

30:5B-5.1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

"Child Care Center Licensing
Act" -- amendments

NJSA: 30:5B-5.1

LAWS OF: 1992 CHAPTER: 95

BILL NO: S87

SPONSOR(S) Lipman

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Senior Citizens

SENATE: Womens Issues

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: July 20, 1992

SENATE: April 2, 1992

DATE OF APPROVAL: September 10, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: ~~No~~ Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~No~~ No

FOLLOWING WERE PRINTED:

REPORTS:

HEARINGS: No

1990 New Jersey. Legislative. Assembly. Task Force on Child Care.
36 Public hearing held 12-4-90, 2-14-91 & 3-25-92. Trenton,
1990b Lakewood, Totowa, NJ, 1992.

KBG:pp

[SECOND REPRINT]

SENATE, No. 87

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator LIPMAN

1 AN ACT concerning child care and amending and supplementing
2 the "Child Care Center Licensing Act," P.L.1983, c.492
3 (C.30:5B-1 et seq.).
4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 2 of P.L.1983, c.492 (C.30:5B-2) is amended to read
8 as follows:

9 2. The Legislature finds that it is in the public interest to
10 license and regulate child care programs and facilities in order to
11 insure the continuous growth and development of children. The
12 Legislature further finds that comprehensive child care programs
13 are of value to the health, safety, education, physical, social and
14 intellectual growth and general well-being of the children served
15 and that the programs strengthen and supplement the family
16 unit. The Legislature further finds that child care programs
17 provide places for preventive health measures, early detection of
18 illnesses and handicaps and development of special talents and
19 interests. The Legislature further finds the State and parents
20 have a responsibility in the education of children and that the
21 role of the teacher as caregiver is essential to the continuous
22 development of children. The Legislature further finds that
23 experience indicates that the development of child care centers
24 should be encouraged, whether publicly or privately supported, to
25 provide a full range of services benefiting the child, parent and
26 community and that there is a great need for expansion of
27 existing centers and for the establishment of additional centers
28 and other child care programs.

29 (cf: P.L.1983, c. 492, s.2)

30 2. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read
31 as follows:

32 3. As used in this act:

33 a. "Child" means any person under the age of [six] 13.

34 b. "Child care center" or "center" means any facility which is
35 maintained for the care, development or supervision of six or
36 more children who attend the facility for less than 24 hours a
37 day. In the case of a center operating in a sponsor's home,
38 children who reside in the home shall not be included when
39 counting the number of children being served. This term shall
40 include, but shall not be limited to [such programs as private
41 nonsectarian child care centers, day care centers, drop in
42 centers, day nursery schools, nighttime centers, infant-toddler

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted March 5, 1992.

² Assembly ASC committee amendments adopted June 15, 1992.

1 programs, school age programs, play schools, boarding schools,
 2 employment related centers, cooperative child care centers, child
 3 care centers which have already received approval by the
 4 Department of Human Services prior to the enactment of this act
 5 into law, and kindergartens that are not an integral part of an
 6 elementary educational institution or system] , day care centers,
 7 drop-in centers, nighttime centers, recreation centers sponsored
 8 and operated by a county or municipal government recreation or
 9 park department or agency, day nurseries, nursery and play
 10 schools, cooperative child centers, centers for children with
 11 special needs, centers serving sick children, infant-toddler
 12 programs, school age child care programs, employer supported
 13 centers, centers that had been licensed by the Department of
 14 Human Services prior to the enactment of the "Child Care
 15 Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and
 16 kindergartens that are not an integral part of a private
 17 educational institution or system offering elementary education
 18 in grades kindergarten through sixth¹, seventh ²[and] or²
 19 eighth¹. This term shall not include:

20 (1) [Foster homes, group homes and other types of in-home
 21 residential facilities, and children's institutions, whether public
 22 or private, providing care on a 24-hour basis;] (Deleted by
 23 amendment, P.L. , c.).

24 (2) [All programs operated by a public school district and
 25 private schools which are] A program operated by a private
 26 school which is run solely for educational purposes. This
 27 exclusion shall [apply to] include kindergartens, prekindergarten
 28 programs [which are an integral part of an elementary
 29 educational institution or system, or a child care center which is]
 30 or child care centers that are an integral part of a private
 31 educational institution or system offering elementary education
 32 in grades kindergarten through sixth¹, seventh ²[and] or² eighth¹;

33 (3) Centers or special classes operated primarily for religious
 34 instruction or for the temporary care of children while persons
 35 responsible for such children are attending religious services;

36 (4) ¹[Special [activities] single activity programs for children,
 37 including, but not limited to, athletics, hobbies, art, music,
 38 dance, and craft instruction, which are supervised by an adult,
 39 agency or institution] A ²[progran] program² of specialized
 40 activity or instruction for children that is not designed or
 41 intended for child care purposes, including, but not limited to,
 42 Boy Scouts, Girl Scouts, 4-H clubs, and Junior Achievement, and
 43 single activity programs such as athletics, gymnastics, hobbies,
 44 art, music, and dance and craft instruction, which are supervised
 45 by an adult, agency or institution¹;

46 (5) Youth camps required to be licensed under the "New Jersey
 47 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To
 48 qualify for an exemption from licensing under this provision, a
 49 program must have a valid and current license as a youth camp
 50 issued by the Department of Health. A youth camp sponsor who
 51 also operates a child care center shall secure a license from the
 52 Department of Human Services for the center; [and]

53 (6) Day training centers operated by or under contract with
 54 the Division of [Mental Retardation] Developmental Disabilities

- 1 within the Department of Human Services;
- 2 (7) Programs operated by the board of education of the local
3 public school district that is responsible for their implementation
4 and management;
- 5 (8) A program such as that located in a bowling alley, health
6 spa or other facility in which each child attends for a limited
7 time period while the parent is present and using the facility;
- 8 (9) A child care program operating within a geographical area,
9 enclave or facility that is owned or operated by the federal
10 government;
- 11 (10) A family day care home that is registered pursuant to the
12 "Family Day Care Provider Registration Act," P.L.1987, c.27
13 (C.30:5B-16 et seq.); and
- 14 (11) Privately operated infant and preschool programs that are
15 approved by the Department of Education to provide services
16 exclusively to local school districts for handicapped children,
17 pursuant to ¹[P.L.1967, c.271 (C.18A:46-1 et seq.)]
18 N.J.S.18A:46-1 et seq.¹.
- 19 c. "Commissioner" means the Commissioner of the
20 Department of Human Services.
- 21 d. "Department" means the Department of Human Services.
- 22 e. "Parent" means a natural or adoptive parent, guardian, or
23 any other person having responsibility for, or custody of, a child.
- 24 f. "Person" means any individual, corporation, company,
25 association, organization, society, firm, partnership, joint stock
26 company, the State or any political subdivision thereof.
- 27 g. "Sponsor" means any person owning or operating a child
28 care center.
- 29 (cf: P.L.1983, c.492, s.3)
- 30 3. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read
31 as follows:
- 32 5. a. The department shall have responsibility and authority to
33 license and inspect child care centers. The commissioner shall
34 promulgate rules and regulations for the operation and
35 maintenance of child care centers which shall prescribe standards
36 governing the safety and adequacy of the physical plant or
37 facilities; the education, health, safety, general well-being and
38 physical and intellectual development of the children; the quality
39 and quantity of food served; the number of staff and the
40 qualifications of each staff member; the implementation of a
41 ¹[developmental or age-appropriate] developmentally
42 appropriate¹ program; the maintenance and confidentiality of
43 records and furnishing of required information; the transportation
44 of children; and the administration of the center. The
45 commissioner shall also promulgate rules and regulations for
46 license application, issuance, renewal, expiration, denial,
47 suspension and revocation. In developing, revising or amending
48 such rules and regulations, the commissioner shall consult with
49 the [advisory council] ¹[Advisory Council on Child Care] Child
50 Care Advisory Council¹ created pursuant to section 14 of [this
51 act] P.L.1983, c.492 (C.30:5B-14), and with other appropriate
52 administrative officers and agencies, including the Departments
53 of Health, Education [and], Labor, Community Affairs and the
54 Division of Motor Vehicles [and the State Fire Marshal] giving

1 due weight to their recommendations. The rules and regulations
2 promulgated pursuant to this act shall be adopted and amended in
3 accordance with the "Administrative Procedure Act," P.L.1968,
4 c.410 (C.52:14B-1 et seq.).

5 b. The department shall conduct an on site facility inspection
6 and shall evaluate the program of the child care center to
7 determine whether the center complies with the provisions of this
8 act.

9 c. Any rule or regulation involving physical examination,
10 immunization or medical treatment shall include an appropriate
11 exemption for any child whose parent or parents object thereto on
12 the ground that it conflicts with the tenets and practice of a
13 recognized church or religious denomination of which the parent
14 or child is an adherent or member.

15 d. The department shall have the authority to inspect and
16 examine the physical plant or facilities of a child care center and
17 to inspect all documents, records, files or other data maintained
18 pursuant to this act during normal operating hours and without
19 prior notice.

20 e. The department shall request the appropriate State and
21 local fire, health and building officials to conduct examinations
22 and inspections to determine compliance with State and local
23 ordinances, codes and regulations by a child care center. The
24 inspections shall be conducted and the results reported to the
25 department within 60 days after the request.

26 f. Nothing in this act shall be interpreted to permit the
27 adoption of any code or standard which exceeds the standards
28 established pursuant to the "State Uniform Construction Code
29 Act," P.L.1975, c.217 (C.52:27D-119 et seq.).
30 (cf: P.L.1983, c.492, s.5)

31 4. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to
32 read as follows:

33 14. a. The Director of the Division of Youth and Family
34 Services in the Department of Human Services and the Director
35 of the Division on Women in the Department of Community
36 Affairs shall establish [and designate an advisory council] ¹[an
37 Advisory Council on Child Care] a Child Care Advisory Council¹
38 which shall consist of at least 15 individuals who have experience,
39 training or other interests in child care issues. To the extent
40 possible, the directors shall designate members of existing
41 councils or task forces heretofore established on child care in
42 New Jersey as the advisory council.

43 b. The advisory council shall:

44 (1) Review rules and regulations or proposed revisions to
45 existing rules and regulations governing the licensing of child
46 care centers;

47 (2) Review proposed statutory amendment governing the
48 licensing of child care centers and make recommendations to the
49 commissioner;

50 (3) Advise the commissioner on the administration of the
51 licensing responsibilities under this act;

52 (4) Advise the [commissioner] Commissioners of Human
53 Services and Community Affairs and other appropriate units of
54 State government on the needs, priorities, programs, and policies

1 relating to child care throughout the State;

2 (5) Study and recommend alternative resources for child care;
3 and

4 (6) Facilitate [employment related] employer supported child
5 care through information and technical assistance.

6 c. The advisory council may accept from any governmental
7 department or agency, public or private body or any other source
8 grants or contributions to be used in carrying out its
9 responsibilities under this act.

10 (cf: P.L.1983, c.492, s.14)

11 5. Section 15 of P.L.1983, c.492 (C.30:5B-15) is amended to
12 read as follows:

13 15. The [advisory council] ¹[Advisory Council on Child Care]
14 Child Care Advisory Council¹ shall prepare and submit to the
15 Senate [Institutions, Health and Welfare Committee] and General
16 Assembly [Corrections, Health and Human Services Committee]
17 an annual report of its findings and recommendations.

18 (cf: P.L.1983, c.492, s.15)

19 6. (New section) a. The department shall issue a certificate
20 of approval to those centers meeting the requirements set forth
21 in this section.

22 b. A center shall be required to comply only with physical
23 facility and life or safety requirements of the department's
24 regulations and with the requirements for administration and
25 control of medication, environmental sanitation and reporting
26 communicable diseases when a center:

27 (1) Operates on a seasonal or short-term basis for eight weeks
28 or less and does not offer a continuous program that extends
29 across the three-year period of licensure; or

30 (2) Was operating on or before May 16, 1984 and was exempt
31 from the licensing provisions because it was operated by an aid
32 society of a property organized and accredited church.

33 c. A center certified pursuant to this section shall be exempt
34 from the other rules and regulations for the operation and
35 maintenance of child care centers promulgated pursuant to
36 section 5 of P.L.1983, c.492 (C.30:5B-5).

37 d. Nothing shall prevent a center exempted under this section
38 from securing a regular license on a voluntary basis.

39 7. This act shall take effect on the 180th day after enactment.

40

41

42

43

44 Amends "Child Care Center Licensing Act."

1 15. The [advisory council] Advisory Council on Child Care shall
2 prepare and submit to the Senate [Institutions, Health and
3 Welfare Committee] and General Assembly [Corrections, Health
4 and Human Services Committee] an annual report of its findings
5 and recommendations.

6 (cf: P.L.1983, c.492, s.15)

7 6. (New section) a. The department shall issue a certificate
8 of approval to those centers meeting the requirements set forth
9 in this section.

10 b. A center shall be required to comply only with physical
11 facility and life or safety requirements of the department's
12 regulations and with the requirements for administration and
13 control of medication, environmental sanitation and reporting
14 communicable diseases when a center:

15 (1) Operates on a seasonal or short-term basis for eight weeks
16 or less and does not offer a continuous program that extends
17 across the three-year period of licensure; or

18 (2) Was operating on or before May 16, 1984 and was exempt
19 from the licensing provisions because it was operated by an aid
20 society of a property organized and accredited church.

21 c. A center certified pursuant to this section shall be exempt
22 from the other rules and regulations for the operation and
23 maintenance of child care centers promulgated pursuant to
24 section 5 of P.L.1983, c.492 (C.30:5B-5).

25 d. Nothing shall prevent a center exempted under this section
26 from securing a regular license on a voluntary basis.

27 7. This act shall take effect on the 180th day after enactment.

28
29
30 STATEMENT

31
32 This bill amends the "Child Care Center Licensing Act,"
33 P.L.1983, c.492 (C.30:5B-1 et seq.) to include licensing of
34 programs which serve children under the age of 13. Under
35 present law only programs serving children under six are required
36 to be licensed. This increase in eligibility is consistent with
37 federal law which allows for the expenditure of school age funds
38 for children up to the age of 13.

39 The bill also clarifies programs which are exempt from
40 licensing to include:

41 •Programs operated by the board of education of the local
42 public school district.

43 •Programs at a facility where the child attends while the
44 parent is using the facility (e.g., bowling alley, health spa).

45 •Child care programs owned or operated by the federal
46 government.

47 •Family day care homes registered pursuant to the "Family
48 Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16
49 et seq.).

50 •Privately operated infant and preschool programs for
51 handicapped children approved by the Department of Education.

52 The bill also adds a new section to the child care center
53 licensing law which provides that the Department of Human
54 Services shall issue a certificate of approval to certain child care
55 centers which shall exempt the center from the requirements of

1 section 5 of P.L.1983, c.492 (C.30:5B-5) regarding operation and
2 maintenance of child care centers. The certificate of approval
3 would be issued to a center which (1) operates on a seasonal or
4 short-term basis or (2) was operating before May 16, 1984 and
5 was exempt from licensing because of its operation by an aid
6 society of a church. The center would, however, be required to
7 comply with physical facility and life or safety requirements of
8 the department's regulations and with the requirements for
9 administration and control of medication, environmental
10 sanitation and reporting communicable diseases.

11

12

13

14

15 Amends "Child Care Center Licensing Act."

ASSEMBLY SENIOR CITIZENS
AND SOCIAL SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 87

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1992

The Assembly Senior Citizens and Social Services Committee favorably reports Senate Bill No. 87 (1R) with committee amendments.

As amended, this bill amends the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) to include licensing of programs which serve children under the age of 13. Under present law only programs serving children under six are required to be licensed. This increase in eligibility is consistent with federal law which allows for the expenditure of school age funds for children up to the age of 13.

The bill also clarifies which programs are exempt from licensing. These include:

- Programs operated by the board of education of the local public school district;
- Programs at a facility where the child attends while the parent is using the facility (e.g., bowling alleys, health spas);
- Child care programs owned or operated by the federal government;
- Family day care homes registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and
- Privately operated infant and preschool programs for handicapped children approved by the Department of Education.

The bill also adds a new section to the child care center licensing law which provides that the Department of Human Services shall issue a certificate of approval to certain child care centers which shall exempt the center from the requirements of section 5 of P.L.1983, c.492 (C.30:5B-5) regarding operation and maintenance of child care centers. The certificate of approval would be issued to a center which (1) operates on a seasonal or short-term basis or (2) was operating before May 16, 1984 and was exempt from licensing because of its operation by an aid society of a church. The center would, however, be required to comply with physical facility and life or safety requirements of the department's regulations and with the requirements for administration and control of medication, environmental sanitation and reporting communicable diseases.

The bill expands the definition of kindergartens that are covered under the provisions of the "Child Care Center Licensing Act" to include those that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth. The bill also expands

the definition of kindergartens, prekindergartens or child care centers that are exempt from the provisions of the "Child Care Center Licensing Act" to include those that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth.

The bill further clarifies the definition of specialized activity programs that are not considered child care centers under the provisions of the act. Under the new definition, these programs would include Boy Scouts, Girl Scouts, 4-H clubs, and single activity programs such as athletics, hobbies, and arts and craft instruction, which are supervised by adults.

The amendments are technical in nature and change the reference to elementary education in grades kindergarten through "sixth, seventh and eighth" to "sixth, seventh or eighth".

This bill is identical to Assembly Bill No. 1285 (ACA) (Heck/Anderson) which was also reported by this committee on this date.

SENATE WOMEN'S ISSUES, CHILDREN
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 87

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 1992

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 87 with committee amendments.

As amended, the bill amends the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) to include licensing of programs which serve children under the age of 13. Under present law only programs serving children under six are required to be licensed. This increase in eligibility is consistent with federal law which allows for the expenditure of school age funds for children up to the age of 13.

The bill also clarifies which programs are exempt from licensing. These include:

- Programs operated by the board of education of the local public school district;
- Programs at a facility where the child attends while the parent is using the facility (e.g., bowling alleys, health spas);
- Child care programs owned or operated by the federal government;
- Family day care homes registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and
- Privately operated infant and preschool programs for handicapped children approved by the Department of Education.

The bill also adds a new section to the child care center licensing law which provides that the Department of Human Services shall issue a certificate of approval to certain child care centers which shall exempt the center from the requirements of section 5 of P.L.1983, c.492 (C.30:5B-5) regarding operation and maintenance of child care centers. The certificate of approval would be issued to a center which (1) operates on a seasonal or short-term basis or (2) was operating before May 16, 1984 and was exempt from licensing because of its operation by an aid society of a church. The center would, however, be required to comply with physical facility and life or safety requirements of the department's regulations and with the requirements for administration and control of medication, environmental sanitation and reporting communicable diseases.

The committee amended the bill to expand the definition of kindergartens that are covered under the provisions of the "Child Care Licensing Act" to include those that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh and eighth. Another amendment expands the definition of kindergartens,

prekindergartens or child care centers that are exempt from the provisions of the "Child Care Licensing Act" to include those that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh and eighth.

The committee also amended the bill to further clarify the definition of specialized activity programs that are not considered child care centers under the provisions of the act. Under the new definition, these programs would include Boy Scouts, Girl Scouts, 4-H clubs, and single activity programs such as athletics, hobbies, and arts and craft instruction, which are supervised by adults. Other amendments include changing references to the Advisory Council on Child Care to its new name, the Child Care Advisory Council and changing references to developmental or age-appropriate programs to developmentally appropriate programs.

This bill was pre-filed for introduction in the 1992-1993 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

LEGISLATIVE FISCAL ESTIMATE TO

[SECOND REPRINT]

SENATE, No. 87

STATE OF NEW JERSEY

DATED: July 16, 1992

Senate Bill No. 87 (2R) of 1992 amends the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) to include licensing of programs which serve children under the age of 13. Under present law only programs serving children under six are required to be licensed. This increase in eligibility is consistent with federal law which allows for the expenditure of school age funds for children up to the age of 13. The bill exempts certain programs such as:

- Programs operated by the board of education of the local public school district;
- Programs at a facility where the child attends while the parent is using the facility (e.g., bowling alleys, health spas);
- Child care programs owned or operated by the federal government;
- Family day care homes registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and
- Privately operated infant and preschool programs for handicapped children approved by the Department of Education.

The bill also adds a new section to the child care center licensing law which provides that the Department of Human Services shall issue a certificate of approval to certain child care centers which shall exempt the center from the requirements of section 5 of P.L.1983, c.492 (C.30:5B-5) regarding operation and maintenance of child care centers. Such centers would, however, be required to comply with physical facility and life or safety requirements of the department's regulations and with the requirements for administration and control of medication, environmental sanitation and reporting communicable diseases.

The Department of Human Services and the Office of Management and Budget have not provided any fiscal information regarding the legislation.

The Office of Legislative Services is not able to estimate the cost of the legislation as no information is available as to the number of additional facilities which would be subject to licensing. It is noted that DHS' Division of Youth and Family Services currently spends an estimated \$1.2 million for personnel costs of about 40 personnel who are involved in the licensing of over 2,200 child care centers. These licensing activities currently generate about \$100,000 in revenues to the General Fund. Additional revenues would be generated to offset a portion of the additional cost, but the amount cannot be estimated as the number of affected facilities is not known.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.