



## Rule and Statute Summary

### Family Child Care

Minnesota Rules, parts [9502.0300-9502.0445](#), and Minnesota Statutes, [Chapter 245A](#), and [Chapter 245C](#)

A. Minnesota Rules, parts 9502.0300-9502.0445 govern the provisions of licensing family and group family child care. Minnesota Statutes, Chapter 245A, governs licensed programs and may supersede some requirements in the family child care rule. Minnesota Statutes, Chapter 245C, governs background study processes in licensed programs.

B. Heading of the rule and statute are as follows:

<a href="#">9502.0315</a>	<b>Definitions.</b> This defines terms in licensing rule.
<a href="#">245A.02</a>	<b>Definitions.</b> This defines terms in statute.
<a href="#">245A.03</a>	<b>Who must be licensed.</b> This specifies who requires a license and who is excluded from licensure.
<a href="#">9502.0335</a>	<b>Licensing process.</b> This specifies the process for licensing and describes which conditions may affect the licensing process.
<a href="#">9502.0345</a>	<b>Agency records.</b> This specifies which records must be maintained by the local agency for each provider.
<a href="#">9502.0355</a>	<b>Caregiver qualifications.</b> This specifies the qualifications of applicants and caregivers of family and group family child care.
<a href="#">9502.0365</a> <a href="#">9502.0367</a>	<b>Licensed capacity, child/adult ratios, age distribution restrictions.</b> This specifies the requirements of the total number of children in care including children under school age and total number of infants and toddlers. It also specifies the number of required caregivers including whether a caregiver must be an adult.
<a href="#">9502.0375</a>	<b>Reporting to agency.</b> This specifies the information the provider must report to the agency or police, including abuse and neglect of children. This also specifies the timelines for reporting the information.
<a href="#">9502.0395</a>	<b>Behavior guidance.</b> This specifies the methods of child guidance to be utilized in family and group family child care. It also specifies that corporal punishment and emotional abuse are prohibited.

- [245A.04](#)                    **Application procedures and policies.** This specifies the process for licensing including the commissioner’s right of access.
- [Subd. 1, c-d](#)                    **Application for licensure.** This specifies that the applicant must develop a chemical use policy and a grievance procedure policy.
- [Subd. 14](#)                    **Policies and procedures for program administration required and enforceable.** This specifies that program policies and procedures are to be developed to maintain compliance with licensing requirements.
- [Subd. 15](#)                    **Pandemic planning.** Upon request the license holder must cooperate with state and local government disaster planning agencies working to prepare for or react to emergencies presented by a pandemic outbreak.
- [9502.0405](#)                    **Admissions; provider records; reporting.** This specifies what must be included in provider policies. It specifies what information the provider is required to maintain on each child in care including records for children with disabilities.
- [245A.041](#)                    **Systems and records.** This specifies the maintenance and retention of records.
- [9502.0415](#)                    **Activities and equipment.** This specifies the activities and equipment which must be provided to facilitate the physical, intellectual, emotional, and social development of children in care.
- [9502.0425](#)  
[245A.52](#)                    **Physical environment/Physical space requirements.** This specifies the physical environment requirements including indoor and outdoor play space, water hazards, means of escape, stairways, decks, sewage disposal, indoor temperature, fire extinguishers, smoke detection systems, etc. This also specifies that smoking is prohibited inside the program during hours of operation.
- [9502.0435](#)  
[245A.51](#)                    **Sanitation and health/Health and safety requirements.** This specifies sanitation and health requirements including toxic substances, sanitation and cleanliness, firearms, emergency procedures, pets in the home, diapering procedures, care of ill children, and the administration of medication. This also specifies requirements on preventing and responding to allergies, handling bodily fluids, and emergency preparedness.
- [9502.0445](#)                    **Water, food, and nutrition.** This specifies requirements for food storage, safe water, milk, meals, and snacks.
- [245A.05](#)                    **Denial of application.** This specifies the reasons for denial of an application.

- [245A.055](#) **Closing a license.** This specifies that the commissioner may close a license if the program has not been serving individuals for 12 consecutive months or longer.
- [245A.06](#) **Correction order and conditional license.** This specifies the reasons for issuing correction orders and for issuing a conditional license.
- [245A.065](#) **Child care fix-it ticket.** This specifies the circumstances when a fix-it ticket may be issued and the timelines related to the process.
- [245A.07](#) **Sanctions.** This specifies the reasons for issuing licensing actions such as suspensions, revocations, fines, and temporary immediate suspensions. This also specifies that programs must post licensing actions. Additionally, licensing actions are posted on the licensing information lookup public website.
- [245A.075](#) **Disqualified individual; denial, conditional license, revocation.** This specifies that the commissioner may issue a licensing action to keep a disqualified individual away from the license holder's home when a set-aside and variance has not been issued.
- [245A.08](#) **Hearings.** This specifies the hearing process and the conditions when a subsequent license may be granted after an application was denied or a license was revoked.
- [245A.081](#) **Settlement agreement.** This specifies the circumstances when a license holder or the commissioner may initiate a discussion about a possible settlement agreement related to a licensing sanction.
- [245A.10](#) **Fees.** This specifies fees that may be charged for licensing.
- [245A.14](#) **Special conditions for nonresidential programs.** This identifies the various ways a family child care program may be developed in a location other than where the license holder lives. This also specifies additional requirements for wading pools, swimming pools, attendance records and parental access.
- [245A.1434](#) **Information for child care license holders.** This specifies the commissioner shall inform license holders of changes to state and federal statute, rule, regulation and policy changes in a timely manner.
- [245A.1435](#) **Reduction of risk of sudden unexpected infant death in licensed programs.** This specifies safe sleeping requirements for sleeping infants in care.
- [245A.145](#) **Child care program reporting notification.** This specifies that at the time of enrollment, the license holder must give parents the policies and procedures for reporting suspected child maltreatment and the license holder must also make these policies and procedures available upon request.

- [245A.146](#) **Crib safety requirements.** This specifies requirements and standards for cribs used by infants in care including monthly crib-safety inspections.
- [245A.147](#) **Family child care infant sleep supervision requirements.** This specifies suggestions for in person checks for sleeping infants and the use of monitors.
- [245A.148](#) **Family child care diapering area disinfection.** This specifies requirements for the disinfecting of the diaper changing area.
- [245A.149](#) **Supervision of family child care license holder's own child.** This specifies supervision of a provider's own child during childcare hours.
- [245A.151](#) **Fire marshal inspection.** This specifies who may complete a fire marshal inspection and how much an inspection costs.
- [245A.1511](#) **Contractors serving multiple family child care license holders.** This specifies that contractors who serve multiple family child care homes may request that the county agency maintain a record of the contractor's background study results and training requirements.
- [245A.152](#) **Child care license holder insurance.** This specifies that prior to admission, the license holder must provide written notification to parents stating whether the license holder has liability insurance. This also specifies the conditions when a license holder must provide the parents with an update about insurance coverage changes or policy lapses.
- [245A.18](#)  
[245A.51 subd. 4](#) **Child passenger restraint systems/Health and safety requirements.** A license holder must ensure compliance with all seat belt and child passenger restraint system requirements.
- [245A.50](#) **Family child care training requirements.** This specifies training requirements for applicants, license holders, adult caregivers, second adult caregivers, substitutes, and helpers in a family child care home.
- [245A.53](#) **Substitute caregivers and replacements in family child care.** This specifies the use of substitutes and emergency replacement supervision.
- [245C.02](#) **Definitions.** This includes the definition of a background study and child care background study subject.
- [245C.03](#) **Background study; individuals to be studied.** This specifies requirements regarding who must have a background study completed.
- [245C.13](#) **Background study processing.** This specifies notifications for study subjects.

- C. A complete copy of Minnesota Rules, parts 9502.0300 to 9502.0445 and the Minnesota Statutes Chapter 245A and 245C may be viewed at the childcare residence, the county agency, or the Minnesota Department of Human Services. It may also be viewed or printed by going to the website of the Minnesota Office of the Revisor at <https://www.revisor.mn.gov/>.