

53A-3-417 Child care centers in public schools -- Requirements -- Availability -- Compliance with state and local laws.

- (1)
 - (a) Upon receiving a request from a community group such as a community council, local PTA, or parent/student organization, a local school board may authorize the use of a part of any school building in the district to provide child care services for school aged children.
 - (b)
 - (i) The school board shall provide written public notice of its intent to authorize a child care center.
 - (ii) The board shall file a copy of the notice with the Office of Child Care within the Department of Workforce Services and the Department of Health.
- (2)
 - (a) Establishment of a child care center in a public school building is contingent upon the local school board determining that the center will not interfere with the building's use for regular school purposes.
 - (b) The decision shall be made at the sole discretion of the school board.
 - (c) A school board may withdraw its approval to operate a child care center at any time if it determines that such use interferes with the operation or interest of the school.
 - (d) The school district and its employees and agents are immune from any liability that might otherwise result from a withdrawal of approval if the withdrawal was made in good faith.
- (3)
 - (a) The board shall charge a commercially reasonable fee for the use of a school building as a child care center so that the district does not incur an expense.
 - (b) The fee shall include but not be limited to costs for utility, building maintenance, and administrative services supplied by the school that are related to the operation of the child care center.
- (4)
 - (a) Child care service may be provided by governmental agencies other than school districts, nonprofit community service groups, or private providers.
 - (b) If competitive proposals to provide child care services are submitted by the entities listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit community service groups so long as their proposals are judged to be at least equal to the proposal of the governmental agency.
 - (c) It is intended that these programs function at the local community level with minimal state and district involvement.
- (5) It is the intent of the Legislature that providers not be required to go through a complex procedure in order to obtain approval for providing the service.
- (6)
 - (a) Child care centers within a public school building shall make their services available to all children regardless of where the children reside.
 - (b) If space and resources are limited, first priority shall be given to those who reside within the school boundaries where the center is located, and to the children of teachers and other employees of the school where the child care center is located.
 - (c) Second priority shall be given to those who reside within the school district boundaries where the center is located.
- (7)
 - (a) The school board shall require proof of liability insurance which is adequate in the opinion of the school board for use of school property as a child care center.

- (b) A school district participating in the state Risk Management Fund shall require the provider of child care services to comply with the applicable provisions of Title 63A, Chapter 4, Risk Management.
- (8) Child care centers established under this section shall operate in compliance with state and local laws and regulations, including zoning and licensing requirements, and applicable school rules.
- (9) Except for Subsection (8), this section does not apply to child care centers established by a school district within a public school building if the center offers child care services primarily to children of employees or children of students of the school district.

Amended by Chapter 171, 2004 General Session