

**Effective 5/13/2014**

**Part 2**  
**Child Care Licensing Committees**

**26-39-200 Child Care Center Licensing Committee.**

- (1)
- (a) The Child Care Center Licensing Committee created in Section 26-1-7 shall be comprised of seven members appointed by the governor and approved by the Senate in accordance with this subsection.
  - (b) The governor shall appoint three members who:
    - (i) have at least five years of experience as an owner in or director of a for profit or not-for-profit center based child care; and
    - (ii) hold an active license as a child care center from the department to provide center based child care.
  - (c)
    - (i) The governor shall appoint one member to represent each of the following:
      - (A) a parent with a child in center based child care;
      - (B) a child development expert from the state system of higher education;
      - (C) a pediatrician licensed in the state; and
      - (D) an architect licensed in the state.
    - (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.
  - (d) At least one member described in Subsection (1)(b) shall at the time of appointment reside in a county that is not a county of the first class.
- (2)
- (a) Except as required by Subsection (2)(b), as terms of current members expire, the governor shall appoint each new member or reappointed member to a four-year term ending June 30.
  - (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the licensing committee is appointed every two years.
  - (c) Upon the expiration of the term of a member of the licensing committee, the member shall continue to hold office until a successor is appointed and qualified.
  - (d) A member may not serve more than two consecutive terms.
  - (e) Members of the licensing committee shall annually select one member to serve as chair who shall establish the agenda for licensing committee meetings.
- (3) When a vacancy occurs in the membership for any reason, the governor, with the consent of the Senate, shall appoint a replacement for the unexpired term.
- (4)
- (a) The licensing committee shall meet at least every two months.
  - (b) The director may call additional meetings:
    - (i) at the director's discretion;
    - (ii) upon the request of the chair; or
    - (iii) upon the written request of three or more members.
- (5) Three members of the licensing committee constitute a quorum for the transaction of business.

Enacted by Chapter 322, 2014 General Session

**26-39-201 Residential Child Care Licensing Advisory Committee.**

- (1)
  - (a) The Residential Child Care Licensing Advisory Committee created in Section 26-1-7 shall advise the department on rules made by the department under this chapter for residential child care.
  - (b) The advisory committee shall be composed of the following nine members who shall be appointed by the executive director:
    - (i) two child care consumers;
    - (ii) three licensed residential child care providers;
    - (iii) one certified residential child care provider;
    - (iv) one individual with expertise in early childhood development; and
    - (v) two health care providers.
- (2)
  - (a) Members of the advisory committee shall be appointed for four-year terms, except for those members who have been appointed to complete an unexpired term.
  - (b) Appointments and reappointments may be staggered so that 1/4 of the advisory committee changes each year.
  - (c) The advisory committee shall annually elect a chairman from its membership.
- (3) The advisory committee shall meet at least quarterly, or more frequently as determined by the executive director, the chairman, or three or more members of the committee.
- (4) Five members constitute a quorum and a vote of the majority of the members present constitutes an action of the advisory committee.

Amended by Chapter 322, 2014 General Session

**26-39-202 Members serve without pay -- Reimbursement for expenses.**

A member of the Residential Child Care Licensing Advisory Committee and the Child Care Center Licensing Committee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 322, 2014 General Session

**26-39-203 Duties of the Child Care Center Licensing Committee.**

- (1) The licensing committee shall:
  - (a) in concurrence with the department and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that govern center based child care as necessary to protect qualifying children's common needs for a safe and healthy environment, to provide for:
    - (i) adequate facilities and equipment; and
    - (ii) competent caregivers considering the age of the children and the type of program offered by the licensee;
  - (b) in concurrence with the department and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to carry out the purposes of this chapter that govern center based child care, in the following areas:

- (i) requirements for applications, the application process, and compliance with other applicable statutes and rules;
  - (ii) documentation and policies and procedures that providers shall have in place in order to be licensed, in accordance with Subsection (1);
  - (iii) categories, classifications, and duration of initial and ongoing licenses;
  - (iv) changes of ownership or name, changes in licensure status, and changes in operational status;
  - (v) license expiration and renewal, contents, and posting requirements;
  - (vi) procedures for inspections, complaint resolution, disciplinary actions, and other procedural measures to encourage and assure compliance with statute and rule; and
  - (vii) guidelines necessary to assure consistency and appropriateness in the regulation and discipline of licensees;
- (c) advise the department on the administration of a matter affecting center based child care;
  - (d) advise and assist the department in conducting center based child care provider seminars; and
  - (e) perform other duties as provided under Section 26-39-301.
- (2)
- (a) The licensing committee may not enforce the rules adopted under this section.
  - (b) The department shall enforce the rules adopted under this section in accordance with Section 26-39-301.

Amended by Chapter 74, 2016 General Session