

Amendment - 1st Reading-white - Requested by: Dennis Lenz - (S) Public Health, Welfare and Safety

- 2025

69th Legislature 2025

Drafter: Laura Sankey Keip,

SB0285.001.001

SENATE BILL NO. 285

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ADMINISTRATIVE RULES GOVERNING THE LICENSURE OF DAY-CARE FACILITIES; REVISING CERTAIN RULES TO APPLY ONLY TO DAY-CARE CENTERS; REVISING DEFINITIONS; REVISING RULE LANGUAGE TO MATCH STATUTORY LANGUAGE; REMOVING REFERENCES TO SCHOOL-AGE CARE FROM THE CHILD-CARE RULES; DIRECTING THE AMENDMENTS OF ARM 37.96.101, ARM 37.96.102, ARM 37.96.106, ARM 37.96.108, ARM 37.96.111, ARM 37.96.202, ARM 37.96.205, ARM 37.96.402, ARM 37.96.403, ARM 37.96.404, ARM 37.96.407, ARM 37.96.408, ARM 37.96.409, ARM 37.96.410, ARM 37.96.413, ARM 37.96.414, ARM 37.96.415, ARM 37.96.601, ARM 37.96.602, ARM 37.96.603, ARM 37.96.607, ARM 37.96.608, ARM 37.96.609, ARM 37.96.612, ARM 37.96.613, ARM 37.96.614, ARM 37.96.615, ARM 37.96.618, ARM 37.96.619, ARM 37.96.620, ARM 37.96.623, ARM 37.96.624, ARM 37.96.704, ARM 37.96.705, ARM 37.96.708, ARM 37.96.801, ARM 37.96.802, ARM 37.96.805, ARM 37.96.809, ARM 37.96.902, ARM 37.96.907, ARM 37.96.915, ARM 37.96.1002, AND ARM 37.96.1004; REPEALING ARM 37.96.806, ARM 37.96.901, ARM 37.96.903, ARM 37.96.904, ARM 37.96.908, ARM 37.96.909, AND ARM 37.96.910; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Department to amend rule. (1) The department of public health and human services shall amend Title 37, chapter 96, ARM, so the rule language matches the statutory definitions in 52-2-703, MCA, by changing all references in rule from:

- (a) "child care center" to "day-care center";
- (b) "child care facility" to "day-care facility";
- (c) "family child care facility" to "family day-care home"; and
- (d) "group child care facility" to "group day-care home".

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(4) Trainees must:

(a) have satisfactory results of background checks as set forth in ARM 37.96.1001;

(b) be at least 16 years old;

(c) not be left alone with children until they complete the required 30-day orientation training;

(d) receive oversight and guidance from an onsite lead teacher, site director, or director; and

(e) not remain in this role for longer than 90 days.

(5) Support staff who do not provide direct care for children must:

(a) have satisfactory results of background checks as set forth in ARM 37.96.1001; and

(b) complete on-the-job training.

(6) Support staff do not count toward compliance with required child-to-staff ratios."

NEW SECTION. Section 43. The Department of Public Health and Human Services shall amend ARM 37.96.915 to read:

"37.96.915 ANNUAL TRAINING (1) All staff and owners working more than 500 hours annually at any licensed or registered ~~child-care~~ day-care facility must successfully complete required annual training as defined in the Practitioner Registry.

(a) Staff and owners of licensed ~~child-care~~ day-care centers, and registered group and family ~~child-care~~ facility day-care homes must complete 16 hours of annual training.

(b) ~~Staff and owners of licensed school-age care or registered~~ Registered FFN providers must complete eight hours of annual training.

(2) The training must be approved through the Practitioner Registry.

(3) Education and training must relate to the Montana Early ~~Care and~~ Childhood Education Knowledge Base resource developed by the Early Childhood Services Bureau in conjunction with other agencies and professional organizations."

NEW SECTION. Section 44. The Department of Public Health and Human Services shall amend ARM 37.96.1002 to read:

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1 "37.96.1002 FINGERPRINT AND BACKGROUND CHECKS (1) (a) Except as provided in subsections
2 (1)(b) and (1)(b)(i), fingerprint and background checks are required for individuals employed by or associated
3 with day-care facilities. The following individuals must provide satisfactory results of background checks prior to
4 approval of any license or registration, or staff approval:

5 ~~(a)~~(i) child care directors, owners, site directors, lead teachers, teachers, substitutes, trainees, support
6 staff, and volunteers who have unsupervised contact with children; and

7 ~~(b)~~(ii) any adult residing in the ~~child-care~~ day-care facility, or other adult who regularly or frequently
8 stays in the facility, unless care is being provided in the home of a child or children who belong to the same
9 sibling group.

10 ~~(i)~~(b) In the case of a FFN provider caring for children from more than one sibling group in a child's
11 home, all adults residing in the home must have satisfactory results of a background check.

12 (2) The following background checks are required prior to working in a ~~child-care~~ day-care facility and
13 annually ~~at least~~ every five years thereafter, with the exception of national background checks, which are
14 required every five years:

15 (a) a fingerprint background check by the Montana Department of Justice (DOJ) and Federal Bureau of
16 Investigation; and

17 (b) the national Sexual Offender Registry from the National Criminal Information Center (NCIC);

18 ~~(i) fingerprints must be processed by a trained individual within a certified fingerprinting agency. Results~~
19 ~~will be transmitted electronically to the department by DOJ;~~

20 (c) a check of the Montana Sex Offender Registry;

21 (d) a child protective services check for Montana and any state where the individual has resided in the
22 preceding five years; and

23 (e) a name-based criminal records check for Montana and any state where the individual has resided in
24 the preceding five years.

25 (3) Fingerprints must be processed by a trained individual within a certified fingerprinting agency.
26 Results will be transmitted electronically to the department by DOJ."