

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 129, As Amended in the Senate

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO DAYCARE; AMENDING SECTION 39-1107, IDAHO CODE, TO REVISE CERTAIN  
2 FEES; AMENDING SECTION 39-1108, IDAHO CODE, TO REVISE TERMINOLOGY AND  
3 TO PERMIT CERTAIN COUNTING IN DETERMINING CERTAIN RATIOS; AND AMENDING  
4 SECTION 39-1109, IDAHO CODE, TO REVISE STAFFING REQUIREMENTS.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 39-1107, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 39-1107. FEES. (1) The department shall establish by rule the maximum  
10 total fee to be assessed for a basic daycare license which shall not exceed  
11 ~~one three hundred seventytwo~~-five dollars (~~\$17325~~) for daycare centers  
12 with more than twenty-five (25) children in attendance at any given time,  
13 two hundred fifty dollars (\$250) for daycare centers with thirteen (13) to  
14 twenty-five (25) children in attendance at any given time and one hundred  
15 dollars (\$100) for group daycare facilities. Criminal history background  
16 check fees shall be in addition, but at actual cost. No other fees shall be  
17 charged for each license period. The department may allocate the fees to  
18 daycare licensing administration costs as it deems appropriate.

19 (2) The department is authorized to utilize Idaho child care pro-  
20 gram funds as otherwise allowed by law to pay for the costs associated with  
21 ~~certification and~~ licensing of daycare facilities to the extent that fees  
22 collected from the facilities do not fully cover such costs. It is the intent  
23 of the legislature that licensing fees and Idaho child care program funds  
24 shall fully fund daycare facility licensing administration.

25 SECTION 2. That Section 39-1108, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 39-1108. LOCAL OPTION. (1) If a city or county, within its respective  
28 jurisdiction, has adopted an ordinance for regulation and/or licensing of  
29 daycare services, then the provisions of this chapter shall not apply with  
30 such city or county unless the ordinance is subsequently repealed. To qual-  
31 ify for exemption, regulation of centers must include a criminal history  
32 background check at least as stringent as the check required in section  
33 39-1105, Idaho Code, compliance with safety standards at least as stringent  
34 as required in section 39-1109, Idaho Code, compliance with health standards  
35 at least as stringent as required in section 39-1110, Idaho Code, compliance  
36 with immunization requirements at least as stringent as required in section  
37 39-1118, Idaho Code, and compliance with training requirements at least as  
38 stringent as required in section 39-1119, Idaho Code. Cities and counties  
39 are hereby granted authority and may adopt ordinances for regulation and/or  
40 licensing of daycare services.

1        (2) For purposes of determining whether or not local options are more  
 2 stringent than as required in section 39-1109, Idaho Code, a city or county  
 3 within its respective jurisdiction may, but is not required to, count a child  
 4 or children of a provider for purposes of determining child:staff ratios.

5        SECTION 3. That Section 39-1109, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7        39-1109. SAFETY STANDARDS. (1) Daycare facilities, owners and opera-  
 8 tors shall comply with the following safety standards in the area of the day-  
 9 care facility in which daycare is provided:

10        (a) Adequate fire and smoke alarms;

11        (b) A functional telephone located on the daycare premises during the  
 12 hours of operation;

13        (c) Adequate fire extinguishers;

14        (d) Adequate exits;

15        (e) Firearms or other weapons which are stored on the premises of a day-  
 16 care facility must be kept in a locked container that is inaccessible to  
 17 children while daycare attendees are present;

18        (f) Pools, hot tubs, ponds and other bodies of water that are on the day-  
 19 care facility premises must provide the following safeguards:

20        (i) The area surrounding the body of water must be fenced and  
 21 locked in a manner that prevents access by children and meets the  
 22 following requirements:

23            1. The fence must be at least four (4) feet high with no ver-  
 24 tical opening more than four (4) inches wide, be designed so  
 25 that a young child cannot climb or squeeze under or through  
 26 the fence, surround all sides of the pool and have a gate that  
 27 is self-closing and that has a self-latching mechanism in  
 28 proper working order out of the reach of young children;

29            2. If the house forms one (1) side of the barrier for the  
 30 pool, all doors that provide unrestricted access to the pool  
 31 must have alarms that produce an audible sound when the door  
 32 is opened;

33            3. Furniture or other large objects must not be left near the  
 34 fence in a manner that would enable a child to climb on the  
 35 furniture or other large object and gain access to the pool;  
 36 and

37        (ii) If the area surrounding a pool, hot tub, pond or other body of  
 38 water is not fenced and locked, there must be a secured protective  
 39 covering that will not allow access by a child;

40        (iii) Wading pools must be empty when not in use;

41        (iv) Children must be under direct supervision of ~~an~~ at least one  
 42 (1) adult employee while using a pool, hot tub, pond or other body  
 43 of water; and

44        (v) A minimum of a four (4) foot high fence must be present that  
 45 prevents access from the daycare facility premises if the daycare  
 46 premises are adjacent to a body of water; and

47        (g) The owner or operator of a daycare facility shall ensure that at  
 48 all times when a child or children are present, at least one (1) adult

1 employee on the premises has current certification in pediatric rescue  
2 breathing and first-aid treatment from a certified instructor.

3 (2) No fire standards developed pursuant to this chapter shall be more  
4 stringent than the standards contained in the International Fire Code, as  
5 adopted by Idaho.

6 (3) ~~An~~ At least one (1) adult employee must be present at all times  
7 during business hours on the daycare facility premises when a child or chil-  
8 dren are in attendance.

9 (4) ~~(a) In addition to the safety standards identified in subsection~~  
10 ~~(1) of this section, safety standards shall be established by the de-~~  
11 ~~partment to govern t~~The maximum allowable child:staff ratio of children  
12 to staff subject to shall be a maximum of twelve (12) points per staff  
13 member using the following restrictions point system:

14 (a) In no event shall the child-staff ratio require more than one  
15 (1) staff member to six (6) children for all children age twenty-  
16 four (24) months or less; more than one (1) staff member to eight  
17 (8) children for all children above age twenty-four (24) months  
18 but less than three (3) years; more than one (1) staff member to  
19 ten (10) children for all children age three (3) years but less  
20 than four (4) years; more than one (1) staff member to twelve (12)  
21 children for all children age four (4) years but less than five (5)  
22 years; and more than one (1) staff member to eighteen (18) chil-  
23 dren for all children whose age is five (5) years or more. The max-  
24 imum group size for all groups shall not exceed twice the number  
25 of children allowed for a single staff member Each child in atten-  
26 dance under the age of twenty-four (24) months shall equal two (2)  
27 points.

28 (ii) Each child in attendance from twenty-four (24) months to  
29 under thirty-six (36) months of age shall equal one and one-half  
30 (1 1/2) points.

31 (iii) Each child in attendance from thirty-six (36) months to un-  
32 der five (5) years of age shall equal one (1) point.

33 (iv) Each child in attendance from five (5) years to under thir-  
34 teen (13) years of age shall equal one-half (1/2) point.

~~Number of Children Allowed and Maximum Group Size Table~~

	Children:		Children:		Children:	
	above		Children:			
	twenty-		Children:			
	Children:	four (24)	Children:	four		
	birth	months	three (3)	(4) years		
	to	but	years	but less		
	twenty-	less than	but	than	Children:	
Number of	four	three	less than	five	five (5)	
required	(24)	(3)	four	(5)	years or	
staff	months	years	(4) years	years	more	
1	6	8	10	12	18	
2	12	16	20	24	36	
Maximum						
group size	12	16	20	24	36	

(b) ~~The maximum ratio of children to staff in mixed age groups shall be determined by the age of the youngest child in attendance.~~

(c) ~~All adults providing direct supervision to the children shall be counted as staff for purposes of computing a child-staff ratio. Employees sixteen (16) and seventeen (17) years of age under the supervision of an adult employee, when providing direct supervision to children, may be counted as staff for the purposes of computing the child-staff ratio.~~

(d) ~~Each child in attendance shall count as one (1) child be counted by the department for purposes of computing a child-staff ratio calculating maximum allowable points, counting the number of children in attendance and for determining compliance with child:staff ratios.~~

(e) ~~Daycare facilities shall have a maximum allowable child-staff ratio based on the age of the children in attendance. The maximum group size is twelve (12) children. If more than two (2) children are in attendance under the age of two (2) years, the maximum group size shall be ten (10) children. If three (3) or more children under the age of two (2) years are in attendance, the maximum group size shall be nine (9) children.~~

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~~Daycare Facility Ratio and Maximum Group Size Table~~

	<del>No children under</del>	<del>No more than</del>	<del>Three (3) or more</del>
	<del>the age</del>	<del>two (2) children</del>	<del>children under</del>
	<del>of</del>	<del>under the age</del>	<del>the age</del>
	<del>two (2) years</del>	<del>of</del>	<del>of</del>
	<del>two (2) years</del>	<del>two (2) years</del>	<del>two (2) years</del>
Maximum group	12	10	9
size			

~~(f) Family daycare homes shall not provide daycare services for more than six (6) children at a time.~~