

Ordinance 30-09

An Ordinance amending 8 MLBSA § 1446 entitled Teacher Qualifications, § 1447 entitled Assistant Teacher Qualifications and § 1448 entitled Aide Qualifications, Subchapter II of Title 8 regulating Child Care Centers located on Band lands for the purpose of updating and strengthening the requirements to ensure the safety of children in the Band's care.

The District II Representative introduced the following Bill on the 26th day of May, 2009.

Preamble

It is enacted by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe for the purpose of amending the requirements for Teachers, Assistant Teachers and Aides working in Child Care Centers located on Band lands in order to provide a safe place for Mille Lacs Band children and other children who may be under the care of the Band in its child care centers. The Band Assembly recognizes that this amendment is necessary as the date of the enacting Band statute was May 1, 1992 and many changes have occurred since that date.

Section 1. Section 1446 of Subchapter II is repealed in its entirety and replaced by the following:

Subpart 1. **Teacher qualifications, general.** A teacher must be at least 18 years old and meet the qualifications in subpart 2 with the following exceptions:

- A. A registered nurse or licensed practical nurse is qualified as a teacher for infants only.
- B. A registered nurse may be used to meet the staff-to-child ratios for a teacher for sick care in a center licensed to operate a sick care program.

Subpart 2. **Teacher education and experience requirements.** A teacher with the credential listed in column A must have the education and experience listed in column B.

Column A

Column B

(1) A high school or General Education Development (GED) diploma	Experience: 4,160 hours as assistant teacher Education: 24 quarter credits
(2) Diploma from Association Montessori Internationale; preprimary credential, primary diploma, or provisional certificate from the American Montessori Society, without a baccalaureate degree	Experience: 2,080 hours as assistant teacher, aide, or student intern Education: 12 quarter credits
(3) Preprimary credential, primary diploma, or provisional certificate from the	Experience: 1,040 hours as assistant teacher, aide, or student intern

American Montessori Society; or diploma from the Association Montessori Internationale with a baccalaureate degree	Education: no additional required
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience: 2,080 hours as an assistant teacher Education: 6 quarter credits
(5) Child Development Associate credential (center based or family day care) for preschool or for infants and toddlers from the Council for Early Childhood Professional Recognition	Experience: 1,560 hours as assistant teacher, aide, or student intern Education: no additional required
(6) License from the Minnesota Department of Education for Pre-kindergarten Associate; or a certificate or credential for a two-year program from an accredited community college or technical college in child development or early childhood education	Experience: 1,040 hours as assistant teacher, aide, or student intern Education: 6 quarter credits
(7) Baccalaureate degree from an accredited college or university in any field	Experience: 1,040 hours as assistant teacher, aide, or student intern Education: 18 quarter credits
(8) License from the Minnesota Department of Education for elementary education without kindergarten endorsement	Experience: 520 hours as assistant teacher, aide, or student intern if teaching children under school age Education: 6 quarter credits within one year of initial employment if teaching children under school age
(9) License from the Minnesota Department of Education for pre-kindergarten/nursery, or a license from the Minnesota Department of Education for elementary education with a kindergarten endorsement	Experience: no additional required Education: no additional required

Section 2. Section 1447 of Subchapter II is repealed in its entirety and replaced by the following:

Subpart 1. Assistant teacher qualifications, general. An assistant teacher must work under the supervision of a teacher. An assistant teacher must be at least 18 years old and meet the qualifications in subpart 2 with the following exceptions:

- A. A registered nurse or licensed practical nurse is qualified as an assistant teacher for infants only.
- B. A registered nurse may be used to meet the staff-to-child ratios for an assistant teacher for sick care in a center licensed to operate a sick care program.

Subpart 2. **Assistant teacher education and experience requirements.** An assistant teacher with the credential listed in column A must have the education and experience listed in column B.

Column A	Column B
(1) A high school or General Education Development (GED) equivalency	Experience: 2,080 hours as an aide or student intern Education: 12 quarter credits
(2) Minnesota license as a family day care or group family day care provider	Experience: 2,080 hours as a licensed family day care or group family day care provider Education: 12 quarter credits
(3) Diploma from Association Montessori Internationale or preprimary credential, primary diploma, or provisional certificate from the American Montessori Society	Experience: 520 hours as an aide or student intern Education: 3 quarter credits
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience: 520 hours as an aide or student intern Education: no additional required
(5) Two years full-time postsecondary education from a college or university	Experience: 1,040 hours as an aide or student intern Education: 9 quarter credits
(6) Child Development Associate credential, center based or for family day care, from the Council for Early Childhood Professional Recognition	Experience: no additional required Education: no additional required
(7) Baccalaureate degree in any field from an accredited college or university	Experience: no additional required Education: 9 quarter credits
(8) Certificate or credential for a two year program in child development or early childhood education at a Minnesota community college or technical college	Experience: no additional required Education: no additional required
(9) License from the Minnesota Department of Children, Families, and Learning for Pre-kindergarten Associate	Experience: no additional required Education: no additional required

Section 3. Section 1448 of Subchapter II is repealed in its entirety and replaced by the following:

Subpart 1. **Aides /Qualifications.** In this subpart, “aide” means a staff person who carries out child care program activities under the supervision of a teacher or assistant teacher. An aide who is under 18 years old must be directly supervised by a teacher or assistant teacher at all times except when the aide is assisting with the supervision of

sleeping children or assisting children with washing, toileting, and diapering. An aide must be at least 16 years old.

Subpart 2. Experienced aide qualifications, general.

(a) An individual employed as an aide at a child care center may work with children without being directly supervised for an amount of time that does not exceed 25 percent of the child care center's daily hours if:

- (1) a teacher is in the facility;
- (2) the individual has received within the last three years first aid training that meets the requirements under § 1450 of Subchapter II of this statute, and CPR training that meets the requirements under § 1451 of Subchapter II of this statute;
- (3) the individual is at least 20 years old; and
- (4) the individual has at least **4,160** hours of child care experience as a staff member in a licensed child care center or as the license holder of a family day care home, 120 days of which must be in the employment of the current company.

Subpart 3. A child care center that uses experienced aides under this subdivision must notify parents or guardians by posting the notification in each classroom that uses experienced aides, identifying which staff member is the experienced aide. Records of experienced aide usage must be kept on site and given to the Commissioner of Health and Human Services (alternative: the Band or its designee) upon request.


Subpart 4. A child care center may not use one experienced aide provision for one year following two determined experienced aide violations within a one-year period.

Subpart 5. A child care center may use one experienced aide per every four full-time child care classroom staff.

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Introduced to the Band Assembly on this
Twenty-first day of May in the year
Two Thousand Nine.


Passed by the Band Assembly on this
Twenty-first day of May in the year
Two Thousand Nine.



Herb Weyaus, Speaker of the Assembly

APPROVED:

Date: 5-26-09



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND