DATE: December 1, 2017

TO: CHILD CARE CENTERS (DHS RULE 3)

RE: License updates and renewal information for licenses effective January 1, 2018

A. NEW AND UPDATED INFORMATION

1. **2017 Legislation changes.** The 2017 Minnesota Legislature passed amendments affecting Department of Human Services (DHS) license holders. As a license holder, it is your responsibility to be aware of any legislative changes that effect your licensed service and take the action necessary to comply with any new requirements.

   The updated 2017 statutes are now available online through the Office of the Revisor of Statutes website and the DHS Website. In addition, the Minnesota Bookstore publishes a Child Care Center Laws & Rules book that contains DHS Rule 3, the Human Services Licensing Act, the Human Services Background Study Act, and the Reporting of Maltreatment of Minors Act. The book is now available to order, updated with the 2017 legislative amendments. Go to the Minnesota Bookstore website to order the revised book.

   We have developed a guidance document to help you understand the changes and what you need to do to comply with the changes. This guidance document provides information on each licensing change impacting licensed child care centers enacted during the legislative session. Each section of this document contains the statutory language and an overview of the new or changed licensing requirement as well as specific action centers need to take to comply with each new requirement, if any action is needed. We will begin monitoring for compliance and providing on-site technical assistance to programs after January 1, 2018.

2. **Child Care Development Block Grant.**

   Many of the changes passed during the 2017 legislation session were to bring the state of Minnesota into compliance with the federal Child Care and Development Fund (CCDF) requirements.¹ These changes are included in the guidance document referenced above under section 1.

3. **Background study changes.**

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¹ In 2014, the federal government reauthorized the Child Care and Development Fund with the goal of improving the health and safety of child care, improving access to quality child care and promoting stable child care arrangements. For more information about the Child Care and Development Fund, please visit: [https://www.acf.hhs.gov/occ/ccdf-reauthorization](https://www.acf.hhs.gov/occ/ccdf-reauthorization).
During the 2017 legislative session, changes were made to background study requirements for child care programs to bring the state of Minnesota into compliance with the federal CCDF background study requirements. These changes will require a new background study that will be valid for five years and include a review of FBI criminal records using fingerprints in addition to information from other databases. There are also new requirements for who needs to have a background study and changes to permanent disqualifications for child care programs.

These new and enhanced child care background studies will not be available or required until, at the earliest, mid-to late-2018. Until you are notified that these new study requirements are activated, you are required to comply with current background study laws and processes.

Current background studies initiated through NETStudy 2.0 do not fulfill the new background study requirements. All current employees and any employees hired before the activation of enhanced studies in 2018 will need to have a new study that fulfills the comprehensive requirements. We will contact you well in advance with more details about when the new enhanced background studies will be required.

The department is developing a draft implementation plan and meeting with child care providers throughout the state. Please visit Minn. Stat. 245C and the child care background studies frequently asked questions page for the most up-to-date information about background study requirements and processes.

4. **Sign up with Listserv for email updates from DHS.**

Child care providers can now subscribe to receive important information, including legislative changes, by email. The information will be periodically sent from DHS Licensing.

To sign up for updates or to access your subscriber preferences, please visit the DHS Licensed Child Care webpage.

**B. REQUIREMENTS FOR LICENSE RENEWAL FOR 2018**

1. **License fee payment for your 2018 license.** All license holders must pay for their 2018 license online. As the Authorized Agent for a license holder, you were sent an email on October 25, 2017, with instructions and a direct link to pay your 2018 license fee(s). License fee payments must be made within 30 days from receipt of the email to allow enough time for your license(s) to be issued by January 1, 2018.
2. **Failure to pay 2018 license fee.** Your current license expires December 31, 2017. If you fail to pay the 2018 license fee, you will need to apply for a new license. You cannot operate under an expired license while your new application is being processed. In addition, you will lose access to NETStudy 2.0 to submit online background study requests.

3. **Unpaid fines.** If you have an outstanding debt related to a fine or settlement agreement for which payment is delinquent, your 2018 license cannot be issued until payment is received.

4. **Programs closing on or before December 31, 2017.** If you plan on closing your program on or before December 31, 2017, please notify your licensor immediately so we can cancel the bill for your 2018 license.

5. **Licensing review.** The annual renewal of your license and payment of your 2018 license fee is independent from the onsite licensing review of your program. You will receive notice from your DHS licensor about the license review visit prior to your next scheduled review.

6. **Change of license information.** If you wish to change any information on your license, please contact your licensor immediately so those changes can be approved before we print your 2018 license. If you hold multiple licenses and want the change to apply to each license you must complete a separate “Change of License Information Form” for each license. If a license holder has not identified an Authorized Agent or if the Authorized Agent information is not current, it will delay the renewal of your 2018 license.

7. **Questions regarding the license renewal process.** If you have any questions regarding the license renewal process, please contact the DHS licensor assigned to your program, or call the main Licensing Division phone number at 651-431-6500 and ask to be transferred to your licensor.

C. **SELLING YOUR CHILD CARE CENTER**

If you plan to sell your child care center, please note that your license is not transferable (see Minnesota Statutes, section 245A.04, subdivision 7, paragraph (c)).

The sale of your program cannot take place before a new license has been issued to the buyer. The buyer must submit a license application, complete the application process, and receive a license before s/he can begin operating the child care center. The application process can take several months to complete. Please plan the sale of your business accordingly.
D. RESOURCES

1. **Parent Aware: Minnesota’s Quality Rating and Improvement System, Changes in 2017.** A variety of changes were made to the Parent Aware Quality Rating and Improvement System in 2017.

These changes included:

- The [2016 Parent Aware Standards and Indicators](#) went into effect.
- The ways programs experience the Parent Aware Rating Process were improved.
- Updates were made to [Develop](#) to make Parent Aware participation and training registration more efficient. See [developtoolmn.org](http://developtoolmn.org) to learn more.
- The amounts of funding provided to help programs participating in Parent Aware improve were increased. See [Benefits for Rated Programs](#).
- Families with Early Learning Scholarships can now choose programs participating in Parent Aware at all Rating Levels or in a Rating Cohort, until the policy reverts to just Three- and Four-Star Rated programs on July 1, 2020.

To learn more about these policy changes, see the updates provided on the “Child care and early education: News, reports and work groups” webpage on the Department of Human Services website.

For questions about this update, contact:

Michelle Lenhart  
Child Development Services  
Minnesota Department of Human Services  
Michelle.Lenhart@state.mn.us  
612.296.9206

2. **Online licensing information.** Information is available online on the [Licensed child care center webpage](#) and is your primary source of information on licensing standards and requirements. As a child care center license holder, it is your responsibility to frequently check for updates, changes, and additions to this information.

For more general information regarding the Licensing Division and licensing requirements, please visit the [DHS Licensing webpage](#).
3. **Child care center licensing laws and rules.** Child care center licensing laws and rules are available to you as follows:

   a) Online through the Minnesota Office of the Revisor of Statutes.

      - [Minnesota Rules, parts 9503.0005 to 9503.0170](#) – DHS Rule 3
      - [Minnesota Statutes, Chapter 245A](#) – Human Services Licensing
      - [Minnesota Statutes, Chapter 245C](#) – Human Services Background Studies
      - [Minnesota Statutes, Chapter 626.556](#) – Reporting of Maltreatment of Minors Act

   b) The Minnesota Bookstore publishes a Child Care Center Laws & Rules book that contains DHS Rule 3, the Human Services Licensing Act, the Human Services Background Study Act, and the Reporting of Maltreatment of Minors Act. The book is now available to order, updated with the 2017 legislative amendments. Go to the [Minnesota Bookstore website](#) to order the revised book.

4. **Child care center licensing forms.** The DHS Licensing web site contains a list of child care center licensing forms. The date immediately following each form title in the list reflects the date the form was last updated or revised.

5. **DHS Licensing Look Up.** Public searches for DHS licensed programs can be done using the DHS [ Licensing Look Up](#) online search tool.

   The Division of Licensing posts licensing actions and decisions issued to DHS licensed programs online through Licensing Look Up. The licensing actions and decisions that are available include:
   
   - correction orders;
   - orders for conditional license;
   - sanctions which include fines, suspensions, and revocations;
   - commissioner’s response to license holders’ requests for reconsideration of correction orders and orders of conditional licenses;
   - commissioner’s final orders resulting from contested case hearings; and
   - settlement agreements.

   Documents are posted in accordance with the requirements of the [Minnesota Government Data Practices Act, Minnesota Statutes, section 13.46](#).
New licensing documents are posted daily on DHS Licensing Information Lookup. You can sign up to receive daily emails with links to newly published documents.

6. **Child Care Immunization Report.** All DHS Rule 3 licensed child care centers are required to submit the annual *Child Care Immunization Report* to the Minnesota Department of Health (MDH) by Dec. 1. This report shows that the children in your care have received certain immunizations or have a legal exemption as required by the [Child Care Immunization Law in Minnesota](www.health.state.mn.us/divs/idepc/immunize/laws/cclaw.html). You can find the report forms and more information on MDH’s [For Child Care Providers](www.health.state.mn.us/divs/idepc/immunize/childcare/index.html) website.

For questions about the immunization status of children in your center, the immunization law, or completing the report, call Lisa Harris or Hinda Omar, MDH Immunization Program staff, at 651-201-5503 (metro) or 1-800-657-3970 (greater Minnesota), or email: health.childcare@state.mn.us.

7. **Outdoor weather.** Under [Minnesota Rules, part 9503.0045, subpart 1, item I](https://www.revisor.leg.state.mn.us/ laws/minnesota/521A.0800/chapter_9503.html), child care centers are required to provide daily indoor and outdoor activities for children in care. Medical and early childhood professionals, as well as many others, widely agree on the importance of outdoor playtime for children. It is essential for healthy development and provides children with opportunities for self-directed physical activity that promotes health and reduces obesity.

Extreme Minnesota weather conditions can present challenges for child care providers as they plan for outdoor play time. Every year we hear about tragic situations in which children are seriously injured or die as a result of exposure to extreme heat and cold.

As winter approaches, we encourage you to educate staff on the dangers of exposing children to these extreme temperatures. Outdoor play information and weather charts are available from various sources. One useful resource is the [Child Care Weather Watch](https://health.mn.gov/Provider/Immunization/ChildCareWeatherWatch/), a guide based on Wind-Chill and Heat Index information from the National Weather Services and distributed by the Missouri Department of Health, to assist child care providers in understanding weather conditions when planning outdoor activities for children.

8. **Postsecondary education transcripts.** Under [Minnesota Rules, part 9503.0120](https://www.revisor.leg.state.mn.us/ laws/minnesota/521A.0800/chapter_9503.html), child care center license holders are required to maintain documentation in personnel records indicating how each staff person meets the requirements of the staff
person's job position and the education and experience requirements specified in parts 9503.0031 to 9503.0034.

Education is defined under part 9503.0030, subpart 1, item B; experience is defined under Minnesota Statutes, section 245A.02, subdivision 6b. Based on the definition of education, DHS-Licensing has developed a list of accepted post-secondary courses to use to determine if individuals have the minimum number of accepted post-secondary classes to meet teacher or assistant teacher qualifications. Use the list as a guide when you are hiring staff and/or re-evaluating qualifications of current staff.

It is your responsibility to verify that the educational transcripts for staff working in the following positions are postsecondary credit:

- Director [part 9503.0031]
- Teacher [part 9503.0032]
- Assistant Teacher [part 9503.0033]

Other tips to help you maintain compliance with staff qualification requirements:

- Transcripts issued in CEUs or other non-postsecondary credit cannot be counted toward qualification. CEUs and other non-postsecondary training may be used for in-service training only.

- Transcripts need to identify the name of the school so it can easily be verified as an accredited postsecondary institution.

- Transcripts need to identify the first and last name of the individual. If there is only a student identification number on the transcript, also maintain a copy of the individual’s student identification card in the file.

**Online learning.** More and more educational programs are offering education through online learning. It is advisable to research any online learning program before enrolling to ensure that the coursework is granted in postsecondary credit. Transcripts issued in CEUs or other non-postsecondary credit cannot be counted toward qualification requirements. To help you evaluate an online education program, visit the Minnesota Office of Higher Education website.

9. **Contacting the Department of Human Services, Office of Inspector General.** Please use these telephone numbers:

   a) **Licensing Division.**
      - General number - (651) 431-6500
b) **Background Studies Division.** The Background Studies area is a separate division in the Office of the Inspector General. The phone number for the Background Studies Division Call Center is (651) 431-6620.

c) **Financial Fraud and Abuse Investigation Division.** The Office of Inspector General, in collaboration with other agencies, works to prevent public assistance fraud. If you have heard about or seen instances of potential fraud waste or abuse in DHS-licensed programs, we want to know. You can report fraud by phone at 651-431-3968 (twin cities metro) or 800-627-9977 (toll-free), or by using the Minnesota Fraud Hotline Form.

### E. MALTREATMENT INFORMATION

1. **Maltreatment information.** General information on maltreatment investigations and sample maltreatment reporting policies and procedures are available online from the DHS Licensing web site.

2. **Online mandated reporter training.** DHS Licensing offers a Maltreatment of Minors Mandated Reporting course online. The Maltreatment of Minors Mandated Reporting course is designed to introduce mandated reporters to:

   - The Reporting of Maltreatment of Minors Act
   - An overview of the Minnesota Child Protection System
   - Definition of maltreatment
   - Who are the mandated reporters

Remember that you must train mandated reporters under your control on your maltreatment reporting policies and procedures, even if they complete this online course.

3. **Child care center alert information.** Alert information is available from our investigations unit highlighting areas where injuries and harm to children could be prevented when precautions are taken.