

**Effective 5/13/2014**

**Superseded 5/12/2015**

**26-39-102 Definitions.**

As used in this chapter:

- (1) "Advisory committee" means the Residential Child Care Licensing Advisory Committee, created in Section 26-1-7.
- (2) "Child care" means continuous care and supervision of five or more qualifying children, that is:
  - (a) in lieu of care ordinarily provided by a parent in the parent's home;
  - (b) for less than 24 hours a day; and
  - (c) for direct or indirect compensation.
- (3) "Child care program" means a child care facility or program operated by a person who holds a license or certificate issued in accordance with this chapter.
- (4)
  - (a) "Center based child care" means, except as provided in Subsection (4)(b), a child care program licensed under this chapter.
  - (b) "Center based child care" does not include:
    - (i) a residential child care provider certified under Section 26-39-402; or
    - (ii) a facility or program exempt under Section 26-39-403.
- (5) "Licensing committee" means the Child Care Center Licensing Committee created in Section 26-1-7.
- (6) "Public school" means:
  - (a) a school, including a charter school, that:
    - (i) is directly funded at public expense; and
    - (ii) provides education to qualifying children for any grade from first grade through twelfth grade; or
  - (b) a school, including a charter school, that provides:
    - (i) preschool or kindergarten to qualifying children, regardless of whether the preschool or kindergarten is funded at public expense; and
    - (ii) education to qualifying children for any grade from first grade through twelfth grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly funded at public expense.
- (7) "Qualifying child" means a person who is:
  - (a)
    - (i) under the age of 13; or
    - (ii) under the age of 18, if the person has a disability; and
  - (b) a child of:
    - (i) a person other than the person providing care to the child;
    - (ii) a licensed or certified residential child care provider, if the child is under the age of four; or
    - (iii) an employee or owner of a licensed child care center, if the child is under the age of four.
- (8) "Residential child care" means child care provided in the home of a provider.