



Minnesota Department of **Human Services**

DATE: September 22, 2006

TO: **CHILD CARE CENTERS (DHS RULE 3)**

SUBJECT: Selected Highlights of Statutory Changes from 2006 Session; other information

(The following highlights are not a comprehensive list of statutory change impacting DHS license holders)

- I. Early Childhood Development Training** – Changes made during the 2006 Legislative Session established a new training requirement for child care center directors and all staff hired after July 1, 2006. These individuals are required to complete and document at least two hours of early childhood development training within the first year of employment unless the individual meets an exemption as identified under Minnesota Statutes, section 245A.14, subdivision 9a, paragraph (c).

Effective date: August 1, 2006

Statutory reference: Minnesota Statutes 2006, section 245A.14, subdivision 9a.

245A.14, subdivision 9a. Early childhood development training. (a) For purposes of child care centers, the director and all staff hired after July 1, 2006, shall complete and document at least two hours of early childhood development training within the first year of employment. Training completed under this subdivision may be used to meet the requirements of Minnesota Rules, part 9503.0035, subparts 1 and 4.

(b) For purposes of family and group family child care, the license holder and each adult caregiver who provides care in the licensed setting more than 30 days in any 12-month period shall complete and document at least two hours of early childhood development training within the first year of licensure or employment. Training completed under this subdivision may be used to meet the requirements of Minnesota Rules, part 9502.0385, subparts 2 and 3.

(c) Notwithstanding paragraphs (a) and (b), 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 masters degree in early childhood education or school age care within the past five years;

(3) are licensed in Minnesota as a prekindergarten teacher, an early childhood educator, a kindergarten to sixth grade 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.

II. First Aid Training Requirements – Changes were made during the 2006 Legislative Session that amended the first aid training requirements under Minnesota Statutes, section 245A.14, subdivision 12. The amendment restored the first aid requirements previously found under Minnesota Rules, part 9503.0035, subpart 2 (DHS Rule 3).

Effective date: August 1, 2006

Statutory reference: Minnesota Statutes 2006, section 245A.14, subdivision 12, paragraph (b).

245A.14, subdivision 12. First aid training requirements. (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. 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 shall include individuals approved as first aid instructors.

(b) All teachers and assistant teachers in a child care center governed by Minnesota Rules, parts 9503.0005 to 9503.0170, and at least one staff person during field trips and when transporting children in care must satisfactorily complete first aid training within 90 days of the start of work, unless the training has been completed within the previous three years. The first aid training must be repeated at least every three years; documented in the person's personnel record and indicated on the center's staffing chart; and provided by an individual approved as a first aid instructor. This training may be less than eight hours.

III. Child Passenger Restraint Systems Training Requirements - Changes were made during the 2006 Legislative Session that amended child passenger restraint training requirements under Minnesota Statutes, section 245A.18, subdivision 2. The amendment exempts child care providers that only transport school age children in school buses as defined in the Department of Public Safety transportation law, Minnesota Statutes, section 169.01, subdivision 6, clauses (1) to (4), from child passenger restraint systems training requirements.

Effective date: July 1, 2006

Statutory reference: Minnesota Statutes 2006, section 245A.18, subdivision 2, paragraph (e).

245A.18, subdivision 2. Child passenger restraint systems; training requirement.

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

(b) Before a license holder, staff person, caregiver, or helper transports a child or children under age nine in a motor vehicle, the person transporting the child must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles. Training under this section may be used to meet initial or ongoing training under the following:

- (1) Minnesota Rules, part 2960.3070, subparts 1 and 2;
- (2) Minnesota Rules, part 9502.0385, subparts 2 and 3; and
- (3) Minnesota Rules, part 9503.0035, subparts 1 and 4.

(c) Training required under this section must be at least one hour in length, completed at orientation or initial training, and repeated at least once every five years. 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.

(d) Training under paragraph (c) 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 Web site or by contacting the agency.

(e) Child care providers that only transport school age children as defined in section 245A.02, subdivision 16, in school buses as defined in section 169.01, subdivision 6, clauses (1) to (4), are exempt from this subdivision.

Note: If you have questions about whether or not your child care bus meets the definition of a school bus, you can access Minnesota Statutes, section 169.01, subdivision 6, clauses (1) to (4) at <http://www.revisor.leg.state.mn.us/stats/169/01.html>.

If you have specific questions about your bus, contact Duane Bartels with the Department of Public Safety, Minnesota State Patrol, Commercial Vehicle Inspections, by e-mail at Duane.Bartels@state.mn.us.

- IV. Crib Safety Standards and Inspection** – Changes were made during the 2006 Legislative Session that amended crib safety standards and inspection requirements under Minnesota Statutes, section 245A.146, subdivision 4, paragraph (a), clause (12). The amendment sets the standard for acceptable gaps between crib mattresses and the perimeter of a crib consistent with standards set forth by the U.S. Consumer Product Safety Commission.

Effective date: August 1, 2006

Statutory reference: Minnesota Statutes, section 245A.146, subdivision 4, paragraph (a), clause (12).

245A.146, subdivision 4. Crib safety standards and inspection. (a) On at least a monthly basis, the license holder shall perform safety inspections of every crib used by or that is accessible to any child in care, and must document the following:

- (1) no corner posts extend more than 1/16 of an inch;
- (2) no spaces between side slats exceed 2.375 inches;
- (3) no mattress supports can be easily dislodged from any point of the crib;
- (4) no cutout designs are present on end panels;
- (5) no heights of the rail and end panel are less than 26 inches when measured from the top of the rail or panel in the highest position to the top of the mattress support in its lowest position;
- (6) no heights of the rail and end panel are less than nine inches when measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position;
- (7) no screws, bolts, or hardware are loose or not secured, and there is no use of woodscrews in components that are designed to be assembled and disassembled by the crib owner;
- (8) no sharp edges, points, or rough surfaces are present;
- (9) no wood surfaces are rough, splintered, split, or cracked;
- (10) no tears in mesh of fabric sides in non-full-size cribs;
- (11) no mattress pads in non-full-size mesh or fabric cribs exceed one inch; and
- (12) no unacceptable gaps between the mattress and any sides of the crib are present as follows:

(i) when the noncompressed mattress is centered in the non-full-size crib, at any of the adjustable mattress support positions, the gap between the perimeter of the mattress and the perimeter of the crib cannot be greater than one-half inch at any point. When the mattress is placed against the perimeter of the crib, the resulting gap cannot be greater than one inch at any point; and

(ii) when the noncompressed mattress is centered in the full-size crib, at any of the adjustable mattress support positions, the gap between the perimeter of the mattress and the perimeter of the crib cannot be greater than 11/16 inch at any point. When the mattress is placed against the perimeter of the crib, the resulting gap cannot be greater than 1-3/8 inch at any point.

(b) Upon discovery of any unsafe condition identified by the license holder during the safety inspection required under paragraph (a), the license holder shall immediately remove the crib from use and ensure that the crib is not accessible to children in care, and as soon as practicable, but not more than two business days after the inspection, remove the crib from the area where child care services are routinely provided for necessary repairs or to destroy the crib.

(c) Documentation of the inspections and actions taken with unsafe cribs required in paragraphs (a) and (b) shall be maintained on site by the license holder and made available to parents of children in care and the commissioner.

Note: Enclosed is an updated “Monthly Crib Safety Inspection Form” that includes the new language regarding acceptable gaps between the mattress and the perimeter of cribs.

Make additional copies for future use and begin using the updated form for your October 2006 inspections.

- V. **Shaken Baby Syndrome Videos** – An additional video has been approved by the Minnesota Department of Health (MDH) to meet the training requirement under Minnesota Statutes, section 245A.1445 (Child Care Provider Training; Dangers of Shaking Infants and Young Children.). This additional video brings the total to three videos that are approved by MDH for this purpose. Ordering information for these approved videos is as follows:

Portrait of Promise

Midwest Children’s Resource Center
347 N. Smith Avenue, Suite 401
St. Paul, MN 55102
651-220-6703

Never Shake a Baby

International Duplication Services, Inc.
35 Laurel Street
Ottawa, ON K1Y 4M4
613-761-7777

Shaken Baby Syndrome – Educational DVD

Minnesota Hospital Association
www.mnhospitals.org and click on “Store”

2006 EXPEDITED RULEMAKING

Syrup of Ipecac - Effective May 15, 2006, DHS Rule 3 (Minnesota Rules, part 9503.0005 to 9503.0170) was amended to delete all requirements regarding Syrup of Ipecac. The following rule parts were amended and no longer contain Syrup of Ipecac requirements:

- Minnesota Rules, part 9503.0090, subpart 1, item H (Information for Parents)
- Minnesota Rules, part 9503.0125, items I through N (Children’s Records)
- Minnesota Rules, part 9503.0140, subpart 16 (First Aid Kit)

To view an updated version of Rule 3, visit the State of Minnesota Revisor’s web site at <http://www.revisor.leg.state.mn.us/arule/9503/>.