

HOUSE BILL 2243

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 71, Chapter 3, relative to child care agency assessments.

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

SECTION 1. Tennessee Code Annotated, Section 71-3-502(j), is amended by deleting the subsection in its entirety and substituting instead the following:

(j)

(1)

(A) The department shall establish and implement a quality assessment and rating system for the purpose of evaluating, individually and collectively, child care agencies licensed or approved by the department pursuant to this part so that parents and other caretakers of children enrolled, or being considered for enrollment, at a child care agency, may make more informed decisions regarding the care of the person's children by comparing the quality of services offered by child care agencies, to encourage the improvement of out-of-home child care for Tennessee's children, and to support child care providers in continuously improving the quality of services and support provided to families. The quality assessment and rating system established pursuant to this subsection (j) must be developed in a manner easily usable by parents and other caretakers of children to make informed choices related to child care.

(B) For purposes of this subsection (j), "child care agencies" includes child care centers, group child care homes, and family child care homes.

(2)

(A) The department shall promulgate rules establishing the quality assessment and rating system under this subsection (j). Each child care agency must receive a quality assessment and rating evaluation during the first licensing cycle of the child care agency beginning after the rules establishing the quality assessment and rating system under this subsection become effective, and annually thereafter. This quality assessment and rating system must include an annual evaluation of each child care agency by the department and must reflect key indicators of performance comparison among all Tennessee child care agencies, and may include information related to the following:

(i) Health and safety;

(ii) Training, education, certification, and credentials of all supervisory staff, including the director or licensee;

(iii) Staffing ratios;

(iv) Caregiver-child interactions;

(v) Child development and enrichment;

(vi) Accreditation status; and

(vii) Adequacy of physical facilities.

(B) The department shall not discriminate against or fail to recognize the credentials of any accrediting agency based upon the religious affiliation, race, age, color, sex, or national origin of the organization granting accreditation to a child care agency.

(C) Upon completion, the quality assessment and rating results of each child care agency must be available on the department's website and posted in a clear and visible location at each child care agency for review by the parents and other caretakers of children enrolled, or being considered for enrollment, at the child care agency.

(3) Any child care agency that accepts the department's child care assistance subsidy payments may receive higher subsidy payments or other financial performance incentives, as determined by the department, based upon the child care agency's quality assessment and rating results, subject to available funding in the department's budget.

(4) The commissioner and the comptroller of the treasury may, in their discretion, conduct audits of the records of any child care providers as necessary to verify that the expenditures by a child care provider of state or federal child care subsidy funds are being made according to state or federal requirements.

(5) A child care agency is subject to denial or revocation of the agency's license by the department and may also be subject to a civil penalty of five hundred dollars (\$500) imposed by the department if the child care agency knowingly:

(A) Provides false information or fails to provide any information to the department, the comptroller, or their agents or designees that is required or necessary to perform any of the requirements of this title or to enforce state or federal law or regulations, or child care subsidy or licensing requirements;

(B) Fails to allow entrance by any person designated by the department to perform the evaluation required by this subsection (j); or

(C) Continues to display expired or revoked quality assessment
and rating results after written notice by the department.

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