

## SPECIAL FAMILY CHILD CARE HOMES

### Minnesota Statutes 245A.14 SPECIAL CONDITIONS FOR NONRESIDENTIAL PROGRAMS.\*\*\*\*

Subd. 4. **Special family day care homes.** Nonresidential child care programs serving 14 or fewer children that are conducted at a location other than the license holder's own residence shall be licensed under this section and the rules governing family day care or group family day care if:

- (a) the license holder is the primary provider of care and the nonresidential child care program is conducted in a dwelling that is located on a residential lot;
- (b) the license holder is an employer who may or may not be the primary provider of care, and the purpose for the child care program is to provide child care services to children of the license holder's employees;
- (c) the license holder is a church or religious organization;
- (d) the license holder is a community collaborative child care provider. For purposes of this subdivision, a community collaborative child care provider is a provider participating in a cooperative agreement with a community action agency as defined in section 256E.31; or
- (e) the license holder is a not-for-profit agency that provides child care in a dwelling located on a residential lot and the license holder maintains two or more contracts with community employers or other community organizations to provide child care services. . . .
- (f) the license holder is the primary provider of care and has located the licensed child care program in a commercial space, if the license holder meets the following requirements:
  - (1) the program is in compliance with local zoning regulations;
  - (2) the program is in compliance with the applicable fire code as follows:
    - (i) if the program serves more than five children older than 2-1/2 years of age, but no more than five children 2-1/2 years of age or less, the applicable fire code is educational occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003, Section 202; or
    - (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable fire code is Group I-4 Occupancies, as provided under the Minnesota State Fire Code 2003, Section 202...

## Documentation required for Special Family Child Care Programs

**\*\*\*When submitting the 3324 for programs under (b), (c), (d), or (e) on the previous page both upon initial licensure and at renewal, you will need to include a narrative description of the program and the following additional documentation:**

**(b) and (c): A letter from the employer, church, or religious organization acknowledging their responsibility as the license holder for maintaining the program's compliance with licensing requirements.**

**(d): A copy of the cooperative agreement the community collaborative child care provider has with the community action agency.**

**(e): Copies of the contracts that the not-for-profit agency maintains with the community employers or organizations to provide child care services.**

Please note that for programs operating under (e), the county licensing agency may grant a capacity variance to a license holder licensed under this paragraph to exceed the licensed capacity of 14 children by no more than five children during transition periods related to the work schedules of parents, if the license holder meets the following requirements:

- (1) the program does not exceed a capacity of 14 children more than a cumulative total of four hours per day;
- (2) the program meets a one to seven staff-to-child ratio during the variance period;
- (3) all employees receive at least an extra four hours of training per year than required in the rules governing family child care each year;
- (4) the facility has square footage required per child under Minnesota Rules, part 9502.0425;
- (5) the program is in compliance with local zoning regulations;
- (6) the program is in compliance with the applicable fire code as follows:
  - (i) if the program serves more than five children older than 2-1/2 years of age, but no more than five children 2-1/2 years of age or less, the applicable fire code is educational occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003, Section 202; or
  - (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code 2003, Section 202; and
- (7) any age and capacity limitations required by the fire code inspection and square footage determinations shall be printed on the license.

**\*\*\*When submitting the 3324 for programs under (f) on previous page upon initial licensure, you will need the following documentation:**

**(f) A copy of the compliance with local zoning regulations AND a copy of the Fire Code Inspection completed, designating what type of inspection was completed (Group E or Group I-4), and of compliance with all FM inspection orders.**

Please note that for programs operating under (f), if a new FM inspection is requested of the license holder for any reason, a copy of the inspection and compliance must be submitted to DHS.

**Please note: Copies of all supporting documentation for any special family child care program should also be kept in the license holder's file.**