

Overview of significant changes between Draft 1 and Draft 2 of revised licensing standards – Child care centers

Over the summer, the Department of Human Services (DHS) engaged with providers, licensors, parents, and community members through various opportunities to gather feedback on the [first draft](#) of the revised child care center licensing standards. This feedback was carefully analyzed and used to inform decisions on the second draft. For a detailed summary of the feedback and key insights from the engagement process, please refer to the [Key Themes Report](#) available on the [project website](#).

Below is a high-level overview of the significant changes made between Draft 1 and Draft 2. **Please note that this does not outline every change that was made between the drafts.** To see an annotated draft of every change made between Draft 1 and Draft 2, please refer to the [Revisions document](#).

Staff qualifications and education

- **New definition of education:** The Draft 2 document now includes a singular definition of post-secondary education, which includes an expanded amount of subject matter areas that can now be counted towards an individual’s education for qualifying as a Teacher or Assistant Teacher. The distinction between “general education” and “child development education” has been removed, as has the requirement that 50% of post-secondary credits must be in child development education.
- **Increased flexibility for qualifying as a teacher or assistant teacher:** Building on the expanded qualification options in Draft 1, this draft adds some additional options for qualifying as a Teacher or Assistant Teacher under sections 245K.06 and 245K.07. It adds separate qualification options for those with an accredited certificate in child development or early childhood education, and also adds greater clarity to the Montessori and PELSB teacher credential qualifications.
- **Changes to Aide and Experienced Aide qualifications:** The new draft makes changes to the use of Aides and Experienced Aides as defined in 245K.08. The language now redesignates Aides as “Aide I”, while still keeping the usual Aide requirements that providers are familiar with. Experienced Aides have been redesignated as “Aide II” and the requirement to document how they are used has been removed. To qualify as an Aide II, the requirement to be at least 20 years old remains in place, but the required number of hours of experience has been reduced from 4,160 to 2,080 hours. In addition, an Aide II must have been employed by the center for at least 90 days, as opposed to current Experienced Aide language of 120 days.

Training requirements

- **Child Care Basics training changes:** Draft 1 introduced the concept of the Child Care Basics training, a foundational training for all child center directors, program staff, substitutes, and unsupervised volunteers. It also specified content areas that would be covered in the training. Draft 2 keeps the Child Care Basics training concept but removes specific content areas, with the intent that the training content will be further developed before it is specified in draft statutory language.
- **Orientation and Child Care Basics training may count towards in-service training hours:** In recognition of how important these trainings are for new program staff in a child care center, these trainings may be counted towards an individual's in-service training hours in their first year of employment.

Staff distribution and ratios

- **Staff distribution during naps and rest clarified:** Language was added to clarify what is expected in terms of staff distribution while children are napping. This language is intended to reflect current Licensing practice. The language added under section 245K.10, subdivision 1 (a) is, "Except for groups that include an infant, the staff-to-child ratio may be doubled for no more than two hours during nap time. During this time, there must be enough program staff persons in the facility to meet staff-to-child ratio and staff distribution requirements pursuant to subdivisions 1 and 2 for the groups in case of an emergency. The program must return to following the staff-to-child ratios and staff distribution requirements under subdivisions 1 and 2 when the number of awake children exceeds the number of children who could be supervised by one staff person under subdivision 1."

Child care program plan and activities

- **Outdoor activity changes:** Draft 2 makes changes to the outdoor activity requirements originally introduced in Draft 1, 245K.11, subdivision 3. It gives more flexibility in how often infants need to go outside, and requires two periods of outdoor activity only for programs serving toddlers, preschoolers, and school-age children in attendance for more than 6 hours a day.
- **Interest areas section moved to 245K.14 Equipment section:** Section 245K.11, subdivision 2 requires license holders to maintain interest areas within their center that are supplied with the equipment and materials needed to carry out activities in interest areas such as creative arts and crafts, construction, and more. This section has been moved out of section 245K.11 and into section 245K.14 Equipment, to emphasize that the interest areas requirement goes hand-in-hand with the required equipment and materials in section 245K.14. That is, the materials required in 245K.14 should be organized into various interest areas within the program.

Behavior guidance

- **Updated definition of persistent unacceptable behavior:** An additional way for a child’s behavior to be considered “persistent unacceptable behavior” was added to the definitions in section 245K.13, subdivision 1. The addition is similar to current Rule 9503 language and specifies that it can be considered persistent unacceptable behavior when “a child significantly disrupts the learning environment and requires an increased amount of staff guidance and time to address the child’s behavior. This behavior may include physical aggression, verbal threats, or repetitive behaviors that have been addressed through standard behavior guidance techniques without improvement.”
- **Removed requirement to report on child disenrollment within 48 hours:** Draft 1 contained language in section 245K.28, subdivision 2 which required license holders to report “within 48 hours of when a child is disenrolled from the center for a behavioral reason.” This language has been removed. Conversations about the issue of child disenrollment are still continuing within DHS, the new Department of Children, Youth, and Families (DCYF), and in the child care community. We want to allow time for these conversations to mature and to arrive at recommendations.

Furnishings, equipment, materials, and supplies

- **Accessibility of equipment language updates:** Child care providers gave extensive feedback that the Draft 1 “Accessibility of Equipment” language in section 245K.14, subdivision 3 was confusing as written. The intent was to provide clarity and flexibility about when equipment had to be made available to children and when it could be stored away. The language has been updated in Draft 2, to clarify the distinctions between equipment and materials that a center must have on site, the materials that must be made available each day to children attending care, and the materials that may be stored in inaccessible locations at certain times of day.
- **Clarifying and minor changes to equipment lists:** There was some confusion in Draft 1 with blankets being required for infants, and two separate requirements for musical instruments. The language has been cleaned up and clarified. In addition, the requirement for “sets of building blocks” has been changed to “sets of construction or building materials,” which allows for a broader set of items.

Children with special health care needs and disabilities

- **Clean up and clarifications to individual child care program plan (ICCPP) requirements:** Draft 2, section 245K.15, subdivision 3 individual child care program plan (ICCPP) language has been significantly cleaned up and simplified. The new language refers back to the definitions in section 245K.15, subdivision 1 for ease of reference, and removes duplicative or unclear language.
- **Process for coordinating on ICCPP clarified:** The language in Draft 1 which stated, “(b) When developing the ICCPP, the license holder must, to the best of their ability, coordinate with the child’s primary healthcare provider, the child care health consultant as defined in 245K.01, subd. 22, any authorized service coordinator, any provider of intervention services, the child’s parents/guardians, and a program

staff person who directly works with the child. If the license holder is unable to coordinate with any of the individuals in this section, the license holder shall document the attempt to coordinate in the ICCPP;” has been removed. Instead, the process of coordinating with various entities for developing ICCPPs is described in the other paragraphs of subdivision 3, in a way that is easier to follow.

Risk reduction plan

- **Removal of requirement to visit the field trip site in advance:** Draft 1 included a requirement that, “When field trips are planned, all field trip sites should be visited by a member of the program staff and all potential hazards identified. A safe walking or transportation route should be identified in advance of the trip.” This language has been removed.

Reorganization of sanitation and health

- **Reorganization and streamlining:** Section 245K.29 “Sanitation and Health” has been renamed to “Health”, since that is the main focus of that section. In addition, some subdivisions which had been in this section in Draft 1 have been moved into other sections that were more appropriate. For instance, the “Animals” and “Pest control” subdivisions have been moved into the Facility section.

Attendance records

- **Daily classroom attendance tracking clarified and updated:** Language was added to Draft 2 to clarify daily classroom attendance tracking in section 245K.30, subdivision 2. The requirement to do a “name-to-face check” during transitions within the center was removed as a licensing requirement, although this is still a best practice that DHS encourages licensed child care centers to utilize. In addition, other language which was more prescriptive has been removed, such as the requirement to maintain the classroom attendance records with the group at all times.

Cleaning, sanitizing, and disinfecting

- **Simplifications and clarifications throughout:** The entire section 245K.31 has been streamlined to be less prescriptive and have more general requirements about cleaning, sanitizing, and disinfecting. Child care centers may continue to utilize state and local public health authorities for more detailed guidance on these topics, such as the Hennepin County Infectious Disease Manual.

Food, drinking water, and nutrition

- **Simplifications and clarifications throughout 245K.32:** Section 245K.32 has had several minor clarifications and simplifications to make the language less prescriptive and more easily understandable. For instance, in subdivision 4, the requirements around the use of “cycle menus” and spacing of meals

and snacks have been removed. In addition, the language about prescribed diets in subdivision 7 has been simplified and the distinction between procedures for a prescribed diet due to a medical need and a special diet for cultural or religious reasons have been clarified.

- **Removed the requirement to ensure individual servings of food which have been opened are discarded:** This requirement has been removed in Draft 2.

Transportation and field trips

- **Walking distance restrictions removed:** Draft 1 included language restricting the distance that children could walk from the center, with 2,000 feet specified for children under school-age and a half-mile specified for children in any age group in a center. This language has been removed in response to concerns that it would limit children's opportunities to go outside and would require significant changes to how centers currently operate. There is still the requirement to notify parents and obtain permission for the general plan for neighborhood walks in advance, which includes the typical distance walked.
- **Other field trip changes:** The language in Draft 1 which required that centers bring along center contact information and attach it to each child during a field trip has been removed. This is still a best practice that DHS recommends for child care centers as a safety precaution in the event a child becomes lost on a field trip, but it is not required in Draft 2.

Facility

- **Language prohibiting use of scented products, aerosol sprays, and other products has been removed:** The language in Draft 1, section 245K.34, subdivision 17, which prohibited scented products and specified that the source of odor must be removed to the extent possible through cleaning and ventilation, has been removed.
- **Animal and pest control provisions have been simplified and moved into Facility:** The language around animals and pest control has been shortened and provisions that were overly prescriptive have been removed. The Draft 1 provisions for Animals (245K.29 Health, subd. 17) and Pest Control (245K.29 Health, subd. 19) have been moved into the 245K.34 Facility section in Draft 2, and renumbered as subdivisions 22 and 23 respectively.

Environmental health

- **Requirement to test for lead in soil removed:** The requirements in Draft 1, 245K.35, subd. 1 Facility required that 1) license holders report to DHS when their child care center facility was first built, to help assess the possible risk for children's exposure to lead if the facility was built prior to 1978, and that 2) license holders must cover any bare soil or test for lead if they don't cover bare soil. These provisions have been removed in Draft 2.

- **Requirements for water supply have been reduced:** The requirements in Draft 1, 245K.35, subd. 2 Water Supply which required more robust testing of water supply for contaminants such as lead, manganese, and nitrates has been removed. Instead, the language now only requires tests for well-supplied water (in alignment with existing MN Rule 9503 requirements) and requires compliance with the MN Statutes, section 145.9273 Testing for Lead in Drinking Water in Child Care Settings law.
- **Radon testing requirement retained but simplified:** The requirement in Draft 1, 245K.35, subd. 3 to test for radon gas in the facility, and to do mitigation if it falls above a hazardous level of 4.0 picocuries per liter has been retained. However, the language has been greatly simplified in terms of the testing procedures, and the requirement that it be done prior to initial licensure has been changed to, “within two years of initial licensure or within two years of the effective date of this section, and every five calendar years thereafter.” DHS will continue to work with the Minnesota Department of Health to provide information about radon testing and mitigation during this next round of community and industry engagement, including information about proper testing procedures and testing costs.