

REFERENCE TITLE: child care; staff ratios

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2451

Introduced by
Representatives Osborne: John

AN ACT

AMENDING SECTIONS 36-883, 36-883.05, 41-1967.01 AND 46-809, ARIZONA
REVISED STATUTES; RELATING TO CHILD CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-883, Arizona Revised Statutes, is amended to
3 read:

4 36-883. Standards of care; rules; classifications

5 A. The director of the department of health services shall
6 prescribe reasonable rules regarding the health, safety and well-being of
7 the children to be cared for in a child care facility. These rules shall
8 include standards for the following:

9 1. Adequate physical facilities for the care of children, such as
10 building construction, fire protection, sanitation, sleeping facilities,
11 isolation facilities, toilet facilities, heating, ventilation, indoor and
12 outdoor activity areas and, if provided by the facility, transportation
13 safely to and from the premises.

14 2. Adequate staffing per number and age groups of children by
15 persons who are qualified by education or experience to meet their
16 respective responsibilities in the care of children. **FOR THE PURPOSES OF**
17 **ANY RATIO OF STAFF MEMBERS TO CHILDREN, A PERSON WHETHER PAID OR UNPAID**
18 **WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO HAS A HIGH SCHOOL DIPLOMA OR**
19 **A CERTIFICATE OF HIGH SCHOOL EQUIVALENCY SHALL BE CONSIDERED A STAFF**
20 **MEMBER.**

21 3. Activities, toys and equipment to enhance the development of
22 each child.

23 4. Nutritious and well-balanced food.

24 5. Encouragement of parental participation.

25 6. Exclusion of any person from the facility whose presence may be
26 detrimental to the welfare of children.

27 B. The department shall adopt rules pursuant to title 41, chapter 6
28 and section 36-115.

29 C. Any rule that relates to educational activities, physical
30 examination, medical treatment or immunization shall include appropriate
31 exemptions for children whose parents object on the ground that it
32 conflicts with the tenets and practices of a recognized church or
33 religious denomination of which the parent or child is an adherent or
34 member.

35 D. The department of health services shall conduct a comprehensive
36 review of its rules at least once every two years. Before conducting this
37 review, the department shall consult with agencies and organizations that
38 are knowledgeable about the provision of child care facilities to
39 children, including:

40 1. The department of economic security.

41 2. The department of education.

42 3. The office of the state fire marshal.

43 4. The league of Arizona cities and towns.

44 5. Citizen groups.

45 6. Licensed child care facility representatives.

1 7. The department of child safety.

2 E. The department shall designate appropriate classifications and
3 establish corresponding standards pertaining to the type of care
4 offered. These classifications shall include:

5 1. Facilities offering infant care.

6 2. Facilities offering specific educational programs.

7 3. Facilities offering evening and nighttime care.

8 F. Rules for the operation of child care facilities shall be stated
9 in a way that clearly states the purpose of each rule.

10 Sec. 2. Section 36-883.05, Arizona Revised Statutes, is amended to
11 read:

12 36-883.05. Child care facilities; infants; floor bedding;
13 requirements; emergency evacuation; notice;
14 definitions

15 A. A child care facility that provides child care services
16 utilizing the practice of a documented educational philosophy including
17 least restrictive environment for infants and meets the requirements of
18 this section may use floor bedding in the facility instead of cribs.

19 B. Floor bedding pursuant to subsection A of this section must meet
20 all of the following requirements:

21 1. Be a mat that meets the following dimensions:

22 (a) Is not less than two inches and not more than three inches
23 thick.

24 (b) Is not less than three feet and not more than four feet long.

25 (c) Is not less than two feet and not more than three feet wide.

26 2. Not be elevated or raised in any way.

27 3. Be covered with a waterproof and washable mattress pad, a
28 washable zip cover and an individually assigned sheet.

29 4. Be assigned to an individual infant and not shared with another
30 infant.

31 5. Be turned over at least once a week.

32 6. Be placed at least eighteen inches apart, eighteen inches from
33 any wall and two feet from any other object.

34 7. Be placed on a floor that is vacuumed and sanitized every day
35 and, if the floor is carpeted, is shampooed at least twice a month.

36 C. The ratio of staff members to resting infants in the resting
37 area must be at least one staff member to every four infants. A staff
38 member in the resting area must be supervised for the first ninety days of
39 employment to ensure the staff member's proper use of the floor bedding
40 pursuant to this section. Any staff member in the resting area shall have
41 current certification in cardiopulmonary resuscitation and first aid.

42 D. If an emergency requiring evacuation occurs, the infant nursery
43 staff shall place the infants in an evacuation crib and move the infants
44 in the crib to a designated evacuation assembly area. Evacuation cribs
45 must be stored not more than ten feet from the exterior exit. If stored

on the outside of the building, an evacuation crib must be protected from weather. On arrival at the designated evacuation assembly area, all infants must be physically accounted for against the sign-in log and the results reported to the director of the child care facility immediately. The infant nursery supervisor is responsible for bringing all attendance sheets, child rosters and information sheets to the evacuation assembly area. The child care facility staff shall take appropriate supplies during the evacuation to protect the children, if possible, during inclement weather.

E. A facility shall provide the department written notice thirty days before implementing the use of floor bedding pursuant to this section.

F. If a licensed facility does not comply with the requirements of this section, the department may require the installation of cribs.

G. For the purposes of this section:

1. "Infant" means either:

(a) A child who is twelve months or younger.

(b) A child who is eighteen months or younger if not walking.

2. "Resting area" means a space within the classroom that is separate from the activity area and that contains only the floor bedding, infants and staff members.

3. "STAFF MEMBER" MEANS, FOR THE PURPOSES OF THE RATIO OF STAFF MEMBERS TO RESTING INFANTS, A PERSON WHETHER PAID OR UNPAID WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO HAS A HIGH SCHOOL DIPLOMA OR A CERTIFICATE OF HIGH SCHOOL EQUIVALENCY.

Sec. 3. Section 41-1967.01, Arizona Revised Statutes, is amended to read:

41-1967.01. Child care home provider; registration; fingerprints; definition

A. A child care home provider who receives compensation to care for four or fewer children and who has not been certified by the department of economic security pursuant to section 46-807 or licensed or certified by the department of health services pursuant to section 36-883 or 36-897.01 shall register with the department of economic security if the child care home provider wishes to be listed with the child care resource and referral system.

B. Each applicant for registration shall submit a full set of fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

C. Child care providers shall have a valid fingerprint clearance card issued pursuant to section 41-1758.07 before being registered with the department or residing in a setting that is certified or licensed by the department.

1 D. By the date of registration, child care providers shall certify
2 on forms that are provided by the department and notarized whether:

3 1. They are awaiting trial on or have been convicted of or admitted
4 committing any of the criminal offenses listed in section 41-1758.07,
5 subsection B or C in this state or similar offenses in another state or
6 jurisdiction.

7 2. They are parents or guardians of a child adjudicated to be a
8 dependent child as defined in section 8-201.

9 3. They have been denied a license to operate a child care facility
10 for cause in this state or another state or had a license or certificate
11 to operate a child care facility revoked.

12 E. The notarized forms are confidential.

13 F. Each applicant for registration shall not have been the subject
14 of an investigation in which a report of child abuse or neglect has been
15 substantiated.

16 G. Each applicant shall maintain current training and certification
17 in first aid and infant and child cardiopulmonary resuscitation.

18 H. The applicant shall enclose any pool on the applicant's premises
19 pursuant to section 36-1681, subsections A, B and C.

20 I. The applicant shall separately store firearms and ammunition
21 under lock and key or a combination lock.

22 J. The department shall adopt rules to carry out this section. FOR
23 THE PURPOSES OF ANY RATIO OF STAFF MEMBERS TO CHILDREN, A PERSON WHETHER
24 PAID OR UNPAID WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO HAS A HIGH
25 SCHOOL DIPLOMA OR A CERTIFICATE OF HIGH SCHOOL EQUIVALENCY SHALL BE
26 CONSIDERED A STAFF MEMBER.

27 K. The director shall charge a fee for processing the fingerprint
28 information required pursuant to this section.

29 L. Any obligation or liability under this section is governed by
30 section 41-1967, subsections F, G and H.

31 M. For the purposes of this section, "child care provider" means a
32 registered child care home provider pursuant to subsection A of this
33 section and any person who is eighteen years of age or older and who works
34 or resides in the home of a child care home provider.

35 Sec. 4. Section 46-809, Arizona Revised Statutes, is amended to
36 read:

37 46-809. Rules

38 The department shall adopt rules it deems reasonable or necessary to
39 implement child care services and to further the objectives of this
40 article. Rules adopted by the department shall:

41 1. Include:

42 ~~1-~~ (a) Criteria for making child care assistance eligibility
43 determinations.

44 ~~2-~~ (b) Criteria for certifying child care home and in-home
45 providers.

1 ~~3.~~ (c) Criteria for operating child care resource and referral
2 services and for suspending and terminating referrals to participating
3 child care providers pursuant to section 41-1967.

4 2. FOR THE PURPOSES OF THE RATIO OF STAFF MEMBERS TO CHILDREN,
5 SPECIFY THAT A PERSON WHETHER PAID OR UNPAID WHO IS AT LEAST EIGHTEEN
6 YEARS OF AGE AND WHO HAS A HIGH SCHOOL DIPLOMA OR A CERTIFICATE OF HIGH
7 SCHOOL EQUIVALENCY SHALL BE CONSIDERED A STAFF MEMBER.