

**CHAPTER 9503**  
**DEPARTMENT OF HUMAN SERVICES**  
**CHILD CARE CENTERS**

9503 0015 OPTIONS FOR CHILD CARE PROGRAMS

9503 0075 DROP-IN CHILD CARE PROGRAM  
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**9503.0015 OPTIONS FOR CHILD CARE PROGRAMS.**

A license holder must provide at least one of the following child care programs:

*[For text of item A, see M.R.]*

B. A "drop-in child care program" means a child care program that operates for more than 30 days in any 12-month period and is not excluded by Minnesota Statutes, section 245A.03, subdivision 2. The program is not a day program and does not provide care to any child for more than five hours in any one day and 40 hours in any one calendar month. The center where the program operates is licensed exclusively to provide a drop-in child care program and does not have a regularly scheduled, ongoing child care program with a stable enrollment.

*[For text of items C and D, see M.R.]*

**Statutory Authority:** *MS C 245A; L 1989 c 282 art 2 s 211*

**History:** *14 SR 2533*

**9503.0075 DROP-IN CHILD CARE PROGRAM.**

**Subpart 1. Exemptions for drop-in child care programs.** A license holder operating a drop-in child care program as defined in part 9503.0015 must comply with parts 9503.0005 to 9503.0170 with the following exceptions:

A. The staff ratios and group size restrictions in part 9503.0040 do not apply and are replaced by the requirements in subparts 2 to 6.

B. Part 9503.0045, subpart 1, items F and G, of the child care program plan do not apply.

C. The requirement in part 9503.0050, subpart 6, that separate bedding be provided for each child in care applies only to those children in care who are less than 30 months old. The provisions in part 9503.0050, subpart 6, requiring washing and cleaning of bedding and blankets remain in effect and apply to all bedding or blankets used by the drop-in child care program.

D. Half the furnishings, equipment, materials, or supplies specified by the following subparts of part 9503.0060 are required:

(1) subpart 4, item A, subitems (2), (5), and (8);

(2) subpart 5, item A, subitems (2), (3), and (7); and

(3) subpart 6, item A, subitems (3) and (6).

E. Part 9503.0070, regarding night care programs, does not apply.

F. Part 9503.0090, subpart 2, regarding parent conferences and daily reports, does not apply.

**Subp. 2. Supervision.** A drop-in child care program must:

A. be operated under the supervision of a person who qualifies both as a director under part 9503.0031 and as a teacher under part 9503.0032; and

B. have at least two staff persons present at the center whenever the program is operating even when the ages and numbers of children present are such that the staff-to-child ratio requirements established in subpart 3 could be met by having only one staff person.

**Subp. 3. Staff ratios.** The minimum ratio of staff persons to children that a license holder may maintain is:

A. for infants ages six weeks through 16 months, one staff person for every four infants;

B. for children ages 17 months through 29 months, one staff person for every seven children; and

C. for children ages 30 months through 12 years, one staff person for every ten children.

**Subp. 4. Exception to staff ratio for ages 30 months through 12 years.** The number of children per staff person specified in subpart 3 may be increased only with children ages 30 months through 12 years, only by a maximum of four children, and only for a time period, not to exceed 20 minutes, required for additional staff to arrive at the center. A center that exceeds the ratio in subpart 3, item C, must be able to document having staff persons who, as a condition of their employment, are on call to come to the center as needed and arrive at the center within 20 minutes after receiving notification to report.

**Subp. 5. Age category grouping.** Whenever the total number of children present to be cared for at a center is more than 20, children younger than 30 months must be cared for in an area that is physically separated from older children. All children 30 months old and older may be cared for in the same group in the same area.

**Subp. 6. Staff distribution.** Staff distributions for drop-in child care programs must meet the requirements in items A and B.

A. If a drop-in child care program serves both infants and older children, the following minimum staff distribution pattern applies for the supervision of infants ages six weeks through 16 months and children ages 17 months through 29 months:

(1) The first staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(2) The second staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(3) The third staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(4) The fourth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(5) The fifth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(6) The sixth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

B. The following minimum staff distribution pattern applies for the supervision of children 30 months and older.

(1) The first staff person needed to meet the required staff-to-child ratio specified in subpart 3, item C, must meet the qualifications for teachers specified in part 9503.0032.

(2) The second, third, and fourth staff persons needed to meet the required staff-to-child ratio specified in subpart 3, item C, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(3) The fifth staff person needed to meet the staff-to-child ratio

required in subpart 3, item C, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(4) The sixth, seventh, and eighth staff persons needed to meet the staff-to-child ratio required in subpart 3, item C, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(5) For any additional staff persons needed after the eighth staff person to meet ratio requirements, the pattern of required staff qualifications established in subitems (3) and (4) applies.

**Statutory Authority:** *MS C 245A; L 1989 c 282 art 2 s 211*

**History:** *14 SR 2533*

### 9503.0170 LICENSING PROCESS.

*[For text of subps 1 to 5, see M.R.]*

**Subp. 6. Variances.** An applicant or license holder may request a variance to parts 9503.0005 to 9503.0170, with the exception of those specified in item D, if the request follows the procedures and standards specified in items A, B, and C.

*[For text of items A to C, see M.R.]*

D. A variance will not be granted from:

(1) any law or rule prohibiting the maltreatment of children, including but not limited to illegal or unauthorized use of physical, mechanical, or chemical restraint; the illegal or unauthorized use of aversive or deprivation procedures; and corporal punishment;

(2) part 9503.0005, subpart 25 (supervision);

(3) part 9503.0030, subpart 3 (disqualification factors);

(4) part 9503.0040 (staff ratios and group size), subparts 1; 2, items A to C; and 3, items A and B, subitems (2) to (4);

(5) part 9503.0050, subpart 3 (confinement limitation);

(6) part 9503.0055 (prohibited actions);

(7) part 9503.0070, subpart 6 (staffing);

(8) part 9503.0080 (exclusion of sick children);

(9) part 9503.0085 (sick care program);

(10) part 9503.0130, subparts 1 and 2 (reporting);

(11) part 9503.0140, subpart 17 (hazardous objects);

(12) part 9503.0145, subpart 3 (sanitation);

(13) part 9503.0150 (transportation), items A to D, and F; and

(14) part 9503.0155, subparts 1 (occupancy designation), 2 (fire inspection), and 3 (reinspection for cause).

*[For text of subp 7, see M.R.]*

**Statutory Authority:** *MS C 245A; L 1989 c 282 art 2 s 211*

**History:** *14 SR 2533*