agency must pay the approved special needs rate retroactively from the date of the child care provider's or parentally responsible individual's request for the special needs rate under Minnesota Statutes, sections 119B.09, subdivision 7, and 119B.13, subdivision 6. A special needs rate approval must not exceed a time period of 12 months. If a parentally responsible individual or child care provider requests a special needs rate for longer than 12 months, the parentally responsible individual or child care provider must seek a renewal of the special needs rate by the end of the 12-month period.

Subp. 3b. **Rate determination; child care provider who serves children ~~with special needs due to inclusion~~ in at-risk population.** To determine a special needs rate for a ~~child who is included~~ child care provider caring for children in an at-risk population as defined in the ~~county's~~ CCAP agency's child care fund plan, ~~the county~~ a CCAP agency must ~~use the following procedures. The county must~~:

A. obtain documentary evidence ~~showing that the child is included~~ that the children that the child care provider serves are predominantly in the at-risk population defined in the ~~county's~~ CCAP agency's child care fund plan;

B. obtain the following documentation from the child care provider:

(1) a description of the specialized training, services, or environmental adaptations that the child care provider will ~~furnish~~ receive or provide to meet the ~~individual~~ needs of ~~the child or~~ the children in the at-risk population;

(2) the child care provider's assurance that the rate ~~being sought~~ that the child care provider is requesting is the same as the rate that the child care provider would ~~be charged~~ charge for similar services provided to a child in the at-risk population in a family that is not receiving child care assistance; and

(3) if applicable, a statement from the child care provider explaining that the rate that the child care provider charges for all children in the child care provider's care should be adopted as the special needs rate for ~~the child~~ children in the at-risk population because the child care provider has chosen to spread the cost of caring for children with special needs across all families ~~in~~ receiving child care from the child care provider;

C. determine how many child care providers in the county offer child care for children in the at-risk population;

D. identify the 75th percentile rate if the ~~county~~ CCAP agency finds that four or more child care providers offer child care for children in the at-risk population and pay the 75th percentile rate, the rate negotiated with the child care provider by the ~~county~~ CCAP agency, or the child care provider's rate, whichever is less;

E. pay the lesser of the rate negotiated with the child care provider by the ~~county~~ CCAP agency or the child care provider's rate if the ~~county~~ CCAP agency finds that fewer than four child care providers offer child care for children in the at-risk population; and

F. seek the commissioner's approval of the special rate as ~~provided in subpart 3~~ determined under subitem D or E. A CCAP agency must submit the special needs rate request for the commissioner's approval with or as an amendment to the CCAP agency's child care fund plan.

Upon written approval by the commissioner, a CCAP agency must pay the approved special needs rate retroactively from the date of the child care provider's request for the special needs rate under Minnesota Statutes, sections 119B.09, subdivision 7, and 119B.13, subdivision 6.

Subp. 4. [Repealed, 26 SR 253]

Subp. 5. **~~Child care rate~~ Age categories.** ~~Child care payments shall be based on the applicable maximum rates in the county where care is provided when the care is provided in Minnesota. When child care is provided outside the state of Minnesota, the maximum rate must be based on the applicable maximum rate in the participant's county of residence. If a child remains in an age-based child care setting beyond the age at which the licensing laws would allow that child to move to a different age-based child care setting and (1) the child's age is within the range allowed by the licensing laws for that age-based child care setting, or (2) the child is in that age-based child care setting due to a licensing variance, the maximum rate paid for that child's care must be the rate for the age-based child care setting in which the child is located. A child is considered to be in the school-age rate category on the September 1 following the child's fifth birthday unless the parent informs the county that the child will not be starting school. All changes to provider rates shall be implemented on the Monday following the effective date of the rate change.~~ A CCAP agency must determine a child's maximum child care assistance rate according to the age of the child and the type of child care provider caring for the child as follows.

A. The age categories in Minnesota Statutes, section 245A.02, subdivision 19, apply to a licensed family child care provider and to a legal nonlicensed child care provider.

B. The age categories in part 9503.0005, subpart 2, apply to a licensed child care center.

C. The age categories in Minnesota Statutes, section 245H.08, subdivisions 4 and 5, apply to a certified license-exempt child care center.

D. If a licensed family child care provider or a licensed child care center cares for the child, a CCAP agency must base the maximum rate that the agency pays for the child's care on a different age category when a parentally responsible individual or child care provider notifies the CCAP agency that the child's setting or age category differs from the applicable age category under item A or B; and:

(1) the child meets the age criteria to qualify for the licensing provision for age flexibility for licensed centers under part 9503.0040, subpart 4, item A; or

(2) the commissioner has granted a licensing variance to the child's licensed child care center under part 9503.0005, subpart 26, or licensed family child care provider under part 9502.0315, subpart 31.

E. A CCAP agency must consider a child to be in the school-age rate category on September 1 following the child's fifth birthday unless the parentally responsible individual informs the CCAP agency that the child will not be starting school.

Subp. 5a. **Rates for in-home care.** When a child care ~~is provided~~ provider cares for a child in the child's home under Minnesota Statutes, section 119B.09, subdivision 13, a CCAP agency must base the applicable maximum rate ~~must be based~~ on the allowable rate for a legal nonlicensed ~~family~~ child care provider. If a child care provider is licensed to care for a child in the child's home, a CCAP agency must base the applicable maximum rate on the allowable rate for a licensed child care provider.

Subp. 6. [Repealed, 26 SR 253]

Subp. 7. **Payment of registration fees.** If a child care provider charges ~~families~~ a family a registration fee to enroll ~~children~~ a child in the child care provider's program and ~~the registration fee is not included in~~ the child care provider rate does not include the registration fee, ~~the county shall~~ a CCAP agency must pay the child care provider registration fee or ~~the 75th percentile of the registration fees surveyed in subpart 1, whichever is less~~ up to the applicable maximum registration fee that the commissioner determines under Minnesota Statutes, section 119B.13. ~~The county may~~ A CCAP agency must not pay for more than two registrations per child in a 12-month period.

Subp. 8. [Repealed, L 2011 1Sp9 art 3 s 35]

Subp. 9. [Repealed, 26 SR 253]

Subp. 10. [Repealed, 26 SR 253]

3400.0140 ~~COUNTY~~ RESPONSIBILITIES OF A CCAP AGENCY.

Subpart 1. **~~County~~ CCAP agency child care assistance policies and procedures.** ~~Counties shall~~ A CCAP agency must adopt policies and procedures for providing child care assistance to enable eligible applicants to seek or retain employment or to participate in education or training programs. All ~~county~~ adopted CCAP agency policies that apply to child care assistance must be in writing and must be included in the ~~county's biennial~~ CCAP agency's child care fund plan and must be approved by the commissioner as required under part 3400.0150.

Subp. 2. **Child care assistance information.** ~~The county shall~~ A CCAP agency must provide information on child care assistance to families, child care ~~service~~ providers, social service agencies, and the local news media ~~as it deems necessary~~ to ensure the full use of ~~its~~ the CCAP agency's child care fund allocation.

Subp. 3. [Repealed, 26 SR 253]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 5a. [Repealed, 33 SR 695]

Subp. 6. **Duties upon receipt of ~~complaints~~ complaint against legal nonlicensed ~~providers~~ child care provider.** Within 24 hours of receiving a complaint concerning the health or safety of children ~~under~~ in the care of a legal nonlicensed child care provider, a ~~county~~ CCAP agency must relay the complaint to:

A. the county's or Tribe's child protection agency if the complaint alleges child maltreatment as defined in Minnesota Statutes, section 260E.03, subdivision 12;

B. the county's or Tribe's public health agency if the complaint alleges a danger to public health due to communicable disease, unsafe water supply, sewage or waste disposal, or building structures;

C. local law enforcement if the complaint alleges criminal activity that ~~may endanger~~ endangers the health or safety of children under care; or

D. other agencies with jurisdiction to investigate complaints relating to the health and safety of a child.

If a complaint is substantiated under item A, the ~~county~~ CCAP agency must keep a record of the substantiated complaint as provided in Minnesota Statutes, section 260E.35, subdivision 6. If a complaint is substantiated under items B to D, the ~~county~~ CCAP agency must keep a record of the substantiated complaint for three years. Upon request, a CCAP agency must release information governing substantiated complaints ~~shall be released~~ to the public as authorized under Minnesota Statutes, chapter 13. Upon receiving notice of a substantiated complaint under items A to D, ~~the county shall~~ a CCAP agency must determine if the complaint meets the criteria for imminent risk or unsafe care in the CCAP agency's child care fund plan. A CCAP agency must not make ~~subsequent~~ payments to ~~that~~ a child care provider from the child care fund for child care services ~~provided by that provider~~ that the child care provider provides after the date of the termination notice under part 3400.0185, subpart 13, unless the child care provider has corrected the conditions underlying the substantiated complaint ~~have been corrected~~. If a CCAP agency terminates a child care provider's registration, the child care provider must complete the registration process in Minnesota Statutes, section 119B.011, subdivision 19a, after the child care provider has corrected the conditions underlying the substantiated complaint and becomes eligible under part 3400.0120 to receive child care assistance payments. When substantiated maltreatment occurs in a legal nonlicensed child care setting and a child dies or a child has a serious injury in the legal nonlicensed child care setting that requires treatment by a physician, the commissioner and any CCAP agency must always consider the legal nonlicensed child care setting unsafe and the child care provider is no longer eligible to receive child care assistance.

Subp. 7. **County and Tribal contracts ~~and designation of administering agency~~ for administration of child care fund.** ~~Counties~~ A county or Tribe may contract for the administration of all or part of the child care fund. ~~The~~ A county ~~shall~~ or Tribe must designate the agency ~~authorized~~ that the county or Tribe authorizes to administer the child care fund in the county's or Tribe's child care fund plan. The county or Tribe must ~~describe in its child care fund plan how it will oversee the contractor's performance~~ submit a copy of the current contract with the subcontracted agency that describes the subcontracted agency's responsibilities.

Subp. 8. **Agreement with employment and training services providers.** Cooperative agreements with employment and training services providers must specify that MFIP families participating in employment services and meeting the requirements of part 3400.0080 are eligible for child care assistance from the ~~county~~ CCAP agency responsible for the MFIP participant's approved ~~job search support or~~ employment plan or according to Minnesota Statutes, section 256G.07.

Subp. 9. **Local match.** The county ~~shall~~ or Tribe must provide a local match according to Minnesota Statutes, section 119B.11, subdivision 1.

Subp. 9a. **Child care assistance funding.** In the manner prescribed by the commissioner, ~~counties shall claim~~ a CCAP agency must use funding for child care expenditures for all eligible recipients who are in employment, education, training, or other preemployment activities allowed under the federal and state reimbursement programs. The commissioner ~~shall~~ must allocate any federal or state earnings to the ~~county~~ CCAP agency that ~~claimed~~ used the funding and the ~~county shall~~ CCAP agency must use the earnings to expand funding for child care services.

Subp. 10. **Eligibility priorities for beginning assistance.** If a ~~county's~~ CCAP agency's basic sliding fee program allocation for child care is insufficient to fund all of the applications that the CCAP agency receives for child care assistance, the ~~county~~ CCAP agency may prioritize eligibility among the groups that remain to be served after the ~~county~~ CCAP agency has complied with the priority requirements ~~set forth~~ in Minnesota Statutes, section 119B.03, subdivision 4. ~~The county shall~~ A CCAP agency must include ~~its~~ the agency's rationale for the prioritization of eligibility ~~for beginning assistance~~ in ~~its biennial~~ the CCAP agency's child care fund plan. To the extent of available allocations, ~~no~~ a CCAP agency must not exclude any eligible family ~~may be excluded~~ who has submitted a complete application from receiving child care assistance.

Subp. 11. [Repealed, 26 SR 253]

Subp. 12. [Repealed, 26 SR 253]

Subp. 13. [Repealed, 26 SR 253]

Subp. 14. **~~Child care fund reports~~ Reporting requirements.** ~~Counties~~ A CCAP agency must submit financial ~~and,~~ program activity, and child care provider reports according to instructions and schedules that the commissioner establishes after considering such factors as the ~~department's~~ commissioner's need to receive ~~county~~ data in a manner and ~~on~~ according to a schedule that meets ~~federal~~ reporting deadlines and the ~~counties'~~ CCAP agency's need for lead time when changes in reporting requirements occur.

Subp. 15. [Repealed, 26 SR 253]

Subp. 16. [Repealed, 26 SR 253]

Subp. 17. [Repealed, 26 SR 253]

Subp. 18. [Repealed, 26 SR 253]

Subp. 19. [Repealed, 33 SR 695]

Subp. 20. [Repealed, 26 SR 253]

Subp. 21. **Acting on changes.** A CCAP agency must act within ten calendar days from the date that a family reports a change or the change becomes known to the CCAP agency. A CCAP agency must consider a family's reporting responsibilities under part 3400.0040, subpart 4, to determine if a change requires CCAP agency action.

3400.0150 CHILD CARE FUND PLAN.

Subpart 1. **~~Submittal~~ Submission of plan.** By the date established by the commissioner, ~~the~~ a county ~~shall~~ or Tribe must submit to the commissioner a ~~biennial~~ child care fund plan within the time frame in Minnesota Statutes, section 119B.08, subdivision 3. The commissioner may require updates of information in the child care fund plan ~~as necessary~~ to comply with this chapter, applicable Minnesota statutes~~, sections 119B.011 to 119B.16~~, and federal ~~law~~ laws and regulations.

Subp. 2. **Plan content.** ~~The~~ A child care fund plan must contain a complete description of the county's or Tribe's child care assistance program for applicants and participants eligible for assistance under Minnesota Statutes, chapter 119B. The child care fund plan must include the information required by Minnesota Statutes, ~~section~~ sections 119B.08, subdivision 3, and 119B.125, subdivision 4; the information required by this chapter, including the conditions that the county or Tribe recognizes as presenting an imminent risk of harm; and all ~~written~~ county and Tribal forms, policies, and procedures used to administer the child care funds. The child care fund plan must describe how ~~it~~ the county or Tribe serves persons with limited English proficiency~~,~~ as required by title VI of the Civil Rights Act of 1964, United States Code, title 42, sections 2000, et seq. The information in the plan must be in the form ~~prescribed by~~ that the commissioner ~~and must include a description of the process used to assure that the information, forms, and notices about child care assistance are accurate, clearly written, and understandable to the intended recipient~~ prescribes.

Subp. 2a. **Plan approval.** A county or Tribe must submit a complete child care fund plan to the commissioner for approval. The child care fund plan must comply with this chapter; Minnesota Statutes, chapter 119B; and federal law. Once the commissioner approves of the child care plan fund, the county or Tribe must receive written approval from the commissioner within the time frame in Minnesota Statutes, section 119B.08, subdivision 3. The child care fund plan must include information on how the county or Tribe will make the approved plan available to the public.

Subp. 3. **Plan amendments.** A county or Tribe may submit a written request to amend ~~its~~ the county's or Tribe's child care fund plan at any time ~~but~~ and the commissioner must approve of the amendment ~~must be approved by the commissioner~~ before ~~it~~ the amended plan becomes effective. If ~~approved by~~ the commissioner approves of the

amendment, the amendment is effective on the date requested by the county or Tribe unless a different effective date is set by the commissioner. The commissioner must approve or deny plan amendments ~~must be approved or disapproved by the commissioner~~ within 60 days after receipt of the amendment request. A county or Tribe must include the approved amendment when making the approved plan available to the public.

3400.0170 INCOME ELIGIBILITY FOR CHILD CARE ASSISTANCE.

Subpart 1. **Proof of income eligibility.** An applicant requesting child care assistance must provide proof of income eligibility. For the purpose of determining income eligibility, gross annual income is the gross income of the family for the current month multiplied by 12, the gross income for the 12-month period immediately preceding the date of application, or the gross income calculated by the method that provides the most accurate assessment of gross annual income available to the family. ~~The administering~~ A CCAP agency must use the method that provides the most accurate assessment of gross annual income currently available to the family. An applicant must verify counted income ~~must be verified~~ as described in subpart 4 with documentary evidence. If ~~the~~ an applicant does not ~~have~~ submit sufficient evidence of counted income to a CCAP agency, the ~~administering~~ CCAP agency must offer the applicant the opportunity to sign an informational release to permit the ~~administering~~ CCAP agency to verify whether the applicant qualifies for child care assistance.

Subp. 1a. **Income limits.** Income limits vary for applicants and participants under Minnesota Statutes, section 119B.09, subdivision 1.

A. To be income eligible at application, a family's gross annual income after allowable deductions under subpart 6a must be at or below:

(1) 47 percent of the state median income, adjusted for family size, for basic sliding fee child care assistance or student parents;

(2) 67 percent of the state median income, adjusted for family size, for MFIP or DWP child care assistance; or

(3) 47 percent of the state median income, adjusted for family size, for transition year child care assistance if a family does not receive MFIP and DWP child care assistance. If a family's MFIP or DWP grant is closing and the family receives MFIP or DWP child care assistance, a CCAP agency must consider the family a participant and the family is subject to the income limits in items B and C.

B. To be income eligible at redetermination, a family's gross annual income after allowable deductions must be at or below 67 percent of the state median income, adjusted for family size. This limit applies to all participants.

C. To maintain income eligibility during the 12-month eligibility period, a family's gross annual income after allowable deductions must be at or below 85 percent of the state median income, adjusted for family size. This limit applies to all participants.

D. A CCAP agency must consider a family a participant when the family receives child care assistance and becomes temporarily ineligible under part 3400.0040, subpart 17, subject to the income limits in items B and C. A CCAP agency must consider a family a basic sliding fee applicant when the family on the basic sliding fee waiting list reaches the top of the waiting list and is temporarily ineligible under part 3400.0040, subpart 17, subject to the income limit in item A, subitem (1).

E. A family that is suspended under part 3400.0040, subpart 18, is considered a participant and is subject to the income limits in items B and C during the suspension and after the suspension ends.

F. If a family becomes ineligible while receiving child care assistance, a CCAP agency must terminate the family's child care assistance. If a formerly ineligible family applies for child care assistance, a CCAP agency must consider the family an applicant and the family is subject to the income limits in item A.

Subp. 2. [Repealed, 26 SR 253]

Subp. 3. **Evaluation of income.** ~~The administering~~ A CCAP agency ~~shall~~ must determine the income ~~received~~ that a family receives or that is available to a family according to subparts 4 to 11. ~~All income, unless specifically excluded in subpart 6, must be counted as income.~~

Subp. 4. **Determination of gross annual income.** The income standard for determining eligibility for child care assistance is a family's gross annual income. A family's gross annual income is the sum of each family member's income sources under Minnesota Statutes, sections 119B.011, subdivision 15, and 256P.01, subdivisions 3 and 8, including earned income, self-employment income, unearned income, and lump sum payments~~, which must be treated according to subpart 13~~. A CCAP agency must include negative self-employment income ~~must be included~~ in the determination of a family's gross annual income, resulting in a reduction in total gross annual income. Lump sum payments that a family receives prior to participating in the child care assistance program are not included in the family's total gross annual income. If a participant's eligibility ends after receiving a lump sum and the participant reapplies for child care assistance, a CCAP agency must count the lump sum for 12 months from the date of the lump sum receipt. A CCAP agency must calculate earned income, self-employment income, unearned income, and lump sum payments ~~must be calculated~~ separately.

Subp. 4a. **Individuals with exempt income.** Certain individuals in a family participating in the child care assistance program are exempt from having a CCAP agency count some or all of their income.

A. Individuals under Minnesota Statutes, section 256P.06, subdivision 2, paragraph (a), are exempt from having a CCAP agency count their earned income.

B. A designated new spouse under Minnesota Statutes, section 256P.06, subdivision 2, paragraph (c), is exempt from having the designated new spouse's earned and unearned income counted when the designated new spouse's family income before exemption does not exceed 67 percent of the state median income and the family verifies the marriage date. If a family meets these requirements, the designated new spouse's earned and unearned income no longer counts for two service periods after a CCAP agency receives verification of the marriage date and continues not to count for up to 26 service periods.

Subp. 5. [Repealed, L 2015 c 71 art 5 s 34]

Subp. 6. [Repealed, L 2015 c 71 art 5 s 34]

Subp. 6a. **Deductions from gross annual income.** When a family verifies items at the time of application or redetermination, or during the 12-month eligibility period, a CCAP agency must deduct the following items ~~must be deducted~~ from a family's gross annual income:

A. child or spousal support paid to or on behalf of a person or persons who live outside of the household; ~~and~~

B. ~~funds~~ money used to pay for health ~~and~~, dental, and vision insurance premiums for family members~~:~~ that are not reimbursed by medical assistance; and

C. expenditures necessary to secure payment of unearned income.

Subp. 7. **Earned income from self-employment.** In determining a family's gross annual income for purposes of eligibility under this part, ~~the administering~~ a CCAP agency ~~shall~~ must determine earned income from self-employment.

A. Earned income from self-employment is the difference between gross receipts and ~~authorized~~ self-employment expenses ~~which may~~ that must not include expenses under subpart 8.

(1) A family must document gross receipts and self-employment expenses with business records, such as charts of accounts, books, ledgers, and tax schedules.

(2) At the time of application, or redetermination, or during the 12-month eligibility period, a CCAP agency must allow a family in the start-up phase of self-employment to submit a self-attestation verifying income if financial documentation is unavailable or insufficient to accurately predict self-employment income. A family is subject to recoupment or recovery of an overpayment under part 3400.0187 and Minnesota Statutes, section 119B.11, subdivision 2a, if the commissioner or CCAP agency determines that the family's estimated income does not reflect the family's actual income.

B. Self-employment business records must be kept separate from the family's personal records.

C. If the person's business is a partnership or a corporation and that person is drawing a salary, the salary ~~shall~~ must be treated as earned income ~~under subpart 5~~.

Subp. 8. **Self-employment deductions which are not allowed.** In determining eligibility under this part, self-employment expenses must be subtracted from gross receipts. ~~For purposes of this subpart, the document in items I to K is incorporated by reference. It is available through the Minitex interlibrary loan system. It is subject to frequent change. If the document in items I to K is amended, and if the amendments are incorporated by reference or otherwise made a part of state or federal law applicable to self-employment deductions, then the amendments to the document are also incorporated by reference into this subpart.~~ However, the expenses listed in items A to ~~P shall~~ L must not be subtracted from gross receipts:

[For text of items A to F, see Minnesota Rules]

G. the cost of transportation between the individual's home and ~~his or her~~ the individual's place of employment;

[For text of item H, see Minnesota Rules]

~~I. monthly expenses for each roomer greater than the flat rate deduction listed in the current Combined Program Manual issued by the Department of Human Services;~~

~~J. monthly expenses for each boarder greater than the flat rate deduction listed in the current Combined Program Manual issued by the Department of Human Services;~~

~~K. monthly expenses for each roomer-boarder greater than the flat rate deduction listed in the current Combined Program Manual issued by the Department of Human Services;~~

~~L. annual expenses greater than two percent of the estimated market value on a county tax assessment form as a deduction for upkeep and repair against rental income;~~

~~M~~ I. expenses not allowed by the United States Internal Revenue Code for self-employment income, unless specifically authorized in this chapter;

~~N~~ J. federal, state, and local income taxes;

~~O~~ K. employer's own share of FICA; and

~~P~~ L. money set aside for the self-employed person's own retirement.

Subp. 9. **Self-employment budget period.** A family must budget gross receipts from self-employment ~~must be budgeted~~ in the month in which ~~they are received~~ the family received gross receipts. Expenses must be budgeted against gross receipts in the month that the family paid the expenses ~~are paid~~ except for items A to C.

A. The purchase cost of inventory items, including materials that are processed or manufactured, must be deducted as an expense at the time that a family receives payment ~~is received~~ for the sale of those inventory items, processed materials, or manufactured items, regardless of when those costs are incurred or paid.

B. Expenses ~~to cover employee FICA, employee tax withholding, sales tax withholding, employee worker's compensation, employee unemployment compensation, business insurance, property rental, property taxes,~~ and other costs that are commonly paid at least annually, but less often than monthly, must be prorated forward as deductions from gross receipts over the period they are intended to cover, beginning with the month in which the payment for these items is made.

C. Gross receipts from self-employment ~~may~~ must be prorated forward to equal the period of time ~~over~~ during which the expenses were incurred. However, gross receipts must not be prorated over a period that exceeds 12 months. This provision applies only when gross receipts are not received monthly but expenses are incurred on an ongoing monthly basis.

Subp. 10. **Determination of farm income.** Farm income must be determined for a one-year period. Farm income is gross receipts minus operating expenses, except for expenses listed in subpart 8. Gross receipts include items such as sales, rents, subsidies, farm-related insurance payments, soil conservation payments, production derived from livestock, and income from the sale of home-produced foods.

Subp. 11. **Determination of rental income.**

A. Income from rental property is considered self-employment earnings when the owner spends an average of 20 or more hours per week on maintenance or management of the property. ~~The administering agency shall deduct an amount for upkeep and repairs according to subpart 8, item L, for real estate taxes, insurance, utilities, and interest on principal payments.~~

B. When a family lives on the rental property, ~~the administering~~ a CCAP agency ~~shall~~ must divide the allowable expenses ~~for upkeep, taxes, insurance, utilities, and interest~~ described in this subpart by the number of units to determine the expense per unit. ~~The administering~~ A CCAP agency ~~shall~~ must deduct expenses from rental income only for the number of units rented, not for units occupied by family members.

[For text of item C, see Minnesota Rules]

D. The ~~deductions~~ expenses described in this subpart are subtracted from gross rental receipts. regardless of whether the rental income is considered earned or unearned income. Allowable expenses are:

(1) real estate tax;

(2) insurance;

(3) utilities;

(4) interest;

(5) upkeep and repairs;

(6) tax return preparation fees;

(7) license fees, franchise fees, professional fees, and professional dues;

(8) advertising;

(9) postage;

(10) attorney fees allowed by the Internal Revenue Code; and

(11) payments on the principal of the purchase price of income-producing real estate.

Subp. 12. [Repealed, L 2015 c 71 art 5 s 34]

Subp. 13. [Repealed, L 2015 c 71 art 5 s 34]

3400.0175 EXTENDED ELIGIBILITY.

Subpart 1. **Three-month extended eligibility period.** Extended eligibility is a period of continued eligibility for a family during the 12-month eligibility period as allowed by Minnesota Statutes, section 119B.105. A family may enter extended eligibility under the circumstances described in Minnesota Statutes, section 119B.105, subdivision 1, paragraph (b), and under the following circumstances.

A. An MFIP or DWP participant has a permanent end to all employment plan activities and is not participating in another authorized activity.

B. An MFIP or DWP participant has been sanctioned for not participating in all employment plan activities and is not participating in authorized activities outside of an employment plan.

C. A parentally responsible individual's unable to care status has expired in a two-parent household.

Subp. 2. **Permanent and temporary ends of authorized activity.**

A. If a parentally responsible individual reports an end to the parentally responsible individual's authorized activity, a CCAP agency must consider the end of the authorized activity permanent unless the family reports that the end is temporary. The extended eligibility period begins on the day that the authorized activity permanently ends and continues for up to three months or until a family's redetermination, whichever occurs first.

B. If a parentally responsible individual has a temporary end to an authorized activity that becomes a permanent end, the family must report the change to a CCAP agency under Minnesota Statutes, section 256P.07, subdivision 6, paragraph (a), clause (2). The extended eligibility period begins on the date that the change becomes permanent.

C. If a parentally responsible individual has more than one authorized activity, extended eligibility is available to the family when the family reports that all authorized activities ended permanently.

Subp. 3. **Requirements at end of extended eligibility.**

A. At the end of the extended eligibility period, the parentally responsible individual must participate in an authorized activity for eligibility to continue until the next redetermination according to the following criteria:

(1) if employment is the authorized activity of a parentally responsible individual who is eligible under part 3400.0060 or 3400.0090, or of a parentally responsible individual who is eligible under part 3400.0080 without an employment plan, the parentally responsible individual does not have to meet minimum work requirements under Minnesota Statutes, section 119B.10, until redetermination;

(2) if education is the authorized activity of a parentally responsible individual who is eligible under part 3400.0060 or 3400.0090, the education activity must meet the criteria in the CCAP agency's child care fund plan; or

(3) if the parentally responsible individual is eligible under part 3400.0080 and has an employment plan, the individual must be participating in an authorized activity in the individual's employment plan.

B. If the parentally responsible individual is not participating in an authorized activity at the end of the extended eligibility period, a CCAP agency must end the family's eligibility.

C. If a parentally responsible individual in a two-parent household entered extended eligibility because the individual's unable to care status under part 3400.0040, subpart 5, expired and the parentally responsible individual has

not re-verified the individual's unable to care status or started participating in an authorized activity by the end of the individual's extended eligibility period, a CCAP agency must end the family's eligibility.

Subp. 4. **Extended eligibility at application or redetermination.** A parentally responsible individual is not eligible for extended eligibility when the parentally responsible individual does not have an authorized activity under Minnesota Statutes, section 119B.10, on the application date or redetermination due date. A parentally responsible individual who meets the eligibility requirements at application under part 3400.0040 or at redetermination under part 3400.0180 and experiences a permanent end to the parentally responsible individual's authorized activity after the application date or redetermination due date is eligible for extended eligibility. A family that is eligible under part 3400.0080 or 3400.0090 is not eligible for extended eligibility during the retroactive periods in Minnesota Statutes, sections 119B.09, subdivision 7, and 119B.13, subdivision 6, paragraph (c).

Subp. 5. **New authorizations during extended eligibility period.** If a child without an authorization for child care assistance requires child care during an extended eligibility period, a CCAP agency must authorize child care for the child based on the number of child care hours that the CCAP agency authorized for other children in the child's household. If a CCAP agency has not authorized child care of any other children in the household, the CCAP agency must authorize child care for the child based on the number of child care hours for which the family was eligible prior to the beginning of the extended eligibility period.

Subp. 6. **New authorized activity during extended eligibility period.**

A. If a parentally responsible individual reports that the parentally responsible individual began a new authorized activity prior to the end of the parentally responsible individual's extended eligibility period, the family moves out of extended eligibility and continues to be eligible until the next redetermination according to the following criteria:

(1) if employment is the authorized activity of a parentally responsible individual who is eligible under part 3400.0060 or 3400.0090, or of a parentally responsible individual who is eligible under part 3400.0080 without an employment plan, the parentally responsible individual does not have to meet minimum work requirements under Minnesota Statutes, section 119B.10, until redetermination;

(2) if education is the authorized activity of a parentally responsible individual who is eligible under part 3400.0060 or 3400.0090, the individual's authorized activity must meet the criteria in the CCAP agency's child care fund plan; or

(3) if the parentally responsible individual is eligible under part 3400.0080 and has an employment plan, the individual must be participating in an authorized activity in the individual's employment plan.

B. If a parentally responsible individual began a new authorized activity prior to the end of the extended eligibility period and does not report the new authorized activity, authorizations are approvable retroactively from the date that the extended eligibility period ended, as long as the parentally responsible individual reports the new authorized activity within 90 days after eligibility ended and the parentally responsible individual met all eligibility requirements during the time period after the case closed. A CCAP agency must authorize child care through the end of the 12-month eligibility period as provided by part 3400.0110, subpart 3, and Minnesota Statutes, chapter 119B.

3400.0180 REDETERMINATION OF ELIGIBILITY.

Subpart 1. **Redetermination time frame.**

~~A. The county must redetermine each participating family's eligibility at least every six months. The county must redetermine the eligibility of families in the start-up phase of self-employment without an approved employment plan more frequently than once every six months if existing documentation is insufficient to accurately predict self-employment income. If a family reports a change in an eligibility factor before the family's next regularly scheduled redetermination, the county must recalculate eligibility without requiring verification of any eligibility factor that did not change.~~

~~B. The county must not treat a redetermination of eligibility as a new application for child care assistance. The participant is responsible for providing documentary evidence of continued eligibility.~~

~~C. If redetermination establishes that a family is ineligible for further child care assistance, the county shall terminate the child care assistance as provided in part 3400.0185. If redetermination establishes the need for a change in the family's copayment, revisions shall be calculated according to part 3400.0100. When a change in income affects the amount of a participant's copayment, the new copayment amount is effective on the first day of the service period following the 15-day notice period.~~

~~D. If a family timely reports the information required by part 3400.0040, subpart 4, and redetermination establishes a need for a change in the amount of the family's child care assistance, the amount of child care assistance paid to the family between the date the change was reported and the first date that the new child care assistance payment would be effective if the county properly implemented the change does not constitute an overpayment.~~

A CCAP agency must redetermine each participating family's eligibility during the time frame in Minnesota Statutes, section 119B.025, subdivision 3. A CCAP agency may establish criteria in the CCAP agency's child care fund plan to extend redetermination due dates longer than the time frame in Minnesota Statutes, section 119B.025, subdivision 3. A CCAP agency may defer a redetermination until the end of the academic school year for a family in which at least one parentally responsible individual meets the criteria in Minnesota Statutes, section 119B.025, subdivision 3, paragraph (c), clause (3). For purposes of this subpart, the end of the academic school year is August 31 of that year.

Subp. 2. **Redetermination processing.**

A. A CCAP agency must begin processing a participant's redetermination within ten calendar days from the date that the CCAP agency receives a redetermination form.

B. A participant must submit a signed and completed redetermination form and must provide verification of the participant's continued eligibility under subpart 3.

C. A CCAP agency must not treat a redetermination as a new application for child care assistance.

Subp. 3. **Verification requirements.**

A. At redetermination, a family must verify:

(1) income, if counted under Minnesota Statutes, chapter 256P, of all members of the family, including members temporarily absent from the household;

(2) the work, education, or training activity status of each parentally responsible individual;

(3) the family's residence, if a CCAP agency does not have verification of the family's current address;

(4) changes in family size that the family has not verified since the most recent eligibility determination;

(5) changes in the family's status that the family has not verified since the most recent eligibility determination;

(6) the family's cooperation with child support enforcement under Minnesota Statutes, section 119B.09, subdivision 1, paragraph (c);

(7) the family's assets that exceed $1,000,000; and

(8) changes in a child's citizenship or immigration status under item D.

B. At redetermination, a family may provide verification of:

(1) income deductions as allowed by part 3400.0170. A CCAP agency must process a redetermination without income deductions if the family has not verified income deductions within the time frame identified in Minnesota Statutes, section 119B.025, subdivision 3; and

(2) the school status of students 6 years of age and older with earned income. If a family has not verified a student's school status within the time frame identified in Minnesota Statutes, section 119B.025, subdivision 3, the student's earned income must be counted under Minnesota Statutes, section 256P.06.

C. For a CCAP agency to authorize child care at redetermination, an eligible family must:

(1) provide verification of the work, education, or training schedule of each parentally responsible individual;

(2) provide the school schedule of each child who needs child care and attends school if the schedule or school attended has changed since the most recent eligibility determination; and

(3) provide verification of changes in a child's citizenship and immigration status under item D.

D. A family must have at least one child who meets the citizenship or immigration status requirement in the Federal Child Care and Development Fund, Code of Federal Regulations, title 45, section 98.20(c), or who is receiving child care in a setting subject to public education standards. For a CCAP agency to authorize child care, a family must verify the child's citizenship or immigration status unless a setting subject to public education standards is providing care for the child.

Subp. 4. **Eligibility determination.** At redetermination, a family must meet all applicable requirements under this chapter and Minnesota Statutes, chapter 119B, to continue receiving child care assistance. A CCAP agency must approve a family's eligibility when the CCAP agency receives the family's signed and completed redetermination form and verifications within the time frame identified in Minnesota Statutes, section 119B.025, subdivision 3, and the redetermination form and verifications indicate that the family is eligible. If a CCAP agency determines at redetermination that a family is ineligible for further child care assistance, the CCAP agency must terminate the family's child care assistance as provided in part 3400.0185.

Subp. 5. **Unreported changes during 12-month eligibility period.**

A. A CCAP agency must determine if information that the CCAP agency receives at redetermination indicates that a family met the reporting requirements in part 3400.0040, subpart 4, during the 12-month eligibility period. If a family did not meet the reporting requirements, a CCAP agency must determine if any unreported changes impacted the family's eligibility or child care authorization during the previous 12-month eligibility period.

B. If a family received more benefits than the family was eligible for during the 12-month eligibility period, a CCAP agency or the commissioner must recoup or recover an overpayment under part 3400.0187 and Minnesota Statutes, section 119B.11, subdivision 2a.

Subp. 6. **Reported changes during 12-month eligibility period.**

A. If a family reported an income change during the 12-month eligibility period that did not require verification under part 3400.0040, subpart 4a, and the income ends prior to redetermination, a CCAP agency must not require a family to provide verification of that income at redetermination.

B. When a family timely reports information required by part 3400.0040, subpart 4; a CCAP agency timely acts on the information under part 3400.0140, subpart 21; and redetermination results in a decrease in the amount of the family's child care assistance, the amount of child care assistance that the CCAP agency paid on behalf of the family between the date of the change and the date that the new child care assistance payment would be effective is not an

overpayment.

Subp. 7. **Changes in authorized hours.** If redetermination results in an increase in the number of hours that a CCAP agency authorizes for a child, the increase in hours is effective on the first day of the service period after the CCAP agency approves the redetermination. An increase in child care hours is effective for service periods prior to the date that the CCAP agency approves the redetermination when the family requests and verifies a need for additional child care hours. If redetermination results in a decrease in the number of child care hours that a CCAP agency authorizes for a child, the decrease in hours is effective on the first day of the service period following the 15-day adverse action notice period.

Subp. 8. **Copayment changes.** At redetermination, the copayment must be calculated according to Minnesota Statutes, section 119B.12. When a change in income increases the amount of a participant's copayment, the new copayment is effective on the first day of the service period following the 15-day adverse action notice period. When a change in income decreases the amount of the copayment, the new copayment is effective on the first day of the service period after a CCAP agency approves the redetermination.

Subp. 9. **Temporary breaks in authorized activity at redetermination.** At redetermination, each family must meet the minimum authorized activity requirements in Minnesota Statutes, section 119B.10. If a parentally responsible individual meets all eligibility requirements and reports a temporary break from the parentally responsible individual's authorized activity and verifies that the parentally responsible individual expects to return to the authorized activity, the CCAP agency must suspend the parentally responsible individual's case following the 15-day adverse action notice period. If a parentally responsible individual meets all eligibility requirements and reports a temporary break from the parentally responsible individual's authorized activity and does not verify that the parentally responsible individual expects to return to the authorized activity, a CCAP agency must place the parentally responsible individual's case in temporary ineligible status following the 15-day adverse action notice period.

3400.0183 TERMINATION OF CHILD CARE ASSISTANCE.

Subpart 1. **Conditions for termination of child care assistance.**

A. A county or Tribe may terminate child care assistance ~~for families already~~ of a family receiving child care assistance when the county or Tribe receives: (1) a revised allocation from the child care fund that is smaller than the allocation stated in the notice sent to the county or Tribe under part ~~3400.0030~~ 3400.0060, subpart 2; and (2) such short notice of a change in ~~its~~ the county's or Tribe's allocation that the county ~~could not have absorbed~~ or Tribe is unable to absorb the difference in the allocation. The county or Tribe must consult with and obtain approval from the commissioner before terminating child care assistance for a family under this subpart.

B. If the conditions described in ~~this subpart~~ item A occur and a county or Tribe terminates child care assistance for a family, the county ~~may~~ or Tribe must give the family notice as required by part 3400.0185, subpart 12, and terminate assistance to ~~families~~ each family in the order of ~~last on, first off.~~ the most recent approval date of eligibility at application, including first-time participants and participants who previously received child care assistance and experienced a break in service and reapplied. When funds become available, ~~counties~~ a county or Tribe must ~~reinstate~~ first determine the eligibility of families ~~that remain eligible for child care assistance and~~ whose child care assistance was terminated due to insufficient funds before the county ~~accepts~~ or Tribe approves the eligibility of new ~~applications~~ applicants. ~~Those families whose child care assistance was most recently terminated due to insufficient funds shall be reinstated first.~~

Subp. 2. **Conditions under which termination of child care assistance is required.**

A. A ~~county~~ CCAP agency must terminate a family's eligibility for child care assistance under the following conditions:

~~A.~~ (1) when the family asks the ~~county~~ CCAP agency to ~~do so~~ terminate the family's eligibility for child care assistance;

~~B.~~ (2) when the family is no longer eligible to receive child care assistance under this chapter and Minnesota Statutes, chapter 119B; or

~~C.~~ (3) when a member of the family has been disqualified from the child care assistance program under Minnesota Statutes, section 256.98, subdivision 8, paragraph (b).

B. During the 12-month eligibility period, a CCAP agency must terminate a family's eligibility for child care assistance under any of the following conditions:

(1) the family's income exceeds 85 percent of the state median income;

(2) the family's assets exceed $1,000,000;

(3) the extended eligibility period ends and the parentally responsible individual has no authorized activity;

(4) the parentally responsible individual uses all available job search hours outside of an employment plan under Minnesota Statutes, section 119B.10, subdivision 1, and the parentally responsible individual has no authorized activity;

(5) the family does not pay a copayment;

(6) the family moves out of the state;

(7) there are no eligible children in the family's household;

(8) the only parentally responsible individual in the household has been temporarily absent for more than 60 days and the parentally responsible individual has no authorized activity or the extended eligibility period ends;

(9) the family's temporary ineligibility period expires; or

(10) the family's one year suspension period expires.

C. At redetermination, a CCAP agency must terminate a family's eligibility for child care assistance under any of the following conditions:

(1) the family's income exceeds 67 percent of the state median income;

(2) the family's assets exceed $1,000,000;

(3) the family is not in an authorized activity that meets any applicable minimum participation requirements;

(4) the family is not cooperating with child support;

(5) the CCAP agency has not received the family's redetermination form and all required eligibility verifications by the last day of the redetermination period;

(6) the family's temporary ineligibility period has expired;

(7) the family's one year suspension period has expired; or

(8) the family's only child who is eligible for child care assistance is 13 years of age or older or 15 years of age or older when the child has a documented disability.

Subp. 3. [Repealed, 33 SR 695]

Subp. 4. [Repealed, 33 SR 695]

Subp. 5. **Effective date of disqualification period for families.** The effective date of a disqualification period for a family is the later of:

A. the date that the family member was found guilty of wrongfully obtaining or attempting to obtain child care assistance by a federal court~~;~~ or a state court, or an administrative disqualification hearing determination or waiver~~;~~; through a disqualification consent agreement~~;~~; as part of an approved diversion plan under Minnesota Statutes, section 401.065~~;~~; or as part of a court-ordered stay with probationary or other conditions; or

[For text of item B, see Minnesota Rules]

Subp. 6. **Effective date of disqualification period for child care provider.** The effective date of a disqualification period for a child care provider is the later of:

A. the date that the child care provider was found guilty of an intentional program violation or wrongfully obtaining child care assistance by a federal court, a state court, or an administrative disqualification hearing determination or waiver; through a disqualification consent agreement; as part of an approved diversion plan under Minnesota Statutes, section 401.065; or as part of a court-ordered stay with probationary or other conditions; or

B. the effective date of the child care assistance program termination notice.

3400.0185 ~~TERMINATION AND ADVERSE ACTIONS;~~ NOTICE ~~REQUIRED~~ REQUIREMENTS.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. **Notice of eligibility approval to family.** A CCAP agency must notify a family in writing of the CCAP agency's approval of the family's eligibility.

A. The approval notice must include:

(1) the date that the family's eligibility began;

(2) the family's gross annual income as determined under part 3400.0170;

(3) the family's copayment amount, including how and when the family must pay the copayment;

(4) the family's responsibility for paying child care provider charges that exceed the maximum amount of child care payments in addition to the copayment;

(5) the reporting requirements under part 3400.0040, subpart 4; and

(6) the provisions for recoupment or recovery of an overpayment if the family does not meet the reporting requirements in subitem (5).

B. The approval notice must state that once a family selects a child care provider who is eligible to receive payment from the child care fund, the child care provider and the family will receive notice from the CCAP agency stating the number of hours of child care that the CCAP agency authorizes and the maximum rate payable under the child care fund.

C. The approval notice must state that, except in cases in which the license of a child care provider licensed by Minnesota has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, or in which there is an imminent risk of harm to the health, safety, or rights of a child in the care of a legal nonlicensed child care provider, certified license-exempt child care center, or child care provider licensed by an entity other than the state of Minnesota, the family must report any change in child care provider to the CCAP agency and the child care provider at least 15 calendar days before the change occurs and include the overpayment implications for not reporting the change.

D. The approval notices must state that when a CCAP agency terminates a participant's child care assistance eligibility, the CCAP agency must inform the participant of the reason for the termination and the participant's appeal rights.

Subp. 7. **Notice of eligibility denial to family.** A CCAP agency must notify a family in writing of a denial of a family's eligibility. The denial notice must include:

A. the reason for the denial;

B. the provision in statute, rule, or the CCAP agency's child care fund plan that forms the basis of the denial; and

C. the parentally responsible individual's right to a fair hearing under part 3400.0230 and Minnesota Statutes, section 119B.16.

Subp. 8. **Notice of authorization to family.** A CCAP agency must notify a family in writing when the CCAP agency authorizes a family's child care with a child care provider that meets the criteria in part 3400.0120, subpart 1. The authorization notice must include:

A. the family's name;

B. a statement that the CCAP agency approves of the family's request for child care assistance;

C. the number of hours of child care that the CCAP agency authorizes per service period;

D. the maximum rate payable under the child care fund;

E. the number of absent days that the CCAP agency has paid for the child during the calendar year as of the date of the notice; and

F. the amount of the family's copayment.

Subp. 9. **Notice of authorization to child care provider.** A CCAP agency must notify a child care provider in writing when the CCAP agency approves of a family's eligibility and authorizes child care with a child care provider that meets the criteria in part 3400.0120, subpart 1. The authorization notice must include:

A. the family's name;

B. a statement that the CCAP agency approves of the family's request for child care assistance;

C. the number of hours of child care that the CCAP agency authorizes per service period;

D. the maximum rate payable under the child care fund;

E. the number of absent days that the CCAP agency has paid for the child during the calendar year as of the date of the notice;

F. how the CCAP agency will issue child care assistance payments to the child care provider; and

G. the amount of the family's copayment.

Subp. 10. **Notice to family of adverse action.**

A. A CCAP agency must give a participant written notice of any action that adversely affects the participant's child care assistance eligibility or authorization.

B. The notice must include:

(1) a description of the adverse action;

(2) the effective date of the adverse action;

(3) the reason for the adverse action;

(4) the provision in statutes, rules, or the CCAP agency's child care fund plan that supports the adverse action;

(5) a statement that the participant has the right to appeal the adverse action and the procedure for an appeal; and

(6) a statement that if the participant appeals the adverse action before the effective date of the action, the participant may:

(a) continue receiving the same level of benefits while the appeal is pending, subject to recoupment or recovery if the adverse action is upheld; or

(b) receive the level of benefits indicated by the adverse action while the appeal is pending and have an eligible child care provider under part 3400.0120, subpart 1, receive reimbursement for documented eligible child care expenditures pending appeal if the adverse action is reversed when the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c).

C. A CCAP agency must mail the notice to the participant's last known address at least 15 calendar days before the effective date of the adverse action.

D. If the participant corrects the conditions underlying the adverse action before the effective date of the adverse action, the adverse action must not take effect.

Subp. 11. **Notice to child care provider of action adverse to family.** A CCAP agency must give a child care provider written notice of a reduction in the hours of authorized child care or an increase in the family's copayment. A CCAP agency must mail the notice to the child care provider at least 15 calendar days before the effective date of the adverse action and include:

A. the family's name;

B. a description of the adverse action that omits information about the reasons for the adverse action;

C. the effective date of the adverse action; and

D. a statement that unless the family appeals the adverse action before the effective date, the adverse action will occur on the effective date.

Subp. 12. **Notice of termination of child care assistance to family.**

A. A CCAP agency must notify a participant in writing of the termination of the participant's child care assistance. The notice must include:

(1) the date that the termination is effective;

(2) the reason that the CCAP agency is terminating the participant's child care assistance;

(3) the provision in statutes, rules, or the CCAP agency's child care fund plan that supports terminating the participant's assistance;

(4) a statement that the participant has a right to appeal the termination and the procedure for an appeal; and

(5) a statement that if the participant appeals the proposed action before the effective date of the termination, the participant may:

(a) continue receiving the same level of benefits while the appeal is pending, subject to recoupment or recovery if the termination is upheld; or

(b) not receive benefits while the appeal is pending and have an eligible child care provider under part 3400.0120, subpart 1, receive reimbursement for documented eligible child care expenditures made or incurred pending appeal if the termination is reversed when the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c).

B. A CCAP agency must mail the notice to the participant's last known address at least 15 calendar days before terminating the participant's child care assistance.

C. If the CCAP agency terminates the participant's child care assistance under part 3400.0183, subpart 2, item A, subitem (1), and, before the effective date of termination, the participant requests to continue receiving child care assistance, the termination must not take effect. If a CCAP agency terminates the participant's child care assistance under part 3400.0183, subpart 2, item A, subitem (2), and, before the effective date of termination, the participant reestablishes eligibility for child care assistance, the termination must not take effect.

Subp. 13. **Notice of termination of child care assistance to child care provider.**

A. A CCAP agency must notify a family's child care provider in writing when a CCAP agency terminates a family's child care assistance. The CCAP agency must mail the termination notice to the child care provider at least 15 calendar days before the effective date of the termination and include:

(1) the family's name;

(2) a statement that the CCAP agency has terminated the family's child care assistance;

(3) the effective date of the termination; and

(4) a statement that the CCAP agency will no longer issue child care payments for the family's child care that a child care provider provides after the date of termination, unless the family requests to continue receiving child care assistance pending an appeal.

B. A CCAP agency must notify a family's child care provider in writing when the family decides to no longer use

the child care provider. A CCAP agency must mail a termination notice to a child care provider at least 15 calendar days before the effective date of the termination and must include:

(1) the family's name;

(2) a statement that the family has decided to no longer use the child care provider;

(3) the effective date when the child care assistance authorization will end; and

(4) a statement that the CCAP agency will no longer issue child care payments for the family's child care that a child care provider provides after the date of the termination.

C. This item applies to child care providers licensed in Minnesota. Except in cases in which the provider's license has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, a CCAP agency must mail a notice of termination to a child care provider at least 15 calendar days before terminating payment to the child care provider. When a child care provider's license has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, a CCAP agency must send a notice of termination to the child care provider that is effective on the date of the temporary immediate suspension.

D. This item applies to legal nonlicensed child care providers, certified license-exempt child care centers, and child care providers licensed by an entity other than the state of Minnesota. Except in cases in which there is an imminent risk of harm to the health, safety, or rights of a child in child care, a CCAP agency must mail a notice of termination to a child care provider at least 15 calendar days before terminating payment to the child care provider. In cases in which there is an imminent risk of harm to the health, safety, or rights of a child in child care, a CCAP agency must send a notice of termination to the child care provider that is effective on the date of the notice.

E. When a child care provider's payment is suspended under Minnesota Statutes, chapter 245E, or a child care provider's registration is denied or revoked under Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), clause (1) or (2), a CCAP agency or the commissioner must send a notice of termination to the child care provider effective on the date that the CCAP agency or the commissioner creates the notice.

3400.0187 RECOUPMENT AND RECOVERY OF OVERPAYMENTS.

Subpart 1. [See repealer.]

Subp. 1a. [Repealed, 33 SR 695]

Subp. 1b. **Calculation of overpayment.** When determining an overpayment, a CCAP agency or the commissioner must assess the dates during which a family or child care provider received more child care assistance than the family or child care provider was eligible to receive. With the exception of overpayments designated solely as agency error under Minnesota Statutes, section 119B.11, subdivision 2a, paragraph (a), the overpayment must include all amounts that the CCAP agency or commissioner determines were overpaid according to time frames specified in Minnesota Statutes, section 119B.11, subdivision 2a, paragraph (h).

Subp. 2. **Notice of overpayment.** ~~The county~~ A CCAP agency or the commissioner must notify the person ~~or~~, persons, or entity who is assigned responsibility for the overpayment of the overpayment in writing. A notice of overpayment must specify the reason for the overpayment, the time period ~~in~~ during which the overpayment occurred, the amount of the overpayment, and the right to appeal the ~~county's~~ CCAP agency's or commissioner's overpayment determination.

Subp. 3. [See repealer.]

Subp. 4. **Recoupment of overpayments from participants.** ~~If the redetermination of eligibility indicates the family remains eligible for child care assistance, The county~~ A CCAP agency or the commissioner must

recoup ~~the~~ an overpayment by reducing the amount of assistance paid to or on behalf of the family for every service period at the rates in item A, B, C, or D until the overpayment debt is retired.

A. When a family has an overpayment due to ~~agency or~~ a child care provider error or a combination of child care provider and agency error, the recoupment amount is one-fourth of the family's copayment or $10, whichever is greater.

B. When ~~the~~ a family has an overpayment due to the family's first failure to report changes as required by part 3400.0040, subpart 4, or a combination of a family's first failure to report and agency error, the recoupment amount is one-half of the family's copayment or $10, whichever is greater.

C. When a family has an overpayment due to the family's failure to provide accurate information at the time of application or redetermination or the family's second or subsequent failure to report changes as required by part 3400.0040, subpart 4, or a combination of these violations with agency error, the recoupment amount is one-half of the family's copayment or $50, whichever is greater.

D. When a family has an overpayment due to a violation of Minnesota Statutes, section 256.98, ~~subdivision 1,~~ as established by a court conviction, a court-ordered stay of a conviction with probationary or other terms, a disqualification agreement, a pretrial diversion, or an administrative disqualification hearing or waiver, the recoupment amount equals the greater of:

[For text of subitems (1) to (3), see Minnesota Rules]

E. This item applies to families who have been disqualified or found to be ineligible for the child care assistance program and who have outstanding overpayments. If a disqualified or previously ineligible family returns to the child care assistance program, ~~the county~~ a CCAP agency or the commissioner must begin recouping the family's outstanding overpayment using the recoupment schedule in items A to D unless another repayment schedule has been specified in a court order.

[For text of item F, see Minnesota Rules]

Subp. 5. [Repealed, 33 SR 695]

Subp. 6. **Recoupment of ~~overpayments~~ overpayment from ~~providers~~ child care provider.** If ~~the~~ a child care provider continues to receive child care assistance payments, ~~the county~~ a CCAP agency or the commissioner must recoup ~~the~~ an overpayment by reducing the amount of assistance paid to the child care provider for every payment at the rates in item A, B, or C until the overpayment debt is retired.

A. When a child care provider has an overpayment due to ~~agency or~~ a family error or a combination of family and agency error, the recoupment amount is one-tenth of the provider's payment or $20, whichever is greater.

B. When a child care provider has an overpayment due to the child care provider's failure to provide accurate information or a combination of a child care provider's failure to report accurate information and agency error, the recoupment amount is one-fourth of the child care provider's payment or $50, whichever is greater.

C. When a child care provider has an overpayment due to a violation of Minnesota Statutes, section 256.98, ~~subdivision 1~~, as established by a court conviction, a court-ordered stay of conviction with probationary or other terms, a disqualification agreement, a pretrial diversion, or an administrative disqualification hearing or waiver, the recoupment amount equals the greater of:

(1) one-half of the child care provider's payment;

[For text of subitems (2) and (3), see Minnesota Rules]

D. This item applies to child care providers who have been disqualified from or are no longer able to be authorized by the child care assistance program and who have outstanding overpayments. If a child care provider returns to the child care assistance program as a child care provider or a participant, ~~the county~~ a CCAP agency or the commissioner must begin recouping the child care provider's outstanding overpayment using the recoupment

schedule in items A to ~~D~~ C unless another repayment schedule has been specified in a court order.

E. If a child care provider has more than one overpayment assessed for different incidents, a CCAP agency or the commissioner must not consolidate the overpayments ~~must not be consolidated~~ into one overpayment. Instead, each overpayment must be recouped according to the schedule ~~specified~~ in this subpart from the payment made to the child care provider for the service period. If the amount to be recouped in a service period exceeds the payment to the child care provider for that service period, the amount recouped must be applied to overpayments in the following order:

[For text of subitems (1) to (3), see Minnesota Rules]

F. If the commissioner or more than one CCAP agency assesses multiple overpayments to a child care provider for the same incident, the commissioner or each CCAP agency must assess each overpayment separately. A CCAP agency or the commissioner must recoup only one overpayment per incident at a time according to the schedule in this subpart until the overpayment debt is retired. A CCAP agency or the commissioner must recoup any overpayment that the commissioner or CCAP agency assesses for a different incident simultaneously under item E.

3400.0230 RIGHT TO FAIR HEARING.

Subpart 1. [Repealed, 33 SR 695]

Subp. 2. [Repealed, 33 SR 695]

Subp. 3. **Child care payments ~~when~~ pending fair hearing ~~is requested~~.**

A. If the applicant or participant requests a fair hearing before the effective date of termination or adverse action or within ten days after the date of mailing the notice, whichever is later, the ~~termination or adverse action shall not be taken~~ commissioner or CCAP agency must not terminate the applicant's or participant's child care assistance or take the adverse action until the conclusion of the fair hearing. Child care assistance paid pending a fair hearing is subject to recovery under part 3400.0187 to the extent that the commissioner finds on appeal that the participant was not eligible for the amount of child care assistance paid.

B. If the commissioner finds on appeal that child care assistance should have been terminated or the amount of benefits reduced, ~~the county~~ a CCAP agency must send a notice of termination or reduction in benefits ~~effective the date of the notice~~ to the family and the child care provider as required by part 3400.0185 and determine if an overpayment needs to be recouped or recovered according to Minnesota Statutes, section 119B.11, subdivision 2a.

C. A participant may appeal the termination of child care assistance and choose not to receive child care assistance pending the appeal. If the commissioner finds on appeal that child care assistance should not have been terminated, ~~the county~~ a CCAP agency must ~~reimburse~~ reinstate the ~~participant~~ participant's eligibility retroactively from the date of the termination and issue payments to an eligible child care provider under part 3400.0120, subpart 1, when the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c), for ~~documented eligible~~ child care expenditures ~~made or~~ incurred pending the appeal.

Subp. 4. **Child care payments pending fair hearing or administrative disqualification hearing.**

A. If a child care provider requests a fair hearing before the effective date of a termination or an adverse action, the termination or adverse action must not take effect until the conclusion of the hearing, unless:

(1) the child care provider appeals the assignment of responsibility, amount, or recovery of an overpayment, in which case the recoupment or recovery of the overpayment will occur while the appeal is pending;

(2) the fair hearing is stayed under Minnesota Statutes, section 119B.16, subdivision 3; or

(3) the adverse action entitles the child care provider to an administrative review under Minnesota Statutes, section 119B.161.

B. Child care assistance that a CCAP agency pays to a child care provider pending a hearing is subject to recovery under part 3400.0187 when the commissioner finds on appeal that the child care provider was not eligible for the paid amount of child care assistance.

C. A child care provider may request a fair hearing under Minnesota Statutes, section 119B.16, subdivision 1a, and choose not to receive child care assistance pending appeal. If, on appeal, the commissioner finds that child care assistance should not have been terminated or an adverse action should not have been taken:

(1) the child care provider must complete the registration process in Minnesota Statutes, section 119B.011, subdivision 19a; and

(2) a CCAP agency or the commissioner must reimburse the child care provider for documented eligible child care expenditures made or incurred pending the appeal for dates of service when the child care provider was eligible under part 3400.0120, subpart 1, and the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c).

Subp. 5. **Child care payments pending administrative review.**

A. If a child care provider requests an administrative review under Minnesota Statutes, section 119B.161, a CCAP agency or the commissioner must stop payments during the administrative review.

B. If a child care provider's payments are suspended under Minnesota Statutes, chapter 245E, or the child care provider's registration is denied or revoked under Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), clause (1) or (2), and:

(1) the commissioner or a law enforcement authority subsequently determines there is insufficient evidence warranting the action and a CCAP agency or the commissioner does not pursue an administrative remedy under Minnesota Statutes, chapter 119B or 245E, or Minnesota Statutes, section 256.98; or

(2) all criminal, civil, and administrative proceedings related to the child care provider's alleged misconduct conclude in the child care provider's favor and all appeal rights are exhausted; or

(3) the commissioner finds good cause exists under Minnesota Statutes, section 119B.161, subdivision 4, not to deny, revoke, or suspend a child care provider's registration, or not to continue a denial, revocation, or suspension of a child care provider's registration, and the child care provider chooses to resume receiving child care assistance payments, then:

(a) the child care provider must complete the registration process in Minnesota Statutes, section 119B.011, subdivision 19a; and

(b) a CCAP agency or the commissioner must reimburse the child care provider for documented eligible child care expenditures made or incurred pending the administrative review for dates of service when the child care provider was eligible under part 3400.0120, subpart 1, and the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c).

REPEALER.(a) Minnesota Rules, parts 3400.0020, subparts 4, 24, and 38; 3400.0030; 3400.0035, subparts 4, 5, and 6; 3400.0040, subpart 7; 3400.0060, subparts 6, 6a, 7, and 8; 3400.0100, subparts 2b and 2c; 3400.0110, subpart 2a; 3400.0140, subparts 4 and 5; 3400.0185, subparts 1, 2, 3, and 4; 3400.0187, subparts 1 and 3; 3400.0200; 3400.0220; and 3400.0235, subparts 1, 2, 3, 4, 5, and 6, are repealed.(b) Minnesota Rules, part 3400.0185, subpart 5, is repealed effective February 26, 2021.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Employment and Economic Development, Minnesota Housing and Department of Human Services

Notice of Public Hearings and Draft Plan for State of Minnesota 2022-2026 Housing and Community Development Consolidated Plan (Consolidated Plan) and 2022 Annual Action Plan

The State of Minnesota is collecting community feedback to assist with the development of its five-year Consolidated Plan and Annual Action Plan, which are required planning documents for the use of its housing and community development funds from the U.S. Department of Housing and Urban Development (HUD). Funds under consideration for this plan include:

- Community Development Block Grant
- Emergency Solutions Grant
- HOME Investment Partnerships*
- Housing Opportunities for Persons with AIDS
- National Housing Trust Fund

* does not include HOME funding from the American Rescue Plan. Minnesota Housing will be planning for the HOME Investment Partnerships funding through the American Rescue Plan this summer.

The State is holding four community meetings that are open to the public. Please attend the meeting that interests you most and/or most relates to your work. The community meetings will be facilitated discussions around community needs, existing resources, and ways we can address gaps for our most vulnerable residents and strengthen our communities. Seats are limited and registration is necessary. All meetings are virtual and Zoom information will be sent after registration. To register visit: ***https://tinyurl.com/MNConsolidatedPlan2022***

- June 22, 11:00 a.m. : Housing
- June 22, 2:00 p.m.: Facilities and Infrastructure
- June 22, 6:00 p.m.: General Resident Perspectives
- June 23, 11:00 a.m.: Community Services

Draft plans will be available for review on July 1 with a 30 day comment period closing July 31, 2022. The plans will be available at ***http://www.mnhousing.gov and http://mn.gov/deed/government/financial-assistance/community-funding/***.

If you have any questions about the survey or registration for community meetings, then please contact Jennifer Alpha, our consultant with TDA Consulting, Inc., at ***jalpha@tdainc.org***.

Official Notices

Department of Health

Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2022 Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the proposed uses of the Preventive Health and Health Services Block Grant funds during federal fiscal year 2022. Further information on the use of those funds is available upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee to be held via phone and virtually Thursday, June 30, 2022, by the Minnesota Department of Health. The meeting and public hearing will begin at 1:00 p.m. and end by 2:30 p.m. Any person or group may submit either written or oral comments at the meeting.

Written comments must be submitted by noon Wednesday, June 29, to the email address below.

For further information about participating in the public hearing or the PHHS Block Grant, please contact:

Becky Neudecker
Center for Public Health Practice
Minnesota Department of Health
P.O. Box 64975
St. Paul, Minnesota 55164-0975
(651) 201-5795
becky.neudecker@state.mn.us

Minnesota Housing

Notice of Public Hearing Via Telephone on the 2024 - 2025 Housing Tax Credit Qualified Allocation Plan

Minnesota Housing will hold a public hearing pursuant to Section 42 of the Internal Revenue Code of 1986, the 2024 and 2025 Housing Tax Credit Qualified Allocation Plan. The public hearing will be held at the time and number listed below:

Tuesday, June 28, 2022
10:00 A.M. – 11:00 A.M. – via Go To Webinar
You may register in advance for this meeting:
https://attendee.gotowebinar.com/register/8005756790896226574
Webinar ID: 664-606-323

Dial-In toll-free number: 1-877-309-2074

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the 2024 and 2025 Qualified Allocation Plan developed by Minnesota Housing, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of Minnesota Housing. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County. A suballocator may elect to enter

into a Joint Powers Agreement with Minnesota Housing. Under a Joint Powers Agreement, Minnesota Housing will perform certain functions related to the HTC allocation or award and compliance monitoring. Currently, the following cities have entered in a Joint Powers agreement: Duluth, St. Cloud, and Rochester.

Written comments may also be submitted to the undersigned and will be considered at the hearing. If a member of the public needs an accessibility accommodation, please contact the agency by June 21, 2022 at ***HTC.MHFA@state.mn.us*** or 651-297-5142. Note that this public hearing is not a workshop or training session but is intended to solicit the comments of the public.

Copies of the proposed changes to the Housing Tax Credit Qualified Allocation Plan are available on Minnesota Housing's website and at the address listed below, by written or phone request.

Minnesota Housing
Housing Tax Credit Program
400 Wabasha Street N, Ste. 400
St. Paul, MN 55102
651.297-5142
mnhousing.gov

Department of Human Services

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

The MN Department of Human Services will submit the attached state plan amendment 22-24 USS Updates. Effective for services on or after September 15, 2022, the amendment implements the Uniform Service Standards including:

- Simplification to the Diagnostic Assessment Process
- Clean up and clarification to staff definitions, supervision requirements, and training.

    - o Clarifies that Licensing Board requirements for clinical supervision do not apply as Medicaid requirements to deliver services
    - o Clinical Trainees (graduate intern, or post graduate; able to do therapy and assessment) separately described from Mental Health Practitioners (Bachelor's degree in related field, or two years' work experience)
    - o Sets minimum age of 18 for all staff types, parallel with existing law for SUD services. Allows a hospital to refer client to one week of day treatment services before diagnostic assessment required

For more information, please contact Alley Zoellner at (651) 226-7242 or e-mail: ***Alexandra.Zoellner@state.mn.us***.

Minnesota Department of Transportation (MnDOT)

Office of Transportation System Management (OTSM)

Notice of Solicitation for Public Review and Comment on the Draft State Transportation Improvement Program (STIP) for State Fiscal Years 2023-2024-2025-2026 (July 1, 2022 through June 30, 2026)

The Minnesota Department of Transportation (MnDOT) is offering an opportunity for public review and comment on a draft list of projects to be included in the State Transportation Improvement Program (STIP) for state fiscal years

2023-2024-2025-2026 (July 1, 2022 through June 30, 2026).

The program for the 2023-2026 STIP is approximately $3.1 billion federal funds, $1.6 billion of state trunk highway funds, plus trunk highway bonds, local agency funds, and other funding sources. The program includes local road and bridge projects; transit capital investments; state highway road and bridge projects; national highway road, bridge, and freight projects.

The draft list of projects in the STIP is available for review at the Department of Transportation District Offices and on MnDOT's website: ***http://www.dot.state.mn.us/planning/program/stip.html***.

If you have questions about projects in the Draft 2023-2026 STIP, please feel free to contact the following individuals.

District 1 (Duluth) - Duane Hill, District Engineer, ***Duane.Hill@state.mn.us***
District 2 (Bemidji) - JT Anderson, District Engineer, ***J.T.Anderson@state.mn.us***
District 3 (Baxter) - Mike Ginnaty, District Engineer, ***Mike.Ginnaty@state.mn.us***
District 4 (Detroit Lakes) - Shiloh Wahl, District Engineer, ***Shiloh.Wahl@state.mn.us***
District 6 (Rochester) - Mark Schoenfelder, District Engineer, ***Mark.Schoenfelder@state.mn.us***
District 7 (Mankato) - Greg Ous, District Engineer, ***Greg.Ous@state.mn.us***
District 8 (Willmar) - Jon Huseby, District Engineer, ***Jon.Huseby@state.mn.us***
District M (Metro) - Michael Barnes, District Engineer, ***Michael.Barnes@state.mn.us***
District C (Central Office) – Trang Chu, ***Trang.Chu@state.mn.us*** or Deborah Pena, ***Debbie.Pena@state.mn.us***

If you would like to provide written comments on the Draft 2023-2026 STIP, please email:
Trang.Chu@state.mn.us or ***Debbie.Pena@state.mn.us***.

If you would like to provide comments via telephone, please contact:

Brian Gage
Phone: 651-366-3748
Office of Transportation System Management
Minnesota Department of Transportation
395 John Ireland Blvd, St Paul, MN 55155

You have 30 calendar days to submit comments. Comments must be received by **4:30 p.m. on July 5, 2022**. Comments are encouraged and should identify the portion of the STIP addressed, reason for the comment, and any change proposed.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: *http://www.grants.state.mn.us/public/*

Department of Employment and Economic Development (DEED)

Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at ***https://mn.gov/deed/about/contracts/open-rfp.jsp***

Department of Human Services

Behavioral Health Division

Notice of Request for Proposals for One or More Providers to Develop and Provide Psychiatric Residential Treatment Services for Individuals under age 21 through the Psychiatric Residential Treatment Facility Medicaid Benefit

The Minnesota Department of Human Services (DHS or State) is requesting proposals for the development of intensive treatment programs known as Psychiatric Residential Treatment Facilities (PRTF) to serve youth with complex mental health conditions whose needs cannot be met by a lower level of care. PRTF's are designed to provide treatment and support to children and youth who would traditionally experience multiple placement disruptions, out of state placements, or repeated placements due to their significant mental health, developmental, and co-occurring substance use issues.

DHS is seeking proposals for the grant period September 1 2022 through August 31, 2028.

For more information contact:

Nancy Just
Department of Human Services
Behavioral Health Division
Phone: (651) 247-6065
Nancy.just@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

To obtain this information in a different format, please email ***Emily.Waymire@state.mn.us***.

Proposals submitted in response to this Request for Proposals (RFP) must be received at the email address listed in the RFP no later than **4:00 p.m., Central Time, on July 15, 2022. Late proposals will not be considered.** Proposals received via other methods will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) web site: ***https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/***.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Grants & Loans

Department of Human Services

Disability Services Division

Notice of Request for Proposals to Minnesota Counties and Tribal Nations to Expand Access to Inclusive Childcare for Children with Disabilities

The Minnesota Department of Human Services (DHS or State) is requesting proposals from counties and tribes that will partner with licensed childcare providers to develop and implement a pilot project.

The pilot will address at least one of the four following outcomes areas: 1) increases access to inclusive childcare, 2) increases staff support to children with extra needs, 3) improves staff ability to care for a child with a disability, 4) improves child care facilities.

DHS is seeking proposals for the pilot grant period August 2022 through November 2023.

For more information contact:

Carrie Jakober
Department of Human Services
Disability Services Division
Carrie.Jakober@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

To obtain this information in a different format, please email ***Emily.Waymire@state.mn.us***.

Proposals submitted in response to this Request for Proposals (RFP) must be received through DSD's online grant management system listed in the RFP no later than **4:00 p.m., Central Time, on July 11, 2022. Late proposals will not be considered.** Proposals received via other methods will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) web site: ***https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/***.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Public Safety

Office of Justice Programs

Request for Proposals: Title II Juvenile Justice Grants to Promote Wellness and Support for Youth Within Minnesota's Juvenile Justice System

Authorized by the Minnesota Juvenile Justice Advisory Committee (JJAC), the goal of Title II funding is to provide direct services to youth and their families to prevent or divert involvement of youth in the juvenile justice system and to eliminate or to minimize racial and ethnic disparities. Grant funding will be used to support the following areas: (1) positive youth development, (2) preventing/reducing re-entry, (3) and community, faith, and/or culturally focused programming.

We anticipate having a minimum of $1.6 million available for grants of up to $150,000 per grantee for a two-year period (up to $75,000 per year), with a start date of approximately September 1, 2022, ending August 31, 2024. These will be cost reimbursement grants; federal requirements prohibit advancing grant funds up front. Private and public nonprofit agencies, local units of government including cities, counties, townships, local educational agencies, and tribal governments are eligible to apply.

All applications must be submitted by 4:00 p.m., Friday, July 29, 2022, via ***e-grants***, the Office of Justice Programs (OJP) online grants management system. Selected applicants will need to get grant documents signed and returned by August 31st, 2022.

To view the RFP go to the OJP website: ***OJP website***

For more information contact ***callie.hargett@state.mn.us***

Minnesota Department of Transportation (MnDOT)

2022 Greater Minnesota TED Solicitation Announcement

Cities, counties, tribes and other government entities in Greater Minnesota can apply for funds for transportation infrastructure projects on state highways that support economic development through the Minnesota Department of Transportation. Greater Minnesota is defined as all counties outside of the seven county Metropolitan Area.

MnDOT's Transportation and Economic Development program (TED) is a competitive funding program designed to help generate economic benefits through investment in transportation infrastructure. Under this solicitation, $2.0 million are available for construction projects in calendar years 2023 and 2024. Funding available under the TED program can only be used on trunk highway eligible projects.

To be considered for funding, interested agencies must first submit an expression of interest using the form available at: ***https://www.dot.state.mn.us/funding/ted/*** MnDOT district staff and economic development staff at the Minnesota Department of Employment and Economic Development will then work with applicants to review the project and collect all necessary information. The deadline for expression of interest is July 1st, 2022. Upon receipt of an expression of interest sent to MnDOT, applicants will work closely with District personnel to develop a full application which will be due on Friday, September 2nd, 2022.

Forms expressing interest in funding can be submitted electronically to Ken Buckeye, MnDOT Office of Finance, by 5 p.m., July 1, 2022. Questions about the solicitation may be directed to ***kenneth.buckeye@state.mn.us***.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over $5,000 through $50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at *www.mmd.admin.state.mn.us* for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over $50,000) for professional/technical contracts must be published in the *State Register.* Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: $0 - $5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 $5,000 - $25,000 should be advertised in the *State Register* for a period of at least seven calendar days; $25,000 - $50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above $50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Minnesota State Colleges and Universities (Minnesota State)

Non-Construction Related Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website (***http://minnstate.edu/vendors/index.html***). New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: ***www.dot.state.mn.us/consult***

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please all the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.