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LICENSING OF FACILITIES FOR CHILDREN

CHAPTER 9545 DEPARTMENT OF HUMAN SERVICES LICENSING OF FACILITIES FOR CHILDREN

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FAMILY FOSTER CARE AND GROUP FAMILY FOSTER CARE

9545.0010 DEFINITIONS:

Subpart 1. **Agency.** Unless qualified, "agency" means the county social service agency, or human service board, or licensed voluntary child-placing child-caring agency; the agency is the duly delegated representative of the commissioner.

Subp. 2. **Agency requirement.** "Agency requirement" means those portions of the rule binding upon the agency but not upon the provider, and so marked. Failure of the agency to meet one or more agency requirements is not a defense for the provider's failure to meet provider requirements.

Subp. 3. **Applicant.** "Applicant" means individual(s) who have submitted a signed and dated application form (DPW-138) to an agency.

Subp. 4. **Child.** "Child" means any person under the age of 18 years.

Subp. 5. **Commissioner.** Unless qualified, "commissioner" means the commissioner of the Department of Human Services or any representative of the commissioner.

Subp. 6. **Department.** Unless qualified, "department" means the Department of Human Services.

Subp. 7. **Foster family home (FFH).** "Foster family home" means a family home licensed to provide one or more of the following types of care for children who are unrelated to the family and who are cared for 24 hours a day:

A. "emergency shelter home" means an FFH designated primarily for time-limited emergency placements, usually lasting no longer than 30 days for any child;

B. "interim home" means an FFH caring for children expected to return home within one year or to be placed for adoption within two years;

C. "permanent home" means an FFH caring for children (whether state wards or not) under written agreement for planned care until child reaches majority;

D. "restricted home" means an FFH licensed for a specific child (an FFH licensed as a restricted home may not accept children other than the specifically named child(ren));

E. "special services home" means an FFH able to provide extraordinary care or services, by virtue of training, experience, or special skills; and

F. "group family foster home" means an FFH providing care for no more than ten children, including the family's own children.

Subp. 8. **Handicap.** "Handicap" means a condition of mental retardation, mental illness, physical handicap, sight or hearing deficiency, or chemical dependency.

Subp. 9. **License.** "License" means the document issued by the commissioner and authorizing the applicant to provide foster care.

Subp. 10. **Licensed capacity.** "Licensed capacity" means the maximum number of foster children who can live in a foster home at any given time.

Subp. 11. **Provider.** "Provider" means person(s) giving care to foster child(ren) in a licensed FFH. The provider is responsible for meeting and maintaining minimum licensing requirements in cooperation with the agency.

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Subp. 12. **Related.** "Related" means any of the following persons related to the child by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, niece, nephew, uncle, aunt. It also includes a legally appointed guardian.

Subp. 13. **Substitute caregiver.** "Substitute caregiver" means the person(s) providing temporary care for the foster child(ren) in the absence of the foster parent(s). Arrangements for substitute care must have the approval of the agency and the foster parent(s).

Subp. 14. **Waiver.** "Waiver" means written permission from either the department or designated agency to disregard a particular section of a licensing rule for no longer than 12 months.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0020 LICENSING LAWS AND PROCEDURES.

Subpart 1. **Requirement and exclusions.** A foster family home (FFH) must be licensed by the department, with the following exclusions:

A. a home providing care and supervision only to children related to the family;

B. a home providing care and supervision for a total period of less than 30 days in any 12-month period;

C. a home providing care and supervision only to child(ren) placed in that home by an agency for the purpose of legal adoption, unless the adoption has not been completed within two years of placement; and

D. a home providing care and supervision only for one unrelated child of 16 or 17 years who has been independently placed by himself or his relative for purposes of education or work.

Subp. 2. **Application form.** Application for a license shall be made to the agency on the form issued by the department. This form shall be obtained from the public agency in the county where the applicant resides or from a licensed voluntary child-placing child-caring agency.

Subp. 3. **Evaluation of application and license duration.** The signed and completed application form, including all supporting documentation, shall be evaluated within 90 days based upon these rules. A prospective FFH meeting these standards shall be recommended to the commissioner for issuance of an FFH license. No FFH license may be issued for more than one year (agency requirement).

Subp. 4. **Specifications on license.** Every license shall specify the kind of license and the maximum number of foster children to be provided care at any one time.

Subp. 5. **Orientation and compliance of home before placements.** No child shall be placed by an agency in an unlicensed home until that home has begun the required orientation, and until that home has been evaluated for compliance with parts 9545.0090, item A; 9545.0180, subparts 3 and 5, items A to E (agency requirement).

Subp. 6. **Information for applicants.** Every applicant for an FFH license shall be furnished by the agency with a copy of this rule and a copy of the form "Agreement between Foster Parents and Placement Agency" (agency requirement).

Subp. 7. **Closure of home.** Notice of the closure of an FFH must be sent to the department (agency requirement).

Subp. 8. **Right to enter.** The commissioner or agency shall have access to the FFH for evaluation at any time during normal working hours and at other

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times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the foster children, the commissioner or agency shall have access to the home at any time during the 24-hour day.

Subp. 9. Investigation of complaints. Any complaint concerning an FFH shall be investigated immediately (agency requirement).

Subp. 10. Appeals. Any applicant whose application for a license is denied and any provider whose license is revoked or not renewed for cause may appeal to the commissioner in accordance with Minnesota Statutes, chapter 14. The agency shall notify by certified mail any FFH whose license is denied, suspended, revoked, or not renewed. This notification shall state the grounds for such action and shall inform the applicant or operator of his right to appeal the action. Appeals hearings shall be heard by the Office of Administrative Hearings.

Subp. 11. Homes without license. State law provides that any person without a license who operates an FFH required to be licensed, shall be guilty of a misdemeanor and subject to a fine of up to \$300. A home, not otherwise exempt from licensure, is required to apply for a license within 30 days of accepting an unrelated child if the child is expected to remain in the home for 30 days or longer.

Subp. 12. Waiver. Specific rules may be waived with the approval of the department according to the procedure established for such waiver, provided that the health and safety of the child(ren) is assured. The granting of a waiver shall not constitute a precedent for any other FFH. No waiver shall be valid for more than one year.

Subp. 13. Authorization for acceptance or removal of foster children. Foster children may be accepted into or removed from an FFH only under authorization of a county welfare department or a licensed agency or the court in the county where the child resides.

Subp. 14. Denial, nonrenewal, revocation of license. Failure, inability, or refusal to comply with parts 9545.0010 to 9545.0260 shall be cause for denial, nonrenewal, or revocation of license.

Subp. 15. Concurrent licenses. An FFH may not concurrently hold a license for family day care, group family day care, or group day care without the prior approval of the agency.

Subp. 16. One agency to issue license. An FFH shall not be licensed through more than one agency at a time.

Subp. 17. Copy of rule for all homes. All currently licensed homes shall be furnished with a copy of parts 9545.0010 to 9545.0260 after they become effective.

Statutory Authority: *MS s 245.802 subd 1*

9545.0030 LIMITATIONS OF LICENSE.

A family foster home shall be limited to the following, including the home's own children. See also part 9545.0250.

Reason: The abilities of parent(s) to provide care to foster children differ greatly. The maximum number of children allowed in foster homes must be flexible. But the maximums set must also allow foster family parents to devote sufficient time to each child.

A. Interim and permanent homes. Less than two years' experience as a foster home: no more than three foster children; no more than five children, total.

B. Interim and permanent homes. Two or more years' experience as a foster home; no more than five children, total.

C. Emergency shelter homes (designated). No more than seven children, total.

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D. Special services homes (designated). No more than four foster children; no more than five children, total.

E. Where the foster care provider has not completed the required annual training at the time of relicensure, no further placements may be made in that home until the provider has complied with the training requirements. The license will be restricted to the children currently placed in that home (agency requirement).

F. No FFH may care for more than two children under the age of two years, unrelated to the FFH provider(s).

Statutory Authority: *MS s 245.802 subd 1*

9545.0040 EXCEPTIONS TO MAXIMUM NUMBER OF CHILDREN ALLOWED IN HOMES.

Exceptions to the maximum number of foster children will be allowed when:

A. Siblings need placement together as determined by the agency.
Maximum number: seven children.

B. The home has five or six children of its own under age 18.
Maximum number: seven children.

C. A child needs to be placed again in the same home as determined by the agency. Maximum number: seven children.

Statutory Authority: *MS s 245.802 subd 1*

9545.0050 MINIMUM AGE OF PROVIDERS.

All FFH providers must be at least 21 years of age at the time of licensure.

Statutory Authority: *MS s 245.802 subd 1*

9545.0060 NONTRANSFERABILITY OF LICENSE.

A license is not transferable to another provider or site.

Statutory Authority: *MS s 245.802 subd 1*

9545.0070 NOTICE TO AGENCY OF CHANGES AFFECTING LICENSES.

The agency must be notified, in advance, of any changes that would affect the terms of the license, such as a change of address or additional persons in the home.

Statutory Authority: *MS s 245.802 subd 1*

9545.0080 ADULT ROOMERS OR BOARDERS.

An FFH may not have adult roomers or boarders unrelated to the FFH provider without special permission of the agency. The FFH shall keep the agency informed about all persons living in the home and all others having regular contact with the foster child in the foster home.

Statutory Authority: *MS s 245.802 subd 1*

9545.0090 PERSONAL QUALITIES OF FOSTER FAMILY HOME APPLICANTS.

FFH applicants shall be kind, mature, and responsible people with a genuine liking for children. They shall possess consistent and healthy methods of handling the life-style unique to their own families. Evaluation of applicants shall consider cultural differences.

Reason: Children who must live apart from their own homes are uniquely in need of stable, understanding families. Many children needing placement are emotionally, mentally, or physically handicapped. These children need extra understanding and parenting to cope with their problems.

A. Satisfactory compliance: An FFH license shall not be issued or renewed where any person (except foster children) living in the household has any of the following characteristics:

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(1) a conviction for, or admission of, or substantial evidence of an act of assault, or child battering, or child abuse, or child molesting, or child neglect;

(2) chemical dependency, unless the individual(s) identified as chemically dependent has been chemically free for at least 12 months;

(3) residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous 12 months if, in the judgment of the agency, the functioning of the family has been impaired;

(4) a conviction for any offense involving moral turpitude within the previous five years, and at the discretion of the agency within the previous ten years;

(5) felony conviction within the previous five years, and at the discretion of the agency within the previous ten years.

B. Satisfactory compliance: In order to protect children in foster care and assure them the maximum opportunities for growth and development, each family caring for children shall be evaluated on the following essential elements:

(1) have established and are comfortable with their own identity to the degree that meeting their own needs does not interfere with their meeting the needs of foster children;

(2) have optimism, a sense of humor, resiliency, and ability to enjoy life;

(3) be in touch with their own feelings, be able to express these feelings, and have a capacity to look at themselves realistically as to the kinds of children they can accept and work with;

(4) have health and vigor to meet the needs of children placed with them;

(5) have meaningful extended family, neighborhood, cultural, and community ties;

(6) have the ability to deal with anger, sorrow, frustration, conflict, and other emotions in a manner which will build positive interpersonal relationships rather than in a way that could be emotionally or physically destructive to other persons;

(7) have the ability to give positive guidance, care, and training to a child according to his stage of growth, special abilities, and limitations;

(8) have the ability to use discipline in a constructive rather than destructive way;

(9) understand, accept, and seek to nurture cultural, spiritual, racial, and affectional ties of the child;

(10) have the ability and flexibility to accept a child in placement who has special needs, treat a foster child as a member of their family, recognizing that a foster child has other family ties;

(11) have the ability to accept the foster child's own family and maintain an understanding relationship with them;

(12) have the ability to work with the agency and other community resources;

(13) have a capacity and willingness to involve themselves in ongoing educational opportunities, as well as other learning experiences;

(14) be able to constructively resolve problems when difficulties arise;

(15) be comfortable in relating to professional treatment personnel of all kinds, including the ability to discuss differences of viewpoint, and to be an advocate for the foster child when indicated; and

(16) have an ability to openly discuss their attitudes about persons with differing life styles and philosophies and a capacity to accept people who

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are different from themselves.

Statutory Authority: *MS s 245.802 subd 1*

9545.0100 COOPERATION BETWEEN APPLICANTS AND AGENCIES.

FFH applicants and agencies must be able to work in partnership.

Reason: The agency has overall responsibility for planning with the child. The service of foster parents is an integral and important part of that plan. The relationship between the FFH and the agency must be one of mutual trust and respect.

Satisfactory compliance:

A. The FFH applicant and agency must sign and abide by the terms of the Foster Parent Agreement.

B. An FFH shall be visited at least once a month by a representative of the agency for the first six months after the first placement (agency requirement).

C. An evaluation visit shall be made by the agency at least once every 12 months for as long as the FFH provider maintains an FFH license. A copy of the written evaluation report shall be given to the FFH provider (agency requirement).

D. The FFH has a right to know the policy, procedure, and intentions of the agency towards placement of children in that FFH. The FFH may request and receive such information from the agency at the time of licensure and at any time that FFH has been without a placement for a 12-month period (agency requirement).

E. Training opportunities shall be made available and accessible to all applicants and FFH providers. Substitute caregivers shall be eligible for the same training as the licensed FFH providers (agency requirement).

F. There shall be a grievance mechanism for resolving differences between the agency and the FFH. The FFH provider shall be given a written statement of grievance procedures. Grievance procedures shall address those areas of disagreement not included in the appeal procedures set forth by the department (agency requirement).

Statutory Authority: *MS s 245.802 subd 1*

9545.0110 AGE OR PHYSICAL HANDICAP OF PROVIDERS.

Age or physical handicap of FFH providers shall be a consideration only as it affects their ability to provide adequate care to foster children or may affect an individual child's adjustment to the family.

Statutory Authority: *MS s 245.802 subd 1*

9545.0120 EVALUATION OF PROSPECTIVE PROVIDERS.

The agency may request consultation from specialists in evaluating the abilities of prospective FFH providers, but must evaluate each applicant on an individual basis (agency requirement).

Statutory Authority: *MS s 245.802 subd 1*

9545.0130 APPROVAL OF SUPERVISION PLAN FOR FOSTER CHILDREN.

When all adults in the FFH are employed or otherwise occupied for substantial amounts of time away from home, the plans for care and supervision of the foster children must be approved in advance by the agency.

Statutory Authority: *MS s 245.802 subd 1*

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9545.0140 HEALTH OF PERSONS LIVING IN FFH.

Subpart 1. **Physical health.** The health of persons living in the FFH shall not be a hazard to the children.

Satisfactory compliance: The applicant shall supply evidence to the agency:

A. Sometime during the 12 months prior to initial licensure, each person living in the home has had a negative Mantoux test or chest X ray.

B. A statement from the applicant's physician dated within the six months prior to licensure that either:

(1) members of the family have received a physical examination and are physically able to provide care to children; or

(2) members of the family are receiving all necessary continuing medical care and are physically able to provide care to children.

This statement may not be necessary for children who are members of the foster family if current school reports indicate good health.

The agency may, at its own discretion, require a physical examination of any person living in the home.

The FFH shall make the agency immediately aware of any communicable or infectious disease in the FFH.

Subp. 2. **Mental health.** When, in the opinion of the agency, any person in the home exhibits a mental health problem, the agency may require an evaluation of that person by a mental health specialist as a requirement for license.

Statutory Authority: *MS s 245.802 subd 1*

9545.0150 TRAINING FOR FOSTER CARE PROVIDERS.

Family foster care providers shall participate in training to develop and enhance their skills.

Reason: The vast majority of children needing placement are children with problems. Many children are emotionally, mentally, or physically handicapped.

The intent of an ongoing training program is to build on the foster parents' initial interest in providing service and to maximize their ability to provide the highest quality services to children. The aim of this training is to transfer information about foster care and foster children.

Orientation and in-service training can, and should, take place in a variety of settings and through a variety of methods. For example: group sessions offered by local agencies or foster parent associations; regular courses offered by vocational schools, colleges, or universities; TV or correspondence courses; agricultural extension classes; organizational activities such as conferences, conventions, and seminars; special sessions offered by local school districts or mental health centers; Red Cross training; one-to-one tutoring by agency staff or experienced foster parents.

Satisfactory compliance:

A. Every applicant for an FFH license shall begin the minimum of six hours of orientation prior to receiving the first child in placement.

B. An FFH provider who wishes to take a leave of absence from foster care for up to 12 months, may have the annual training requirement waived for that 12-month period.

C. Every FFH, except those providing exclusively permanent home care or restricted home care, shall participate in a minimum of 12 hours annually of training related to foster care. The 12 hours may be shared among the adult FFH providers in the home.

D. Training opportunities shall include, but not be limited to:

- (1) child and adolescent development;
- (2) communication skills;

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- (3) roles and relationships in foster care;
- (4) community services for children;
- (5) methods of discipline;
- (6) constructive problem solving;
- (7) the meaning of a foster child's natural parents;
- (8) basic first aid;
- (9) home safety;
- (10) trauma of separation and skills for handling; and
- (11) human sexuality.

E. An FFH with five consecutive years of experience as an FFH may be exempted from mandatory annual training at the discretion of the agency.

F. In addition to regular training requirements, every FFH licensed as an emergency shelter home or a special services home or a group family foster home shall participate in a minimum of six hours annually of additional training related to the special needs of these children.

Statutory Authority: *MS s 245.802 subd 1*

9545.0160 PROHIBITION AGAINST ABUSE.

No child shall be subjected to physical or psychological abuse.

Reason: Although families differ in their approach to discipline, harsh or threatening methods are particularly damaging to children in foster care. Discipline should be defined as an overall plan for teaching acceptable behavior; punishment is, more narrowly, negative reinforcement for unacceptable behavior. The carrying out of the individual plan for a foster child or the contract between the child and the foster parents involving specified consequences should not be construed as imposing punishment on that child.

Satisfactory compliance:

A. Methods of discipline to be used in the FFH shall be discussed with the agency during the application process. Child training and discipline shall be handled with kindness and understanding.

B. No child in care shall be subjected to unusual, severe, or cruel punishment.

C. No child in care shall be subjected to verbal abuse, derogatory remarks about himself or members of his family, or to threats to expel the child from the foster home.

D. Isolation, when used as discipline, shall not exceed ten minutes for any child under six years of age. Isolation shall not exceed one hour for a child six years of age or older. Isolation shall be in a light, well-ventilated room of at least 50 square feet, and within hearing of an adult. An adult shall periodically check, at least every ten minutes, on a child in isolation. No child shall be isolated in a closet or a locked room.

E. No child shall be punished for bed-wetting or with regard to toilet training.

F. No child in care shall be deprived of meals, mail, or family visits as a method of discipline.

G. Punishment shall not be delegated to another child.

H. Methods of discipline shall be periodically evaluated by the FFH and the agency.

I. Corporal punishment is prohibited. Corporal punishment includes but is not limited to hitting, slapping, spanking, pinching, shaking, kicking, or biting.

Statutory Authority: *MS s 245.802 subd 1*

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9545.0170 DATA PRIVACY.

Private data about the child or his family shall be kept private.

Statutory Authority: *MS s 245.802 subd 1*

9545.0180 HEALTH CARE IN FAMILY FOSTER HOMES.

Subpart 1. **Emergencies.** The FFH provider shall be prepared to cope with health emergencies.

Satisfactory compliance:

A. The FFH provider shall have a plan approved by the agency for meeting medical emergencies; this plan shall include the name and phone number of the child's physician, as provided by the agency.

B. The FFH provider shall have first-aid supplies readily available to treat minor injuries.

C. No foster child shall be given prescription medicine not specifically prescribed for him. Any medicine prescribed for a foster child shall be given exactly as prescribed and shall be given by an adult.

D. The FFH provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

Subp. 2. **Pets.** FFH homes that have house pets shall ensure that such pets have had all necessary shots; FFH homes shall not have turtles, chickens, or ducks as house pets.

Subp. 3. **Report of death or serious illness or injury.** The FFH provider shall report immediately to the agency the occurrence of an unusual accident such as the death or serious injury or serious illness of a foster child. A serious injury or illness shall be defined as one requiring professional medical attention.

Subp. 4. **Medical and dental care for foster children.** The FFH provider shall be responsible for carrying out the agreed-upon plan for medical and dental care for the foster child(ren).

Subp. 5. **Contact with agency.** The FFH provider shall have a means for contacting the agency 24 hours per day, seven days per week (agency requirement).

Statutory Authority: *MS s 245.802 subd 1*

9545.0190 PHYSICAL ENVIRONMENT.

Subpart 1. **Safety and health.** Consideration shall be given to varying life-styles and different cultures when determining whether applicants meet the standards. If approval would require deviation from the rule, the agency must request a waiver in writing from the department, taking into consideration the health and safety of child(ren) in placement (agency requirement).

Reason: All children deserve a safe and healthy environment. But equally important is the preservation of cultural heritage. To promote the establishment of foster homes representing all cultures, the agency must consider the cultural standards.

Subp. 2. **Water and milk supply.** There must be a safe water and milk supply.

Subp. 3. **Cleanliness and freedom from hazard.** The house and premises shall be reasonably clean, reasonably neat, and free from hazards that jeopardize health and safety.

Satisfactory compliance:

A. FFH premises shall be inspected by the agency (agency requirement).

B. House and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.

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C. All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children. They must not be stored with or immediately beside food products.

D. The use of potentially hazardous materials and tools shall be supervised.

E. Outdoor play space shall be enclosed, if necessary, to provide protection.

F. The FFH provider shall maintain personal cleanliness while preparing food.

G. Food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.

H. Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth (40 degrees Fahrenheit recommended).

I. Appliances regularly used in the storage and preparation of food shall be safe and in good working order.

J. The use of home-canned fruits and vegetables is permitted.

K. Measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.

Subp. 4. **Supervision of children.** Children in care shall be adequately supervised at all times.

Subp. 5. **Fire safety.** The FFH home shall be safe from fire and structural hazards.

Satisfactory compliance:

A. An inspection for fire safety using the Fire Safety Check List shall be made jointly by the applicant and the agency before licensure and annually thereafter before relicensure. The agency may request a fire marshal inspection of any FFH (agency requirement).

B. An FFH to be located in a mobile home must be inspected by a fire marshal or codes officer.

C. Any bedroom for a foster child located in a room 50 percent or more below ground level must be inspected by a fire marshal or codes officer. It must have two means of exit.

D. Unvented gas or oil heaters shall not be permitted.

E. No stove or heater shall be located where it would block escape in case of a fire.

F. A portable A-B-C fire extinguisher shall be provided for the kitchen and cooking areas.

G. Combustible items shall not be located near the furnace area or other sources of heat.

H. Fireplaces, space heaters, steam radiators, and hot surfaces, such as steam pipes, shall be shielded against accidental contact.

I. Every closet door latch shall be one that can be opened from the inside.

J. Any bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

K. A report shall be made to the agency after the occurrence of a fire that requires the services of a fire department.

L. Emergency procedures shall be planned, written, and posted. They shall include a plan for evacuation, temporary shelter, and meeting place to determine if anyone is missing. Emergency procedures shall be reviewed at least annually by the FFH provider and agency.

M. A UL-listed product of combustion detection unit (smoke or ionization), either battery or electrically operated, shall be installed in the corridor or hallway leading to the sleeping area(s) of the FFH.

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Subp. 6. **Coping with emergencies.** The FFH provider shall be prepared to cope with emergencies.

Satisfactory compliance:

A. The FFH provider shall make arrangements, approved by the agency, for substitute care during emergencies.

B. A list of emergency telephone numbers shall be prominently posted, including police, fire, doctor, hospital, ambulance, and emergency social service.

C. The FFH provider shall notify the agency as soon as it has been determined that a foster child has run away or is missing.

Statutory Authority: *MS s 245.802 subd 1*

9545.0200 NUTRITION.

Subpart 1. **Diets.** The FFH provider shall consult with a physician about the diet for children with special dietary needs, such as infants under one year of age, children with allergies, children who are over or under weight, children who are hyperactive.

Subp. 2. **Well-balanced meals.** Well-balanced meals shall be served daily.

Reason: Balanced nutrition is basic to the attainment of good health. A child grows and develops rapidly. This growth and development is related to nutrition.

Satisfactory compliance: Each day's menu shall include servings from each of the basic four food groups as indicated in the daily food guide in part 9545.0240.

Statutory Authority: *MS s 245.802 subd 1*

9545.0210 DAILY ACTIVITIES.

Subpart 1. **In general.** Every foster child shall be treated as a member of the FFH. The foster child shall share in the privileges and responsibilities of the home as appropriate to the child's age and abilities. Activities shall foster optimum physical, social, mental, and emotional development of children. Activities that enhance the child's appreciation of his cultural heritage shall be supported and encouraged.

Subp. 2. **Infants.** Infants:

A. Each infant must be held during bottle feedings until he is safely able to hold his own bottle.

Reason: An infant's first sense of security is closely related to his food. Being held during feeding helps him to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

B. Each infant must be held, rocked, cuddled, and played with during each day of care.

Reason: Physical closeness to others is indispensable as a first step in social relationships.

C. Infant's attempts to communicate must be responded to.

Reason: Baby sounds are the beginning of speech and language development. Socialization is encouraged when the infant receives a response to his babbling.

D. The infant must have ample opportunities for freedom of movement every day.

Reason: The infant needs large-muscle activity in order to develop properly, physically and mentally. The infant learns by exploring his environment.

Satisfactory compliance:

(1) The noncreeping infant shall spend part of each day outside of crib and playpen.

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(2) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when needed for safety. During the infant's waking hours, a playpen shall be placed where the infant can see others.

E. The infant must be provided with an environment that stimulates all of his senses.

Reason: The infant develops in response to stimuli; normal development can be retarded by a lack of stimulation.

Satisfactory compliance: Infants should be provided with (commercial, homemade, or natural):

- (1) things to look at (e.g., crib mobile);
- (2) things to listen to (e.g., rattle, FFH provider's voice);
- (3) things to feel (e.g., a soft ball);
- (4) things to smell (e.g., newly baked cookies); and
- (5) things to taste (e.g., clean objects that are nontoxic and too large to swallow or choke him).

large to swallow or choke him).

Subp. 3. **Toddlers, preschoolers, and school-age children.** Toddlers, preschoolers, and school-age children:

A. Each child shall be allowed as much independence as he can safely handle.

Reason: The child needs to establish his own identity; children learn through exploring and manipulating their environment.

B. Each child shall be provided with limits consistent with his age and understanding.

Reason: The child needs to learn rules for his own and others' safety.

Satisfactory compliance: Each child shall be taught to avoid behavior that would be dangerous to himself or to others.

C. Each child shall be encouraged to communicate verbally.

Reason: Speech and language development occurs through practice and encouragement. Socialization is encouraged when the child receives a response.

D. Each child shall be given physical signs of affection as appropriate for age and maturity.

Reason: The child needs physical closeness although he may reject it at times because of his growing need for independence. This independence must be respected, but rocking, hugging, and other physical signs of affection must be offered.

E. Each child shall be provided with materials and equipment that will enhance his physical, mental, and emotional development.

Reason: Appropriate materials and equipment encourage activities among children.

Satisfactory compliance: The FFH home shall provide commercial, homemade, or natural materials and equipment of sound construction and working, that encourage and stimulate:

- (1) large-muscle activities (e.g., large blocks, cardboard cartons);
- (2) small-muscle activities (e.g., manipulative toys, craft materials);
- (3) creative activities (e.g., dress-up clothes, art supplies);
- (4) cognitive activities (e.g., puzzles, books); and
- (5) social activities (e.g., games).

F. Toilet training shall be undertaken only when appropriate to each child's age and stage of development.

Satisfactory compliance:

(1) Toilet training by the FFH provider shall be within the limits of the licensing rules.

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(2) No child shall be punished for accidents occurring during toilet training. (See also part 9545.0160)

(3) The agency shall offer consultation and training to providers about toilet training.

G. Each child shall nap or rest as appropriate to his age and stage of development.

Reason: Children's needs for naps differ even at similar ages.

Subp. 4. **Adolescents.** Adolescents:

Reason: The view of adolescence on which the following is based is that of adolescence being a segment of continuing human development. Adolescents are persons with specific qualities and characteristics who have a participatory and responsible role to play, tasks to perform, and skills to develop at that particular time of life. The degree or extent to which an adolescent experiences such responsible participation will determine and maximize human development.

Conditions for healthy development should provide young people with opportunities:

A. To participate as citizens, as members of a household, as workers, as responsible members of society.

Reason: Adolescents are growing, developing persons in a particular age group, not preadults, preparents, or preworkers, but human beings participating in the activities of the world around them.

Satisfactory compliance: The agency and the foster child shall discuss house rules with the foster parent(s). The foster child(ren) are expected to live by these house rules.

B. To gain experience in decision making.

Reason: In our complex society, youth must develop the capacity to make decisions in many areas: school interests, work interests, use of discretionary time, the kind of friends they want to cultivate, etc.

Satisfactory compliance: Each child shall be provided practical learning opportunities.

C. To interact with peers and acquire a sense of belonging.

Reason: Adolescents are moving toward wider interdependence with their peers, need to have a sense of belonging to their own age groups, as well as to adults. They need to acquire the ability to handle their sexuality, to develop and maintain friendship, to experience closeness.

Satisfactory compliance: Each child shall have the opportunity to participate in a variety of activities.

D. To reflect on self in relation to others and to discover self by looking outward, as well as inward.

Reason: Adolescents encounter conflicting values in a rapidly changing world and should have the opportunity to thrash out their reactions, consider the pluses and minuses, and try to determine where they themselves stand.

Satisfactory compliance: Each child shall be encouraged to participate in open discussion, with adults exposing, but not imposing, their value systems on the child.

E. To discuss conflicting values and formulate their own value system.

Reason: There is almost no increase in the level of moral maturity beyond that reached during adolescence.

Satisfactory compliance: Each child shall be provided opportunity for significant experiences and careful examination and reflection of those experiences for their moral development.

F. To experiment with their own identity, with relationships to other people, with ideas: to try out various roles without having to commit themselves irrevocably.

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Reason: Adolescents should be able to try out various roles without being obligated to pursue a given course.

Satisfactory compliance: Each child shall be allowed opportunities to experiment, within the constraints of law, with his own identity in a nonjudgmental atmosphere.

G. To develop a feeling of accountability in the context of a relationship among equals.

Reason: Genuine participation and genuine responsibility go hand in hand. A basic tenet of our social system is: for every right, there is a corresponding responsibility, resulting in the commitment necessary in a mature society.

Satisfactory compliance: Each child shall be provided opportunities for participation and accountability in a family relationship.

H. To cultivate a capacity to enjoy life.

Reason: Maturity includes enjoyment, being creative, frivolous, doing things on one's own, and learning to interact with all kinds of people.

Satisfactory compliance: Each child should have a family accepting of other person's life styles and values, having flexibility and a sense of humor, and a sense of the joy of living.

Subp. 5. **Religious or cultural heritage.** Special activities related to a child's religious or cultural heritage shall be available to him.

Subp. 6. **Activities with natural family.** Special activities related to a child's natural family shall be available to him, based on the agency's plan.

Statutory Authority: *MS s 245.802 subd 1*

9545.0220 RECORDS.

Subpart 1. **Individual records for each FFH.** The agency shall establish and maintain an individual record for the foster family home (agency requirement).

Reason: The foster home record serves as the basis of evaluation both of foster home quality and of agency practice. Recommendations to the department about the foster home must be substantiated through the agency's records.

Satisfactory compliance: The agency record shall contain:

A. A copy of the application for licensure signed by the applicant (DPW-138).

B. A Foster Parent Agreement Form signed by both the applicant and the agency (DPW-139).

C. A physician's statement concerning the physical health of persons in the FFH.

D. A current completed Fire Safety Check List (DPW-644) plus a written report from the fire marshal on any special fire hazards (if required by agency).

E. The prelicensing home study.

F. References from persons who can evaluate the applicant(s) as potential foster care providers. If the applicant(s) have been licensed through another agency within the previous five years, the agency shall request a reference from that agency.

G. An annual evaluation of the FFH, done jointly by provider and agency, covering services provided by both FFH and agency. It shall be based on a complete review of parts 9545.0010 to 9545.0260 and on the years placement experiences. Any disagreement about the evaluation between the FFH and the agency shall also be entered into the record.

H. Documentation for any waiver of licensing rules.

I. Record of training received by the foster parents.

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Subp. 2. **Individual records for children in FFH.** Individual case records for children placed in foster care shall be kept separately from the licensing record (agency requirement).

Subp. 3. **Private data.** FFH data classified as private shall be maintained as private. FFH providers shall have access to private data concerning themselves (agency requirement).

Statutory Authority: *MS s 245.802 subd 1*

9545.0230 SPECIAL SERVICES HOME; ADDITIONAL REQUIREMENTS.

Subpart 1. **In general.** Reason: Children with special needs require a special understanding. FFH providers who undertake to care for these children must possess more than ordinary abilities. Such children require extraordinary care.

Opportunities for achieving the special knowledge and skills can include observation of children with special needs, meeting with other foster parents who have cared for children with special needs, discussions with specialists and community resource people, and attending conferences.

Subp. 2. **Education and experience requirements.** Prior to licensure for special services, the FFH provider must have structured opportunities for achieving knowledge and skills necessary and pertinent to specific special need or handicap:

A. three years' experience as a licensed FFH plus 12 hours of training related to children with special needs; or

B. one year experience in working with children with special needs, which may include their own children, plus six hours of training related to children with special needs; or

C. 25 hours of training related to children with special needs.

Subp. 3. **Individual program plan.** Within 30 days after placement of a child with special needs in an FFH, a written individualized program plan must be developed by the FFH provider and the agency. This plan shall be evaluated and updated regularly, but no less often than every six months (agency requirement).

Reason: The growth and development of children with special needs or handicaps must be planned and evaluated regularly.

Satisfactory compliance:

A. At least the FFH provider and agency must participate in program planning. The school district shall be invited to participate, and given reasonable notice.

B. Other agencies and community resources shall be called upon as indicated by the particular needs of the individual child.

C. The individual program plan must be available for use by the FFH provider, the agency, and the school district.

D. There shall be a regular evaluation of the child's progress at intervals mutually agreed upon by provider agency. Progress shall be recorded by the agency.

E. The individualized program plan shall contain specific, objective, time-limited goals. These goals shall be dated. The goals shall be updated as needed at the times of evaluation. Goals shall relate to the care and welfare of the foster child.

Subp. 4. **Community resources.** Community resources and services must be made known to and utilized by the FFH, as indicated by the needs of the children.

Subp. 5. **Time off.** A plan for regular time off for providers shall be developed by the agency and the FFH provider (agency requirement).

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Subp. 6. **Home environment.** The environment and structure of the home shall be appropriate to the needs of the foster child(ren).

Statutory Authority: *MS s 245.802 subd 1*

9545.0240 GROUP FAMILY FOSTER HOMES; ADDITIONAL REQUIREMENTS.

Subpart 1. **Flexibility in type of care.** Flexibility in type of care:

Reason: Not all foster homes fit into neat categories. There are families with many children of their own. There is a need to develop innovative ways of caring for children away from their own families -- such as emergency shelters and teenage peer groups. It is both necessary and desirable to provide flexibility and room for innovation in the field of foster care, while still ensuring the basic needs of children.

Subp. 2. **Written description.** The group family foster home, in conjunction with the agency, shall define, in writing, a description of the ages and kinds of children to be served, as well as the scope of services to be provided by the group family foster home.

Subp. 3. **Written agreement.** The group family foster home and agency shall have a written and signed agreement containing (agency responsibility):

- A. admission and discharge policy for the children;
- B. individualized program plans for the children and designated responsibility for developing and implementing these plans;
- C. the time limits of the agreement;
- D. the responsibilities of the agency and the GFFH;
- E. the rate to be paid the home for its services, including any special payments for clothing, medical expenses, and special services;
- F. the responsibility for arranging for all necessary services and resources in the community;
- G. the arrangements for substitute providers for emergency situations, vacations, illness, and for regular time off; and
- H. the arrangements for providing administrative, consultative, and social services for the GFFH.

Subp. 4. **Adult to child ratio.** There shall be a minimum of one adult in residence for every five children in the group family foster home.

Subp. 5. **Maximum number of children.** The group family foster home shall care for no more than ten children, including their own children.

Subp. 6. **Physical facility.** Physical facility:

- A. There shall be 35 square feet of living space per child, excluding bathrooms, halls, bedrooms, kitchen, and laundry or furnace room.
- B. The dining area must be able to comfortably accommodate, at one time, all the children plus the family.
- C. Every sleeping room accomodating one foster child shall have at least 80 square feet of floor space.
- D. Every sleeping room accommodating more than one foster child shall have at least 60 square feet of floor space per child.
- E. No sleeping room shall accommodate more than four children.
- F. Each child shall have adequate space for his clothing and personal possessions.

Subp. 7. **Joint signatures on application.** The application for licensure shall be signed by both the agency and the applicant.

Subp. 8. **Maximum number of unrelated children with special problems.** A group family foster home may not care for more than two unrelated children

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who are nonambulatory, nonmobile, severely mentally retarded, or profoundly mentally retarded at any one time.

Statutory Authority: *MS s 245.802 subd 1*

9545.0250 DAILY FOOD GUIDE.

Food	Serving Per Day	Average Size Serving By Age*				
		1-3 yrs	3-6 yrs	6-9 yrs	9-12 yrs	12-18 yrs
MILK GROUP:						
Milk	2-3 servings	1/2- 1 cup	1/2- 1 cup	1 cup	1 cup	1 cup
Cheese and ice cream occasionally						
MEAT GROUP:						
Meat, poultry, fish, and, as alternatives, dried beans or peas or peanut butter	1-2 servings	1-3 oz.	2-4 oz.	4-5 oz.	4-6 oz.	4-6 oz.
Egg	3-4/wk	1	1	1	1	1
VEGETABLE & FRUIT GROUP:						
Dark green vegetables and deep yellow vegetables and fruits for Vitamin A	1 serving	2-3 tbsp.	2-4 tbsp.	1/4 cup	1/2 cup	1/2 cup
Fruit for Vitamin C - citrus, tomato, cabbage	1 serving	1/3-2/3 cup	1/3-2/3 cup	1/2 cup	1/2 cup	1/2 cup
Other fruits and vegetables	2 servings	1/4-1/3 cup	1/4-1/2 cup	1/2 cup	1/2 cup	1/2 cup
BREAD AND CEREAL GROUP:						
Bread and cereal, whole grain or enriched	4 servings	1/2-1 slice 1/4 cup cereal	1/2- 1-1/2 slices 1/2 cup cereal	2-3 slices 1/2 cup cereal	2-3 slices 3/4 cup cereal	2-3 slices 1 cup cereal

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OTHER

Butter or margarine	as spread or seasoning	2 tbsp.	2-4 tbsp.
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*Size of serving will differ with individual children; some may want smaller amounts and some larger.

Source: USDA, Consumer & Food Economics Research Division - 1963
Minnesota Department of Health.

Statutory Authority: *MS s 245.802 subd 1*

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 9545.0260 FOSTER CARE.

TYPE OF HOME	EXPERIENCE	ANNUAL TRAINING	NUMBER OF "OWN" CHILDREN	NUMBER OF FOSTER CHILDREN	TOTAL NUMBER OF CHILDREN
1. Interim & permanent (3 foster - 5 total)	Licensed less than 2 years	12 hours	0-2	3 Absolute	5
			3	2 limit in	5
			4	1 this	5
			5	2 category	7
			6	1	7
			No Requirement		
2. Interim & Permanent (5 children total)	Licensed 2 or more years	12 hours	0	5	5
			1	4	5
			2	3	5
			3	2	5
			4	1	5
			5	2	7
Exclusively Permanent or Restricted		No Requirement	6	1	7
3. Emergency Shelter (7 children total)		12 hours 6 hours (Special needs)			7

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Statutory Authority: *MS s 245.802 subd 1*

TYPE OF HOME	EXPERIENCE	ANNUAL TRAINING	NUMBER OF "OWN" CHILDREN	NUMBER OF FOSTER CHILDREN	TOTAL NUMBER OF CHILDREN	
4. Special Services (Handicapped or Extraordinary Care) (4 foster - 5 total)	a) Licensed 3 years + 12-hrs. related training	12 hours	0	4	4	
		6 hours	1	4	5	
		(Special needs)	2	3	5	
			3	2	5	
	OR		4	1	5	
	b) Experience - 1 year with handicapped + 6 hours related train- ing	OR				
		c) 25 hrs. related train- ing				
5. Group Family (10 children total)		12 hours			10	
		6 hours (Special needs)		(No more than 2 children with severe handicaps at one time)		

- EXCEPTIONS:**
- a) Siblings need placement together. Maximum Number: Seven children total.
 - b) Home has five or six children of its own under age 18. Maximum Number: Seven children total.
 - c) Child needs to be placed again in the same home. Maximum Number: Seven children total.

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FAMILY DAY-CARE HOMES AND GROUP FAMILY DAY-CARE HOMES

9545.0310 DEFINITIONS.

Subpart 1. **Agency.** "Agency," unless qualified, means the local county welfare department; the agency is the duly delegated representative of the commissioner.

Subp. 2. **Commissioner.** "Commissioner," unless qualified, means the commissioner of the Department of Human Services.

Subp. 3. **Day care.** "Day care" means the care of children outside of their own homes for a part of the 24 hour day by persons unrelated to them by blood or marriage. Day care includes family day care, group family day care, and group day care centers.

Subp. 4. **Department.** "Department," unless qualified, means the Department of Human Services.

Subp. 5. **Family day-care home (FDC).** "Family day-care home (FDC)" means a program providing day care for no more than five children at one time, including the family day-care provider's own children under school age.

Subp. 6. **Family day-care provider.** "Family day-care provider" means the individual giving care to children in a family day-care home. The family day-care provider is the person held accountable for the operation of the family day-care home or group family day-care home under this rule.

Subp. 7. **Group family day care (GFDC).** "Group family day care (GFDC)" means a program providing day care for more than five but fewer than 11 children at any one time, including the provider's or helper's own children under school age.

Subp. 8. **Helper.** "Helper" means an individual who is at least 13 years of age who assists a family day-care provider or a group family day-care provider with the care of children.

Subp. 9. **Infant.** "Infant" means a child aged six weeks through 15 months.

Subp. 10. **Intermediate school child.** "Intermediate school child" means a child aged nine years through 12 years.

Subp. 11. **Licensed capacity.** "Licensed capacity" means the maximum number of children who can be in attendance in a family day-care home or group family day-care home at any given time.

Subp. 12. **Licensing representative.** "Licensing representative" means a duly delegated representative of the commissioner.

Subp. 13. **Preschool child.** "Preschool child" means a child aged 31 months through five years.

Subp. 14. **Primary school child.** "Primary school child" means a child aged six years through eight years.

Subp. 15. **Toddler.** "Toddler" means a child aged 16 months through 30 months.

Subp. 16. **Waiver.** "Waiver" means a temporary or permanent written permission to disregard a particular licensing rule.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106; L 1984 c.654 art 5 s 58*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0320 LICENSING LAWS AND PROCEDURES.

Subpart 1. **Requirement and exclusions.** A family day-care home (FDC), in order to provide care during any part of the 24-hour day, must be licensed by the department, with the following exclusions:

A. a FDC providing care only to children related to the FDC operator by blood or marriage;

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B. a FDC providing care to children from one other family only; and

C. a FDC providing care to children for less than 30 days in any 12-month period.

Subp. 2. **Application form.** Application for a license shall be made on the form issued by the department. This form can be obtained from the county welfare department (agency) in the county where the applicant resides.

Subp. 3. **Application through a representative.** The applicant for a FDC license shall apply through a duly delegated representative of the commissioner.

Subp. 4. **Copy of rules.** The applicant for a FDC license shall be furnished with a copy of the appropriate rules.

Subp. 5. **Evaluation and recommendation of application.** Upon receipt of a signed and completed application form, the agency shall evaluate the prospective FDC based upon these rules. A prospective FDC which meets minimum standards shall be recommended to the commissioner for issuance of a FDC license. This license may be either provisional or regular.

A nonrenewable provisional license shall be issued for a period of up to one year where, in the opinion of the agency or the department, the FDC does not fully comply with licensing standards.

A regular license shall be issued for a period of up to two years where, in the opinion of the agency and the department, the FDC fully complies with licensing standards.

Subp. 6. **Specifications on license.** The license, whether provisional or regular, shall specify the number of children to be provided care.

Subp. 7. **Evaluation visit.** An evaluation visit shall be made by the agency at least once every 12 months for as long as the FDC provider maintains a FDC license.

Subp. 8. **Right to inspect.** The commissioner or his duly designated representative shall have access to the FDC for inspection at any time during the hours in which day care is being provided.

Subp. 9. **Appeals.** Any FDC applicant or licensee whose application for a license is denied and any FDC provider whose license is revoked or not renewed may appeal to the commissioner within 30 days in accordance with Minnesota Statutes 1969, chapter 15. The agency shall notify by certified mail any facility whose license is denied, revoked, or not renewed. This notification shall state the grounds for such action and shall inform the applicant or operator of his right to appeal the action.

Subp. 10. **Sanctions.** State law provides that every person who operates a facility required to be licensed pursuant to Minnesota Statutes, sections 257.081 to 257.123, without a license or who violates any provision of those sections shall be guilty of a misdemeanor. Any person who offers or advertises a facility required to be licensed pursuant to Minnesota Statutes, sections 257.081 to 257.123, prior to obtaining such a license or who offers or advertises any facility in violation of any provision of Minnesota Statutes, sections 257.081 to 257.123 shall be guilty of a misdemeanor.

Subp. 11. **Waiver.** Rules may be waived for not more than one year with the approval of the department according to the procedure established for such waiver, provided that the health and safety of children is assured. The granting of a waiver shall not constitute a precedent.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

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9545.0330 LIMITATIONS OF LICENSE.

Subpart 1. **No discrimination.** No FDC provider shall discriminate in relation to admissions, terminations, or treatment of children on the basis of race, creed, color, national origin, religion, or sex.

Subp. 2. **Maximum number of children under school age.** The FDC home shall be licensed for no more than five children under school age, including the provider's children under school age.

Satisfactory compliance:

A. No family day-care provider shall care for more than three infants and toddlers under two and one-half years of age at any one time; or more than two infants under 15 months of age at any one time.

B. Part-time children may be counted as one full-time child if they are not in care at the same time.

C. In addition to the licensed capacity, two school age children may be in care if care is generally limited to no more than three hours per day, and exceptions to this limit amount to no more than 30 days per school year.

D. Other child care arrangements shall have the prior approval of the agency.

Subp. 3. **Approval required for 24-hour care.** Twenty-four-hour care may not be provided for day-care children unless the FDC provider has the approval of the agency. Such care may not be provided for more than 30 days in any month period.

Subp. 4. **Minimum age of provider.** A FDC provider must have reached at least the age of 18 years at the time of licensure.

Subp. 5. **Nontransferability of license.** The FDC license is not transferable to another operator or site.

Subp. 6. **Notice of changes affecting license.** The agency must be notified of any changes that would affect the terms of the license.

Subp. 7. **Written approval required for license term changes.** Any changes in the terms of the license (maximum number or age grouping) must have prior written approval of the agency.

Subp. 8. **Notice of closing.** When an FDC provider decides to terminate services as an FDC provider, notice of the closing must be sent to the agency.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0340 PERSONAL QUALIFICATIONS OF FDC APPLICANTS.

FDC applicants and others living in the household shall be kind and responsible people with a genuine liking for children. They shall possess consistent and healthy methods for handling the life style unique to their own families.

Reason: Children in family day-care programs are under the care of the day care providers for a large portion of the day and therefore are strongly influenced by the emotional climate and the values within that day-care home. Children are often too young or too frightened to speak out against physical or emotional abuse or neglect.

Satisfactory compliance:

An FDC license shall not be issued where any person living in the household has any of the following characteristics:

A. a conviction for, admission of, or substantial evidence of an act of child battering or child abuse or child molesting;

B. use of alcohol or drugs such that its effects are apparent during the hours that children are in care;

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C. a placement of the family's own children in foster care or residential treatment for emotional disturbance within the previous 12 months unless the primary reason for such placement was:

- (1) the physical illness of the parent; or
- (2) the mental retardation or physically handicapping of the child;

or

(3) the temporary foster placement of an infant being relinquished for adoption; and

D. a conviction for any felony or offense involving moral turpitude.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0350 COOPERATIVE WORKING ARRANGEMENTS.

The FDC provider shall be able and willing to work cooperatively with the agency and with the parents of children in care.

Satisfactory compliance:

A. The FDC provider shall keep the parent aware of the child's progress and development.

B. All required reports and information shall be submitted to the agency on time.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0360 HEALTH OF ADULTS IN FDC HOME.

All adults in the FDC home during the time child care is given shall be reasonably healthy and free from contagious or infectious disease.

Satisfactory compliance:

The FDC provider shall supply evidence to the agency that:

A. during the six months prior to application, each adult in contact with the FDC children has had a negative Mantoux test or chest X ray; and

B. a statement from the provider's physician dated within the six months prior to the application that either:

(1) the provider has received a physical examination and is physically and emotionally able to provide day care to young children; or

(2) the provider is receiving all necessary continuing medical care and is physically and emotionally able to provide day care to young children.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0370 KNOWLEDGE OF CHILDREN'S BASIC NEEDS.

The operator must demonstrate willingness to acquire knowledge of the basic needs of children.

Satisfactory compliance:

Within two years after the agency is prepared to offer training to FDC providers, each licensed FDC provider shall participate in a minimum of six hours of training. Newly licensed providers shall participate in a minimum of six hours of training within one year after the date of initial licensure, provided that the agency is prepared to make such training available.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

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9545.0380 PROHIBITION AGAINST ABUSE.

No child shall be subjected to corporal or psychological abuse.

Reason: Although families differ in their approach to discipline, harsh or threatening methods are not appropriate for children in day care.

Satisfactory compliance:

A. Methods of discipline used by the FDC provider shall be discussed with the child's parent at the time of enrollment.

B. No child shall be hit, shaken, pinched, or roughly handled by the FDC provider.

C. No child shall be insulted or belittled by the FDC provider.

D. Exclusion, when used as discipline, shall not exceed ten minutes for any child and shall be within hearing of an adult in a lighted, well-ventilated room. No child shall be isolated in a locked room or closet.

E. No child shall be punished for lapses in toilet training.

F. Deprivation of meals and snacks shall not be used as forms of punishment unless the misbehavior occurs during meal or snack.

G. No discipline or punishment shall be delegated to another child.

H. No derogatory remarks about a child or his family shall be made.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0390 PRIVACY OF PERSONAL DATA.

Personal information about the child or his family shall not be shared with the community.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0400 CHILDREN'S HEALTH.

Subpart 1. **Admission; health history.** At the time of admission, the FDC provider shall obtain from the parent a health history of the child, including information on special diet, allergies, immunization record, source of regular health care, and any other problems of the child.

Subp. 2. **Handicapped children.** Special consideration must be given when providing care to a handicapped child.

Satisfactory compliance:

A. A physician's statement indicating the nature of the handicap and any special methods that must be employed in caring for the handicapped child.

B. A careful exploration with the parent of the handicapped child, including complete explanations of care and treatment, at the time of admission or occurrence of the handicap.

C. Written instructions from the physician and/or parent indicating any special therapy, program, or behavior techniques required by the handicapped child.

D. Regular conferences with the parent.

Subp. 3. **Sick children.** No FDC provider shall be required to accept a sick child for care. The provider may, however, accept a sick child where care can be given without unduly endangering the health of others.

Reason: Caring for a sick child imposes extra burdens on the FDC provider that the parent and agency cannot require. If a sick child is to be cared for, appropriate health practices must be assured.

Satisfactory compliance:

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A. Provider shall have a plan approved by the agency for isolating a sick child when necessary from other children receiving care.

B. Parents of children in care shall be notified that it is the practice of the provider to offer care to sick children.

C. The parent of a sick child placed in the FDC provider's care shall give complete instructions to the provider about care for his child.

D. The sick child, if isolated from other children, shall still be under the control and supervision of the provider. The sick child must be within hearing of the FDC provider or a helper.

Subp. 4. Health emergencies. The FDC provider shall be prepared to cope with health emergencies.

Satisfactory compliance:

A. The FDC provider shall have a plan approved by the agency and by the child's parents for meeting medical emergencies; this plan shall include the name and phone number of the child's physician.

B. The FDC provider shall have first-aid supplies readily available to treat minor injuries.

C. The FDC provider shall obtain written permission from the child's parents prior to the administration of any medication, prescription or nonprescription.

D. The FDC provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

Subp. 5. Separate personal articles. Separate towels, wash cloths, drinking cups, combs, and other personal articles must be used for each child. Paper towels are permitted.

Subp. 6. Bed linen. Clean and separate bed linen shall be provided for each child in care.

Subp. 7. Pets. FDC homes that have pets shall provide evidence that such pets have had all necessary shots; FDC homes shall not have turtles, chickens, or ducks as house pets.

Subp. 8. Report of serious illness or injury. FDC provider shall submit to the agency a special report within 48 hours after the occurrence of an unusual accident such as the death or serious injury of a child. A serious injury shall be defined as one which requires the hospitalization of the child. A report shall also be made within 48 hours after the occurrence of a fire that requires the services of a fire department.

Subp. 9. Diseases. When a positive diagnosis of a serious communicable or infectious disease is made, the parents of all exposed children shall be notified immediately. Such children shall be watched for symptoms of the disease.

Subp. 10. Washing up. The FDC provider and any helper shall wash thoroughly after changing diapers or using toilet facilities and before handling food.

Subp. 11. Dirty diapers. Diapers shall be changed when they become soiled or wet. A child who has soiled shall be washed with a separate cloth or towel before diapering.

Subp. 12. Toileting. Children shall be offered frequent opportunities for toileting.

Subp. 13. Clean diapers. An adequate supply of clean diapers shall be available. Diapers may be provided by the parent. All diapers shall be stored in a sanitary manner.

Subp. 14. Containers for dirty diapers. Soiled diapers shall be kept in a closed container. This container shall be renewed or cleaned daily and shall not be accessible to the children.

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Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0410 PHYSICAL ENVIRONMENT.

Subpart 1. **Toilets, garbage disposal, lighting, and ventilation.** The day-care home must have adequate toilet facilities, disposal, and proper lighting and ventilation, as determined by the commissioner in consultation with the Department of Health.

Satisfactory compliance:

- A. Complete disposal of waste means toilet must flush thoroughly.
- B. Outdoor toilets are permissible if local regulations allow.

Subp. 2. **Water and milk supply.** There must be a safe water and milk supply.

Satisfactory compliance:

A. Sample shall be taken of water from wells and tested by the Department of Health.

- B. All milk must be pasteurized.

Subp. 3. **Basements.** Basements, if warm and dry, light and well ventilated, may be used for short periods of active play but must not be used for sleeping.

Satisfactory compliance:

A. Furnace and hot water heater must be separated by a door, partition, or barrier from play areas.

B. Basements partly above ground level that are clean, warm, and dry may be used for play periods; basements shall not be used for sleeping.

- C. Cellars wholly below ground level shall not be used.

Subp. 4. **Stairways.** All stairways shall be guarded for the toddler and crawler.

Reason: Stairways present a substantial accident hazard to toddler and crawler.

Satisfactory compliance:

A. The area between guard rail and stair tread shall be enclosed on stairs used by the children.

- B. Stairways used by children shall have handrails.

C. Gates shall be used at both top and bottom of stairs accessible to the children where care is being provided to crawlers or toddlers.

- D. Stairways shall be kept clear.

Subp. 5. **Clean premises and house.** The house and premises shall be clean, reasonably neat, and free from hazards that jeopardize health and safety.

Satisfactory compliance:

A. FDC premises shall be inspected by a representative of the commissioner.

B. House and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.

C. All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children. They must not be stored with or immediately adjacent to food products.

D. Electric receptacles accessible to the children shall be covered or protected when not in use.

E. Scissors, knives, matches, thin plastic bags, and other potential hazards to children shall be kept out of their reach. The use of potentially hazardous materials and tools shall be supervised.

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F. Outdoor garbage and rubbish containers shall not be accessible to the children.

G. Outdoor play space shall be enclosed as necessary to provide protection.

H. The FDC provider shall maintain personal cleanliness and conform to hygienic practices while preparing food.

I. All food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.

J. Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth (40 degrees Fahrenheit recommended).

K. Appliances regularly used in the storage and preparation of food shall be safe and in good working order.

L. Except for home-canned meat, fish, and poultry, the use of home-canned foods is acceptable.

M. Effective measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.

Subp. 6. **Whereabouts of children.** FDC provider shall have knowledge of where each child in care is at all times.

Subp. 7. **Adequate supervision of children.** Children in care shall be adequately supervised by the FDC provider or helper.

Subp. 8. **Fire and structural safety.** The FDC home shall be safe from fire and structural hazards.

Satisfactory compliance:

A. An inspection for fire safety shall be made before licensure and whenever a fire hazard appears to be present in the estimation of the agency.

B. Every room below ground level shall have one exit leading directly outside. This exit may be a window large enough for a child to crawl through.

C. Unvented room heaters shall not be permitted.

D. No stove or heater shall be located where it would block escape in case of a stove or heater fire.

E. A portable fire extinguisher shall be provided for the kitchen and cooking areas. This extinguisher shall be in working order and checked annually.

F. Combustible items shall not be located or stored near the furnace area.

G. Fireplaces, space heaters, steam radiators, and hot surfaces such as steam pipes shall be protected by guards.

H. Every closet door latch shall be one that can be opened from the inside.

I. Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

Subp. 9. **Emergencies.** The FDC provider shall be prepared to cope with emergencies.

Satisfactory compliance:

A. The FDC provider shall have information on file that will permit contact with the parents of each child in care.

B. The FDC provider shall make arrangements for a substitute care giver to provide care during emergencies. The substitute care giver shall be eligible for the same training as the licensed FDC provider.

C. A list of emergency telephone numbers shall be prominently posted by the telephone, including police, fire, doctor, and hospital.

D. The FDC provider shall make arrangements in advance for emergency transportation.

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E. Emergency procedures shall be planned, written, and posted. They shall include a plan for evacuation.

F. A review of these emergency procedures shall be held not less often than annually.

G. At least one operable flashlight shall be available for use in the event of a power failure.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0420 NUTRITION.

Subpart 1. **Well-balanced meals.** Well-balanced meals and snacks shall be served daily.

Reason: Balanced nutrition is basic to the attainment of good health. A child grows and develops rapidly during early life and this growth and development is related to nutrition.

Satisfactory compliance:

Each meal served shall include servings from each of the basic four food groups as indicated in the daily food guide in subpart 2.

Subp. 2. **Daily food guide.**

Foods	Servings Per Day	Average Size Serving By Age*		
		1-3 Years	3-6 Years	6-9 Years
MILK GROUP:				
Milk	2-3	1/2-1 cup	1/2-1 cup	1/2-1 cup
Cheese and ice cream occasionally				
MEAT GROUP:				
Meat, poultry, and fish	1-2	1-3 tbsp	2-4 tbsp	4-6 tbsp
As alternatives dried beans or peas or peanut butter			(1-2 oz. cooked)	(2-3 oz. cooked)
Egg	1	1-3 tbsp	2-4 tbsp	4-6 tbsp
		1	1	1
VEGETABLE AND FRUIT GROUP:				
Dark green vegetables and deep yellow vegetables and fruits	1	2-3 tbsp	2-4 tbsp	1/4 cup
for Vitamin A				
Fruit for Vitamin C-- citrus, tomato, cabbage	1	1/3- 2/3 c	1/3- 2/3 c	1/2 cup
Other fruits and vegetables	2	1/4-1/3 c	1/4-1/2 c	1/2 cup
BREAD AND CEREAL GROUP:				
Bread and cereal, whole grain or enriched	4	1/2 to 1 slice 1/4 c	1/2 to 1-1/2 slices	2-3 slices 1/2 c

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cereal 1/2 c cereal
 cereal

OTHER

Butter or margarine As spread or seasoning

*Size of serving will differ with individual children, some may want smaller amounts and some larger.

Subp. 3. **Special diet or food needs.** The FDC provider shall obtain from the parent at the time of enrollment, written instructions on each child's special diet or food needs.

Satisfactory compliance:

A. Any special diet or food needs shall be recorded on the child's admissions and arrangements form.

B. Parent's wishes on the serving and timing of snacks shall be observed as far as possible.

Subp. 4. **Special food preferences.** Parents shall be consulted about special food preferences.

Subp. 5. **Flexible feeding schedules.** Flexible feeding schedules shall be provided for infants and toddlers.

Satisfactory compliance:

A. The infant's or toddler's usual feeding schedule, as given by the child's parent, shall be recorded on the child's enrollment form.

B. The infant's or toddler's usual feeding schedule shall be followed by the FDC provider in so far as is possible.

C. Food and bottles brought from home shall be labeled with the child's name and refrigerated when necessary. Bottles shall be rinsed when empty.

Subp. 6. **Drinking water.** Drinking water shall be available to children and offered at frequent intervals.

Satisfactory compliance:

A. Water bottles for infants shall be identified for each individual infant. The water shall be stored and handled to protect against contamination.

B. Drinking water for toddlers and older children shall be provided in individual or single-service cups.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0430 DAILY ACTIVITIES.

Subpart 1. **Definition.** Daily activities shall be defined as the program of the FDC for meeting the needs of children receiving service. Daily activities shall foster normal physical, social, mental, and emotional development of children.

Subp. 2. **Infants.** Infants:

A. Each infant must be held during bottle feedings until he is safely able to hold his own bottle. Bottles shall not be propped.

Reason: An infant's first sense of security is closely related to his food. Being held during feeding helps him to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

B. Each infant must be held, rocked, cuddled, and played with during each day of care.

Reason: Physical closeness to others is indispensable as a first step in social relationships.

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C. Each infant's attempts to communicate must be responded to.

Reason: Baby sounds are the beginning of speech and language development. Socialization is encouraged when the infant receives a response to his babbling.

Satisfactory compliance:

The FDC provider shall talk and listen to each infant.

D. The infant must be allowed freedom of movement during a large part of his waking day.

Reason: The infant needs large muscle activity in order to develop properly, physically, and mentally. The infant learns by exploring his environment.

Satisfactory compliance:

(1) The noncreeping infant shall spend part of each day on a clean carpeted floor or large blanket.

(2) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when needed for safety or when the provider is attending to other children. During the infant's waking hours, a playpen shall be placed where the infant can watch others. Several hours each day of care shall be spent outside the crib or playpen.

E. The infant must be provided with an environment that stimulates all of his senses.

Reason: The infant develops in response to stimuli; retarded development can occur when there is a lack of stimulation.

Satisfactory compliance:

Infants should be provided with (commercial, homemade, or natural):

(1) things to look at, e.g., crib mobile;

(2) things to listen to, e.g., rattle, FDC provider's voice;

(3) things to feel, e.g., a soft ball;

(4) things to smell, e.g., new baked cookies;

(5) things to taste, e.g., objects that are nontoxic and too large to swallow or choke him.

F. Weather permitting, each infant must spend some part of each day out-of-doors.

Reason: Time spent in the outdoor environment helps to foster optimum physical well-being.

Satisfactory compliance:

Except in inclement weather each healthy infant shall spend some time each day out-of-doors.

Subp. 3. **Toddlers, preschoolers, and school-age children.** Toddlers, preschoolers, and school-age children:

A. Each child shall be allowed as much independence as he can safely handle.

Reason: The child needs to establish his own identity; children learn through exploring and manipulating their environment.

Satisfactory compliance:

Each child shall be allowed and encouraged to move about and handle safe objects in the FDC.

B. Each child shall be provided with limits consistent with his age and understanding.

Reason: The child needs to internalize some rules for his own and others safety.

Satisfactory compliance:

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Each child shall be taught to avoid behavior that would be dangerous to him or to others.

C. Each child shall be encouraged to communicate verbally.

Reason: Speech and language development occurs through practice and encouragement. Socialization is encouraged when the child receives a response to his talking.

Satisfactory compliance:

The FDC provider shall talk to and listen to each child.

D. Each child shall be given physical signs of affection.

Reason: The child needs physical closeness, although he may reject it at times because of his growing need for independence. This independence must be respected, but rocking, hugging, and other physical signs of affection must be offered.

Satisfactory compliance:

Each child shall be given outward signs of affection by the FDC provider, as appropriate for his age and needs.

E. Each child shall be provided with materials and equipment that will foster his development physically, mentally, and emotionally.

Reason: Appropriate materials and equipment encourage activities among children.

Satisfactory compliance:

(1) The FDC home shall provide commercial, homemade, or natural materials and equipment that encourage and stimulate: large muscle activities, e.g., large blocks, cardboard cartons; small muscle activities, e.g., small blocks; creative activities, e.g., dress-up clothes; cognitive activities, e.g., puzzles, books; social activities, e.g., games.

(2) All equipment shall be of sound construction and in operative condition.

F. Weather permitting, each child shall spend time out-of-doors.

Reason: Time spent in the outdoor environment helps to foster optimum physical well-being.

Satisfactory compliance:

Except in inclement weather, each healthy child shall spend some time each day out-of-doors.

G. Toilet training shall be undertaken when appropriate to each child's age and stage of development and in cooperation with the parents' wishes.

Satisfactory compliance:

(1) The FDC provider shall obtain instructions from the parent about timing and methods of toilet training. Any toilet training given by the FDC provider shall be in cooperation with the parent's plan and within the limits of the licensing standards.

(2) No child shall be punished for accidents occurring during toilet training.

H. Each child shall be napped or rested as appropriate to his age and stage of development and in cooperation with the parent's wishes.

Reason: Children's needs for naps differ even at similar ages.

Satisfactory compliance:

The FDC provider shall obtain instructions from the parent about the child's need for naps or rests and the parent's wishes about naps. In so far as possible, each child shall take a nap in accordance with the parent's wishes.

Subp. 4. **Transportation of children.** When transportation is given to FDC children by persons other than their parents, adequate precautions for their safety must be made.

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Satisfactory compliance:

- A. No child shall be permitted to remain unattended in any vehicle.
- B. Each child being transported shall use an approved safety seat, seat belt, or harness.
- C. No more than three persons, including the driver, shall be permitted to occupy the front seat of the vehicle.
- D. Any vehicle operated for the transportation of children shall be licensed in accordance with the laws of the state of Minnesota, and the driver shall hold a current and valid driver's license.
- E. Insurance coverage shall be provided.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

9545.0440 RECORDS.

Subpart 1. **Admissions and arrangements form.** The FDC provider shall complete an admissions and arrangements form for each child in care at the time of first enrollment.

Satisfactory compliance:

A. Admissions and arrangements form shall contain the following information:

- (1) name and birth date of the child;
- (2) full name of parent or guardian;
- (3) home address, work address, and telephone numbers where parent or guardian can be reached;
- (4) name, address, and telephone number of physician caring for the child who should be consulted for emergencies when parent or guardian cannot be reached;
- (5) name, address, and telephone number of person to be notified in case of emergency, when parent or guardian cannot be reached;
- (6) names of all persons authorized to remove child from FDC home;
- (7) specific instructions from parent or guardian about toilet training, eating, sleeping or napping habits, allergies, and other special health problems;
- (8) enrollment and termination dates; and
- (9) financial arrangements.

B. For every infant and toddler, the FDC provider shall get a written statement from the parent or guardian about the specific habits of eating, sleeping, toileting, communication, and comforting.

C. Written consent shall be obtained from the parent or guardian for emergency medical care or treatment, to be used only if the parent or guardian cannot be reached immediately. Medical-care consent may be waived when in conflict with the parent's religious beliefs.

Subp. 2. **Notice to agency of admissions and terminations.** The FDC provider shall inform the agency of each admission or termination.

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

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9545.0450 GROUP FAMILY DAY CARE; ADDITIONAL REQUIREMENTS.

Subpart 1. **In general.** In addition to meeting family day-care standards, group family day-care facilities and providers must meet the following standards.

Subp. 2. **Limitations of license.** The GFDC shall be licensed for no more than ten children under school age, including the provider's and helper's children under school age.

Satisfactory compliance:

A. No more than three infants and toddlers (under 2-1/2 years of age) for each provider.

B. No more than two infants (under 15 months of age) for each provider.

C. No more than four infants or six toddlers for each provider-and-helper combination.

D. No more than six infants and toddlers for each provider-and-helper combination.

E. No more than ten preschoolers for each provider, or each provider-and-helper combination.

F. Part-time children may be counted as one full-time child if they are not in care at the same time.

G. In addition to the licensed capacity, two school age children per staff person may be in care if care is generally limited to no more than three hours per day, and exceptions to this limit amount to no more than 30 days per school year.

H. Other child care arrangements shall have the prior approval of the agency.

Subp. 3. **Staff qualifications.** Group family day-care providers shall have experience and/or training in providing day care to children.

Satisfactory compliance:

A. A minimum of one year's experience as a licensed family day-care provider;

B. A minimum of one year's experience as a paid or volunteer staff member of a licensed group day-care facility; and

C. A minimum of one approved child development course, as defined in subpart 4.

Subp. 4. **Child development training course.** Child development training course may include but is not limited to the following examples:

A. Child growth and development: child psychology;

B. Family relations: parent effectiveness training;

C. Preschool methods and curriculum development: music, art;

D. Human relations: sensitivity training, study of ethnic backgrounds;

E. Food and nutrition: menu planning; and

F. Administration of programs: budget, management.

Training may be offered by county welfare departments, family day-care associations, day-care centers, groups of centers, related organizations (including professional organization activities such as conventions and seminars), businesses, agencies, vocational schools, colleges, or universities.

One approved child development training course equals approximately three university or college credits or 30 clock hours in a vocational-technical institute. These child development courses qualify staff for group day-care homes and group day-care centers, but do not imply certification through the State Department of Education.

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Subp. 5. **Physical environment.** Group family day-care facilities shall be large enough to provide space for a variety of activities.

Satisfactory compliance:

A. There shall be a minimum of 35 square feet of usable indoor play area per child, excluding bathrooms. This may include basements, if warm and dry, for large-muscle activities.

B. A crib or padded play pen shall be provided for each infant in attendance.

C. A cot or bed shall be provided for each toddler and preschool child in attendance.

D. There shall be a safe outdoor play area adjacent to the FDC home or park facilities nearby for regular use.

Subp. 6. **Daily activities.**

A. Each child shall be provided with activities that develop both large and small muscles.

Satisfactory compliance:

(1) Daily activities shall include large-muscle activities, such as running, jumping, skipping, climbing, sliding, rolling, pulling, and pushing.

(2) Daily activities shall include small-muscle activities, such as cutting, pasting, and manipulating clay, crayons, and other small objects.

B. Each child shall be provided with activities that develop creativity and imagination.

Satisfactory compliance:

(1) Daily activities shall include art and music that encourage individual creativity such as making collages, painting, developing rhythm, and dancing.

(2) Daily activity shall include dramatic play, such as "house" and "store."

C. Each child shall be provided with activities that encourage cognitive development.

Satisfactory compliance:

Daily activities shall include the development of skills in recognizing colors, shapes, sizes, animals, and so forth.

D. Permission shall be obtained from the parents before allowing school age children in care to participate in activities outside the group family day-care facility, such as special interest groups, clubs, bike riding with friends, recreational programs, and the like.

Subp. 7. **Group family day-care minimum equipment list.**

PRESCHOOL--
2-1/2 through 5

Furniture and Supplies:

1. Small tables and chairs
2. Availability of cots or beds
3. First-aid supplies
4. Fire blanket (100% wool)

Large-Muscle Play:

1. Large building blocks (may be of non-durable materials such as milk cartons)
2. One or more durable pieces of large-muscle equipment such as:
swing
balance beam
wheel toys
tunnel

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- Small-Muscle and Ponder Play
- climber
 - 3. Other large-muscle toys, such as balls and jump ropes
 - 1. Books - one per child or use of public library
 - 2. Games and toys to learn: number, letter shape, size and color concepts
 - 3. Transportation toys (trucks, cars)
 - 4. Construction toys (small blocks, lincoln log, legos)
- Music Activities:
- 1. Phonograph, piano or musical instruments (homemade or commercial)
- Dramatic Play:
- 1. Dress-up clothes (boys and girls)
 - 2. Homemade play house (such as large cardboard box, blanket tent, etc.) dolls
- Art Activities:
- 1. scraps
 - 2. paper
 - 3. paste
 - 4. blunt scissors
 - 5. clay or play dough
 - 6. paint (non-toxic)
- Water Play:
- 1. Dishpan
 - 2. Basters
 - 3. Measuring cups

INFANTS AND TODDLERS-- 0 through 2-1/2

Equipment

- Cribs
- Mobiles (homemade or commercial)
- Safe seat (such as infant seat, high chair, jumper-walker)
- Pull toys
- Training chair

Statutory Authority: *MS s 245.802 subd 1*

History: *9 SR 2106*

NOTE: See part 9502.0300 for repealer and effective date information.

GROUP DAY CARE OF PRESCHOOL AND SCHOOL-AGE CHILDREN

9545.0510 HEALTH AND SAFETY LICENSE REQUIREMENTS AND EXEMPTIONS.

A group day-care center program that has received an exemption from licensure from the commissioner of education must, in addition, possess a health and safety license from the Department of Human Services under parts 9545.0510 to 9545.0670. The following regulations shall be met:

	Requirements	Exemptions
A. Definitions (part 9545.0520)	All subparts	None
B. Licensing laws and procedures (part 9545.0530)	subparts 1 through 16	subpart 17

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C.	Facility (part 9545.0540)	subparts 1 to 12, and 14	subparts 13 and 15
D.	Program (part 9545.0550)	subparts 4, 5 and 6	subparts 1, 2, 3 and 7
E.	Health (part 9545.0560)	all subparts	None
F.	Admissions (part 9545.0590)	subpart 2	subparts 1 and 3
G.	Staff (part 9545.0600)	subparts 3 and 4 (Staff: Child Ratio)	subparts 1, 2, 4, 5 (Staff distribution and group size)
H.	Organization (part 9545.0610)	subparts 3 and 4	subparts 1, 2, 4 and 6
I.	Handicapped (part 9545.0620) Appendices parts 9545.0630- 9545.0670	subparts 1; 2, items B, C, E; 3 parts 9545.0640, 9545.0660, 9545.0670	subparts 2, items A and D; 4 parts 9545.0640 and 9545.0630

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0520 DEFINITIONS.

Subpart 1. **Accredited course.** “Accredited course” means a course that is offered by or through an institution with an accreditation. Courses need not be taken for credit, but must have an assigned credit value by the institution. An accredited course is considered to be three university or college quarter credits or 30 vocational-technical clock hours of training.

Subp. 2. **Affirmative action plan.** “Affirmative action plan” means a statement explaining how a center intends to recruit persons without discrimination.

Subp. 3. **Age groupings.** “Age groupings” mean:

- A. Infant: child aged six weeks through 15 months;
- B. Toddler: child aged 16 months through 30 months;
- C. Preschool child: child aged 31 months through five years;
- D. Primary school child: child aged six through eight years; and
- E. Intermediate school child: child aged nine through 12 years.

Subp. 4. **Aide.** See staff--child care assistant.

Subp. 5. **Child development assistant training program.** “Child development assistant training program” means a program offered by vocational-technical institutes, junior colleges, and the University Technical Institute, involving a minimum of 1,080 hours of activities and courses oriented to and focused on the practical application of child development.

Subp. 6. **Child development associate.** “Child development associate” means a person meeting the skill and competency requirements by the Office of Child Development.

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Subp. 7. **Child development training.** "Child development training" shall include courses that are relevant to the programs. All training should not be in one area. The following are examples of areas of training and courses which may be taken:

Areas of Training	Examples of Courses
Child growth and development	Child psychology
Family relationships	Parent effectiveness training
Preschool methods and curriculum development	Music, art
Human relations	Sensitivity training, study of ethnic backgrounds
Food and nutrition	Menu planning
Administration of programs	Budget, management

To be considered in entry level staff qualification, training must be offered through an accredited body. These child development training courses qualify staff for group day-care centers but do not imply certification by the State Department of Education.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of human services.

Subp. 9. **Day-care.** "Day-care" means the care of children outside of their home for part of a 24-hour day by persons unrelated to them by blood or marriage. Day care includes group day care, family day care, and group family day care (see also parts 9545.0310 to 9545.0450).

Subp. 10. **Department.** "Department" means the Department of Human Services.

Subp. 11. **Drop-in care.** There are two types of drop-in care:

A. **Combined program.** The acceptance of additional children into a licensed child care program on an irregular basis (not more than one-fifth of the center's week) but not to exceed the facility's licensed capacity during any part of the day. The percentage of drop-in children shall not exceed ten percent of the total attendance.

B. **Total drop-in program.** Center whose total licensed capacity is based primarily on children who attend on an irregular basis.

Subp. 12. **Facility.** "Facility" means the physical environment in which a group day-care program takes place.

Subp. 13. **Group day-care center.** "Group day-care center" means any program that, for compensation or otherwise, provides day or night care for six or more children at one time. The term includes, but is not limited to, programs for children known as nursery schools, day nurseries, child care centers, play groups, day-care centers for school age children, after-school programs, infant day-care centers, cooperative day-care centers, and Head Start programs.

Subp. 14. **Licensed capacity.** "Licensed capacity" means the maximum number of children who can be in attendance at a center at a given time.

Subp. 15. **Parent cooperative.** "Parent cooperative" means a nonprofit group child care program that is governed by a board of at least 70 percent parent-users of the group child care program. The board must meet at least every six weeks, and minutes of these board meetings shall be available for inspection by a representative of the department. This board shall make all continuing operational decisions about staff, program, budget, and organization structure.

Parent cooperative shall be specifically exempt from rules in the following parts:

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- | | |
|---|--|
| A. Definitions (9545.0520) | no exemptions |
| B. Licensing laws and procedures (9545.0530) | no exemptions |
| C. Facility (9545.0540) | no exemptions |
| D. Program (9545.0550) | subparts 1, items C and E; 2; 4; 5; 6; and 7 |
| E. Health, nutrition, and safety (9545.0560 to 9545.0580) | no exemptions |
| F. Admissions (9545.0590) | no exemptions |
| G. Staff (9545.0600) | subparts 1; 2; 3, items A, B, and D; 4 (staff distribution and group size); 5; and 6 |
| H. Organization and administration (9545.0610) | subparts 2, item B; subitem (2); 4, item B |

If a parent cooperative employs staff in the position of director, teacher, and/or assistant teacher who are not parent members, hired staff shall not be exempt from part 9545.0600, subparts 1, 2, 3, and 5.

Other rules for group day-care programs may be waived for a parent cooperative as long as the health and safety of children is not endangered (see part 9545.0530, subpart 14).

Within the first year of licensure and annually thereafter, information on the exempted sections shall be submitted to the department.

Subp. 16. Person operating a group day-care facility. "Person operating a group day-care facility" includes an individual, association, corporation, partnership, any political subdivision of the state, and any agency, board, or department of such a political subdivision.

Subp. 17. Program. "Program" means a combination of activities that, taken together, constitute the nonphysical environment of a center. Materials and staff necessary to carry out the center are part of the program.

Subp. 18. Staff. "Staff" includes:

A. **Director:** person responsible for all aspects of the operation of the group day-care center (e.g., administrative duties, staff supervision and training, record keeping, program planning, budgeting, liaison with state and local agencies, etc.).

B. **Teacher:** person responsible for planning and implementing the program of the group day-care center (e.g., plans and conducts daily program activities, prepares program materials, supervises, and trains other staff, etc.). Other titles used to designate persons with these responsibilities include teacher-director, head teacher, and lead teacher.

C. **Assistant teacher:** works with the guidance of the teacher and director to carry out the program of the center.

D. **Child care assistant:** assists the teacher or assistant teacher with all aspects of the planned program. Other titles: aide, child-care aide.

E. **Volunteers:** persons offering their services to a group day-care facility without reimbursement other than for expenses.

Subp. 19. Staff development. "Staff development" means programs of practical education, e.g., workshops, courses, seminars, which focus on a specific topic with a designated leader or facilitator for the purpose of job orientation, attitude development, learning or improving work techniques, curriculum development, and upgrading standards. Training may be on-site at the center or away from the center. It may be offered by a variety of sources such as

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individual centers, community sources, local school systems, professional groups, vocational schools, colleges, or universities.

Subp. 20. **Waiver.** "Waiver" means temporary permission to disregard a particular licensing requirement or rule.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0530 LICENSING LAWS AND PROCEDURES.

Subpart 1. **Application forms.** Application for license shall be made on the form issued by the Department of Human Services. Application may be obtained from the department. Application for license is not complete until all supporting documents have been received by the department.

Subp. 2. **Prelicensing consultation.** Applicants for licensure shall make contact with the department to schedule prelicensing consultation.

Subp. 3. **License.** After application for a license has been approved by the commissioner, a license shall be issued giving permission for operation. The license shall be issued within 90 days after receipt of the application and all supporting documents. Failure to issue a license within 90 days shall constitute denial of application. The license shall state the dates of validity, the maximum number of children to be present in the program at any one time, their ages, and the hours of operation. The license must be posted in a conspicuous place on the premises.

Subp. 4. **Provisional license.** A provisional license shall be issued to all new group day care centers for a designated period. A provisional license may be granted for up to one year to a new group day care center that meets necessary health and safety requirements but does not meet all requirements for licensure.

Reason: To begin a new program, some discretion is desirable.

Satisfactory compliance:

A. The health, nutrition, and safety requirements of parts 9545.0560 to 9545.0580 must be met, except as noted (see parts 9545.0560 to 9545.0580).

B. The license is issued for a period up to one year and shall not be renewed after one year.

C. A plan for full compliance with standards must accompany the application for licensure.

D. Written notification of the granting of a provisional license by the department must be made to the child care operator specifying the reason, duration, and conditions for continuing and/or terminating the provisional license. This will include the plan that is required for full compliance.

Subp. 5. **Terms of regular license.** The terms of the regular license are:

A. The license is issued for up to two years and is not transferable to another operator or site.

B. The license is issued after the center has operated under a provisional license for a designated period (see subpart 4).

Subp. 6. **Changes in license terms.** Any changes in the terms of the license must receive prior approval from the department.

Subp. 7. **Specifications on license.** The license shall prescribe the number and ages of children to be cared for and the hours and days of operation.

Subp. 8. **Appeals.** Any applicant or licensee whose license is denied, revoked, or not renewed may appeal to the commissioner in accordance with Minnesota Statutes, chapter 14. The department shall notify by certified mail any facility whose license is denied, revoked, or not renewed. The grounds for the department's action and procedures for perfecting such appeal shall be stated. The license must be returned to the department, and all advertising for the center must cease.

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Subp. 9. **Termination of service.** When the group day-care center decides to terminate its service, notice of the closing must be sent to the department and the license must be returned.

Subp. 10. **License renewal.** The licensee must reapply for a renewal license. The department shall mail proper notice of license expiration and license renewal forms no less than 60 days prior to expiration of the license. The department shall make arrangements for the relicensing visit to determine whether the department standards continue to be met.

Subp. 11. **Sanctions.** State law provides that every person who operates a facility required to be licensed pursuant to Minnesota Statutes, sections 257.081 to 257.111, without a license, or who violates any provision of those sections, shall be guilty of a misdemeanor. Any person who offers or advertises a facility required to be licensed pursuant to Minnesota Statutes, sections 257.081 to 257.111, prior to obtaining such a license, except for the purpose of pre-enrolling staff and/or children, or who offers or advertises any facility in violation of any provision of Minnesota Statutes, sections 257.081 to 257.111, shall be guilty of a misdemeanor.

Subp. 12. **Right to enter and inspect.** Pursuant to Minnesota Statutes, section 257.102, the department is given the right of entrance and privilege to inspect centers during hours of operation to determine whether standards are being met. The center director or representative shall be present when the department makes a regular licensing visit.

Subp. 13. **Discrimination prohibited.** No program may discriminate in admissions or demissions on the basis of race, sex, religion, creed, color, national origin, or source of payment. In employment of staff, no program may discriminate on the basis of race, creed, color, national origin, religion, or sex. No program may discriminate on the basis of physical and/or mental handicap when the handicap does not prevent fulfillment of normal job responsibilities.

Satisfactory compliance:

A. When applying for licensure, every center shall submit:

- (1) a signed statement about nondiscriminatory admissions hiring policy;
- (2) an implementable affirmative action plan designed to recruit minority children and staff where such minority groups are a part of the community.

B. No otherwise eligible child can be excluded on the basis of the specified characteristics, except:

- (1) a program established to serve low-income children may give first priority to children of this group only but shall not discriminate within this group;
- (2) a program established to serve children of a particular religious faith may serve these children only but may not discriminate within the group. The program may not discriminate against children from other religious groups when a portion of their fund is derived from public sources.

C. Employment practices shall be based on bona fide occupational qualifications. Employers shall not discriminate on the basis of the specified characteristics by:

- (1) refusing to hire a qualified applicant;
- (2) discharging a qualified employee;
- (3) maintaining a system of employment that unreasonably excludes an applicant; or
- (4) establishing differences in tenure, compensation, terms of employment, upgrading, conditions of work, facilities, or privileges of employment.

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Subp. 14. **Waivers.** Rules may be waived, with the approval of the department, according to the procedure established for such waiver. Waiver may be granted only if the health and safety of the children are ensured.

Satisfactory compliance:

A. A complete explanation of the reasons and purposes of the waiver must be submitted to the state agency at the time of application for licensure.

B. Waivers can be granted only in writing and only by the department and must be signed prior to the beginning of program operation.

C. The granting of a waiver shall not constitute a precedent.

Subp. 15. **Copy of rules.** Every applicant for a license shall be furnished with a copy of these parts.

Subp. 16. **Separate licenses.** Separate licenses shall be required for programs maintained on separate premises even when operated under the same auspices. A separate license shall not be required for separate programs operated on the same premises under the same auspices.

Subp. 17. **School.** The name "school" may be used only by programs having a minimum of one teacher certified by the State Department of Education. One certified nursery school teacher must be present during the major part of the program for every 20 children.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0540 FACILITY.

Subpart 1. **Compliance with other laws.** The building must meet legal requirements for zoning, housing, sanitation, fire protection, water supply, and sewage disposal.

Reason: To protect the health and safety of all persons who occupy the building.

Satisfactory compliance:

A. The program must obtain written verification from the various local legal bodies stating that requirements have been met.

B. In the absence of local regulations, compliance shall be satisfied if the requirements of the Department of Health and the state fire marshal are met and it is so stated in writing.

C. Newly constructed facilities and altered buildings shall meet the requirements of the State Building Code.

Subp. 2. **Floor space.** There shall be a minimum of 35 square feet of usable floor space (primary space) per child in attendance, exclusive of hallways, bathrooms, lockers, kitchens, and floor space occupied by sanitary equipment, but including equipment and furnishings regularly used by the children.

Reason: Program flexibility and child movement needs require that adequate space be available.

Satisfactory compliance:

A. The applicant shall submit a floor plan of the proposed facility to scale.

B. No more than 25 per cent of the proposed primary space shall be occupied by equipment to be left stationary.

C. Where there is question about the useable space, the licensing agent shall measure the available primary space.

D. The licensing agent shall designate the licensed capacity of the program.

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Subp. 3. **Program space.** Primary space designated for the program shall be available only for the children when the program is in operation. This space shall include furnishings and equipment primarily for the program's use. Supplementary space may be shared.

Subp. 4. **Clear hallways and stairways.** All stairways and corridors leading to exits shall be kept clear and free from obstructions at all times.

Subp. 5. **Toilet facilities.** Adequate toilet and washbowls must be provided in a well-ventilated place.

Satisfactory compliance:

A. There must be at least one toilet and one washbowl provided for each 15 children and one additional toilet and washbowl for each additional 15 children or fraction thereof. Toilets and washbowls must be reachable.

B. Training chairs, instead of the required number of toilets, must be provided for toddlers.

C. Water accessible to children shall not exceed 120 degrees Fahrenheit.

Subp. 6. **Sick children.** Centers must provide care for a child who becomes ill. Supervision must be provided until the child is picked up.

Reason: Children who are not well should not be required to be with a group or involved in its activities. Neither should an ill child be placed in solitary confinement.

Satisfactory compliance: Space designated for use by an ill child need not be permanently arranged but shall be:

A. used only for other compatible purposes, e.g., private office, library, staff's room; or

B. effectively protected from the main activity area and the kitchen by screening; and

C. equipped with a child's cot; and

D. within sight and hearing of an adult.

Subp. 7. **Floors.** Floors must be kept clean at all times, must not have splinters, cracks, or broken linoleum, and must not be slippery. Carpeting or rugs may be used but rugs must not be hazardous. Concrete floors shall be tiled, carpeted, or cushioned.

Subp. 8. **Room temperature.** A minimum room temperature of 68 degrees Fahrenheit shall be maintained in space designated for the program.

Subp. 9. **Ventilation and lighting.** Ventilation and lighting in every facility must meet the requirements of the State Building Code.

Subp. 10. **Cleanliness.** Premises shall be kept clean and sanitary.

Subp. 11. **Sleeping place.** A cot or a crib must be provided for each child taking a nap in a program that includes a rest. Adequate space and accessibility of exit must be maintained.

Reason: Children in a day-care program need rest and quiet as part of the daily activity.

Satisfactory compliance:

A. Infants must be provided with cribs or padded playpens, regardless of type or duration of program.

B. Toddlers and preschoolers under the age of five years who are in programs lasting more than five hours shall be provided with cots.

C. Children older than infants who are in programs lasting less than five hours shall be provided with washable mats or rugs for taking rests.

D. A child sleeping more than four to five hours must be provided with a bed, cot, or crib (depending on ability). The bed, crib, or cot shall have a mattress, safe mattress protector, and coverings. Pillows may be provided for children one year or older, according to individual need.

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E. Cribs, cots, or playpens must be so arranged that there is easy access to each child and accessibility of exit is maintained.

F. A crib must be of adequate size for the child's height. Crib mattresses shall be covered.

G. Sheets, pillows, and blankets must not be interchanged and must be kept clean at all times. Bed linens must be laundered at least once a week or when soiled or wet. Blankets, mattress protectors, and pillow protectors shall be laundered when a new child uses the bed.

H. Beds used by members of the household must not be used by the children in the center.

I. Cribs shall not be stacked.

Subp. 12. **Facility equipment and furniture.** All equipment and furniture must be designed for the age group and be substantial, easy to clean, and free from sharp points or corners, splinters, or paints that contain lead. The facility and equipment must also be kept in good repair, with no peeling paint and free from debris and litter.

Reason: Children have certain developmental requirements that can be facilitated by use of equipment and furniture designed for their age group. The health and safety of the children must be protected by an environment and equipment that allows exploration without undue danger.

Subp. 13. **Outdoor play.** Outdoor play area of at least 75 square feet per child and no less than 1,000 square feet per program must be provided.

Reason: Good child education requires adequate room to engage in large-muscle activity under safe conditions. Outdoor space is also appropriate for other learning activities.

Satisfactory compliance: This requirement will be considered fulfilled by any one of the following:

A. an adjacent play area where children are rotated in appropriate numbers to maintain 75 square feet per child for outdoor play;

B. adjacent park facilities within 1000 feet; or

C. park space that is more than 1000 feet from the group day care center, where daily transportation is provided.

Subp. 14. **Supervision during play.** Play space must be adequately enclosed where necessary to prevent children from leaving the premises unattended and outdoor play time must be directly supervised with the required staff-to-child ratio.

Subp. 15. **Outdoor play equipment.** Outdoor play space shall be equipped for active large-muscle play (see parts 9545.0640 and 9545.0650).

Statutory Authority: *MS s 245.802 subd 1*

9545.0550 PROGRAM.

Subpart 1. **In general.** A group day-care program must show evidence, in writing, of provision for the physical, intellectual, emotional, and social development of the child. Every program shall have internal consistency of goals, objectives, and activities. Every program shall provide a minimum of equipment and materials.

Reason: To fit the developmental requirements, cultural background, and characteristics of each child, day-care programs should consider: health and nutrition needs, need for security, need for freedom, need for structure, need for compassion, and need for challenge.

Every child needs individualization and freedom of choice, as well as whole-group activities. Needs change as the child grows and develops.

Satisfactory compliance:

A. A written program plan that can be implemented and is observable shall be available for review by the department. The program plan shall show

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how the program intends to meet the physical, intellectual, emotional, and social needs of every child. The program plan shall include appropriate ethnic, linguistic, and cultural variations.

B. The program shall submit a schedule of routine daily activities.

C. The group day care center shall organize an environment indoors and outdoors that provides a wide range of materials to meet the varied developmental levels and cultural backgrounds of children, such as:

(1) construction: blocks, sand table, workbench, water play, trucks, construction sets;

(2) dramatic play: playhouse, puppets, phones;

(3) art: easel, paints, chalk, crayons, clay;

(4) ponder play: flannel boards, chalkboard, pegboard, puzzles, beads, matching games;

(5) science learning: plants, animals, magnets, gears;

(6) library: books, audio-visual materials;

(7) music: rhythm instruments, tapes, records;

(8) place to be alone: a corner or chair where a child can be by himself; and

(9) physical development: climbing bars, balance bars, tumbling mats, tunnels for crawling.

D. The program plan shall include both indoor and outdoor activities.

E. An inventory of minimum equipment shall be submitted as specified in parts 9545.0640 and 9545.0650.

Subp. 2. **Personal space.** There shall be open shelves for play materials and books, and individual space must be provided for each child's clothing and other personal belongings.

Subp. 3. **Communication with parents.** The center shall establish and maintain continual communication and exchange of ideas and information between the staff and parents.

Reason: Primary responsibility for a child's health, well-being, and development rests with his parent. Day-care staff must work cooperatively with parents.

Satisfactory compliance: The center must provide evidence of compliance with the following:

A. The child's record shall show that planned conferences have been offered to parents in the center or at home. Conferences must be offered twice each year for children two years of age or older, and at least once every two months for children under two.

B. Every center shall have a written plan on file for activities that will keep parents informed and encourage parent input.

Subp. 4. **Flexible programming.** Centers serving children under 2-1/2 must provide for flexibility in programming. Each child must have individual personal contact each day.

Reason: A young child needs prompt attention to his needs to encourage communication and build trust. Personal contact is needed to build perceptual skills, encourage consistency of handling, foster a warm relationship, and provide a series of observations on the child's progress.

Satisfactory compliance:

A. Each infant shall be held during bottle feedings until he is able to safely hold his own bottle. Bottles shall not be propped.

B. Each child shall be held, cuddled, and played with each day.

C. Each child's attempts to communicate shall be responded to. Staff shall talk to and listen to each child.

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D. Infants and toddlers shall be allowed freedom of movement during a large part of their waking day.

(1) The noncreeping infant shall spend part of each day on a clean carpeted floor or large blanket.

(2) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time. During the infant's waking hours, a playpen shall be placed where the infant can watch others. Several hours each day shall be spent outside the crib or playpen.

(3) The toddler shall be allowed and encouraged to move about, explore, and handle safe objects.

E. Each child shall be provided with materials and equipment that will foster his development physically, mentally, socially, and emotionally. (See part 9545.0650.)

F. Feeding time shall meet individualized needs of children.

G. There must be a flexible plan for diapering and toileting. Children shall be kept dry and comfortable at all times. A complete change of clothing shall be brought from home to be used as needed. The child shall be changed in his crib or on a table with a change of covering between each diaper change. Staff members shall wash their hands after changing each child. Before being diapered, the child shall be washed with a separate cloth or towel.

H. An adequate supply of clean diapers shall be available. Diapers may be provided by the parent. When diapers are provided by the center, they shall be single-service and disposable. Diapers shall be stored in a sanitary manner.

I. Toilet training shall be undertaken when appropriate according to a child's age and stage of development. Training must be in cooperation with the parent's plan. Children shall be offered frequent opportunities for toileting.

J. Children unable to wash their own hands and faces shall have their hands and faces washed before meals and after toileting.

K. Training chairs shall be washed before meals and after each use.

L. Children under 2-1/2 years of age shall have a separate area and program from older children.

M. Before admission, the director shall obtain information about the child's eating, sleeping, toileting, communication, and comforting habits and needs.

N. Space used by children sleeping in cribs shall be separate from playrooms or classrooms.

Subp. 5. **Naps.** Naps and rest in a group day-care program must meet the needs of the child and the wishes of the parents.

Satisfactory compliance:

A. Each child shall be provided opportunity for enough sleep for his age at regular hours under conditions conducive to rest.

B. Sleeping arrangements shall be so made that no child is deprived of needed sleep or has it unnecessarily interrupted.

C. Quiet activities shall be provided before bedtime to aid relaxation for sleep.

Subp. 6. **Abuse prohibited.** No child shall be subjected to corporal or psychological abuse by staff.

Reason: Although families differ in their approach to discipline, harsh or threatening methods are not appropriate for nonfamily members. Compliance through fear is not the goal of discipline.

Satisfactory compliance:

A. Methods of discipline used by the center shall be discussed with each child's parent at the time of enrollment.

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B. No child shall be handled roughly, such as shoving, hair-pulling, ear-pulling, or shaking by staff.

C. No child shall be hit in any way, such as slapping, spanking, or kicking by staff.

D. Isolation and exclusion time shall be geared to age of child, not to exceed ten to 15 minutes. If a child is isolated, the room must be well-ventilated and well-lighted and within sight and hearing of an adult. A child shall not be isolated in a locked room or closet.

E. No child shall be humiliated, shamed, or labeled.

F. A child shall not be punished for lapses in toilet training.

G. Meals and snacks shall not be used as a form of punishment.

H. No discipline shall be delegated to another child.

Subp. 7. **Adults with children at meals.** Adult care givers shall be seated with children at snack and meal times.

Statutory Authority: *MS s 245.802 subd 1*

9545.0560 HEALTH.

Subpart 1. **Duties of director.** The director of each program shall be responsible for observation of health and development of children, handling illness at the center, accident prevention and emergency procedures, keeping health records complete, and informing parents about community resources.

Reason: Health promotion in young children requires regular observation, accurate record keeping, and systematic follow-up.

Satisfactory compliance:

A. The director may perform the specified activities, or he may delegate these duties to another paid staff member.

B. The person responsible for health shall demonstrate skill in record keeping, communication of health policies, and referral to community resources within one year after licensure.

Subp. 2. **Consultation.** Continuing health consultation shall be sought from appropriate private or public community resources to assist in developing health policies and keeping them current; to assist in screening, referral, and follow-up procedures; and to provide advice about children with special needs.

Satisfactory compliance:

A. All programs shall seek regular consultation with a physician or public health nurse. A physician shall at least be available as an emergency resource during the hours of operation.

B. If infants under one year of age are cared for, the program must have monthly consultation with a public health nurse or a registered nurse with training or experience in infant care. The program must operate under health policies approved by a physician.

Subp. 3. **Health statement.** The center must require a health statement signed by each child's source of medical care. The center may request that a child have a new physical examination.

Satisfactory compliance:

A. The center shall have on file the name and address of each child's source of regular health supervision and a health care summary (see part 9545.0660) for each child.

B. If a child's health care summary is not complete at the time of enrollment or within 30 days after enrollment, the child shall be excluded from the program.

C. If a child's immunizations are not up-to-date at the time of enrollment, evidence of a plan to get them up-to-date must be on file at the center within 30 days after receipt of the child's health care summary, or the child shall be excluded from the program.

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D. If a tuberculin skin test or X ray is positive, evidence of satisfactory treatment or follow-up must be recorded.

E. If parents of a child object to medical examination or treatment on grounds of their religious beliefs, the child's record shall contain a health care summary completed by the parent and a statement signed by the parent indicating their objections to medical examinations and treatments on grounds of religious beliefs.

Subp. 4. **Written health policy.** The center shall have a complete, written policy on illness and emergency care, accidents, first aid, and exclusion of sick children. All staff must have training in the administration of first aid.

Satisfactory compliance:

A. At the time of registration, the parent must be given a copy of the policy on emergency and illness care and exclusion of sick children.

B. A plan must be made with each parent about emergency and illness care that shall include the information specified in part 9545.0590.

C. Any important infections or communicable disease must be reported to all parents.

Subp. 5. **Medications.** When a child is to be given oral or surface medication, written instructions by a physician or dentist must be provided, and written authorization to administer medication must be given by a parent. Medication must be labeled, stored under lock, or out of the reach of children.

Satisfactory compliance:

A. The center shall obtain written permission from the child's parents prior to the administration of any medication, prescription or nonprescription.

B. Medications shall be kept in their original containers bearing the original label with legible information stating:

(1) prescription number;

(2) name of drug;

(3) strength and quantity of drug;

(4) expiration date of any time-dated drug;

(5) directions for use;

(6) child's name;

(7) physician's name;

(8) date of original issue or, with a refill, the most recent date of issue; and

(9) name and address of the licensed pharmacy issuing the medication.

C. Any drug container having a detached, excessively soiled, or damaged label shall be returned to the parent for relabeling at the issuing pharmacy.

D. The contents of any drug container without a label or with an illegible label shall be destroyed immediately. Any unused portions of prescription drugs remaining in the facility shall be returned to the parent or destroyed by the licensee by flushing them into the sewer system and removing and destroying the labels from the drug containers.

E. Medications having a specific expiration date shall not be used after the date of expiration.

F. Medication must be stored out of the reach of children or under lock.

G. The parent must be informed when any medication is given.

Subp. 6. **First-aid kit.** A ten-unit first-aid kit and directions for its use must be available.

Satisfactory compliance: The following minimum first-aid supplies must be available and accompanied by directions: band-aids, sterile bandages, sterile

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compresses, adhesive tape, magnifying glass with needles and tweezers for removing splinters, soap (with water) for cleaning cuts, abrasions, etc.

Subp. 7. **Towels or air dryers.** Paper towels, roller towels, or air dryers must be provided for the children's use.

Subp. 8. **Toilet articles.** In programs providing sleep care of four to five hours or more, each child shall have his own clearly identified toothbrush, comb, towel, and face cloth. At least twice a week towels and face cloths must be laundered. Soap and toothpaste shall be provided.

Subp. 9. **Dirty diapers.** Soiled diapers shall be kept in a closed container. This container shall be cleaned daily and shall not be accessible to the children.

Subp. 10. **Toileting.** Preschool children must be monitored in washing their hands and toileting. Children shall be encouraged and helped to keep themselves clean. They shall receive specific training in personal hygiene.

Statutory Authority: *MS s 245.802 subd 1*

9545.0570 NUTRITION.

Subpart 1. **Balanced meals.** A group day center must provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served. Each regular meal must provide one-third of the child's daily food needs. One meal and two snacks or two meals and one snack shall be provided daily for each child in care five through eight hours. A minimum of two meals must be offered to children in care nine or more hours unless four or more of these hours are spent in sleep.

Reason: Balanced nutrition is basic to health. Eating habits and attitudes about food are formed in the early years. Eating should be a pleasant social experience, and staff should eat with the children. Children should be encouraged but not forced to eat.

Satisfactory compliance:

A. The current USDA daily food guide shall be utilized in planning adequate quantities of the basic four foods appropriate for the age of the child (see part 9545.0670). Ethnic food shall be included where appropriate.

B. The daily food guide shall be used as a pattern not only for hot lunches served at the center but also for cold lunches and lunches brought from home. These are acceptable when parents are informed about nutritionally adequate lunches. The center shall provide supplements to bag lunches as needed and proper refrigeration.

C. Snacks shall include a beverage plus one or more of the following: raw vegetables, cheese, cereal product, or fruit. Snacks must be provided at suitable intervals and served at least 1-1/2 hours before meals.

D. The admission interview shall include information about food habits and practices, food likes and dislikes, and cultural patterns of food selection and preparation that may be used by the staff in serving foods.

Subp. 2. **Menu planning.** Menus must be planned in advance for a cycle of at least one month, posted for parents' information, and reviewed for nutritional adequacy at least once a year.

Reason: Cycle menu planning saves time and results in more carefully planned menus, better cost control through improved purchasing, better nutritionally balanced and more varied menus, easier advance planning of work schedules, and more uniform and better food preparation. When menus are posted, parents know what foods are served, eliminating duplication of menus at home.

Subp. 3. **Food preparation.** Group day-care center personnel shall understand personal sanitation and methods of handling, preparing, and serving

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food in a safe and sanitary manner. The preparation of food by children must be carefully supervised. The program shall comply with the provisions of applicable state and local food ordinances.

Subp. 4. **Special diets.** Consideration must be given to the modified or therapeutic diet needs of children as prescribed by source of health care.

Satisfactory compliance:

A. The diet orders must be filed and the entire staff informed of the diet restrictions.

B. The director must check with the parents about the length of time the child is to be on the diet.

C. The diet plan is to be carefully followed by obtaining the consultative services of a qualified nutritionist or dietitian to interpret the diet orders as needed.

D. For the child requiring a rigid diet because of severe diabetes, sodium restriction, ketogenic, or phenylketonuria, food must be brought from home.

Subp. 5. **Infant diets.** The diet of an infant shall be determined by the child's parents in consultation with their source of health care.

Reason: Nutritional adequacy and sanitation are the two "musts" of infant feeding.

Satisfactory compliance:

A. Formula or milk and solid foods, including vitamin and iron supplements, must be fed in prescribed quantities and at specified time intervals. Written diet instructions shall be obtained from the parent.

B. The sources, preparation, handling, and storage of formula, milk, solid foods, and supplements for children under one year of age shall be approved by a physician. These policies and procedures, signed by the physician, shall be kept on file at the center.

C. The parent shall be informed daily of the amount and kind of food intake of the infant.

D. Each infant's feeding schedule shall be available to staff.

Subp. 6. **Water.** Drinking water shall be available to children and offered at frequent intervals.

Satisfactory compliance:

A. Water bottles for infants shall be prepared, packaged, and identified for each individual infant. Each bottle shall be stored and handled to protect against contamination. Each infant's usual need for water shall be recorded, as given by the infant's parent, on the individual enrollment form.

B. Drinking water for toddlers and older children shall be provided in individual drinking cups or approved drinking fountains.

Statutory Authority: *MS s 245.802 subd 1*

9545.0580 SAFETY.

Subpart 1. **Prevention procedures.** Every child care center shall have written accident prevention procedures based on common causes of accidents in the age group served.

Satisfactory compliance:

A. At least twice a year a staff member shall inspect the center for hazards. All hazards shall be discussed with staff and corrected, where possible. Procedures shall be devised to prevent accidents and eliminate hazards.

B. Fire prevention precautions shall be consistent with the State Fire Marshal's Code.

C. Written procedures for accident prevention shall include at least poisoning, aspiration and choking, injury, burns, and pedestrian accidents.

D. Accident reports or an accident log must be kept on all accidents, except minor scratches and abrasions. Reports should be analyzed at least annually and procedures adjusted to prevent recurring accidents.

E. Staff shall have a practical understanding of at least the center's safety procedures, special hazards, and common accidents occurring at the center, detailed instruction in evacuation procedures, use of the fire extinguisher, and how to report accidents.

F. The person in charge shall know where the fuse box is located, and how to pull the main electrical switch.

Subp. 2. **Emergency procedures.** Centers shall establish procedures to be followed in case of emergencies or accidents.

Reason: Advance planning is necessary to ensure safe, efficient actions in a period of emergency.

Satisfactory compliance:

A. Procedures for fires, tornadoes, blizzards, illness of staff, accidents, breakdown of transportation, power failure, and missing persons shall be determined. Where appropriate, plans for emergency shelter of children and staff must be designated.

B. All staff and children shall participate in monthly fire drills based on fire evacuation procedures.

C. Written plans for fire emergencies shall show primary and secondary exits. Plans shall include details of rescue of children, contact of fire department, and closing-off of fire area, in that order of priority.

Subp. 3. **Fire extinguishers.** Centers must be equipped with the number of fire extinguishers determined by the state fire marshal. Extinguishers must be in working order and checked annually.

Subp. 4. **Electrical outlets.** All electrical outlets must be covered or protected when not in use.

Subp. 5. **Telephone.** Every facility must have a noncoin-operated phone that is readily accessible.

Subp. 6. **Emergency phone numbers.** A list of emergency numbers shall be prominently posted by the telephone: police, fire, doctor, ambulance, hospital.

Subp. 7. **Emergency transportation.** The center shall make arrangements in advance for emergency transportation.

Subp. 8. **Protection of hot surfaces.** Radiators, fireplaces, hot pipes, steam radiators, and other hot surfaces shall be protected by guards.

Subp. 9. **Hazardous materials or tools.** Sharp scissors, knives, matches, and other potential hazards to children shall be stored out of their reach. The use of potentially hazardous materials and tools by children shall be supervised.

Subp. 10. **Stairways.** Stairways used by the children shall have reachable handrailings.

Statutory Authority: *MS s 245.802 subd 1*

9545.0590 ADMISSIONS.

Subpart 1. **Policy.** Each program shall have an admission policy that specifies the age range of children being served:

- A. infants: six weeks through 15 months;
- B. toddlers: 16 months through 30 months;
- C. preschool: 31 months through five years;
- D. primary: six years through eight years; and
- E. intermediate: nine years through 12 years.

Subp. 2. **Decisions made by care giver.** Admission procedures developed must provide the care giver with sufficient information and instruction from the parent to enable the care giver to make decisions or act in behalf of the child's welfare in the absence of the parent.

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Satisfactory compliance: Prior to admission of the child, the care giver shall obtain written information from the person or persons legally responsible for the child covering the following items:

- A. the child's full name, birth date, and current address;
- B. the name and address of the parent or parents, or of the person(s) legally responsible for the child;
- C. telephone number or instructions as to how the person(s) responsible for the child may be reached when the child is in the day care program;
- D. names of persons authorized to take the child from the day care facility and their address, and persons not so authorized;
- E. name, address, and telephone number of the health care source to be called in case of emergency;
- F. names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if the parent cannot be reached in an emergency;
- G. health statement and immunization data as specified in part 9545.0560;
- H. signed authorization to the effect that the parent gives permission to the center to act in an emergency situation when the parent cannot be reached or is delayed in arriving;
- I. written permission for participation in specific research, experimentation, or publicity activities;
- J. written permission for the child to participate in activities not sponsored by the center (permission must include type of activity, location, dates, and times of the activity); and
- K. special diet needs.

Subp. 3. **Communication between parents and care giver.** Admission policies and procedures must ensure initial and continuing communication between the family and the facility to assure compatibility in their mutual responsibility for the child's welfare.

Satisfactory compliance:

- A. a plan for admission of the child that includes a preadmission conference with parent and child; and
- B. a plan for continuing contact between the parents and the center, part 9545.0550, subpart 2.

Statutory Authority: *MS s 245.802 subd 1*

9545.0600 STAFF.

Subpart 1. **Qualifications.** Each staff person must be appropriately qualified through training, experience, and personal qualities for the age group and cultural background with which he works. Note: For an explanation of the term "child development training course" used in this part, see part 9545.0520. The qualifications indicated for staff positions relate strictly to group day care positions and do not imply certification by the State Department of Education.

Reason: The relationships that a child develops with important adults are considered as vital for his emotional security, intellectual development, and health psychological growth.

Satisfactory compliance:

- A. Director: (of all programs) person or persons responsible for administration of a program must have administrative and supervisory experience or capability as well as knowledge of program, staff relationships, and day care

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operations. Administrators with teaching duties must also possess the qualifications of a teacher. The director shall be at least 18 years of age and shall be a mature responsible person.

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B. Teacher: alternatives for qualification.

Training		Experience	Number of Accredited Child Development Training Courses or Hours
(1) Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours)	PLUS	One year (1560 hours) Assistant Teacher**	1 course or 30 hours
OR (no requirement)	PLUS	Two years (3120 hours) as Assistant Teacher**	3 courses or 90 hours
(2)			
OR BA or BS in any field from an accredited college or university	PLUS	** *	PLUS 6 courses or 180 hours (May be included as part of BA or BS degree)
(3)			
OR A degree in Child Development or Nursery Kindergarten Education from an accredited college or university	PLUS	**	(no requirement)
(4)			
OR Certification by the State Department of Education for Nursery School	PLUS	**	(no requirement)
(5)			
OR Compliance with the competency level requirements of Child Development Associate		(no requirement)	(no requirement)
(6)			
OR INFANT-TODDLER ONLY (no requirement)		Three years (4680 hours) as a licensed Family Day Care Provider or Group Family Day Care Provider	PLUS 3 courses or 90 hours
(7)			
OR SCHOOL-AGE ONLY			
(8) Certification by the State Department of Education for Elementary or Secondary Education		(no requirement)	(no requirement)

** INFANT-TODDLER ONLY - Three months (480 hours) of required experience must be in an infant and/or toddler program.

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* SCHOOL-AGE ONLY - Six months (600 hours) experience in a related field (e.g., playground leader, tutor, student teaching, teacher's aide).

C. Assistant teacher: alternatives for qualification.

Training	Experience	Number of Accredited Child Development Training Courses or Hours
(1) Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours)	** PLUS	(no requirement)
OR (2) (no requirement)	Six months (780 hours as Child Care Assistant (Child Care Aide) or Student Teacher	PLUS 3 courses or 90 hours
OR (3) Two years of post-secondary education	** PLUS	PLUS 3 courses or 90 hours
OR INFANT-TODDLER (4) ONLY	Six months (780 hours) with infants and/or toddlers as a licensed Family Day Care Provider or a Group-Family Day Care Provider	PLUS 3 courses or 90 hours
OR SCHOOL-AGE ONLY (5)	One year (1200 hours) in a related field (e.g., playground leader, tutor, student teaching, teacher's aide).	(no requirement)

** INFANT-TODDLER ONLY - 150 hours of experience in an infant and/or toddler program.

D. Teachers and assistant teachers employed on the date of promulgation of these standards must comply with one of the alternatives for qualification within three years after that date.

E. Child care assistant (child care aide) for all age groupings:

(1) The following alternatives are available for qualification: high school vocational child care training course, or orientation training course in the center.

(2) The child care assistant must be at least 15 years of age.

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F. Volunteers for all age groupings: To be counted in the staff-to-child ratio, volunteers must: be at least 15 years of age; participate in an orientation to the program; participate in any in-service training given to paid staff by the center.

Subp. 2. **Staff training.** Staff development training for all regular administrative, teaching, and support services staff members, including volunteers, must be a part of every center's educational program.

Reason: Proper preparation and continuous training of the total staff will better ensure development and maintenance of high-quality day care services.

Satisfactory compliance:

A. Each center shall be responsible for working out a plan with each staff person with direct teaching responsibilities or direct responsibility for supervision of that staff, e.g., director, for a minimum of the equivalent of two percent of his/her work hours to be spent in staff development.

B. This training can be provided by individual centers, a sponsoring agency, community sources, local school systems, professional groups, colleges, universities, or area vocational schools.

C. All other administrative staff, volunteers not counted in staff ratios, and support staff, e.g., cook, bus drivers, must receive an orientation to the program including appropriate licensing standards within the two weeks of employment.

Subp. 3. **Qualifications of other personnel.** All personnel in regular contact with children, including volunteers with drivers, shall be physically, mentally, and emotionally competent to care for children and free from serious communicable disease.

Satisfactory compliance:

A. References must be required by the director from all child care staff relating to their ability to care for young children.

B. Prior to employment, the paid employee must submit a statement signed by his source of medical care and based on a thorough examination within three months. Statements must be submitted every two years thereafter.

C. All staff must submit evidence of freedom from tuberculosis before employment and annually.

D. A probation period must be set for new employees, during which physical, mental, and emotional competence to care for children is evaluated and discussed with the employee by the employer.

E. Employees with communicable disease presenting an important health hazard to the group shall be excluded.

F. No person shall be hired or retained as a staff member, paid or volunteer, who has:

(1) been convicted of or admitted to or been the subject of substantial evidence of an act of child battering, child abuse, or child molesting;

(2) used alcohol or drugs such that its effects are apparent during working hours that children are in care; or

(3) been convicted for or admitted to any felony or any offense involving moral turpitude.

Subp. 4. **Staff ratio.** Staff ratio must be met and maintained by operators of all programs: appropriate distribution of staff shall include a team that has individuals with competences of a teacher, assistant teacher, and child care assistant. Volunteers under supervision may be counted in the staff ratio. The staff member must be with the children to be included in the staff-to-child ratio. Where there are children of different ages in the same group, the ratio for the youngest age group shall prevail. Janitors and bus drivers shall not be counted in the staff ratio when performing these duties.

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Reason: The administering agency must ensure that capable staff in the recommended ratio is always present and is capable of providing for health and safety of each child and that each member of the staff has a clear understanding of his responsibility as explained in orientation sessions and provided in a written form.

Satisfactory compliance:

- a. Infants: six weeks through 15 months.

Staff Ratio: one to four

Group Size: no more than eight in an activity group.

Staff Distribution: one teacher for every 16 children

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

- b. Toddlers: 16 months through 30 months.

Staff Ratio: one to seven.

Group Size: No more than 14 children in an activity group.

Staff Distribution: one teacher for every 28 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

- c. Pre-School: 31 months through five years.

Staff Ratio: one to ten

Group Size: No more than 20 children in an activity group.

Staff Distribution: one teacher for every 40 children,

+

one teacher or assistant teacher for every group.

+

child care assistants and volunteers as needed to meet staff ratio.

Note: There shall be no more than ten two-and-one-half year olds in any activity group of 20 children.

- d. School-Age: six years through twelve years.

Staff Ratio: one to 15

Group Size: No more than 30 children in an activity group.

Staff Distribution: one teacher for every 60 children,

+

one teacher or assistant teacher for every group,

+

child care assistants and volunteers as needed to meet staff ratio.

Subp. 5. **Personnel policies.** Each center with more than one staff member must set personnel policies relating to health, working conditions, in-service training, probation period, evaluation, sick leave, vacation, benefits, and salary increments. Policies shall comply with appropriate state and federal laws.

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Reason: It is important that there be a clear understanding between administration and staff about the work situation and the responsibilities of both the administration and the staff member.

Satisfactory compliance: Each center with more than one staff member must have a written statement of personnel policies. This statement shall include:

- A. policies in accordance with fair employment laws and regulations;
- B. job description for all staff;
- C. description of probation period and method of staff evaluation;
- D. a clearly defined in-service training program; and
- E. policies on hiring, firing, promotions, and salary increments.

Subp. 6. **Staff ratio during naps.** In centers providing sleep care of four to five hours or more, staff ratios specified in subpart 4 shall be maintained until the children are settled for sleep. While children are sleeping, a minimum number of adults must remain awake and available to the children throughout the sleep period.

Satisfactory compliance:

- A. one adult for every four sleeping infants but no fewer than two adults for the center;
- B. one adult for every ten sleeping toddlers but no fewer than two adults for the center;
- C. one adult for every 20 sleeping preschoolers but no fewer than two adults for the center; and
- D. one adult for every 25 sleeping school age children but no fewer than two adults for the center.

Subp. 7. **Substitute staff.** The director shall make arrangements in advance for substitute staff.

Statutory Authority: *MS s 245.802 subd 1*

9545.0610 ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Written policies.** A group day-care program shall have written policies available for inspection by the department. These policies shall be made available to parents and staff members.

Reason: Established policies and procedures facilitate consistency and promote understanding.

Satisfactory compliance: There shall be written policies covering the following areas:

- A. the type of program offered to children and their parents;
- B. the ages and numbers of children in each age group to be served;
- C. hours of operation;
- D. days of operation;
- E. meals and snacks to be served;
- F. provisions that can be made for special needs of individual children;
- G. admission requirements and enrollment procedures;
- H. affirmative action plan;
- I. plan for parent information;
- J. plan for substitute staff;
- K. insurance coverage;
- L. procedures for the handling of sick children;
- M. provisions for illness and emergency care;
- N. accident prevention procedures;
- O. requirements about personal belongings brought to the center;

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- P. transportation arrangements;
- Q. permission for trips;
- R. personnel policies; and
- S. fees and the plan for payment.

Subp. 2. **Legal responsibility and administrative authority.** Legal responsibility and administrative authority must be clearly defined for every group day-care facility.

Satisfactory compliance:

A. The name, address, and telephone number of the individual or governing body legally responsible for the center shall be supplied to the licensing agent.

B. The legally responsible individual or group shall be held accountable for:

- (1) determining and implementing policies;
- (2) the performance of the director of the program;
- (3) adequate financing to carry out the planned program;
- (4) the adherence to all rules that affect the program and the facility; and
- (5) reporting any suspected instances of child abuse or neglect.

Subp. 3. **Accident report.** Within 48 hours after the occurrence of an unusual accident, such as the death or serious injury of a child, a report shall be submitted to the department. A serious injury shall be defined as one that requires the hospitalization of the child. A report shall also be submitted following the occurrence of a fire that requires the services of the fire department.

Subp. 4. **Records.** A group day-care program must establish and maintain required records. All personal records must be kept confidential.

Satisfactory compliance: The following shall be made available to the licensing agent:

- A. daily attendance records for children;
- B. current staff records containing, as a minimum, identifying and emergency information, health clearances, education, experience, and current training, and terms of employment;
- C. current record for each child containing information specified in part 9545.0590, subparts 2 and 3;
- D. list of all current staff members;
- E. list of available substitute staff; and
- F. staffing pattern showing staff-to-child ratios during hours of operation.

Subp. 5. **Transportation of children.** When transportation is provided by a group day-care center, children must be protected by properly operated and maintained vehicles, adequate staff supervision, licensed drivers, safety precautions, and provision for liability insurance and for adequate medical care.

Reason: A group of young children, particularly when infants and toddlers are included, traveling together in cars or buses, presents a special hazard that is different from that of school children or of the normal passenger traffic that was considered in the development of protective laws on transportation in most states. For the children's safety, it is therefore important to require additional provisions appropriate to the age and development of the children.

Satisfactory compliance:

A. Vehicles must have standard equipment and be in satisfactory operating condition. Each vehicle must have a fire extinguisher and a first-aid kit.

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B. All drivers must meet requirements for a Minnesota Department of Public Safety Class C driver's license, permitting transportation of nine or fewer children. (Information is available from the Drivers License Division, Department of Public Safety, Saint Paul, Minnesota.)

C. If infants or toddlers are transported, there must be a minimum of one adult for every five infants and toddlers, in addition to the driver.

D. There must be at least one adult in addition to the driver in every vehicle if five or more children are being transported.

E. Each child transported shall have and use a seat and a seat belt while the vehicle is in motion. Infants shall be transported in special approved infant safety seats; toddlers in toddler seats.

F. Children and sponsoring groups must be protected by liability insurance, and provisions for adequate medical care must be made.

G. A preschool child or a toddler may not be left unattended at the time of pickup or delivery.

H. Except in unusual circumstances, children are not to be transported more than one hour per trip.

I. No more than three persons, including the driver, shall occupy the front seat of any vehicle.

Subp. 6. **Vans or buses.** Satisfactory compliance for vans or buses:

A. Vehicles must have standard equipment and be in satisfactory operating condition. Each vehicle must have a fire extinguisher and a first-aid kit.

B. All drivers must meet requirements for a Minnesota Department of Public Safety Class B driver's license, permitting operation of a vehicle designed and equipped to transport more than ten passengers (Information available from Drivers License Division, Department of Public Safety, Saint Paul, Minnesota.)

C. Anyone driving a van or school bus labeled "School Bus" or with school bus sign uncovered, must have a Minnesota Department of Public Safety Class B driver's license with School Bus Endorsement. (Information available from Drivers License Division, Department of Public Safety, Saint Paul, Minnesota.)

D. If infants or toddlers are transported, there must be a minimum of one adult for every five infants and toddlers in addition to the driver.

E. There must be at least one adult in addition to the driver in every vehicle if five or more children are being transported.

F. Drivers and passengers must wear seat belts when the vehicle is equipped with them. Infants shall be transported in special approved infant safety seats, toddlers in toddler seats.

G. A preschool child or toddler may not be left unattended at time of pickup or delivery.

H. Except in unusual circumstances, children are not to be transported more than one hour per trip.

I. No more than three persons, including the driver, shall occupy the front seat of any vehicle.

J. Children and sponsoring groups must be protected by liability insurance and provisions for adequate medical care must be made.

Subp. 7. **Insurance.** Group day-care centers shall provide insurance coverage.

Satisfactory compliance: A certificate of insurance shall be obtained showing the following:

A. general liability coverage for bodily injury (\$100,000 per person; \$300,000 per suit);

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B. automobile insurance, where transportation is provided by the center, including secondary coverage on automobile owned by staff member and used to transport children (\$100,000 per person; \$300,000 per suit); and

C. workers' compensation and unemployment insurance.

Statutory Authority: *MS s 245.802 subd 1*

9545.0620 GROUP DAY CARE CENTERS SERVING THE EDUCATIONALLY OR DEVELOPMENTALLY "HANDICAPPED" CHILD.

Subpart 1. **Written permission to enroll.** Written permission must be obtained from the licensing agent prior to enrolling handicapped children.

Reason: Centers are encouraged to integrate handicapped children into a group of normal children whenever feasible for the center and for the child.

The special needs of the handicapped child must be met. "Handicapped" is defined as involving a sensory defect, physical or mental deficiency, or emotional disturbance.

Subp. 2. **Consultation reenrollment.** The group day-care center shall obtain the assistance of a qualified consultant prior to the enrollment of any handicapped child.

Satisfactory compliance:

A. The center shall have written program modifications based on the determination of the qualified consultant and the needs of the individual handicapped child. These program modifications shall be understood by program staff.

B. Additional staff as recommended by the consultant shall be available.

C. Modified equipment and supplies as recommended by the consultant shall be available.

D. Training of staff as recommended by the consultant shall be arranged.

E. Modifications of the physical facilities shall be made as recommended by the consultant and in conformance with the State Building Code.

Subp. 3. **Information about handicapped children.** Prior to the admission of any handicapped child, the group day-care center shall obtain information from the parent, the physician, and the state or local education agency about any special problems or needs that may affect the child's use of the program. Where indicated, a psychological evaluation shall be made and be available to the center.

Subp. 4. **Evaluation of child's progress.** The progress of the handicapped child shall be evaluated no less than annually by a qualified consultant.

Statutory Authority: *MS s 245.802 subd 1*

9545.0630 MINIMUM EQUIPMENT AND SUPPLIES IN LATCH KEY PROGRAMS (FOR EVERY 20 CHILDREN).

Quality of equipment is to increase in proportion to licensed capacity of center.

	Provisional License	Regular License (additional equipment and supplies)
Furniture:	1. Sufficient tables and chairs with backs (children's) (one chair per child; no folding chairs).	

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	<ol style="list-style-type: none"> 2. First-aid kit. 3. Cot with blanket (ill child). 4. Chairs with backs (for staff). 5. Low open shelves and bookcases (one foot per child). 6. Space/equipment for maintenance of children's records. 7. Individual space for outer clothing. 8. Area rug or carpet. 9. Equipment for a child's private hide-away corner; e.g., pillow, covered mattress, bedspread. 	
Active, large-muscle play: (for indoors)	<ol style="list-style-type: none"> 1. Four pieces of a variety of recreation sports equipment, for example: equipment for volley ball, ping pong, basketball, obstacle course, rope climbing, tumbling, climber balls trampoline 	Six Pieces
Active, large-muscle play: (for outdoors)	<ol style="list-style-type: none"> 1. Four pieces of a variety of recreation and sports equipment, for example: standard heavy duty playground equipment balls and bats skates - roller and ice sleds, toboggans 	Six Pieces
Art and music activities:	<ol style="list-style-type: none"> 1. Phonograph 2. Records - at least ten 3. Materials for crafts - at least six types - e.g., tile, wood, clay, paper mache, paint, leather, foam, beads, shells, paper 	Records - at least 15 Materials - at least 8 types
Dramatic Play:	<p>Area for dramatic play opportunities equipped with:</p> <ol style="list-style-type: none"> 1. Materials for cooking and woodworking. 2. Materials for theatre arts, costuming, puppets, and durable mirror. 	
Ponder Play:	<ol style="list-style-type: none"> 1. Materials and equipment for opportunities to: read, play games, cook, sew, experiment. 2. Books - one per child. 3. Games - one per two children. 4. Puzzles - one per child. 	Books - per child Games - per child
two		
one		

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5. Science items - one per every four children, for example: magnet, magnifying glass, science set, plants.

Expendable supplies:

1. Clay and playdough
2. Tempera and finger paints (non-toxic)
3. Paper (colored and white)
4. Paste (non-toxic)
5. Scraps - collage materials
6. Paint brushes
7. Crayons
8. Blunt scissors
9. Aprons or smocks

Fine-motor development

1. Manipulative toys - one per every two children; e.g., Erector set, Lincoln logs, Tinkertoys, pegs and peg boards, interlocking plastic forms, building bricks

Language development:

1. Pictures
2. Bulletin board
3. Flannel board and flannel set

Food service supplies:

1. Dishes, silverware and cups for snacks and/or meals.

Statutory Authority: *MS s 245.802 subd 1*

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9545.0640 MINIMUM EQUIPMENT AND SUPPLIES FOR PRESCHOOL PROGRAMS (FOR EVERY 20 CHILDREN).

Quantity of equipment is to increase in proportion to licensed capacity of facility.

PROGRAMS OPERATING LESS THAN FOUR HOURS (exceptions permitted)

- 2. Mats instead of cots

REGULAR LICENSE (additional equipment and supplies)

- 1. Sufficient tables and chairs with backs for children (one chair per child - no folding chairs).
- 2. One cot per licensed capacity.
- 3. First-aid kit.
- 4. Cot with blanket (for ill child).
- 5. Chairs with backs (for staff).
- 6. Low open shelves and book-cases (one foot per child)
- 7. Space/equipment for maintenance of children's records.
- 8. Individual spaces for outer clothing
- 9. Area rug or carpeting.

- 1. Durable large building blocks - at least 48 per every 20 children.
- 2. Three pieces of durable large-muscle equipment per every 20 children.

PROVISIONAL LICENSE

Furniture:

Active, large-muscle play: (for indoors)

- 1. Large building blocks (may be of non-durable material) at least 24.
- 2. Two pieces of durable large-muscle equipment per every 20 children such as: climber

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	PROVISIONAL LICENSE	REGULAR LICENSE (additional equipment and supplies)	PROGRAMS OPERATING LESS THAN FOUR HOURS (exceptions permitted)
Active, large-muscle play: (for indoors) (cont.)	rocking boat triangle set tunnel walking plank		
Active, large-muscle play: (for outdoors)	1. Two pieces of durable large-muscle equipment such as: climber swing slide sand-box large wheel toys	1. Three pieces of durable large-muscle equipment.	
Art and music activities:	1. Phonograph 2. Records - at least six 3. One double easel	3. Double easels - one for each 15 children. 4. Rhythm band 2. Records - at least 10	
Dramatic Play:	1. Small blocks (at least 200 pieces) 2. Three small durable transportation toys per every 20 children for block area 3. One spontaneous dramatic play	2. Six small durable transportation toys per every 20 children for block area 3. At least two areas for spontaneous dramatic play each having at least three	

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PROVISIONAL LICENSE

REGULAR LICENSE (additional equipment and supplies)

PROGRAMS OPERATING LESS THAN FOUR HOURS (exceptions permitted)

Dramatic Play: (cont.)	area with at least two pieces of permanent equipment; pretend area work bench (wood-work and tools) housekeeping area; e.g., doll bed, stove, sink, refrigerator, cupboard, etc. 4. Accessories: dolls, dishes, pots and pans	pieces of equipment 4. At least one full-length mirror. 5. Dress-up clothes
Ponder Play:	1. Books - one per every child 2. Puzzles - one per every four children 3. Cognitive games - one per every four children; e.g., number concepts letter concepts shape concepts size concepts color concepts	1. Two per every child 2. One per every two children 2a. Puzzle rack 3. One per every two children 4. Science items; e.g., magnet, magnifying glass, pets, plants
Expendable supplies:	1. Clay or playdough 2. Tempera or finger paints (non-toxic)	

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Statutory Authority: *MS s 245.802 subd 1*

	PROVISIONAL LICENSE	REGULAR LICENSE (additional equipment and supplies)	PROGRAMS OPERATING LESS THAN FOUR HOURS (exceptions permitted)
Expendable supplies: (cont.)	<ol style="list-style-type: none"> 3. Paper (colored and white) 4. Paste (non-toxic) 5. Scraps - collage materials 6. Paint brushes 7. Crayons 8. Blunt scissors 9. Aprons - smocks 		
Fine-motor development:	<ol style="list-style-type: none"> 1. Manipulative toys - one per every four children; e.g., pegs and peg-boards, beads and strings, interlocking plastic forms 2. Sand or water play equipment 	<ol style="list-style-type: none"> 1. One per every three children 	
Language development:	<ol style="list-style-type: none"> 1. Pictures 2. Bulletin boards 3. Flannel board and flannel sets 		
Food service supplies:	<ol style="list-style-type: none"> 1. Dishes, silverware, and cups, if meals are to be served 		

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9545.0650 MINIMUM EQUIPMENT AND SUPPLIES FOR INFANT AND TODDLER PROGRAMS (FOR EVERY 20 INFANTS AND TODDLERS).

Quantity of equipment is to increase in proportion to licensed capacity of facility.

	Infant Programs	Toddler Programs
Furniture:	<ol style="list-style-type: none">1. Sufficient infant-sized tables and chairs with backs for infants able to sit alone One chair per infant; no folding chairs2. One crib with mattress and blanket per infant in attendance3. Ten-unit first-aid kit4. Crib with mattress and blanket for ill infant5. Chairs with backs (for staff)6. Low open shelves and bookcases (one foot per child)7. Space and equipment for maintenance of children's records8. Adult rocker9. Individual space for outer clothing10. High chairs11. Infant seats12. Baby walkers13. Bathing tub14. Changing table with changeable covering15. Diaper pail with liners16. Area rug or carpeting17. Play pens18. Gates as needed for safety	<ol style="list-style-type: none">1. Same as furniture for preschool program plus:2. Training chairs13. Bathing tub14. Changing table with changeable covering15. Diaper pail with liners18. Gates as needed for safety
Active large-muscle play:	<ol style="list-style-type: none">1. Large building blocks (may be of nondurable material)-at least 202. Five pieces of durable large-muscle equipment for every 20 infants such as: Baby bouncers Large turning balls	<ol style="list-style-type: none">1. Same as preschool programs2. Five pieces of durable, large-muscle equipment for every 20 toddlers, such as: Two-step slide Rocking boat

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	Body wheels	Indoor gym house
	Riding stools	
	3. Large open plastic ball	
	4. Water-play equipment	
Art and music activities:	1. Phonograph	Same as preschool programs
	2. Records-at least six	
	3. Musical pull-toys	
	4. Rattles	
	5. Drum (without sticks)	
Fine motor development:	1. Matching and feeling toys-one per every two children, such as: plastic clutch toys form toys rattles pull toys feeling balls	Same as preschool programs
	2. Manipulative toys-one per every two children such as: teething toys wooden rattles shape toys clutch balls	
Language development:	1. Pictures	Same as preschool programs
	2. Bulletin boards	
Linens and supplies:	1. For each crib: bumpers, sheets (cotton, plus rubber and/or plastic), blankets	Same as preschool programs
	2. Bath towels	
	3. Wash cloths	3. Wash cloths
	4. Diapers	4. Diapers
	5. Cover(s) for changing table	5. Cover(s) for changing table
	6. Sterile cotton balls	
	7. Facial tissues	7. Facial tissues
	8. Soap	8. Soap
	9. Petroleum jelly or bland diaper-rash ointment	9. Petroleum jelly or bland diaper-rash ointment
	10. Rubber-bulb ear syringe with blunt plastic or rubber tip	

Statutory Authority: *MS s 245.802 subd 1*

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9545.0660 HEALTH CARE SUMMARY.

To be completed by health care source:

NAME OF CHILD

Birth Date

ADDRESS

Telephone

PARENT(S) OR GUARDIAN

Date of last physical examination:

How long have you been seeing this child?

How frequently do you see this child when he is not ill?

Does this child have any allergies (including allergies to medications)?

Is a modified diet necessary?

Is any condition present that might result in an emergency?

What is the status of the child's

Vision

Hearing

Speech

Please list below the important health problems. Indicate if you or someone else is following the child for the problem and check which problems require special attention at the center:

Important Health Problems	Followed By You	Followed by Other Medical Source (name)	Requires Special Attention at Center
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Immunizations and Tuberculin Test Records:

*D(P)T	1st date	*Poliomyelitis	1st date
*	2nd date	*	2nd date
*	3rd date	*	3rd date
*Booster date		*Booster date	
*Rubella date		Mumps date	
*Rubella date			

*Required

Tuberculin Test

date

results

If positive, what are the plans for treatment and/or follow-up?

Are the immunizations up-to-date?

If not, what is the plan to bring them up-to-date?

Other information helpful to the group-day-care center:

Source of health care

Associates or clinic

Address

Date

Statutory Authority: *MS s 245.802 subd 1*

9545.0670 DAILY FOOD GUIDE.

Foods	Servings Per Day	Average Size Serving By Age*		
MILK GROUP		1-3 yrs.	3-6 yrs.	6-9 yrs.

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Milk (pasturized, homogenized, and fortified Vitamin D)	2-3 servings	1/2 to 1 cup	1/2 to 1 cup	1 cup
Cheese and ice cream occasionally				
MEAT GROUPS				
Meat, poultry, fish As alternates dried beans or peas or peanut butter	1-2 servings	1 to 3 tbs.	2 to 4 tbs. (1 to 2 oz. cooked)	4 to 6 tbs (2 to 3 oz. cooked)
Egg	1	1 to 3 tbs. 1	2 to 4 tbs. 1	4 to 6 tbs. 1
VEGETABLE AND FRUIT GROUP				
Dark green vegetables and deep yellow vegetables and fruits for Vitamin A	4 or more servings 1 serving	2 tbs.	2 to 4 tbs.	1/4 cup
Fruit for Vitamin C citrus, tomato, cabbage	1 serving	1/3-2/3 cup	1/3-2/3 cup	1/2 cup
Other fruits and vegetables	2 servings	1/4-1/3 cup	1/4-1/3 cup	1/2 cup
BREAD AND CEREAL GROUP				
Bread and cereal, whole grain or enriched	4 servings	1/2 to 1 slice 1/4 cup cereal	1/2 to 1-1/2 slices 1/2 cup cereal	2 to 3 slices 1/2 cup cereal
OTHER				
Butter or margarine	As spread or seasoning			

*Size of serving will differ with individual children; some may want smaller amounts and some larger.

Statutory Authority: *MS s 245.802 subd 1*

PRIVATE CHILD-CARING OR -PLACING AGENCIES

9545.0750 SCOPE AND PURPOSE.

Parts 9545.0750 to 9545.0830 govern the operation of agencies engaged in, or seeking to engage in, child placement or other child welfare services in Minnesota and sets forth the requirements necessary for such agencies to be licensed.

Statutory Authority: *MS s 245.802 subd 1*

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9545.0760 AGENCY DEFINITION.

"Agency" means any individual, organization, association, or corporation planning for, giving direction to, or providing needed service or assistance to children and parents in their own homes and placing them in foster care. It includes any social service department of a child-caring institution that carries these responsibilities or gives the services herein described.

Statutory Authority: *MS s 245.802 subd 1*

9545.0770 APPLICATION FOR LICENSE.

Subpart 1. **In general.** Persons desiring a license or a renewal of license of this type shall apply to the commissioner of human services. The commissioner or his designee shall determine the competence of such persons to be licensed for the purposes described in the application; and he has the authority to issue such license. In making his determination, the commissioner shall be guided by the rules in this and subsequent sections. All licenses shall expire one year after date of issuance unless sooner revoked.

Subp. 2. **Timing of application.** An individual or organization planning to operate a child welfare agency shall file an application for a license with the commissioner at least 90 days before it begins to operate as an agency, on forms provided by the Department of Human Services.

Subp. 3. **Additional information.** In addition to the application, an applicant seeking license shall submit such information as the commissioner may require to make proper determination of the competence of the agency to be licensed.

Subp. 4. **Relicensing.** An agency desiring to renew its license shall submit an application for relicensing at least 30 days before the license is due to expire. In applying for such renewal, the agency shall file with its application such information as the commissioner may require to make a proper determination.

Subp. 5. **Records and reports.** The commissioner or his designated agent shall have ready access to records of all services given by a licensed agency, and records related to administration and financing of such services. He may from time to time require agencies to supply information or to make reports to him about agency services and their administration.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0780 ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Agency function and purposes.** The purposes or function of the agency shall be clearly defined. Such definition shall include the geographical areas to be served, which children and parents will be accepted for care and service, and the specific services to be provided for in behalf of these children.

Subp. 2. **Meeting the geographical need.** The agency shall meet a need in the geographical area it serves or plans to serve.

Subp. 3. **Legal organization.** The agency shall be organized according to a legal form of association or corporation recognized by the laws of the state of Minnesota.

Subp. 4. **Financial plan.** The agency shall have a sound plan of financing that gives assurance of sufficient funds to enable it to carry out its defined purposes and provide proper care for children. A new agency shall have sufficient funds assured to carry it through the first year of operation.

Subp. 5. **Audits.** All financial accounts shall be audited at least once a year and the report made a part of agency records.

Subp. 6. **Qualifications of personnel.** The executive or director shall have had training and responsible experience in work with children and their families and demonstrated executive ability.

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The casework supervisor shall be a graduate of an accredited school of social work or have successfully completed two years in such a school. In addition, the casework supervisor must have had a minimum of two years experience in a family and children's agency, or in a children's agency, as a caseworker or caseworker supervisor. In agencies not having a casework supervisor, the executive or caseworker shall meet these qualifications.

Caseworkers shall be at least college graduates.

Where an agency currently licensed does not meet these requirements, future changes in personnel shall conform to these requirements.

Statutory Authority: *MS s 245.802 subd 1*

9545.0790 SOCIAL SERVICES.

Subpart 1. **Program.** The agency shall make provision for a social service program including social casework with parents, foster parents, and children.

Subp. 2. **Studies.** The agency shall be responsible for making social service studies to determine that in the best interests of the child and his family, it is necessary and desirable that the child be accepted by the agency.

Subp. 3. **Continuing services.** The agency shall make provision for continuing social services to parents, foster parents, and child while the child is in placement.

Subp. 4. **Case records.** The agency shall be responsible for keeping case records of all children and parents accepted for care and service.

Subp. 5. **Study and approval of foster boarding homes.** The placement agency shall make a thorough social study of each foster boarding home. The rules set by the commissioner for the study and approval of such homes shall be the basis on which an agency recommends that a home be licensed in the case of a foster boarding home or approved for placement of a child in adoption.

Subp. 6. **Study records.** The agency shall keep a record of each home studied and of subsequent supervision or services given by the agency to approved homes. The content of such records shall be in conformity to the commissioner's rules relating to such records.

Subp. 7. **Religious beliefs.** An agency shall place children, in so far as practicable, in facilities having the same religious beliefs as the child's parents.

Subp. 8. **Compliance with applicable rules.** Agencies providing social services for children in institutions are subject to the rules governing such services (see parts 9545.0900 to 9545.1090).

Statutory Authority: *MS s 245.802 subd 1*

9545.0800 HEALTH SERVICES.

Subpart 1. **Physical exam.** The agency shall require each child to have a complete physical examination within two weeks prior to placement, and such examination shall include proper tests for communicable diseases.

Subp. 2. **Subsequent examinations.** The agency shall make provisions for subsequent periodic health examinations of each child.

Subp. 3. **Medical treatment.** The agency, in cooperation with parents, shall make provision for immunization, treatment of illness, and carrying out corrective measures and treatment of remediable defects or deformities in consultation and cooperation with proper licensed medical persons or organizations.

Subp. 4. **Dental care.** The agency, in cooperation with parents, shall make provision for adequate periodic dental examination and treatment including necessary prophylaxis, repair, and extractions.

Subp. 5. **Hospitalization.** The agency shall make provision and establish procedures for hospitalization of children under its care.

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Subp. 6. **Health records.** The agency shall keep adequate health records for each child.

Subp. 7. **Adequate clothing.** The agency shall furnish adequate clothing for each child under care.

Statutory Authority: *MS s 245.802 subd 1*

9545.0810 EDUCATION.

Subpart 1. **Religious education.** The agency shall be responsible for providing children with opportunity for religious education and experience. The agency shall have a defined policy on its religious practices for the information of those wishing to place children with it. In the religious education and experience provided, the agency shall take into consideration the religious affiliations or expressed wishes of the parents and the child.

Subp. 2. **Academic and vocational education.** The agency shall be responsible for providing opportunity for academic and vocational training in accordance with the abilities and needs of the children.

Statutory Authority: *MS s 245.802 subd 1*

9545.0820 EXPENSE REIMBURSEMENT FROM FAMILIES WHO RECEIVE CHILDREN FOR ADOPTION.

Subpart 1. **Right to apply.** Any agency that has been continuously under licensure for a period of at least five years and the terms of such licensure include authority to place children for adoption, may apply to the commissioner of human services for authority to receive expense reimbursement as provided by Minnesota Statutes, section 317.65, subdivision 7, as amended by Laws of Minnesota 1971, chapter 42.

Subp. 2. **Application process.** Application shall be made in the following manner:

A. The agency shall file with the commissioner a description of its plan in such form and including such information as shall be prescribed by the commissioner on an application form provided by him.

B. Within 30 days after receipt of an agency's application, the commissioner shall notify the agency, in writing, that the plan is approved as submitted, that additional information is needed before a decision can be made, or that modification of the plan will be required before the plan can be approved.

Subp. 3. **Written approval of plan.** No agency shall ask for or receive adoption expense reimbursement until it has received the commissioner's written approval of its plan.

Subp. 4. **Form.** Application for any major amendment to a plan shall be made in such form as the commissioner shall prescribe, and the amended plan shall not be put into effect until the agency has received the commissioner's written approval.

Subp. 5. **Annual review of plan.** The commissioner shall review the operation of the plan at least annually. Renewal of license shall, unless the agency is otherwise informed, constitute authorization for continuance of a previously approved expense reimbursement plan.

Subp. 6. **Revocation of approval or required modification of plan.** The commissioner may revoke his approval of an agency's plan or require modification of its plan or practices when in his judgment such action is necessary to insure effective adoption services and full conformity to his rules and to the provisions of the statutes.

Subp. 7. **Minimum requirements of plan.** No agency's plan shall be approved unless it meets the following requirements:

A. The case record for each family applying to the agency to adopt a child shall include:

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(1) evidence of the fact that the agency's reimbursement plan was explained to the family, and a statement of the arrangements made between the family and agency for payment;

(2) the considerations that entered into the agency's decision to place or not place a child with a family; and

(3) a description of services given for which reimbursement is sought.

B. The agency shall maintain fiscal records, by individual family, of payments made to the agency and shall report information annually in the form requested by the commissioner.

C. The agency shall maintain a register of all children placed for adoption whether or not reimbursement was received. This shall include name and record number of each child and family and the date of placement.

Subp. 8. **Amount of reimbursement.** The amount of expense reimbursement requested shall not exceed the average cost of the home study, provision of service to the child prior to adoptive placement, and supervision of the child in the home and shall be related to the extent of the family's ability to pay such cost, provided that the maximum reimbursement requested shall in no case exceed \$600.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0830 REFUSAL OR REVOCATION OF LICENSE.

Failure or inability to comply with the above standards shall be cause for refusal or revocation of license.

Statutory Authority: *MS s 245.802 subd 1*

CHILD-CARING INSTITUTIONS

9545.0900 PURPOSE AND SCOPE.

The purpose of child care licensing is the protection of children in care away from their own families. Rules for licensing identify risks and define appropriate safeguards.

The licensing of child welfare agencies has been a legally designated function of the Minnesota Department of Human Services and is described in Minnesota Statutes, sections 257.01 to 257.15.

These rules, as revised October 20, 1971, establish the minimum level of care for children in the care of licensees. They reflect the quality of care developed by the Minnesota child welfare institutions over many years of service. The rules emphasize the responsibility of licensed agencies to give foremost consideration to each child's spiritual, mental, physical, social, and emotional development and growth. To accomplish this purpose and maintain eligibility for a license, each agency must establish a philosophy of care that will provide the child with variety, stimulation, and gradual transition from dependence to more independence, as well as experience in coping with realities of the physical and social environment through contacts with it and through effective ties with adults. In addition to applying to private child-caring institutions, these same standards are also to be applicable to all the institutions operated by the state of Minnesota in caring for mentally ill and/or emotionally handicapped children.

In developing these rules, the department was assisted by an advisory committee representing staff of various types of public and voluntary institutions, the legal and medical professions, referral agencies, and the interested public. A draft of the proposed rules was then presented at several informal open meetings within the state, and a later draft was presented at a formal public hearing in Saint Paul, on August 30, 1971. The final draft of the proposed rules was reviewed and approved by the Department of Public Welfare on October 20,

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Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0910 DEFINITIONS.

Subpart 1. **Institution.** Parts 9545.0900 to 9545.1090 govern the operation of institutions engaged in or seeking to engage in the care of children who are emotionally and/or socially handicapped and sets forth the requirements necessary for such institutions to be licensed.

“Institution” is defined for licensing purposes as a facility for care and treatment of children that has an administrative organization and structure approved under state law for providing shelter, food, training, treatment, and other aspects of care of more than ten children on a 24-hour basis.

Parts 9545.0900 to 9545.1090 do not apply to institutions exempt from license as provided by law and to foster care facilities, group homes, and institutions for mentally retarded, which fall under other licensing standards, and residential settings under the jurisdiction of the Department of Corrections.

Subp. 2. **Child.** A child is defined as meaning a person under the age of 18 years.

Subp. 3. **Emotionally handicapped child.** For the purposes of admission, an “emotionally handicapped child” is defined in this rule as a child who in the judgment of a professional social worker, psychologist, or psychiatrist is exhibiting those symptoms and behavior patterns that are determined to be of such nature that the child needs the care and treatment given in an institution governed by these parts.

Subp. 4. **Treatment.** For the purposes of admission, “treatment” is defined in these parts as giving to an emotionally handicapped child those professional services that are deemed necessary and appropriate to assist the child in returning to the community in a manner that will enable the child to function to the child’s fullest possible extent.

Subp. 5. **Applicant for license.** “Applicant for license” is defined in these parts as the individual or corporation applying for license to operate an institution governed by these standards.

Statutory Authority: *MS s 245.802 subd 1*

9545.0920 PROCEDURES FOR LICENSING.

Subpart 1. **Apply to commissioner.** An applicant desiring a license or a renewal of license shall make application, in the case of a new application, prior to caring for children, to the commissioner of human services, who shall make a determination according to parts 9545.0900 to 9545.1090 of the suitability of such applicant to be licensed for the purpose of giving care to children.

In making this determination, the commissioner shall be guided by the rules in this and subsequent sections. When an initial license is being issued to any facility, it shall remain in force for one year. When a license is being renewed, it may be issued for a period of up to two years, in the discretion of the commissioner of human services. Every license shall prescribe the number and age groupings of children who may receive care at any one time.

Subp. 2. **Materials to be submitted.** Any applicant planning to enter into child care shall submit materials that the commissioner may require to make a proper determination of competence of the applicant to be licensed. These materials are to include at least the following:

A. An architectural plan that shows a feasible relationship to the program. (See part 9545.1080.) Experience has shown that fire marshal and Department of Health consultation is needed early in a building plan to avoid later problems. In so far as possible, it is, therefore, recommended that

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applicants for new institutions, and/or remodeling of existing institutions, arrange either with the assistance of the Department of Human Services or independently, to meet directly with the state health and fire departments for the purpose of reviewing said architectural plans as soon as they are developed.

B. A comprehensive description of the proposed program plan that also relates to the material contained in parts 9545.0930 to 9545.1030.

C. Funding base for building and operation of the institution.

D. A plan for what the institution will do to cover professional liability, as, for example, insurance against malpractice.

E. A statement describing the competence of the applicant(s) as it relates to providing care and treatment of children.

It is the responsibility of the applicant(s) to complete all of the above material before final consideration can be given to the initial request and/or updating material in the case of relicensure. Upon receipt of the above material by the commissioner of human services, the application will be completely processed within 90 days after the day of receipt of same. In the event that the applicant is dissatisfied with a decision made on the license request, please refer to part 9545.1090.

Subp. 3. **Relicensure.** An institution desiring to renew its license shall submit an application for relicensing within a period of 45 days before the license is due to expire. In applying for such renewal, the director of each institution shall file with its application a statement that describes any and all changes that have modified the institution's physical plant, program plan, funding base, or professional competence since the granting or previous renewal of license to operate under this standard.

Subp. 4. **Monitoring.** The commissioner and/or his delegated representative staff shall have the responsibility to provide continuing monitoring of each institution in a manner that offers appropriate consultation to each institution and also assures that the standards are being maintained.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0930 ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Purpose of institution.** The purposes or function of the institution shall be clearly defined. Such definition shall include the geographical area to be served and how this area was determined, ages and types of children to be accepted for care, and the specific extent, limitation, and scope of services for which licensing authority is being sought.

Subp. 2. **Location of institution.** It is recommended that the institution be located within reasonable traveling distance of the population the institution plans to serve. It is also recommended that public transportation facilities be within reasonable walking distance of the institution.

Subp. 3. **Legal incorporation.** The institution shall be incorporated in accordance with the laws of the state of Minnesota as outlined and prescribed in Minnesota Statutes, section 317.65, particularly as it relates to governing boards and annual audits if the institution is to be operated as a nonprofit corporation. If the applicant is to operate as a private business, a copy of any and all agreements related to operational policy shall be filed with the commissioner of human services. The commissioner of human services requires such a private business concern to file a copy of any and all policies related to the planned operation of an institution under these standards to permit a review of the organizational goals in a manner similar to review of a nonprofit corporation. The commissioner does not intend to require a private business to incorporate solely for the purpose of providing services to children under parts 9545.0900 to 9545.1090.

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Subp. 4. **Financing plan.** The institution shall have a sound plan of financing that gives assurance of sufficient funds to enable it to carry out its defined purposes and provide proper care for children. A new institution shall have sufficient funds assured to carry it through the first year of operation. It is highly recommended that the institution develop clear, concise billing procedures and give some consideration to development of written placement contracts between the institution and the parent or legal guardian of the child. (See subpart 9, item H for details.)

Subp. 5. **Advisory board.** The institution is encouraged to have an advisory board that is broadly representative of the community it serves.

Subp. 6. **Audits.** All financial accounts shall be audited by a certified public accountant from outside the institution staff or board at least once a year, and the report shall be made a part of institution records. An opinion prepared by said auditors about the institution's present and predicted financial solvency shall be filed with the commissioner of human services at the time of each relicensure.

Subp. 7. **Discrimination prohibited.** Discriminatory practices are prohibited. See Administrative Manual, III-3000 through -3700, for further details. All public welfare programs and activities in Minnesota administered by the commissioner of human services and by his agents (the county welfare departments and the state institutions), by county nursing homes licensed by him, and by any other agencies or organizations administered by or through the state agency are to be administered in such a manner that no person will, on the ground of race, color, religion, or national origin, be excluded from participation in; be denied any aid, care, services, or other benefits of; or be otherwise subjected to discrimination in any program administered or supervised by the Minnesota Department of Human Services. Minnesota Statutes, section 363.03, shall also apply as it relates to discrimination of staff and/or clientele.

Subp. 8. **Annual report.** It shall be required that the licensee or corporation, in cooperation with the Department of Human Services, or on its own accord, produce evidence to the commissioner of human services that an annual review of its purpose and goals, and the extent to which the purpose and goals are being accomplished, was done.

Subp. 9. **Confidential case records for children.** Every institution shall maintain a confidential case record for each child. Each record shall contain:

- A. Application for service.
- B. A social study of the family or investigation of application, including an explanation of custody and legal responsibility for the child.
- C. A verification of age.
- D. Medical consent signed by parents or legal guardian.
- E. Reports on medical examinations, including immunizations, any drugs received at the institution, dental examinations, and psychological and psychiatric examinations when given.
- F. A record of the child's development, reason(s) for continuation of institutional treatment, casework with him and with his family, and plan for discharge. The case record material shall be reviewed at least every six months and will be brought up to date at that time.
- G. A statistical report on each child receiving service as required by the commissioner of human services on forms furnished by the department for that purpose.

H. It is recommended that when a child is committed for care, a written agreement between parents and/or legal guardian and the institution be prepared and signed by the intake caseworker as the agency representative and

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by the parents and/or legal guardian. The parents and/or legal guardian should receive a copy, and the original should be filed in the child's record. The statement should cover at least:

- (1) a clear statement as to who has financial responsibility;
- (2) how payments are to be made to cover the cost of care;
- (3) exactly what items are and are not covered by the normal or regular institution cost, like holding a bed open when the child is not at the institution;
- (4) medical arrangements;
- (5) visiting arrangements and expectations;
- (6) arrangements for clothing and allowances;
- (7) arrangements for vacations;
- (8) regulations about gifts permitted;
- (9) arrangements for parents and/or legal guardian participation through regularly scheduled interviews with the institution;
- (10) the requirement that the child may be removed from the institution only after prior agreement with the institution and with sufficient advance notice so that the child and institution can be suitably prepared;
- (11) the institution's policy and/or personal allowance to be provided the child at the institution; and
- (12) in a placement made on a court order, at least a written memorandum of the rights and responsibilities of the parents.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0940 ADMISSIONS.

Subpart 1. **Policies.** Only those children shall be admitted who are found eligible according to the institution's formally prescribed admission policies. Such admission policies must be preauthorized by the commissioner of human services and will include how the intake services will be extended, as well as the financing of any service plan developed between parents, agencies, and the institution's intake department.

Every institution shall have specific intake policies that are a part of the institution's written policy statements describing exactly what professional staff shall have the authority to admit a child. As a part of any admission committee for an institution, there shall be at least one professional social worker. Intake policies shall be carefully reviewed at least annually and changed as needs and conditions in the community change or as the staff and program of the institution change to meet these changing needs.

Admissions, in addition to keeping within the stated policies of the institution, shall be limited to those children for whom the institution is qualified by staff, equipment, and needs of children already in residence to give the care deemed necessary.

Subp. 2. **Social study.** Admission decisions shall be based upon a complete social study of the total situation of the child and his needs as well as the total situation at the institution at a given time in order that the ultimate welfare of the individual child shall be the major consideration.

Such social study shall be made before a child is admitted, except when emergency care must be given, and then the study shall be made immediately thereafter.

The social study shall include all that information that will permit a careful analysis of each case to make sure that each child admitted is in need of the type of care and service the institution can provide. The social study shall also include information from agencies involved with the child and his family.

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Subp. 3. **Preplacement visit.** Prior to final placement, unless there are highly unusual circumstances, the child, his parent, and/or his legal guardian shall have a preplacement visit to the institution at least 24 hours before final placement.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.0950 DIAGNOSIS AND TREATMENT WHILE IN THE INSTITUTION.

Subpart 1. **Duties of the institution.** The institution, through its social services, shall have the responsibility for keeping the child in contact, where appropriate and possible, with his family and relatives and for assuring that services are provided to the family in behalf of the child by the institution staff, another professional public or private social service agency, or both. The institution and the placing agency shall also specifically determine for each child appropriate conferences involving the institution, the parent(s), the placing agency, and the child, to review the overall situation. These formal reviews are to be planned for each child at least every six months. For a child placed in an institution for a period of less than six months, the formal reviews are to be planned at appropriate shorter intervals. Written summaries of the review shall be sent to the referring agencies and shall be prepared by the institution. A written progress report should also be sent to the parent and/or legal guardian of the child at least every six months.

Subp. 2. **Duties of the professional staff.** The professional staff shall assist the child and family in understanding their problems and shall help the child and family in attempting to solve them.

The professional staff shall work closely with the child care staff and with staff of other agencies giving service in order that all persons working with the child and his family may understand the effect of past and present behavior and environment on the child's actions and feelings.

Subp. 3. **Specialists.** In the gaining of an understanding of the child and his relationship to his family and others, the services of specialists in the field of medicine, psychiatry, and psychology shall be used as the need for such services is indicated.

Subp. 4. **Treatment program.** The institution shall develop and implement a treatment program based on meeting the particular needs of each child as a part of the institution program design as far as practical and possible.

Subp. 5. **Self-governing councils.** Where possible and practical, some opportunities for self-governing councils should be considered for the clientele.

Subp. 6. **Work experience.** In the matter of work experience, each institution shall differentiate between work and daily living chores; and where an institution has a work program, it shall:

A. Provide work experience for children that is appropriate to the age and abilities of the child. Where appropriate, work shall be assigned and supervision provided with a view toward training and contributing to his/her growth. Work shall not interfere with the child's time for school study periods, play, sleep, normal community contacts, or visits with his/her family.

B. Not use the children as substitutes for staff.

C. Comply with the rules of the Department of Labor and Industry on child labor, especially the use of dangerous machinery and hazardous equipment. Operation of such machinery shall be conducted only in the immediate presence of an adult.

D. Differentiate between the chores that the children are expected to perform as their share in the business of living together, specific work assignments available to children as a means of earning money, and jobs performed in or out of the institution to gain vocational training.

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E. Give children some choice in their chores and change from routine duties often to provide a variety of experiences.

Subp. 7. **Solicitation of funds.** No child shall be used for soliciting funds for an agency in any way that would be harmful or cause embarrassment to the child or his family; and the written consent of the parent or legal guardian shall be obtained prior to the agency's using a child's picture, person, or name in any form or a written, visual, or verbal communication system.

Subp. 8. **Recreation plan.** Each child shall have a recreational activities plan developed to assist the child meet his/her own unique recreational needs.

Statutory Authority: *MS s 245.802 subd 1*

9545.0960 ISOLATION.

This term is defined in parts 9545.0900 to 9545.1090 as separating the child for a temporary period of time from the rest of the institution population. Whenever an institution does utilize isolation, seclusion, or quiet rooms, adequate safeguards must be taken to prevent any detrimental effects upon the physical or emotional development of the child. Caution must be exercised in determining the frequency and duration of such periods, and the final decision to place a child in isolation must be made by the director of the institution or previously authorized staff.

If children are locked in rooms for security or isolation reasons, the following conditions must prevail:

A. The proximity of the staff will allow for visual and auditory contact with the child at all times.

B. All dangerous objects must be removed from the child prior to his placement in isolation.

C. Rooms must have doors that open out and with keyless locks that have immediate release mechanisms.

D. All fixtures within the room shall be tamper-proof, with security mattresses of fire-resistant material. Switches must be located immediately outside the room.

E. Smoke- or fire-monitoring devices must be an inherent part of the room, as well as proper ventilation.

F. Appropriate entries must be made in the child's file.

G. A child in isolation must be provided the same diet that other children in the institution are receiving.

Statutory Authority: *MS s 245.802 subd 1*

9545.0970 MEDICAL CARE.

Subpart 1. **Physical examination requirement.** Except in the case of emergencies, no child shall be accepted in an institution without a physical examination and a statement signed by a licensed medical doctor specifying any physical defects the child may have. In an emergency admission, examination shall follow within 72 hours.

Subp. 2. **Immunizations.** Either prior to admission or as soon thereafter as practical, the child shall be immunized against smallpox, diphtheria, and such other diseases as the physician may recommend.

Subp. 3. **Medical care arrangements.** Definite arrangements shall be made with at least one licensed medical doctor for the medical care of children. This shall include arrangements for necessary visits to the institution as well as office visits.

Subp. 4. **Annual physical examination.** Every child shall have a complete physical examination at least annually. A child having a physical defect shall

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not be allowed to participate in activities injurious to his health. Efforts shall be made by the institution to have physical defects of the children corrected through proper medical care.

Subp. 5. **Staff instruction.** The staff members shall have a clear understanding as to what medical care, including first aid, may be given by them without specific orders from a licensed medical doctor. They shall be instructed as to how to obtain further medical care and how to handle emergency cases. To accomplish this objective, at least one member of the staff in attendance or on duty during the children's waking hours must have satisfactorily completed current first-aid training and have on file at the institution a certificate from the American Red Cross so noting this fact.

Each member of the child caring staff shall be able to recognize the common symptoms of illnesses of children and to note any marked physical defects of children. A sterile clinical thermometer shall be kept available. Child-caring staff shall be able to provide practical nursing care.

Subp. 6. **Hospital admission.** Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or an emergency.

Subp. 7. **Medical records.** Each child shall have a separate medical record that shall include the statement of the medical doctor who examined him at the time of admission to the institution; a record of his immunizations; consent of parents or guardian for medical care; a record of his annual measuring and weighing; a statement from the medical doctor who gave him his annual physical examination; and a record of the medical care given at the institution. The latter shall include a record of his hospitalization; an up-to-date recording of any and all drugs, including prescriptions, quantity directions, physician's name, date of issue, and the name of the pharmacy; significant illnesses or accidents; and attempts at correcting physical defects.

Subp. 8. **Prescription labels.** Prescribed drugs and medicines shall be obtained on an individual prescription basis with the following labeling:

- A. name of pharmacy;
- B. patient's name;
- C. prescription number;
- D. prescribing practitioner;
- E. directions for use; and
- F. date of original issue or renewal.

In addition, we recommend: name of drug, potency of drug, quantity of drug, expiration date (when applicable).

Subp. 9. **Administration of drugs.** Drugs and medications shall be administered to the patient by a responsible staff person in accordance with medical instructions. All drugs shall be stored in a locked (double lock for narcotics) cabinet, and keys for the cabinet shall be kept under the supervision of a designated responsible staff person assigned to administer the drugs. The medication cabinet shall be equipped with separate cubicles, plainly labeled with the patient's name.

Medications belonging to the patient shall be returned to the patient's guardian or parents upon discharge or shall be destroyed by the person designated responsible for drug storage and administration by flushing the drugs into the sewer system and removing and destroying the labels from the container. It is illegal to accumulate a store of drugs (see Minnesota Statutes, section 151.37).

Refills of medications shall be obtained by contact with the pharmacy, which is required to obtain refill authorization from the prescribing physician.

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The institution may possess a limited quantity of nonprescription drugs and administer them under the supervision of the staff.

Statutory Authority: *MS s 245.802 subd 1*

9545.0980 DENTAL CARE.

The institution shall have a definite agreement for one or more licensed dentists for the dental care of children.

Each child shall receive a dental examination at least once a year.

Included in the child's medical record shall be a dental record showing dates of examination and by whom given.

Statutory Authority: *MS s 245.802 subd 1*

9545.0990 GENERAL HEALTH.

Subpart 1. **Sleep.** Each child shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest. While children are asleep, at least one staff member shall be near enough to hear calls.

Subp. 2. **Personal hygiene.** Children shall be encouraged and helped to keep themselves clean. They shall receive specific training in personal hygiene.

Subp. 3. **Bathing facilities.** Bathing and toilet facilities shall be properly maintained and kept clean.

Subp. 4. **Personal articles.** Each child shall have his own clearly identified toothbrush, comb, an adequate supply of towels and washcloths, and his own separate place for keeping these personal articles.

Subp. 5. **Daily diet.** Menus shall provide for varied, balanced, and adequate diet for all children in the institution. This daily diet shall also meet the child's daily nutritional requirements and recognize the variations in appetite and encourage but not force children to eat.

Subp. 6. **Clothing.** Each child shall be provided with clothing for his own exclusive use that is comfortable, appropriate for current weather conditions, and of such type as not to make him conspicuous in the community. Upon intake and discharge from the institution, the child's clothing status will be discussed and agreed upon between the referring and receiving parties.

Subp. 7. **Lighting.** Electric lighting in combination with natural lighting shall be of sufficient quantity and diffusion as to provide reasonable comfort to eyesight.

Subp. 8. **Play.** The institution shall provide equipment for indoor and outdoor play and shall make provision for active daily play and exercise.

Statutory Authority: *MS s 245.802 subd 1*

9545.1000 EDUCATION AND TRAINING.

Subpart 1. **Public education.** All children shall attend school in the local school district until the age of 16 years unless they are excluded for reasons that meet the guidelines of a properly designated school authority. The institution shall promptly notify the school district in the locality of the institution about any transfers in or out of the local school by the institution's clientele. A school operated within the institution shall meet the standards of the State Department of Education and the local school district. A special plan for education of a child shall be worked out when he is unable to attend the neighborhood school. The local school district is responsible for providing education to the child or children in the institution as described in Minnesota Statutes, section 120.17, especially subdivisions 6 and 8.

Subp. 2. **Religious education.** Children shall be provided an opportunity to receive instruction in their religion. No child shall be required to attend religious services or to receive religious instruction if the child chooses not to attend services or receive religious instruction.

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Subp. 3. **Discipline.** Discipline shall be maintained by an attitude of the staff that shall be diagnostic and remedial, rather than punitive. Corporal punishment shall not be administered.

Statutory Authority: *MS s 245.802 subd 1*

9545.1010 CHILDREN AS EMPLOYEES PROHIBITED.

Children shall not be required to be solely responsible for any major phase of institutional operation or maintenance, such as cooking, laundering, housekeeping, farming, and repairing. Children shall not be considered as substitutes for employed staff.

Statutory Authority: *MS s 245.802 subd 1*

9545.1020 DISCHARGE.

The decision that a child no longer needs or can benefit by what the particular institution can offer him shall be reached in a joint conference in which child care worker, caseworker, group worker, teacher, other staff as needed, and the referring agency participate, with the executive carrying out final responsibility consistent with the following concepts:

A. The length of time a child spends in an institution shall be as brief as possible in accordance with his specific needs.

B. It is a part of the institution's responsibility to help the child and his parents or legal guardian prepare for termination of placement in the institution, whether the move is to return the child home or to a foster family, adoptive family, another institution, or the home of relatives.

C. If the parents, the legal guardian, or the child needs or wants further help after discharge from the institution, the institution and referring agency shall be responsible for either meeting the request for service directly or referring the parents, the legal guardian, or the child to another appropriate source.

Statutory Authority: *MS s 245.802 subd 1*

9545.1030 RESPONSIBILITY FOR NOTIFICATION OF RUNAWAY CHILDREN.

The institution shall be required to notify the child's parent(s) and/or legal guardian or referring agency within twelve hours after the child's whereabouts are unknown. The institution shall also notify the police within a reasonable period of time after it is confirmed that the child has attempted to run from the institution. When the child is found, the institution shall promptly report the child's return to the child's parents and/or legal guardian. Cooperative working relationships between the local police and the institution shall be established and at least annually reviewed in a joint meeting between the local police chief and the institution director.

Statutory Authority: *MS s 245.802 subd 1*

9545.1040 EMPLOYEE QUALIFICATIONS.

Every employee shall be mentally and physically capable of performing the duties assigned to him or her. There shall also be sufficient staff to carry out the institution's program and to assure the programming provisions of this rule. Every staff member shall have a physical examination before he/she begins work and annually thereafter. Initial examination shall include a Mantoux test, and a chest X ray when the Mantoux is positive.

Statutory Authority: *MS s 245.802 subd 1*

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9545.1050 STAFF-CHILDREN RATIO.

The ratio of child care staff to children in care shall be dependent on the need of the children, but the ratio of such staff to children shall not be less than the following schedule:

Age of the child	Minimum ratio of staff to children during waking hours.
four to five	one staff member to three children
six to eight	one staff member to four children
nine to 11	one staff member to six children
12 to 16	one staff member to eight children

There must be a staff person available at night in each individual unit, or hall, and a provision made whereby another staff person may be summoned in an emergency.

In an institution, the superintendent, supervisor, and teachers shall not be included in computing the waking hours schedule and could only be included in staff ratio if they have a regularly scheduled assignment within the immediate vicinity and call of the children during the night.

The ratio of professional staff to children shall be dependent on the needs of the children, but there shall be at least one professionally trained worker for every 12 children in the institution. Professionally trained shall be defined as possession, at the minimum, of a B.A. degree. Based on a 40-hour week, this ratio is intended to mean, as a minimum, that each child should be able to receive at least 3-1/3 hours of professional service each and every week.

Statutory Authority: *MS s 245.802 subd 1*

9545.1060 INSTITUTION STAFF.

The institution staff shall include:

A. Administrator: The administrator shall have had training and experience and furnish references to the institution executive or board to verify his proficiency in working with children that will help equip him for his duties and make him temperamentally adapted to work with children, committees, and other community groups. The education and experience qualifications of the administrator shall not be less than the following:

(1) a B.A. degree in one of the behavioral sciences (special education, vocational counseling, psychology, social work) plus a minimum of five years of experience in residential treatment; or

(2) a master's or doctor's degree in one of the behavioral sciences (as defined above) plus a minimum of three years of experience in residential treatment.

All directors currently employed with lesser qualifications are grandfathered in as of the date of these standards. Where there are over 50 children in an institution, the administrator should have an executive assistant or a program director. The person responsible for program direction shall be equipped by training and/or experience.

B. Clerical staff: Each institution shall have sufficient clerical services to keep correspondence, records, and bookkeeping in good order.

C. Child care staff: Resident care staff shall have training and experience sufficient to equip them for their duties. Staff members shall be at least 21 years of age unless their maturity and the staff supervision and support justify having younger persons on duty.

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D. Service personnel: Domestic and maintenance staff shall be employed to carry on the everyday housekeeping and maintenance functions in sufficient number so that those employed to give direct care to children are not prevented from giving supervision to the children because of other duties.

E. Social work services: Social work services through qualified social workers shall be provided by the institution. In an institution with more than 24 children, the master's degree worker should be in addition to the professionally trained director. All other social workers shall have at least a B.A. degree, and it is desired that this degree be in the behavioral sciences. The social workers should be supervised by a person professionally trained in the behavioral sciences. An institution providing social work services through its own social services department must also meet requirements relating to licensing of social services agencies.

F. Adjunctive clinical services: The services of a psychologist, psychiatrist, and physician must be made available for the children requiring these services. Professional staff who are employed, or whose services are used, by the institution shall have the special qualifications obtained through training and experience in their respective fields to render satisfactorily the services expected of them. Such staff include, but are not limited to, medical, dental, and health specialists; nutritionists; psychologists; music and vocational therapists; and teachers or educators. Each institution shall contract for psychiatric services to provide a specified number of hours of consultation each month to the staff.

G. Volunteers: Volunteers can be utilized by an institution to provide specialized skills and interest not otherwise available to the children through staff and to offer opportunities for relationships and individualized attention if used in accordance with the treatment program of the institution and for the child.

H. Relief staff: Relief personnel should be a part of the regular staff and able to understand and work toward the habilitative and rehabilitative goals of the institution.

I. Recreational staff: A recreational staff is an important aspect of the treatment program, and staff members holding such responsibilities shall have training and experience in recreational activities.

Statutory Authority: *MS s 245.802 subd 1*

9545.1070 PERSONNEL POLICIES.

Policies related to employment shall be in writing and include at least the following:

A. Description of the specific duties each employee is expected to perform, when they are to be performed, and other persons involved in their performance.

B. Recruitment and selection of new employees, the qualifications required/desired for each position, and, in general, how these qualifications are verified when an individual is hired.

C. Salary pay plan, mileage, expenses, and a list of all fringe benefits, such as hospitalization and retirement.

D. A description of the probation period and a list of conditions whereby termination will be considered.

E. Work schedules that describe what the vacation, holidays, sick leave, and daily periods of relief of the institution are.

F. Confidentiality. All employees shall receive both oral and written instructions as they relate to their individual responsibility for preserving confidentiality of the clientele.

G. Training. Each agency shall describe the type and duration of its in-service training program related to each position in the institution.

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H. Notification of all employees as to whom to consult and how to do so in the event of an emergency.

I. Opportunities for attendance at workshops, institutes, and/or continuing education.

J. General promotional requirements and/or opportunities shown in writing.

K. Performance evaluations. It is recommended that each employee receive an evaluation at least annually and that the employee share in the evaluation process.

L. Provision of a copy of the institution's organization chart for each employee.

Statutory Authority: *MS s 245.802 subd 1*

9545.1080 PLANT, GROUNDS, AND EQUIPMENT.

Subpart 1. **Compliance with other laws.** In addition to the broad statements contained in this part and these parts, the specific standards of the state fire marshal and the Department of Health, as well as local building codes where they exist, shall also be applicable.

Subp. 2. **Grounds.** There shall be sufficient outdoor recreational space available.

Subp. 3. **Buildings.** Buildings:

A. Plans for a new building, additions, or structural alterations, when such plans affect services to children, shall comply with local building codes and shall be submitted for approval and consultation to the Department of Human Services before contracts are let or work is begun.

B. In any new construction, each child shall have at least 100 square feet in a single room, 80 square feet in a double room, and 70 square feet in a triple room for a sleeping room. In any institution licensed prior to this standard revision, no child shall have less than 70 square feet for a sleeping room. Each child shall have his own bed provided with springs, mattress, and bed covering in good condition. Each child shall also have an area to store his personal belongings in a manner that assures privacy. There should not be more than four children in each sleeping room, with two being more desirable. Children shall not sleep in basements or attics.

C. Dining rooms shall be cheerful and attractive, and furnishings shall be well constructed and designed for use of children within the institution's age range.

D. The living rooms shall be large enough to provide comfortable and cheerful living quarters for the children.

E. There shall be sufficient space provided for indoor quiet play and active group play.

F. Heating facilities shall be provided that will keep the temperature in living quarters of the institution within the range of 70 to 74 degrees Fahrenheit.

G. It is recommended that natural light, where possible, be available in every sleeping area used by children and staff.

H. In combination with natural light, electric lighting shall be installed of sufficient quantity and diffusion to provide reasonable illumination.

I. Ventilation shall be available in every room in the institution that is used by the children and staff.

J. Staff quarters shall be separate from those of children although near enough to assure proper supervision of children.

Subp. 4. **Fire.** Fire:

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A. Care shall be exercised by the staff to prevent children from using matches, from playing around unprotected and unsupervised fires, or from handling flammable or combustible materials. Children shall be instructed on fire prevention.

B. Blankets, bedspreads, drapes, clothing, and bedding materials should be made of noncombustible or fire-retardative material, as certified by manufacturer.

C. All electrical and heating equipment shall be approved by Underwriters Laboratory or other nationally recognized testing laboratories. All electrical equipment and installations shall comply with the Board of Electricity and the National Electrical Code.

D. Flammable liquids, such as gasoline, kerosene, fuel oil, etc., shall be stored as provided by regulations of local and state fire authorities.

E. The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in evacuation from the building in case of fire. Fire drills shall be held periodically. Fire extinguishers shall be provided and maintained throughout each building in accordance with standards of the state fire marshal. The institution shall comply with all regulations of the state fire marshal that relate to operation of such buildings.

F. All buildings of institutions licensed for the first time and/or new construction in existing institutions shall be of noncombustible construction and shall be at least one-hour fire-resistant for all one-story buildings and at least two-hour fire-resistant for all buildings more than one story.

G. Within existing buildings of frame construction, children shall not be housed above the second-floor level. At least one-half of the required exits from the second-floor level shall discharge directly to the exterior of the building at grade. All vertical openings between the first- and second-floor levels shall be enclosed at the first-floor level with at least one-hour fire-resistive construction, and any door openings into this enclosure shall be solid core wood or its equivalent. A complete automatic and manual fire alarm system shall also be provided within the building, and plans and specifications for such system shall be submitted to the state fire marshal's office for review prior to installation.

Subp. 5. Sanitation. Sanitation:

A. Kitchens and kitchen equipment shall meet standards of the Department of Health.

B. There shall be an adequate available supply of hot and cold water to serve the institution. Toilet facilities shall be maintained in a sanitary condition equal to standards prescribed by the Department of Health. There shall be separate toilet and bath facilities for boys and girls and separate facilities for employees. There shall not be less than one lavatory with hot and cold water for every six children, one toilet for every eight children, and one tub or shower for every ten children. In addition, there shall be a minimum of one tub or shower in each building in which children live.

C. Sewage shall be disposed of through sewage systems that comply with state ordinances.

D. The milk supply shall meet state ordinances.

E. Drinking water shall be supplied from an approved system that complies with Department of Health rules.

F. Proper facilities for staff and program sanitation shall be provided throughout the institution buildings and premises for the purpose of ensuring cleanliness and protection against disease.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

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9545.1090 RIGHTS AND OBLIGATIONS OF THE APPLICANT.

Subpart 1. **Right to apply for license.** An applicant has the right to make an application to receive a license to operate an institution under this standard.

Subp. 2. **Right to appeal.** If an applicant is dissatisfied with a decision made on his application, he has the right to appeal in accordance with the procedures outlined in Minnesota Statutes, section 257.11. In order to assure prompt attention, a person or persons intending to initiate such an appeal should file a notice of such intent with the commissioner of human services within 30 days after denial of their initial request for license was received. This same appeal process shall apply to applicants whose relicensing was denied.

Subp. 3. **Right to set cost of care.** An institution has the right to set the cost of care for treatment at the institution. It is recommended that this cost be based on a dollar amount that will adequately reflect the institution's intent to meet the standards of this rule and the program intent of the institution. It should be recognized by prospective clientele that in order to provide continuing, competent care for children in placement, the cost of care will have to reflect a dollar amount that will enable the institution to maintain a facility that has a plant, program, and personnel to meet its responsibilities.

Subp. 4. **Right to assistance.** An applicant has the right to request consultation from the Department of Human Services to assist the applicant in understanding this rule and its requirements.

Subp. 5. **Duty to provide services.** The applicant has the obligation to provide services to emotionally handicapped children as outlined in this standard and Minnesota Statutes, sections 257.01 to 257.15, 317.65, and 151.31, in order to retain a license to operate in the state of Minnesota. Therefore, failure or inability to comply with the above standards and laws shall be cause for refusal or revocation of license.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

MATERNITY SHELTERS

9545.1200 STATUTORY AUTHORITY.

Minnesota Statutes, section 624, establishes the authority of the commissioner of human services to set rules governing the operation of maternity shelters. The commissioner of human services hereby promulgates the following rules to establish standards for maternity shelters.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.1210 DEFINITION: MATERNITY SHELTER.

"Maternity shelter," as used in these standards, means any home or institution that provides residential care for three or more pregnant women.

Statutory Authority: *MS s 245.802 subd 1*

9545.1220 PURPOSE AND FUNCTION OF SHELTERS.

Each maternity shelter shall clearly define its purpose and function. The function and services of the shelter shall be related to the need of the unmarried mother and her child, to needs of the community as a whole, and to the other health and social service resources.

Statutory Authority: *MS s 245.802 subd 1*

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9545.1230 ORGANIZATION OF SHELTERS.

The maternity shelter shall be incorporated in accordance with the laws of the state of Minnesota.

There shall be a board of directors responsible for policies and for the financing of the shelter. The board should be composed of persons representative of the community served.

There shall be written policies and procedures relating to board structure and organization. The policies and procedures shall be subject to constant reevaluation in the light of changing needs.

Statutory Authority: *MS s 245.802 subd 1*

9545.1240 FINANCING AND ACCOUNTING OF SHELTERS.

The maternity shelter shall have a plan of financing that gives assurance of sufficient funds to enable it to carry out its defined purposes and provide proper care of the unmarried mothers. A new maternity shelter shall have sufficient funds assured to carry it through the first year of operation.

All financial accounts shall be audited by a certified public accountant from outside the maternity shelter staff or board at least once a year; and the report shall be made part of the shelter's records subject to review by the commissioner of human services.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.1250 SHELTER PERSONNEL.

All employees shall be persons of good character, good health, and emotional stability, with appropriate education and experience to carry out the duties assigned to them.

There shall be a sufficient number of staff members to provide adequately for social services, education, physical and mental health, group activities and discussion, and religious needs of the girls and women in care. These people may be permanent staff members or may serve in an auxiliary capacity.

There shall be written personnel policies and job descriptions approved by the board of directors.

A salary range for each type of position shall be established in writing and shall be adequate to attract and hold efficient personnel, equivalent to prevailing rates of pay in similar positions in the community, and commensurate with the duties and responsibilities of the position.

Personnel policy shall provide specifically for vacations, sick leave, holidays, and maximum work week. The work week should not exceed 40 hours. There should be a minimum of two weeks vacation, 12 days sick leave, and seven holidays per year.

Each staff member shall have a physical examination, including chest X ray, before he begins work and annually thereafter. Report on such examination for each employee shall be kept on file.

Individual personnel records should be kept for each employee, to include evaluations of job performance.

Statutory Authority: *MS s 245.802 subd 1*

9545.1260 SHELTER STAFF.

Subpart 1. **Executive director.** The executive director shall be a person of appropriate training and experience, proven executive ability, knowledge of the work to be administered, and an understanding of the unwed mother and her needs. She should have a college degree with professional training and

experience in social work or its equivalent and experience in working with people, to be able to carry out her duties and work with committees and other community groups.

Subp. 2. **Social services.** The maternity shelter shall make provision for social services either by employing qualified social workers on the maternity shelter staff or by arrangement with an authorized social work agency. Psychiatric and psychological services should be available as needed.

Subp. 3. **Group-living staff.** Group-living staff shall be persons of unquestionable moral and emotional fitness, with adequate education and experience to equip them for their duties. Each person in the shelter should have an understanding of unmarried mothers and their needs.

Subp. 4. **Clerical staff.** Each maternity shelter shall have adequate clerical services to keep correspondence, records, bookkeeping, and files current and in good order.

Subp. 5. **Other staff.** Domestic and maintenance staff shall be employed to carry on the everyday housekeeping and maintenance functions in sufficient numbers to care for the upkeep of the maternity shelter.

Statutory Authority: *MS s 245.802 subd 1*

9545.1270 BUILDINGS AND GROUNDS.

Subpart 1. **Location.** The maternity shelter shall be so located as to provide easy access to hospitals, fire protection services, and other community facilities.

Subp. 2. **Health and safety.** All buildings shall conform to local or state building codes and shall be approved by the state fire marshal or local fire bureau.

The maternity shelter shall comply with local or state sanitary and safety requirements relating to water supply, plumbing, cleanliness, heating and ventilation, laundry, and garbage and waste disposal.

Subp. 3. **Living arrangement.** The maternity shelter shall be planned and furnished to create an atmosphere of cheerfulness and contentment.

There shall be provision for a reasonable degree of privacy as well as for appropriate group-living experiences.

The area of sleeping rooms shall be not less than an average of 500 cubic feet per person. Four occupants per room should be considered a maximum.

The living room, dining room, and other group activity areas shall be large enough to provide for comfortable and cheerful group living.

Subp. 4. **Grounds.** There should be sufficient well-kept grounds for recreation and outdoor activities.

Statutory Authority: *MS s 245.802 subd 1*

9545.1280 SOCIAL SERVICES.

Subpart 1. **Admission policies.** The basis for eligibility for admission is the ability to use the services available.

Shelters under religious auspices, or those set up to serve a particular group, should define their admission policies clearly. In general, policy should state that no application will be rejected because of age, race, color, religion, legal residence, marital status, prior pregnancy, or economic status.

Policy about time of admission should be flexible to allow for individual needs. Eligibility should not depend on the plan for the child or on willingness to remain in the maternity shelter for any specified period of time.

If the maternity shelter cannot provide appropriate living arrangements for care of an unmarried mother at the time when such care is needed, policy should provide for referral to other community resources that can better meet the woman's needs.

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If possible, at time of admission, provision should be made by the shelter for payment of expenses of living arrangements and medical care for the unmarried mother and for boarding care and other expenses for the child. Nevertheless, services should not be withheld solely because of inability to pay.

Subp. 2. **Casework services.** Casework services shall be available to each unmarried mother admitted to a maternity shelter program, either through its own professional staff or through an approved social agency in the community.

Casework service shall be offered to each unwed mother, and she should be referred for such service as soon as possible.

The initial casework interview shall be held within ten days after referral.

Casework interviews shall be regularly scheduled, with reasonable frequency based on individual needs. Intervals between casework interviews shall not exceed two weeks.

Casework service shall include help in adjustment to pregnancy, to separation from natural environment, and to group living. Casework service should include psychological and psychiatric help as needed to facilitate diagnosis and treatment.

The caseworker shall be responsible for providing help in formulating a long-term plan for the mother and baby.

Every unwed mother shall be given the choice of keeping or relinquishing her child and of deciding whether or not she sees her child. Help with this decision is part of the casework process.

The casework agency, at the request of the mother, shall arrange for referral to a licensed child-placing agency for any baby needing adoptive placement or other foster care. The maternity shelter staff shall not place children for adoption or foster care.

Subp. 3. **Group-work services.** Individual casework service should be supplemented by group discussions to help girls and women to understand themselves and to make sound plans for the future. They should be led by a qualified social worker who has familiarity with modern social work concepts about the problems and treatment of unwed mothers.

Subp. 4. **Staffing.** Provision should be made for regularly scheduled conferences involving the caseworker, the group worker, and resident personnel in discussions on the total planning for each girl and woman in care. Other persons of therapeutic importance in a given case may also be included in these discussions, such as psychiatric consultant, clergyman, teacher, parent, relative, etc.

Subp. 5. **Case recording.** A confidential record shall be maintained for each resident, including identifying information, a brief social history, and a record of casework planning and services needed. The record may also include psychological reports and medical recommendations.

Statutory Authority: *MS s 245.802 subd 1*

9545.1290 MEDICAL AND HEALTH SERVICES.

Subpart 1. **Physical examination.** Initial examination at the time of intake shall include:

A. a complete medical history, including a history of previous pregnancies, general health, and significant health history of the family; and

B. a complete physical examination, including:

(1) estimation of the progress of this pregnancy, with determination of pelvic measurements and significant abdominal findings;

(2) weight, temperature, pulse, respiration, and blood pressure;

(3) urinalysis, hemoglobin determination, and blood RH;

(4) serological test for syphilis and cervical and urethral smears for gonorrhea (to be sent to state Department of Health); and

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(5) Mantoux test or chest X ray.

Subp. 2. **Deliveries and postpartum care.** The maternity shelter shall enter into a written agreement with a licensed hospital in the community to provide facilities for obstetrical deliveries and postpartum care.

Subp. 3. **Natal care.** The maternity shelter shall make provisions for adequate prenatal and postnatal care for both the unmarried mother and her child.

During the first seven months of pregnancy, the unmarried mother should be seen by the physician not less than every four weeks, every two weeks from then until the last month, and then every week until delivery.

At each visit a urinalysis should be done, blood pressure recorded, and the patient weighed.

A hemoglobin determination should be done, preferably each month, or at least once each trimester.

A final and complete postnatal examination shall be made by the physician before discharge.

Subp. 4. **Specialists.** If possible, the care of the unwed mother must be supervised by a specialist in obstetrics, and the care of the child must be supervised by a specialist in pediatrics. Adequate consultation by other specialists should be readily available.

Subp. 5. **Dispensing medications.** Medications shall be dispensed only on orders of the attending physician.

Statutory Authority: *MS s 245.802 subd 1*

9545.1300 EDUCATION.

Subpart 1. **Formal education.** Opportunities shall be provided for continuing education for girls whose education has been interrupted by pregnancy. Arrangements shall be made with the local department of education to provide qualified teachers and to ensure continuance of school and proper credit for work completed in the maternity shelter. The school program should offer a wide variety of subjects, in order that each girl can study courses for which her home school can give credit. Every effort should be made to ensure confidentiality both in requesting transcripts and in transferring credit.

Subp. 2. **Informal education.** Instruction in health, prenatal care, delivery, and postpartum care shall be given to all residents.

A wide variety of activities should be provided to meet varying interests, abilities, needs, and new experiences and to provide an opportunity to find new ways of adjusting to life situations.

Informal discussions, in small groups having mutual interests and problems, should be led by a person trained in social group work when possible.

A varied recreation program should be developed to teach acceptable means of using leisure time as an outlet for emotions, self-expression, and the give and take of social relations.

Statutory Authority: *MS s 245.802 subd 1*

9545.1310 RELIGION.

The religious program shall give consideration to:

A. the place of religion in one's total life experience, with its traditional role in crisis situations;

B. the importance of religion in building and maintaining moral standards;

C. the value of religion in acquiring a positive self-image; and

D. the likelihood of resentment and hostility toward religion on the part of some individuals, particularly when it is identified with authority.

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The maternity shelter shall provide opportunities for each resident to follow, as she may wish, the practices of her religion. In an instance in which the shelter is maintained by a particular church group, this may be accomplished by having a resident chaplain responsible for religious activities. In other instances, arrangements may be made for carefully selected clergymen in the area to provide these services.

Pastoral counseling should become a part of the total helping process, and the clergyman should be considered a part of the helping team.

Statutory Authority: *MS s 245.802 subd 1*

9545.1320 RESIDENTIAL PROGRAM.

The residential program shall have the following objectives:

A. To provide a setting that will facilitate use of professional services designed:

(1) to meet emotional, medical, spiritual, educational, and recreational needs during a pregnancy; and

(2) to prepare the residents for a more mature, emotionally satisfying, and socially acceptable way of living.

B. To provide a positive experience of living with other girls that can alleviate guilt, decrease hostility, increase self-esteem and self-understanding, and provide an opportunity for companionship and for participation and self-expression in group activities.

C. To provide healthful and supportive relationships:

(1) through a process of daily association with staff processing qualities worthy of emulation;

(2) through association with adults who are well-adjusted in their own lives; and

(3) through daily living experiences that can foster the personality growth of individuals.

D. To provide an environment that will ensure comfortable shelter, appropriate food, privacy, security, relaxation, and freedom from pressures, with simultaneous opportunity for optimum self-direction, self-responsibility, and self-determination.

(1) A daily schedule and policies of conduct that make group living pleasant for all should be in writing and available to the resident on admission. Both should be flexible and adaptable to individual needs.

(2) Residents should have a part in planning activities of the group and some choice in participating. There should also be opportunities for group discussions and group decisions on problems of group living.

(3) Work should be considered a part of the therapeutic program, and work assignments should be a part of the plan for the girl's physical, mental, and emotional health and happiness.

Proper supervision should be provided to make the work a learning experience in the skill and in carrying responsibility.

The wishes and ability of each resident shall be taken into account in assignments, as well as her need for leisure and privacy.

Disagreeable tasks shall not be used as punishment.

Work assignments shall be so planned that they will not interfere with other aspects of the treatment program.

(4) Any practice not in conformity with the spirit of these objectives (censorship of mail, prohibition against a girl's use of her own room during free time, undue restriction of freedom to leave the grounds or to receive visitors, etc.) violates the requirements of this section.

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(5) Each maternity shelter shall define the methods and procedures to be used by staff in implementing these objectives.

Statutory Authority: *MS s 245.802 subd 1*

9545.1330 REVOCATION OF LICENSE.

Failure or inability to comply with above standards shall be cause for refusal or revocation of license.

Statutory Authority: *MS s 245.802 subd 1*

GROUP HOMES

9545.1400 STATUTORY AUTHORITY.

The authority of the Department of Human Services, Licensing Division, to prescribe and publish minimum standards for the approval and licensing of group homes is contained under Minnesota Statutes, sections 257.081 to 257.15. Standards prescribed, and contained herein, shall be in force until revoked or revised by authority of the department.

The commissioner of human services is delegated responsibility by the state legislature to see that the minimum requirements as herein prescribed are met and maintained by county welfare departments, licensed child-placing agencies, licensed children's institutions, foster family group homes, and independent operators of group homes.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.1410 PURPOSE OF GROUP HOMES.

In our day, we are greatly concerned about every child in society and his need for proper care. We have the responsibility to see that proper resources are established and maintained. With our growing child and youth population and expansion of needs, we find that there are gaps between the service needed and the variety of resources available to provide the service.

In recent years, in an attempt to meet diverse needs, new resources for care have been established. One of these new resources is the group home. Group homes provide a type of care that is not available through traditional foster families or institutions. Group homes are not meant to replace either of these types of care but present a unique opportunity to combine different aspects of treatment from both resources. Group homes can provide adult guidance and professional services to the child placed out of his own home and yet keep the child in community living. The facility is community based, and the program is community oriented.

The group home represents a resource that has tremendous flexibility in giving care to children of all ages with varying needs. Group-home care should be used on a selective basis as a treatment of choice. The group home should not be considered a panacea of care for children. It is a distinct resource in its own right that is part of the whole broad spectrum of resources available to children.

Statutory Authority: *MS s 245.802 subd 1*

9545.1420 DEFINITIONS.

Subpart 1. **Agency.** "Agency" means the party responsible for providing social service, administration, and the direction and control of the program. This party can be a county welfare department, licensed child-placing agency, licensed children's institution, or independent operator.

Subp. 2. **Children.** "Children" means persons under the age of 18 years of age or persons over 16 years of age if for reasons of mental retardation they still require the protection needed by persons under 16 years of age (Minnesota Statutes, section 257.081, subdivision 6).

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Subp. 3. **Group home.** "Group home" means a specialized facility that provides care on a 24-hour-a-day basis for a selected group of not more than ten children. The facility can be owned, rented, or leased by a county welfare department, licensed child-placing agency, licensed children's institution, or independent operator, or subsidized by any of the above. The specialized care will be a planned treatment program under the direction and control of an agency, institution, or independent operator. Natural children of the group home parents under 21 years of age, if present in the home, are included in the total number of children living in the home.

Subp. 4. **Group home parent.** "Group home parent" means a person who carries out the continuing daily living program and provides care to the children. This may be a member of the agency staff or a person subsidized for the care he or she provides. It may be a married couple, a single person, or single persons working on a shift basis.

Statutory Authority: *MS s 245.802 subd 1*

9545.1430 ORGANIZATION AND ADMINISTRATION.

Subpart 1. **Philosophy, purpose, and function of home.** The philosophy, purpose, and function of the group home shall be clearly defined in writing and maintained as part of the group home file in the agency.

Subp. 2. **Written description.** The agency shall similarly define, in writing, and file a statement of the geographic area to be served, ages and kind of children to be accepted for care, and the specific extent, limitations, and scope of service for which the group home is established.

Subp. 3. **Written agreement.** The agency shall have on file a written agreement between itself and the group home parents. The agreement shall contain the following items:

- A. admissions and discharge policy for the residents;
 - B. program plans for residents;
 - C. terms of the agreement as they affect length of time to be in effect and what conditions necessitate the formulation of a new agreement;
 - D. the roles, responsibility, and authority of the agency and its personnel and group home parents;
 - E. the per diem or monthly care rate paid to the group home parents;
- and
- F. the maximum number of children to be cared for in the group home.

Subp. 4. **Finance plan.** The agency shall have a sound plan of financing that will give assurance of sufficient funds to enable it to carry out its defined purposes and to provide proper care for children.

Subp. 5. **Business management.** There shall be a system of business management and staffing to assure maintenance of complete and accurate accounts, books, and records. All records are subject to review by the commissioner of human services.

Subp. 6. **Coordination with community services.** The agency shall coordinate its services and program with appropriate persons, agencies, and organizations in the community. This shall include schools, vocational training centers, mental health centers, job placements, day activity centers, parent organizations, and churches.

Subp. 7. **Needs of children.** Clothing, personal allowance, spending money, and medical expenses for the children in the group home shall be worked out by the agencies involved.

Subp. 8. **Discrimination prohibited.** All licensed individuals, agencies, or organizations shall operate on a nondiscriminatory basis, according equal treatment and access to their services to all persons.

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Subp. 9. **Public relations.** It is recommended that the agency invest time in public relations before and after the group home is established to help establish community understanding and acceptance. Interpretation to key community leaders as well as the immediate neighborhood could minimize public relations problems as the group home operates. (Recommended.)

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.1440 PERSONNEL.

Subpart 1. **Director.** The director of the agency will be the chief administrator of the group home. The chief administrator may direct the total operation of the group home or may delegate this duty.

Subp. 2. **Employee qualifications.** All employees shall be persons of good character, good physical and emotional health, and appropriate age and maturity and shall possess sufficient ability and education to carry out adequately the duties assigned to them.

Subp. 3. **Adequate staff.** There shall be sufficient staff to carry out the group home program.

Subp. 4. **Social service staff.** The agency shall provide qualified social service staff for the group home either from within its own structure or through contractual arrangements.

It is recommended that not more than two persons provide continuing social service to any group home. (Recommended.)

Subp. 5. **Group home parents.** Each group home shall have full-time group home parents. If a married couple is employed in this position, at least one of them shall be on a full-time basis. A group home parent shall be on duty at all times.

Subp. 6. **Substitute parents.** Adequate arrangements shall be made for substitute group parents to serve in emergency situations, vacation, illness, and when the regular group parents have their time off.

It is recommended that the full-time group home parents receive two weeks vacation per year and that they be allowed one full day off per week. (Recommended.)

Subp. 7. **Medical and dental staff.** The agency shall provide medical and dental staff for the care of the group home residents either from within its own structure or through contractual arrangements.

Subp. 8. **Additional staff to carry out the group home program.** Additional staff to carry out the group home program:

A. **Psychiatric consultation:** to provide consultation on a case basis as well as overall treatment goals for the group.

B. **Psychological consultation:** to provide testing for assessment purposes at the time of admission as well as to measure gains throughout the stay or at the time of dismissal. The psychologist may also be used to set up and carry out a research project to evaluate the program and its impact on the children.

C. **Service personnel:** a cook, a housekeeper, or maintenance personnel may be hired to perform specific duties. This could relieve the group home parents of these functions and allow them more time with the children in carrying out the program.

D. **Volunteer services:** to augment and assist other personnel in carrying out the program. Volunteers shall be aware of, and interested in, the needs of children. They shall be oriented to the program, staff, and children of the group home.

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E. Trained group worker: to carry out direct group treatment services, consult about overall group programs, and provide training in group process to the group home parents. (Recommended.)

Subp. 9. **Office personnel.** Adequate arrangements shall be made for clerical services to keep correspondence, records, bookkeeping, and files current and in good order.

Subp. 10. **Auxiliary staff.** Adequate arrangements shall be made for auxiliary staff as required by the program being offered. Such staff may be recreational personnel, remedial teaching personnel, or nursing personnel.

Subp. 11. **Staff-to-children ratio.** It is recommended that the staff ratio in a group home be one staff member for every five children. (Recommended.)

Statutory Authority: *MS s 245.802 subd 1*

9545.1450 PROGRAM.

Subpart 1. **In general.** The program shall be a composite of the services offered in the group home, community, and agency supervising and directing the operation of the group home. (Recommended.)

The program shall be based on the purpose of the group home, with plans for the individual children as well as the total group.

Subp. 2. **Individual program plans.** A program plan for each child shall be formulated by the agency in conjunction with the group home staff, community resources, and auxiliary services at the time of intake. This plan shall be reevaluated at least every six months, with changes implemented according to the needs of the child.

Subp. 3. **School for children.** All school age children shall be referred to the local school district for educational planning and placement. "Local school district" means the district in which the group home is located.

It is recommended that this referral to the local school take place prior to placement in the group home to ensure that the child is eligible for service and that the local school has an appropriate program.

Subp. 4. **Goal of group living.** Group living shall be used in planful and purposeful ways to help the children develop constructive relationships to adults and to other children and constructive patterns of handling time, money, and care of belongings and property.

Subp. 5. **Community experiences.** Community living experiences shall be used in conjunction with plans for education and training, recreational and social pursuits, job placements, and attendance at religious services.

Subp. 6. **Social service.** Social service shall be a clearly defined and identifiable phase of the total care, treatment, and training program. Social service shall be provided on both an individual and a group basis. It is recommended that social service be extended to the families of the residents whenever feasible and in accordance with the planning of the child. (Recommended.)

Subp. 7. **Recreation.** Leisure time activities shall be planned to allow for constructive activities that enhance social and physical skills. Time shall also be available for completion of academic assignments and to allow for individual pursuits.

Subp. 8. **Health examinations.** All children shall have medical and dental examinations yearly, or more often if necessary.

It is recommended that each child be given a medical and dental examination prior to admittance into the group home.

Subp. 9. **Religious practice.** Each child shall have the opportunity to practice his religious preference.

Statutory Authority: *MS s 245.802 subd 1*

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9545.1460 RECORDS.

Subpart 1. **Group home records.** The supervising agency shall maintain a record on each group home. The record shall contain a copy of each of the following items:

- A. the philosophy, purpose, and function of the group home;
- B. the statement of the geographic area to be served, ages and kind of children to be accepted for care, and the specific extent, limitations, and scope of service for which the group home is established;
- C. the agreement between the agency and the group home parents;
- D. the intake policy and procedure;
- E. the arrangements for the provision of social services;
- F. the arrangements for the provision of medical and dental services;
- G. personnel policies;
- H. criteria for selection of group home parents. (The criteria outlined in parts 9545.0030 to 9545.0080 for foster parents may be used in the development of the criteria for the selection of group home parents. Recommended.);
- I. names of group home parents and substitute group home parents;
- J. the state fire marshal report; and
- K. a floor plan of the group home, the designated room dimensions.

Subp. 2. **Financial records.** The financial record of the group home shall be maintained in the agency.

Subp. 3. **Individual records.** The agency shall maintain a record on each individual resident in the group home. The record shall contain a copy of each of the following items:

- A. admission information;
 - B. objectives of individual planning;
 - C. reports on progress toward the accomplishment of these objectives;
- and
- D. dismissal summary.

Subp. 4. **Medical records.** The group home parents shall maintain medical records on each child.

Subp. 5. **Children's progress reports.** The agency shall send the referring agency a record of the child's progress at least every six months.

Subp. 6. **Organizational records.** Board minutes, articles of incorporation, and transactions of the group home shall be a matter of record.

Subp. 7. **Confidentiality.** Information on record pertaining to an individual or his family shall be held confidential and released only to authorized persons or agencies.

Statutory Authority: *MS s 245.802 subd 1*

9545.1470 PHYSICAL FACILITY.

Subpart 1. **Location.** The location of the group home shall be related to the program it offers. It shall be accessible to religious, school, training, and recreation facilities and other appropriate community resources.

It is recommended that the home be located in a residential area and be undifferentiated from other residences. It is helpful to locate in a neighborhood where there are other children and the neighborhood accepts children and their behavior. (Recommended.)

Subp. 2. **Grounds.** The grounds shall provide adequate outdoor space for recreational pursuits.

Subp. 3. **Compliance with codes.** The group home shall meet the regulations of the local health authorities as well as local zoning and building codes. Consultation with the state Department of Health is available if desired.

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The group home shall meet the requirements set forth by the state fire marshal. The state fire marshal shall inspect all facilities.

Subp. 4. **Building.** Building:

A. There shall be living and recreation space of 35 square feet of floor space per child. This may include living room, dining room, and recreation room but excludes bathrooms, halls, laundry room, bedrooms, furnace room, and kitchen.

B. The dining area shall be large enough to comfortably accommodate all the children, the group home parents, and guests at a meal. The room shall be cheerful, well ventilated, and convenient to the kitchen.

C. Every sleeping room for the accommodation of one child shall contain 80 square feet of floor space, with a minimum horizontal dimension of eight feet.

D. Every sleeping room for the accommodation of more than one child shall contain 60 square feet of floor space per child, with a minimum horizontal dimension of eight feet. Each child shall have an individual bed. Individual beds shall be at least three feet apart.

E. No bedroom shall accommodate more than four children.

It is recommended that there be no more than two children per bedroom. It may also be helpful to have single occupancy rooms. (Recommended.)

F. Each resident shall have a set of dresser drawers to accommodate personal articles and clothing.

G. Each resident shall have an individual storage closet or locker for day-to-day clothing, and other storage space for clothing not currently used.

H. There shall be one toilet for every five children, one lavatory with hot and cold water for every five children, and one tub or shower for every five children. The toilet facilities shall be maintained in a sanitary condition equal to the local health regulations. All group homes that house children of both sexes shall have separate toilet and bath facilities for each sex.

I. The heating plant shall be of a size and capacity to maintain a temperature of 70 degrees Fahrenheit in all rooms.

J. Provisions shall be made for laundry facilities adequate in space and equipment to meet the needs of the children, the group home parents, and the home.

K. The group home parents' quarters shall be separate from those of the children but near enough to provide proper supervision.

It is recommended that the group home parents have a separate bathroom, bedroom, and living room. (Recommended.)

L. A flash light and a first-aid kit shall be available in every group home for emergency use.

M. All medications for the children in the group home, as well as household poisons, shall be kept in a safe and secure place.

Statutory Authority: *MS s 245.802 subd 1*

9545.1480 PROCEDURE FOR LICENSING.

Subpart 1. **Applications by a family for a study and a license.** A family that owns, rents, or leases a facility and desires to use this as a group home, while receiving direction and supervision from an agency, shall apply to the county welfare department of the county in which it resides or to a licensed child-placing agency serving the area for a study of its facility, staff, and program. The study shall be based on the rules established in these standards. Upon completion of the study, the county welfare department or licensed child-placing agency shall send an application for license along with a

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recommendation for licensure to the commissioner of human services. A license will be issued by the commissioner in accordance with the rules in these standards.

Subp. 2. Applications by an independent contractor. An independent operator who owns, rents, or leases a facility and desires to use this as a group home, while providing administration, direction, and supervision from within the structure, shall apply to either the county welfare department of the county in which the facility is located, or to a licensed child placing agency serving the area, or to the Department of Human Services for a study of the organization, facility, staff, and program. The study shall be conducted by the organization to which the application is made and based on the rules established in these standards. Upon completion of the study, the organization conducting the study shall send an application for license along with a recommendation for licensure to the commissioner of human services. Prior to the issuance of a license, a record shall be on file in the Department of Human Services containing all of the information and items listed in part 9545.1460, subpart 1. A license will be issued by the commissioner in accordance with the rules of these standards.

Subp. 3. Applications by licensed institutions or agencies. A licensed children's institution or licensed child-placing agency that owns, rents, or leases a facility and desires to use this as a group home, while providing administration, direction, and supervision from within its own structure, shall apply to either the county welfare department of the county in which the group home is located or to the child-placing agency serving the area for a study of its organization, facility, staff, and program. In the case of a licensed child-placing agency, that agency can complete the study on its own group home. The study shall be conducted by the organization to which the application is made and based on the rules established in these standards. Upon completion of the study, the organization completing the study shall send an application for license along with a recommendation for licensure to the commissioner of human services. Prior to the issuance of a license, a record shall be on file in the Department of Human Services containing all of the information and items listed in part 9545.1460, subpart 1 of these standards. A license will be issued by the commissioner in accordance with the rules in these standards.

Subp. 4. Exemption. A county welfare department that owns, rents, or leases a facility that it plans to operate as a group home is exempt from licensure, by law, since the home is considered a part of the total agency. Ninety days prior to the actual operation of the group home, the county welfare department shall submit a study based on the rules established in these standards indicating the fact that the home meets the standards set forth by the commissioner of human services. In addition, prior to operation, a record shall be on file in the Department of Human Services containing all of the information and items listed in part 9545.1460, subpart 2 of these standards. Upon the receipt of this information the Department of Human Services will verify the statement and ascertain the fact that the home meets the standards set forth by the commissioner. If the Department of Human Services questions the statement in any manner or form, it must notify the county welfare department, in writing, of its concern, within 30 days after the receipt of this report.

Subp. 5. Prohibited placement. No children shall be placed in any group home prior to its being licensed.

Subp. 6. Expiration of license; license terms. When an initial license is being issued to any facility, it shall remain in force for one year. When a license is being renewed, it may be issued for a period of up to two years, in the discretion of the commissioner of human services. Every license shall prescribe the number and age groupings of children who may receive care at any one time.

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Subp. 7. **Relicensure.** Application for relicensure shall be sent in by the agency to the Department of Human Services 30 days prior to expiration of the license. Application shall be accompanied by a statement indicating the fact that the home still meets the requirements of the standards set forth by the commissioner. Any changes in the facility, organization, administration, or program shall be noted in this statement.

Subp. 8. **Provisional license.** A provisional license may be issued by the Department of Human Services for a period not to exceed one year to allow an agency reasonable time to become eligible for a regular license. A written statement describing the need for a provisional license and the length of the provisional license shall be on file in the agency record and with the Department of Human Services.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.1490 LICENSING EXCEPTIONS OR WAIVERS.

If, in the licensing procedure or enforcement of these standards, the Department of Human Services finds that to require a particular group home to comply strictly with one or more of the provisions of these standards will result in undue hardship and if the group home is in substantial compliance with said standards and the general purpose and intent and, in addition, it complies with such specific condition or conditions as the Department of Human Services may deem necessary for the protection of the health, safety, and welfare of children, an exception may be granted by the Department of Human Services.

Statutory Authority: *MS s 245.802 subd 1*

History: *L 1984 c 654 art 5 s 58*

9545.1500 REFUSAL OF LICENSE.

Failure or inability to comply with the above standards shall be cause for refusal or revocation of license.

The right of fair hearing and appeal shall be honored in accordance with Minnesota law.

Statutory Authority: *MS s 245.802 subd 1*