



Licensed Family Child Care: Implementation Plan for 2020 Legislative Changes

Office of Inspector General, Licensing Division

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Introduction

The 2020 Legislature changed a few laws that impact licensing requirements for family child care programs. These changes comply with federal training requirements for all substitutes and regularly scheduled second adult caregivers.

Each section of this Implementation Plan contains:

- the actual text of the law, including the changes made during the 2020 legislative session,
- an overview of each new or changed requirement,
- what the change means for providers, and
- instructions for family child care licensors about how and when to monitor these changes.

Key

The actual text of the laws and how they were changed are shown in the shaded box at the beginning of each section of this plan. Here is how to read those sections:

Plain text is unchanged – it was the law before and continues to be the law.

Stricken text (~~like this~~) is used on words that are being removed from the law.

Underlined text (like this) is used for words that are being added to the law.

Throughout this document, we use the following acronyms:

- DHS for the Minnesota Department of Human Services
- ELICI for Electronic Licensing Inspection Checklist Information

Definition of Annual

Section 245A.02, subdivision 2c. **Annual or annually; family child care training requirements.**

For the purposes of ~~section 245A.50, subdivisions 1 to 9~~ sections 245A.50 to 245A.53, "annual" or "annually" means the 12-month period beginning on the license effective date or the annual anniversary of the effective date and ending on the day prior to the annual anniversary of the license effective date.

EFFECTIVE DATE. This section is effective September 30, 2020.

Overview

This law amends the definition of annual to align licensing requirements with a family child care provider's license expiration, instead of an arbitrary 12-month period.

What do providers need to do?

This law clarifies that the time period for using a substitute aligns with your license's expiration date. You can use a substitute for no more than 500 hours during your licensing year. For example, if your licensing year began on May 1, 2020, you would be able to use a substitute for no more than 500 hours between May 1, 2020, and April 30, 2021.

The law also clarifies that the deadline for the following is your license's expiration date:

- You and any caregivers must review children's allergy information.
- You must update your emergency preparedness plan.
- You must train caregivers on your emergency preparedness plan.
- You must have a qualified inspector service your fire extinguisher.

What do licensors need to do?

You need to be aware that the time period for using and tracking a substitute aligns with the expiration date of the provider's license and you will use this timeline when determining whether the provider has limited the use of a substitute to no more than 500 hours annually.

You need to be aware that the deadline for the following activities also aligns with the expiration date of the provider's license:

- Reviewing children's allergy information by the provider and caregivers
- Updating the emergency preparedness plan
- Training caregivers on the emergency preparedness plan
- Servicing the fire extinguisher by a qualified inspector

You need to continue to monitor that these activities are completed timely. If you determine that these activities have not occurred annually, you would mark the item as unmet in the ELICI checklist and a correction order would be issued.

Supervision of a Family Child Care license holder's own child

Section 245A.149. **Supervision of family child care license holder's own child.**

(a) Notwithstanding Minnesota Rules, part 9502.0365, subpart 5, and with the license holder's consent, an individual may be present in the licensed space, may supervise the family child care license holder's own child both inside and outside of the licensed space, and is exempt from the training and supervision requirements of this chapter and Minnesota Rules, chapter 9502, if the individual:

(1) is related to the license holder or to the license holder's child, as defined in section 245A.02, subdivision 13, or is a household member who the license holder has reported to the county agency;

(2) is not a designated caregiver, helper, or substitute for the licensed program;

(3) is involved only in the care of the license holder's own child; and

(4) does not have direct, unsupervised contact with any nonrelative children receiving services.

(b) If the individual in paragraph (a) is not a household member, the individual is also exempt from background study requirements under chapter 245C.

EFFECTIVE DATE. This section is effective September 30, 2020.

Overview

This law clarifies that a member of the provider's household or an individual who is related to the provider's child may be in the licensed space and/or may supervise the provider's own child without completing training. Additionally if the individual who is related to the provider's child does not live in the home, then they are not subject to a background study. As always, any individuals who provide care as part of the family child care program must complete training and a background study. This law also clarifies that the provider must agree to the individual caring for their child.

Individual who is related means a spouse, a parent, a birth or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece, a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle, or a legal guardian. (Minnesota Statutes, section 245A.02, subdivision 13)

It is important to remember that regardless of whether the child is under supervision of the program or under supervision by an individual related to the provider, while at the residence, the child counts toward the licensed capacity of the program. (Minnesota Rules, part 9502.0315, subparts 11 and 13)

What do providers need to do?

This clarifies that, with your permission, certain additional people may be in the licensed space and/or may supervise your child without training.

The additional people are:

- Those who are related to your child, but not to you (such as a grandparent), and
- A household member who your county licenser knows about.

If the individual who is caring for your child is not a household member or part of the family child care program, that individual is not subject to a background study.

As before, these people do not need training prior to caring for your child. If they sometimes serve as a substitute or a helper, however, they will need to comply with training requirements before serving in that role.

What do licensors need to do?

This further clarifies current law about who may be in the residence without training or a background study. If, during a visit, you encounter or learn of an individual who meets the requirements of this statute, it is not a violation.

Variations

Section 245A.04, subdivision 9. **Variations.**

...

(c) Beginning January 1, 2021, counties shall use a uniform application form developed by the commissioner for variance requests by family child care license holders.

Overview

Beginning January 1, 2021, county agencies will need to use the variance request form developed for family child care providers.

What do providers need to do?

Beginning in 2021, you need to use the new form when requesting a variance.

What do licensors need to do?

Beginning in 2021, you will need to use the new variance request form for family child care providers. You will also need to follow any training or guidance provided by DHS on using the form.

County agencies' policies and criteria for issuing variances

Section 245A.16, subdivision 1. **Delegation of authority to agencies.**

...

(b) A county agency that has been designated by the commissioner to issue family child care variances must:

(1) publish the county agency's policies and criteria for issuing variances on the county's public website and update the policies as necessary; and

(2) annually distribute the county agency's policies and criteria for issuing variances to all family child care license holders in the county.

The paragraphs that follow have been re-lettered.

EFFECTIVE DATE. This section is effective January 1, 2021.

Overview

County agencies must publish their policies and criteria for issuing variances to family child care providers on their website and update them as necessary. County agencies must also distribute those policies and criteria to family child care providers annually.

What do providers need to do?

If you need to request a variance, review the county agency's policies and criteria for issuing variances and follow the established procedure.

What do licensors need to do?

County agencies must publish their policies and criteria for issuing variances on their public website. If those policies and/or criteria change, the website must be updated accordingly.

Annually, county agencies must also distribute their policies and criteria for issuing variances to all family child care providers.

Definitions and general provisions for training

Section 245A.50, subdivision 1a. Definitions and general provisions. For the purposes of this section, the following terms have the meanings given:

(1) "second adult caregiver" means an adult who cares for children in the licensed program along with the license holder for a cumulative total of more than 500 hours annually;

(2) "helper" means a minor, ages 13 to 17, who assists in caring for children; and

(3) "substitute" means an adult who assumes responsibility for a license holder for a cumulative total of not more than 500 hours annually.

An adult who cares for children in the licensed program along with the license holder for a cumulative total of not more than 500 hours annually has the same training requirements as a substitute.

EFFECTIVE DATE. This section is effective September 30, 2020.

Overview

For the purposes of training, the law creates a new definition of substitute and second adult caregiver. The definition of helper did not change.

The new definition of substitute aligns training requirements with statutory changes made in 2019 so that a substitute is a person who assumes responsibility for a provider for 500 or fewer hours annually (instead of less than 30 days in a year).

The new definition of second adult caregiver is someone who cares for children with the provider for more than 500 hours annually. The law no longer specifies training requirements for adult caregivers based on whether they provide care for more than 30 days or less than 30 hours in any 12-month period.

If an adult cares for children for 500 or fewer hours annually, that individual needs to complete the same training requirements as a substitute.

What do providers need to do?

You need to be aware of the new definitions of second adult caregiver and substitute and how they align with training requirements.

What do licensors need to do?

You need to be aware of the new definitions of second adult caregiver and substitute and how they align with training requirements. You need to monitor for compliance according to the new definitions.

Training

Section 245A.50 (excluding subd. 1a shown above)

Subdivision 1. **Initial training.**

(a) License holders, second adult caregivers, and substitutes must comply with the training requirements in this section.

(b) Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.

(c) Training requirements established under this section that must be completed prior to initial licensure must be satisfied only by a newly licensed child care provider or by a child care provider who has not held an active child care license in Minnesota in the previous 12 months. A child care provider who voluntarily cancels a license or allows the license to lapse for a period of less than 12 months and who seeks reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation must satisfy the annual, ongoing training requirements, and is not required to satisfy the training requirements that must be completed prior to initial licensure. A child care provider who relocates within the state must (1) satisfy the annual, ongoing training requirements according to the schedules established in this section and (2) not be required to satisfy the training requirements under this section that the child care provider completed prior to initial licensure. If a licensed provider moves to a new county, the new county is prohibited from requiring the provider to complete any orientation class or training for new providers.

(d) Before a second adult caregiver or substitute cares for a child or assists in the care of a child, the license holder must train the second adult caregiver or substitute on:

(1) the emergency preparedness plan required under section 245A.51, subdivision 3; and

(2) allergy prevention and response required under section 245A.51, subdivision 1.

Subd. 2. **Child development and learning and behavior guidance training.**

(a) For purposes of family and group family child care, the license holder and each second adult caregiver ~~who provides care in the licensed setting for more than 30 days in any 12-month period~~ shall complete and document at least four hours of child growth development and learning and behavior guidance training prior to initial licensure, and before caring for children. For purposes of this subdivision, "child development and learning training" means training in understanding how children develop physically, cognitively, emotionally, and socially and learn as part of the children's family, culture, and community. "Behavior guidance training" means training in the understanding of the functions of child behavior and strategies for managing challenging situations. ~~At least two hours of child development and~~

~~learning or behavior guidance training must be repeated annually.~~ The training curriculum shall be developed or approved by the commissioner of human services.

(b) Notwithstanding initial child development and learning and behavior guidance training requirements in paragraph (a), individuals are exempt from this requirement if they:

- (1) have taken a three-credit course on early childhood development within the past five years;
- (2) have received a baccalaureate or master's degree in early childhood education or school-age child care within the past five years;
- (3) are licensed in Minnesota as a prekindergarten teacher, an early childhood educator, a kindergarten to grade 6 teacher with a prekindergarten specialty, an early childhood special education teacher, or an elementary teacher with a kindergarten endorsement; or
- (4) have received a baccalaureate degree with a Montessori certificate within the past five years.

(c) The license holder and each second adult caregiver must annually take at least two hours of child development and learning or behavior guidance training. A three-credit course about early childhood development meets the requirements of this paragraph.

Subd. 3. **First aid.**

~~(a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one staff person must be present in the home who has been trained in first aid. Before initial licensure and before caring for a child, license holders, second adult caregivers, and substitutes must be trained in pediatric first aid.~~ The first aid training must have been provided by an individual approved to provide first aid instruction. First aid training may be less than eight hours and persons qualified to provide first aid training include individuals approved as first aid instructors. ~~First aid training must be repeated every two years.~~ License holders, second adult caregivers, and substitutes must repeat pediatric first aid training every two years. When the training expires, it must be retaken no later than the day before the anniversary of the license holder's license effective date.

~~(b) A family child care provider is exempt from the first aid training requirements under this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.~~

~~(c)~~ (b) Video training reviewed and approved by the county licensing agency satisfies the training requirement of this subdivision.

Subd. 4. **Cardiopulmonary resuscitation.**

~~(a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one caregiver must be present in the home who has been trained in cardiopulmonary resuscitation (CPR). Before initial licensure and before caring for a child, license holders, second adult caregivers, and substitutes must be trained in pediatric cardiopulmonary resuscitation (CPR), including CPR techniques for infants and children, and in the treatment of obstructed airways. The CPR training must have been provided by an individual approved to provide CPR instruction.~~ License holders, second adult caregivers, and substitutes must be repeated repeat pediatric CPR training at least once every two years, and must be documented document the training in the caregiver's license

holder's records. When the training expires, it must be retaken no later than the day before the anniversary of the license holder's license effective date.

~~(b) A family child care provider is exempt from the CPR training requirement in this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.~~

~~(c).~~ (b) Persons providing CPR training must use CPR training that has been developed:

(1) by the American Heart Association or the American Red Cross and incorporates psychomotor skills to support the instruction; or

(2) using nationally recognized, evidence-based guidelines for CPR training and incorporates psychomotor skills to support the instruction.

Subd. 5. **Sudden unexpected infant death and abusive head trauma training.**

(a) License holders must ensure and document that before ~~staff persons~~ the license holder, second adult caregivers, substitutes, and helpers assist in the care of infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death. In addition, license holders must ensure and document that before ~~staff persons~~ the license holder, second adult caregivers, substitutes, and helpers assist in the care of infants and children under school age, they receive training on reducing the risk of abusive head trauma from shaking infants and young children. The training in this subdivision may be provided as initial training under subdivision 1 or ongoing annual training under subdivision 7.

(b) Sudden unexpected infant death reduction training required under this subdivision must, at a minimum, address the risk factors related to sudden unexpected infant death, means of reducing the risk of sudden unexpected infant death in child care, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death.

(c) Abusive head trauma training required under this subdivision must, at a minimum, address the risk factors related to shaking infants and young children, means of reducing the risk of abusive head trauma in child care, and license holder communication with parents regarding reducing the risk of abusive head trauma.

(d) Training for family and group family child care providers must be developed by the commissioner in conjunction with the Minnesota Sudden Infant Death Center and approved by the Minnesota Center for Professional Development. Sudden unexpected infant death reduction training and abusive head trauma training may be provided in a single course of no more than two hours in length.

(e) Sudden unexpected infant death reduction training and abusive head trauma training required under this subdivision must be completed in person or as allowed under subdivision 10, clause (1) or (2), at least once every two years. When the training expires, it must be retaken no later than the day before the anniversary of the license holder's license effective date. On the years when the ~~license holder~~ individual receiving training is not receiving training in person or as allowed under subdivision 10, clause (1) or (2), the ~~license holder~~ individual receiving training in accordance with this subdivision must receive sudden unexpected infant death reduction training and abusive head trauma training through a video of no more than one hour in length. The video must be developed or approved by the commissioner.

(f) An individual who is related to the license holder as defined in section 245A.02, subdivision 13, and who is involved only in the care of the license holder's own infant or child under school age and who is not designated to be a second adult caregiver, helper, or substitute, ~~as defined in Minnesota Rules, part 9502.0315,~~ for the licensed program, is exempt from the sudden unexpected infant death and abusive head trauma training.

Subd. 6. Child passenger restraint systems; training requirement.

(a) A license holder must comply with all seat belt and child passenger restraint system requirements under section 169.685.

(b) Family and group family child care programs licensed by the Department of Human Services that serve a child or children under ~~nine~~ eight years of age must document training that fulfills the requirements in this subdivision.

(1) Before a license holder, ~~staff person,~~ second adult caregiver, substitute, or helper transports a child or children under age ~~nine~~ eight in a motor vehicle, the person placing the child or children in a passenger restraint must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles. Training completed under this subdivision may be used to meet initial training under subdivision 1 or ongoing training under subdivision 7.

(2) Training required under this subdivision must be at least one hour in length, completed at initial training, and repeated at least once every five years. When the training expires, it must be retaken no later than the day before the anniversary of the license holder's license effective date. At a minimum, the training must address the proper use of child restraint systems based on the child's size, weight, and age, and the proper installation of a car seat or booster seat in the motor vehicle used by the license holder to transport the child or children.

(3) Training under this subdivision must be provided by individuals who are certified and approved by the Department of Public Safety, Office of Traffic Safety. License holders may obtain a list of certified and approved trainers through the Department of Public Safety website or by contacting the agency.

(c) Child care providers that only transport school-age children as defined in section 245A.02, subdivision 19, paragraph (f), in child care buses as defined in section 169.448, subdivision 1, paragraph (e), are exempt from this subdivision.

Subd. 7. Training requirements for family and group family child care.

For purposes of family and group family child care, the license holder and each ~~primary~~ second adult caregiver must complete 16 hours of ongoing training each year. ~~For purposes of this subdivision, a primary caregiver is an adult caregiver who provides services in the licensed setting for more than 30 days in any 12-month period.~~ Repeat of topical training requirements in subdivisions 2 to 8 shall count toward the annual 16-hour training requirement. Additional ongoing training subjects to meet the annual 16-hour training requirement must be selected from the following areas:

(1) child development and learning training ~~under subdivision 2, paragraph (a) in understanding how a child develops physically, cognitively, emotionally, and socially, and how a child learns as part of the child's family, culture, and community;~~

- (2) developmentally appropriate learning experiences, including training in creating positive learning experiences, promoting cognitive development, promoting social and emotional development, promoting physical development, promoting creative development; and behavior guidance;
- (3) relationships with families, including training in building a positive, respectful relationship with the child's family;
- (4) assessment, evaluation, and individualization, including training in observing, recording, and assessing development; assessing and using information to plan; and assessing and using information to enhance and maintain program quality;
- (5) historical and contemporary development of early childhood education, including training in past and current practices in early childhood education and how current events and issues affect children, families, and programs;
- (6) professionalism, including training in knowledge, skills, and abilities that promote ongoing professional development; and
- (7) health, safety, and nutrition, including training in establishing healthy practices; ensuring safety; and providing healthy nutrition.

Subd. 8. Other required training requirements.

(a) The training required of family and group family child care providers and staff must include training in the cultural dynamics of early childhood development and child care. The cultural dynamics and disabilities training and skills development of child care providers must be designed to achieve outcomes for providers of child care that include, but are not limited to:

- (1) an understanding and support of the importance of culture and differences in ability in children's identity development;
- (2) understanding the importance of awareness of cultural differences and similarities in working with children and their families;
- (3) understanding and support of the needs of families and children with differences in ability;
- (4) developing skills to help children develop unbiased attitudes about cultural differences and differences in ability;
- (5) developing skills in culturally appropriate caregiving; and
- (6) developing skills in appropriate caregiving for children of different abilities.

The commissioner shall approve the curriculum for cultural dynamics and disability training.

(b) The provider must meet the training requirement in section 245A.14, subdivision 11, paragraph (a), clause (4), to be eligible to allow a child cared for at the family child care or group family child care home to use the swimming pool located at the home.

Subd. 9. Supervising for safety; training requirement.

(a) Courses required by this subdivision must include the following health and safety topics:

- (1) preventing and controlling infectious diseases;
- (2) administering medication;
- (3) preventing and responding to allergies;
- (4) ensuring building and physical premises safety;
- (5) handling and storing biological contaminants;
- (6) preventing and reporting child abuse and maltreatment; and
- (7) emergency preparedness.

~~(a)~~ (b) Before initial licensure and before caring for a child, all family child care license holders and each second adult caregiver who provides care in the licensed family child care home for more than 30 days in any 12-month period shall complete and document the completion of the six-hour Supervising for Safety for Family Child Care course developed by the commissioner.

(c) The license holder must ensure and document that, before caring for a child, all substitutes have completed the four-hour Basics of Licensed Family Child Care for Substitutes course developed by the commissioner, which must include health and safety topics as well as child development and learning.

~~(b)~~ (d) The family child care license holder and each second adult caregiver who provides care in the licensed family child care home for more than 30 days in any 12-month period shall complete and document:

- (1) the annual completion of a two-hour active supervision course developed by the commissioner; and
- (2) the completion at least once every five years of the two-hour courses Health and Safety I and Health and Safety II. When the training is due for the first time or expires, it must be taken no later than the day before the anniversary of the license holder's license effective date. A license holder's or second adult caregiver's completion of either training in a given year meets the annual active supervision training requirement in clause (1).

(e) At least once every three years, license holders must ensure and document that substitutes have completed the four-hour Basics of Licensed Family Child Care for Substitutes course. When the training expires, it must be retaken no later than the day before the anniversary of the license holder's license effective date.

Subd. 10. Approved training.

(a) The commissioner of human services must post information on the department's website indicating the specific category within the Knowledge and Competency Framework that will satisfy training requirements for child development and learning, behavior guidance, and active supervision. County licensing staff must accept trainings designated as satisfying training requirements by the commissioner under this paragraph.

(b) Unless specifically authorized in this section, one training does not fulfill two different training requirements. Courses within the identified knowledge and competency areas that are specific to child care centers or legal nonlicensed providers do not fulfill the requirements of this section.

(c) County licensing staff must accept training approved by the Minnesota Center for Professional Development, including:

- (1) face-to-face or classroom training;
- (2) online training; and
- (3) relationship-based professional development, such as mentoring, coaching, and consulting.

Subd. 11. Provider training.

New and increased training requirements under this section must not be imposed on providers until the commissioner establishes statewide accessibility to the required provider training.

EFFECTIVE DATE. This section is effective September 30, 2020.

Overview

This law takes effect on Sept. 30, 2020, and makes several changes to family child care training requirements. Federal law requires adult caregivers to complete initial and ongoing training on certain topics, regardless of how frequently that person provides care. This means adult caregivers who provide care for fewer than 30 hours or 30 days, and substitutes are no longer exempt from taking training in some topics. The number of hours of training that second adult caregivers and substitutes need to take depends on how many hours they provide care in a family child care program.

This law extends the timeline for completing training on reducing the risk of sudden unexpected infant death and abusive head trauma as well as trainings that are taken less frequently than annually so that they are due on the day prior to the anniversary of the license effective date in the year in which they are due. These timelines are extended for you, the provider, and any adult caregivers, second adult caregivers, substitutes, and helpers.

For example, if you were initially licensed in July 2020 and you previously took pediatric first aid in March 2019, you would normally need to take the pediatric first aid training by March 31, 2021. However, this law would allow you up to June 30, 2021, which is the day prior to the anniversary of your license effective date. In this scenario, you could continue to take pediatric first aid training in March of the odd-numbered years, or you could have three additional months in 2021 to take the training. If you decide to take the training in June, from then on, you will need to take training by June of odd-numbered years.

Finally, the term “pediatric” has been added to the first aid and CPR sections to clarify the type of training that is required.

Changes to training requirements are as follows:

Providers – initial training:

- Instead of under age nine, before you place a child or children under age **eight** into a passenger restraint to be transported, you must complete training on the proper use and installation of child passenger restraint systems.

Providers – ongoing training:

- There are no longer exemptions from annual training on child development and learning or behavior guidance for providers who completed education in early childhood development within the past five years. Each year, providers must take child development and learning or behavior guidance training developed or approved by the commissioner. Alternatively, providers may complete a three-credit course in early childhood development.
- Instead of under age nine, before you place a child or children under age **eight** into a passenger restraint to be transported, you must renew training on the proper use and installation of child passenger restraint systems every five years.

Second adult caregivers – initial training:

- Pediatric first aid, before caring for children
- Pediatric CPR, before caring for children
- Clarifies that providers must train on their emergency preparedness plan and allergy prevention and response techniques for children in care, before caring for children
- Instead of under age nine, before a second adult caregiver places a child or children under age **eight** into a passenger restraint to be transported, the individual must complete training on the proper use and installation of child passenger restraint systems.

Second adult caregivers – ongoing training:

- There are no longer exemptions from annual training on child development and learning or behavior guidance for second adult caregivers who completed education in early childhood development within the past five years. Each year, second adult caregivers must take child development and learning or behavior guidance training developed or approved by the commissioner. Alternatively, second adult caregivers may complete a three-credit course in early childhood development.
- Pediatric first aid, every two years
- Pediatric CPR, every two years
- Instead of under age nine, before a second adult caregiver places a child or children under age **eight** into a passenger restraint to be transported, the individual must renew training on the proper use and installation of child passenger restraint systems every five years.

Substitutes (and adult caregivers who provide care for 500 or fewer hours annually) – initial training:

- Pediatric first aid, before caring for children
- Pediatric CPR, before caring for children
- Clarifies that providers must train on their emergency preparedness plan and allergy prevention and response techniques for children in care, before caring for children
- Basics of Licensed Family Child Care for Substitutes (4 hour course), before caring for children
 - This course covers the federally required health, safety, and child development topics.
- Instead of under age nine, before a substitute or adult caregiver places a child or children under age **eight** into a passenger restraint to be transported, the individual must complete training on the proper use and installation of child passenger restraint systems.

Substitutes (and adult caregivers who provide care for 500 or fewer hours annually) – ongoing training:

- Pediatric first aid, every two years
- Pediatric CPR, every two years
- Repeat the Basics of Licensed Family Child Care for Substitutes (4 hour course) every three years
 - This course covers the federally required health, safety, and child development topics.
- Instead of under age nine, before a substitute or adult caregiver places a child or children under age **eight** into a passenger restraint to be transported, the individual must renew training on the proper use and installation of child passenger restraint systems.

Helpers – initial training:

- Instead of under age nine, before a helper places a child or children under age **eight** into a passenger restraint to be transported, the individual must complete training on the proper use and installation of child passenger restraint systems.

What do providers need to do?

You need to ensure that any caregivers in your program receive the required training, including the training described above and in the chart. **Please note that this implementation plan focuses on new training requirements, not all training requirements.**

Initial training

Before they care for a child, you will need to provide training to adult caregivers, second adult caregivers, and substitutes, on your emergency preparedness plan.

Before they care for a child, you will need to provide training to adult caregivers, second adult caregivers, and substitutes, regarding allergy prevention and response techniques specific to children in care.

Child development and learning and behavior guidance training

You need to ensure that before a second adult caregiver provides care, they have completed four hours of child development and learning and behavior guidance training.

Pediatric first aid

You need to ensure that all adult caregivers, second adult caregivers, and substitutes who provide care for your program have completed pediatric first aid training before they care for children.

Pediatric CPR

You need to ensure that all adult caregivers, second adult caregivers, and substitutes who provide care for your program have completed pediatric CPR training before they care for children.

Child passenger restraint systems (CARS)

You need to ensure that prior to transporting a child, training on the proper use and installation of child passenger restraint systems must be completed by everyone who places a child or children under age eight into a passenger restraint. The previous requirement was for children under age nine. If the driver is not the person who places the child into the passenger restraint system, the driver does not need this training.

Supervising for safety

Starting Sept. 30, 2020, you need to ensure that all second adult caregivers complete Supervising for Safety for Family Child Care, before caring for children.

Starting Sept. 30, 2020, you need to ensure that all substitutes and adult caregivers complete the Basics of Licensed Family Child Care for Substitutes (4 hour course), before caring for children.

Because the content of the new Basics of Licensed Family Child Care for Substitutes course is based upon the training content from several existing trainings, some individuals may have recently satisfied this training requirement. If a current substitute or adult caregiver completed the following trainings since Sept. 30, 2019, then they currently meet the Basics of Licensed Family Child Care for Substitutes course requirements: 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning. These individuals must then complete the Basics of Licensed Family Child Care for Substitutes by Sept. 30, 2023, and every three years after that.

Beginning on Sept. 30, 2020, if a substitute or adult caregiver has been providing care but has **not** completed 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning in the past year, then they must complete the Basics of Licensed Family Child Care for Substitutes course, before continuing to care for children.

Ongoing training

Starting Sept. 30, 2020, you need to ensure that any second adult caregivers who work with you complete 16 hours of annual training. Required training, such as pediatric first aid and pediatric CPR, count toward the 16 hour requirement in the years in which they are taken.

Child development and learning and behavior guidance training

You need to ensure that each year, you and each second adult caregiver take child development and learning or behavior guidance training developed or approved by the commissioner. Alternatively, you and each second adult caregiver may complete a three-credit course in early childhood development.

Pediatric first aid

Starting Sept. 30, 2020, when it is due to expire, you need to ensure that you, all adult caregivers, second adult caregivers, and substitutes repeat pediatric first aid training by the day prior to the anniversary of your license.

Pediatric CPR

Starting Sept. 30, 2020, when it is due to expire, you need to ensure that you, all adult caregivers, second adult caregivers, and substitutes repeat pediatric CPR training by the day prior to the anniversary of your license.

Note: *This legal deadline for renewing your CPR training only affects whether or not you are in compliance with licensing standards. If you choose to wait until after your CPR certification has expired to take the training, there may be consequences that are not related to licensing (such as not being eligible to take a refresher course or having to pay more for the class).*

Sudden unexpected infant death (SUID) and abusive head trauma (AHT)

Starting Sept. 30, 2020, when it is due to be renewed, you will need to ensure that you, all adult caregivers, second adult caregivers, substitutes, and helpers repeat training on reducing the risk of SUID and AHT by the day prior to the anniversary of your license.

Child passenger restraint systems (CARS)

Starting Sept. 30, 2020, when it is due to expire, you will need to ensure that prior to placing a child under age eight in a passenger restraint system for transporting, the caregiver placing the child has repeated training on child passenger restraint systems by the day prior to the anniversary of your license.

Supervising for safety / active supervision trainings

Starting Sept. 30, 2020, you will need to ensure that all second adult caregivers complete an active supervision course annually.

Starting Sept. 30, 2020, when it is due to be renewed, you will need to ensure that you and your second adult caregivers repeat Health and Safety I and Health and Safety II training by the day prior to the anniversary of your license. These courses continue to fulfill the active supervision training requirement in the year in which they are taken.

Starting Sept. 30, 2020, when it is due to be renewed, you will need to ensure that adult caregivers and substitutes repeat the Basics of Licensed Family Child Care for Substitutes course by the day prior to the anniversary of your license.

Because the content of the new Basics of Licensed Family Child Care for Substitutes course is based upon the training content from several existing trainings, some individuals may have recently satisfied this training requirement. If a current substitute or adult caregiver completed the following trainings since Sept. 30, 2019, then they currently meet the Basics of Licensed Family Child Care for Substitutes course requirements: 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning. These individuals must then complete the Basics of Licensed Family Child Care for Substitutes by Sept. 30, 2023, and every three years after that.

Beginning on Sept. 30, 2020, if a substitute or adult caregiver has been providing care but has **not** completed 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning in the past year, then they must complete the Basics of Licensed Family Child Care for Substitutes course, before continuing to care for children.

What do licensors need to do?

Initial training

Starting Sept. 30, 2020, at the annual visit, you need to continue to monitor whether, prior to caring for children, providers trained all adult caregivers, second adult caregivers, and substitutes on their emergency preparedness plan and allergy prevention and response techniques specific to children in care. If you determine that prior to caring for children, a provider did not train an adult caregiver, second adult caregiver, or substitute on their emergency preparedness plan and allergy prevention and response techniques specific to children in care, you would mark these items as unmet in the ELICI checklist and a correction order would be issued.

Pediatric first aid

Starting Sept. 30, 2020, at the annual visit, you must determine whether all adult caregivers, second adult caregivers, and substitutes completed pediatric first aid training, before caring for children.

Until Sept. 30, 2021, if adult caregivers, second adult caregivers, or substitutes did not complete pediatric first aid training before caring for children, you need to provide technical assistance. You need to mark this item as unmet on the ELICI checklist and a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

Pediatric CPR

Starting Sept. 30, 2020, at the annual visit, you must determine whether all adult caregivers, second adult caregivers, and substitutes completed pediatric CPR training, before caring for children.

Until Sept. 30, 2021, if adult caregivers, second adult caregivers, or substitutes did not complete pediatric CPR training before caring for children, you need to provide technical assistance. You need to mark this item as unmet on the ELICI checklist and a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

Child passenger restraint systems (CARS)

Starting Sept. 30, 2020, instead of under age nine, before a caregiver places a child or children under age **eight** into a passenger restraint to be transported, the individual must complete training on the proper use and installation of child passenger restraint systems.

If you determine that a provider, adult caregiver, second adult caregiver, substitute, or helper did not take this training prior to placing a child under age eight into a child passenger restraint system, you would mark this item as unmet in the ELICI checklist and a correction order would be issued.

Supervising for safety / active supervision trainings

Starting Sept. 30, 2020, you need to monitor that all substitutes and adult caregivers complete the Basics of Licensed Family Child Care for Substitutes (4 hour course), before caring for children.

Because the content of the new Basics of Licensed Family Child Care for Substitutes course is based upon the training content from several existing trainings, some individuals may have recently satisfied this training requirement. If a current substitute or adult caregiver completed the following trainings since Sept. 30, 2019, then they currently meet the Basics of Licensed Family Child Care for Substitutes course requirements: 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning. These individuals must then complete the Basics of Licensed Family Child Care for Substitutes by Sept. 30, 2023, and every three years after that.

Beginning on Sept. 30, 2020, if a substitute or adult caregiver has been providing care but has not completed 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning in the past year, then they must complete the Basics of Licensed Family Child Care for Substitutes course before continuing to care for children.

Until Sept. 30, 2021, if substitutes or adult caregivers do not complete Basics of Licensed Family Child Care for Substitutes when it is due, you also need to provide technical assistance. You need to mark this item as unmet on the ELICI checklist and a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

Ongoing training

Child development and learning and behavior guidance training

If the provider or any second adult caregiver did not complete annual training on child development and learning or behavior guidance, you would mark the item as unmet in the ELICI checklist, and a correction order would be issued.

Pediatric first aid

Starting Sept. 30, 2020, providers, adult caregivers, second adult caregivers, and substitutes have until the anniversary of the license effective date to renew the training when it is due to expire.

If the provider has not renewed the training prior to the anniversary of the license effective date, you would mark the item as unmet in the ELICI checklist and a correction order would be issued.

If adult caregivers, second adult caregivers, or substitutes previously provided care, but were not required to take pediatric first aid, then they have until Sept. 30, 2021, to complete the training. Until that date, you need to provide technical assistance. You need to mark this item as unmet on the ELICI checklist and a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

If an adult caregiver, second adult caregiver, or substitute was previously trained on pediatric first aid but has not renewed the training prior to the anniversary of the license effective date, you would mark the item as unmet in the ELICI checklist and a correction order would be issued.

Pediatric CPR

Starting Sept. 30, 2020, providers, adult caregivers, second adult caregivers, and substitutes have until the anniversary of the license effective date to renew the training when it is due to expire.

If the provider has not renewed the training prior to the anniversary of the license effective date, you would mark the item as unmet in the ELICI checklist and a correction order would be issued.

If adult caregivers, second adult caregivers, or substitutes previously provided care, but were not required to take pediatric CPR, then they have until Sept. 30, 2021, to complete the training. Until that date, you need to provide technical assistance. You need to mark this item as unmet on the ELICI checklist and a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

If an adult caregiver, second adult caregiver, or substitute has not renewed the training prior to the anniversary of the license effective date, you would mark the item as unmet in the ELICI checklist and a correction order would be issued.

Sudden unexpected infant death (SUID) and abusive head trauma (AHT)

With the exception of when the reduction of SUID and AHT training must be repeated, the SUID and AHT training requirements did not change. Starting Sept. 30, 2020, you must determine whether all providers, adult caregivers, second adult caregivers, substitutes, and helpers renewed this training prior to the anniversary of the license effective date.

If you determine that when it was due to be renewed, a provider, adult caregiver, second adult caregiver, substitute, or helper did not renew this training prior to the anniversary of the license effective date, you would mark these items as unmet in the ELICI checklist and a correction order would be issued.

Child passenger restraint systems (CARS)

Starting Sept. 30, 2020, when transporting children, you must determine whether the person placing a child under age eight in the child passenger restraint system has repeated the training prior to the anniversary of the license effective date.

If you determine that prior to placing a child under age eight in the child passenger restraint system, the individual's training on child passenger restraint systems has not been renewed timely, you would mark this item as unmet in the ELICI checklist and a correction order would be issued.

Supervising for safety / active supervision trainings

Starting Sept. 30, 2020, the timeline for taking Health and Safety I and Health and Safety II training is extended. When Health and Safety I and Health and Safety II training is due to expire, providers and second adult caregivers have until the anniversary of the license effective date to complete the training. If the provider or any second adult caregiver did not take the Health and Safety I or Health and Safety II training by the anniversary of the license effective date, you would mark the item as unmet in the ELICI checklist, and a correction order would be issued.

Starting Sept. 30, 2020, substitutes and adult caregivers must repeat the Basics of Licensed Family Child Care for Substitutes course every three years. When the course is due to expire, substitutes and adult caregivers have until the anniversary of the provider's license effective date to complete training.

Until Sept. 30, 2021, if substitutes and adult caregivers do not complete Basics of Licensed Family Child Care for Substitutes when it is due, you need to provide technical assistance. You need to mark this item as unmet on the ELICI checklist and a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

Please note, beginning on Sept. 30, 2020, if a substitute or adult caregiver has been providing care and completed 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning in the past year, then they do not need to take the Basics of Licensed Family Child Care for Substitutes course to meet this initial training requirement. These individuals have until Sept. 30, 2023, to complete the Basics of Licensed Family Child Care for Substitutes.

Beginning on Sept. 30, 2020, if a substitute or adult caregiver has been providing care but has not completed 1) the Supervising for Safety for Family Child Care course **or** Health and Safety I and Health and Safety II **and** 2) a course on child development and learning in the past year, then they must complete the Basics of Licensed Family Child Care for Substitutes course before continuing to care for children.

For a comprehensive chart of all existing and new training requirements, please review:

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7672-ENG>

Additional information

Variance request form

DHS will issue a variance request form for family child care by Oct. 1, 2020, and counties must begin using it by Jan. 1, 2021. When developing the form, DHS consulted with county licensors and family child care providers, including those serving on the Family Child Care Task Force. If necessary, DHS will also provide training or guidance to counties on the variance request form.

Evaluation of continuous licenses

DHS consulted with a group of family child care providers and counties to determine whether family child care licenses should automatically renew. If DHS determines that family child care licenses would automatically renew, providers would not have to reapply for licensure. If DHS decides to pursue continuous licenses, the commissioner must propose legislation for the 2021 legislative session to make the necessary amendments to statute and administrative rules.

Alternative sleeping position

In addition to a physician, an advanced practice registered nurse (APRN) can now provide direction that an infant be placed in an alternative sleeping position.

Definition of serious maltreatment

For the purposes of background studies, the definition of serious maltreatment in the Background Studies Act now includes injuries that reasonably require the care of a physician **or** APRN.

Maltreatment of Minors Act (MOMA)

The sections of MOMA have been rearranged and relocated in statute moving from Minnesota Statutes, section 626.556 to Minnesota Statutes, chapter 260E, as of Aug. 1, 2020. This does not change any reporting or training requirements for family child care. DHS is updating its website and forms to reflect this new statutory citation.