

1 SENATE BILL NO. 269
2 INTRODUCED BY D. LENZ
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DAY-CARE LAWS; REVISING
5 REQUIREMENTS FOR FAMILY DAY-CARE HOMES PROVIDING CARE FOR 3 TO 8 CHILDREN AND
6 GROUP DAY-CARE HOMES PROVIDING CARE FOR 9 TO 15 CHILDREN; PROVIDING HEALTH,
7 SANITATION, AND SAFETY REQUIREMENTS; PROVIDING FOR PARENTAL INVOLVEMENT; PROVIDING
8 CAREGIVER QUALIFICATIONS AND REQUIREMENTS; PROVIDING PROFESSIONAL DEVELOPMENT
9 REQUIREMENTS; REQUIRING CERTAIN BACKGROUND CHECKS; PROHIBITING THE DEPARTMENT OF
10 PUBLIC HEALTH AND HUMAN SERVICES FROM ADOPTING REQUIREMENTS IN ADMINISTRATIVE
11 RULE THAT ARE MORE STRINGENT THAN STATUTORY REQUIREMENTS; PROVIDING A DEFINITION;
12 AMENDING SECTION ~~52-2-704, 52-2-714~~, MCA; AND PROVIDING AN EFFECTIVE DATE."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **NEW SECTION. Section 1. Definition.** For the purposes of [sections 1 through 13], "provider" means
17 a family day-care home provider or a group day-care home provider who is registered as a family day-care
18 home or group day-care home by the department.

19
20 **NEW SECTION. Section 2. Family and group day-care homes -- general requirements.** (1) The
21 provider shall maintain:

22 (a) proof of current liability insurance that is provided on request to the department; and
23 (b) a signed contract between the provider and each family for whom the provider cares for one or
24 more children. The contract must include a provision that parents or legal guardians are informed of any
25 changes in the composition of the provider's household.

26 (2) The provider shall ensure that there is indoor and outdoor space at the family day-care home or
27 group day-care home that is adequate for the number of children in care to play, rest, and eat.

1 regularly or frequently stays in a day-care facility who is charged with a crime that may potentially make the
2 person ineligible to work in a day-care facility.

3 (3) A staff member, support staff, trainee, volunteer, other adult residing in a day-care facility or
4 other person who regularly or frequently stays in a day-care facility who is subject to an investigation by the
5 department pursuant to Title 41, chapter 3, may be ineligible to be present in a day-care facility while children in
6 care are on the premises.

7

8 **NEW SECTION. Section 13. Administrative reconsideration of background check results --**

9 **department determination.** (1) If the result of a background check is unsatisfactory based on a conviction or a
10 determination pursuant to [section 11], the staff applicant, in conjunction with the license or registration holder if
11 different, may submit additional information to correct inaccuracies or errors in the background check results.

12 (2) The staff applicant, in conjunction with the license or registration holder if different, may request
13 an administrative reconsideration of a denial based on background check results resulting in a permissive
14 denial pursuant to [section 11(5) or (6)]. The staff applicant and the license or registration holder if different
15 shall establish that the applicant has been sufficiently rehabilitated to warrant the public trust and not pose a
16 risk to children.

17

18 **Section 14. Section 52-2-704, MCA, is amended to read:**

19 **"52-2-704. Duties of department.** (1) **The department is responsible for planning, implementing, and**
20 **coordinating programs under the Montana Child Care Act.**

21 (2) **The department shall:**

22 (a) **assess child care needs and resources within the state;**

23 (b) **develop a state child care plan;**

24 (c) **coordinate child care programs administered by all state agencies;**

25 (d) **issue licenses to persons to receive children into a day care center on a regular basis;**

26 (e) **prescribe the conditions and publish minimum standards upon which licenses and registration**
27 **certificates are issued;**

1 (f) adopt rules for day care facilities consistent with the purposes of this part; ;
2 (g) adopt rules for day care centers that provide day care on an irregular basis, which includes
3 exceptions regarding requirements for immunization records and staffing ratios; and
4 (h) issue registration certificates to a person or persons to receive children into a family day care
5 home or group day care home on a regular basis.

6 (3) The department may:
7 (a) enter into interagency agreements to administer and coordinate child care programs;
8 (b) accept any federal funds made available for the improvement or promotion of child care
9 services within the state;
10 (c) administer any state and federal funds that may be appropriated for the purposes of the part;
11 and
12 (d) issue a license to a person to receive children into a day care center on an irregular basis if the
13 person chooses to apply for licensure.
14 (4) The department may not adopt rules pursuant to subsection (2)(f) that are more stringent than
15 the requirements provided by law in this part."

17 **Section 14.** Section 52-2-714, MCA, is amended to read:

18 **"52-2-714. Best beginnings child care scholarship program.** (1) There is a best beginnings child
19 care scholarship program administered by the department. The program is established to provide scholarships
20 to qualified low-income families whose child received care provided by a licensed or registered child care
21 provider or day-care facility.

22 (2) The department shall inspect all providers and facilities that participate in the best beginnings
23 child care scholarship program for compliance with the requirements of 45 CFR 98.41 through 98.43."

25 **NEW SECTION. Section 15. Codification instruction.** [Sections 1 through 13] are intended to be
26 codified as an integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply
27 to [sections 1 through 13].