

This Document can be made available
in alternative formats upon request

State of Minnesota

Printed
Page No.

192

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2124

March 25, 2009

Authored by Murphy, E.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division

April 6, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to human services; modifying licensing requirements related to child
1.3 care centers; amending Minnesota Statutes 2008, sections 245A.06, subdivision
1.4 8; 245A.07, subdivision 5; 245C.301.

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

1.6 Section 1. Minnesota Statutes 2008, section 245A.06, subdivision 8, is amended to
1.7 read:

1.8 Subd. 8. **Requirement to post correction order.** (a) For licensed family child
1.9 care providers and child care centers, upon receipt of any correction order or order of
1.10 conditional license issued by the commissioner under this section, and notwithstanding
1.11 a pending request for reconsideration of the correction order or order of conditional
1.12 license by the license holder, the license holder shall post the correction order or order of
1.13 conditional license in a place that is conspicuous to the people receiving services and all
1.14 visitors to the facility for two years.

1.15 (b) Except as set forth under section 245C.301, paragraph (d), when the correction
1.16 order or order of conditional license is accompanied by a maltreatment investigation
1.17 memorandum prepared under section 626.556 or 626.557, the investigation memoranda
1.18 must be posted with the correction order or order of conditional license.

1.19 Sec. 2. Minnesota Statutes 2008, section 245A.07, subdivision 5, is amended to read:

1.20 Subd. 5. **Requirement to post licensing order or fine.** (a) For licensed family child
1.21 care providers and child care centers, upon receipt of any order of license suspension,
1.22 temporary immediate suspension, fine, or revocation issued by the commissioner under
1.23 this section, and notwithstanding a pending appeal of the order of license suspension,

temporary immediate suspension, fine, or revocation by the license holder, the license holder shall post the order of license suspension, temporary immediate suspension, fine, or revocation in a place that is conspicuous to the people receiving services and all visitors to the facility for two years.

(b) Except as set forth under section 245C.301, paragraph (d), when the order of license suspension, temporary immediate suspension, fine, or revocation is accompanied by a maltreatment investigation memorandum prepared under section 626.556 or 626.557, the investigation memoranda must be posted with the order of license suspension, temporary immediate suspension, fine, or revocation.

Sec. 3. Minnesota Statutes 2008, section 245C.301, is amended to read:

245C.301 NOTIFICATION OF SET-ASIDE OR VARIANCE.

(a) Except as provided under paragraphs (b) and (c), ~~if required by the commissioner,~~ family child care providers ~~and child care centers~~ must provide a written notification to parents considering enrollment of a child or parents of a child attending the family child care ~~or child care center~~ if the program employs or has living in the home any individual who is the subject of either a set-aside or variance.

(b) Notwithstanding paragraph (a), family child care license holders are not required to disclose that the program has an individual living in the home who is the subject of a set-aside or variance if:

(1) the household member resides in the residence where the family child care is provided;

(2) the subject of the set-aside or variance is under the age of 18 years; and

(3) the set-aside or variance relates to a disqualification under section 245C.15, subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

(c) The notice specified in paragraph (a) is not required when the period of disqualification in section 245C.15, subdivisions 2 to 4, has been exceeded.

(d) Upon receipt of a notice from the commissioner that a disqualification has been set aside or a variance has been granted related to a current employee, child care centers must provide a written notification to parents of children attending the child care center with whom that employee may have contact. An investigation memorandum posted under section 245A.06, subdivision 8, or section 245A.07, subdivision 5, that reports the disqualification of the individual who is the subject of the notice under this paragraph is no longer required to be posted after the license holder provides the notice required under this paragraph.