

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3617 HSTA DAY CARE IN STATE BUILDINGS (FILE 1)

493

CHILD AND DEPENDENT CARE TAX CREDITS/DEDUCTIONS

<u>STATE</u>	<u>CODE CITE</u>	<u>DATE ENACTED</u>	<u>CREDIT DEDUCTION</u>	<u>TIED INTO FEDERAL CODE</u>	<u>EXPLANATION</u>
Colorado	Colo. Revised Stat. 39-22-110(m)	1-1-78	True Deduction	Yes	A Colorado taxpayer may deduct a fraction of his/her income under Federal Credit for Dependent Care. The numerator of that fraction is 100 percent and the denominator is the percentage used to compute the Federal Child Care Credit.
District of Columbia	D.C. Code § 47-1801J		True Deduction	Yes	Individuals are allowed to deduct dependent care expenses to the same extent that such amount is deductible under § 214 of the IRC of 1954, as amended prior to its 1976 repeal. Dependent is defined as someone who is under age 15 and with respect to whom the taxpayer is entitled to a deduction under § 151(c) of IRC 1976. Employment-related expenses which may be taken into account may not exceed \$200 per month in the case of 1 individual, \$400 in the case of two individuals and \$600 in the case of three or more individuals.
Georgia	91A Georgia Code § 1609	1978	True Credit	Yes	Individuals are allowed a credit for taxes imposed in an amount equal to 10 percent of employment-related expenses. This amount shall not exceed \$1,000 if there is one qualifying individual, \$2,000 if there are two or more qualifying individuals. (Refer to fund 10)

\*Materials provided by Children's Defense Fund

<u>STATE</u>	<u>CODE CITE</u>	<u>DATE ENACTED</u>	<u>CREDIT DEDUCTION</u>	<u>TIED TO FEDERAL CREDIT</u>	<u>EXPLANATION</u>
Hawaii	Haw. Stat. § 235-55.6	Enacted 1977 Amended 1981	True Credit	Yes	Individuals are allowed a credit against taxes imposed in an amount equal to 5 percent of the employment-related expenses. The amount of employment-related expenses which may be taken into account may not exceed \$2,000 if there is one qualifying individual and \$4,000 if there are two or more qualifying individuals. Non-refundable.
Idaho	Idaho Code § 63-3622b	1977	True Deduction	Yes	Individuals are allowed as a deduction, the employment-related expenses for dependent care as defined in IRC 44A(c)(2). The amount of employment-related expenses which may be taken into account may not exceed \$2,000 if there is one qualifying individual and \$4,000 if there are two or more qualifying individuals. Non-refundable.
Iowa	Iowa Code § 422.12	1977 Amended 1989	True Credit	Yes	Individuals are allowed as a credit against taxes imposed, an amount equal to 5 percent employment-related expenses, subject to the limitations provided by IRC § 44A. Non-refundable.
Kansas	Kan. Stat. § 79-32.111A		True Credit	Yes	Individuals may credit a percentage of the Federal Credit for Dependent Care expense against his/her Kansas Personal Income Tax Liability. The percentage is determined on a graduated scale depending upon an individual's Kansas adjusted gross income. The percentages range from 100 percent for taxpayers with an adjusted gross income of not over \$5,000; to 0 percent for taxpayers with an adjusted gross income of \$14,000.01 and over.

<u>STATE</u>	<u>CODE CITE</u>	<u>DATE ENACTED</u>	<u>CREDIT DEDUCTION</u>	<u>FED. 1970 FEDERAL CODE</u>	<u>EXPLANATION</u>
Kentucky	Fy. Revised Stat. 9-141,910	1979	True Credit	Yes	A Kentucky taxpayer computes his net Kentucky income tax on the Federal taxable income actually paid or accrued for the year on income taxed in Kentucky, minus any Federal tax credits actually used by the taxpayer, thus the Federal Credit for Dependent Care services is available against Kentucky tax liability.
Louisiana	47 La. Revised Stat. 88-296 et. seq.		True Credit	Yes	A Louisiana taxpayer computes his net personal income tax as a fraction of the Federal income tax liability, thereby incorporating the Federal credit for dependent and child care expenses.
Maine	36 Me. Revised Stat. 8-5127(2)	1969	True Credit	Yes	Individuals are allowed as a credit against taxes imposed, an amount equal to 15 percent of the Federal tax credit allowable for child care expenses. In no case will this credit reduce the income tax to less than zero. Non-refundable.
Maryland	21 Md. Code 8-210(f)		True Deduction	Yes	A Maryland taxpayer may deduct the dependent care expenses for which a credit is allowable under IRC § 44A. Non-refundable.
Massachusetts	62 Mass. Gen. Laws 8-10		True Deduction		Individuals are allowed to reduce their adjusted gross income in an amount equal to the child care credit allowable under IRC § 44A computed without regard to Section 44A(d) of the Code multiplied by 50.

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Minnesota	Minn. Stat. § 290.067	1977 Amended 1980, 81	True Credit	Yes	<p>An individual may take as a credit against tax due an amount equal to the dependent care credit for which he is eligible under IRC § 44A subject to the following limitations:</p> <ol style="list-style-type: none"> <li>1) The credit for expenses incurred for employment-related dependent care may not exceed \$400 for one individual and \$800 for two or more dependents.</li> <li>2) The credit is refundable.</li> <li>3) The total credit is reduced by 5 percent of the amount by which the combined Federal adjusted gross income of the taxpayers exceeds \$15,000.</li> </ol>
Montana	Revised Code of Mont. § 15-30-131		True Deduction	Yes	<p>In computing net income, there are allowed as deductions, child and dependent care services determined in accordance with the provisions of § 214 of the IRC of 1954 that were in effect for the taxable year that began January 1, 1974. The amount of employment-related expenses which may be taken into account is limited to \$600 for one individual and an amount not greater than \$900 for 2 or more dependents. Dependent is defined as a person with respect to whom the taxpayer is entitled to an exemption under Sec. 15(e) who has not attained the age of 13 years.</p>
Nebraska	Neb. Revised Stat. § 77-2715		True Credit	Yes	<p>A Nebraska taxpayer computes his/her income tax as a fraction of the Federal Income Tax liability, therefore, adopting the Federal Dependent Care Credit IRC § 44A.</p>

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New York	60 NY Consol. Laws Art. 23 § 606	Amended 1977	True Credit	Yes	Individuals are allowed a credit against taxes imposed in an amount equal to 20 percent of the credit allowed such taxpayer pursuant to IRC § 44A. The amount of the credit allowable against New York tax may not exceed the amount of New York tax. Non-refundable.
New Jersey	NJ Revised Stat. § 54:8A-15.1	Enacted 1978 Amended 1981	True Credit	Yes	Individuals are allowed a credit against taxes imposed in an amount equal to 20 percent of the credit allowed such taxpayer pursuant to IRC § 44A. The amount of the credit allowable against New Jersey tax may not exceed the amount of state tax. Non-refundable.
North Carolina	NC Gen. Stat. § 105-147	1981	True Credit	No	Individuals are allowed a credit against taxes imposed in an amount equal to 7 percent of employment-related expenses. The expenses on which the credit is computed shall not exceed \$2,000 for one qualifying individual and \$4,000 per year total. Non-refundable.
Oklahoma	68 OK Stat. § 2357	1975	True Credit	Yes	Individuals are allowed a credit against taxes imposed in an amount equal to 20 percent of the credit allowed such a taxpayer pursuant to IRC § 44A. The maximum child care credit allowable on the Oklahoma tax return shall be prorated on the ratio that Oklahoma adjusted gross income bears to the Federal adjusted gross income.

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Oregon	Ore. Stat. § 316.078		True Credit	Yes	Individuals are allowed a credit against taxes imposed in an amount equal to 40 percent of the credit allowed such a taxpayer pursuant to IRC § 44A. Non-refundable.
South Carolina	SC Code 12-7-700		True Deduction	Yes	Individuals are allowed to deduct up to \$400 per month in dependent care expenses, subject to rules like those of IRC § 44A. This deduction is reduced if the taxpayer's adjusted gross income exceeds \$18,000. Employment-related expenses incurred during any month shall be reduced by that portion of one-half of the excess of the adjusted gross income of the taxpayer over eighteen thousand dollars which is properly allocated to such month.
Vermont	32 Vt. Stat. § 5822		True Credit	Yes	A Vermont taxpayer computes his/her Vermont personal income tax as a fraction of the individual's Federal income tax liability, thereby incorporating the provisions of the Federal child care credit.
Virginia	Va. Code § 58-151-013	Amended 1981, 82	True Deduction	Yes	Individuals are allowed a deduction equal to the amount of employment-related expenses upon which the Federal credit is based under § 44A of the Internal Revenue Code.
Wisconsin	Wis. Code § 71.02		True Credit	Yes	A Wisconsin taxpayer may receive a credit based on 30 percent of the federal credit beginning with the 1984 tax year.

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Addendum--					
New Mexico			Refundable Credit		
<u>CORPORATE TAX CREDITS</u>					
Connecticut	Public Act 81-100	May 1981	True Credit	No	Corporations are allowed a credit against taxes imposed in amount equal to 25 percent of total expenditures paid or incurred for planning, renovation, or acquisition of a child day care facility provided it is a licensed center and is operated without profit.
Florida	Chapt. 80-249 Laws of Fla.	July 1980	True Credit	No	Private businesses are allowed a 50 percent credit on their state income tax for contributions to local community development projects. Day care is considered a community service. Credit is non-refundable.
Michigan	Mich. Com. Laws § 7.558(39a)	1980	True Credit	No	Corporations are allowed as a credit against tax imposed, an amount determined by multiplying the sum of all equivalent hours (each child's total number divided by 2,000) of child care provided by \$45.00. The credit shall not be in excess of 10 percent of the tax liability of the taxpayer. The child care center must be a facility licensed by the state's department of social services.

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<u>Dependent Care Assistance Plan Related Tax Provisions</u>					
California	Assembly Bill 2595 Ch. 1558	1982		No	Gross income of an employee shall not include amounts paid or incurred by the employer for dependent care assistance provided to the employee. Such program shall be a separate written plan of an employer for the exclusive benefit of his or her employees to provide those employees with dependent care assistance which meets the requirements set out in 2 through 6 of Sec. (d) of the amendment.

LICENSING/REGULATING FAMILY DAY CARE:  
SOME GUIDES TO POLICY CHOICES  
FOR STATES

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## I. Introduction

Family day care has historically been an unregulated arrangement between parents and the caregivers; between 80-90% of such care is not currently regulated, though some sections of the country have a high amount of regulated care. There are several reasons for this lack of regulatory oversight by states:

- fear of regulation and inspections by authorities, as well as fear of having to pay income taxes on income
- ignorance of the law (few states widely publicize their day care rules)
- exemptions (though 18 states require licensing of anyone caring for one or more children, 12 states do not require a license until 2, 3, or 4 children are in care--this means many providers in many states are not required to be licensed)
- defiance of the law, intimating that the law "doesn't apply" in their particular situation.

With the increase in employed parents, the lack of neighborhood child care that is familiar, and the fact that there are 2,000,000 children enrolled in center care but 8,000,000 children under 6 who need day care, there is need for states to examine family day care regulatory policies. The reality is that family day care is going to continue to be the prime source of day care for millions of families.

## II. Regulatory Options

Licensing, registration, certification (for funding), and/or approval are common types of regulations. In addition, some states can license family day care systems (sponsoring organizations such as day care centers or non-profit agencies that approve a number of homes). Each type of regulation has its

elements which have been traditionally identified with that regulation (e.g. licensing typically requires an inspection by a day care licenser). A full definition of these various regulatory options can be found elsewhere (Adams, 1982; Morgan, 1976, etc.)

### III. Criteria

Assessing the effectiveness of any given state's regulatory policy for family day care could be done by using the criteria of equity, preference satisfaction, efficiency, and political feasibility, as well as the criteria of improved quality of care and expanded supply of family day care.

Is the policy fair? Do the regulations recognize the unique qualities of family day care (in a private home, small groups of children, able to care for children of different ages, etc.), while at the same time recognizing the similarities of family and center day care (each part of the day care system in communities, each contributing to the stability of families, etc.)?

Does the policy enable parents to display their preferences? Do the regulations hinder or prohibit the development of family day care (preferred highly for infants and toddlers, especially)?

Is the policy efficient? Can the state carry out the regulatory policy in an efficient manner; is the policy clear, and enforceable?

Can the policy be implemented? What is politically feasible in one state, say, may be entirely unfeasible in another. In order to avoid "losing" licensing altogether, it may be wise to try to assess feasibility of enactment well ahead of time.

Will the policy improve accessibility for parents? States that regulate fewer than 15 - 20% of the estimated number of family day care homes have a situation in which parents probably cannot find the kind of care they want. Along with accessibility goes public information--for more informed consumers.

Will the policy improve quality of family day care? This is a most difficult criterion, for there are few data to support the notion that

in and of themselves will improve quality. However, the standards have a teaching potential and, if training is required in the regulations, have some positive effect on overall quality.

#### IV. Elements of a Sound Regulatory Policy

A long list could be compiled of important elements in any sound regulatory system; I am including the few I consider most important.

1. Clear, understandable rules, so that the general public could understand them.

2. They should ensure reasonable protection for as many children as possible (there are really three possible approaches: protect all children minimally, protect just a few children to the utmost, or try to have reasonable protection for as many as possible).

3. The standards should be monitorable and enforceable.

4. They should be reasonable to the providers.

5. The regulations should encourage (and depend on) the involvement of informed consumers.

6. They should be uniformly applied throughout the state.

7. (Probably more debatable for some people) The standards should set some basic guidelines for program activities.

Establishing state goals (e.g. greatly increasing the number of regulated homes) for family day care regulations is one step in the process of making policy choices. Reducing the risk for children in day care, allowing operators to do day care in their homes legally, and assisting parents in consumer decision making are additional steps. Each option considered (for instance, traditional licensing) should include examination of the broader goals for a state's youngest citizens--its children. Registration--an improved form of licensing--is being widely considered as a policy option which meets many of the above criteria.

## HISTORY OF FAMILY DAY CARE REGISTRATION

- 1963--N. Class -- "Licensing of Child Care Facilities by State Welfare Departments," HEW publication, first developed the concept of registration.
- 1971--North Carolina State licensing law mentions registration (but only as a census figure -- not "regulation"). Is now a system not requiring meeting any "standards." A registration form is filed with the State by anyone caring for 1-5 children (called a "day care plan").
- 1972--Class -- "The Public Regulation of FDC: An Innovative Proposal," California Conference, further exploration.
- 1973--Michigan -- pilot for a few counties for 2 years. Major research study completed by 1979. Status ~~uncertain~~.
- 1974--California -- attempted to make registration instead of licensing the form of regulation for FDC. Soundly defeated -- partly by licensed providers.
- 1974--Massachusetts -- Office for Children changed traditional regulation (licensing) of FDC to new method called registration. (Did not require changing State law since the Office was given authority for development, application and enforcement of FDC all along.)
- 1975--Texas State law -- first state to require registration as a form of regulation for day care homes on statewide basis. Major research study completed.
- 1975--North Dakota -- set up registration system instead of traditional licensing. Violation of standards is a misdemeanor.
- 1977--Florida -- set up registration for homes not required to be licensed (1-5 children); however, licensing is not done in all counties, nor is registration.
- 1977--South Carolina -- new regulatory act required all FDC providers to "register," also includes annual renewal of registration.
- 1977--First National Conference on FDC registration held, in Texas.
- 1978--Wisconsin -- report from State Day Care Advisory Committee was reviewed during public comment period. 4-C recommended a combination registration and licensing system for family day care. Three options to registration were noted:
1. Simple Registration
  2. Registration with Training
  3. Registration with Standards
- 1979-80--Wisconsin -- studies the issue of registration.
- 1980--California -- Pilot Registration System, coordinated in Alameda County by BANANAS. For providers caring for 1-5 children; part of a research study to note more or less compliance than licensing, different costs to the State.

*1983 - Maryland moves to registration*

## Family Day Care Regulations

### Exemplary Registration Standards

Nebraska: "Nebraska law requires anyone caring for more than one family to be licensed. The licensing program for family day care homes in Nebraska is called Registration."  
(1978)

The booklet is about 15 pages long; and is divided into sections (definitions, the registration process, the caregiver, program, child health, transportation, infant care, evening care, health and sanitation, and fire safety).

Each section contains 5-10 simple rules.

The legal basis (Nebraska Statutes, Article 19) is included in the last section.

Pennsylvania: "Pennsylvania has a new system for regulating Family Day Care. It is called Registration."  
(1981)

The booklet is 10 pages long. The map of Pennsylvania showing the public welfare regions and contact person's addresses and phone numbers is on the first page.

Definition of terms and the legal base come first, then general requirements (qualifications, ratios, equipment, etc.), followed by special requirements for infant/toddler care.

Under Food and Nutrition, for example, there are two rules: 1) feed the children at least every 4.5 hours and 2) feed children nutritional meals comprising good food from each of the four food groups.

National Survey of Family Day Care Regulations

by

Diane Adara

July, 1982

A survey of all 50 states regarding the status of family day care regulations took place in February/March, 1982. The author is analyzing state policies as part of a policy analysis at the Bush Institute for Child and Family Policy, University of North Carolina, Chapel Hill, N.C. All states (100%) responded to the telephone survey, plus the Virgin Islands, Puerto Rico, and the District of Columbia. The following data are from the survey. (The rapid change occurring in state day care regulations causes some of this information to be out of date already; such changes will be noted where possible.)

1. Number of states and territories = 54 (including Guam)
2. Number of children (capacity) in regulated/licensed child care facilities:  
2,795,800 (includes the capacity of full-day centers, part-day centers, Head Start, family day care homes, group family day care in all states)
3. Number of full- and part-day centers:  
50,120
4. Number of regulated (licensed, registered, approved/certified) family day care homes: 137,865

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The most frequently cited figures are that there are about 1 million places in day care centers (Children at the Center, 1979). This current survey shows more than twice that many places; it is unknown whether this report means a 50% increase or whether the previous study did not include part-day preschools. The 1979 figures showed 13,000 centers. Again, these figures may not have included the many part-day programs in states. The number of regulated homes seems to be in agreement with estimates (National Day Care Home Study, 1981) that no more

family day care homes in the country; 137,000 would be just over 10% who follow the regulatory law.

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### 5. State family day care regulations (N=54)

None (except for publicly purchased care): Arizona, Louisiana, New Jersey, Ohio, West Virginia

License (starting with 1 child=18; starting with 2-3-4 children=12; starting with 5-6 children=5): Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, D.C., Guam, Florida, Hawaii, Idaho, Illinois, Indiana, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Puerto Rico, Rhode Island, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, Wisconsin, Wyoming.

Register (mandatory=8, voluntary=3; only two states start registration with 3-4 children, all the rest start with 1 child): Georgia, Iowa, Massachusetts, Michigan, Montana, Nebraska, North Carolina (no standards), Oregon, Pennsylvania, South Dakota, Texas.

Both License and Register (depending on whether caring for publicly-funded children or an option for providers): Kansas, Maine, South Carolina.

See Appendix 1 for a complete state and territory description. Note that Georgia and Maryland are two states that have changed status since February (Georgia to mandatory registration, Maryland from licensing to registration).

While 31 states and the 3 territories and D.C. have licensing, many states are considering registration and/or have registration legislation pending. If these pass, within the next year half the states might register homes.

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### 6. The Costs of Regulating

Using an estimated figure (based on the actual regulatory budgets of 8 states averaged), taken times the number of licensing personnel, we find a total of \$46,912,000 spent in 1981 to regulate all day care. Only a portion of this is used to regulate family day care. Large states (California with 198 licensing workers, Texas with 199), of course, spend considerably more than medium-sized states (such as Michigan with 72 workers and Alabama with 76). Small states (Nevada with 1 licensing supervisor and Idaho with 9 workers) have a small

What cannot be estimated from these budget estimates is what it costs to register homes as opposed to license homes. A 1977 Michigan report cites lower costs with registration than with licensing (Registration of Family Day Homes, 1977). States that register may have initial costs that become amortized as many more homes enter the registration system, so that more licensing workers are not needed proportionately.

Below are some examples of ratios of licensing workers to regulated homes.

<u>Register</u> (Ratio of workers to homes)	<u>License</u> (Ratio of workers to homes)
Massachusetts 1:231.8	Alabama 1:32.8
Oregon 1:123.5	Connecticut 1:92
Texas 1:119.7	Delaware 1:96

These data do not necessarily "prove" that registration would stretch the licensing worker load. Colorado, for example, shows 23 workers for 8330 licensed homes (a ratio of 1:362), while Pennsylvania, which recently moved to registration, shows 47 workers for 1930 registered homes (a ratio of 1:47).

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#### 4. Legislation

Twenty-five states have some proposed day care legislation pending (or enacted this session). Legislation regarding ratios, charging fees for certification of centers and homes, exempting church-sponsored or "educational" preschools, and family day care registration are among the topics proposed for legislative change.

Nine states (D.C., Kentucky, Nebraska, North Carolina, North Dakota, Rhode Island, Utah, Vermont, Wyoming) are currently undertaking a comprehensive examination of day care in the state. Georgia has just completed such a study; Wisconsin is studying all children's issues--including day care.

Specific information about day care legislation could be obtained from Legislative Reference Bureaus in Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, New Mexico, Washington, and West Virginia--among the 25 states with proposed legislative changes.

Since the demise of the Federal Interagency Day Care Requirements (FIDCR), states now use their own licensing and/or registration standards (or certification standards alone) for purchasing care.

Thirty states (53%) use their licensing or registration standards as the purchasing standards for family day care; 13 states (25%) have a distinctive certification or approval standard from basic licensing or registration; 8 states (16%) use basic licensing or registration plus some added standards for purchased care. The following table outlines the purchasing standards:

(L) (R)  
Same as licensing or registration standard for purchase (N=30)

Alabama (L), Alaska (L)(does not purchase Title XX), Colorado (L), Florida (L), Georgia (R), Hawaii (L), Idaho (L), Illinois (L), Indiana (L), Iowa (R), Kansas(L.&R), Kentucky (L), Maine (L&R), Maryland (R), Massachusetts (R), Michigan (R), Minnesota (L), Missouri (L), Montana (R), Nevada (L), North Dakota (L), Oklahoma (L), Oregon (R), Pennsylvania (R), Rhode Island (L), South Carolina (L & R), Utah (L), Vermont (L), Washington (L), Wyoming (L).

Different certification or approval standards from basic license or registration (N=13)

Arizona, Louisiana, New Jersey, Ohio, W. Virginia - no other standards  
Connecticut (L), Mississippi (L), New Mexico (L), New York (L), North Carolina (R), Texas (R), Virginia (L), Wisconsin (L).

Basic licensing or registration, plus some added standard for purchase (N=8)

Arkansas (L), California (L), Delaware (L), D.C. (L), Nebraska (R), New Hampshire (L), South Dakota (R), Tennessee (L).

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Only 4 of the states using a registration system feel they must use a different standard or some added regulation for purchase of care.

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9. Child Care Food Program (CCFP)

The CCFP requires a home to be regulated and part of an umbrella sponsoring agency in order to participate. Respondents queried about the impact of the CCFP in bringing more community family day care providers into the regulatory system said that the food program has been a strong influence in increasing

the number of regulated homes:

(N=18) A great deal - Alabama, Alaska, Arizona, Connecticut, Georgia, Kansas, Kentucky, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, Oregon, South Carolina, Washington, Wisconsin, Wyoming.

(N=16) Some - Arkansas, Colorado, D.C., Florida, Idaho, Illinois, Iowa, Maine, Massachusetts, Missouri, New Mexico, North Carolina, Ohio, Pennsylvania, South Dakota, Utah, Vermont, W. Virginia.

(N=12) Not very much - Delaware, Hawaii, Maryland, Michigan, Nevada, New Jersey, New York, Rhode Island, Tennessee, Texas, Virginia, Virgin Islands

(N=3) Not sure - California, Indiana, Puerto Rico

(N=2) Absolutely none - Louisiana, Oklahoma

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#### 10. The Role of Regulations

As to why the licensing officials believe family day care providers follow the regulatory law, status and prestige is foremost. A rank-ordering of the most frequently-given reasons why licensors think providers become licensed or registered is given below:

1. Status (prestige reason)
  2. To receive public dollars (Title XX or Child Care Food Program, for example)
  3. To obey the law (a legal reason for law-abiding citizens)
  4. To receive training and technical assistance (when available)
  5. Professionalism
  6. Information and referral (publicity) possibilities
  7. For business benefits (tax benefits)
  8. In order to advertise legally
  9. For contacts with other providers
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#### 11. Enforcement

Twenty-four states they have "very much" enforcement of their regulations for family day care; 19 say they have "some"; 7 say they have "very little"; 3 believe they have none at all or there was no answer. (N=53 states and territories).

of states license homes). Only 6% put registration as a first choice. It would appear that licensing officials are willing to explore all the policy options, and would like to see the regulatory burden shared with some agencies that could be monitored perhaps more easily than individual homes. The fact that registration is "last" overall may mean it is less well understood by many licensing officials.

In 51% of the cases, the preferred policy option matched the current policy in the state; 49% said their preferred option did not match current policy.

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This summary shows several important findings about family day care regulations as they are currently operating in the United States. First, there is much transition, as states move from licensing to registration, enact new standards for purchase of care with the demise of FIDCR, or "lose" some of their enforcement powers. Second, the licensing officials may be committed to the policy in their states or may be eager to try another approach to regulating homes. Third, the number of regulated homes has not increased dramatically in the past few years, despite the large number of registered homes in states like Texas and Michigan, and despite the influence of the Child Care Food Program nationwide. Rather, increases have been localized in certain states and under certain regulatory systems.

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12. Do the Regulations Improve Quality of Care?

Fifteen states felt their family day care regulations improved the quality of care ("strongly agree"), 20 had mild agreement with this statement, 7 mildly disagreed, 5 strongly disagreed, 1 was unsure, and there were 3 no answers.

As to exactly how the regulations might improve quality, states had three basic categories of answers: the regulations raise awareness of what constitutes good child care (the regulations were seen as "educational"), they were seen as "better than nothing," or the regulations did not do much one way or the other.

The following states are grouped according to the category of response:

(N=26) Regulations raise awareness of good care: Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Puerto Rico, South Carolina, Texas, Utah, Washington, West Virginia.

(N=11) Regulations are better than nothing: Alabama, D.C., Hawaii, Idaho, Kansas, Michigan, Mississippi, Oregon, Rhode Island, South Dakota, Virginia.

(N=11) Regulations do not do much one way or the other to improve quality: Alaska, California, Florida, Louisiana, Montana, North Carolina, Ohio, Tennessee, Virgin Islands, Wisconsin, Wyoming

(N=3) No answer: Arizona, Maryland, Vermont

(N=1) Regulations give the power to revoke/get rid of bad care: Minnesota

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13. Policy options for regulating family day care homes

The most-frequent response to the policy options favored licensing systems, which then would in turn regulate homes. (Only 14 states currently do this, another 10 could under state statute). This option was often given as a policy choice with some other regulation, such as licensing. The following is how licensors ranked the policy options on an overall basis:

	Rating (1=low, 7=hi)
1. License family day care agencies or systems	6.16
2. Have graded licensing for homes, levels of quality	4.26
3. Traditional licensing	4.17
4. No regulations at all for homes	3.35
5. Certification of homes (only where care is purchased)	3.43
6. Registration (no standards)	3.08
7. Registration (with standards)	2.96

Only 7% of the licensing officials put licensing as their first choice (65%

NUMBER OF FAMILY DAY CARE PROVIDERS

STATE	CURRENT REGULATION	CHILDREN COVERED BY POLICY (including own children)	NUMBER OF PR
ALABAMA	LICENSE	1-6 °	2500
ALASKA	LICENSE	4-10	350
ARIZONA	None, except for public \$\$	None, for fewer than 5	1500 "Cert
ARKANSAS	LICENSE	6-10	430
CALIFORNIA	LICENSE	1-6	23,500
COLORADO	LICENSE	1-6	8330
CONNECTICUT	LICENSE	1-4	2400
DELAWARE	LICENSE	1-6	480
DIST. OF COLUMBIA	LICENSE	1-5 °	670
FLORIDA	LICENSE (optional w/courty)	1-5	1270
GEORGIA	REGISTER (voluntary) **	3-6	1000
HAWAII	LICENSE	2-5	280
IDAHO	LICENSE	1-6	250
ILLINOIS	LICENSE	3-8	8600
INDIANA	LICENSE	1-10	1600
IOWA	REGISTER (voluntary)	1-6	2600
KANSAS	LICENSE and REGISTER (voluntary)	1-6 (R), 7-10 (L)	3900
KENTUCKY	LICENSE	4-12	215
LOUISIANA	None, except for pub <sup>l</sup> \$\$	None, for fewer than 6	80 "Cer

STATE	CURRENT REGULATION	CHILDREN COVERED BY POLICY (including own children)	NUMBER OF PROVIDERS
MAINE	LICENSE and REGISTER (mandatory)	3-12	530
MARYLAND	LICENSE **	1-6	5200
MASSACHUSETTS	REGISTER (mandatory)	1-6	5100
MICHIGAN	REGISTER (mandatory)	1-6	10,900
MINNESOTA	LICENSE	1-5	9,000
MISSISSIPPI	LICENSE	6-15	100
MISSOURI	LICENSE	4-6 °	500
MONTANA	REGISTER (mandatory)	1-6	750
NEBRASKA	REGISTER (mandatory)	1-8	1550
NEVADA	LICENSE	5-6	50
NEW HAMPSHIRE	LICENSE	4-6	520
NEW JERSEY	None, except for public §§	None, for fewer than 6	800 "Approved"
NEW MEXICO	LICENSE	4-6	510
NEW YORK	LICENSE (called "certify")	1-6	6200
NORTH CAROLINA	REGISTER (no standards)	2-5 °	(6000) "Approved"
NORTH DAKOTA	LICENSE	1-7	1000
OHIO	None, except for public §§	None, for fewer than 4	50
OKLAHOMA	LICENSE	1-5	700
OREGON	REGISTER (voluntary)	1-5	2100
PENNSYLVANIA	REGISTER (mandatory)	4-6 °	1950

NUMBER OF FAMILY DAY CARE PROVIDERS

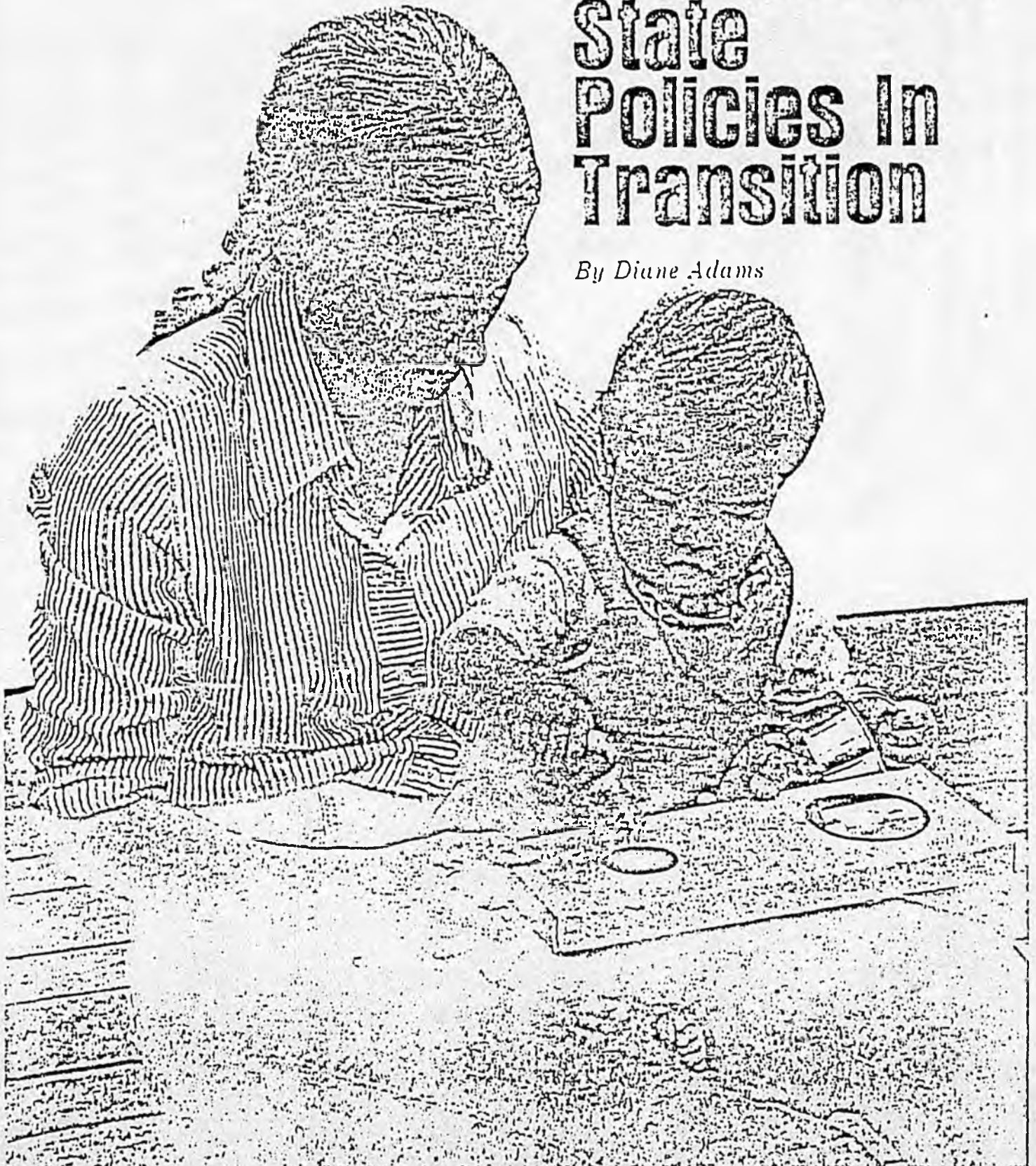
STATE	CURRENT REGULATION	CHILDREN COVERED BY POLICY (including own children)	NUMBER OF PROVIDERS
PUERTO RICO	LICENSE	2-6	320
RHODE ISLAND	LICENSE	1-6	1000
SOUTH CAROLINA	LICENSE (for prohibited) and REGISTER (voluntary)	1-6	810
SOUTH DAKOTA	REGISTER (both voluntary and mandatory)	1-12	2650
TENNESSEE	LICENSE	5-7 °	300
TEXAS	REGISTER (mandatory)	1-6 °	14,250
UTAH	LICENSE	3-6	1400
VERMONT	LICENSE	1-6	160
VIRGINIA	LICENSE	5-9	260
VIRGIN ISLANDS	LICENSE	3-6	10
WASHINGTON	LICENSE	1-6	7000
WEST VIRGINIA	None, except for public §§	None, for fewer than 7	1150 "Approve"
WISCONSIN	LICENSE	4-8	260
WYOMING	LICENSE (called "certify")	2-6	700

(° Does not include own children)

TOTALS:	STATES USING LICENSING	- 31	TERRITORIES USING LICENSING	- 4
	STATES USING REGISTRATION - (mandatory)	- 8		
	REGISTRATION (voluntary)	- 3		
	STATES USING BOTH LICENSING AND REGISTRATION	-		
	STATES WHERE ONLY REGULATION IS	-		
	FOR PUBLIC §§	-		

# Family Day Care Regulations: State Policies In Transition

*By Diane Adams*



Attitudes toward the regulation of family day care homes have changed considerably since licensing of homes was first instituted. Today's "deregulation" mood, the declining dollars for human services, and increased professionalism of family day care providers are among the many factors affecting state policies. This article will report on a policy analysis problem — family day care regulations — and a survey of state licensing officials in the 50 states.

Family day care has emerged from the "shadows" to become recognized for its important role in American child care (Wattenberg, 1981). Providers are becoming more committed to the family day care profession, and are forming state and local associations. There are about 110 such associations at this writing (Children's Foundation, personal communication).

These are hopeful signs for a type of child care that has often been viewed as little more than an unstructured "babysitting" arrangement for neighborhood children or a substitute for center care when that was not readily available. Family day care providers may now make a choice about whether to consider themselves professionals or not, based on personal decision rather than a societal view that child care is not quite legitimate.

There is unprecedented need for, and use of, all kinds of child care services, including family day care. At the same time, federal, state, and local funds are being squeezed by an economy in trouble. It is also a political period in which states are empowered by the federal government to take on new responsibilities for social programs. One of these is the

regulation of family day care for low-income children whose care is subsidized.

The regulation of day care centers and homes has a long history, and standards were initially based on foster care licensing laws. By 1968 day care licensing was operating to some extent or as a "very well established service" in all 50 states plus the territories and Washington, D.C. (Fosburg, 1981). Family day care homes also fell under licensure in most of the states by the time of a 1971 survey. Homes where care was purchased for low-income children were also "certified" under state interpretation of the Federal Interagency Day Care Requirements (FIDCR).

The federal requirements, enacted in 1968, were the cause of heated debate for many years, until they were finally dismantled in January, 1982. People both in and out of government could not agree as to whether the federal standards were intended to help provide low-cost care for mothers on welfare who sought employment or whether the standards were intended to promote high-cost, developmental care for disadvantaged children.

Most states had enacted licensing laws that were not comparable to other states, so there seemed to be a need to have one federal standard for the purchase of care for low-income children. There might have been hope that the FIDCR would improve state licensing laws by some process of osmosis. The federal standards became rather quickly embroiled in controversy and never were satisfactorily supported for their "appropriateness." Finally, in the Omnibus Budget Reconciliation Act of 1981, the standards were eliminated. At the present time each state's day care regulations will be the standards by which care may be purchased for low-income children.

This presents an unusually interesting topic for study. What regulations are found in the states for family day care? What will states do about regulating homes when they have had no basic licensing standards? How will states deal with regulating family day care in a time when state legislatures are demanding less regulation? These questions formed the basis for a policy analysis carried out by the author, a professional fellow at the Rush Institute

for Child and Family Policy at the University of North Carolina/Chapel Hill. To obtain current information about the status of family day care regulations, state directors of day care licensing were surveyed by telephone during February, 1982. Every state (plus Puerto Rico, the Virgin Islands, and the District of Columbia) participated in the interviews, for a 100% response rate.

Directors were asked about the state's regulations for family day care, current family day care issues, and any proposed legislative changes in the state rules. Information about the number of licensed center facilities and the number of licensing workers was also obtained, and the directors ranked a list of possible policy alternatives for regulating family day care. The results of the survey reveal state policies in transition and an unclear future for family day care regulations.

The sheer number of family day care providers who are unregulated has been one impetus for proposed changes. One estimate is that no more than 10% of all family day care providers follow the regulatory law in their states (Fosburg, 1981). There are many reasons for this. Among them are complete ignorance of the law (licensing is often the "best kept secret" in a state); defiance of the law ("it doesn't apply to me"); and fear of intrusion (licensing may be accompanied by inspections from several state or county agencies).

This study verified the high number of unregulated providers. State licensing officials could document about 140,000 providers nationally, a little over 10% of the 1.3 million estimated in the National Day Care Home Study (1981). This is in contrast to day care centers, 90% of whom are licensed.

The variety of regulations for family day care is accounted for by historical plan or accident and current shifts in emphasis. There are three major forms of family day care regulations, each with distinctive features.

#### Regulations

Licensing amounts to a "formal permission to operate" by the state. The state agency sets the standards, inspects to make sure the provider meets the standards, and employs some enforcement measures when providers do not meet the standards.

Registration is a newer form of



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regulation. It may be based on state licensing standards or some other standard. Registration may not require initial inspection by the state and emphasizes education of the public and parents to help monitor the care. Typically, a small percent of homes are inspected by the state to check for compliance with the standards.

Certification (sometimes called approval) is a form of regulation for purchase of care. Certification standards are, in almost every state, some modification of FIDCR standards. Where states have high quality licensing standards or registration procedures, certification may not be present. Five states have no licensing or registration systems, and the only regulation of homes is certification for purchased care.

Licensing, in particular, may bring with it the additional regulation of local zoning, health, sanitation, and fire ordinances. This additional regulation may account for so many providers being "underground" providers (Morgan, 1980).

Serious questions have been raised about the legality of registration, and whether the state can legitimately register homes, appearing to assure the protection of children in those homes while only inspecting a small portion of the registered homes. Some providers have questioned whether registration is not really "licensing in disguise," while others have welcomed a less formal licensing process for family day care. These debates will probably continue, but for the time being it is apparent that "registration is right" for family day care, since 14 states register homes.

Currently, 31 states (plus four territories and D.C. for a total of 35) license family day care homes, 18 of them licensing providers who care for one or more children. Table 1 illustrates the regulatory methods used.

The states with the largest number of providers following the regulatory law are shown in the following chart. Currently, over half of them license family day care; four of these have proposed or pending registration bills. States with few regulated homes are not necessarily small population states: Ohio and Louisiana each have fewer than 100 regulated family day care homes.

In addition, Kansas, Maine, and South Carolina are states that use registration or licensing, depending on whether one is caring for subsidized children. South Dakota uses those same reasons for mandatory or voluntary registration.

The twelve states considering registration are California, Connecticut, Delaware, Maryland, New York, Rhode Island, Vermont,

Chart 1  
Large Family Day Care States

Ten largest states in number of regulated family day care homes	Type of Regulation	Number of Homes
California	License*	23,500
Texas	Register	14,250
Michigan	Register	10,350
Minnesota	License	9,010
Illinois	License	8,650
Colorado	License*	2,353
Washington	License*	7,000
New York	License*	6,200
Massachusetts	Register	5,120
Kansas	License/Register	3,930

\*Registration is under consideration or pending

The balance appears to be shifting toward registration. Twelve states have proposed or intend to propose such legislation, and at least six of these hope to have a registration law passed during 1982. The 14 states currently using registration are shown below:

- Mandatory Registration**  
 Massachusetts (1-6 children)  
 Michigan (1-6 children)  
 Montana (1-6 children)  
 Nebraska (1-8 children)  
 North Carolina (2-5 children, no standards)  
 Pennsylvania (4-6 children)  
 Texas (1-6 children)
- Voluntary Registration**  
 Georgia (3-6 children)  
 Iowa (1-6 children)  
 Oregon (1-6 children)

Washington, Ohio, Tennessee, plus Georgia and Iowa who are proposing mandatory rather than voluntary registration.

Some states have found it frustrating to enact a policy that calls for much public information, parent education and provider awareness, only to find they didn't have the resources allocated for anything beyond printing a new set of standards. Virginia is a state that enacted a registration system, then decided it was not the best policy because they did not have the consumer awareness/public information needed to make registration successful; they now license homes.

Licensing day care is carried out by a state department of social services or human services in all but four states: Kansas, Mississippi, New Mexico, and North Carolina. (Massachusetts' Office for Children is a separate state agency but is attached to the Human Services Secretariat).

Funding for purchase of care is carried out by the same department that regulates day care in 17 states and territories, the same department but a different unit in 27 states, and no purchase is available in Alaska, Guam, Puerto Rico or the

Table 1  
Number of States\*\* and Type of Regulation

Number when regulation starts	License*	Register	Both License & Register
One child in care	18	8	2
2-3-4 children	12	3	1
5-6 children	5	—	—
Total	35	11	3

\*Includes Guam, Puerto Rico, Virgin Islands, and D.C.

\*\*5 states have no basic family day care regulation except for purchasing standards

Virgin Islands. In six states — Arizona, Indiana, Kansas, Massachusetts, North Carolina, and Vermont — an entirely different state department from the one regulating day-care licensing.

For family day care the impact of having regulations from two different state agencies may be 1) that there are in reality two different standards and 2) that monitoring

and inspection visits can double. When asked what standards they were using for subsidized care, 30 states reported they use their basic licensing law (all states) or registration (7 states) laws, without any additional requirements. Arkansas, California, Delaware, D.C., Nebraska, New Hampshire, South Dakota, and Tennessee use some additional standard on top of the

basic regulatory law. And 13 states have either no licensing law or impose an entirely different standard from the basic licensing law.

Two important trends emerge from the survey:

— the move from licensing to registration

— a move to exempt more people from regulations.

The first is illustrated by the amount of registration legislation proposed or in process. The second is illustrated by several states which have made recent changes to exempt some providers serving just a few children, as in the case of Pennsylvania when that state moved to registration.

For all practical purposes, then, a majority of states are able to purchase care for low-income children using their own standards. There are several major issues regarding family day care that point to the fact that state policies are by no means finally decided.

#### Major Issues

The ratio of caregivers to children was expressed as a major issue in 15 states, among them New Mexico, where legislation was introduced which would exempt people caring for fewer than six children from licensure, and Wisconsin, where recent rules changes limit the total number of children to six when a provider cares for infants.

Over half the states said that a major issue is the question of the appropriateness of the present regulations. The discussion in states has centered around finding a regulation for homes that is not "miniature day care center" licensing — one that is:

- "less than licensing"
- able to protect the children in care and still protect the unique nature of family day care
- acceptable in rural areas (where child care centers are still rare).

Controversy over family day care regulations has been bitter in several states. Louisiana's licensing law for both centers and homes was revoked, and the state currently licenses only those places where care is purchased.

Other prominent issues regarding family day care, as identified by the licensing officials, were:

- "competition" between day care centers and family day care (15 states)



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— child abuse and neglect in family day care (8 states)

— zoning for family day care homes (13 states)

While states report a variety of problems facing family day care, there is active negotiation between licensing officials and providers in many states to try to solve some of the issues plaguing regulations of homes.

### Policy Alternatives

Regulators are committed to the protection of young children in child care. They are faced with declining regulatory budgets, legislatures which demand less regulation, providers who wish to maintain status and professionalism, and the reality that licensing has not provided protection for all the children in family day care homes.

These licensing officials were asked to rank-order a list of possible policy options, selecting them on the basis of preference, not necessarily what would be politically feasible. These options ranged from "no regulations" (that is, just let the free market operate and parents monitor their own care) to "licensing (or approving) family day care systems" (that would in turn regulate their own homes, and included licensing, registration, and certification options).

"License systems" was the first choice for 31 of the administrators. The irony is that in only 24 states can such family day care systems be licensed, and only 14 states actually have family day care systems licensed (under such designations as "child placing agencies").

Registration with standards was the option which received the fewest first place votes. This is the policy being favored in many states as an alternative to traditional licensing. One interpretation of this low ranking is that registration is still not very well understood, and the problems of implementation have been many. It is a policy receiving mixed reactions.

The first option for half of the administrators was not their current state policy. The chances of enacting their preferred policy were slim — only 10 thought it might be feasible to have their policy option enacted.

Just as there is variation among the states in regulations, the perspectives of these administrators vary greatly. One defended having

no regulations except for purchasing standards by saying: "What's the point of having the world's biggest telephone directory? Registration is risky (legally), and any attempt to license or register homes in a large urban state is futile."

Another defended traditional licensing (in a state with several thousand licensed providers) by saying: "We like our system of licensing homes and think our system works well. We believe it is a much higher standard of care."

A third outspoken proponent of registration expressed the opinion that "One of the mistakes we've made over the years, both in writing standards and regulating care, is that we have not really listened to the family day care providers who urge us to write standards relevant to providing care in homes. Registration has shifted primary regulatory responsibility to the people that choose the care — the parents. Parents are the ultimate regulators."

The licensing administrators seemed to agree that the regulations do not, in themselves, guarantee quality care for the children. Only 15 strongly agreed that their regulatory policy had a "strong effect on the quality of child care offered by family day care providers." The most frequent response was that the regulations make providers more aware of what good child care is and that by raising the level of awareness, child care in general is improved in the state.

### Summary

It is apparent that states have many options when it comes to regulating family day care. They can try to improve licensing (e.g. speed up the licensing process), institute some other regulatory system (e.g., registration), deregulate family day care (e.g., exempt small numbers of children from the regulations), or use nonregulatory approaches altogether (e.g., educate parents and the public, provide training to providers, let information and referral agencies offer quality care information). The concept of offering direct services to providers, rather than spending money to regulate is another idea which could be used (Morgan, 1980). Vouchers to parents are also suggested by some, but the support services so needed for child care (training, information and referral, care for handicapped children) probably would not emerge

using a "free market" approach such as this.

This policy analysis is like many others in which there is no single policy issue. The regulation of family day care involves 1) the rights of children to be protected, 2) the rights of child care providers to carry on a legitimate home business without infringement of their rights, 3) the extent to which state laws can adequately regulate all the homes where children are in care, 4) the ability of the states to enforce their current laws, 5) the interpretation of standards to the public, parents, and potential family day care providers, and 6) the future needs of consumers of family day care who may not be able to find child care if regulations drive providers out of the business. Apparently states are coming to the conclusion that more regulations would not, in fact, improve either the quality of family day care or the supply.

On the basis of several criteria — among them equity, efficiency, preference satisfaction, and political feasibility — registration would seem to be a favored policy option. It could improve quality by widely

informing parents and providers about standards of child care, and it has already demonstrated its strength in bringing more family providers under regulatory law, thereby increasing supply.

States will need to balance several factors as they examine family day care policies:

- resources
- political feasibility
- the goals of regulation.

This survey found an average of 26 licensing workers per state, an average estimated budget of \$833,000 per state for regulating all day care, and an estimated total of \$47,000,000 nationwide. Only a small portion of that is spent regulating family day care, and in a few states the regulatory burden is shared with counties who license or register homes.

Resources (having enough licensing personnel to enforce state policies) and political feasibility (enacting what is legislatively possible) are impacted by the third factor — defining what is the goal of regulations for homes. There may be another, yet undiscovered, method besides the ones we now know that will protect children and, at the same time,

allow family day care to flourish.

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No one wakes up thinking,  
"Today I'm going to abuse my child!"

Abused children are helpless.  
Unless you help.

Abuse is not something we think about. It's something we do. It runs against our nature, yet it comes naturally. It's a major epidemic, and a contagious one. Abused children often become abusive parents. Abuse perpetuates abuse.

Child abuse is a major cause of death for children under two. Last year in America, an estimated one million children suffered from abuse and neglect and at least 2,000 died needless, painful deaths.

What's being done about prevention? Not enough. Preventive facilities are simply inadequate. Most social agencies deal with abusers and their victims after the damage has been done.

Yet child abuse doesn't have to happen. With enough volunteers local child abuse prevention programs such as crisis centers, self-help therapy programs for abusers, and other facilities could be formed to aid parents and children. With your help, most child abusers could be helped. Please write for more information on child abuse and how you can help.

What will you do today that's more important?

# Act 245 of 1983

1           "AN ACT TO PROVIDE FOR RELIGIOUS EXEMPTIONS FOR RELIGIOUS  
2           CHILD CARE FACILITIES THAT ARE NOW REQUIRED TO BE LICENSED  
3           UNDER THE CHILD CARE FACILITY LICENSING ACT; TO PROVIDE  
4           PROCEDURES BY WHICH RELIGIOUS CHILD CARE FACILITIES MAY BE  
5           EXEMPT FROM THE CHILD CARE FACILITY LICENSING AND FOR  
6           OTHER PURPOSES."

7  
8           WHEREAS, Section 1 of Act 518 of 1981 now provides that a religious  
9           exemption may be obtained by any religious child care facility organized,  
10          and operating as of July 1, 1969, and

11  
12          WHEREAS, many religious child care facilities have been organized or  
13          started to operate religious child care facilities since July 1, 1969, and

14  
15          WHEREAS, many religious child care facilities are now included within  
16          the definition as Child Care Facilities.

17  
18          NOW THEREFORE,

19  
20          BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21  
22           SECTION 1. Any church or group of churches, exempt from the State  
23           income tax levied by Act 118 of 1929, as amended, operating a child care  
24           facility, shall be exempt from obtaining a license to operate such facility  
25           by the receipt by the Child Care Facility Review Board of written request  
26           therefor, together with the written verifications required in Section 2 of  
27           this Act. A written request shall be made by those churches desiring exemp-  
28           tion to the Child Care Facility Review Board which is mandated under the  
29           authority of Act 434 of 1969, as amended (Ark. Stats. Ann., 83-901 through  
30           83-919) to license all child care facilities.

*Benjamin L. ...*

1 SECTION 2. In order to maintain an exempt status, the child care faci-  
 2 lity shall state annually, in written form signed by the person or persons in  
 3 charge, that their facility has met the fire, safety, health inspections and  
 4 is in substantial compliance with published standards that similar non-exempt  
 5 child care facilities are required to meet. Visits to review and advise  
 6 exempt facilities shall be made as deemed necessary by the Child Care  
 7 Facility Review Board to verify and to maintain substantial compliance with  
 8 all published standards for non-exempt facilities. Standards for substantial  
 9 compliance shall not include those of a religious or curriculum nature so  
 10 long as the health, safety and welfare of the child is not endangered.  
 11 Standards for corporal punishment shall be as established by present regula-  
 12 tions unless alternative compliance is granted by the Child Care Facility  
 13 Review Board.

14  
 15 SECTION 3. Any questions of substantial compliance with the published  
 16 standards shall be reviewed by the Child Care Facility Review Board. Final  
 17 administrative actions of the Board shall be pursued by either party in the  
 18 court of competent jurisdiction in the resident county of the facility under  
 19 review. Challenge to the constitutionality or reasonableness of any regula-  
 20 tion or statute may be made prior to any appeal under the Arkansas  
 21 Administrative Procedure Act, Act 434 of 1967, as amended, (Ark. Stat. 5-701  
 22 et seq.).

23  
 24 SECTION 4. As used in this Act, and as used in Act 518 of 1981, as  
 25 amended, the term "substantial compliance", and the term "is being operated  
 26 in accordance with this Act", as used in Act 434 of 1969, as amended, shall  
 27 each mean, for the purposes of each of the aforementioned Acts, that a church-  
 28 operated exempt or a non-exempt child care facility is being operated within  
 29 the minimum requirements for substantial compliance as promulgated by the  
 30 Child Care Facility Review Board. It is the intent and purpose of this sec-  
 31 tion that the term "substantial compliance" be applicable to all child care  
 32 facilities.

33  
 34 SECTION 5. If any provision of this Act or the application thereof to  
 35 any person or circumstance is held invalid, such invalidity shall not affect  
 36 other provisions or applications of the Act which can be given effect without

*Benjamin L. [Signature]*

CC 240

AS ENGROSSED 2/2/83

H.B. 223

1 the invalid provision or application, and to this end the provisions of this  
2 Act are declared to be severable.

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SECTION 6. This Act is cumulative to all other Acts heretofore enacted  
and shall not modify or repeal any of the provisions of Act 518 of 1981.

<p>APPROVED BY <u>R. M. ...</u>          2-23-83</p>	<p>GOVERNOR</p>
--	-----------------

/s/ Gloria Cabe, et al

*Gloria Cabe*

CHAPTER 183

Senate Bill No. 511

AN ACT relating to medical care facilities, concerning issuance and renewal of licenses, amending K.S.A. 1979 Supp. 65-429 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 1979 Supp. 65-429 is hereby amended to read as follows: 65-429. Upon receipt of an application for license, the licensing agency shall issue with the approval of the state fire marshal a license provided the applicant and the physical facilities of the medical care facility meet the requirements established under this act. A license, unless suspended or revoked, shall be renewable annually without charge upon the filing by the licensee, and approval by the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. *A medical care facility which has been licensed by the licensing agency and which has received certification for participation in federal reimbursement programs and which has been accredited by the joint commission on accreditation of hospitals or the American osteopathic association may be granted a license renewal based on such certification and accreditation.* Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. K.S.A. 1979 Supp. 65-429 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 26, 1980.

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CHAPTER 184

House Bill No. 2872

AN ACT relating to homes for children; defining certain terms; prohibiting certain persons from maintaining homes for children; requiring certain homes to be registered with the secretary of health and environment; amending K.S.A. 1979 Supp. 65-503 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 1979 Supp. 65-503 is hereby amended to read as follows: 65-503. The term boarding home for children as used in this act means: (a) ~~A house or other place conducted or maintained by anyone who advertises or holds himself or herself~~

out as conducting a boarding house or home for children under sixteen (16) years of age, or (b) a house or other place conducted or (1) A place maintained by anyone who has in his or her control or custody one or more children under sixteen (16) years of age unattended by parent or guardian for the purpose of providing such children with food or lodging, or both, except children related to him or her by blood or marriage, or legal adoption; or

~~(c) any~~ (2) a children's home, orphanage, or any day nursery or other institution of a type determined by the secretary to require regulation under the provisions of this act; or

(3) an association, organization or individual engaged in receiving, caring for, or finding homes for orphans, dependent or neglected or, deprived children or children needing day care who are under sixteen (16) years of age, or a place maintained by such association, organization or individual for the purpose of caring for children under sixteen (16) years of age; or

~~(d)~~ (4) any receiving or detention home for children under sixteen (16) years of age provided or maintained by, or receiving aid from any city or county or the state.

(b) The term boarding home for children shall not include a family day care home as defined in section 3.

New Sec. 2. No person shall maintain a boarding home for children or maintain a family day care home, if in such boarding home or family day care home resides any person who has been convicted of child abuse, who has been convicted of a sexual offense or who has an infectious or contagious disease.

New Sec. 3. (a) "Family day care home" means a place maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than twenty-four hours a day, if

(1) Not more than six of the children cared for at such place are less than sixteen years of age; and

(2) not more than three of the children cared for at such place are less than eighteen months of age.

(b) Any children of a person maintaining a place referred to in subsection (a) shall count toward the limitations of subsection (a) if such children are cared for at such place.

(c) A person shall not be considered to be maintaining a family day care home as defined in subsection (a), if only children who are related by blood, marriage or legal adoption to such person are cared for.

New Sec. 4. Any person maintaining a family day care home shall register such home with the secretary of health and environment on forms furnished by the secretary. In lieu of registration, a person maintaining a family day care home may seek

licensure for such home as a boarding home for children under article 5 of chapter 65 of Kansas Statutes Annotated and amendments to the provisions thereof and supplemental thereto.

New Sec. 5. The secretary shall issue a certificate of registration to any person who applies for registration on forms furnished by the secretary and who certifies that no person residing in the family day care home has been convicted of child abuse or a sexual offense, has no infectious or contagious disease, and further attests to the safety of the family day care home for the care of children. The secretary shall furnish each applicant for registration a family day care home safety evaluation form to be completed by the applicant and submitted with the registration application. The certificate of registration shall be renewed annually in the same manner provided for in this section.

New Sec. 6. A certificate of registration shall be in force for one year after the date of issuance unless revoked pursuant to section 7. The certificate shall specify that the registrant may operate a family day care home for six or fewer children. This section shall not be construed to limit the right of the secretary to enter a registered family day care home for the purpose of assessing compliance with sections 2 to 8, inclusive, after receiving a complaint against the registrant of such home.

New Sec. 7. The secretary may revoke or refuse to renew a certificate of registration upon a determination by the secretary that the registrant falsified information on the application or willfully and substantially has violated sections 2 to 8, inclusive.

New Sec. 8. The secretary shall adopt rules and regulations to implement the registration provisions of sections 2 to 8, inclusive.

Sec. 9. K.S.A. 1979 Supp. 65-503 is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 25, 1980.

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## CHAPTER 185

House Bill No. 3065

AN ACT concerning the Kansas meat and poultry inspection act; relating to annual registration fees; amending K.S.A. 65-6a34 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-6a34 is hereby amended to read as follows: 65-6a34. (a) No person shall engage in business, in or for intrastate commerce, as a meat broker, animal food manufacturer, or engage in business in such commerce as a wholesaler of any

Act No. 468  
Public Acts of 1980  
Approved by Governor  
January 17, 1981

STATE OF MICHIGAN  
80TH LEGISLATURE  
REGULAR SESSION OF 1980

Introduced by Reps. Watkins, McNeely, Collins, Gingrass, Conroy, Dongvillo, McCollough, Clodfelter, Bullard, Cushingberry, Mary C. Brown, Ryan, O'Neill, Hellman, Jacobetti, Wilson, Burkhalter, Spaniola, Sietsema, Padden, Ciaramitaro, Anderson, Dillingham, Raymond W. Hood, Terrell, Joe Young, Jr., Legel, Forbes, Virgil C. Smith, Vaughn, Dutko, Rocca, Vanek, Hollister, Harrison, DeBeaussaert, Kilpatrick, Fitzpatrick, Alley, Stabenow, Lalonde, Evans, Morris Hood, Jr., Mathieu, Thaddeus C. Stopczynski and Tombouliau

## ENROLLED HOUSE BILL No. 4616

AN ACT to amend Act No. 228 of the Public Acts of 1975, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," as amended, being sections 208.1 to 208.145 of the Compiled Laws of 1970, by adding section 39a.

*The People of the State of Michigan enact:*

Section 1. Act No. 228 of the Public Acts of 1975, as amended, being sections 208.1 to 208.145 of the Compiled Laws of 1970, is amended by adding section 39a.

Sec. 39a. (1) As used in this section:

(a) "Child care services" means the care and protection of a child who is:

(i) Under 14 years of age.

(ii) A dependent of an employee of that employer and not a member of the family of a sole proprietorship or partnership.

(iii) Enrolled in a facility licensed by the department of social services pursuant to Act No. 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.125 of the Michigan Compiled Laws.

(b) "Equivalent hour" is determined by taking the total number of hours of child care services provided to each eligible child which is paid by the employer, as defined in this act, and dividing each eligible child's total number of hours by 2,000. The result shall be carried to the second decimal place.

(2) An employer who pays for child care services for an employee during the employee's hours of employment and does not charge the employee for the service shall be allowed a credit against the tax imposed by this act for the taxable year, in an amount determined by multiplying the sum of all resulting equivalent hours, as determined in subsection (b), by \$45.00.

(3) The credit allowed by this section shall not be in excess of 10% of the tax liability of the taxpayer under this act.

(4) This section shall take effect for tax years beginning after December 31, 1980 and before January 1, 1983.

*T. Thos. Thatcher*

Clerk of the House of Representatives.

*William C. Londer*

Secretary of the Senate.

Approved .....

.....  
Governor.

LEGISLATURE OF NEBRASKA  
EIGHTY-EIGHTH LEGISLATURE  
FIRST SESSION

## Legislative Bill 130

Introduced by V. Johnson, 8

This bill introduced on behalf of: Children

Read first time January 11, 1983

Committee: Education

### A BILL

1 FOR AN ACT relating to children; to provide licensing  
2 for early childhood programs and facilities;  
3 to provide intent; to define terms; to provide  
4 duties; to provide for enforcement of orders;  
5 to provide for civil penalties; to require a  
6 report; to amend sections 71-901 and 71-1901,  
7 Reissue Revised Statutes of Nebraska, 1943,  
8 and sections 71-1902 and 81-502, Revised  
9 Statutes Supplement, 1982; to provide for  
10 inspections; to redefine a term; to harmonize  
11 provisions; and to repeal the original  
12 sections.  
13 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature finds that there  
2 is a present and growing need for quality day care and  
3 other early childhood programs and facilities. There is  
4 a need to establish and maintain licensure of providers  
5 of all such services and early childhood programs to  
6 ensure that providers are competent and are using safe  
7 and adequate facilities. The Legislature further finds  
8 and declares that the development and supervision of day  
9 care and other early childhood programs are a matter of  
10 statewide concern and should be dealt with uniformly on  
11 the state and local levels. There is a need for  
12 cooperation among the various state and local agencies  
13 which impose standards on providers of day care and  
14 other early childhood programs, and there should be one  
15 agency which coordinates the enforcement of such  
16 standards and informs the Legislature about cooperation  
17 among the various agencies.

18           Sec. 2. The purposes of sections 1 to 11 of  
19 this act are to provide:

20           (1) Statewide licensing of providers of early  
21 childhood programs; and

22           (2) The Department of Public Welfare with  
23 authority to coordinate the imposition of standards on  
24 providers of early childhood programs.

25           Sec. 3. As used in sections 1 to 11 of this  
26 act, unless the context otherwise requires:

27           (1) Department shall mean the Department of

1 Public Welfare;

2 (2) Director shall mean the Director of Public  
3 Welfare; and

4 (3) Early childhood program or program shall  
5 mean the provision of services in lieu of parental  
6 supervision for children under twelve years of age for  
7 compensation, either directly or indirectly, on the  
8 average of less than twelve hours per day but more than  
9 two hours per week, and shall include any  
10 employer-sponsored day care, day care home, day care  
11 center, before and after school day care program, or  
12 preschool or nursery school, but shall not include  
13 casual care at irregular intervals, a recreation camp,  
14 or child care as defined in section 71-1901.

15 Sec. 4. No person shall furnish, or offer to  
16 furnish, a program for two or more children from  
17 different families without having in full force and  
18 effect a written license issued by the department, upon  
19 such terms, as may be prescribed by the rules and  
20 regulations adopted and promulgated by the department.  
21 All licenses issued under sections 1 to 11 of this act  
22 shall expire two years from the date of issuance and  
23 shall be subject to renewal under such terms as may be  
24 prescribed by the rules and regulations of the  
25 department in effect at the time of the renewal. There  
26 shall be a twenty-five dollar fee charged for the  
27 issuance or renewal of each license for providers with a

1 daily average of less than thirty children and a fifty  
2 dollar fee charged for the issuance or renewal of each  
3 license for providers with a daily average of thirty or  
4 more children.

5 The license fee shall be paid to the  
6 department which shall retain the fee, except that when  
7 a city, village, or county has adopted any rule,  
8 regulation, or ordinance which establishes standards for  
9 licensed providers pursuant to subsection (2) of section  
10 7 of this act and conducts all necessary inspections of  
11 any licensed provider pursuant to such subsection, the  
12 department shall transmit the license fee paid by such  
13 provider to the city, village, or county conducting the  
14 inspections.

15 A license may be denied for cause, after  
16 notice and hearing, in accordance with such rules and  
17 regulations as may be prescribed by the department.

18 Sec. 5. The department shall adopt and  
19 promulgate rules and regulations establishing standards  
20 for the health, safety, and protection of children  
21 pursuant to the licensing of providers. Such standards  
22 shall insure that the provider of a program is providing  
23 proper care for, and treatment of, the children served  
24 and that such care and treatment is consistent with the  
25 children's proper health, safety, and protection.  
26 Before issuance or renewal of a license, the department  
27 shall investigate or cause an investigation to be made,

1 when it deems necessary, to determine if the applicant  
2 or person in charge of the program meets or is capable  
3 of meeting the health, safety, and protection standards  
4 and the other rules and regulations of the department.  
5 The department may at any time inspect or cause an  
6 inspection to be made of any place where a program is  
7 operating, to determine if such program is being  
8 properly conducted.

9           Sec. 6. The department may request the State  
10 Fire Marshal to inspect any early childhood program for  
11 fire safety pursuant to section 81-502 and may request  
12 the Department of Health to inspect any program to  
13 determine if it meets sanitation and health standards of  
14 the Department of Health for the care and protection of  
15 the children pursuant to section 71-901. The authority  
16 to make such inspections may be delegated, when  
17 appropriate, to qualified local fire prevention  
18 personnel by the State Fire Marshal and to qualified  
19 local environmental health personnel by the Department  
20 of Health. The State Fire Marshal and the Director of  
21 Health shall immediately notify the department whenever  
22 they delegate their authority for such inspections.

23           Sec. 7. (1) The department shall be the  
24 state's coordinating agency for regulating early  
25 childhood programs in this state in order to (a) provide  
26 efficient services pursuant to sections 1 to 11 of this  
27 act, (b) avoid duplication of services, and (c) prevent

1 an unnecessary number of inspections of any program.  
2 The department may request cooperation and assistance  
3 from local and state agencies and such agencies shall  
4 promptly respond. The extent of an agency's cooperation  
5 may be included in the department's report to the  
6 legislature pursuant to section 10 of this act.

7 (2) A city, village, or county may adopt  
8 rules, regulations, or ordinances establishing health  
9 and safety standards for providers of programs whether  
10 or not such providers are subject to licensure under  
11 section 4 of this act. If a city, village, or county  
12 adopts any rules, regulations, or ordinances  
13 establishing health and safety standards for providers  
14 subject to licensure under section 4, (a) such rules,  
15 regulations, or ordinances shall be identical to the  
16 department's rules and regulations for licensed  
17 providers pursuant to sections 1 to 11 of this act and  
18 (b) the city, village, or county and the department  
19 shall coordinate the inspection and supervision of  
20 licensed providers to avoid duplication of inspections.  
21 A city, village, or county shall report any violation of  
22 its rules, regulations, or ordinances regulating  
23 providers subject to licensure to the director who may  
24 cause a written charge to be brought pursuant to section  
25 8 of this act. The city, village, or county may  
26 administer and enforce its rules, regulations, and  
27 ordinances establishing health and safety standards for

1 providers of programs, except that the exclusive remedy  
2 for the violation of any rules, regulations, and  
3 ordinances regulating providers subject to licensure  
4 pursuant to section 4 of this act shall be by the  
5 director pursuant to section 8 of this act.

6           Sec. 8. (1) Whenever the director has reason  
7 to believe that a violation of any provision of sections  
8 1 to 7 of this act or of any rule, regulation, or order  
9 of the department has occurred he or she may cause a  
10 written charge to be served upon each alleged violator.  
11 The charge shall specify the provisions of sections 1 to  
12 7 of this act or the rule, regulation, or order alleged  
13 to be violated and the facts alleged to constitute a  
14 violation of such sections, rule, regulation, or order.  
15 The director shall provide for notice and a full and  
16 fair hearing at a time and place specified in such  
17 notice in which each alleged violator shall answer the  
18 charges. The notice shall be delivered to each alleged  
19 violator not less than ten days before the time set for  
20 the hearing by personal service, by certified or  
21 registered mail to his or her last-known address, or by  
22 publication. Following the hearing the director shall  
23 determine whether the charges are true or not and if  
24 true, the director may (a) issue a declaratory order  
25 finding the charges to be true, (b) revoke or suspend a  
26 license, or (c) impose a civil penalty of five dollars  
27 for each child in the program for each day in violation.

1           (2) Any civil penalty assessed and unpaid  
2 under the provisions of subsection (1) of this section  
3 shall constitute a debt to the State of Nebraska which  
4 may be collected in the manner of a lien foreclosure or  
5 sued for and recovered in any proper form of action in  
6 the name of the State of Nebraska in the district court  
7 of the county in which the violator resides or owns  
8 property.

9           (3) Whenever the director finds that an  
10 emergency exists requiring immediate action to protect  
11 the health and safety of a child in an early childhood  
12 program, the director may, without notice or hearing,  
13 issue an order declaring the existence of such an  
14 emergency and requiring that such action be taken as the  
15 director deems necessary to meet the emergency.  
16 Notwithstanding the provisions of subsection (1) of this  
17 section, such order shall be effective immediately. Any  
18 person to whom the order is directed shall comply  
19 immediately, except that upon application to the  
20 director, the person shall be afforded a hearing as soon  
21 as possible and not later than ten days after his or her  
22 application for the hearing. On the basis of such  
23 hearing the director shall continue to enforce his or  
24 her order or revoke or modify it.

25           (4) In addition to the powers provided to the  
26 director in this section, he or she may petition the  
27 appropriate district court for an injunction whenever he

1 or she believes that any person is violating any  
2 provision of sections 1 to 11 of this act, or any rule,  
3 regulation, or order adopted and promulgated pursuant to  
4 sections 1 to 11 of this act. It shall be the duty of  
5 each county attorney or the Attorney General to whom the  
6 director reports a violation to cause appropriate  
7 proceedings to be instituted without delay to ensure  
8 compliance with such sections, rules, regulations, and  
9 orders.

10           Sec. 9. The department shall adopt and  
11 promulgate such rules and regulations, consistent with  
12 sections 1 to 8 of this act, as it shall deem necessary  
13 for (1) the proper care and protection of children by  
14 providers under such sections, (2) the issuance,  
15 suspension, and revocation of licenses for early  
16 childhood program providers, and (3) the proper  
17 administration of such sections. The procedure for  
18 contested cases and their appeal in Chapter 84, article  
19 9, shall apply to hearings conducted by the department  
20 pursuant to section 8 of this act and for any other  
21 contested cases of the department.

22           Sec. 10. The department shall file an annual  
23 report with the Clerk of the Legislature, which shall be  
24 available to any member of the Legislature upon request.  
25 The report shall include:

26           (1) The number of license applications  
27 received:

- 1           (2) The number of licenses issued;  
2           (3) The number of license applications denied;  
3           (4) The number of complaints investigated;  
4           (5) The number of licenses revoked;  
5           (6) The number and dollar amount of civil  
6 penalties levied pursuant to section 8 of this act; and  
7           (7) Information which may assist the  
8 Legislature in determining the extent of cooperation  
9 provided to the department by other state and local  
10 agencies pursuant to section 7 of this act.

11           Sec. 11. The rules and regulations of the  
12 department in effect on the effective date of this act  
13 which apply to early childhood programs shall remain in  
14 effect after the effective date of this act until the  
15 rules and regulations pursuant to sections 1 to 9 of  
16 this act have been adopted and promulgated.

17           Sec. 12. That section 71-901, Reissue Revised  
18 Statutes of Nebraska, 1943, be amended to read as  
19 follows:

20           71-901. (1) The Department of Health shall  
21 inquire into the whole system of public charities and  
22 methods and practices in the public and correctional  
23 institutions of the state, counties, and cities, to  
24 ascertain the condition thereof from time to time by  
25 inspection or otherwise, especially of prisons, jails,  
26 infirmaries, public hospitals, including hospitals for  
27 the mentally ill and mentally retarded, and all

1 correctional institutions, including the Youth  
2 Development Center-Kearney and the Youth Development  
3 Center-Geneva, and industrial schools.

4 (2) The Department of Health shall make at  
5 least one inspection every year of each state public and  
6 correctional institution, which inspection may be  
7 unannounced, and such inspections shall not require the  
8 permission of any director of the department or of the  
9 institution to be inspected. The inspection of state  
10 public and correctional institutions shall include an  
11 inspection of the dietary facilities at the institution.

12 (3) The Department of Health shall enforce  
13 the provisions of this section and all other statutes  
14 pertaining to public health and sanitation with respect  
15 to the public and correctional institutions of the  
16 state, counties, and cities. The Department of Health  
17 shall promulgate and enforce necessary rules and  
18 regulations for carrying out the provisions of this  
19 section. It may also adopt rules and regulations  
20 supplementing any of the provisions herein contained but  
21 not inconsistent therewith.

22 (4) The Department of Health shall make an  
23 investigation and report to the Department of Public  
24 Welfare, within a reasonable time thirty days after  
25 receipt of the request by the Department of Public  
26 Welfare, of all facilities and programs of licensed  
27 child-care facilities with a population of seven or more

1 children providers of early childhood programs, as  
2 defined in section 3 of this act, or applicants for  
3 licenses for child-care facilities with a population of  
4 seven or more children to provide such programs to  
5 determine if the place or places to be covered by such  
6 licenses meet standards of health and sanitation set by  
7 the Department of Health for the care and protection of  
8 the child or children who may be placed therein. The  
9 Department of Health may delegate this authority to  
10 qualified local environmental health personnel. The  
11 standards for health and sanitation for such early  
12 childhood programs shall be developed and implemented  
13 with the advice and approval of the Department of Public  
14 Welfare.

15           Sec. 13.       That section 71-1901, Reissue  
16 Revised Statutes of Nebraska, 1943, be amended to read  
17 as follows:

18           71-1901.   As used in sections 71-1901 to  
19 71-1905:

20           (1) Person shall include a partnership, firm,  
21 agency, association, or corporation;

22           (2) Child care shall mean engaged in the  
23 business of exercising the twenty-four hour daily care,  
24 supervision, custody, or control over children under  
25 sixteen years of age, for compensation or hire, in lieu  
26 of the care or supervision normally exercised by parents  
27 in their own home but shall not include casual care at

1 irregular intervals or early childhood program, as  
2 defined in section 3 of this act; and

3 (j) Department shall mean the Department of  
4 Public Welfare of the State of Nebraska.

5 Sec. 14. That section 71-1902, Revised  
6 Statutes Supplement, 1982, be amended to read as  
7 follows:

8 71-1902. No person shall furnish, or offer to  
9 furnish, child care for two or more children from  
10 different families without having in full force and  
11 effect a written license issued by the department, upon  
12 such terms and conditions as may be prescribed by  
13 general rules and regulations promulgated by the  
14 department. All licenses issued under sections 71-1901  
15 to 71-1905 shall expire one year from the date of  
16 issuance, and shall be subject to renewal under the same  
17 terms and conditions as the original license. For the  
18 issuance or renewal of each license the department shall  
19 charge a fee of five dollars for day care homes or  
20 foster family homes, twenty-five dollars for group homes  
21 or child care centers with less than fifty children,  
22 fifty dollars for child care centers with fifty or more  
23 children, twenty-five dollars for child-caring agencies,  
24 and twenty-five dollars for child-placing agencies. A  
25 license may be revoked for cause, after notice and  
26 hearing, in accordance with such rules and regulations  
27 as may be prescribed by the department.

1 For purposes of this section:

2 ~~(1)~~ Day care home shall mean any private home  
3 providing care for compensation for children from more  
4 than one family for not to exceed twelve consecutive  
5 hours per day for any one child;

6 ~~(2)~~ (1) Foster family home shall mean any home  
7 which provides twenty-four hour care to children, under  
8 sixteen years of age, who are not related to the foster  
9 parent, but not including the foster family's own  
10 children or relatives' children regularly in the home  
11 who are under thirteen years of age;

12 ~~(3)~~ (2) Group home shall mean a home which is  
13 operated under the auspices of an organization which is  
14 responsible for providing social services,  
15 administration, direction, and control for the home and  
16 which is designed to provide twenty-four hour care for  
17 individuals in a residential setting;

18 ~~(4)~~ (3) Child care center shall mean a  
19 facility that provides child care for more than seven  
20 children over six weeks of age and under thirteen years  
21 of age;

22 ~~(5)~~ (4) Child-caring agency shall mean an  
23 organization which is incorporated for the purpose of  
24 providing care for children in buildings maintained by  
25 the organization for that purpose; and

26 ~~(6)~~ (5) Child-placing agency shall mean an  
27 organization which is authorized by its articles of

1 incorporation and by its license to place children in  
2 foster family homes.

3           Sec. 15. That section 81-502, Revised  
4 Statutes Supplement, 1982, be amended to read as  
5 follows:

6           81-502. It shall be the duty of the State  
7 Fire Marshal, under authority of the Governor, (1) to  
8 enforce all laws of the state relating to the  
9 suppression of arson and investigation of the cause,  
10 origin, and circumstances of fires; (2) to promote  
11 safety and reduce loss by fire; (3) after a careful  
12 study and investigation of relevant data bearing  
13 thereon, to promulgate, alter, and enforce rules and  
14 regulations covering: (a) The prevention of fires; (b)  
15 the storage, sale, and use of flammable liquids,  
16 combustibles, and explosives; (c) electric wiring and  
17 heating, protection equipment devices, materials,  
18 furnishings, and other safeguards within the structure  
19 necessary to promote safety and reduce loss by fire, and  
20 the means and adequacy of exits, in case of fire, in  
21 assembly, educational, institutional, residential,  
22 mercantile, office, storage, and industrial-type  
23 occupancies as such structures are defined in the  
24 National Fire Protection Association, Pamphlet Number  
25 101 and associated pamphlets, and all other buildings,  
26 structures, and enclosures in which numbers of persons  
27 congregate from time to time for any purpose whether

1 privately or publicly owned; (d) design, construction,  
2 location, installation, and operation of equipment for  
3 storing, handling, and utilization of liquefied  
4 petroleum gases, specifying the odorization of said  
5 gases and the degree thereof; and (e) chemicals,  
6 prozilin plastics, X-ray nitrocellulose films, or any  
7 other hazardous material that may now or hereafter  
8 exist; and (4) to make an investigation for fire safety  
9 of all facilities and programs of licensed child-care  
10 facilities providers of early childhood programs, as  
11 defined in section 3 of this act, or applicants for  
12 licenses for child-care facilities to provide such  
13 programs, and report the results to the Department of  
14 Public Welfare within a reasonable time thirty days  
15 after receipt of the request by the Department of Public  
16 Welfare department. The State Fire Marshal may delegate  
17 the authority set forth in this section to qualified  
18 local fire prevention personnel. The State Fire Marshal  
19 may overrule a decision, act, or policy of the local  
20 fire prevention personnel. When the State Fire Marshal  
21 overrules the local personnel, such local personnel may  
22 follow the appeals procedure established by sections  
23 81-502.01 to 81-502.03. Such delegation of local  
24 authority may be revoked by the State Fire Marshal for  
25 cause upon thirty days' notice after hearing. The State  
26 Fire Marshal, first assistant fire marshal, and deputies  
27 shall have such other powers and perform such other

1 duties as are set forth in sections 81-501.01 to 81-531,  
2 and as may be conferred and imposed by law. The rules  
3 and regulations adopted pursuant to this section may  
4 conform generally to the standards recommended by the  
5 National Fire Protection Association, Pamphlet Number  
6 101, known as the Life Safety Code, and associated  
7 pamphlets, but not when doing so would impose an unduly  
8 severe or costly burden without substantially  
9 contributing to safety of persons or property. This  
10 section and the rules and regulations adopted pursuant  
11 to this section shall apply to existing as well as new  
12 buildings, structures, and enclosures. The fire safety  
13 standards for early childhood programs, as defined in  
14 section 3 of this act, shall be developed and  
15 implemented with the advice and approval of the  
16 Department of Public Welfare. Such The rules and  
17 regulations adopted pursuant to this section shall apply  
18 to sites or structures in public ownership listed on the  
19 National Register of Historic Places but without  
20 destroying the historic quality thereof. Plans for  
21 compliance with such rules and regulations shall be  
22 reviewed by the State Fire Marshal Advisory Committee to  
23 grant variances from such rules and regulations when in  
24 the opinion of a majority of its members the site or  
25 structure is not hazardous to life and the proposed  
26 variance does not conflict with the public interest.

27 Sec. 16. That original sections 71-901 and

1 71-1901, Reissue Revised Statutes of Nebraska, 1943, and  
2 sections 71-1902 and 81-502, Revised Statutes  
3 Supplement, 1982, are repealed.

463:4 Effective Date. This act shall take effect 60 days after its passage.

(Approved June 27, 1983.)

(Effective Date August 26, 1983.)

CHAPTER 464 (HB 827)

AN ACT PROVIDING MILITARY RECRUITERS ACCESS TO SCHOOLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

464:1 Access to Schools. Amend RSA 186 by inserting after section 67 the following new subdivision:

Military Recruiters Access

186:68 Duty to Provide Access. Notwithstanding any other provision of law to the contrary, all public high schools and all institutions within the state university system, and all private high schools, colleges and universities which receive state funds shall offer the same on-campus recruiting opportunities to representatives of state or United States armed services as they offer to nonmilitary recruiters.

464:2 Effective Date. This act shall take effect 60 days after its passage.

(Approved June 27, 1983.)

(Effective Date August, 26, 1983.)

CHAPTER 465 (HB 831)

AN ACT TRANSFERRING THE LICENSING OF CHILD CARE AGENCIES FROM THE DIVISION OF WELFARE TO THE DEPARTMENT OF HEALTH AND WELFARE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

465:1 Supervision and Licensing. Amend RSA 161:2, IV (supp) as amended by striking out said paragraph and inserting in place thereof the following:

IV. SUPERVISION AND LICENSING. Supervise all foster family homes and child placing agencies provided that it shall not supervise such homes and agencies as are required by statute to be licensed by the division of public health services, department of health and welfare. In the case of homes and agencies licensed by the division of public health services, department of health and welfare, wherein are persons receiving assistance through the division of welfare, the division of public health services shall, upon request, make available to the division of welfare such pertinent information as may be necessary to enable the latter division to ascertain the condition and operation of such institutions and homes for persons receiving assistance from it.

463:A Effective Date. This act shall take effect 60 days after its passage.

(Approved June 27, 1983.)

(Effective Date August 26, 1983.)

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II. During the course of and subsequent to the issuance of a license, the department shall maintain the right of visitation in order to insure conformity with this chapter and applicable rules adopted by the commissioner.

III. Upon receipt of any application, the department shall in every case examine the child abuse records of the division of welfare and the criminal conviction records of the state police to determine whether the applicant is of proper character. If the applicant is found to have any record in either the child abuse or the state police files, the department shall indicate that the record exists in its files on the applicant. If the applicant is found to have been convicted of child abuse, he shall not be issued a license.

465:6 Examination of Facility. Amend RSA 170-E:5 as inserted by 1975, 471:2 by striking out said section and inserting in place thereof the following:

170-E:5 Child Care Institution; Child Placing Agency. In respect to child care institutions and child placing agencies, the department, upon receiving an application and authorization filed in proper order, shall, in cooperation with the operator, examine the facility, and investigate the program and person responsible for the care of children, including, but not limited to, an investigation into the possible existence of any criminal charges of child abuse. The institution or child placing agency shall obtain and provide receipts of approval of state and local requirements pertaining to health, safety and zoning as applicable. If the department is satisfied that the institution or child placing agency conforms to the standards prescribed for the type of facility to be operated, a license shall be issued. The commissioner or his designee may inspect the facility at any time.

465:7 Issuance. Amend RSA 170-E:6, I and II as inserted by 1975, 471:2 by striking out said paragraphs and inserting in place thereof the following:

I. Licenses shall be issued in such form and manner as prescribed by rule by the commissioner under RSA 541-A and are valid for 2 years from the date issued unless revoked by the department or voluntarily surrendered by the licensee.

II. The department shall make supervisory visits a minimum of twice during each licensing period; at least one such visit shall not be announced in advance. Clear records shall be kept on each licensed facility showing the dates and results of each such visit.

465:8 Temporary Permit. Amend RSA 170-E:6 by inserting after paragraph III the following new paragraph:

IV. The department may delegate to the division of public health services the authority to issue a 6 month permit immediately upon completion of the necessary licensing inspections. A facility granted such

II. During the course of and subsequent to the issuance of a license, the department shall maintain the right of visitation in order to insure conformity with this chapter and applicable rules adopted by the commissioner.

III. Upon receipt of any application, the department shall in every case examine the child abuse records of the division of welfare and the criminal conviction records of the state police to determine whether the applicant is of proper character. If the applicant is found to have any record in either the child abuse or the state police files, the department shall indicate that the record exists in its files on the applicant. If the applicant is found to have been convicted of child abuse, he shall not be issued a license.

465:6 Examination of Facility. Amend RSA 170-E:5 as inserted by 1975, 471:2 by striking out said section and inserting in place thereof the following:

170-E:5 Child Care Institution; Child Placing Agency. In respect to child care institutions and child placing agencies, the department, upon receiving an application and authorization filed in proper order, shall, in cooperation with the operator, examine the facility, and investigate the program and person responsible for the care of children, including, but not limited to, an investigation into the possible existence of any criminal charges of child abuse. The institution or child placing agency shall obtain and provide receipts of approval of state and local requirements pertaining to health, safety and zoning as applicable. If the department is satisfied that the institution or child placing agency conforms to the standards prescribed for the type of facility to be operated, a license shall be issued. The commissioner or his designee may inspect the facility at any time.

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465:8 Temporary Permit. Amend RSA 170-E:6 by inserting after paragraph III the following new paragraph:

IV. The department may delegate to the division of public health services the authority to issue a 6 month permit immediately upon completion of the necessary licensing inspections. A facility granted such

prevention and health standards conforming to state laws and municipal codes to provide for the physical comfort, health and care of children received.

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the health, physical, mental and spiritual development of children served.

(7) Provisions to safeguard the legal rights of children served.

(8) Maintenance of records pertaining to the admission, progress, health and discharge of children.

(9) Filing of reports with the department.

(10) Discipline of children.

(11) Protection and fostering of the particular religious faith of the children served, where applicable.

(b) Minimum standards for facilities for general child care, where there are children diagnosed as mentally ill, mentally retarded or physically handicapped who are determined to be in need of special mental treatment or nursing care, or both. The department shall seek the advice and recommendation of the division of mental health and developmental services or the division of public health services, or both, regarding the residential treatment and nursing care provided by the facility.

II. The department in applying the standards adopted by rule under paragraph I, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a licensee.

465:12 Revocation. Amend RSA 170-E:10 as inserted by 1975, 471:2 by striking out said section and inserting in place thereof the following:

170-E:10 Revocation; Refusal to Issue. The department may revoke or refuse the license of any child care facility or refuse to issue a full license to a permit holder if the licensee or permit holder:

I. Neglects, abuses, ignores or does not supervise children in his care;

II. Consistently fails to maintain standards adopted by the commissioner;

III. Substantially violates any provisions of the license or permit issued;

IV. Furnishes or makes any misleading or any false statement or report to the department;

prevention and health standards conforming to state laws and municipal codes to provide for the physical comfort, health and care of children received.

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the health, physical, mental and spiritual development of children served.

(7) Provisions to safeguard the legal rights of children served.

(8) Maintenance of records pertaining to the admission, progress, health and discharge of children.

(9) Filing of reports with the department.

(10) Discipline of children.

(11) Protection and fostering of the particular religious faith of the children served, where applicable.

(b) Minimum standards for facilities for general child care, where there are children diagnosed as mentally ill, mentally retarded or physically handicapped who are determined to be in need of special mental treatment or nursing care, or both. The department shall seek the advice and recommendation of the division of mental health and developmental services or the division of public health services, or both, regarding the residential treatment and nursing care provided by the facility.

II. The department in applying the standards adopted by rule under paragraph I, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a licensee.

465:12 Revocation. Amend RSA 170-E:10 as inserted by 1975, 471:2 by striking out said section and inserting in place thereof the following:

170-E:10 Revocation; Refusal to Issue. The department may revoke or refuse the license of any child care facility or refuse to issue a full license to a permit holder if the licensee or permit holder:

I. Neglects, abuses, ignores or does not supervise children in his care;

II. Consistently fails to maintain standards adopted by the commissioner;

III. Substantially violates any provisions of the license or permit issued;

IV. Furnishes or makes any misleading or any false statement or report to the department;

review of the decision of the department revoking or refusing to renew the license or permit, except under court order.

465:14 Appeal. Amend RSA 170-E:12 as inserted by 1975, 471:2 by striking out said section and inserting in place thereof the following:

170-E:12 Appeal. Any person aggrieved by any decision rendered after a rehearing held or an appeal brought under RSA 170-E:11, III may appeal the decision to the superior court.

465:15 Reports to the Division of Welfare. Amend RSA 170-E:18 by striking out said section and inserting in place thereof the following:

170-E:18 Reports to the Division.

I. Any child care facility receiving a child for care or supervision from a foreign state or country shall report that child to the division of welfare in the same manner as it is required for reporting other children pursuant to RSA 170-A:1.

II. A person other than a licensed child care institution or child placing agency may not receive a foreign child without prior notice to and approval of the division of welfare. Any placement of children shall conform to RSA 170-A and RSA 170-B:23.

III. The division of welfare may require a guarantee that a child accepted for care or supervision from a foreign state or country will not become a public charge upon this state.

IV. The division of welfare may enter into agreements with public or voluntary social agencies headquartered in states adjacent to this state regarding the placement of children in licensed foster family homes within the boundaries of this state if the agencies meet the standards and criteria required for license as a child placing agency in this state. The agreements may allow foreign agencies to place and supervise children for whom they have responsibility with this state without regard to paragraph I. These agreements shall, however, include a requirement that the agencies cooperate fully with the division in its inquiry or investigation into the activities and standards of those agencies, and provide that the division of welfare may, at any time upon 15 days written notice to an agency by registered mail, void the agreement and require the observance of paragraph I.

V. The division of welfare shall perform its duties under this section with the approval of the commissioner.

465:16 Penalty. Amend RSA 170-E:19 as inserted by 1975, 471:2 by striking out said section and inserting in place thereof the following:

170-E:19 Penalty.

I. Any person shall be guilty of a misdemeanor who:

(a) Conducts, operates or acts as a child care facility without a license or permit to do so in violation of RSA 170-E:3;

(b) Makes materially false statements to obtain a license or permit;

(c) Fails to keep the records and make the reports required under this chapter;

(d) Is required to obtain a license or permit under this chapter and who advertises or causes to be published an advertisement for a service which is not authorized by any license or permit held;

(e) Violates any other provision of this chapter or any rule adopted under RSA 541-A and published by the commissioner for the enforcement of this chapter.

II. Each day a violation continues to exist shall constitute a separate offense. In addition, any person may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this chapter or of the rules adopted pursuant to RSA 170-E:9; and the court shall adjudge relief, by way of injunction, which may be mandatory or otherwise as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this chapter and the rules adopted under it. In a prosecution under this chapter, a defendant who relies upon the relationship of any child to himself has the burden of proof as to that relationship.

465:17 Transfer. All of the appropriations for, and rights, obligations, duties, powers, personnel, supplies and equipment of the division of welfare, department of health and welfare, relating to the licensing and supervision of child care agencies and child placing agencies pursuant to RSA 170-E are hereby transferred to the department of health and welfare.

465:18 Transfer of Rules. Any rule adopted by the division of welfare, department of health and welfare under the rulemaking authority transferred by this act to the commissioner of the department of health and welfare shall remain in full force and effect as if it had been adopted by the commissioner until the rule expires or is amended or repealed by the commissioner; provided, however, that no such rule shall remain in effect after April 1, 1984, unless it has been readopted by the commissioner under RSA 541-A.

465:19 Continuation of Licenses and Permits. Any license or permit issued by the division of welfare, department of health and welfare under RSA 170-E prior to the effective date of this act shall continue in full force and effect until the expiration date thereof unless such license or permit is suspended or revoked by the department of health and welfare under RSA 170-E as amended by this act.

465:20 Repeal. The following paragraphs of RSA are hereby repealed:

I. RSA 170-E:1, II relative to the definition of division.

II. RSA 170-E:1, IV relative to the definition of director.

465:21 Effective Date. This act shall take effect upon its passage.

(Approved June 27, 1983.)

(Effective Date June 27, 1983.)

CHAPTER 466 (HB 763-FN)

AN ACT RELATIVE TO TOXIC SUBSTANCES IN THE WORKPLACE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

466:1 New Chapter. Amend RSA by inserting after chapter 277 the following new chapter:

CHAPTER 277-A  
TOXIC SUBSTANCES IN THE WORKPLACE

277-A:1 Name. This chapter shall be known and may be cited as the "Worker's Right to Know Act."

277-A:2 Purpose. The general court hereby finds and declares that the proliferation of toxic substances in the workplace poses a growing threat to the health of employees exposed to these substances; that the number and variety of these substances makes effective monitoring of these potential health hazards by governmental agencies difficult and expensive; that employees themselves are often in the best position to detect symptoms of toxicity, provided they are aware of the nature of the substances to which they are exposed; that employees have an inherent right to know the dangers to which they are potentially exposed in their workplace so that they may make knowledgeable and reasoned decisions with respect to their continued employment under the circumstances and the need for corrective action; and that the workplace often serves as an early warning mechanism for the outside environment. The general court therefore determines that it is appropriate for employers to provide their employees with all available information concerning the nature of the toxic substances to which such employees may be exposed during the course of their employment and the suspected hazards these substances pose and to take all other practicable and feasible measures to protect their employees from the risks of toxic substances.

277-A:3 Definitions. As used in this chapter:

I. "Employee" means any person who currently works or formerly worked, with or without compensation, in a workplace. The term "employee" does not include domestic workers or casual laborers employed at the place of residence of the employer.

XXX

STATE OF RHODE ISLAND DEPARTMENT OF STATE  
IN GENERAL ASSEMBLY LAW REVISION OFFICE  
JANUARY SESSION, A.D. 1983

AN ACT  
RELATING TO STATE SUBSIDIES FOR CHILD CARE

Introduced By: Representatives Maigret and Lamb

Date Introduced: March 9, 1983

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "Social  
2 and Rehabilitative Services" is hereby amended by adding thereto  
3 the following chapter:

4 40-6.2

5 CHILD CARE - STATE SUBSIDIES

6 40-6.2-1. Pilot program -- Low Income -- Child care. -- The  
7 director of social and rehabilitative services shall establish as  
8 an extension of the post AFDC child care program, a pilot program  
9 to provide for state subsidies for child care to low income fam-  
10 ilies whose support parent is employed. Departmental funds, not  
11 to exceed a total of five hundred thousand dollars (\$500,000),  
12 shall be provided for the post-AFDC child care program and the  
13 pilot program for low income families. AS AMENDED

14 40-6.2-2. Duties of director -- Child care. -- The director  
15 shall promulgate rules and regulations establishing: (1) the eli-

The Pilot Program established  
herein is not an entitlement program

AS AMENDED

u

AS AMENDED

u

1 gibility of low income families; (2) the eligibility of child  
2 care centers and licensed family day care providers; (3) a  
3 sliding fee scale for a mandatory co-payment by eligible families  
4 based upon family income; (4) monthly participation limits based  
5 upon the available funding and family co-payments, which limits  
6 shall determine the maximum number of children eligible to par-  
7 ticipate per month of the pilot program; (5) a child care waiting  
8 list of families otherwise eligible for subsidies but for the  
9 monthly participation limits to be established as provided  
10 herein.

11 40-6.2-3. Report to general assembly. -- The director shall  
12 report to the chairman of the house committee on finance and to  
13 the deputy house speaker at the expiration of six (6) months and  
14 one (1) year, respectively, from the date of establishment of  
15 said program.

16 The report shall include the following:

17 (1) The number of families receiving subsidies.

18 (2) The number of children of said families receiving day  
19 care.

20 (3) The costs of said subsidies.

21 (4) The amount of moneys received by child care centers and  
22 licensed family day care providers from said program.

23 40-6.2-4. Termination of program. -- The pilot program  
24 established pursuant to the authority granted in this chapter  
25 shall cease to exist on June 30, 1984, unless otherwise provided  
26 for by the general assembly.

27 SECTION 2. This act shall take effect upon passage.

\*\*\*\*\*  
DL225/SUB A/2  
\*\*\*\*\*

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO STATE SUBSIDIES FOR CHILD CARE

\*\*\*

1       This act establishes a pilot program to provide subsidies  
2 for employed low income families for child care. The program  
3 would be for one (1) year, ending June 30, 1984. The director of  
4 S.R.S. must make a 6 month and 1 year report to the general  
5 assembly.

6       The act would take effect upon passage.

\*\*\*\*\*  
DL225/SUB A/2  
\*\*\*\*\*

IN HOUSE OF REPRESENTATIVES  
 MAY 4 1983  
 THE COMMITTEE ON FINANCE  
 AS AMEND  
 RECOMMEND THE PASSAGE  
 OF THE BILL MARKED SUBSTITUTE "A"  
 AND THE INDEFINITE POSTPONEMENT  
 OF THE ORIGINAL BILL.  
*Paul H. Hatch*  
 FOR THE COMMITTEE

MAY 4 1983

READ AND PASSED IN SENATE  
 TRANSMITTED TO THE GOVERNOR  
 MAY 14 1983  
*Susan L. Jerome*  
 SECRETARY OF STATE

IN SENATE *May 12, 1983*  
 THE COMMITTEE ON JUDICIARY  
 RECOMMEND THE PASSAGE IN CON-  
 CURRENCE *83H 5820 as amended*  
 OF THE BILL MARKED SUBSTITUE "A"  
 AND THE INDEFINITE POSTPONEMENT  
 OF THE ORIGINAL BILL.  
*John J. Wall*  
 FOR THE COMMITTEE

IN HOUSE OF REPRESENTATIVES  
 MAY 4 1983  
 Received and Ordered to be placed upon the  
 CALENDAR  
*Ernest J. Mitchell*  
 Clerk

READ AT DESK MAY 12 1983  
 FOR CONSIDERATION  
 BY THE SENATE  
*Robert F. Wall*  
 Reading Clerk

IN HOUSE OF REPRESENTATIVES  
 MAY 6 1983  
 READ AND PASSED  
*Ernest J. Mitchell*  
 Clerk

IN THE SENATE MAY 13 1983  
*Robert F. Wall*  
 Hold on the Order of the Reading Clerk

EXECUTIVE DEPARTMENT,  
 Received MAY 14 1983  
 APPROVED  
 MAY 16 1983  
*J. Joseph Garofalo*  
 GOVERNOR

IN THE SENATE MAY 10 1983  
 Read and referred to  
 the Committee on  
 JUDICIARY  
*Robert F. Wall*  
 Reading Clerk

IN THE SENATE MAY 13 1983  
 on roll call vote  
 38 Ayes - 0 Nays  
*Robert F. Wall*  
 Read and PASSED  
 IN CONCURRENCE  
 AS AMENDED  
 Reading Clerk

PUBLIC LAWS 1983  
 CHAPTER  
 144  
 AN ACT  
 DEPARTMENT OF STATING TO STATE SUBSIDIES FOR CHILD CARE  
 LAW REVISION OFFICE

83 -- H 5820  
 SUBSTITUTE A  
*AS amended*

AS AMENDED

16

17



# Backgrounder

States Information Center  
The Council of State Governments  
Iron Works Pike  
P.O. Box 11910  
Lexington, KY 40578  
(606) 252-2291

**Date:** October 1982  
**Topic:** Latch Key Children  
**Infokey:** FAMILY ISSUES  
Day Care

## When Nobody's Home: Programs to Help the Latch Key Child

There are now 2 million "latch-key children," youngsters who often literally wear the keys to their house around their necks during the school day. Unlike luckier children of their age, after school they face an empty house and the prospect of a long wait for their parents' return from work.

### The Size of the Problem

The plight of latch-key children is not a new one. In the first half of this century many mothers and fathers were forced to work hours that separated them from their children. What is new is the enormous number of children who have no supervision when they return from school. About 31 million children, or 53 percent of all children under 18 have both mothers and fathers who are working or seeking work. Out of this group, 62 percent have mothers who bear the financial burden of being a single parent.<sup>1</sup>

Dr. James Garbarino estimates that 13 percent (or 2 million) of these children between the ages of 7 and 13 years old have the responsibility of caring for themselves when they return home. This estimate is probably conservative. The U.S. Census, which provides the basis for these figures, has little access to the 7 percent of American children who do not attend school. The majority of these additional 2.1 million children are probably unsupervised as well. It is obvious that public and private analysts have no precise idea of the actual size of the latch-key population.<sup>2</sup>

The dramatic increase of unsupervised children is a direct result of larger social changes in the American family. The proportion of children living with one parent has risen from 12 percent in 1970 to 20 percent in 1980. The phenomena of increasing divorce rates and out-of-wedlock births have contributed to the 8 percent increase of children with single parents, while the pressures

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\*This Backgrounder was compiled by Jim Clark, States Information Center.

**Note:** *Backgrounder* information is the latest available at the time of publication, but for updates, you should contact the appropriate state or federal agency directly. This material does not represent the position of The Council of State Governments. Information is included based on relevance to the topic. Some material, as noted, is copyrighted and may not be reproduced further without permission of the original publisher. Contact the States Information Center or the writer at CSG.

of economic responsibility have forced 5.7 million single mothers into the labor force. But the past decade of economic instability and the modification of women's roles has deeply affected two-parent families as well. While in 1970 38 percent of American children had mothers who were seeking work, by 1980 51 percent of children in two-parent families had mothers who were working: a rise of 14 percent in 10 years. There have been significant changes in the day-to-day living arrangements of millions of American families during the past decade.<sup>3</sup>

### A Social Problem

Social analysts are now asking how this dramatic change has affected these families and what are the real and potential crises that children and families face? The answers seem to give cause for concern:

- \* The U.S. Census reports accidental death as the leading cause of death among children at the elementary school age. While the school-age child has few of the risks associated with adult activities, the unsupervised youngster can find home to be a very dangerous place. Many children lack the judgment to deal with crises that may arise, or the experience to prevent minor instances (such as small fire) from becoming tragedy.<sup>4</sup>
- \* Extensive research with unsupervised children has revealed that many of them experience feelings of overwhelming loneliness and fear. In a recent study conducted in Washington, D.C., Dr. Thomas Long found latch-key children were more likely to live in "socially impoverished neighborhoods." In these urban and suburban areas, children felt isolated and tended not to know adults to whom they might turn for help. Other research has warned that many of these children are vulnerable to sexual exploitation by adults who realize they are unsupervised.<sup>5</sup>
- \* Recent studies have also warned of delinquency among latch-key children. While there are no completed studies which definitely link non-supervision of children with crime, many law-enforcement officials have become concerned with this possibility. For example, in his recent study in Washington, Dr. Long found police reporting increasing problems with latch-key children.<sup>6</sup> In a recent symposium on juvenile crime, Dr. Kingsley Davis, former chairman of the U.S. National Committee for the Scientific Study of Population, asserted that increasing delinquency is a direct result of changes in the American family. While we do not know the long-term effect of these changes, the short-run results have proven "disruptive and traumatizing" for families and society. Increasing numbers of children are being "socialized in a context for which tradition provides little direction and control."<sup>7</sup> When this judgment is examined in the light of the dramatic increases

of young people committing violent crimes (homicide, robbery and aggravated assault) the plight of the latch-key child becomes a greater concern.<sup>8</sup>

- \* On the individual level, there are developmental risks for these children. One researcher reports that children are often asked to take on chores that parents previously performed. While this may encourage a sense of responsibility in older children, it may be inappropriate for younger ones. The latch-key arrangement also deprives some children of the playtime with peers that is necessary for the development of social skills. Some analysts feel the latch-key arrangement hurts school performance.<sup>9</sup> Dr. Henry Maier, in a recent article on child care for the 1980s, asserts that essential developmental tasks can only be completed in a relationship of consistent, frequent and healthy interaction between caregiver and child. The child's development progresses from dependence to independence in learning individual and social tasks and relies heavily on the presence of an affirming adult to learn new behaviors and then to reinforce those behaviors. Children who do not have frequent access to such an adult may not learn behaviors that are necessary for healthy development.<sup>10</sup>
  
- \* Some researchers feel that the stress involved with leaving children unsupervised, hurts the job performance of working mothers. However, research in this area has only begun.<sup>11</sup>

### Extended School Day Care

One solution many communities have found effective in helping latch-key children is extended school day care. In this type of care children remain at school until their parents pick them up. However, educational and child care at school remain separate.

An illustration of a successful program is the Mary E. Phillips Extended Day Management School in downtown Raleigh, North Carolina. Mary E. Phillips is a public school which may legally serve all families in the Wade County area who need day care. While the Phillips inner-city district has only 58 children within its borders, 142 children from other districts are brought to the school to participate in the extended day.<sup>12</sup>

A typical day begins at 7 a.m. when parents drop off their children on their way to work. From 7:30 to 8:45 the children eat breakfast and participate in art and media programs. The school day lasts from 8:45 to 2:30. After dismissal, the school offers programs in physical education, art, photography, game rooms, and outside activities. Students rotate through these various stations throughout the school year. The day ends at 6 p.m., when parents arrive to pick up their children.

The Phillips extended day program costs \$72 per month per child. Although there is no sliding fee scale, about eleven families receive funding from state Social Services to meet the payments. The

program is self-sufficient and is directed by the school principal. It follows North Carolina state child care guidelines.

The Phillips program is only one model of extended school day care. In fact, most extended day care programs across the country are the result of parents incorporating themselves and renting school space for their programs. For example, there are such programs in operation in Brookline, Massachusetts, and Nashville, Tennessee. The participation of school staff varies from program to program. Even when the school board allocates money toward some type of extended day care, the funds are usually budgeted separately from the existing school budget.

In other cities, community organizations and existing day care programs expand their services to provide extended school day care. In Fairfax County, Virginia, this care is sponsored by the County Office for Children which funds 40 percent of the operating costs.<sup>13</sup>

### Should State Governments Get Involved?

Those who oppose state involvement in extended school day care make the following arguments:

- \* While latch-key children might face a difficult situation, the majority of them can handle caring for themselves after school. While families may not find this the best way to handle things, most of them find the arrangement feasible. The provision of day care "enrichment" programs is a luxury, not a necessity. If parents want their children to participate in extracurricular activities, then it is their responsibility.
- \* Most children resent having to stay after school while their friends go home to play. They bring this resentment, and any other problems they have during the day, to the afternoon program. They also resent being stuck in the same environment for 10 hours each day. Kids might also suffer ridicule from their peers for involvement in the program.<sup>14</sup>
- \* Parents who allow their children to participate in any kind of day care are essentially trusting strangers to raise them. This can be very damaging if staff members have values and beliefs that are different from those of the parents. In the past many day care programs suffered from lack of staff morale and high staff turnover rates which made for inconsistent programming. These programs, even when they are efficient, tend to devalue the socialization role of the family.
- \* Extended school day care is a local issue and should be handled at that level. States need not and should not try to meet needs that are the responsibilities of parents and local communities.

- \* The liability, insurance and legal risks of getting involved in this issue are not well-defined.<sup>15</sup>
- \* When child care and education are both taking place in the schools, there will most likely be role confusion. Again, it is the family's responsibility to raise their children, and school and state should not get involved.
- \* Schools are burdened enough without being involved in the problems that sponsoring or even renting to a day care program would entail. School systems are already suffering from serious funding crises and have been forced to cut many programs. To increase the burdens on school systems at this time is not in the interests of children and parents.
- \* By getting involved with the day care issue, and extended school day care specifically, state governments are implicitly creating a family policy for which they have no mandate.

Those who favor state involvement with extended school day care argue:

- \* According to the research of many experts, latch-key children run physical and psychological risks. Recent studies indicate that these children are getting into trouble with the law. Extended school day care is an important way to supervise and provide programming for youngsters. For too long the private and public sectors have invested in "band-aid programs." This type of child care is an excellent alternative for primary prevention.
- \* Children who return home to isolated or even dangerous neighborhoods are often lonely and afraid. Many working parents do not allow their children to leave the house unsupervised or to invite anyone there. This denies many youngsters playtime that is essential to building social skills. Many children do find that an extended school day program fills their need for interaction with peers and affirming adults.
- \* Rather than threatening the primary roles of the American family, extended day programs make healthy functioning possible. By relieving the latch-key stress of children and families, these programs help parents make their time with children more relaxed and meaningful. Most research confirms that children in such programs continue to look to their parents as the primary source of care and values. Extended day programs often provide the support that the disappearing extended family once provided.<sup>16</sup>

- \* Parents, principals, boards of education and state officials have worked together successfully to begin and operate extended school day programs. School boards have found renting empty classrooms for these programs to be a source of revenue.<sup>17</sup> Another advantage to having day care in the school setting is that parents, teachers and child care staff can work together daily to meet the needs of children.<sup>18</sup>
  
- \* When states get involved with the day care issue they are not forming family policy: they are responding to economic and social factors that do dictate changes in the structure of many families. Working parents of upper, middle and lower classes are unanimous in their desire for better systems of child care. Many of them feel that it is government's responsibility to create a climate conducive to high-quality and affordable day care. Since extended school day care programs depend on state sanctions within their education policies, state government is already in the middle of the issue. Some analysts feel that as more women enter the workplace, parents will increasingly see day care as an extremely relevant and important political issue.<sup>19</sup>

#### Degrees of State Involvement

State involvement in the extended school day care issue has been along a continuum ranging from peripheral interest to major funding. The level of involvement often reflects the amount of political pressure brought to bear by parents, education officials and other interest groups.

CALIFORNIA, for example, has been in the forefront of day care innovation since the end of the World War II. The state's Office of Child Development does more than fulfill the basic requirements of licensing and minimal funding. It has actively funded and integrated public and private resources to make day care and extended school day programs possible.<sup>20</sup>

MASSACHUSETTS and OREGON have recently passed bills allowing school boards to rent or lease school space.<sup>21</sup> Such enabling legislation is crucial to parent groups who may not desire or need state funding, but who do need legal access to existing community resources. The Wellesley Center for Research on Women suggests that this model of state involvement is often crucial to allowing affordable extended school day care to develop.

Other states have promulgated information on day care innovations through their publications. The TEXAS Department of Human Resources' manual, "The Development of School-Age Day Care," is a good example of sharing information on successful day care programs at the state level.

### Options in Day Care

Another possible solution to the latch key problem is the development of employer-sponsored day care. The Governor's Advisory Committee on Child Development Programs in California recently sponsored a series of meetings with representatives of large employers and labor unions to encourage day care at the worksite. While efforts in this area have not produced many results, the Advisory Committee has established an information clearinghouse on the issue and helped the California legislature bring tax exemptions for such programs up to par with federal legislation.<sup>23</sup> Several states (California, New York, Tennessee) provide day care for state employees, while the federal government sponsors at least thirteen such programs for its employees.<sup>24</sup>

While this form of care has proven very effective for pre-school children and infants, its application to the school age child needs further development.

Most parents who can afford child care have opted for family day care. This form of care involves children staying in private homes after the school day and has proven to be exceedingly popular. In 1981, the U.S. Department of Health and Human Resources published a seven-volume study which examined family care programs across the country. One of the major concerns in this type of care is the degree to which non-professional caregivers understand the developmental needs of their client-children.<sup>25</sup>

### Summary

No matter how state governments decide to respond, the number of children who will need day care will increase dramatically in the next 15 years. One writer estimates that by 1993, about 18 million school-age children will need some form of care.<sup>26</sup>

One issue that deeply concerns many observers is the impact of recent federal, state and local budget cuts in financial aid to day care parents. While many high-income families can afford private care, many middle and lower class families find the cost of private and public programs to be prohibitive. While states like California are committed to continuing their aid to low-income families, the needs of most are not being met. Unfortunately, many of these children are from single-parent families which currently barely make ends meet. For these families, the latch key problem will probably remain a reality until they receive outside help.<sup>27</sup>

### Additional Sources

For further information on child care issues contact:

Michelle Seltzer or Andrea Genser  
Wellesley College Center for Research on Women  
Wellesley College  
Wellesley, Massachusetts 02181  
(617) 235-0320, ext. 2554

The Wellesley Center is the best source of information on issues relating to the latch key child and extended school day care. They have been actively involved in helping research and innovate programs in communities all over the country through their "School-Age Child Care Project." The Center offers various publications reporting the results of their work, as well as bibliographies that are helpful to program designers and policymakers.

For specific program information on how a private agency and a state coordinates day care services contact:

Tinka Streibert  
Santa Monica Children's Center  
Ocean Park Center  
Santa Monica, California 90405  
(213) 396-2367

For information on employer-sponsored day-care contact:

Fran Berry  
Council of State Governments  
P.O. Box 11910, Iron Works Pike  
Lexington, Kentucky 40578

Notes

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CSG Backgrounder--Latch Key Children

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24. "Employers and child care: establishing services through the work place," Women's Bureau/U.S. Department of Labor, January (1980).
25. "Family Day Care in the United States: Executive Summary," U.S. Department of Health and Human Services, September (1981) DHHS Pub. No. (OHDS) 80-30287.
26. Barbara Parker, "School-sponsored day care," The American School Board Journal, October (1981): 36-39.
27. Interview with the Wellesley Center.

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## The Council of State Governments

The Council is a joint agency of all the state governments—created, supported, and directed by them. It conducts research on state programs and problems; maintains an information service available to state agencies, officials, and legislators; issues a variety of publications; assists in state-federal liaison; promotes regional and state-local cooperation; and provides staff for affiliated organizations.

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Sec. 27. REPEALER.

Laws 1981, chapter 323, section 4 and chapter 360, article II, section 54, as amended by Laws 1981, First Special Session chapter 4, article IV, section 22, are repealed. The section proposed to be coded as section 471.365 contained in a bill styled as H.F. No. 1290 during the 1983 regular legislative session is repealed.

Sec. 28. EFFECTIVE DATE.

Sections 19, 24, and 25 are effective July 1, 1984.

ARTICLE 2

CHILD CARE ENTITLEMENT

Section 1. Minnesota Statutes 1982, section 245.83, is amended to read:

245.83 GRANTS FOR CHILD CARE SERVICES; DEFINITIONS.

Subdivision 1. As used in sections 245.83 to 245.87 the words defined in this section shall have the meanings given them.

Subd. 2. "Child care services" means family day care homes, group day care centers, nursery schools, day nurseries, child day care centers, play groups, head start and parent cooperatives, as defined by rules of the commissioner, and in-home child care as defined in the Minnesota plan for social services to families and children.

Subd. 3. "Child" means any person 14 years of age or younger.

Subd. 4. "Commissioner" means the commissioner of public welfare.

Subd. 5. "Interim financing" means funds to carry out such activities as are necessary for family day care homes, group family day care homes and cooperative child care centers to receive and maintain state licensing, and operating funds for a period of six consecutive months following receipt of state licensing by a family day care home, group family day care home, or cooperative child care center.

Sec. 2. Minnesota Statutes 1982, section 245.84, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY.** The county board is authorized to provide child care services, to make grants from the community social service fund or other sources to any municipality, corporation or combination thereof for the cost of providing technical assistance and child care services, or to contract for services with any licensed day care facility, as the board deems necessary or proper to carry out the purposes of sections 245.83 to 245.87.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The board is further authorized to make grants to or contract with any municipality, incorporated licensed child care facility, or corporation or combination thereof for any of the following purposes:

(a) For creating new licensed day care facilities and expanding existing facilities including, but not limited to, supplies, equipment, and facility renovation and remodeling;

(b) For improving licensed day care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling;

(c) For supportive child development services including, but not limited to, inservice training, curriculum development, consulting specialist, resource centers, and program and resource materials;

(d) For carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training; and,

(e) For interim financing.

Sec. 3. Minnesota Statutes 1982, section 245.84, subdivision 2, is amended to read:

Subd. 2. ALLOCATION, ELIGIBILITY, SLIDING FEE. (a) Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish a program to make grants allocate available appropriations to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate rules to govern the program in accordance with this subdivision. No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation procedures for applying for the sliding fee program grants. No later than June 1 of each odd-numbered year, each county wishing to participate in the sliding fee program shall apply to inform the commissioner for a grant of the number of persons estimated to be entitled to child care services, the number of persons estimated to use the program, and the expected cost for the following two state fiscal years. No later than July 1 of that year, the commissioner shall allocate to all counties that apply and agree to comply with the provisions of sections 245.84 to 245.87 grants in the amounts determined by rule each county its proportionate share of the appropriation for that and the next fiscal year, determined according to the county's report. If the appropriation is insufficient to meet the needs in all counties, the amount shall be prorated among the counties. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15 of each odd-numbered year of the effectiveness of the program.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(b) In addition to payment program shall be made by grant year, and 15 percent in county provides services under

The county board shall for the sliding fee program, than the maximum income includes families having income state median income for a maximum income range in less than 90 percent of the family size. Families having to criteria which the comm child because of employment eligible for the sliding fee p

(c) Families receiving 1983 are entitled to child care is allowed or required to be county from federal, state, practical make child care parent needs child care segment, or to obtain the training, or employment.

(1) who are receiving sections 256.72 to 256.87 available as in-kind services \$160 per month per child employed full-time; their

(2) whose household county board. Child care sliding fee. The minimum the sliding fee families with of less than 75 percent for and the percent of the state me

(d) In setting the amount of income established by the county social security taxes a state standardized tax

Changes or additions

(b) In addition to payments from parents, contributions to the cost of the program shall be made by grantees counties as follows: 5 percent in the first grant year, and 15 percent in the second and subsequent grant years, that the county provides services under this subdivision.

The county board shall establish the income range for eligibility of families for the sliding fee program, which shall be not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes families having income above 60 percent but less than 70 percent of the state median income for a family of four adjusted for family size; (b) the maximum income range includes families having income above 60 percent but less than 90 percent of the state median income for a family of four adjusted for family size. Families having parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances are eligible for the sliding fee program.

(c) Families receiving child care services under this subdivision on July 1, 1983 are entitled to child care services under this paragraph (c). As money that is allowed or required to be used for providing child care becomes available to the county from federal, state, or local sources, the county board shall to the extent practical make child care services available to single parent families in which the parent needs child care services under this section to secure or retain employment, or to obtain the training or education necessary to secure employment, or for other circumstances, established by the commissioner, related to education, training, or employment, and, in the following order of priority:

(1) who are receiving aid to families with dependent children under sections 256.72 to 256.87. Child care services to these families shall be made available as in-kind services, to cover the difference between the actual cost and \$160 per month per child or the amount disregarded under rules for persons not employed full-time; then

(2) whose household income is within the income range established by the county board. Child care services to these families shall be made available on a sliding fee. The minimum income range a county board may establish is between the aid to families with dependent children eligibility limit and household income of less than 70 percent of the state median income for a family of four adjusted for family size, and the maximum income range is between the aid to families with dependent children eligibility limit and household income of less than 90 percent of the state median income for a family of four adjusted for family size.

(d) In setting the sliding fee schedule, the commissioner shall exclude from the amount of income used to determine eligibility under the income range established by the county board an amount for federal and state income and social security taxes attributable to that income level according to federal and state standardized tax tables. The total fee charged for child care to any family

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shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.

(e) In each case where the grantee county charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining such the median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

(f) The county board shall ensure that child care services are available to county residents entitled to them under paragraph (c), that the availability of services is well-advertised, and that all recipients of and applicants for aid to families with dependent children are informed of any availability of child care services under paragraph (c). The county board may accept any gifts, grants, bequests, devises, or offers of inclusion of services as employees' fringe benefits for use in providing services under sections 1 to 8.

(g) The commissioner shall promulgate temporary and permanent rules in accordance with sections 14.05 to 14.36 to implement this section. No more than seven percent of any grant allocation shall be used for the grantee's county's administration expenses.

Sec. 4. Minnesota Statutes 1982, section 245.84, subdivision 5, is amended to read:

Subd. 5. BIENNIAL PLAN. The county board shall biennially develop a plan for the distribution of grant money for child care services as part of the community social services plan prescribed in section 256E.09. All licensed child care programs shall be given written notice concerning the availability of grant money and the application process.

Sec. 5. Minnesota Statutes 1982, section 245.85, is amended to read:

**245.85 TERMINATION SUPERVISION OF ALL OR PART OF A GRANT SERVICES.**

The county board shall supervise and coordinate all child care services and programs for which a grant money has been made available pursuant to sections 245.83 to 245.87, and shall endeavor insofar as possible to establish a set of program standards and uniform regulations to coordinate child care services and programs at the local level. The board shall, from time to time, review the budgets, expenditures and development of each child care service and program to

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which a grant money has been made available pursuant to section 245.87.

Sec. 6. Minnesota Statutes

**245.86 AUTHORIZATION TO CONTRACT OR MAKE GRANTS**

Any county or municipality may use special tax revenues or from its own or corporate, for the same purpose to make grant allocations by section 245.87.

Sec. 7. Minnesota Statutes

**245.87 ALLOCATIONS**

For the purposes of section 245.84, the commissioner shall allocate the grant money in the geographic area, comprising the counties of Scott and Washington, and to no more than 55 percent of the total grant allocations for migrant day care projects. At least ten percent of the grant allocations shall be allocated on a population basis.

Sec. 8. DEADLINES

For state fiscal year 1984, the commissioner shall allocate money as required by section 3 no 1.

Sec. 9. SCHEDULE

The commissioner on or before January 1, 1984, with a schedule of child care services under section 245.87.

Sec. 10. EFFECTIVE DATE

Sections 1 to 9 are effective on the date of their enactment.

Section 1. Minnesota Statutes 1982, section 245.84, is amended to read:

Changes or additions

which a ~~grant~~ money has been made available pursuant to sections 245.83 to 245.87.

Sec. 6. Minnesota Statutes 1982, section 245.86, is amended to read:

**245.86 AUTHORIZATION TO COUNTIES AND MUNICIPALITIES  
TO CONTRACT OR MAKE GRANTS.**

Any county or municipality may contract for services or make grants from special tax revenues or from its general fund to any organization, governmental or corporate, for the same purposes for which the commissioner is authorized to make grants allocations by sections 245.83 to 245.87.

Sec. 7. Minnesota Statutes 1982, section 245.87, is amended to read:

**245.87 ALLOCATIONS.**

For the purposes of section 245.84, subdivision 2 grants shall be distributed, the commissioner shall allocate money appropriated between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for migrant day care services, administrative costs and statewide projects. At least ten percent of the total program allocation under section 245.84, subdivision 1 shall be designated for interim financing. The commissioner is further instructed that the allocation in each area be based on a need and population basis.

**Sec. 8. DEADLINES.**

For state fiscal year 1984, counties shall inform the commissioner as required under section 3 no later than July 15, 1983, and the commissioner shall allocate money as required under section 3 no later than September 1, 1983.

**Sec. 9. SCHEDULE FOR PARTICIPATION.**

The commissioner of public welfare shall report to the legislature by January 1, 1984, with a schedule for requiring additional counties to provide child care services under section 3.

**Sec. 10. EFFECTIVE DATE.**

Sections 1 to 9 are effective July 1, 1983.

**ARTICLE 3  
FEE INCREASES**

Section 1. Min Statutes 1982, section 357.021, subdivision 2, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.