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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1735**

March 5, 2007

Authored by Slawik

The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to human services; modifying child care assistance absent days;  
1.3 amending Minnesota Statutes 2006, section 119B.13, subdivision 7.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 119B.13, subdivision 7, is amended to read:

1.6 Subd. 7. **Absent days.** (a) Child care providers may not be reimbursed for more  
1.7 than 25 full-day absent days per child, excluding holidays, in a fiscal year, or for more than  
1.8 ten consecutive full-day absent days, unless the child has a documented medical condition  
1.9 that causes more frequent absences. Absences due to a documented medical condition  
1.10 of a parent or sibling does not count against the 25-day absent day limit in a fiscal year.  
1.11 Documentation of medical conditions must be on the forms and submitted according to  
1.12 the timelines established by the commissioner. If a provider sends a child home early due  
1.13 to a medical reason including, but not limited to, fever or contagious illness, the child care  
1.14 center director, lead teacher, public health official, or school nurse may verify the illness in  
1.15 lieu of a medical practitioner. If a child attends for part of the time authorized to be in  
1.16 care in a day, but is absent for part of the time authorized to be in care in that same day,  
1.17 the absent time will be reimbursed but the time will not count toward the ten consecutive  
1.18 or 25 cumulative absent day limits. Children of teen parents in supportive school-based  
1.19 programs and students during school release times are exempt from the absent day limits  
1.20 under this paragraph. If a child attends part of an authorized day, payment to the provider  
1.21 must be for the full amount of care authorized for that day. Child care providers may only  
1.22 be reimbursed for absent days if the provider has a written policy for child absences and  
1.23 charges all other families in care for similar absences.

2.1 (b) Child care providers must be reimbursed for up to ten federal or state holidays  
2.2 or designated holidays per year when the provider charges all families for these days  
2.3 and the holiday or designated holiday falls on a day when the child is authorized to be  
2.4 in attendance. Parents may substitute other cultural or religious holidays for the ten  
2.5 recognized state and federal holidays. Holidays do not count toward the ten consecutive or  
2.6 25 cumulative absent day limits.

2.7 (c) A family or child care provider may not be assessed an overpayment for an  
2.8 absent day payment unless (1) there was an error in the amount of care authorized for the  
2.9 family, (2) all of the allowed full-day absent payments for the child have been paid, or (3)  
2.10 the family or provider did not timely report a change as required under law.

2.11 (d) The provider and family must receive notification of the number of absent days  
2.12 used upon initial provider authorization for a family and when the family has used 15  
2.13 cumulative absent days. Upon statewide implementation of the Minnesota Electronic  
2.14 Child Care System, the provider and family authorization for a family and ongoing  
2.15 notification of the number of absent days used as of the date of the notification.

2.16 (e) A county may pay for more absent days than the statewide absent day policy  
2.17 under this subdivision if current market practice in the county justifies payment for those  
2.18 additional days. County policies for payment of absent days in excess of the statewide  
2.19 absent day policy and justification for these county policies must be included in the  
2.20 county's child care fund plan under section 119B.08, subdivision 3.