

Part 2

Office of Child Care

35A-3-201 Definitions.

As used in this part:

- (1) "Child care" means the child care services defined in Section 35A-3-102 for:
 - (a) children age 12 or younger; and
 - (b) children with disabilities age 18 or younger.
- (2) "Child care provider association" means an association:
 - (a) that has functioned as a child care provider association in the state for at least three years; and
 - (b) is affiliated with a national child care provider association.
- (3) "Committee" means the Child Care Advisory Committee created in Section 35A-3-205.
- (4) "Director" means the director of the Office of Child Care.
- (5) "Office" means the Office of Child Care created in Section 35A-3-202.

Amended by Chapter 221, 2015 General Session

35A-3-202 Creation.

- (1) There is created within the Department of Workforce Services an Office of Child Care.
- (2) The office shall be administered by a director who shall be appointed by the executive director and who may be removed from that position at the will of the executive director.

Amended by Chapter 221, 2015 General Session

35A-3-203 Functions and duties of office -- Annual report.

The office shall:

- (1) assess critical child care needs throughout the state on an ongoing basis and focus its activities on helping to meet the most critical needs;
- (2) provide child care subsidy services for income-eligible children through age 12 and for income-eligible children with disabilities through age 18;
- (3) provide information:
 - (a) to employers for the development of options for child care in the work place; and
 - (b) for educating the public in obtaining quality child care;
- (4) coordinate services for quality child care training and child care resource and referral core services;
- (5) apply for, accept, or expend gifts or donations from public or private sources;
- (6) provide administrative support services to the committee;
- (7) work collaboratively with the following for the delivery of quality child care and early childhood programs, and school age programs throughout the state:
 - (a) the State Board of Education; and
 - (b) the Department of Health;
- (8) research child care programs and public policy to improve the quality and accessibility of child care, early childhood programs, and school age programs in the state;
- (9) provide planning and technical assistance for the development and implementation of programs in communities that lack child care, early childhood programs, and school age programs;

- (10) provide organizational support for the establishment of nonprofit organizations approved by the Child Care Advisory Committee, created in Section 35A-3-205; and
- (11) coordinate with the department to include in the annual written report described in Section 35A-1-109 information regarding the status of child care in Utah.

Amended by Chapter 221, 2015 General Session

35A-3-204 Duties of director.

The director shall:

- (1) enforce rules made by the department regulating the use of services provided by the office;
- (2) supervise office staff and prepare an annual work plan; and
- (3) apply for, accept, and expend donations from public or private sources to assist the office in fulfilling its statutory obligations.

Amended by Chapter 221, 2015 General Session

35A-3-205 Creation of committee.

- (1) There is created a Child Care Advisory Committee.
- (2) The committee shall counsel and advise the office in fulfilling its statutory obligations, including:
 - (a) reviewing and providing recommendations on the office's annual budget;
 - (b) providing recommendations on how the office might best respond to child care needs throughout the state; and
 - (c) providing recommendations on the use of money in the Child Care Fund and other money that comes into the office.
- (3) The committee is composed of the following members, with special attention given to insure diversity and representation from both urban and rural groups:
 - (a) one expert in early childhood development;
 - (b) one child care provider who operates a center;
 - (c) one child care provider who operates a family child care business;
 - (d) one parent who is representative of households receiving a child care subsidy from the office;
 - (e) one representative from the public at-large;
 - (f) one representative selected by the State Board of Education;
 - (g) one representative of the Department of Health;
 - (h) one representative of the Department of Human Services;
 - (i) two representatives from the corporate community, one who is a recent "Family Friendly" award winner and who received the award because of efforts related to child care;
 - (j) two representatives from the small business community;
 - (k) one representative from child care advocacy groups;
 - (l) one representative of children with disabilities;
 - (m) one representative from the state Head Start Association appointed by the association;
 - (n) one representative from each child care provider association; and
 - (o) one representative of a child care resource and referral center appointed by the organization representing child care resource and referral agencies.
- (4)
 - (a) The executive director shall appoint the members designated in Subsections (3)(a) through (e) and (j) through (n).
 - (b) The head of the respective departments shall appoint the members referred to in Subsections (3)(f) through (i).

- (c) Each child care provider association shall appoint its respective member referred to in Subsection (3)(o).
- (5)
 - (a) Except as required by Subsection (5)(b), as terms of current committee members expire, the appointing authority shall appoint each new member or reappointed member to a four-year term.
 - (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- (6) When a vacancy occurs in the membership for any reason, including missing three consecutive meetings where the member has not been excused by the chair prior to or during the meeting, the replacement shall be appointed for the unexpired term.
- (7) A majority of the members constitutes a quorum for the transaction of business.
- (8)
 - (a) The executive director shall select a chair from the committee membership.
 - (b) A chair may serve no more than two one-year terms as chair.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 144, 2016 General Session

35A-3-206 Child Care Fund -- Use of money -- Committee and director duties -- Restrictions.

- (1) There is created an expendable special revenue fund known as the "Child Care Fund."
- (2) The director of the office shall administer the fund under the direction of the committee.
- (3)
 - (a) The office may form nonprofit corporations or foundations controlled by the director of the office and the committee to aid and assist the office in attaining its charitable, research, and educational objectives.
 - (b) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out their public purposes.
 - (c) Money collected by a nonprofit corporation or foundation described in this Subsection (3) may be deposited in the Child Care Fund.
 - (d) A nonprofit foundation controlled by the director of the office and the committee shall submit to the Division of Finance, within 60 days after the close of the foundation's fiscal year, a financial report summarizing the foundation's financial position and results of operations of the most recent fiscal year.
- (4)
 - (a) Money may be deposited into the fund from a variety of sources, including grants, private foundations, and individual donors.
 - (b) The fund shall be used to accept money designated for child care initiatives that will improve the quality, affordability, or accessibility of child care.
- (5) The money in the fund that is not restricted to a specific use under federal law or by donors may not be expended without approval of the committee.

- (6) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State Money Management Act, except that all interest or other earnings derived from money in the fund shall be deposited in the fund.
- (7) The money in the fund may not be used for administrative expenses of the office provided for by legislative appropriation.
- (8) The committee shall:
 - (a) advise the director of the office on child care needs in the state and on relevant operational aspects of any grant, loan, or revenue collection program established under this part;
 - (b) recommend specific child care projects to the director of the office;
 - (c) recommend policy and procedures for administering the fund;
 - (d) make recommendations on grants, loans, or contracts from the fund for any of the child care activities authorized under this part;
 - (e) establish the criteria by which loans and grants will be made;
 - (f) determine the order in which approved child care projects will be funded;
 - (g) make recommendations regarding the distribution of money from the fund in accordance with the procedures, conditions, and restrictions placed on the money by the donors; and
 - (h) have joint responsibility with the office to solicit public and private funding for the fund.
- (9) Fund money shall be used for the following activities:
 - (a) training of child care providers;
 - (b) scholarships and grants for child care providers' professional development;
 - (c) child care public awareness and consumer education services;
 - (d) child care provider recruitment;
 - (e) Office of Child Care sponsored activities;
 - (f) matching money for obtaining grants; or
 - (g) other activities that will assist in the improvement of child care quality, affordability, or accessibility.
- (10) The director of the office, with the consent of the committee and the executive director, may grant, lend, or contract money from the fund for child care purposes to:
 - (a) local governments;
 - (b) nonprofit community, charitable, or neighborhood-based organizations;
 - (c) regional or statewide nonprofit organizations; or
 - (d) child care providers.
- (11) Preference may be given, but awards may not be limited to, entities that apply for money from the fund and that demonstrate the following:
 - (a) programmatic or financial need;
 - (b) diversity of beneficiaries or geographic location; or
 - (c) coordination with or enhancement of existing services.
- (12) The executive director or the executive director's designee shall monitor on an annual basis the activities of the entities that receive grants, loans, or contracts issued from the fund to ensure compliance with the terms and conditions imposed on the entities by the fund.
- (13) Each entity receiving a grant, loan, or contract shall provide the director of the office with an annual accounting of how the money the entity received from the fund has been spent.
- (14)
 - (a) The director of the office shall make an annual report to the committee regarding the status of the fund and the programs and services funded by the fund.
 - (b) The report shall be included in the annual written report described in Section 35A-1-109.

Amended by Chapter 221, 2015 General Session

35A-3-207 Community-based prevention programs.

- (1) As used in this section:
 - (a) "political subdivision" means a town, city, county, or school district;
 - (b) "qualified sponsor" means a:
 - (i) political subdivision;
 - (ii) community nonprofit, religious, or charitable organization;
 - (iii) regional or statewide nonprofit organization; or
 - (iv) private for profit or nonprofit child care organization with experience and expertise in operating community-based prevention programs described in Subsection (2) and that are licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities.
- (2) Within appropriations from the Legislature, the department may provide grants to qualified sponsors for community-based prevention programs that:
 - (a) support parents in their primary care giving role to children;
 - (b) provide positive alternatives to idleness for school-aged children when school is not in session; and
 - (c) support other community-based prevention programs.
- (3) In awarding a grant under this section, the department shall:
 - (a) request proposals for funding from potential qualified sponsors; and
 - (b) ensure that each dollar of funds from political subdivisions or private funds is matched for each dollar received from the department.
- (4) In meeting the matching requirements under Subsection (3), the department may consider the value of in-kind contributions, including materials, supplies, paid labor, volunteer labor, and the incremental increase in building maintenance and operation expenses incurred attributable to the prevention program.
- (5) In awarding a grant under this section, the department shall consider:
 - (a) the cash portion of the proposed match in relation to the financial resources of the qualified sponsor; and
 - (b) the extent to which the qualified sponsor has:
 - (i) consulted and collaborated with parents of children who are likely to participate, local parent-teacher organizations, and other parent organizations;
 - (ii) identified at-risk factors that will be addressed through the proposed prevention program;
 - (iii) identified protective factors and developmental assets that will be supported and strengthened through the proposed prevention program; and
 - (iv) encouraged the financial support of parents and the organizations described in Subsection (5)(b)(i).
- (6) The department shall award at least 50% of the grants under this section to organizations described in Subsection (1)(b)(iv).
- (7) The department may not allow the use of federal funds as matching funds under this act.

Amended by Chapter 221, 2015 General Session