



## Why does CCAP rule need changes?

Minnesota Rules, Chapter 3400, Child Care Fund provides guidance and details on how the Child Care Assistance Program (CCAP) is administered and how the child care fund is used. These rules must align with federal and state laws. There have been many changes in the federal and state laws since the last revision of Chapter 3400. Rulemaking is necessary to identify how the department will implement changes in federal and state laws and policies.

## What are federal laws and regulations?

Federal laws apply to people living in the United States and its territories. Congress creates and passes federal bills. The president then signs those bills into federal law. Federal laws are superior to state and local laws. When there is a conflict between federal and state laws, federal laws usually prevail.

Federal regulations are issued by federal agencies, boards, or commissions. Federal regulations explain how federal agencies intend to carry out federal laws.

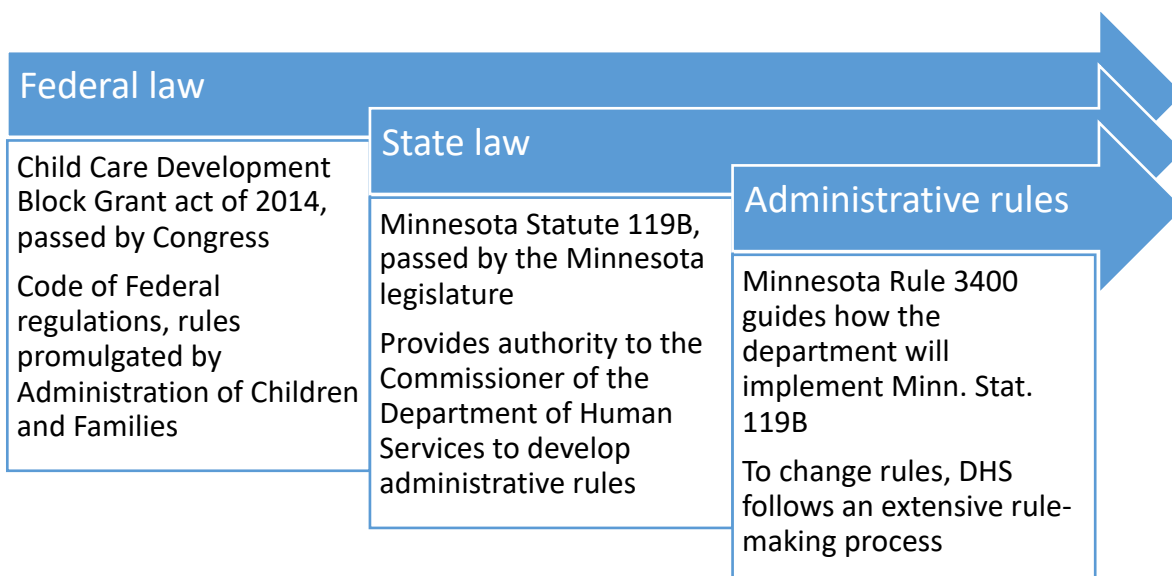
Federal laws and regulations have many requirements on how federal funds are used.

## What are state statutes?

The state legislature and governor enact statutes, also known as laws. When there is a conflict between statutes and rules, statutes usually prevail. Only the state legislature can change statutes. In Minnesota, Minnesota Statutes Chapter 119B regulate CCAP.

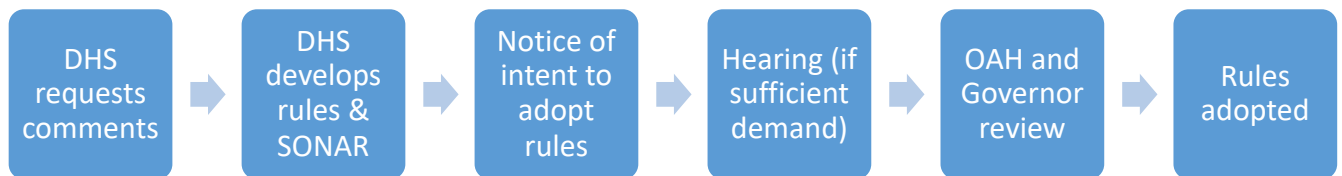
## What are state rules?

The Minnesota legislature can authorize state agencies to make rules. Rules are another way the government makes decisions about how to apply laws. Rules fill in the details and address anything that was missed or left out of the statutes. State agencies change rules through rulemaking.



## How do we revise CCAP Rules?

State rules are created through a process known as rulemaking. Rulemaking involves a comprehensive legal and administrative review and approval process by the Office of Administrative Hearings (OAH). If a state agency wants to make, change, or delete a rule, the agency publishes the proposal in the State Register and seeks public comments. After the agency considers the public's comments and changes the rule if necessary, the rule's final version is published in the State Register, along with a description of the comments received, the agency's response to those comments, and the date the rule goes into effect. Rulemaking usually takes several months to a year depending on the complexity of rules.



## What topics aren't included in this rulemaking?

Rules cannot override state or federal statutes. The rules created by an agency help explain how the statutes are implemented. Chapter 3400 rulemaking will only explain how Minnesota Statute 119B will be implemented.

For example, Chapter 3400 rulemaking will **not** change:

- Licensing requirements because licensing laws are set in Minnesota Statute 245A **AND**
- CCAP's maximum payment rates because payment rates are set in Minnesota Statute 119B and cannot be changed by rules.

## How can I give feedback on the rule?

- Send comments now.
- Send comments after the rule revisions are drafted. The draft is posted on the DHS website at <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/child-care-and-early-education/ccap-rule-rev.jsp>.
- Send comments when the final rule changes are proposed (30 day timeframe will be identified once the final rule is available).
- Ask DHS CCAP staff to attend a meeting or gathering convened by your agency and provide feedback in person or in writing to [dhs.CCAPrule@state.mn.us](mailto:dhs.CCAPrule@state.mn.us). DHS met with several community organizations while drafting language.

Comments and questions are accepted at any point until the rule is final. Send to [dhs.CCAPrule@state.mn.us](mailto:dhs.CCAPrule@state.mn.us).