



Public Health
Law Center

AT WILLIAM MITCHELL COLLEGE OF LAW



MINNESOTA CHILD CARE

Minnesota Child Care Laws

The Public Health Law Center is in the process of assessing state laws and regulations related to the child care setting through an existing grant from the Robert Wood Johnson Foundation's Healthy Eating Research program. As part of this project, the Center is conducting a 50-state review using legal analytical methods to research and examine state laws relating to nutrition, physical activity, and screen time standards for child care and determine the extent to which each state allows local governments to regulate child care settings. The statutes and regulations included in this chart were compiled according to a protocol developed to implement this project.

The statutes were identified using Westlaw's 50 State Statutory Surveys relating to child care licensing requirements for facilities and providers, and then downloaded from Westlaw between September 1, 2011 and October 14, 2011. The corresponding regulations for each state were downloaded from the National Resource Center for Health and Safety in Child Care and Early Education website (<http://nrckids.org/STATES/states.htm>) during the same time period.

The statutes and regulations contained in this chart are only those relating specifically to the child care setting. Other federal, state and local laws may be applicable to the concepts identified in this chart. For example, federal laws provide worker protections for nursing mothers, including those working in the child care setting; many states have smoke-free laws that apply to child care facilities; and state and local

food safety codes and local zoning ordinances may regulate the child care setting. This chart does not include these types of ancillary laws, even though they impact the child care setting.

The Public Health Law Center has developed a series of fact sheets that interpret the child care laws contained in this chart, as well as other federal and state laws impacting the child care setting. For more information on child care in Minnesota, visit <http://www.publichealthlawcenter.org/topics/healthy-eating/child-care>.

The Public Health Law Center provides information and technical assistance on issues related to public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
DEFINITIONS OF CHILD CARE		
CATEGORY: Child Care		
M.S.A. § 119B.011 Subd. 5. Child care. "Child care" means the care of a child by someone other than a parent, stepparent, legal guardian, eligible relative caregiver, or the spouses of any of the foregoing in or outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.		
CATEGORY: Definitions		
	Minn. R. 9503.0005 Subp. 7. Child care program. "Child care program" means the systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child in the absence of the parent for a period of less than 24 hours a day.	
	Minn. R. 9503.0015 A. A "day program" means a child care program operated during normal waking hour (approximately 6 a.m. to 6 p.m.). The program: (1) operates for more than 30 days in any 12 month period and is not excluded by Minnesota Statutes, section 245A.03, subdivision 2; and (2) provides care to any child for more than 30 days in any 12 month period and 45 hours in any calendar month.	
CATEGORY: Types of Child Care		
	Minn. R. 9503.0005. Subp. 5. Center. "Center" means a facility in which a child care program is operated when the facility is not excluded by Minnesota Statutes, section 245A.03, subdivision 2, and is not required to be licensed under parts 9502.0315 to 9502.0445 as a family or group family day care home.	Minn. R. 9502.0315 Subp. Day care. "Day care" means the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24 hour day.
		Minn. R. 9502.0315 Subp. 11. Family day care. "Family Day care" means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
DEFINITIONS OF CHILD CARE		
		Minn. R. 9502.0315 Subp. 13. Group family day care. "Group family day care" means day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LICENSING		
CATEGORY: Enforcement		
M.S.A. § 245A.03 Subd. 3. Unlicensed programs. (a) It is a misdemeanor for an individual, corporation, partnership, voluntary association, other organization, or a controlling individual to provide a residential or nonresidential program without a license and in willful disregard of this chapter unless the program is excluded from licensure under subdivision 2.		
M.S.A. § 245A.09 Subd. 9. Interpretive guidelines do not have the force and effect of law and have no precedential effect, but may be relied on by consumers, providers of service, county agencies, the Department of Human Services, and others concerned until revoked or modified. A guideline may be expressly revoked or modified by the commissioner, by the issuance of another interpretive guideline, but may not be revoked or modified retroactively to the detriment of consumers, providers of service, county agencies, the Department of Human Services, or others concerned. A change in the law or an interpretation of the law occurring after the interpretive guidelines are issued, whether in the form of a statute, court decision, administrative ruling, or subsequent interpretive guideline, results in the revocation or modification of the previously adopted guidelines to the extent that the change affects the guidelines.		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LICENSING		
CATEGORY: Inspections		
<p>M.S.A. § 245A.04 Subd. 4. Inspections; waiver. (a) Before issuing an initial license, the commissioner shall conduct an inspection of the program. The inspection must include but is not limited to: (1) an inspection of the physical plant; (2) an inspection of records and documents; (3) an evaluation of the program by consumers of the program; and (4) observation of the program in operation. For the purposes of this subdivision, "consumer" means a person who receives the services of a licensed program, the person's legal guardian, or the parent or individual having legal custody of a child who receives the services of a licensed program.</p>	<p>Minn. R. 9503.0155 Subp. 2. The center must be inspected by a fire marshal within 12 months before initial licensure. The commissioner must not grant an initial license until the commissioner has received written approval of compliance with the Minnesota Uniform Fire Code from the fire marshal with jurisdiction.</p>	<p>Minn. R. 9502.0335 Subp. 2. Licensing study. The applicant shall give the agency access to the residence for a licensing study to determine compliance with parts 9502.0315 to 9502.0445 Minn. R. 9502.0335 Subp. 13. Access to residence. The provider shall give authorized representative of the commissioner or agency access to the residence during the hours of operation to determine whether the residence complies with the standards of parts 9502.0315 to 9502.0445 Access shall include: A. the residence to be occupied by children in care; B. any adjoining land or buildings owned or operated by the applicant or provider in conjunction with the provision of day care and designed for use by the children in care; C. noninterference in interviewing all caregivers and household member present in the residence on a regular basis and present during the hours of operation; and D. the right to view and photocopy the records and documents specified in part 9502.0405.</p>
CATEGORY: License Definition		
<p>M.S.A. § 245A.02 Subd. 8. License. "License" means a certificate issued by the commissioner authorizing the license holder to provide a specified program for a specified period of time and in accordance with the terms of the license and the rules of the commissioner.</p>	<p>Minn. R. 9503.0005 Subp. 15. License. "License" means a certificate issued by the commissioner authorizing the license holder to operate a child care program in a center for a specified period of time in accordance with the term of the license, rules of the commissioner, and provisions of Minnesota Statutes, chapter 245A.</p>	<p>Minn. R. 9502.0315 Subp. 17. License. "License" means a certificate issued by the commissioner authorizing the provider to give specified services for a specified period of time in accordance with the terms in parts 9502.0315 to 9502.0445; Minnesota Statutes, chapter 245A; and the rules of the department.</p>
CATEGORY: Miscellaneous		
<p>M.S.A. § 245A.04 Subd. 14. Policies and procedures for program administration required and enforceable. (a) The license holder shall develop program policies and procedures necessary to maintain compliance with licensing requirements under Minnesota Statutes and Minnesota Rules.</p>		
<p>M.S.A. § 299F.011 (3) (e) The commissioners of public safety and human services may enter into an agreement for the commissioner of human services to perform follow-up inspections of programs, subject to licensure under chapter 245A, to determine whether certain violations cited by the state fire marshal have been corrected</p>		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LICENSING		
M.S.A. § 245A.02 Subd. 9. License holder. "License holder" means an individual, corporation, partnership, voluntary association, or other organization that is legally responsible for the operation of the program, has been granted a license by the commissioner under this chapter or chapter 245B and the rules of the commissioner, and is a controlling individual.	Minn. R. 9503.0005 Subp. 16. License holder. "License holder" means the individual, corporation, partnership, voluntary association, or other organization legally responsible for the operation of the child care program in a center that has been granted a license by the commissioner under Minnesota Statutes, chapter 245A, and parts 9503.0005 to 9503.0170.	
		Minn. R. 9502.0315 Subp. 9. Department. "Department" means the Minnesota Department of Human Services.
		Minn. R. 9502.0335 Subp 2. Licensing study. The applicant shall give the agency access to the residence for a licensing study to determine compliance with part 9502.0315 to 9502.0445.
CATEGORY: Posting		
	Minn. R. 9503.017 Subp. 3. Posting license. A license holder must post the license in a conspicuous place within the child care center.	Minn. R. 9502.0335 Subp. 10. Posting license. The provider shall post the license in the residence in a prominent place.
CATEGORY: Purpose		
		Minn. R. 9502.0325 Subp. 1. Purpose. The purpose of parts 9502.0315 to 9502.0445 is to establish procedures and standards for licensing family day care and group family day care homes to ensure that minimum levels of care and service are given and the protection, proper care, health, safety, and development of the children are assured.
CATEGORY: Requirement		
M.S.A. § 245A.04 (a) An individual, corporation, partnership, voluntary association, other organization or controlling individual that is subject to licensure under section 245A.03 must apply for a license. The application must be made on the forms and in the manner prescribed by the commissioner.		
M.S.A. § 245A.03 Subdivision 1. License required. Unless licensed by the commissioner, an individual, corporation, partnership, voluntary association, other organization, or controlling individual must not: (1) operate a residential or a nonresidential program; (4) advertise a residential or nonresidential program.	Minn. R. 9503.0170 Subp. 1. License required. A person, corporation, partnership, voluntary association, or other organization may not operate a child care program in a center unless licensed by the commissioner under parts 9503.0005 to 9503.0170 and Minnesota Statutes, chapter 245A.	Minn. R. 9502.0335 Subp. 1. License application. A license to operate a family or group family day care residence must be obtained from the department.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LICENSING		
		Minn. R. 9502.0335 Subp 4. Period of licensure; nontransfer. A license must be issued by the department when the provider fully complies with parts 9502.0315 to 9502.0445. The period of licensure may be up to two years. The license must not be transferred to another provider.
M.S.A. § 245A.09 Subd. 2. Standards and regulatory methods. This subdivision applies to rules governing this chapter that are adopted after July 1, 1987. As appropriate for each type of license: (a) The commissioner shall give preference in rule to standards that describe program outcomes and the practices that have been shown to result in the desired program outcomes. (b) The rules may include model program standards for each type of program licensed by the commissioner.		
CATEGORY: State Authorities Definitions		
M.S.A. § 245A.02 Subd. 5. Commissioner. "Commissioner" means the commissioner of human services or the commissioner's designated representative including county agencies and private agencies.	Minn. R. 9503.0005 Commissioner. "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative.	Minn. R. 9502.0315 Subp. 8. Commissioner. "Commissioner" means the Minnesota commissioner of the Department of Human Services or the commissioner's authorized representative.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
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LICENSING		
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<p>M.S.A. § 245A.09 Subdivision 1. Commissioner's authority. The commissioner shall adopt rules under chapter 14 to govern the operation, maintenance, and licensure of programs subject to licensure under this chapter. The commissioner shall not adopt any rules that are inconsistent with or duplicative of existing state or federal regulations. Nothing in this subdivision shall be construed to prohibit the commissioner from incorporating existing state or federal regulations or accreditation standards by reference. (c) The rules shall include basic licensing standards governing licensure of each type of program licensed by the commissioner. The basic licensing standards must be met by all applicants and license holders. Basic licensing standards must include, but are not limited to: (1) standards for adequate staff that take into account the age distribution and severity of the disability of persons served by the program; (2) safety standards that take into account the size and conditions of the physical plant and studies of fire safety including studies of the interaction between fire detection factors, fire spread factors, and evacuation factors in case of a fire; (3) standards for program services that describe, when appropriate, adequate levels of shelter, nutrition, planned activities, materials, and qualifications of individuals responsible for administering and delivering program services; (4) standards that describe the characteristics of the settings where program services are to be delivered; and (5) health and sanitation standards.</p>		
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CATEGORY: Voluntary		
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<p>M.S.A. § 245A.03 Subd. 4. Excluded child care programs; right to seek licensure. Nothing in this section shall prohibit a child care program that is excluded from licensure under subdivision 2, clause (2), or under Laws 1997, chapter 248, section 46, as amended by Laws 1997, First Special Session chapter 5, section 10, from seeking a license under this chapter. The commissioner shall ensure that any application received from such an excluded provider is processed in the same manner as all other applications for licensed family day care.</p>		
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Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
EXEMPTIONS		
CATEGORY: Exemptions		
<p>M.S.A. § 245A.03 Subd. 2. Exclusion from licensure. (a) This chapter does not apply to: (1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a child foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a; (2) nonresidential programs that are provided by an unrelated individual to persons from a single related family; (5) programs operated by a public school for children 33 months or older; (6) nonresidential programs primarily for children that provide care or supervision for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located ...</p>		<p>Minn. R. 9502.0325 Subp. 3. Exclusion from licensure. Under Minnesota Statutes, section 245A.03, the following day care situation are excluded from licensure under parts 9502.0315 to 9502.0445: A. day care provided by a relative to only related children; or B. day care provided to children from a single, unrelated family, for any length of times; or C. day care provided for a cumulative total of less than 30 days in any 12-month period; or D. the exclusions contained in items A and B are mutually exclusive.</p>
<p>M.S.A. § 245A.03 Subd. 2. (11) recreation programs for children or adults that are operated or approved by a park and recreation board whose primary purpose is to provide social and recreational activities; (12) programs operated by a school as defined in section 120A.22, subdivision 4; YMCA as defined in section 315.44; YWCA as defined in section 315.44; or JCC as defined in section 315.51, whose primary purpose is to provide child care or services to school-age children; (13) Head Start nonresidential programs which operate for less than 45 days in each calendar year; (15) programs for children such as scouting, boys clubs, girls clubs, and sports and art programs, and nonresidential programs for children provided for a cumulative total of less than 30 days in any 12-month period; (17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregational care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship; (18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630; ... (20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;</p>		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
EXEMPTIONS		
<p>M.S.A. § 245A.03 Subd. 2. (28) a program serving only children who are age 33 months or older, that is operated by a nonpublic school, for no more than four hours per day per child, with no more than 20 children at any one time, and that is accredited by: (i) an accrediting agency that is formally recognized by the commissioner of education as a nonpublic school accrediting organization; or (ii) an accrediting agency that requires background studies and that receives and investigates complaints about the services provided.</p>		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
CATEGORY: Enables Local Authorities		
<p>M.S.A. § 245A.15 The authority of local units of government to establish requirements for family day care programs is limited by section 299F.011, subdivision 4a, clauses (1) and (2).M.S.A. § 245A.15 The authority of local units of government to establish requirements for family day care programs is limited by section 299F.011, subdivision 4a, clauses (1) and (2).</p>		<p>Minn. R. 9502.0335 Subp 2. (B) The residence must comply with any applicable local ordinances.</p>
CATEGORY: Fire		

<p>M.S.A. § 245A.151 When licensure under this chapter requires an inspection by a fire marshal to determine compliance with the State Fire Code under section 299F.011, a local fire code inspector approved by the state fire marshal may conduct the inspection. If a community does not have a local fire code inspector or if the local fire code inspector does not perform the inspection, the state fire marshal must conduct the inspection. A local fire code inspector or the state fire marshal may recover the cost of these inspections through a fee of no more than \$50 per inspection charged to the applicant or license holder. M.S.A. § 245A.151 When licensure under this chapter requires an inspection by a fire marshal to determine compliance with the State Fire Code under section 299F.011, a local fire code inspector approved by the state fire marshal may conduct the inspection. If a community does not have a local fire code inspector or if the local fire code inspector does not perform the inspection, the state fire marshal must conduct the inspection. A local fire code inspector or the state fire marshal may recover the cost of these inspections through a fee of no more than \$50 per inspection charged to the applicant or license holder.</p>		
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Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
CATEGORY: Fire		
<p>M.S.A. § 299F.011 Subd. 4. Applicability; local authority. The State Fire Code shall be applicable throughout the state and in all political subdivisions and municipalities therein. However, nothing in this subdivision shall prohibit a local unit of government otherwise authorized by law from adopting or enforcing any ordinance or regulation which specifies requirements equal to, in addition to, or more stringent than the requirements of the State Fire Code. Any ordinance or regulation adopted by a local unit which differs from the State Fire Code must be directly related to the safeguarding of life and property from the hazards of fire, must be uniform for each class or kind of building covered, and may not exceed the applicable requirements of the State Building Code adopted pursuant to sections 326B.101 to 326B.151.</p>		
<p>M.S.A. § 299F.011 M.S.A. § 299F.011 Subd. 4a. (d) The Department of Human Services may by rule adopt procedures for requesting the state fire marshal or a local fire marshal to conduct an inspection of day care homes to ensure compliance with state or local fire codes.</p>		
<p>M.S.A. § 299F.011 Subd. 4a. Day care home regulation. (a) Notwithstanding any contrary provision of this section, the fire marshal shall not adopt or enforce a rule: (1) establishing staff ratios, age distribution requirements, and limitations on the number of children in care; (2) regulating the means of egress from family or group family day care homes in addition to the egress rules that apply to the home as a single family dwelling; or (3) confining family or group family day care home activities to the floor of exit discharge.</p>		
CATEGORY: Inspections		
<p>M.S.A. § 245A.04 Subd. 5. Commissioner's right of access. In conducting inspections, the commissioner may request and shall receive assistance from other state, county, and municipal governmental agencies and departments.</p>		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
<p>M.S.A. § 245A.10 Subd. 2. County fees for background studies and licensing inspections. (a) For purposes of family and group family child care licensing under this chapter, a county agency may charge a fee to an applicant or license holder to recover the actual cost of background studies, but in any case not to exceed \$100 annually. A county agency may also charge a license fee to an applicant or license holder not to exceed \$50 for a one-year license or \$100 for a two-year license. (b) A county agency may charge a fee to a legal nonlicensed child care provider or applicant for authorization to recover the actual cost of background studies completed under section 119B.125, but in any case not to exceed \$100 annually. (c) Counties may elect to reduce or waive the fees in paragraph (a) or (b): (1) in cases of financial hardship; (2) if the county has a shortage of providers in the county's area; (3) for new providers; or (4) for providers who have attained at least 16 hours of training before seeking initial licensure. (d) Counties may allow providers to pay the applicant fees in paragraph (a) or (b) on an installment basis for up to one year. If the provider is receiving child care assistance payments from the state, the provider may have the fees under paragraph (a) or (b) deducted from the child care assistance payments for up to one year and the state shall reimburse the county for the county fees collected in this manner.</p>		
CATEGORY: Local Authority Definitions		
<p>M.S.A. § 119B.011 Subd. 9. County board. "County board" means the board of county commissioners in each county. M.S.A. § 119B.011 Subd. 9. County board. "County board" means the board of county commissioners in each county.</p>		
<p>M.S.A. § 245A.02 Subd. 6. County agency. "County agency" means the agency designated by the county board of commissioners, human service boards, local social services agencies or multicounty local social services agencies, or departments where those have been established under the law.</p>		<p>9502.0315 Subp. 3. Agency. "Agency" means the county or multicounty social or human service agency governed by the county board or multicounty human service board.</p>
		<p>9502.0315 Subp. 15. Agent of a board of health. "Agent of a board of health" as authorized under Minnesota Statutes, section 145a.04, means the designated representative of the state or board of health authorized to enforce state and local health codes.</p>

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
<p>M.S.A. § 299F.011 Subd. 4a. (b) For purposes of this subdivision, “family or group family day care home” means a dwelling unit in which the day care provider provides the services referred to in section 245A.02, subdivision 10, to one or more persons.</p>		
CATEGORY: Minimum Standards		
<p>M.S.A. § 245A.09 Subd. 6. Consultation with affected parties. In developing rules, the commissioner shall request and receive consultation from: other state departments and agencies; counties and other affected political subdivisions that reflect the diversity of political subdivisions affected by the rule; persons and relatives of persons using the program governed by the rule; advocacy groups; and representatives of license holders affected by the rule. M.S.A. § 245A.09 Subd. 6. Consultation with affected parties. In developing rules, the commissioner shall request and receive consultation from: other state departments and agencies; counties and other affected political subdivisions that reflect the diversity of political subdivisions affected by the rule; persons and relatives of persons using the program governed by the rule; advocacy groups; and representatives of license holders affected by the rule.</p>		<p>9502.0335 Subp. 2. B. the residence must comply with any applicable local ordinances.</p>
<p>M.S.A. § 299F.011 Subd. 4a. (c) Nothing in this subdivision prohibits the Department of Human Services from adopting or enforcing rules regulating day care, including the subjects in paragraph (a), clauses (1) and (3). The department may not, however, adopt or enforce a rule stricter than paragraph (a), clause (2).</p>		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
CATEGORY: Miscellaneous		
<p>M.S.A. § 245A.14 Subd. 11. Swimming pools; family day care and group family day care providers. (a) This subdivision governs swimming pools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. This subdivision does not apply to portable wading pools or whirlpools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. For a provider to be eligible to allow a child cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must not have had a licensing sanction under section 245A.07 or a correction order or conditional license under section 245A.06 relating to the supervision or health and safety of children during the prior 24 months, and must satisfy the following requirements: (17) satisfy any existing local ordinances regarding swimming pool installation, decks, and fencing; M.S.A. § 245A.14 Subd. 11. Swimming pools; family day care and group family day care providers. (a) This subdivision governs swimming pools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. This subdivision does not apply to portable wading pools or whirlpools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. For a provider to be eligible to allow a child cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must not have had a licensing sanction under section 245A.07 or a correction order or conditional license under section 245A.06 relating to the supervision or health and safety of children during the prior 24 months, and must satisfy the following requirements: (17) satisfy any existing local ordinances regarding swimming pool installation, decks, and fencing;</p>		
		<p>9502.0335 Subp. 1(C) An application for licensure is complete when the applicant completes, signs, and submits all department forms and documentation needed for licensure to the agency and the agency receives all inspection, zoning, evaluation, and investigative reports, documentation, and information required to verify compliance with parts 9502.0315 to 9502.445 and Minnesota Statutes.</p>

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
		9502.0445 Subp. 1. A. Water from privately owned wells, must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. The provider shall file a record of the test results with the agency. Retesting and corrective measures may be required by the agency if results exceed state drinking water standards or where the supply may be subject to off-site contamination.
M.S.A. § 245A.09 For rules adopted after July 1, 1987, the commissioner shall: (4) take measures to ensure that rules are enforced uniformly throughout the state.		
CATEGORY: Notification		
M.S.A. § 245A.04 Subd. 2. Notification of affected municipality. The commissioner must not issue a license without giving 30 calendar days' written notice to the affected municipality or other political subdivision unless the program is considered a permitted single-family residential use under sections 245A.11 and 245A.14. The notification must be given before the first issuance of a license and annually after that time if annual notification is requested in writing by the affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a residential or nonresidential program licensed under this chapter until the provisions of this subdivision have been complied with in full. The provisions of this subdivision shall not apply to programs located in hospitals.		
CATEGORY: Reporting Hotlines		
M.S.A. § 245A.145 Subdivision 1. Policies and procedures. (a) All licensed child care providers must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements in section 626.556 and must develop policies and procedures for reporting complaints about the operation of a child care program. The policies and procedures must include the telephone numbers of the local county child protection agency for reporting suspected maltreatment; the county licensing agency for family and group family child care providers; and the state licensing agency for child care centers.		9502.0375 Subpart 1. All caregivers shall report any suspected physical abuse, sexual abuse, or neglect of a child to the agency or police as required by Minnesota Statutes, section 626.556. If a caregiver has reasonable cause to believe a child has died as a result of physical or sexual abuse or neglect, the caregiver shall report this information to the county medical examiner or coroner.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
CATEGORY: Zoning		
<p>M.S.A. § 299F.011 Subd. 3. Rules for code administration and enforcement. The commissioner of public safety shall adopt rules as may be necessary to administer and enforce the code, specifically including but not limited to rules for inspection of buildings and other structures covered by the code and conforming the code to the governmental organization of Minnesota state agencies, political subdivisions and local governments.</p>	<p>9503.0155 Subpart 1. In areas of the state that have adopted the Minnesota State Building Code, the applicant must comply with the standards specified by the code if the application is an initial one. In those areas of the state that have not adopted the Minnesota State Building Code, an applicant for licensure must comply with any applicable local building ordinances if the application is an initial one.</p>	
<p>M.S.A. § 245A.14 Subd. 2. Permitted multifamily use. Except as otherwise provided in subdivision 1 or in a town, municipal, or county regulation, a licensed nonresidential program with a licensed capacity of 13 to 16 persons shall be considered a permitted multifamily residential use of property for purposes of zoning. A town, municipal, or county zoning authority may require a conditional use or special use permit in order to assure proper maintenance and operation of the program. Conditions imposed on the nonresidential program must not be more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones unless the additional conditions are necessary to protect the health and safety of the persons being served by the nonresidential program. Nothing in this chapter shall be construed to exclude or prohibit nonresidential programs from single-family zones if otherwise permitted by local zoning regulations.</p>		
<p>M.S.A. § 245A.14 Subd. 4. Special family day care homes. Nonresidential child care programs serving 14 or fewer children that are conducted at a location other than the license holder's own residence shall be licensed under this section and the rules governing family day care or group family day care if:(E) The county licensing agency may grant a capacity variance to a license holder licensed under this paragraph to exceed the licensed capacity of 14 children by no more than five children during transition periods related to the work schedules of parents, if the license holder meets the following requirements: (5) the program is in compliance with local zoning regulations;</p>		<p>Minn. R. 9502.0335 Subp 2. (B) The residence must comply with any applicable local ordinances.</p>
		<p>9502.0425 Subp. 13. Day care residences must have toilet facilities and sewage disposal systems that conform to the State Building Code or local septic system ordinances. Outdoor toilets are permissible when local ordinances allow.</p>

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
LOCAL AUTHORITY CONTROL		
M.S.A. § 245A.14 Subdivision 1. A licensed nonresidential program with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations.		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
NUTRITION		
CATEGORY: Discipline		
	9503.0055 The license holder must have and enforce a policy that prohibits the following actions by or at the direction of a staff person: E. Withholding food as a punishment for unacceptable behavior.	9502.0395 Subp. 2. B. Food shall not be withheld from the child.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
NUTRITION		
CATEGORY: Food Safety/Sanitation		
	<p>9503.0145 Subp. 3. Sanitation. Procedures for preparing, handling, and serving food, and washing food, utensils, and equipment must comply with the requirements for food and beverage establishments in chapter 4626. If the food is prepared off site by another facility or if food service is provided according to a contract with a food service provider, the facility or license holder must ensure that food is prepared in compliance with 4626. The license holder must provide refrigeration for dairy products and other perishable foods, whether supplied by the license holder or supplied by the parent. The refrigeration must have a temperature of 40 degrees Fahrenheit or less. Tables and high chair trays used for meals must be washed with soap and water before and after each use.</p>	<p>9502.0445 Subp. 4. Food must be handled and stored properly to prevent contamination and spoilage. A. All food and cooking utensils must be stored to protect them from dust, vermin, pipe leakage, or other contamination. B. Food requiring refrigeration must be maintained at no more than 40 degrees Fahrenheit. Food requiring heating must be maintained at no less than 150 degrees Fahrenheit until ready to serve. Frozen food must be maintained in a solid state until used. C. Appliances used in food storage and preparation but be safe and clean. D. No hermetically sealed (canned), nonacid or low-acid food which has been processed in a place other than a commercial food-processing establishment shall be served to children in care. Low-acid food includes meats, fish, and poultry and most vegetables and is required to be steam-pressure canned by the United States Department of Agriculture in Bulletin number 8, "Home Canning of Fruits and Vegetables," 1983 Edition. Fresh and frozen foods, properly canned tomatoes, pickled food, and canned fruits such as apples, berries, peaches, apricots, jams, and jellies may be served to children in care. The USDA "Home Canning of Fruits and Vegetables." Home and Garden Bulletin number 8. 1983 Edition, is incorporated by reference. It is not subject to frequent change and is available through Minitex interlibrary loan system, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington D.C., 20402,</p>
		<p>Minn. Stat. 9502.0435 Subp. 15 A child's hands must be washed with soap and water when soiled and before eating a meal or snack. The provider shall monitor and assist the child who needs help.</p>
		<p>Minn. Stat. 9502.0435 Subp. 15 (B) Caregivers shall wash their hands with soap and water before food preparation. Hands must be dried on a single use towel.</p>

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
NUTRITION		
CATEGORY: Frequency of Feedings		
	9503.0145 Subp. 7. Infants diets. The diet of an infant must be determined by the infant's parent. Centers serving infants must: A. obtain written dietary instructions from the parent of the child; B. have the infant's feeding schedule available in the food preparation area; C. offer the child formula or milk and nutritionally adequate so solid foods in prescribed quantities at specified time intervals; and B. label each child's bottle.	
CATEGORY: How to Feed		
		9502.0415 Subp. 4. Newborn or infant activities. The provider shall: A. Hold the infant or newborn during bottle feedings until the child can hold its own bottle. Bottles must not be propped.
		Minn. Stat. 9502.0405 Subp. 1 When admitting a child to day care, the provider and parents shall discuss feeding.
CATEGORY: Miscellaneous		
	9503.0090. Subp. 2. The license holder must ensure that the parent of a child is informed of the child's progress. The license holder must ensure that: D. daily written reports are made to the parent of an infant or toddler about the child's food intake.	
		Minn. Stat. 9502.0335 Subp. 8. An applicant or provider may request a variance from compliance with parts 9502.0315 to 9502.0445. When reviewing a variance request of parts 9502.0315 and 9502.0445, the department shall assess whether alternative methods are identified by the applicant to ensure the health, safety, and protection of children in care. A variance may be granted only if: D. any variance of the provisions in part 9502.0435 relating to sanitation and health and part 9502.0445 on water, food, and nutrition are approved by an authorize agent and alternative measures are identified to ensure the health of children incare.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
NUTRITION		
		Minn. Stat. 9502.0355 Subp. 3. (B) (2) A group family day care applicant shall meet all the requirements listed in subparts 1 and 2 for family day care. A group family day care applicant shall also meet the qualifications in item A, B, or C. A minimum of six months' substantial compliance with parts 9502.0315 to 9502.0445 as a licensed family day care provider' an thirty hours of child care, health, and nutrition training as specified in part 9502.0385, and a minimum of 520 hours of experience as an assitant teacher, student teacher, or intern in an elementary school or licensed child care center, or as an assistant adult caregiver in alicensed group family day care home.
	9503.0030 Subp. 1. (B) "Education" means accredited course work from an accredited postsecondary institution in ... child nutrition ...	
CATEGORY: Quality and Quantity of Food		
	9503.0090. Subp. 1. At the time of a child's enrolment, the parent must be provided with written notification of the: K center's policies on the provision of meals and snacks.	9502.0405 Subp. 3. The provider shall have the following written information available for discussion with parents or the agency: C. meals and snacks to be served; D. labeling requirements for food brought from the child's home.
	9503.0145 Subp. 1. food. The license holder must see that meals and supplemental snacks are available.	
	9503.0145 Subp. 2. Menus. When food is provided by the license holder, menus must comply with the nutritional requirements of the United States Department of Agriculture, Food and Nutrition Service, Code of Federal Regulations, title 7, section 226.20.	

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
NUTRITION		
	<p>9503.0145 Subp. 4. Meals and snacks. Each meal must provide one-third of the child's daily nutritional needs as specified by the United States Department of Agriculture, Food and Nutrition Services, in code of Federal Regulations, title 7, section 226.20. The license holder must provide or ensure the availability of: A. a snack for a child in attendance for more than two hours, but fewer than five hours; B. one meal two snacks or two meals and one snack for a child in attendance five to ten hours unless four more of these hours are spent in sleep; C. a minimum of two meals and two snacks for a child in attendance more than ten hours unless four or more of these hours are spent in sleep; and D. program staff who are sealed with the children during meal and snack times.</p>	<p>9502.0445 Subp. 3. Meals and snacks. Well-balanced meals and snacks must be offered daily. A. Food served during the day must include servings from each of the basic food groups as defined by the United States Department of Agriculture's Code of Federal Regulations, title 7, section 226.20. B. The provider shall follow written instructions obtained from the parents, at the time of enrollment, on each child's special diet or food needs. Parents shall be consulted about special food preferences. C. Flexible feeding schedules must be provided for infants and toddlers, and the infant or toddler's usual diet and feeding schedule must be followed. D. Food, lunches, and bottles brought from home must be labeled with the child's name and refrigerated when necessary. Bottles must be washed after use.</p>
		<p>9502.0445 Subp. 2. Milk. Milk served to children in care must be pasteurized.</p>
	<p>Minn. Stat. 9503.0145 Subp. 1. Food. The license holder must see that meals and supplemental snacks are available. Bag lunches provided by the parent are acceptable as specified in subpart 4.</p>	
CATEGORY: Special Diet/Allergies		
	<p>9503.0125 At the time of enrollment in the center, the license holder must ensure that a record is maintained on each. The record must contain: J. for children age six weeks to 36 months, a description of the child's eating habits; K. documentation of any dietary needs of the child.</p>	
	<p>9503.0145 Subp. 5. Prescribed diet needs. The license holder must provide for a child's dietary needs prescribed by the child's source of medical care or require the parent to provide the prescribed diet items that are not part of the menu plan approved in subpart 2. A license holder serving a child who has a prescribed diet must keep the diet order and its duration specified in the child's record. All staff designated to provide care to the child must be informed of the diet order.</p>	

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
NUTRITION		
	9503.0145 Subp. 6. food allergy information. Information about food allergies of the children in the center must be available in the area where food is prepared or served to children with allergies. All staff providing care to the child must be informed of the allergy.	9502.0355 Subp. 4. B. Special instructions from the parent shall be obtained in writing and followed about eating and allergies.
CATEGORY: Training/Qualifications		
M.S.A. § 245A.50 Subd. 7. In-service. (a) A license holder must ensure that an annual in-service training plan is developed and carried out and that it meets the requirements in clauses (1) to (7). The in-service training plan must: (7) provide that the remainder of the in-service training requirement be met by participation in training in child growth and development; learning environment and curriculum; assessment and planning for individual needs; interactions with children; families and communities; health, safety, and nutrition; and program planning and evaluation.		
CATEGORY: Training/Qualifications		
M.S.A. § 245A.50 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 caregiver must complete eight hours of 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. Ongoing training subjects must be selected from the following areas: (6) "health, safety, and nutrition" includes training in establishing and maintaining an environment that ensures children's health, safety, and nourishment.		
M.S.A. § 245A.40 Subd. 7. (b) For purposes of this subdivision, the following terms have the meanings given them. (6) "Health, safety, and nutrition" means training in establishing and maintaining an environment that ensures children's health, safety, and nourishment, including first aid, cardiopulmonary resuscitation, child nutrition, and child abuse and neglect prevention.		
CATEGORY: Water		
	9503.0145 Subp. 8. Water. The center must have a safe water supply. Drinking water must be available to children throughout the hours of operation and offered at frequent intervals. Drinking water for children must be provided in single service drinking cups or from drinking fountains accessible to children.	9502.0445 Subp. 1. Water. There must be a safe water supply in the residence. B. Drinking water must be available to the children and offered at frequent intervals in separate or single service drinking cups or bottles.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
SPACE AND EQUIPMENT		
CATEGORY: Definition		
	Minn. R. 9503.0030 Subp. 1. (B) "Education" means accredited course work from an accredited postsecondary institution in ... recreational sports...	
CATEGORY: Equipment		
	Minn. R. 9503.0060 C. "Large muscle equipment" means equipment that is designed to enhance large muscle development and coordination, such as playground equipment, large boxes and pillows, large wheel toys, pull toys, balls, jump ropes, climbers, and rocking boats.	
	Minn. R. 9503.0060 Subp. 4. Equipment and materials for toddlers. The minimum equipment required for a center serving toddlers is as follows: B. Program equipment and materials: (8) three pieces of durable, indoor, large muscle equipment per group; (9) three pieces of durable, outdoor, large muscle equipment per group.	
	Minn. R. 9503.0060 Subp. 5. Equipment and materials for preschoolers. The minimum equipment required for a center serving preschoolers is as follows: B. Program equipment and materials: (8) three pieces of durable, indoor, large muscle equipment per group; (9) three pieces of durable, outdoor, large muscle equipment per group.	
CATEGORY: Indoor Space		
	Minn. R. 9503.0155 Subp. 9. Indoor space. The licensed capacity of the center must be limited by the amount of indoor space. A minimum of 35 square feet of indoor space must be available for each child in attendance.	Minn. R. 9502.0425 Subp. 1. Indoor space. The licensed capacity of the day care residence must be limited by the amount of usable indoor space available to children. A minimum of 35 square feet of usable indoor space is required per child.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
SPACE AND EQUIPMENT		
CATEGORY: Outdoor Space		
	<p>Minn. R. 9503.0155 Subp. 7. Outdoor activity area. An outdoor activity area that complies with the following items must be provided or available fo all child care programs. A. A center must have an outdoor activity area of a least 1,500 square feet, and there must be at least 75 square feet of space per child within the area at any given time during use. B. An outdoor activity area used daily by children under school age must be within 2,000 feet of the center or transportation must be provided by the license holder. In no case, however, shall the outdoor activity area be farther than one-half mile from the center. E. The area must contain the outdoor large muscle equipment required by part 9503.0065.</p>	<p>Minn. R. 9502.0425 Subp. 2. Outdoor play space. There must be an outdoor play space of at least 50 square feet per child in attendance, adjacent to the residence, for regular use, or a park, playground, or play space within 1,500 feet of the residence.</p>

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
PHYSICAL ACTIVITY		
CATEGORY: Activity Plans		
	<p>9503.0045 Subp. 1. The applicant must develop a written child care program plan, and the license holder must see that it is carried out. The child care program plan must: I. provide a daily schedule for both indoor and outdoor activities; J. provide for activities that are both quiet and active; K. Provide for a variety of activities that require the use of varied equipment and materials.</p>	
	<p>Minn. R. 9503.0045 Subp. 1 (F) The applicant must develop a written child care program plan, and the license holder must see that it is carried out . The child care program plan must: have stated goals and objective to promote the physical, development of the children in each age category in part 9503.0005, subpart 2, for which care is provided.</p>	

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
PHYSICAL ACTIVITY		
	Minn. R. 9503.0045 Subp. 1 (G) The applicant must develop a written child care program plan and the license holder must see that it is carried out. The child care program plan must: specify activities designed to promote the physical development of a child in a manner consistent with the child's cultural background.	
CATEGORY: Activity/Infants		
		9502.0415 Subp. 4. Newborn or infant activities. The provider shall: C. Provide freedom of movement to the infant or newborn during a large part of the waking day to the extent that safety and weather permits. The noncreeping child shall spend part of each day out of a crib or infant seat. The creeping infant or newborn shall have freedom to explore outside of the crib or infant seat.
		Minn. R. 9502.0415 Subp. 6. Toddler activities. The provider shall: A. Provide the toddler with freedom of movement and freedom to explore outside the crib or playpen. C. Provide the toddler with large muscle activities and activities which develop the child's small muscles and manipulative skills.
CATEGORY: Miscellaneous		
9503.0050 Subp. 3. A child who has completed a nap or rested quietly for 30 minutes must not be required to remain on a cot or mat or in a crib or bed.		
CATEGORY: Outdoor time		
	9503.0045 Subp. 1. The applicant must develop a written child care program plan, and the license holder must see that it is carried out. The child care program plan must: I. provide a daily schedule for both indoor and outdoor activities.	9502.0415 Subp. 1. Day care activities must provide for the physical development of the child. Activities must: A. be scheduled indoors and outdoors; C. include active activity; and D. contain provider-directed and child-initiated activity.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
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PHYSICAL ACTIVITY

CATEGORY: Physical Activity Requirements

	<p>9503.0045 Subp. 2. Interest areas. A child care program that operates for more than three hours a day must provide daily access to interest areas of the center that are supplied with the equipment and materials needed to carry out the activities specified in items A to H, except that a child care program serving only school-age children and operating for less than 90 consecutive calendar days or any program operating for less than three hours a day must provide each child with daily access to indoor or outdoor large muscle activities specified in item G and at least five of the following interest areas: G. large muscle activities.</p>	
		<p>Minn. R. 9502.0415 Subp. 8. Preschooler activities. The provider shall: F. Provide time and areas for age appropriate large muscle play.</p>

CATEGORY: Training/Qualifications

<p>M.S.A. § 245A.50 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 caregiver must complete eight hours of 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. Ongoing training subjects must be selected from the following areas: (1) "child growth and development training" has the meaning given in subdivision 2, paragraph (a);</p>		
<p>M.S.A. § 245A.40 Subd. 7. (b) For purposes of this subdivision, the following terms have the meanings given them. (2) "Learning environment and curriculum" means training in establishing an environment that provides learning experiences to meet each child's needs, capabilities, and interests, including ... recreation, sports ...</p>		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
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SCREEN TIME

CATEGORY:

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
BREAST FEEDING		
CATEGORY: Handling Breast Milk		
Minn. R. 9503.0145 Subp. 7. Infant diets. The license holder must ensure that sanitary procedures and practices are used to prepare, handle, and store formula, milk, breast milk, solid foods, and supplements. Procedures must be reviewed and certified by a health consultant.		

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
TOBACCO		
CATEGORY: Miscellaneous		
		Minn. R. 9502.0405 Subp. 3. The provider shall have the following written information available for discussion with parents or the agency: P. whether or not smoking is permitted in the residence during the hours children are in care.
CATEGORY: Tobacco Restrictions		
		Minn. R. 9502.0425 Subp. 19. Smoking is prohibited in group family child care homes. Pursuant to Minnesota Statutes, section 144.414, subdivision 2, smoking is prohibited in a group family child care provider's home during hours of operation.

Relevant Statutes	Child Care Center Regulations	Family Home Care Regulations
PLAYGROUND SAFETY		
CATEGORY: Fences		
	Minn. R. 9503.0155 Subp. 7. C. The area must be enclosed if it is located adjacent to a traffic, rail, water, machinery, or other environmental hazard, unless the area is a public park or playground.	

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