

HOUSE BILL 1207

By Mitchell

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8; Title 49 and Title 71, relative to child care  
services for state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, is amended by adding the following as a new part:

(a) The Department of human services shall approve, administer, and coordinate child care services for the children of state officers and employees. Duties include, but are not limited to, reviewing and approving requests from state agencies for child care services; providing technical assistance on child care program startup and operation; and assisting other agencies in conducting needs assessments, designing centers, and selecting service providers. Primary emphasis for child care services must be given to children who are not subject to compulsory school attendance pursuant to § 49-6-3001.

(b) Child care programs may be located in state-owned office buildings, educational facilities and institutions, custodial facilities and institutions, privately owned buildings leased by the state, and, with the consent of the speaker of the senate and the speaker of the house of representatives, in buildings and spaces used for legislative activities. In addition, centers may be located in privately-owned buildings conveniently located to the place of employment of state officers and employees served by the centers. If a child care program is located in a state-owned office building, educational facility or institution, custodial facility or institution, or in a privately owned building leased by the state, a portion of the service provider's rental fees for child care space may be waived by the sponsoring agency in accordance with the rules of the department.

Additionally, the sponsoring state agency may be responsible for the maintenance, utilities, and other operating costs associated with the child care center.

(c) Except as otherwise provided in this section, the cost of child care services must be offset by fees charged to employees using the child care services. Requests for proposals may provide for a sliding fee schedule, with fees charged on the basis of the employee's household income.

(d) The provider of proposed child care services must be selected by competitive contract. Requests for proposals must be developed with the assistance of, and be subject to the approval of, the department. The sponsoring state agency is responsible for the management of the contract with the service provider.

(e) An operator selected to provide services must comply with all state and local standards for the licensure and operation of child care facilities, maintain adequate liability insurance coverage, and assume financial and legal responsibility for the operation of the program. Neither the operator nor any personnel employed by or at a child care facility are deemed to be employees of the state.

(f) Notwithstanding this section to the contrary, the sponsoring state agency may be responsible for the operation of the child care center, following the department's approval of plans for direct operation, when:

(1) A second request for proposals fails to procure a qualified service provider; or

(2) The service provider's contract is canceled and attempts to procure another qualified service provider are unsuccessful.

(g) A state agency may enter into a partnership with local municipalities to jointly provide child care services to state and municipal employees.

(h) In the areas where the state has an insufficient number of employees to justify a worksite center, a state agency may join in a consortium arrangement utilizing available state facilities with not-for-profit corporations to provide child care services to both state employees and employees of private sector employers. The consortium

agreement must first address the unmet child care needs of the children of state employees whose agency is a member of the consortium, and then address the child care needs of private sector employees.

(i) The commissioner of human services is authorized to promulgate rules to effectuate the purposes of this act. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.