

HB0410S01 compared with HB0410

{Omitted text} shows text that was in HB0410 but was omitted in HB0410S01

inserted text shows text that was not in HB0410 but was inserted into HB0410S01

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Child Care Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tracy J. Miller

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies provisions relating to child care.

Highlighted Provisions:

This bill:

- ▶ { ~~provides kitchen standards for a nonresidential child care center;~~ }
- ▶ provides that the time employed as a preschool teacher in a child care program is equivalent to the time employed in a public school or accredited private school for purposes of relicensing;
- ▶ authorizes the use of housing and transit reinvestment zone funds to include expansion of child care facilities within the zone; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

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~~{26B-2-401, as last amended by Laws of Utah 2023, Chapter 249 and renumbered and amended by Laws of Utah 2023, Chapter 305, as last amended by Laws of Utah 2023, Chapter 249 and renumbered and amended by Laws of Utah 2023, Chapter 305}~~

20 **53E-6-201** , as last amended by Laws of Utah 2024, Chapter 51 , as last amended by Laws of Utah
2024, Chapter 51

21 **63N-3-607** , as last amended by Laws of Utah 2024, Chapter 521 , as last amended by Laws of Utah
2024, Chapter 521

. ENACTS:

26 ~~{26B-2-408, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

22

23 *Be it enacted by the Legislature of the state of Utah:*

29 ~~{Section 1. Section 26B-2-401 is amended to read: }~~

30 **26B-2-401. Definitions.**

As used in this part:

32 (1) "Capacity limit" means the maximum number of qualifying children that a regulated provider may
care for at any given time, in accordance with rules made by the department.

35 (2)

. (a) "Center based child care" means child care provided in a facility or program that is not the home of
the provider.

37 (b) "Center based child care" does not include:

38 (i) residential child care; or

39 (ii) care provided in a facility or program exempt under Section 26B-2-405.

40 (3) "Certified provider" means a person ~~[who]~~ that holds a certificate from the department under
Section 26B-2-404.

42 (4) "Child care" means continuous care and supervision of a qualifying child, that is:

43 (a) in lieu of care ordinarily provided by a parent in the parent's home;

44 (b) for less than 24 hours a day; and

45 (c) for direct or indirect compensation.

46 (5) "Child care program" means a child care facility or program operated by a regulated provider.

48 (6) "Exempt provider" means a person ~~[who]~~ that provides care described in Subsection 26B-2-405(2).

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- (7) "Licensed provider" means a person ~~[who]~~ that holds a license from the department under Section 26B-2-403.
- 52 (8) "Licensing committee" means the Child Care Provider Licensing Committee created in Section 26B-1-204.
- 54 (9) "Public school" means:
- 55 (a) a school, including a charter school, that:
- 56 (i) is directly funded at public expense; and
- 57 (ii) provides education to qualifying children for any grade from first grade through twelfth grade; or
- 59 (b) a school, including a charter school, that provides:
- 60 (i) preschool or kindergarten to qualifying children, regardless of whether the preschool or kindergarten is funded at public expense; and
- 62 (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.
- 65 (10) "Qualifying child" means an individual who is:
- 66 (a)
- . (i) under ~~[the age of]~~ 13 years old; or
- 67 (ii) under ~~[the age of]~~ 18 years old, if the person has a disability; and
- 68 (b) a child of:
- 69 (i) ~~[a person other than the person-]~~ an individual other than the individual providing care to the child;
- 71 (ii) a regulated provider, if the child is under ~~[the age of]~~ four years old; or
- 72 (iii) an employee or owner of a licensed child care center, if the child is under ~~[the age of]~~ four years old.
- 74 (11) "Regulated provider" means a licensed provider or certified provider.
- 75 (12) "Residential child care" means child care provided in the home of the provider.
- 76 (13) "Warming kitchen" means a kitchen the purpose of which is to heat and assemble food primarily prepared elsewhere and that contains residential-grade appliances, including a refrigerator and dishwasher.
- 79 Section 2. Section 2 is enacted to read:
- 80 **26B-2-408. Kitchen in child care.**
- 81 (1) A center based child care with 16 or more and fewer than 100 children may serve food from a warming kitchen.

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83 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department
shall establish by rule the requirements for a kitchen in a center based child care with fewer than 16
children or 100 or more children.

24 Section 1. Section **53E-6-201** is amended to read:

25 **53E-6-201. State board licensure.**

88 (1) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to establish a system for educator licensing that includes:

91 (a) an associate educator license that permits an individual to provide educational services in a public
school while working to meet the requirements of a professional educator license;

94 (b) a professional educator license that permits an individual to provide educational services in a public
school after demonstrating that the individual meets licensure requirements established in state
board rule;

97 (c) an LEA-specific educator license issued by the state board at the request of an LEA's governing
body that is valid for an individual to provide educational services in the requesting LEA's schools;

100 (d) beginning in the 2023-2024 school year, a provider-specific license issued by the state board at the
request of an authorized online course provider described in ~~Subsection~~ Section 53F-4-504 that:

103 (i) is valid for an individual to provide educational services to a student enrolled in an online course
described in Section 53F-4-503; and

105 (ii) contains eligibility criteria that is no more stringent than the requirements for a license described in
Subsection (1)(c); and

107 (e) beginning in the 2029-2030 school year, the creation or modification of licenses if any are created or
modified under Section 53G-6-206.

109 (2) An individual employed in a position that requires licensure by the state board shall hold the license
that is appropriate to the position.

111 (3)

. (a)

. (i) Except as provided in Subsection (3)(a)(ii), the state board may make rules in accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to rank, endorse, or otherwise
classify licenses and establish the criteria for obtaining, retaining, and reinstating licenses.

115 (ii) The state board may not make licensure contingent upon passage of a pedagogical performance
assessment.

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- 117 (iii) The state board shall consider employment duration as a preschool teacher in a child care
121 program, as that term is defined in Section 26B-2-401, as equivalent to employment duration in
125 a district school, charter school, or accredited private school for purposes of licensing.
- 121 (b) An educator who is enrolling in a course of study at an institution within the state system of higher
education to satisfy the state board requirements for retaining a license is exempt from tuition,
except for a semester registration fee established by the Utah Board of Higher Education, if:
- 125 (i) the educator is enrolled on the basis of surplus space in the class after regularly enrolled students
have been assigned and admitted to the class in accordance with regular procedures, normal
teaching loads, and the institution's approved budget; and
- 129 (ii) enrollments are determined by each institution under rules and guidelines established by the Utah
Board of Higher Education in accordance with findings of fact that space is available for the
educator's enrollment.
- 70 Section 2. Section **63N-3-607** is amended to read:
- 71 **63N-3-607. Payment, use, and administration of revenue from a housing and transit**
reinvestment zone.
- 135 (1) A municipality or public transit county may receive and use tax increment and housing and transit
reinvestment zone funds in accordance with this part.
- 137 (2)
- . (a) A county that collects property tax on property located within a housing and transit reinvestment
zone shall, in accordance with Section 59-2-1365, distribute to the municipality or public transit
county any tax increment the municipality or public transit county is authorized to receive up to the
maximum approved by the housing and transit reinvestment zone committee.
- 142 (b) Tax increment distributed to a municipality or public transit county in accordance with Subsection
(2)(a) is not revenue of the taxing entity or municipality or public transit county.
- 145 (c)
- . (i) Tax increment paid to the municipality or public transit county are housing and transit reinvestment
zone funds and shall be administered by an agency created by the municipality or public transit
county within which the housing and transit reinvestment zone is located.
- 149 (ii) Before an agency may receive housing and transit reinvestment zone funds from the municipality
or public transit county, the municipality or public transit county and the agency shall enter into an
interlocal agreement with terms that:

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- 152 (A) are consistent with the approval of the housing and transit reinvestment zone committee; and
154 (B) meet the requirements of Section 63N-3-603.
155 (3)
- . (a) A municipality or public transit county and agency shall use housing and transit reinvestment zone funds within, or for the direct benefit of, the housing and transit reinvestment zone.
- 158 (b) If any housing and transit reinvestment zone funds will be used outside of the housing and transit reinvestment zone, there must be a finding in the approved proposal for a housing and transit reinvestment zone that the use of the housing and transit reinvestment zone funds outside of the housing and transit reinvestment zone will directly benefit the housing and transit reinvestment zone.
- 163 (4)
- . (a) A municipality or public transit county shall use housing and transit reinvestment zone funds to achieve the purposes described in Subsections 63N-3-603(1) and (2), by paying all or part of the costs of any of the following:
- 166 [~~(a)~~] (i) income targeted housing costs;
167 [~~(b)~~] (ii) structured parking within the housing and transit reinvestment zone;
168 [~~(c)~~] (iii) enhanced development costs;
169 [~~(d)~~] (iv) horizontal construction costs;
170 [~~(e)~~] (v) vertical construction costs;
171 [~~(f)~~] (vi) property acquisition costs within the housing and transit reinvestment zone; [~~or~~]
173 [~~(g)~~] (vii) the costs of the municipality or public transit county to create and administer the housing and transit reinvestment zone, which may not exceed 2% of the total housing and transit reinvestment zone funds, plus the costs to complete the gap analysis described in Subsection 63N-3-604(2) [~~;~~]; or
177 (viii) subject to Subsection (4)(b), costs for the expansion of child care facilities within the boundary of the housing and transit reinvestment zone.
- 179 (b) A municipality or public transit county may not use more than 1% of the total housing and transit reinvestment zone funds to pay costs described in Subsection (4)(a)(viii).
- 182 (5) Housing and transit reinvestment zone funds may be paid to a participant, if the agency and participant enter into a participation agreement [~~which~~] that requires the participant to utilize the housing and transit reinvestment zone funds as allowed in this section.

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- 185 (6) Housing and transit reinvestment zone funds may be used to pay all of the costs of bonds issued by
the municipality or public transit county in accordance with Title 17C, Chapter 1, Part 5, Agency
Bonds, including the cost to issue and repay the bonds including interest.
- 189 (7) A municipality or public transit county may create one or more public infrastructure districts
within the housing and transit reinvestment zone under Title 17D, Chapter 4, Public Infrastructure
District Act, and pledge and utilize the housing and transit reinvestment zone funds to guarantee the
payment of public infrastructure bonds issued by a public infrastructure district.

132 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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