



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators VANORDEN, Lee, Wintrow and,
Representatives VANDER WOUDE, Erickson, Rubel

FROM: Kyle Slominski - Legislative Drafter

DATE: July 10, 2024

SUBJECT: Temporary Rule

IDAPA 16.06.03 - Daycare Licensing - Adoption of Temporary Rule - Docket No. 16-0603-2401

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Kyle Slominski at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.03 – DAYCARE LICENSING

DOCKET NO. 16-0603-2401

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1st, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 39-1107, 39-1111, 56-1003, 56-1004A, 56-1005(8), and 56-1007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule.

This rule makes two primary changes:

- It removes the child-staff ratio specifics because it needlessly duplicates Section 39-1109(4), Idaho Code, and removing it from rule has no bearing on the statute; and
- It eliminates the fee imposed on Family Daycare Home Voluntary Licensees.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and 67-5226(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The state of Idaho is experiencing a shortage of available daycare slots for Idaho's children. Eliminating the fee reduces the regulatory burden on small providers of childcare, namely those seeking a voluntary license as a daycare home, eliminating barriers to entry.

FEE SUMMARY: The following is a specific description of the fee or change imposed or increased:

The fee of \$100 imposed per Family Daycare Home Voluntary License has been eliminated. This has an estimated impact to the state of \$1,400 annually.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Alex J. Adams, Director, 208-334-5500.

DATED this 18th day of June, 2024.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0603-2401
(Only Those Sections With Amendments Are Shown.)

16.06.03 – DAYCARE LICENSING

122. DAYCARE LICENSING FEES.

A nonrefundable licensing fee must be paid to the Department prior to the issuance or renewal of a daycare license. The total fee for initial licensure or renewal of a daycare facility must not exceed the following amounts: (7-1-24)

01. Daycare Center with More than Twenty-Five Children in Attendance at Any Given Time. Three hundred twenty-five dollars (\$325). (7-1-24)

02. Daycare Center with Thirteen to Twenty-Five Children in Attendance at Any Given Time. Two hundred fifty dollars (\$250). (7-1-24)

03. Group Daycare Facility. One hundred dollars (\$100). (7-1-24)

~~04. Family Daycare Home Voluntary License. One hundred dollars (\$100). (7-1-24)~~

(BREAK IN CONTINUITY OF SECTIONS)

300. CHILD-STAFF RATIO.

~~Under Section 39-1109, Idaho Code, the Department determines the maximum allowable child-staff ratio based on a point system. (7-1-24)~~

~~01. Daycare Child-Staff Ratio Point System. The maximum allowable points for each staff is twelve (12), using the following point system which is based on the age of each child in attendance: (7-1-24)~~

~~a. Under twenty-four (24) months old, each child equals two (2) points. (7-1-24)~~

~~b. From twenty-four (24) months old to under thirty-six (36) months, each child equals one and one-half (1-1/2) points. (7-1-24)~~

~~c. From thirty-six (36) months old to under five (5) years, each child equals one (1) point. (7-1-24)~~

~~d. From five (5) years old to under thirteen (13) years, each child equals one half (1/2) point. (7-1-24)~~

02. Child-Staff Ratios. Ratios must be maintained during all hours of operation when children are in attendance and when transporting children. (7-1-24)

a. Each child in attendance is counted by the Department for the purposes of calculating maximum allowable points, counting the number of children in attendance, and for determining compliance with child-staff ratios; (7-1-24)

b. Each adult staff who is providing direct care for a child(ren) is counted by the Department as one (1) staff for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios; and (7-1-24)

c. Each staff sixteen (16) and seventeen (17) years old must be under the supervision of an adult staff,

when providing direct care for a child(ren), and may be counted by the Department as one (1) staff for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios. (7-1-24)

032. Supervision of Children. The owner or operator and all staff are responsible for the direct care, protection, supervision, and guidance of children through active involvement or direct observation. In addition to meeting the child-staff ratio requirements, the owner or operator of a daycare facility must ensure that: (7-1-24)

a. At least one (1) adult staff is always awake and on duty on the premises during regular business hours or when children are in attendance; and (7-1-24)

b. All providers, owners, and staff who provide direct care to children must have current certification in pediatric rescue breathing (CPR) and pediatric first aid from a certified instructor. Providers who do not have these certifications will not count in child-staff ratios. (7-1-24)

034. Sleeping Children. Must be within sight and normal hearing range of a provider. (7-1-24)

045. Overnight Daycare. For daycare operators providing overnight care of children, the following must apply: (7-1-24)

a. A sleeping child sleeps on the same level as the staff member who must be able to hear the child; and (7-1-24)

b. A staff member is awake and on duty to release and receive a child. (7-1-24)

c. Children sleeping at the facility have separate cots, mats, or beds and blankets. (7-1-24)

d. A child will not share a bed with a non-parent adult. (7-1-24)