

## Proposed Child Care Legislation 2007 Talking Points

- ❖ All Idaho child care providers benefit from this legislation because licensure will increase **child care availability** and **increase statewide capacity**.

*Once licensed, most providers can increase their capacity to serve families based on a fire inspection rather than on their current designation of family day care (serves fewer than 6 children), group (serves 7 – 12 children) and centers (serve 13 or more children).*

- ❖ A definition of “day care facility”, including most caregivers receiving compensation for services provided to two or more children who are not the caregiver’s children, is added to the statute to clarify the day care settings that must follow health and fire safety guidelines, undergo a criminal history background check and training.

*This ensures that parents have a choice when determining the child care setting that is right for their family. They will be assured that their chosen setting will be a safe and healthy environment for their child.*

- ❖ The definition of child is changed from less than 12 to less than 13 years old.

*The current statute could mean that a 12 year old child in child care subsidized by ICCP would have to have a criminal history background check.*

- ❖ Applicants for a license for a day care facility must be at least 18 years of age.

*Ensures all licensees are of legally accountable age of at least 18 years.*

- ❖ Initial license fee is increased from \$100.00 to \$150.00 due to the increase in cost to license facilities. The renewal fee is increased from \$60.00 to \$90.00.

*Current rate was set approximately 15 years ago and does not cover the increased cost of the licensing process. This rate is still low given the 2 year license period.*

- ❖ A functional telephone is required to be located on the day care facility premises during the hours of operation.

*This change in the language reflects the current use of technology. Since use of cell phones for primary lines is increasing, this change ensures that staff has access to a functional telephone at all times.*

- ❖ Only staff providing direct care to the children can be counted in the staff-to-child ratio. All children on the premises must be counted in the staff-to-child ratio; except a licensee’s own children over 5 years of age will not be counted in the ratio.

*This allows for a true count of the staff-to-child ratio for fire safety purposes.*

- ❖ For purposes of fire safety: the staff-to-child ratio has been changed to
  - 1:6 for infants to 18 months
  - 1: 8 for children 18 months to 24 months
  - 1:10 for children over 24 months to 36 months
  - 1:12 for children over 36 months to 48 months
  - 1:15 children for ages over 48 months to 5 years
  - 1:18 children over 5 years of age

*The younger a child is the more assistance they need. This change enhances child safety in an emergency, such as a fire.*

- ❖ In day care facilities where the age groups are mixed, the staff-to-child ratio is based on a point system used successfully by Boise City for several years. This point system allows each care giver to provide care for no more than 12 children or 10 points, whichever is reached first – if a child under the age of 18 months is present;
  - under 18 months = 2 points, 18 months to 5 years = 1 point, and over five = ½ point.
  - If all of the children in attendance are over the age of 18 months the maximum mixed-age group ratio is one staff member to twelve children (1:12).

*This change enhances child safety in an emergency situation such as a fire.*

- ❖ The requirement for a criminal history background check is amended to include all individuals who reside at a day care facility or are reasonably expected to be left unsupervised with a child. For example, immediate family members, individuals residing on the premises, cooking or janitorial staff or pastors must pass a criminal history background check.

*This provision protects Idaho's children while their parents work or attend school.*

- ❖ A disclosure requirement is added to the statute that requires a day care facility to disclose to parents, staff and the licensing agency if an immediate family member, that may reasonably be on the premises, is a sex offender. This disclosure must be in writing and include a photograph of the individual.

*This language is necessary to ensure that parents and the licensing agency are aware of potentially dangerous individuals who may have access to harm our children.*

- Facilities used for care must be kept in a safe and sanitary condition.
- Smoking and alcohol consumption are prohibited on the day care facility premises during facility operating hours.
- Firearms and weapons are not allowed on the premises of day care centers. In settings, such as family day care homes and group day care facilities, where the care provided to children is in a home, the provider must ensure that firearms and weapons are stored unloaded, locked in a cabinet and inaccessible to children.

- Facilities must maintain safety around pools, hot tubs and bodies of water located on the premises.
- Section 1113 on offenses for denial of license is amended to include all of the offenses H&W has established for criminal history background checks as outlined in IDAPA 16.05.06.

*This clears up the current inconsistency between the statute and the administrative rule governing criminal history background checks.*

- ❖ The statute will be amended to give the licensing agency the authority to suspend or revoke a day care facility's license if children are endangered or a member of the household is required to register as a sex offender.

*Currently, a child care facility cannot lose its license unless a child is harmed with malicious intent and the facility is convicted.*

- ❖ Language is added that will allow a thirty day grace period for day care facilities found to be operating without a license to comply with the provisions of the statute.

*This language provides time for unlicensed providers to meet requirements.*

- ❖ All day care facilities including family or group day care facilities must have at least one person on the premises at all times that children are in attendance certified in First Aid/CPR.

*This provides a necessary safeguard to address medical emergencies involving children in day care settings.*

- ❖ Minimum of 8 hours of training annually in early childhood development and/or health and safety.

*This provision enhances the safety and well being of our children in care.*