

CHAPTER 9503
DEPARTMENT OF HUMAN SERVICES
CHILD CARE CENTERS

9503 0030	QUALIFICATIONS OF APPLICANT AND STAFF	9503 0090	INFORMATION FOR PARENTS
9503 0032	TEACHERS	9503 0110	EMERGENCY AND ACCIDENT POLICIES AND RECORDS
9503 0033	ASSISTANT TEACHERS	9503 0115	CENTER ADMINISTRATIVE RECORDS
9503 0034	AIDES VOLUNTEERS SUBSTITUTES	9503 0120	PERSONNEL RECORDS
9503 0040	STAFF RATIOS AND GROUP SIZE	9503 0130	REPORTING
9503 0050	NAPS AND REST	9503 0140	HEALTH
9503 0055	BEHAVIOR GUIDANCE	9503 0145	FOOD AND WATER
9503 0065	CHILD CARE FOR CHILDREN WITH SPECIAL NEEDS	9503 0150	TRANSPORTATION
9503 0085	SICK CARE PROGRAM	9503 0155	FACILITY
		9503 0170	LICENSING PROCESS

9503.0025 [Repealed, 18 SR 2748]

9503.0030 QUALIFICATIONS OF APPLICANT AND STAFF.

[For text of subpart 1, see M R]

- Subp 2. [Repealed, 18 SR 2748]
- Subp 3 [Repealed, 18 SR 2748]
- Subp 4 [Repealed, 18 SR 2748]
- Subp 5 [Repealed, 18 SR 2748]

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0032 TEACHERS.

Subpart 1 **Teacher qualifications, general.** A teacher must be at least 18 years old and meet the qualifications in subpart 2 with the following exceptions

A A registered nurse or licensed practical nurse is qualified as a teacher for infants only

B A registered nurse may be used to meet the staff to child ratios for a teacher for sick care in a center licensed to operate a sick care program

Subp 2 **Teacher education and experience requirements.** A teacher with the credential listed in column A must have the education and experience listed in column B

Column A

Column B

(1) A high school or General Education Development (GED) diploma

Experience 4,160 hours as assistant teacher

Education 24 quarter credits

(2) Diploma from Association Montessori Internationale, preprimary credential, primary diploma, or provisional certificate from the American Montessori Society, without a baccalaureate degree

Experience. 2,080 hours as assistant teacher, aide, or student intern

Education 12 quarter credits

MINNESOTA RULES 1994

77

CHILD CARE CENTERS 9503.0032

(3) Preprimary credential, primary diploma, or provisional certificate from the American Montessori Society, or diploma from the Association Montessori Internationale with a baccalaureate degree

Experience 1,040 hours as assistant teacher, aide, or student intern

Education no additional required

(4) Minnesota technical institute certificate as a Child Development Assistant

Experience 2,080 hours as an assistant teacher

Education six quarter credits

(5) Child Development Associate credential (center based or family day care) for preschool or for infants and toddlers from the Council for Early Childhood Professional Recognition

Experience 1,560 hours as assistant teacher, aide, or student intern

Education no additional required

(6) License from the Minnesota Department of Education for Prekindergarten Associate, or a certificate or credential for a two year program from an accredited community college or technical college in child development or early childhood education

Experience 1,040 hours as assistant teacher, aide, or student intern

Education six quarter credits

(7) Baccalaureate degree from an accredited college or university in any field

Experience 1,040 hours as assistant teacher, aide, or student intern

Education 18 quarter credits

(8) License from the Minnesota Department of Education for elementary education without kindergarten endorsement

Experience 520 hours as assistant teacher, aide, or student intern if teaching children under school age

Education six quarter credits within one year of initial employment if teaching children under school age

MINNESOTA RULES 1994

9503.0032 CHILD CARE CENTERS

78

(9) License from the Minnesota Department of Education for prekindergarten/nursery, or a license from the Minnesota Department of Education for elementary education with a kindergarten endorsement

Experience no additional required

Education no additional required

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0033 ASSISTANT TEACHERS.

Subpart 1 **Assistant teacher qualifications, general.** An assistant teacher must work under the supervision of a teacher. An assistant teacher must be at least 18 years old and meet the qualifications in subpart 2 with the following exceptions

A A registered nurse or licensed practical nurse is qualified as an assistant teacher for infants only

B A registered nurse may be used to meet the staff to child ratios for an assistant teacher for sick care in a center licensed to operate a sick care program

Subp 2 **Assistant teacher education and experience requirements.** An assistant teacher with the credential listed in column A must have the education and experience listed in column B

Column A	Column B
(1) High school diploma or General Education Development (GED) equivalency	Experience 2,080 hours as an aide or student intern Education 12 quarter credits
(2) Minnesota license as a family day care or group family day care provider	Experience 2,080 hours as a licensed family day care or group family day care provider Education 12 quarter credits
(3) Diploma from Association Montessori Internationale or preprimary credential, primary diploma, or provisional certificate from the American Montessori Society	Experience 520 hours as an aide or student intern Education three quarter credits
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience 520 hours as an aide or student intern Education no additional required

MINNESOTA RULES 1994

79

CHILD CARE CENTERS 9503.0034

(5) Two years full-time postsecondary education from a college or university

Experience 1,040 hours as an aide or student intern

Education nine quarter credits

(6) Child Development Associate credential, center based or for family day care, from the Council for Early Childhood Professional Recognition

Experience no additional required

Education no additional required

(7) Baccalaureate degree in any field from an accredited college or university

Experience no additional required

Education nine quarter credits

(8) Certificate or credential for a two year program in child development or early childhood education at a Minnesota community college or technical college

Experience no additional required

Education no additional required

(9) License from the Minnesota Department of Education for Prekindergarten Associate

Experience no additional required

Education no additional required

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0034 AIDES, VOLUNTEERS, SUBSTITUTES.

Subpart 1 **Aide qualifications.** In this part, "aide" means a staff person who carries out child care program activities under the supervision of a teacher or assistant teacher. An aide who is under 18 years old must be directly supervised by a teacher or assistant teacher at all times except when the aide is assisting with the supervision of sleeping children or assisting children with washing, toileting, and diapering. An aide must be at least 16 years old.

Subp 2 **Volunteers used as staff.** A volunteer who is included in the staff to child ratio must meet the requirements for the assigned staff position as specified in parts 9503 0030 to 9503 0034. Volunteers who have direct contact with or access to children must be supervised by a staff person who meets the qualifications for director, teacher, or assistant teacher.

Subp 3 **Substitute staff.** A person designated as a substitute must meet the qualifications for the assigned staff position as specified in parts 9503 0030 to 9503 0034, except that the license holder may use substitutes who do not meet the qualifications for teacher in part 9503.0032, subpart 2, or assistant teacher in part 9503 0033, subpart 2, only if

A the amount of unqualified substitute hours per center per calendar year does not exceed 40 hours multiplied by the number of the center's full-time teacher and assistant teacher positions,

B unqualified substitutes are not used as teachers or assistant teachers for more than ten consecutive working days for the same group of children per calendar year, and

C there is always a person qualified as a teacher present within the center except as qualified in part 9503 0040, subpart 2, item B

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0040 STAFF RATIOS AND GROUP SIZE.

[For text of subps 1 to 3, see M R]

Subp 4. **Age designation.** A child must be designated as a member of the age category that is consistent with the child's date of birth with the following exceptions

A A child may be designated as an "infant" up to the age of 18 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that such a designation is in the best interests of the child. A child may be designated as a "toddler" up to the age of 35 months, or as a "preschooler" at the age of 31 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that the designation is in the best interests of the child

B A child attending kindergarten must be designated a school age child.

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0050 NAPS AND REST.

Subpart 1 **Naps and rest policy.** The applicant must develop a policy for naps and rest that is consistent with the developmental level of the children enrolled in the center

Subp 2 **Parent consultation.** The parent of each child must be informed at the time the child is enrolled of the center's policy on naps and rest

[For text of subps 3 to 6, see M R]

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0055 BEHAVIOR GUIDANCE.

[For text of subps 1 and 2, see M R]

Subp 3 **Prohibited actions.** The license holder must have and enforce a policy that prohibits the following actions by or at the direction of a staff person

[For text of items A to F, see M R]

G The use of mechanical restraints, such as tying.

For children with mental retardation or a related condition or children under the age of five, as specified in parts 9525 0004 to 9525.0036, physical and mechanical restraints may be permitted if they are implemented in accordance with the aversive and deprivation procedures governed by parts 9525.2700 to 9525 2810

[For text of subps 4 and 5, see M R.]

Subp 6 **Children with mental retardation or related conditions.** For children with mental retardation or related conditions or children under the age of five, as specified in parts 9525.0004 to 9525 0036, the standards governing the use of aversive and deprivation procedures in parts 9525 2700 to 9525 2810 apply

Statutory Authority: *MS s 256B 092*

History: *18 SR 2244*

9503.0065 CHILD CARE FOR CHILDREN WITH SPECIAL NEEDS.

Subpart 1 **Definition.** "Child with special needs" for purposes of this part means a child at least six weeks old but younger than 13 years old who

A has mental retardation or a related condition or is otherwise eligible for case management as specified in parts 9525 0004 to 9525 0036 and has an individual service plan specifying child care to be provided by the center,

[For text of items B and C, see M R]

[For text of subp 2, see M R.]

Subp 3 Individual child care program plan. When a license holder admits a child with special needs, the license holder must ensure that an individual child care program plan is developed to meet the child's individual needs. The individual child care program plan must be in writing and specify methods of implementation and be reviewed and followed by all staff who interact with the child.

If the child has mental retardation or a related condition or is otherwise eligible for case management as specified in subpart 1, item A, then the individual child care plan must be coordinated with the child's individual service plan developed under parts 9525 0004 to 9525 0036.

If the child has a handicap as specified in subpart 1, item B, then the individual child care plan must be coordinated with the child's individual education plan developed under Minnesota Statutes, section 120 17.

If the child has a special need determined under subpart 1, item C, the individual child care plan must be coordinated with reports from the licensed physician, licensed psychiatrist, licensed psychologist, or licensed consulting psychologist. The individual child care plan must be evaluated at least annually by the licensed physician, licensed psychiatrist, licensed psychologist, or licensed consulting psychologist and with the child's parent to determine if the needs of the child are being met.

Subp 4 Service contracts. The license holder must have copies of all service contracts with the center for care or services provided under parts 9525 0004 to 9525 0036 and Minnesota Statutes, section 120 17, when the care or service is provided to a child while at the center.

[For text of subp 5, see M R]

Statutory Authority: *MS s 256B 092*

History: *18 SR 2244*

9503.0085 SICK CARE PROGRAM.

Subpart 1 Licensure of sick care programs. If a license holder chooses to care for a sick child, then the license holder must operate a sick care program that complies with the standards specified by this part and with all other applicable provisions of parts 9503 0005 to 9503 0170, and any standards of the commissioner of health governing the group care of children.

Subp 2. Review of admission and health policies and practices. At the time of initial license application, after the first six months of initial operation, and annually after that time, a sick care program's admission policies must be reviewed and approved by a licensed physician with a specialization in pediatric care. The physician's review must include consultation with the licensed registered nurse or physician responsible for admissions. A report of the physician's findings must be sent to the commissioner with the initial application for licensure, and subsequent reports must be placed in the center's administrative record.

The license holder operating a sick care program must ensure that the program's health policies and practices are reviewed quarterly by a health consultant.

[For text of subs 3 to 9, see M R]

Subp 10 Additional staff to child ratios and staff distribution requirements. A one to four staff to child ratio must be maintained at all times in a room used to care for sick children. At least two staff persons must be present in a center operating a sick care program whenever sick children are in care. The first staff person must be a nurse registered by the Board of Nursing to practice professional nursing. The second staff person must meet the qualifications for a teacher in part 9503 0032. The remaining staff persons must at least meet the qualifications and follow the staff distribution pattern specified in part 9503 0040.

[For text of subp 11, see M R]

Subp 12 Food preparation. Food provided by the license holder and prepared at the center must be prepared in a room separate from rooms where sick care is provided and must be delivered to each sick care room in individual servings and in covered containers. Proce-

dures for preparing, handling, and serving food and washing food, utensils, and equipment must comply with the requirements in parts 4625 2401 to 4625 4701

[For text of subps 13 and 14, see M R]

Subp 15 **Outdoor activity area, activities and equipment exception.** A license holder operating a sick care program that provides care exclusively to sick children need not provide the outdoor activity area required in part 9503 0155, subpart 7, outdoor activities as specified in part 9503 0045, subpart 1, item 1, and the outdoor equipment required in part 9503 0060, subpart 4, item B, subitem (9), subpart 5, item B, subitem (9), and subpart 6, item B, subitems (7) and (11)

[For text of subps 16 to 18, see M R]

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0090 INFORMATION FOR PARENTS.

Subpart 1 **Policies given to parents.** At the time of a child's enrollment, the parent must be provided with written notification of the

[For text of items A to D, see M R]

E center's policy requiring a health care summary and immunization record of a child,

F policies and procedures for the care of children who become sick at the center and parent notification practices for the onset of or exposure to a contagious illness or condition or when there is an emergency or injury requiring medical attention,

G center's policies and procedures for administering first aid and sources of care to be used in case of emergencies,

H center's policies on the administration of medicine and permission requirement for the administration of ipecac syrup,

I procedures for obtaining written parental permission for field trips,

J procedures for obtaining written parental permission before each occasion of research, experimental procedure, or public relations activity involving a child,

K center's policies on the provision of meals and snacks,

L center's behavior guidance policies and procedures,

M presence of pets,

N center's policy that parents of enrolled children may visit the center any time during the hours of operation, and

O telephone number of the Department of Human Services, Division of Licensing

Subp 2 **Parent conferences and daily reports.** The license holder must ensure that the parent of a child is informed of the child's progress The license holder must ensure that

A individual parent conferences are planned and offered by program staff at least twice a year,

B documentation is made in the child's record that individual parent conferences were planned and offered,

C the status of the child's intellectual, physical, social, and emotional development is reported to the parent during the conference, and

D daily written reports are made to the parent of an infant or toddler about the child's food intake, elimination, sleeping patterns, and general behavior

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0110 EMERGENCY AND ACCIDENT POLICIES AND RECORDS.

[For text of subps 1 and 2, see M R]

Subp 3 **Policy content.** The policies must contain

[For text of items A to H, see M R]

I Procedures for recording accidents, injuries, and incidents involving a child enrolled in the center The written record must contain the name and age of the persons involved, date and place of the accident, injury, or incident, type of injury, action taken by staff, and to whom the accident, injury, or incident was reported

J Procedures mandating an annual analysis of the record in item I and any modification of the center's policies based on the analysis

[For text of subp 4, see M R]

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0115 CENTER ADMINISTRATIVE RECORDS.

The records required by this part must be maintained within the center and be available for inspection at the request of the commissioner The license holder must ensure that the following are maintained

[For text of items A to F, see M R]

G the separation reports mandated in part 9503 0055, and

H the report by the health consultant mandated in part 9503 0140

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0120 PERSONNEL RECORDS.

The license holder must ensure that a personnel record for each staff person is maintained at the center The personnel record for each staff person must contain

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

B the staff person's documentation indicating that the staff person meets the requirements of the staff person's job position and the education and experience requirements specified in parts 9503 0031 to 9503 0034,

C documentation that the staff person has completed the orientation to the center required in part 9503 0035, subpart 1,

D documentation, when applicable, that the staff person has completed the first aid and CPR training required in part 9503 0035, subparts 2 and 3, and

E documentation of completion of the in-service training required by part 9503 0035, subpart 4, showing the training topic, source of training, number of hours completed, and method used to document mastery of the subject

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0130 REPORTING.

[For text of subps 1 and 2, see M R]

Subp 3 [Repealed, 18 SR 2748]

Subp 4 [Repealed, 18 SR 2748]

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0140 HEALTH.

[For text of subps 1 to 7, see M R]

Subp 8 [Repealed, 18 SR 2748]

[For text of subps 9 and 10, see M R.]

Subp 11 **Diaper changing area.** A diaper must be changed only in the diaper changing area The diaper changing area must be separate from areas used for food storage, food preparation, and eating The area must have a hand sink equipped with hot and cold running water within three feet of the diaper changing surface, a smooth nonabsorbent diaper changing surface and floor covering, and a sanitary container for soiled and wet diapers.

MINNESOTA RULES 1994

9503.0140 CHILD CARE CENTERS

84

[For text of subs 12 to 21, see M R]

Subp 22 **Pets.** If pets are permitted at the center, parents must be informed at the time of admission that a pet is present

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0145 FOOD AND WATER.

[For text of subpart 1, see M R]

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

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 parts 4625 2401 to 4625 4701 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 parts 4625 2401 to 4625 4701 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

[For text of subs 4 to 7, see M R]

Subp 8 **Water.** The center must have a safe water supply A center that uses water from a privately owned well that is not governed by chapter 4720 must be tested annually by a Minnesota Health Department certified laboratory for coliform bacteria and nitrate nitrogens to verify safety. The license holder must ensure that a record of the test results is in the center's administrative record The commissioner of health may issue an advisory order for retesting and corrective measures

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

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0150 TRANSPORTATION.

A license holder who provides transportation for children or contracts to provide transportation must comply with the following transportation policies

A The vehicle must be driven by a person who holds a current Minnesota driver's license appropriate to the vehicle driven

B Staff ratios must be maintained on all transportation provided on all field trips

C When children are driven in a private car or van, a second adult must be present when more than four children under the age of five are being transported

D When the license holder provides transportation to and from the center, a second adult must be present in the vehicle and children must not be transported more than one hour per one-way trip A two-way communication system can be used in lieu of a second adult when ten or fewer children are being transported

E When children are transported, they must be restrained in accordance with Minnesota Statutes, section 169 686, and a child under the age of four may be transported only if the child is properly fastened in a child passenger restraint system that meets the federal motor vehicle safety standards contained in Code of Federal Regulations, title 49, section 571 213

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0155 FACILITY.

[For text of subps 1 and 2, see M R]

Subp 3 Reinspection for cause. If the commissioner has reasonable cause to believe that a potential hazard exists, the commissioner may request another inspection and written report by a fire marshal, building official, or health authority to verify the absence of hazard

[For text of subps 4 to 7, see M R]

Subp 8 Telephone; posted numbers. A telephone that is not coin operated must be located within the center. A list of emergency numbers must be posted next to the telephone. If a 911 emergency number is not available, the numbers listed must be those of the local fire department, police department, emergency transportation, and poison control center

[For text of subps 9 to 11, see M R]

Subp 12 Water hazards. Bodies of water within or adjacent to the center must be inaccessible to children. When using a pool or beach, children must be supervised at all times

[For text of subp 13, see M R.]

Subp 14 [Repealed, 18 SR 2748]

[For text of subps 15 to 17, see M R]

Subp 18 Toilets and hand sinks. Toilets and hand sinks must be provided as specified in items A to G

[For text of items A and B, see M R]

C Hand sinks for children must not be used for custodial work or food preparation

D The temperature of hot water in the hand sinks used by children must not exceed 120 degrees Fahrenheit

E Single service towels or air dryers must be available to dry hands and designed for easy use by the children

F Toilets, sinks, faucets, and hand drying devices in the toilet area used by children under school age other than infants must be placed at a height appropriate to the ages of the children

G Portable steps may be used to meet the requirement in item F for toddlers and preschoolers, if the steps are sturdy and washable

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0170 LICENSING PROCESS.

Subpart 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 9543 1000 to 9543 1060

Subp 2 [Repealed, 18 SR 2748]

[For text of subp 3, see M R]

Subp 4. [Repealed, 18 SR 2748]

Subp 5 [Repealed, 18 SR 2748]

Subp 6 [Repealed, 18 SR 2748]

Subp 7 Correction orders and fines. If the commissioner finds that the license holder does not comply with parts 9503 0005 to 9503 0170, the commissioner may issue a correction order as set forth in part 9543 1040 and Minnesota Statutes, section 245A 06, subdivisions 1 and 2. If the license holder has not corrected the violation within the time set for correction, the commissioner may impose a fine under Minnesota Statutes, section 245A 06, subdivisions 3 to 6. Fines must be assessed as follows

[For text of item A, see M R]

B The license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to failure to comply with parts 9503.0005, subpart 25 (supervision), 9503 0035, subpart 1 (orientation training); 9503.0040 (staff ratios and group size), 9503 0050, subpart 3 (confinement limitation), 9503 0070 (night care program), subpart 6 (staffing); 9503 0080 (exclusion of sick

MINNESOTA RULES 1994

9503.0170 CHILD CARE CENTERS

86

children), 9503 0085 (sick care program), 9503 0125, items A to I (children's records), 9503 0130, subparts 1 and 2 (reporting), 9503 0140 (health), 9503 0145 (food and water), 9503 0150 (transportation), and 9503 0155 (facility)

[For text of item C, see M R]

Statutory Authority: *MS s 245A 09*

History: *18 SR 2748*

9503.0175 [Repealed, 18 SR 2748]