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TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #02-298

To: Chairperson, Administrative Rules Oversight Committee
c/o Mr. Chuck Mayfield

From: Erin M. McQueen, Staff Attorney
Office of General Counsel
Family and Social Services Administration

Re: LSA #02-298(F) - Rule for Child Care Center Licensing

Date: July 7, 2003

Cc: Chuck Mayfield, Legislative Services Agency
Howard Stevenson, General Counsel, FSSA
Beth Eiler, Deputy Director, DFC/BCD
Keith Carver, Manager, Child Care Licensing, DFC/BCD

On behalf of the Family and Social Services Administration, Division of Family and Children, Bureau of Child Development, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the division has determined there is a possibility that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The division published its notice of intent to adopt a rule for the captioned document on November 1, 2002 (26 IR 418). The proposed rule was published on February 1, 2003 (26 IR 1675). This rule adds new rules in 470 IAC 3-4.7 concerning the licensure of child care centers. The new rule provides for the minimum standards necessary to obtain and retain a child care center license. The rule also repeals 470 IAC 3-4.1 and 470 IAC 3-4.2 which currently govern the subject. There was a delay between the close of the written comment period and adoption of the final rule by the division because of the number of public comments. Three public hearings were held on February 26, 2003; February 27, 2003 and March 5, 2003 in the northern, central and southern parts of the state. The written comment period was left open to March 28, 2003. The division received numerous comments both at the public hearings and in written form. The division gave careful consideration to all the public comments. Consequently, the review and consideration of the comments took longer than expected.

The division adopted the rule as a final rule on May 22, 2003. Any rule adopted by the division has to be approved by the Family and Social Services Committee (see IC 12-8-3). The Committee approved the rule on June 10, 2003. On June 12, 2003 the rule was sent to the Attorney General's Office for review. Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Although the division intends to have this rule approved by the governor by August 12, 2003, which would be within one year of the date of publication of the notice of intent, this notice is being forwarded to the Administrative Rules Oversight Committee as a precaution, since the rule could be returned to the agency by the Attorney General under IC 4-22-2-32(d)(2). Thus, the division expects that the rule can be approved by the governor by December 31, 2003.

This notice setting forth the expected date of approval of LSA Document #02-298(F) by December 31, 2003 is being submitted in a timely manner. July 8, 2003 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.