

The 1998 Minnesota Legislature amended the Human Services Licensing Act (HSLA), Minnesota Statutes, Chapter 245A. The changes are contained in Laws of Minnesota 1998, chapter 407, and Laws of Minnesota 1998.

Prohibition Against Providing Legally Unlicensed Child Care
[Laws of Minnesota 1998, chapter 407, article 6, section 3 (Minnesota Statutes, section 245A.03, subdivision 2b (1998)) and 112].

Effective April 22, 1998

(3) a child care provider who, as an applicant for licensure or as a license holder, has received a license denial under Minnesota Statutes, section 245A.05, a fine under Minnesota Statutes, section 245A.06, or a sanction under Minnesota Statutes, section 245A.07, from the commissioner that has not been reversed on appeal; or

(4) a child care provider, or a child care provider who has a household member who, as a result of a licensing process, has a disqualification under Minnesota Statutes, chapter 245A, that has not been set aside by the commissioner.

Employer Child Care

Effective April 22, 1998

Under this provision, employer child care services can be provided at a location other than the license holder's residence for 14 or fewer children under the rules governing family and group family child care. The license holder must be the employer (who need not be the primary provider of care), and the purpose of the child care program must be to provide child care services to children of the license holder's employees. The licensing of employer child care under the family and group family child care rules is delegated to the counties. This provision is effective July 1, 1998. (Laws of Minnesota 1998, chapter 407, article 6, section 5 [will be modified under Minnesota Statutes, section 245A.14, subdivision 4, clause (b)].)

THE AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act was signed into federal law on July 26, 1990. The Title III, Public Accommodations sections require nondiscrimination of disabilities in all public accommodations which includes child care centers and homes. This section of the law became effective January 26, 1992.

Public accommodations may not discriminate on the basis of disability. A public accommodation is a private entity that owns, operates, leases, or leases to, a place of public accommodation, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Private clubs and religious organizations are exempt.

Public accommodations may not discriminate against an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

(These excerpts are adapted from U.S Department of Justice publications. Individuals or organizations subject to ADA must consult with legal counsel for advice on their own circumstances.)