

## Certified Child Care Centers: Implementation plan for 2024 legislative changes

New laws passed by the 2024 Legislature include several provisions that impact certified child care centers. This document outlines an overview of each change, instructions for what centers need to do about the change, the date the change is effective, and guidance on how licensors will monitor these changes.

The hyperlinks within this document direct centers to where the new law can be found. When reviewing the new law:

- Text that is stricken with a line through it reflects words that are being removed from the law.
- Text that is underlined reflects words that are being added to the law.
- Text that is unchanged reflects what the law was before and continues to be the law.

Later this year, the Minnesota Office of the Revisor of Statutes will update the statute sections on their website to reflect the new laws.

### Contraindicated restraints

#### Overview

In 2023, language was added to 245A.211 prohibiting the use of prone restraints and contraindicated physical restraints. Clarifying language has been added to 245A.211, subd. 4 to make clear that the requirements of the subdivision only apply when there is a known medical or psychological condition for which physical restraints are contraindicated.

See [Minnesota Laws, Chapter 127, Article 62, Section 12](#).

**Effective date: May 25, 2024**

#### What providers need to do

If a center is aware of a condition for a child for which the use of restraints would be contraindicated, the center must document it, train staff, and ensure the contraindicated restraint is not used on that child. The new language clarifies that an assessment is not required.

## How licensors will monitor for compliance

Licensors will review documentation of contraindicated restraints, as applicable.

## Child passenger restraint systems

### Overview

Starting August 1, 2024, new guidance on child seats, booster seats and seat belts go into effect that may change how children ride in a vehicle. Every driver who transports children under age 18 in a vehicle will be required to have them restrained in a child safety seat or with a seat belt. The updated law specifies ages for rear- and forward-facing car seats, booster seats and seat belts (subject to weight and height depending on the child seat manufacturer).

The Department of Public Safety explains how to implement these changes and provides links to several resources in their news release: [Changes to Minnesota's Child Passenger Safety Law go into effect Aug. 1 \(mn.gov\)](#).

All certified child care centers that transport children are required to follow this law by the requirement in section [245H.13, subdivision 6](#).

See [Minnesota Laws, Chapter 104, Article 1, Sec. 42](#).

**Effective date: August 1, 2024**

### What providers need to do

Centers must ensure staff who transport a child are aware of the new language in section 169.685 and comply with those requirements for safely transporting children.

## How licensors will monitor for compliance

Licensors will continue to check to ensure that centers that transport a child comply with all seat belt and child passenger restraint system requirements.

## Children's records

### Overview

Certified centers must have a record for each child enrolled in their program with certain information maintained.

See [Minnesota Laws, Chapter 115, Article 19, Sec. 2](#).

**Effective date: October 1, 2024**

## What providers need to do

Centers must maintain a physical or electronic record for each enrolled child that contains:

- the child's full name, birth date, and home address,
- the name and telephone number of the child's parents or legal guardians,
- the name and telephone number of at least one emergency contact person other than the child's parents who can be reached in an emergency or when there is an injury requiring medical attention and who is authorized to pick up the child,
- the names and telephone numbers of any additional persons authorized by the parents or legal guardians to pick up the child from the center,
- immunization information as required under section 121A.15 and Minnesota Rules, chapter 4604,
- medication administration documentation as required under section 142C.11, subdivision 3, and
- documentation of any known allergy as required under section 142C.11, subdivision 4.

Immunization information, medication administration documentation, and allergy information must be accessible to staff during all hours of operation. For example, if this information is housed with the school nurse, procedures need to be put in place to ensure staff have access when the school nurse is not available.

## How licensors will monitor for compliance

The new statutory language was placed in Minnesota Statutes, Chapter 142C, which will be where certified center requirements will be found after the transfer to the Department of Children, Youth, and Families. Between October 1, 2024, and the transfer of child care licensing to the Department of Children, Youth, and Families (anticipated: July 1, 2025), licensors will monitor for children's records contents and accessibility and will provide technical assistance to certification holders. Citations for noncompliance may be issued after the transfer of child care licensing to the Department of Children, Youth, and Families (anticipated July 1, 2025).

## Infant, toddler, preschooler, school-age child definitions

### Overview

Each age category is now defined in 245H.01 and the age category terms, without the full definitions, are in the maximum group size and ratio sections.

See [Minnesota Laws, Chapter 115, Article 19, Sec. 15-18 and 22-23](#).

**Effective date: October 1, 2024**

## What providers need to do

No additional action is needed. Providers should continue to follow these age definitions:

**Infant.** "Infant" means a child who is at least six weeks old but less than 16 months old.

**Preschooler.** "Preschooler" means a child who is at least 33 months old but who has not yet attended the first day of kindergarten.

**School-age child.** "School-age child" means a child who is of sufficient age to have attended the first day of kindergarten or is eligible to enter kindergarten within four months and who:

- (1) is no more than 13 years old;
- (2) is 14 years old and has a disability and is eligible for child care assistance under chapter 142E;
- (3) is eligible for child care assistance until redetermination under section 142E.10, subdivision 1, paragraph (e); or
- (4) attends a certified center that serves only school-age children in a setting that has no students enrolled in a grade higher than 8th grade.

**Toddler.** "Toddler" means a child who is at least 16 months old but less than 33 months old.

## How licensors will monitor for compliance

Licensors will ensure children enrolled meet the age category definitions.

## Conditional certification, reconsideration

### Overview

DHS Licensing may issue a conditional certification to a certified child care center when certification violations require action more serious than a correction order. The conditional certification order must state the length, terms, and the reasons for making the certification conditional. An applicant or certification holder may request reconsideration of a conditional certification.

See [Minnesota Laws, Chapter 115, Article 19, Sec. 19-20](#).

**Effective date: October 1, 2024**

### What providers need to do

If a conditional certification is issued, the center will be required to follow specific terms related to the noncompliance. The center may request reconsideration of a conditional certification.

### How licensors will monitor for compliance

Licensors will monitor the specific terms of the conditional certification, conduct more frequent monitoring visits, and provide assistance to achieve and maintain compliance.

## Director or designee

### Overview

The role of someone acting as the director's designee, in the director's absence, is clarified.

See [Minnesota Laws, Chapter 115, Article 19, Sec. 21](#).

**Effective date: October 1, 2024**

### What providers need to do

Providers should continue to ensure that a designated staff person is on site if the director is absent. The designee does not have to meet director qualifications, but the designee must be at least 18 years old and be able to fulfill the director's responsibilities to ensure continuity of program oversight. The designee must be aware of their designation and responsibilities.

### How licensors will monitor for compliance

During a certification visit, if the director is not on site, the licensor will ask who the designee is and ensure they meet the requirements in 245H.08, subd. 1.

## First aid and cardiopulmonary resuscitation (CPR) training timelines

### Overview

The timeline for first aid and CPR training is adjusted from "within the first 90 days of employment" to "within 90 days after the first date of direct contact with a child."

See [Minnesota Laws, Chapter 115, Article 19, Sec. 24](#).

**Effective date: October 1, 2024**

### What providers need to do

The director, all staff persons, substitutes, and unsupervised volunteers must complete pediatric first aid and CPR training before having unsupervised direct contact with a child but within 90 days after the first date of direct contact.

### How licensors will monitor for compliance

Licensors will review documentation of pediatric first aid and CPR training to ensure that the director, all staff persons, substitutes, and unsupervised volunteers have completed training before having unsupervised direct contact with a child but within 90 days after the first date of direct contact. As is current practice, pediatric first aid and CPR training completed within the previous two calendar years meets this requirement.

## Child development training timeline

### Overview

The timeline for child development training is adjusted to “within 90 days after the first date of direct contact with a child.”

See [Minnesota Laws, Chapter 115, Article 19, Sec. 25](#).

**Effective date: October 1, 2024**

### What providers need to do

The director, all staff persons, substitutes, and unsupervised volunteers must complete child development training before having unsupervised direct contact with a child but within 90 days after the first date of direct contact with a child. As is current practice, the director and staff persons not including substitutes must complete at least two hours of child development training.

### How licensors will monitor for compliance

Licensors will review documentation of child development training to ensure that the director, all staff persons, substitutes, and unsupervised volunteers have completed training before having unsupervised direct contact with a child but within 90 days after the first date of direct contact.

## Child care background study subject

### Overview

A certified child care center authorized agent is now explicitly named in the definition of a child care background study subject.

See [Minnesota Laws, Chapter 115, Article 19, Sec. 10](#).

**Effective date: October 1, 2024**

### What providers need to do

This language clarifies that centers must continue to ensure background studies are submitted for authorized agents.

### How licensors will monitor for compliance

Licensors will continue to review background study documentation to ensure all required individuals, including the authorized agent, meet background study requirements.

## Public email address

### Overview

The certification holder's email address will become public data. This applies to all license and certification holders except family child foster care. The certification holder can choose which email to provide as their public certification holder email address.

See [Minnesota Laws, Chapter 115, Article 19, Section 1](#).

**Effective date: January 1, 2025**

### What providers need to do

Providers do not need to make any changes at this time. DHS Licensing will provide further guidance prior to January 1, 2025.

### How licensors will monitor for compliance

On January 1, 2025, the certification holder email address will become public data. No action is required of licensors.

## Department of Children, Youth, and Families

### Overview

In anticipation of the move to the new Department of Children, Youth, and Families (DCYF), the legislature made technical changes to many parts of statute, including child care certification. For example, the language moves existing certification standards to a new chapter. It also changes "Department of Human Services" references to "Department of Children, Youth, and Families." The language does not take effect until child care certification moves to DCYF in July 2025. Providers and licensors do not need to make any changes at this time. More information will be provided next year, prior to the transfer of child care certification to DCYF.

See [Minnesota Laws, Chapter 80, Article 3](#).

**Effective date: Upon the transfer of child care licensing from DHS to DCYF (anticipated July 2025)**

### What providers need to do

Providers do not need to make any changes at this time.

### How licensors will monitor for compliance

At this time, there will be no change to how licensors will monitor for compliance.

## Nonmaltreatment mistake

### Overview

When a maltreatment investigation occurs, under certain circumstances outlined in statute, the investigating agency may determine a nonmaltreatment mistake was made by an individual rather than determine substantiated maltreatment by the individual. Prior to this legislative change, nonmaltreatment mistake determinations could only be made in a licensed child care center setting.

See [Minnesota Laws, Chapter 115, Article 19, Sec. 26](#).

**Effective date: Upon the transfer of child care licensing from DHS to DCYF (anticipated July 2025)**

### What providers need to do

Providers do not need to make any changes.

### How licensors will monitor for compliance

After the new law goes into effect, the lead investigative agency will include the nonmaltreatment mistake analysis in their investigation and determination protocols for certified centers.

## Additional information

### Child Care Assistance Program (CCAP) reporter confidentiality

Upon completion of an investigation related to suspected fraud, the reporter's name must be kept confidential. However, the name can be disclosed upon consent of the reporter, or upon a written finding by a district court that the report was false and there is evidence that the report was made in bad faith. This provision makes processes for reporting suspected CCAP fraud consistent with the process for reporting other types of fraud at DHS. If you have questions about CCAP fraud, please visit: [Program integrity / Minnesota Department of Human Services \(mn.gov\)](#).

See [Minnesota Laws, Chapter 115, Article 19, Section 14](#).

**Effective date: July 1, 2024**

### Background studies

Updates on legislative changes related to background studies are posted on the ["What's new" for background studies webpage](#).