

Written Testimony and Proposed Amendments to SF 4324

April 14, 2026

Dear Chair Wiklund and Members of the Senate Health and Human Services Committee,

Minnesota has the third highest number of nature-based preschools and child care programs in the nation — over 70 licensed home and center programs, and hundreds more incorporating nature and outdoor play. Throughout the modernization process, leaders in nature-based programs have viewed updated standards as an opportunity to align child care practices with the work that is happening across Minnesota state agencies in support of the Minnesota Children’s Outdoor Bill of Rights. We believe this is an opportunity to ensure that Minnesota’s child care system is actively promoting and supporting children’s access to nature in child care settings so that all children can access the benefits of time outdoors. Time in nature makes children happier, healthier, and smarter. Decades of research support the benefits of time outdoors for children (see the attached [Flourishing in Nature](#) research briefs and research from the [Children and Nature Network](#) for more information and citations). **All children deserve access to nature and nature play every day as part of their child care and early experiences to support their healthy development.** Our state has an incredible opportunity to be a leader in helping all children access the benefits of time outdoors through our child care licensing standards.

The bill before us today is not the child care system of the future that we imagined and asked for throughout the licensing modernization process nor the system that the children, families, and providers in our state deserve. The bill includes meaningful improvements, but as currently drafted it contains language that we are concerned would harm the ability of nature-based programs to operate and to provide the high-quality experiences that benefit the children in our care and draw families to our programs. It also has gaps and ambiguities that invite inconsistent interpretation by licensing staff — one of the central challenges facing our programs for years. We are concerned that the language in this bill would actively discourage child care programs of all types from providing children with experiences in nature and with natural elements.

We understand this bill may pass. If it does, we feel strongly that the following six amendments must be adopted. They are narrowly targeted, cost-neutral, and consistent with the modernization project’s own goals. We also support the broader reforms recommended by the Think Small coalition, including an industry-led Minnesota Board of Early Care and Education and quality recognition pathways separate from licensing.

We propose six amendments to chapters 142H and 142I of **SF 4324**, with specific statutory language in the attached supplement:

1. Authorize repurposed, open-ended, and homemade materials (142H.14, subd. 1) — Clarify that the manufacturer’s-instructions requirement applies only to items designed and marketed for children, not to repurposed or homemade play materials.

2. Recognize natural elements across all learning domains (142H.14, new subd.) — Explicitly authorize natural loose parts, natural materials, plants, and natural areas for play and learning across all developmental domains, not just gross motor activity.

3. Exempt outdoor natural materials from the "clean" standard (142H.31, subd. 2) — Require hazard inspection rather than rendering outdoor natural materials "free from dirt."

4. Expand field trip flexibility for outdoor programs (142H.33, subd. 4) — Allow programs with daily off-site outdoor activities to use a yearly permission form specifying their general geographic area and operating hours.

5. Distinguish permanently affixed equipment from play materials, natural features, and child- and educator-constructed features in fall zone requirements (142H.34, subd. 7) — Clarify that CPSC surfacing requirements apply to permanently affixed playground equipment, not portable play materials, natural features, or child- or educator-constructed features like rope webs and plank bridges.

6. Clarify animal vaccination requirements (142H.34, subd. 20) — Limit the vaccination requirement to vaccinations required by local and county regulations, so programs are not cited for failing to vaccinate species like turtles, chickens, or fish for which no vaccine recommendations exist.

The DCYF's own stakeholder engagement found that "equipment requirements are too prescriptive and rigid" (Feedback Theme 2) and that "unclear or gray areas of language" make licensing feel "punitive and not collaborative" (Feedback Theme 6). Our amendments directly address both findings, support Minnesota's thriving nature-based licensed child care programs, explicitly encourage experiences in and with nature for all children in child care settings, and align with Minnesota's Children's Outdoor Bill of Rights (2022).

Signatories

The undersigned are program directors and leaders within Minnesota Early Childhood Outdoors (MnECO) and the Duluth Nature Play Collaborative (DNPC) who have organized and facilitated provider feedback on the draft licensing standards throughout the modernization process.

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Proposed Amendment Language and Rationale

SF 4324 — Child Care Regulation Modernization (Chapters 142H and 142I)

Overview

Six proposed amendments to the Child Care Regulation Modernization Act. All are cost-neutral, narrowly targeted, and consistent with the bill's goals of reducing regulatory burden and eliminating gray areas. Amendments address both Chapter 142H (Child Care Centers) and Chapter 142I (Family Child Care) and are presented in bill order.

Amendment 1: Authorize Repurposed, Open-Ended, and Homemade Materials (142H.14, subd. 1)

Problem

142H.14, subd. 1(d) requires equipment be "used in accordance with the manufacturer's instructions." Many valuable play materials — cable spools, buckets, crates, tires, planks — have no manufacturer's instructions. These are staples of high-quality, open-ended play environments that cannot comply with this standard as written.

Current Language

142H.14, subd. 1(d): "Equipment must be appropriate to the age and size of children and used in accordance with the manufacturer's instructions."

Proposed Amendment

Amend 142H.14, subd. 1(d):

(d) Equipment **designed and marketed for use by children** must be appropriate to the age and size of children and used in accordance with the manufacturer's instructions. **Repurposed, homemade, and open-ended items may also be used and must be age-appropriate, safe, in good repair, and used under the supervision of program staff. Such items are not required to have manufacturer's instructions and are instead subject to the general safety requirements of this subdivision and section 142H.34, subdivisions 17 and 19.**

Add parallel language to 142I for Family Child Care.

Rationale

- Many high-quality programs intentionally use materials not commercially designed as children's products. The bill's shift to interest-area categories recognizes this flexibility, but the manufacturer's-instructions requirement undercuts it.
 - Safety protections are maintained: repurposed items must still meet the general safety requirements of 142H.14, subd. 1(b) and 142H.34, subds. 17 and 19.
 - Aligns with DCYF Feedback Theme 2 ("equipment requirements are too prescriptive and rigid").
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Amendment 2: Recognize Natural Elements Across All Learning Domains (142H.14, new subd.)

Problem

The bill references natural elements only in the context of outdoor gross motor play. Without explicit recognition that natural elements can serve across all interest areas (142H.14, subd. 4), licensors may continue to treat them as unauthorized. Our member programs have experienced licensors prohibiting and/or questioning the use of sticks for building activities, questioning the age-appropriateness of nature play activities, and questioning whether natural loose parts count as "materials."

Current Language

142H.14, subd. 4 (Interest areas): Lists nine developmental areas with no reference to natural materials.

Proposed Amendment

Add new subdivision to 142H.14:

Subd. []. Natural elements in play and learning. (a) Natural elements and materials are recognized as valuable resources for children's play, learning, and development across all domains specified in subdivision 4.

(b) License holders may provide children with access to natural elements and materials including but not limited to:

(1) natural loose parts such as sticks, leaves, pinecones, acorns, seeds, pods, bark, and moss for construction, art, science, math, sensory exploration, and imaginative play;

- (2) natural materials such as dirt, mud, sand, water, ice, and snow for sensory play and exploration;
 - (3) plants, flowers, seeds, vegetables, and gardening materials for science exploration and learning;
 - (4) rocks, pebbles, stones, and minerals for counting, sorting, science, math, building, and art;
 - (5) natural areas such as gardens, prairie, forest, wetlands, and ponds for exploration and learning; and
 - (6) other natural elements appropriate to children's ages and developmental levels.
- (c) License holders must supervise children's use of natural elements and provide guidance on safe and appropriate use.
- (d) Natural elements that pose choking hazards for children under age three must not be accessible to those children unless under direct supervision.

Add parallel subdivision to 142I.17 for Family Child Care.

Rationale

- Provides affirmative authorization, reducing licensor discretion to prohibit research-supported practices. Supported by extensive research on the benefits of natural materials for child development (Louv, 2008; Ernst & Tornabene, 2012; Daly & Beloglovsky, 2015).
- Aligns with DCYF and MDE recommendations for outdoor learning in early care settings.
 - DCYF website: [Outdoor and Nature-Based Learning](#)
 - MDE website: [Outdoor Learning](#)
- Aligns with the Minnesota Children's Outdoor Bill of Rights (2022)
- Consistent with Washington State's ONB licensing standards (WAC 110-302) and licensing recommendations from the North American Association of Environmental Education Natural Start [Recommendations for Licensing Outdoor, Nature-Based Early Learning and Child Care Programs](#)

Amendment 3: Exempt Outdoor Natural Materials and Play Materials from the "Clean" Standard (142H.31, subd. 2)

Problem

142H.01, subd. 12 defines "clean" as "free from dirt or other contaminants that can be detected by sight, smell, or touch." 142H.31, subd. 2 applies this to all indoor and outdoor equipment. This means logs, rocks, mud kitchens, sand play toys, and stumps used outdoors must technically be

"free from dirt" — an impossible standard that creates a compliance trap for any program using natural materials of any sort.

Current Language

142H.01, subd. 12: "'Clean' means free from dirt or other contaminants that can be detected by sight, smell, or touch."

142H.31, subd. 2: "The indoor and outdoor space and equipment of the program must be clean as defined in section 142H.01, subdivision 12."

Proposed Amendment

Add new paragraph to 142H.31, subd. 2:

(b) Natural features used for outdoor play as referenced in section 142H.34, subdivision 7, natural elements and materials used for outdoor play and learning as described in section 142H.14, subdivision [], and play materials used in outdoor settings need not meet the definition of "clean" in section 142H.01, subdivision 12, provided that program staff inspect such features, elements, and materials for safety hazards including but not limited to sharp edges, protruding nails or hardware, toxic substances, animal feces, and structural instability, and remove or mitigate identified hazards before children's use.

Add parallel language to 142I.15 for Family Child Care.

Rationale

- Replaces an unenforceable standard with a meaningful one: hazard inspection is what actually protects children in outdoor settings.
- Does not affect cleaning standards for indoor equipment, food preparation areas, diapering surfaces, or any other context where the definition is appropriate.
- Consistent with Washington State's ONB licensing standards (WAC 110-302) and licensing recommendations from the North American Association of Environmental Education Natural Start [Recommendations for Licensing Outdoor, Nature-Based Early Learning and Child Care Programs](#).

Amendment 4: Expand Field Trip Permission Flexibility for Daily Outdoor Programs (142H.33, subd. 4)

Problem

142H.33, subd. 4(d) requires that permission forms include specific dates, destinations, and departure/return times. The "unscheduled neighborhood walks" exception in subd. 4(e) doesn't

cover programs that go daily to nearby woods, parks, or natural areas beyond the immediate neighborhood. For nature-based programs, off-site outdoor activity is the daily program, not an occasional field trip.

Current Language

142H.33, subd. 4(d): Requires date, destination, times, method of transportation, and walking distance.

142H.33, subd. 4(e): Allows unscheduled neighborhood walks with advance general permission.

Proposed Amendment

Add 142H.33, subd. 4(f) [re-lettering existing (f) as (g)]:

(f) For programs whose child care program plan under section 142H.11 includes daily or regular on or off-site outdoor activities as a core component of the program, a yearly permission form may be used that specifies:

- (1) the general geographic area or areas where off-site activities will occur;
- (2) the program's general operating hours during which off-site activities may take place;
- (3) the typical method of transportation; and
- (4) if the method of transportation is walking, the typical maximum distance of walks.

Parents must be informed of specific destinations and any material changes to the general plan through the program's regular communication practices.

Add parallel language to 142I for Family Child Care.

Rationale

- Subd. 4(c) allows yearly summary forms, but subd. 4(d) still requires dates and destinations — an internal contradiction for daily outdoor programs.
- Does not reduce parental consent. Parents enrolling in a nature-based program expect daily outdoor excursions; the yearly form provides consent, regular communication provides specifics.
- All safety requirements (first aid kits, allergy info, emergency contacts, communication devices) remain in effect per existing subd. 4(f) [renumbered as (g)].

Amendment 5: Distinguish Permanently Affixed Equipment from Play Materials, Natural Features, and

Educator-Constructed Features in Fall Zone Requirements (142H.34, subd. 7)

Problem

When a child climbs on a cable spool, stands on a bucket, balances on a plank, or plays on ropes strung between posts, a licensor can classify these as "climbing equipment" — triggering the CPSC/ASTM surfacing and fall zone requirements in subd. 7(g). Those requirements are designed for permanently affixed manufactured playground structures, not portable items, natural features, or child- or educator-constructed play features that combine fixed site elements with removable or loose-parts components. The bill carves out "natural features" in subd. 7(h) but doesn't address non-natural play materials or features like rope webs, planks across stumps, or fabric structures that educators build using posts, trees, or other supports. This is the single most common reason providers tell us they won't invest in open-ended play environments: they can't get pre-approval and won't risk a citation.

The fix requires two words changed in paragraph (g) and a rewritten paragraph (h).

Current Language

142H.34, subd. 7(g): "An energy-absorbing surface is required under climbing equipment, swings, and slides..."

142H.34, subd. 7(h): "When a program utilizes natural features for outdoor play, program staff members must remove hazardous objects as specified in subdivision 17 and mitigate hazards whenever possible from the surrounding area where children might fall."

Proposed Amendment

Amend 142H.34, subd. 7(g) — replace "climbing" with "permanently affixed climbing":

(g) An energy-absorbing surface is required under **permanently affixed** climbing equipment, swings, and slides. [remainder unchanged]

Replace 142H.34, subd. 7(h):

(h) Natural features, play materials, and child- and educator-constructed play features that combine site elements with removable components — such as ropes, planks, or fabric attached to posts, trees, or other supports — are not subject to the requirements of paragraph (g). When children use natural features, play materials, or educator-constructed play features for outdoor play, program staff must remove hazardous objects as specified in subdivision 17 and mitigate hazards whenever possible from the surrounding area where children might fall. Such features and materials must be age-appropriate, in safe condition, and supervised during use.

Add parallel amendments to 142I for Family Child Care.

Rationale

- Two words changed in (g), one paragraph rewritten — minimal statutory change, maximum clarity.
 - Permanently affixed playground equipment (swing sets, slides, climbing structures) remains subject to full CPSC/ASTM surfacing standards. Natural features, portable play materials, and child- or educator-constructed features remain subject to hazard removal, safe condition, and supervision requirements.
 - The CPSC Public Playground Safety Handbook does not directly address nature play spaces. Child- and educator-constructed features like rope webs, plank bridges, and fabric structures fall outside the CPSC framework entirely, yet without this amendment, licensors may apply CPSC standards to them.
 - Aligns with DCYF Feedback Themes 2 and 6 and with Washington State's approach (WAC 110-302), where CPSC applies only to "enclosed or designated outdoor play structures."
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Amendment 6: Clarify Animal Vaccination Requirements by Species (142H.34, subd. 20)

Problem

142H.34, subd. 20(1) requires license holders to "keep each animal housed in the program up to date on vaccines and maintain documentation of vaccinations." This applies uniformly to all animals regardless of species. Many animals commonly housed in child care programs — turtles, chickens, fish, frogs, insects — have no commercially available recommended vaccine schedule. A program with a classroom turtle, a chicken coop, or a goldfish bowl cannot comply because no vaccine recommendations exist for these animals.

Draft 2 used the phrase "vaccinated according to local ordinances," which naturally limited the requirement to animals for which vaccinations are legally required (typically dogs and cats for rabies). Draft 3 broadened the language in a way that creates an impossible compliance standard for programs with non-traditional animals — exactly the kind of animals common in nature-based and farm-based programs. The practical result is that programs will simply stop housing small animals rather than risk a citation for failing to vaccinate an animal for which no vaccine exists. The new regulations provide guidance that are confusing and may limit children's access to connecting with animals. [Research and historical care practices](#) promote connecting children to animals. This relationship between children and animals promotes the development of empathy, caring skills and more. Regulations should indicate specific animals that should be vaccinated or what programs can document if they house animals that do not have required vaccinations. Also, for local ordinances is this city rules or veterinary clinics; more clarification on what resource licensing is looking at would improve clarity of the expectation for all.

Current Language

142H.34, subd. 20: "A license holder must: (1) keep each animal housed in the program up to date on vaccines and maintain documentation of vaccinations..."

Proposed Amendment

Amend 142H.34, subd. 20(1):

(1) keep each animal housed in the program up to date on vaccinations pursuant to local and county regulations and maintain documentation of vaccinations;

Add parallel amendment to 142I for Family Child Care.

Rationale

- The current language creates an impossible compliance standard for species without commercially available vaccines, effectively discouraging programs from housing small animals that provide educational value.
- The proposed language reverts to the Draft 2 approach, which worked without issue and limits the vaccination requirement to what is actually legally required and commercially available for each species.
- Aligns with Washington State's approach (WAC 110-300-0225), which requires vaccinations "pursuant to local and county regulations."
- Aligns with the national Caring for Our Children standard (CFOC 3.4.2.1), which specifies vaccination requirements for dogs and cats and notes that "health requirements will vary based on the type of animal."
- Maintains health and safety protections: dogs and cats remain subject to rabies vaccination requirements under local ordinances.