

**REPEAL OF EDUCATION MANDATES**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Margaret Dayton**

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**LONG TITLE**

**General Description:**

This bill repeals certain requirements relating to the State System of Public Education.

**Highlighted Provisions:**

This bill:

- ▶ repeals the State Board of Education's responsibility to design and implement a state textbook plan;
- ▶ repeals school building utilization requirements; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-3-417**, as last amended by Chapters 196 and 375, Laws of Utah 1997

REPEALS:

**53A-12-201.5**, as last amended by Chapter 210, Laws of Utah 2002

**53A-17a-142**, as renumbered and amended by Chapter 72, Laws of Utah 1991

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

Section 1. Section **53A-3-417** is amended to read:

**53A-3-417. Child care centers in public schools -- Requirements -- Availability --**

**Compliance with state and local laws.**

## H.B. 14

## Enrolled Copy

(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 board may authorize the use of part of a school building for a child care center only if the school is in compliance with Section 53A-17a-142.]~~

~~[(e)]~~ (b) The decision shall be made at the sole discretion of the school board.

~~[(d)]~~ (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.

~~[(e)]~~ (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.

**Section 2. Repealer.**

This bill repeals:

**Section 53A-12-201.5, State plan to meet textbook needs -- Monitoring and auditing of textbook programs.**

**Section 53A-17a-142, School building utilization at 70% of capacity -- Exceptions.**

