

THE SPOKESMAN-REVIEW March 26, 2009 In Idaho**Idaho lawmakers reluctant to license day cares**

Batey Z. Russell / The Spokesman-Review

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Rep. George Saylor, D-Coeur d'Alene, urges support for his legislation requiring licensing of all Idaho day care centers with four or more unrelated children. Despite overwhelmingly positive testimony at a nearly four-hour public hearing, the House Health & Welfare Committee opposed passing the Senate-passed bill as-is, and indefinitely delayed a decision on possible amendments.

BOISE — Even a young mother's anguish over her baby's violent shaking and severe injury by a day-care provider couldn't persuade a House committee on Thursday to endorse basic standards for all Idaho day-cares.

"I believed and trusted her," Brandi Whaley of Twin Falls said of her carefully-picked day-care provider, whom she had interviewed and who sounded great. Passing around pictures of her injured baby, she told the lawmakers, "Although the day care provider was charged with felony injury to a child ... she is still able to watch children if she wants to. ... I would not want another family to have to go through what we did."

After nearly four hours of testimony, nearly all of it in favor of the bill, the House Health and Welfare Committee put off a decision indefinitely on SB 1112, legislation to require all Idaho day cares with four or more unrelated children to be licensed and meet minimum standards, including criminal background checks for workers, minimum staffing levels and health and fire-safety requirements.

"It is imposing what I feel is too much regulation from the state down," said Rep. Lynn Luker, R-Boise.

Said Rep. Steven Thayne, R-Emmett, "Regulation by itself won't solve these problems. Regulation has a place, but if we don't increase the role of the parents in the process, we're not going to get to the heart of it."

The bill, which earlier passed the Senate on a 30-5 vote, isn't dead yet, but its survival is in doubt. During Thursday's committee hearing, backers offered to limit it to just day cares with seven or more unrelated children, but even that didn't garner support from a majority of the committee.

"I knew it was in trouble," said Rep. George Saylor, D-Coeur d'Alene, who has proposed such legislation every year for the past five years. He had talked with members of the House majority leadership before the hearing, and was told at least one could live with the bill if it was limited to centers with seven or more kids.

"It's still progress — it's not what we would like, but in this climate, change is very incremental," Saylor said.

Thirteen people testified in favor of the bill, and two, a former home day-care operator and a conservative Christian activist, testified against it. Those in favor included day-care operators, child advocates, parents, the mayor of Eagle, a victim-witness coordinator, a representative of the Catholic Diocese of Idaho, and a spokesman for the state's health districts.

Whaley told the committee her day-care provider lied about being certified in CPR and first aid and had a history that included embezzlement. Whaley's 5-month-old daughter

suffered two broken ribs, a fractured arm, bleeding on the brain, blood pooling in her spine and hundreds of hemorrhages in each eye from the shaking.

Charlotte Mallet of the American Association of University Women told the committee, "This is not an issue of whether a child should be with a parent or in a child-care environment. In Idaho, three out of five children under age 5 are in child care settings. ... This bill is for these children."

More than 70,000 Idaho children go to day care. The state doesn't license any day-care operations with fewer than 13 unrelated children, though some cities do, including Coeur d'Alene. For the past five years, social conservatives in the Legislature have blocked Saylor's legislation for statewide licensing, with some saying mothers should stay home with their children.

The Rev. Bryan Fischer, one of the two opponents to testify, told the committee that parents, not the state, should decide what is adequate day care. "A state inspector may visit a day care center once a year - parents are in there every single day," he said. "Parents are the ones that are in the best position to do the inspections that we're talking about."

Rep. Branden Durst, D-Boise, countered, "The fact of the matter is we can't make a provider tell us the truth about whether they got a background check done. There's only one actor that can make them do that, and that's the state."

Durst called for passing the bill as-is, but his motion died on a 4-12 vote. A move to send the bill to the House's amending order to change it to apply only to centers with seven or more children died on a 7-9 vote, and then the committee voted for an indefinite delay on a voice vote.

Saylor said there's widespread public support for the bill in Idaho. "It's the very conservative ideology that we've run up against in the past," he said.

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