Temporary Modifications to Staff Distribution Requirements

The Minnesota Legislature recently passed legislation to temporarily modify licensed child care center staff distribution requirements. The temporary changes, which are outlined below, are similar to the staff distribution modifications that were in place previously in the COVID-19 pandemic.

Effective immediately through June 30, 2022:

- Staff distribution requirements are temporarily suspended. Licensed child care centers, except as allowed under Minnesota Rules, part 9503.0040, subpart 2, item B, must have at least one teacher-qualified person on-site at all times when children are in care. There must be a staff person who is at least 18 years of age with each group of children, except as allowed under Minnesota Rules, part 9503.0034, subpart 1.

- Licensed centers must have a staff person on site who is responsible for overseeing the operation of the daily activities of the program, ensuring the health and safety of the children, and supervising staff. This staff person is not required to meet the qualifications of a director.

The full legislative language can be found here.

Frequently asked questions

Q: Does this change the circumstances under which an aide who is under 18 years old can work?

A: No. Centers may continue to employ aides 16 years old and older, consistent with the requirements in Minnesota Rules, part 9503.0034, subpart 1. An aide who is under 18 years old must be directly supervised by an aide who is at least 18 years old, a teacher, or an assistant teacher at all times except when the aide is assisting with the supervision of sleeping children or assisting children with washing, toileting, and diapering.

Q: Does a teacher-qualified person need to be on-site during arrival or departure time?

A: No. Centers may continue to follow the requirements in Minnesota Rules, part 9503.0040, subpart 2, item B. An assistant teacher may open or close a center if the total arrival and departure time does not exceed 25% of the center’s daily operation.