
HOUSE BILL No. 1131

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-21.5-2-6; IC 12-7-2-143.5; IC 12-17.2-2; IC 12-17.2-7.

Synopsis: Preschool registration. Amends the definition of "preschool". Revises the licensure exemption for preschools. Requires a preschool to register with the division of family and children. (The introduced version of this bill was prepared by the board for coordination of child care regulation.)

Effective: July 1, 2004.

Budak, Crawford

January 13, 2004, read first time and referred to Committee on Human Affairs.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1131



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.241-2003,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 6. (a) This article does not apply to the
4 formulation, issuance, or administrative review (but does, except as
5 provided in subsection (b), apply to the judicial review and civil
6 enforcement) of any of the following:

7 (1) Except as provided in IC 12-17.2-4-18.7, ~~and~~
8 IC 12-17.2-5-18.7, ~~and IC 12-17.2-7-3~~, determinations by the
9 division of family and children.

10 (2) Determinations by the alcohol and tobacco commission.

11 (3) Determinations by the office of Medicaid policy and planning
12 concerning recipients and applicants of Medicaid. However, this
13 article does apply to determinations by the office of Medicaid
14 policy and planning concerning providers.

15 (4) A final determination of the Indiana board of tax review.

16 (b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial
17 review of a final determination of the Indiana board of tax review.



1 SECTION 2. IC 12-7-2-143.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 143.5. "Preschool", for
3 purposes of IC 12-17.2, means a program that provides an educational
4 experience through an age appropriate written curriculum for children
5 at least thirty (30) months of age who are not eligible to enter
6 kindergarten and that:

- 7 (1) conducts sessions for not more than four (4) hours a day;
- 8 (2) enrolls ~~children for only~~ **an individual child for not more**
9 **than** one (1) session a day; **and**
- 10 (3) does not serve meals on the premises.
- 11 ~~(4) maintains a child to staff ratio of not more than fifteen (15)~~
12 ~~children to one (1) staff member;~~
- 13 ~~(5) supervises children at all times with a person who is at least~~
14 ~~eighteen (18) years of age; and~~
- 15 ~~(6) does not operate for more than ten (10) consecutive days.~~

16 SECTION 3. IC 12-17.2-2-1, AS AMENDED BY P.L.241-2003,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2004]: Sec. 1. The division shall perform the following duties:

- 19 (1) Administer the licensing and monitoring of child care centers
20 or child care homes in accordance with this article.
- 21 (2) Ensure that a national criminal history background check of
22 the applicant is completed through the state police department
23 under ~~IC 5-2-5-15~~ **IC 10-13-3** before issuing a license.
- 24 (3) Ensure that a criminal history background check of a child
25 care ministry applicant for registration is completed before
26 registering the child care ministry.
- 27 (4) Provide for the issuance, denial, suspension, and revocation of
28 licenses.
- 29 (5) Cooperate with governing bodies of child care centers and
30 child care homes and their staffs to improve standards of child
31 care.
- 32 (6) Prepare at least biannually a directory of licensees with a
33 description of the program capacity and type of children served
34 that will be distributed to the legislature, licensees, and other
35 interested parties as a public document.
- 36 (7) Deposit all license application fees **and registration fees**
37 collected under section 2 of this chapter in the child care fund.
- 38 (8) Require each child care center or child care home to record
39 proof of a child's date of birth before accepting the child. A child's
40 date of birth may be proven by the child's original birth certificate
41 or other reliable proof of the child's date of birth, including a duly
42 attested transcript of a birth certificate.

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- 1 (9) Provide, not later than January 1, 2004, an Internet site
- 2 through which members of the public may obtain the following
- 3 information:
- 4 (A) Information concerning violations of this article by a
- 5 licensed child care provider, including:
- 6 (i) the identity of the child care provider;
- 7 (ii) the date of the violation; and
- 8 (iii) action taken by the division in response to the violation.
- 9 (B) Current status of a child care provider's license.
- 10 (C) Other relevant information.

11 SECTION 4. IC 12-17.2-2-2, AS AMENDED BY P.L.215-2001,
 12 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2004]: Sec. 2. The division may do the following:

- 14 (1) Prescribe forms for reports, statements, notices, and other
- 15 documents required by this article or by the rules adopted under
- 16 this article.
- 17 (2) Increase public awareness of this article and the rules adopted
- 18 under this article by preparing and publishing manuals and guides
- 19 explaining this article and the rules adopted under this article.
- 20 (3) Facilitate compliance with and enforcement of this article
- 21 through the publication of materials under subdivision (2).
- 22 (4) Prepare reports and studies to advance the purpose of this
- 23 article.
- 24 (5) Seek the advice and recommendations of state agencies whose
- 25 information and knowledge would be of assistance in writing,
- 26 revising, or monitoring rules developed under this article. These
- 27 agencies, including the office of the attorney general, state
- 28 department of health, division of mental health and addiction,
- 29 bureau of criminal identification and investigation, and fire
- 30 prevention and building safety commission, shall upon request
- 31 supply necessary information to the division.
- 32 (6) Make the directory of licensees available to the public for a
- 33 charge not to exceed the cost of reproducing the directory.
- 34 (7) Charge a reasonable processing fee for each license
- 35 application and renewal as follows:
- 36 (A) For a child care center license, a fee of two dollars (\$2) per
- 37 licensed child capacity.
- 38 (B) For a child care center new inquiry application packet, a
- 39 fee not to exceed five dollars (\$5).
- 40 (C) For a child care home license new inquiry application
- 41 packet, a fee not to exceed five dollars (\$5).
- 42 (D) For a child care home annual inspection, a fee not to

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1 exceed twenty-five dollars (\$25).

2 (8) **Charge a processing fee not to exceed five dollars (\$5) for**
3 **registration of a preschool under IC 12-17.2-7.**

4 (9) Exercise any other regulatory and administrative powers
5 necessary to carry out the functions of the division.

6 SECTION 5. IC 12-17.2-2-8, AS AMENDED BY P.L.50-2001,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2004]: Sec. 8. The division shall exempt from licensure the
9 following programs:

10 (1) A program for children enrolled in grades kindergarten
11 through 12 that is operated by the department of education or a
12 public or private school.

13 (2) A program for children who become at least three (3) years of
14 age as of December 1 of a particular school year (as defined in
15 IC 20-10.1-2-1) that is operated by the department of education
16 or a public or private school.

17 (3) A nonresidential program for a child that provides child care
18 for less than four (4) hours a day. **The division may not,**
19 **however, exempt from licensure a nonresidential program**
20 **that provides child care for a child less than four (4) hours per**
21 **day at a single location and then moves the child on the same**
22 **day to a different location for care by the same or another**
23 **nonresidential program.**

24 (4) A recreation program for children that operates for not more
25 than ninety (90) days in a calendar year.

26 (5) A program whose primary purpose is to provide social,
27 recreational, or religious activities for school age children, such
28 as scouting, boys club, girls club, sports, or the arts.

29 (6) A program operated to serve migrant children that:
30 (A) provides services for children from migrant worker
31 families; and
32 (B) is operated during a single period of less than one hundred
33 twenty (120) consecutive days during a calendar year.

34 (7) A:
35 (A) child care ministry registered under IC 12-17.2-6; **and**
36 (B) **preschool registered under IC 12-17.2-7.**

37 (8) A child care home if the provider:
38 (A) does not receive regular compensation;
39 (B) cares only for children who are related to the provider;
40 (C) cares for less than six (6) children, not including children
41 for whom the provider is a parent, stepparent, guardian,
42 custodian, or other relative; or

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1 (D) operates to serve migrant children.
 2 (9) A child care program operated by a public or private
 3 secondary school that:
 4 (A) provides day care on the school premises for children of a
 5 student or an employee of the school;
 6 (B) complies with health, safety, and sanitation standards as
 7 determined by the division under section 4 of this chapter for
 8 child care centers or in accordance with a variance or waiver
 9 of a rule governing child care centers approved by the division
 10 under section 10 of this chapter; and
 11 (C) substantially complies with the fire and life safety rules as
 12 determined by the state fire marshal under rules adopted by the
 13 division under section 4 of this chapter for child care centers
 14 or in accordance with a variance or waiver of a rule governing
 15 child care centers approved by the division under section 10 of
 16 this chapter.
 17 (10) A school age child care program (commonly referred to as a
 18 latch key program) established under IC 20-5-2-1.5 that is
 19 operated by:
 20 (A) the department of education;
 21 (B) a public or private school; or
 22 (C) a public or private organization under a written contract
 23 with:
 24 (i) the department of education; or
 25 (ii) a public or private school.
 26 SECTION 6. IC 12-17.2-7 IS ADDED TO THE INDIANA CODE
 27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2004]:
 29 **Chapter 7. Preschools**
 30 **Sec. 1. This chapter does not apply to a preschool that is:**
 31 **(1) licensed under this article; or**
 32 **(2) regulated by a state agency other than the:**
 33 **(A) division of family and children; or**
 34 **(B) department of fire and building services.**
 35 **Sec. 2. A preschool shall, on a form approved by the division,**
 36 **register with the division not more than thirty (30) days after the**
 37 **preschool opens for business.**
 38 **Sec. 3. If the division, after a hearing conducted under**
 39 **IC 4-21.5-3, determines that a preschool has knowingly failed to**
 40 **register as required under this chapter, the division shall assess**
 41 **against the preschool a civil penalty not to exceed one hundred**
 42 **dollars (\$100) per day of violation.**

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1 **Sec. 4. Penalties assessed under section 3 of this chapter shall be**
2 **deposited in the child care fund established under IC 12-17.2-2-3.**

3 **Sec. 5. The division shall adopt rules under IC 4-22-2 to**
4 **implement this chapter.**

5 **SECTION 7. [EFFECTIVE JULY 1, 2004] Notwithstanding**
6 **IC 12-17.2-7-2, as added by this act, a preschool in existence on**
7 **June 30, 2004, shall register with the division not later than**
8 **January 1, 2005.**

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