



## Child Care Centers Background Study Worksheet: Is a background study required?

- Complete this worksheet to determine if a person is required to have a background study.
- License holders are responsible for ensuring background studies are completed as required.
- This worksheet is based upon Minnesota Statutes, section 245C.02, subdivision 6a, as changed effective July 1, 2019 (see page 3).
- This document addresses background study requirements only and does not address child supervision or other licensing requirements.

### People overseeing a program

Is the person applying for a license, a controlling individual or a license holder?

- Yes. **Background study required.**
- No. Continue to next section.

### Employees caring for children

Is the person a director, staff person, teacher, assistant teacher, aide, substitute or other employee assisting in the care of a child?

- Yes. **Background study required.**
- No. Continue to next section.

### Other employees

Is the person employed by the center, even if they do not provide care to children? This includes, but is not limited to, a cook, janitor, administrative or transportation staff.

- Yes. **Background study required.**
- No. Continue to next section.

### Volunteers, contractors, prospective employees and other people with unsupervised access

Does the person have unsupervised physical access to a child served by the center? This includes, but is not limited to, while on field trips or while at the center.

- Yes. **Background study required**, unless the person meets all of the requirements in the next section for a parent-approved service provider.
- No. Background study **not** required.

## Parent-approved service providers *only*

Parent-approved service providers will **not** need a background study if:

- The person only provides services that are **not** part of the child care program.
- The child or group of children receiving services is signed out of the program for the duration that the services are provided.
- Advance written permission was obtained from the parent and documented in the child's record authorizing the child to receive the services.
- Documentation that identifies the individual service provider and the services being provided is maintained on-site by the program.
- The person is under continuous direct supervision when they have access to a child or group of children **not** receiving services from the person. This supervision must be provided by a person with a cleared background study who is affiliated with the child care program.

If all of the above are true, a **background study is not required**.

If **any** of the above are false, a **background study is required**.

## Frequently asked questions

### 1. When does a cook or janitor need a background study?

If the cook or janitor is **employed** by the center, they need a background study.

If the cook or janitor is employed by a **contractor** (for example, the cook is employed by a school district or the janitor is employed by a separate cleaning company) and never has physical access to a child served by the program or only has physical access to a child served by the program while under continuous direct supervision, the person does not need a background study.

Note: DHS may require this person to obtain a background study if there is reasonable cause (as defined on page 4).

### 2. I am having someone (paid or unpaid), who is not an employee, come to the center and provide instructions or lessons to children in care (in-house field trips, karate, dance, etc.) and they are always supervised. Does this person need a background study?

If the person is always under continuous direct supervision whenever they have physical access to a child served by the program, the person may provide instructions or lessons (paid or unpaid) without a background study.

Note: DHS may require this person to obtain a background study if there is reasonable cause (as defined on page 4).

### 3. Does a volunteer who may be left alone with a child or group of children, such as on a field trip, need a background study?

This person needs a background study because they have physical access to a child served by the center while not being under continuous direct supervision.

### 4. A parent has approved an individual to provide services to a child (speech, special education, swimming lessons, etc.) while unsupervised by the center. Does the individual need a background study?

If the services are **not** part of the center programming and **all** statements were true in the section above titled *Parent-approved service providers*, the person may provide the services without a background study.

### 5. Does a student worker or intern need a background study?

If the student is an employee of the center, like all other employees, the student would need a background study. If the student is **not** an employee and has unsupervised access to a child served by the program, the student does need a background study. If the student is **not** an employee and is always under continuous direct supervision whenever they have physical access to a child served by the program, the student does not need a background study.

Note: DHS may require this person to obtain a background study if there is reasonable cause (as defined on page 4).

### 6. Does a prospective staff person need a background study?

A person who has applied for a job and participates in a working interview is a prospective staff person. If the prospective staff person is under continuous direct supervision whenever they have physical access to a child served by the center, the person may provide services without a background study.

## Relevant laws

The current version of Minnesota Statutes, chapter 245C.02, subdivision 6a can be found in [Minnesota Laws 2019, First Special Session, chapter 9, article 2, section 62](#).

**245C.02, Subd. 6a. Child care background study subject.** (a) "Child care background study subject" means an individual who is affiliated with a licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B, and who is:

- (1) employed by a child care provider for compensation;
- (2) assisting in the care of a child for a child care provider;
- (3) a person applying for licensure, certification, or enrollment;
- (4) a controlling individual as defined in section 245A.02, subdivision 5a;
- (5) an individual 13 years of age or older who lives in the household where the licensed program will be provided and who is not receiving licensed services from the program;
- (6) an individual ten to 12 years of age who lives in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

- (7) an individual who, without providing direct contact services at a licensed program, certified program, or program authorized under chapter 119B, may have unsupervised access to a child receiving services from a program when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15; or
  - (8) a volunteer, contractor, prospective employee, or other individual who has unsupervised physical access to a child served by a program and who is not under supervision by an individual listed in clause (1) or (5), regardless of whether the individual provides program services.
- (b) Notwithstanding paragraph (a), an individual who is providing services that are not part of the child care program is not required to have a background study if:
- (1) the child receiving services is signed out of the child care program for the duration that the services are provided;
  - (2) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B has obtained advanced written permission from the parent authorizing the child to receive the services, which is maintained in the child's record;
  - (3) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B maintains documentation on-site that identifies the individual service provider and the services being provided; and
  - (4) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B ensures that the service provider does not have unsupervised access to a child not receiving the provider's services.

**245C.02, Subd. 15. Reasonable cause.** "Reasonable cause" means information or circumstances exist that provide the commissioner with articulable suspicion that further pertinent information may exist concerning a subject. The commissioner has reasonable cause to require a background study when the commissioner has received a report from the subject, the license holder, or a third party indicating that the subject has a history that would disqualify the individual or that may pose a risk to the health or safety of persons receiving services.

For requirements regarding when a background study must occur, see Minnesota Statutes, chapter [245C.04](#).

See Minnesota Statutes, chapters [245C](#) and Minnesota Rules, chapter [9503](#) for more information.

Minnesota Statutes and Rules are available at: <https://www.revisor.mn.gov/>.