

SCHOOL DAY CARE CLASSES AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill exempts child care programs administered by public education institutions from requirements of the Utah Child Care Licensing Act.

Highlighted Provisions:

This bill:

- ▶ exempts child care programs administered by public education institutions from requirements of the Utah Child Care Licensing Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-39-403, as last amended by Laws of Utah 2015, Chapter 220

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

Section 1. Section **26-39-403** is amended to read:

26-39-403. Exclusions from chapter -- Criminal background checks by an excluded person.



- 28 (1) The provisions and requirements of this chapter do not apply to:
- 29 (a) a facility or program owned or operated by an agency of the United States
- 30 government;
- 31 (b) group counseling provided by a mental health therapist, as defined in Section
- 32 58-60-102, who is licensed to practice in this state;
- 33 (c) a health care facility licensed pursuant to Title 26, Chapter 21, Health Care Facility
- 34 Licensing and Inspection Act;
- 35 (d) care provided to qualifying children by or in the homes of parents, legal guardians,
- 36 grandparents, brothers, sisters, uncles, or aunts;
- 37 (e) care provided to qualifying children, in the home of the provider, for less than four
- 38 hours a day or on a sporadic basis, unless that child care directly affects or is related to a
- 39 business licensed in this state; [or]
- 40 (f) care provided at a residential support program that is licensed by the Department of
- 41 Human Services[-]; or
- 42 (g) care provided to qualifying children as part of a course of study at or a program
- 43 administered by an educational institution that is regulated by:
- 44 (i) the boards of education of this state;
- 45 (ii) a private education institution that provides education in lieu of that provided by
- 46 the public education system; or
- 47 (iii) a parochial education institution.
- 48 (2) The licensing and certification requirements of this chapter do not apply to:
- 49 [~~(a) care provided to qualifying children as part of a course of study at or a program~~
- 50 ~~administered by an educational institution that is regulated by the boards of education of this~~
- 51 ~~state, a private education institution that provides education in lieu of that provided by the~~
- 52 ~~public education system, or by a parochial education institution;]~~
- 53 [(b)] (a) care provided to qualifying children by a public or private institution of higher
- 54 education, if the care is provided in connection with a course of study or program, relating to
- 55 the education or study of children, that is provided to students of the institution of higher
- 56 education;
- 57 [(c)] (b) care provided to qualifying children at a public school by an organization
- 58 other than the public school, if:

- 59 (i) the care is provided under contract with the public school or on school property; or
60 (ii) the public school accepts responsibility and oversight for the care provided by the
61 organization;
- 62 [~~(d)~~] (c) care provided to qualifying children as part of a summer camp that operates on
63 federal land pursuant to a federal permit; or
- 64 [~~(e)~~] (d) care provided by an organization that:
- 65 (i) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue
66 Code;
- 67 (ii) is provided pursuant to a written agreement with:
- 68 (A) a municipality, as defined in Section 10-1-104, that provides oversight for the
69 program; or
- 70 (B) a county that provides oversight for the program; and
- 71 (iii) is provided to children who are over the age of four and under the age of 13.
- 72 (3) An exempt provider shall submit to the department:
- 73 (a) the information required under Subsections 26-39-404(1) and (2); and
74 (b) of the children receiving care from the exempt provider:
- 75 (i) the number of children who are less than two years old;
76 (ii) the number of children who are at least two years old and less than five years old;
- 77 and
- 78 (iii) the number of children who are five years old or older.
- 79 (4) An exempt provider shall post, in a conspicuous location near the entrance of the
80 exempt provider's facility, a notice prepared by the department that:
- 81 (a) states that the facility is exempt from licensure and certification; and
82 (b) provides the department's contact information for submitting a complaint.
- 83 (5) The department may not release the information it collects under Subsection (3)
84 except in an aggregate count of children receiving care from exempt providers, without
85 identifying a specific provider.