



Rule and Statute Summary

Family Child Care

Minnesota Rules, parts [9502.0300 - 9502.0445](#), &
Minnesota Statutes, [Chapters 245A.02](#), & [section 245C.03](#)

- A. Minnesota Rules, Parts 9502.0300 to 9502.0445 govern the provisions of licensing family and group family child care. Minnesota Statutes, Chapter 245A, governs licensed programs and may supersede some requirements in the family child care rule. Minnesota Statutes, Chapter 245C, governs background study processes in licensed programs.
- B. Headings of the rule and statute are as follows:
- [9502.0315](#) - **Definitions.** This defines terms in the licensing rule.
 - [245A.02](#) – **Definitions.** This defines terms in the statutes.
 - [245A.03](#) - **Who must be licensed.** This specifies who requires a license or exclusions from one.
 - [9502.0335](#) - **Licensing process.** This specifies the process for licensing, and describes which conditions may affect the licensing process.
 - [9502.0345](#) - **Agency records.** This specifies which records must be maintained by the county social service or human service agency for each provider.
 - [9502.0355](#) - **Caregiver qualifications.** This specifies the qualifications of providers of family and group family day care.
 - [9502.0365](#)
 - [9502.0367](#) - **Licensed capacity, child/adult ratios, age distribution restrictions.** This specifies the requirements of the total number of children in care including children under school age and total number of infants and toddlers. It also specifies the number of required caregivers including whether a caregiver must be an adult.
 - [9502.0375](#) - **Reporting to agency.** This specifies which reports the provider must make to the licensing agency or police, including suspected abuse and neglect of children.
 - [9502.0395](#) - **Behavior guidance; discipline.** This specifies the methods of child guidance to be utilized in family and group family day care. It also specifies that corporal punishment and emotional abuse are prohibited.
 - [245A.04](#) - **Application procedures.** This specifies the process for licensing including the Commissioner’s right of access.

- [9502.0405](#) - **Admissions; provider records; reporting.** This specifies what must be included in provider policies. It specifies what information the provider is required to maintain on each child in care including records for children with disabilities.
- [245A.041](#)- **Systems and records.** This specifies the maintenance and retention of records.
- [9502.0415](#) - **Activities and equipment.** This specifies the activities and equipment which must be provided to facilitate the physical, intellectual, emotional, and special development of children in day care.
- [9502.0425](#) - **Physical environment.** This specifies the physical environment requirements including indoor and outdoor play space, water hazards, means of escape, stairways, decks, sewage disposal, indoor temperature, fire extinguishers, smoke detection systems, etc. Also includes smoking prohibition.
- [9502.0435](#) - **Sanitation and health.** This specifies sanitation and health requirements including toxic substances, sanitation and cleanliness, firearms, emergency procedures, pets in the home, diapering procedures, care of ill children, and the administration of medication.
- [9502.0445](#) - **Water, food, and nutrition.** This specifies requirements for food storage, safe water, milk, meals, and snacks.
- [245A.05](#) - **Denial of application.** This specifies the reasons for denial of an application.
- [245A.06](#) - **Correction order and conditional license.** This specifies the reasons for issuing correction orders, fix it tickets and for issuing a conditional license.
- [245A.065](#)- **Child care fix-it ticket.** This specifies the violations and timelines for a fix-it ticket.
- [245A.07](#) - **Sanctions.** This specifies the reasons for issuing licensing actions such as suspensions, revocations, fines, and temporary immediate suspensions.
- [245A.075](#)- **Disqualified individual.** This is for keeping a disqualified individuals away from the license holder's home when a set-aside and variance has not been issued.
- [245A.08](#)- **Hearings.** This specifies the process of granting subsequent license after revocation.
- [245A.081](#)- **Settlement agreement.** This is for a license holder or the commissioner to discuss a possible settlement agreement related to a licensing sanction.
- [245A.10](#)- **Fees.** This specifies fees that maybe be charged for licensing.
- [245A.14](#) – **Special conditions for nonresidential programs.** This specifies additional requirements for special family child care homes – as well as additional requirements for wading pools, swimming pools, attendance records and parental access.

- [245A.1434](#) - **Information for child care license holders.** This specifies the commissioner shall inform license holders of changes to state and federal statute, rule, regulation and policy changes in a timely manner.
- [245A.1435](#) - **Reduction of risk of sudden unexpected infant death in licensed programs.** This specifies safe sleeping requirements for sleeping infants in care.
- [245A.145](#) - **Child care program reporting notification.** This specifies that licensed holders must have policies for reporting suspected child maltreatment and program complaints.
- [245A.146](#) - **Crib safety requirements.** This specifies requirements and standards for cribs used by infants in care including monthly crib safety inspections.
- [245A.147](#) - **Family child care infant sleep supervision requirements.** This specifies suggestions for in-person checks for sleeping infants and the use of monitors.
- [245A.148](#) - **Family child care diapering area disinfection.** This specifies requirements for the disinfecting of the diaper changing area.
- [245A.149](#) - **Supervision of Family Child Care License Holder's Own Child.** This specifies supervision of a providers own child during childcare hours.
- [245A.151](#) - **Fire Marshal inspection.** This specifies who may complete a fire marshal inspection and how much an inspection costs.
- [245A.1511](#) - **Contractors serving multiple family child care license holders.** This specifies that contractors who serve multiple family child care homes may request that the county agency maintain a record of the contractor's Background Study results and training requirements.
- [245A.152](#) - **Childcare license holder insurance.** This specifies requirements regarding liability insurance and parent notification by the license holder.
- [245A.18](#) - **Child passenger restraint systems.** This specifies requirements when transporting children in care.
- [245A.50](#) - **Family child care training requirements.** This specifies training requirements for applicants, license holders, caregivers and substitutes in a family child care home.
- [245A.51](#) - **Family child care health and safety requirements.** This specifies requirements on allergies, handling bodily fluids and emergency preparedness.
- [245A.52](#) - **Physical Space Requirements.** This aligns Minnesota State Fire Code within family child care.
- [245A.53](#) - **Substitute Caregivers and replacements in family child care.** This specifies the use of substitutes.

[245C.03](#)- **Background study; individuals to be studied.** This specifies requirements regarding who must have a background study completed.

[245C.13](#) - **Background study processing.** This specifies notifications for study subjects.

- C. A complete copy of MN Rules, parts 9502.0300 to 9502.0445 and MN Statutes Chapters 245A and 245C may be viewed at the day care residence, the county agency, or the Minnesota Department of Human Services. It may also be viewed or printed by going to the website of the Minnesota Office of the Revisor of Statutes at www.revisor.leg.state.mn.us/