

Modification to Family Child Care Licensing Requirements

4/8/2020

Licensing

We recognize that these are unprecedented times and value child care providers as a viable and most important aspect of our communities. The Governor has designated child care providers as essential workers during the peacetime emergency declared in response to the COVID-19 pandemic. Each day brings new challenges and we have embraced new ways of doing our work. During this pandemic, child care providers face a rapidly changing situation which makes it challenging to remain in compliance with all of the usual licensing standards. To provide flexibility to providers, mitigate the spread of the virus, and protect the health and safety of children and providers, on March 20, 2020 the Minnesota Department of Human Services (DHS) Licensing Division suspended several licensing activities including:

- Routine licensing visits
- Issuance of fix-it tickets and correction orders,
- Issuance of licensing actions, except for temporary immediate suspension orders necessary to ensure health and safety, and
- The payment of outstanding fines as well as the issuance of new fines.

DHS Licensing also extended training deadlines and continued licenses that were due for renewal over the next three months.

With new, additional modifications to licensing standards and practices announced today, DHS is providing family child care providers with some additional flexibility to operate in a pandemic and be able to focus on the most critical health and safety measures needed during this time. In addition to the modifications issued on March 20, 2020, these modifications also provide additional flexibility to providers, mitigate the spread of the virus, and protect the health and safety of children and providers.

These additional modifications apply to ratios, immunization records, the use of public parks, and impose a new requirement to review guidance from the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC) specific to child care settings. DHS recognizes that guidance from MDH and the CDC may point providers in a different direction than licensing standards. If a family child care provider chooses to continue operating during the pandemic, the provider should feel empowered to follow the specific guidance from MDH and the CDC, use their discretion in making the best decisions for their program and efforts to keep children safe, and continue to use licensors for technical assistance as needed. These changes are effective April 9, 2020 until the conclusion of the peacetime emergency.

1. MDH and the CDC are providing guidance specific to child care providers who continue to operate. Their guidance continues to evolve as does their understanding of the COVID-19 virus and how to prevent it from spreading. Family child care providers must review and keep up-to-date on guidance from the [Minnesota Department of Health](#) and the [Centers for Disease Control](#) for child care providers on health and safety practices that prevent the spread of COVID-19 in a child care environment.
 - *DHS will continue to communicate current guidance and any updated guidance to providers via email and on the DHS website. In addition, updated information from DHS Licensing and Child Care Services Divisions, along with Minnesota's Children's Cabinet and the Department of Health, will continue to be available on mn.gov/childcare during this pandemic.*
2. During this pandemic, child care providers face a rapidly changing situation which makes it challenging to remain in compliance with all of the usual licensing standards. To the extent that MDH/CDC guidance is inconsistent with a licensing standard, providers are permitted to deviate from licensing requirements to the extent necessary to follow the MDH and/or CDC guidance. Providers must document any changes they make to policies or programming. For example:
 - *In order to follow the CDC guidance to engage in more thorough or frequent cleaning of toys and other items used by children, a provider may have to restrict use of sensory activities or dramatic play (e.g. dress-up clothing) because some of the items typically used cannot be adequately disinfected or because it is being rotated in and out of use as it is being disinfected.*
3. Similar to a C1 license, providers can now care for up to 8 children under school age while retaining their current license, if it is not a C1. Of those, no more than 3 children may be infants and toddlers. Of those, only 2 may be

infants. The total number of children permitted under the license has not changed; only the age distribution has changed.

- *For many providers who currently have a Class A or B license, this will increase the number of preschoolers who can be in their care. Providers who decide to make this temporary change do not need to request a variance. Current licenses will not be updated to reflect this temporary change.*
4. Immunization records must be obtained within 30 days of a child's first date of attendance.
- *This provides additional flexibility for providers by giving them additional time to obtain immunization records which currently must be obtained before the child's first day of attendance.*
5. Family child care providers are prohibited from using a public outdoor activity area during this time. Providers may use an outdoor activity area that is on-site, is not accessible to the public, and can be appropriately cleaned and disinfected.
- *In order to ensure children are safe and to reduce the risk of COVID-19 spread in the community, providers may not use public parks or playgrounds.*

Providers, if you are temporarily not operating because of COVID-19, please report to your licenser. DHS will not change your license status if you decide to close temporarily.

Providers, continue to work with your licenser to request variances, as needed. Neither the waiver nor the peacetime emergency affects a licenser's ability to consider granting variances.

In addition to the links above, you may find it helpful to review mn.gov/childcare for additional information and resources.

Background Studies

Please watch your emails, as additional information about background studies will be distributed by the DHS Background Studies Division.
