

Senator Parley G. Hellewell proposes the following substitute bill:

CHILD CARE CENTERS REGULATIONS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Parley G. Hellewell

LONG TITLE

General Description:

This bill amends the Department of Health's authority to impose certain regulations on day care providers.

Highlighted Provisions:

This bill:

- ▶ amends the way in which the department calculates the minimum square footage required for a day care provider;
- ▶ phases in compliance with playground equipment safety standards;
- ▶ permits the department to grant variances for group size limitations at a day care center as long as the center meets caregiver to child ratios; and
- ▶ provides that certain variances are transferrable.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-39-104, as last amended by Chapter 13, Laws of Utah 2003



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

27 Section 1. Section **26-39-104** is amended to read:

28 **26-39-104. Duties of the department.**

29 (1) With regard to child care programs licensed under this chapter, the department
30 may:

31 (a) make and enforce rules to implement this chapter and, as necessary to protect
32 children's common needs for a safe and healthy environment, to provide for:

33 (i) adequate facilities and equipment; and

34 (ii) competent caregivers considering the age of the children and the type of program
35 offered by the licensee;

36 (b) make and enforce rules necessary to carry out the purposes of this chapter, in the
37 following areas:

38 (i) requirements for applications, the application process, and compliance with other
39 applicable statutes and rules;

40 (ii) documentation and policies and procedures that providers shall have in place in
41 order to be licensed, in accordance with Subsection (1)(a);

42 (iii) categories, classifications, and duration of initial and ongoing licenses;

43 (iv) changes of ownership or name, changes in licensure status, and changes in
44 operational status;

45 (v) license expiration and renewal, contents, and posting requirements;

46 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
47 procedural measures to encourage and assure compliance with statute and rule; and

48 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
49 and discipline of licensees; and

50 (c) set and collect licensing and other fees in accordance with Section 26-1-6.

51 (2) (a) The department may not regulate educational curricula, academic methods, or
52 the educational philosophy or approach of the provider.

53 (b) The department shall allow for a broad range of educational training and academic
54 background in certification or qualification of child day care directors.

55 (3) In licensing and regulating child care programs, the department shall reasonably
56 balance the benefits and burdens of each regulation and, by rule, provide for a range of

57 licensure, depending upon the needs and different levels and types of child care provided.

58 (4) Notwithstanding the definition of "child" in Subsection 26-39-102(1), the
59 department shall count children through age 12 and children with disabilities through age 18
60 toward the minimum square footage requirement for indoor and outdoor areas, including the
61 child of:

- 62 (a) a licensed residential child care provider; or
- 63 (b) an owner or employee of a licensed child care center.

64 (5) Notwithstanding Subsection (1)(a)(i), the department may not exclude floor space
65 used for furniture, fixtures or equipment from the minimum square footage requirement for
66 indoor and outdoor areas if the furniture, fixture, or equipment is used:

- 67 (a) by children;
- 68 (b) for the care of children; or
- 69 (c) to store classroom materials.

70 (6) (a) A child care center constructed prior to January 1, 2004, and licensed and
71 operated as a child care center continuously since January 1, 2004, may apply for a variance
72 from the department for group size restrictions, if the child to caregiver ratios are maintained,
73 and adequate square footage is maintained for specific classrooms.

74 (b) The department may grant the variance requested in Subsection (6)(a).

75 (c) A variance granted under Subsection (6)(b) is transferrable to subsequent licensed
76 operators at the center if a licensed child care center is continuously maintained at the center.

77 (7) The department shall develop, by rule, a five year phased-in compliance schedule
78 for play ground equipment safety standards.