

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1318

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AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-17.2-2-8, AS AMENDED BY P.L.220-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. The division shall exempt from licensure the following programs:

- (1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.
- (2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in IC 20-18-2-17) that is operated by the department of education or a public or private school.
- (3) A nonresidential program for a child that provides child care for less than four (4) hours a day.
- (4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.
- (5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.
- (6) A program operated to serve migrant children that:
  - (A) provides services for children from migrant worker families; and
  - (B) is operated during a single period of less than one hundred

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twenty (120) consecutive days during a calendar year.

- (7) A child care ministry registered under IC 12-17.2-6.
- (8) A child care home if the provider:
- (A) does not receive regular compensation;
  - (B) cares only for children who are related to the provider;
  - (C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
  - (D) operates to serve migrant children.
- (9) A child care program operated by a public or private ~~secondary~~ school that:
- (A) provides day care on the school premises for children of ~~a student~~ **students** or ~~an employee~~ **employees** of **schools in the school corporation in which the public or private school is located;**
  - (B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter; and
  - (C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter.
- (10) A school age child care program (commonly referred to as a latch key program) established under IC 20-26-5-2 that is operated by:
- (A) the department of education;
  - (B) a public or private school; or
  - (C) a public or private organization under a written contract with:
    - (i) the department of education; or
    - (ii) a public or private school.
- (11) A child care program that:
- (A) is operated by a public or private organization under a contract with a public or private school;
  - (B) serves children who are enrolled in the public or private school in:
    - (i) grades kindergarten through 12; or
    - (ii) a preschool program offered by a public or private



school as described in this subdivision; and

(C) serves children who are:

- (i) attending school through remote or e-learning due to a disaster emergency declared under IC 10-14-3-12 or IC 10-14-3-29; or
- (ii) participating in a learning recovery program that administers an assessment to measure student learning loss and provides Indiana academic standards aligned instruction.

(12) An educational program:

- (A) consisting of a group of not more than ten (10) students who attend the educational program in lieu of attending prekindergarten or kindergarten through grade 12 at a public or private school;
- (B) whose students meet in a single classroom in person or outside a classroom and which may include mixed age level groupings; and
- (C) that is under the supervision of a teacher or tutor.

**(13) If located in the same public or private school building:**

- (A) a preschool program that is operated by the public or private school; and**
- (B) either or both of the following:**
  - (i) A child care program described in subdivision (9).**
  - (ii) A school age child care program described in subdivision (10).**

SECTION 2. IC 12-17.2-4-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 15.5. (a) This section applies to a program that:**

- (1) admits for enrollment children at least two and one-half (2.5) years of age, but not more than six (6) years of age; and**
- (2) is validated as a Montessori program by the United Montessori Schools of Indiana.**

**(b) For purposes of determining the:**

- (1) child to staff ratio; and**
- (2) group size;**

**requirements that apply to a program described in subsection (a) for purposes of licensure of the program under this chapter, the division shall use the average age of the children in the group as of January 1 of the school year.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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