

1 *House*
 2 INTRODUCED BY *James James Bohlinger and Jeff*
 3 BY REQUEST OF THE COMMITTEE ON HUMAN SERVICES AND AGING *Krenzler*

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE STAFF-TO-CHILD RATIOS FOR DAY-CARE
 6 FACILITIES; AMENDING SECTIONS 52-2-723 AND 52-2-731, MCA; AND PROVIDING AN IMMEDIATE
 7 EFFECTIVE DATE."

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

10
 11 **Section 1.** Section 52-2-723, MCA, is amended to read:

12 **"52-2-723. Requirements for licensure.** (1) The department shall include in the minimum standards
 13 for day-care centers the following requirements:

14 (a) The applicant, ~~his~~ the applicant's employees, and all those persons who will come in direct
 15 contact with the children are of good character.

16 (b) The ~~staff~~ staff-to-child ratios of the day-care facility ~~is sufficient in number as provided by rule~~
 17 ~~to provide adequate supervision and care of the children in the facility provided in [section 3] are complied~~
 18 with.

19 (c) Essential programs and practices carried on by the facility staff are developed and carried out
 20 with due regard for the protection of the health, safety, development, and well-being of the children.

21 (d) Applicant and staff are qualified by practical experience or education or training to give good
 22 care and treatment to the children.

23 (e) Intake records are kept on each child admitted for care.

24 (f) The applicant and staff limit admissions to the maximum number indicated on the current
 25 license.

26 (g) The applicant will arrange for the necessary precautions to guard against communicable
 27 diseases.

28 (h) Public liability insurance and fire insurance are currently in force for the protection of the
 29 operator, ~~his~~ the staff, and the facility.

30 (i) ~~Specify the~~ The ages and numbers of children that may be cared for in a ~~day-care~~ day-care



1 facility are specified.

2 (2) ~~It is the duty of the~~ The department ~~or its authorized representative to shall~~ assist applicants
3 in meeting the minimum requirements."
4

5 **Section 2.** Section 52-2-731, MCA, is amended to read:

6 "**52-2-731. Standards for day care.** In developing standards, the department shall seek the advice
7 and assistance of the superintendent of public instruction, representatives of day-care facilities, specialists
8 in child care, and representatives of parent groups who use the services of day-care facilities. The standards
9 may pertain to:

10 (1) character, suitability, and qualifications of an applicant and other persons directly responsible
11 for the care of children;

12 ~~(2) the number of individuals or staff required for adequate supervision and care of children in~~
13 ~~day-care facilities;~~

14 ~~(3)(2)~~ child-care programs and practices necessary to ensure the health, safety, safety in
15 transportation, development, and well-being of children;

16 ~~(4)(3)~~ adequate and appropriate admission policies;

17 ~~(5)(4)~~ adequacy of physical facilities and equipment;

18 ~~(6)(5)~~ general financial ability and competence of an applicant to provide necessary care for
19 children and maintain prescribed standards;

20 ~~(7)(6)~~ the ages and numbers of children that may be cared for in a day-care facility."
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22 **NEW SECTION. Section 3. Staff-to-child ratios for day-care facilities.** (1) The maximum
23 staff-to-child ratios for day-care facilities are as provided in this section.

24 (2) For a family day-care home, a staff-to-child ratio of 1 to 6 is required if no more than three
25 children are less than 2 years of age. If more than three children are less than 2 years of age, the ratio is
26 1 to 4.

27 (3) For a group day-care home, a staff-to-child ratio of 1 to 4 is required for each home caring for
28 children less than 2 years of age. Each child less than 2 years of age must be assigned one primary
29 caregiver. There must be sufficient staff so that an adult is always present and supervising.

30 (4) For a day-care center, the staff-to-child ratios are:

1 (a) 1 to 4, for infants 0 to 24 months of age;

2 (b) 1 to 8, for children 2 to 4 years of age;

3 (c) 1 to 10, for children 4 to 6 years of age; and

4 (d) 1 to 14, for children over 6 years of age.

5 (5) The department may by rule adopt a lower staff-to-child ratio than a ratio provided in this
6 section. Only the provider, primary caregivers, and aides may be counted as staff in applying the
7 requirements of this section.

8 (6) If care is provided in a family day-care home or a group day-care home only for children less
9 than 2 years of age, other children may not be present in the home.

10 (7) For the purposes of this section, the following definitions apply:

11 (a) "Day-care center" means a place in which supplemental parental care is provided for 13 children
12 or more on a regular basis.

13 (b) "Family day-care home" means a place in which supplemental parental care is provided for three
14 to six children, unless the children are no more than 2 years of age, in which case care may be provided
15 for no more than four children of that age.

16 (c) "Group day-care home" means a place in which supplemental parental care is provided for 7
17 to 12 children, unless care is provided only for children less than 2 years of age, in which case care may
18 be provided for no more than 8 children of that age.

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20 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an
21 integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to
22 [section 3].

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24 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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