

3400.0020 DEFINITIONS.

Subpart 1. **Scope.** In parts 3400.0010 to 3400.0230, the terms defined in Minnesota Statutes, section 119B.011, have the meanings given them in that section, and the following terms have the meanings given them in this part.

Subp. 1a. **12-month eligibility period.** "12-month eligibility period" means the time period after a CCAP agency has approved a family's application or completed a redetermination of a family's eligibility until the family's next eligibility determination.

Subp. 1b. **12-month reporter.** "12-month reporter" means a family that is not a schedule reporter.

Subp. 1c. **15-day adverse action notice.** "15-day adverse action notice" means the written notification that a family or child care provider receives 15 days in advance of a negative action impacting the family's or child care provider's eligibility or authorization.

Subp. 1d. **A setting subject to public education standards.** "A setting subject to public education standards" means an education program that meets the state's expectations for student learning in K-12 public schools, such as Head Start programs and prekindergarten or school-age care programs.

Subp. 1e. **Activity schedule.** "Activity schedule" means the days and times when a parentally responsible individual works, attends school, or participates in an authorized activity allowed by Minnesota Statutes, section 119B.05, subdivision 1. When a parentally responsible individual has a job with a flexible schedule, activity schedule means the typical days and times that the parentally responsible individual works or the possible days and times when the parentally responsible individual may work.

Subp. 2. [Repealed, 26 SR 253]

Subp. 3. [Repealed, 26 SR 253]

Subp. 4. [Repealed, 47 SR 391]

Subp. 5. **Administrative expenses.** "Administrative expenses" means costs associated with the direct services administration of the child care fund. Administrative expenses include:

A. salaries, wages, and related payroll expenses that a CCAP agency incurs in the administration of the child care fund, including direct personnel costs, expenses for general administration and supervision, and expenses for secretarial, clerical, accounting, and other support services;

B. travel and transportation and per diem or subsistence expenses;

C. expenses for materials and office supplies;

D. publication, telephone, postage, and photocopy expenses; and

E. other expenses directly attributable to the child care fund.

Subp. 6. [Repealed, 26 SR 253]

Subp. 7. [Repealed, 26 SR 253]

Subp. 8. **Allocation.** "Allocation" means the share of the total state appropriation of money from the child care fund that a county or Tribe may earn and use during an allocation period. The commissioner may raise or lower a county's or Tribe's allocation during the allocation period when the commissioner redistributes unexpended or unencumbered allocations or when additional money becomes available.

Subp. 9. [Repealed, 26 SR 253]

Subp. 9a. [Renumbered subp 11a]

Subp. 9a. **Authorized activity.** "Authorized activity" means a parentally responsible individual is seeking employment or participating in an employment, education, or training program as allowed by Minnesota Statutes, section 119B.10, or an MFIP family participating in an authorized activity as allowed by Minnesota Statutes, section 119B.05, subdivision 1.

Subp. 10. [Repealed, 26 SR 253]

Subp. 10a. **Authorized hours.** "Authorized hours" means the number of hours in a service period, not to exceed the maximum hour limit established in Minnesota Statutes, section 119B.09, subdivision 6, payable for a child from the child care fund.

Subp. 10b. **Back-up child care provider.** "Back-up child care provider" means a child care provider that meets the criteria of part 3400.0120, subpart 1, and cares for a child on a sporadic basis when the child's primary or secondary child care provider is unavailable.

Subp. 10c. **Certified license-exempt child care center.** "Certified license-exempt child care center" has the meaning given in Minnesota Statutes, section 245H.01.

Subp. 11. [Repealed, 26 SR 253]

Subp. 11a. **Child in an at-risk population.** "Child in an at-risk population" means a child with environmental or familial factors that may create barriers to the child's optimal achievement, such as a federal or state disaster, limited English proficiency in a family, a history of abuse or neglect, a determination that the child is at risk of abuse or neglect, family violence, homelessness, the age of the child's mother, the level of maternal education, mental illness, a developmental disability, parental chemical dependency, or a history of other substance abuse.

Subp. 12. **Child care assistance.** "Child care assistance" means financial assistance for child care that is funded under Minnesota Statutes, sections 119B.011 to 119B.16.

Subp. 12a. **Child care assistance household.** "Child care assistance household" means individuals living in the same home, including individuals who are temporarily absent from the home, who are a family as defined by Minnesota Statutes, section 119B.011, subdivision 13.

Subp. 12b. **Child care assistance program.** "Child care assistance program" means financial assistance for child care costs. The child care assistance program supports a parentally responsible

individual with a low income who is employed, engaged in a job search, or engaged in education. The child care assistance program ensures that children of parentally responsible individuals have access to child care and thrive as successful learners.

Subp. 12c. **Child care center employee.** "Child care center employee" means:

A. a person employed by a licensed or certified license-exempt child care center;

B. a person who is not employed by a licensed or certified license-exempt child care center who has direct contact with children that the center serves and who has a background study required by Minnesota Statutes, section 245C.03, subdivision 1, paragraph (a), clause (3);

C. a person who is a contractor under Minnesota Statutes, section 245C.02, subdivision 9;
or

D. a person who is a child care staff member under Code of Federal Regulations, title 45, section 98.43(a)(2)(ii).

Subp. 12d. **Commissioner.** "Commissioner" means the commissioner of the state agency that supervises the child care assistance program.

Subp. 12e. **Copayment.** "Copayment" means the amount that a family must contribute to child care costs as determined under Minnesota Statutes, section 119B.12.

Subp. 12f. **Child care assistance program agency or CCAP agency.** "Child care assistance program agency" or "CCAP agency" means a county agency, Tribal agency, or subcontracted agency designated by the county board or Tribal council to administer the child care assistance program (CCAP).

Subp. 12g. **Department.** "Department" means the state agency that supervises the child care assistance program.

Subp. 13. [Repealed, 26 SR 253]

Subp. 14. [Repealed, 26 SR 253]

Subp. 15. [Repealed, 26 SR 253]

Subp. 16. [Repealed, 26 SR 253]

Subp. 17. [Repealed, 26 SR 253]

Subp. 17a. **Disability.** "Disability" means a functional limitation or health condition that interferes with a child's ability to walk, talk, see, hear, breathe, or learn.

Subp. 18. **Documentation.** "Documentation" means a written statement or record, including an electronic record, that substantiates or validates an assertion made by a person or an action taken by a CCAP agency.

Subp. 18a. **DWP.** "DWP" means the diversionary work program established in Minnesota Statutes, section 256J.95.

Subp. 19. [Repealed, 26 SR 253]

Subp. 20. **Eligible relative caregiver.** "Eligible relative caregiver" means a person identified under Minnesota Statutes, section 256J.08, subdivision 11, (1) who is a caregiver of a child receiving an MFIP child-only grant or (2) who is a caregiver receiving an MFIP grant and the MFIP caregiver of a child. A person has the status of an eligible relative caregiver for child care assistance if the person is a caregiver receiving assistance under Minnesota Statutes, chapter 256J. After an eligible relative caregiver begins receiving child care assistance, the eligible relative caregiver retains eligible caregiver status for all child care assistance programs until there is a break in the eligible relative caregiver's eligibility for child care assistance.

Subp. 20a. **Extended eligibility.** "Extended eligibility" means that a family continues to be eligible for child care assistance for up to three months or until the family's redetermination, whichever occurs first, after a parentally responsible individual experiences a permanent end to the individual's only authorized activity or when another parentally responsible individual moves into the household and is not participating in an authorized activity. During a family's extended eligibility period, a CCAP agency must not reduce the family's authorized amount of child care unless the family requests a reduction of the authorized amount of child care.

Subp. 21. [Repealed, 26 SR 253]

Subp. 22. [Repealed, 26 SR 253]

Subp. 23. [Repealed, 26 SR 253]

Subp. 24. [Repealed, 47 SR 391]

Subp. 25. **Full calendar month.** "Full calendar month" means from the first day of a month through the last day of that month.

Subp. 26. **Full-day basis.** "Full-day basis" means child care that a family has scheduled and a CCAP agency has authorized with a child care provider for more than five hours per day.

Subp. 27. [Repealed, 30 SR 1318]

Subp. 28. **Household status.** "Household status" means the number of individuals residing in the household and the relationship of the individuals to one another.

Subp. 28a. **Imminent risk.** "Imminent risk" means an immediate and impending threat to the health, safety, or rights of a child while in the care of a child care provider.

Subp. 29. [Repealed, 26 SR 253]

Subp. 29a. **Immunization record.** "Immunization record" means the statement described in Minnesota Statutes, section 121A.15, subdivision 1; 3, paragraph (c) or (d); or 4.

Subp. 30. [Repealed, 26 SR 253]

Subp. 31. [Repealed, 26 SR 253]

Subp. 31a. MR 2001 [Removed, L 2003 1Sp14 art 1 s 106]

Subp. 31b. **Legal guardian.** "Legal guardian" means a person who has been appointed or accepted as a guardian according to Minnesota Statutes, section 260C.325, 524.5-201, 524.5-202, or 524.5-204 under tribal law.

Subp. 31c. **Legal nonlicensed child care setting.** "Legal nonlicensed child care setting" means the indoor and outdoor space where a legal nonlicensed child care provider provides child care.

Subp. 31d. **Licensed child care center.** "Licensed child care center" means a child care program operating at a facility requiring a license under Minnesota Statutes, chapter 245A. A licensed child care center is not excluded from licensure under Minnesota Statutes, section 245A.03, subdivision 2, and is not required to be licensed under parts 9502.0315 to 9502.0445 as a family or group family day care home.

Subp. 31e. **Licensed family child care provider.** "Licensed family child care provider" means:

A. an individual who is licensed to provide child care under Minnesota Statutes, chapter 245A, when the individual operates as a child care provider within the terms of the license;

B. an individual who: (1) holds a valid child care license issued by another state or a Tribe; (2) provides child care services in the licensing state or in the area under the licensing Tribe's jurisdiction; and (3) is in compliance with federal health and safety requirements certified by the licensing state or Tribe or determined by the receipt of child care development block grant funds in the licensing state; or

C. an individual who provides child care while operating under the jurisdiction of the federal government.

Subp. 31f. **Lump sum.** "Lump sum" means money or payments that a family receives on a nonrecurring or irregular basis, such as child support arrears, an inheritance, an insurance payment, or gambling winnings.

Subp. 32. [Repealed, 26 SR 253]

Subp. 32a. [Repealed, 33 SR 695]

Subp. 32b. **Minimum wage.** "Minimum wage" means the minimum wage applicable under Minnesota Statutes, chapter 177, and under Code of Federal Regulations, title 29, part 531, to the applicant or participant or the premises where the applicant or participant is employed.

Subp. 33. **Overpayment.** "Overpayment" means the portion of a child care payment that is greater than the amount for which a recipient is eligible or greater than the amount that a child care provider should have received.

Subp. 34. [Repealed, 26 SR 253]

Subp. 34a. **Participant.** "Participant" means a family receiving child care assistance under the child care fund.

Subp. 34b. **Parentally responsible individual.** "Parentally responsible individual" means a parent, stepparent, legal guardian, eligible relative caregiver, or eligible relative caregiver's spouse

who is a member of the child care assistance family as defined under Minnesota Statutes, section 119B.011, subdivision 13, and who resides in the household that applies for child care assistance.

Subp. 34c. **Permanent end of an authorized activity.** "Permanent end of an authorized activity" means a parentally responsible individual is no longer participating in an authorized activity as allowed under subpart 9a.

Subp. 34d. **Portability pool child care assistance.** "Portability pool child care assistance" means continuous child care assistance for eligible families who move between Minnesota counties under Minnesota Statutes, section 119B.03, subdivision 9.

Subp. 35. **Provider rate.** "Provider rate" means the amount that the child care provider charges for child care.

Subp. 36. [Repealed, 26 SR 253]

Subp. 37. **Redetermination.** "Redetermination" means the process by which information is collected by a CCAP agency and that the CCAP agency uses to determine whether a participant is eligible for continued assistance from the child care fund.

Subp. 37a. **Related to the child care provider.** "Related to the child care provider" means that the legal nonlicensed child care provider under Minnesota Statutes, section 119B.011, subdivision 16, is the child's sibling, aunt, uncle, grandparent, or great-grandparent, based on a blood relationship, marriage, or court decree.

Subp. 38. [Repealed, 47 SR 391]

Subp. 38a. **Residence.** "Residence" means the primary place where the family lives as identified by the applicant or participant.

Subp. 38b. **Scheduled hours.** "Scheduled hours" means the specific days and hours during a service period that a child will attend child care as determined by the CCAP agency, the parentally responsible individual, and the child care provider based on the parentally responsible individual's verified authorized activity schedule, the child's school schedule, and any other factors relevant to the family's child care needs.

Subp. 38c. **Schedule reporter.** "Schedule reporter" means a family that meets at least one of the following criteria:

A. a parentally responsible individual in the family is employed by a child care center licensed by the Minnesota Department of Human Services;

B. at least one child in the family is authorized for child care assistance with a legal nonlicensed child care provider; or

C. at least one child in the family is authorized for child care assistance with more than one child care provider.

Subp. 38d. **Service period.** "Service period" means the biweekly period that the child care assistance program uses for billing and payment purposes.

Subp. 39. **State median income.** "State median income" means the state's annual median income for a family of three, adjusted for family size, developed by the United States Bureau of the Census.

Subp. 39a. **Student parent.** "Student parent" means a person who meets the criteria in Minnesota Statutes, section 119B.011, subdivision 19b, who is not eligible for transition year child care.

Subp. 40. **Student.** "Student" means an individual enrolled in an education program as defined in Minnesota Statutes, section 119B.011, subdivision 11. A student's full-time or part-time status is defined by the student's educational institution.

Subp. 40a. **Temporarily absent.** "Temporarily absent" means that a family member included in the child care assistance program household is living away from the family's residence and intends to return to the residence after a temporary absence. A temporarily absent adult who is in an authorized activity is not subject to the 60-day limit under Minnesota Statutes, section 119B.011, subdivision 13. Temporary absences include circumstances under which a family member is away from the household such as:

- A. a family member who attends a school away from home;
- B. a family member in foster care;
- C. a family member in a residential treatment facility;
- D. a family member in military service;
- E. a family member in a rehabilitation program; and
- F. an incarcerated family member.

Subp. 40b. **Transition year child care.** "Transition year child care" means child care assistance that an eligible family under Minnesota Statutes, section 119B.011, subdivision 20, may use to support a parentally responsible individual's employment, education, or job search.

Subp. 40c. **Unable to care.** "Unable to care" means that a parentally responsible individual is not capable of adequately caring for or supervising a child.

Subp. 40d. **Unsafe care.** "Unsafe care" means that a CCAP agency knows or has reason to believe that a child care provider is unsafe or the circumstances of the chosen child care arrangement are unsafe under Minnesota Statutes, section 119B.125, subdivision 4.

Subp. 40e. **Verification.** "Verification" means a written statement or record, in any form, including an electronic record, that substantiates or validates an assertion that a person makes. Information that a person reports on an application, at redetermination, or on a reporting form does not qualify as a verification.

Subp. 40f. **Verified activity schedule.** "Verified activity schedule" means a written statement or record that substantiates or validates the days and times when a parentally responsible individual

works, attends school, or participates in an authorized activity under Minnesota Statutes, section 119B.05, subdivision 1.

Subp. 41. [Repealed, 26 SR 253]

Subp. 42. [Repealed, 26 SR 253]

Subp. 43. [Repealed, 26 SR 253]

Subp. 44. **Weekly basis.** "Weekly basis" means child care that a CCAP agency authorizes with a child care provider for more than 35 hours per week.

Statutory Authority: *MS s 14.3895; 119B.02; 119B.04; 119B.06; 256.01; 256H.01 to 256H.19*

History: *14 SR 519; 18 SR 1144; L 1994 c 483 s 1; L 1995 1Sp3 art 16 s 13; L 1999 c 205 art 5 s 21; 26 SR 253; L 2003 1Sp14 art 1 s 106; L 2005 c 10 art 4 s 29; L 2005 c 56 s 2; 30 SR 1318; 33 SR 695; 47 SR 391*

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