

ASSEMBLY, No. 2744

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 19, 2008

Sponsored by:

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District 12 (Mercer and Monmouth)

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District 12 (Mercer and Monmouth)

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SYNOPSIS

Exempts child care centers operating in public schools from certain environmental review licensing requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2008)

1 AN ACT concerning licensing of child care centers and amending
2 P.L.1983, c.492.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read
8 as follows:

9 5. a. The department shall have responsibility and authority to
10 license and inspect child care centers. The commissioner shall
11 promulgate rules and regulations for the operation and maintenance
12 of child care centers which shall prescribe standards governing the
13 safety and adequacy of the physical plant or facilities; the
14 education, health, safety, general well-being and physical and
15 intellectual development of the children; the quality and quantity of
16 food served; the number of staff and the qualifications of each staff
17 member; the implementation of a developmentally appropriate
18 program; the maintenance and confidentiality of records and
19 furnishing of required information; the transportation of children;
20 and the administration of the center. The commissioner shall also
21 promulgate rules and regulations for license application, issuance,
22 renewal, expiration, denial, suspension and revocation. In
23 developing, revising or amending such rules and regulations, the
24 commissioner shall consult with the Child Care Advisory Council
25 created pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14), and
26 with other appropriate administrative officers and agencies,
27 including the Departments of Health and Senior Services,
28 Education, Labor, Community Affairs and the Division of Motor
29 Vehicles giving due weight to their recommendations. The rules
30 and regulations promulgated pursuant to this act shall be adopted
31 and amended in accordance with the "Administrative Procedure
32 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

33 b. The department shall conduct an on site facility inspection
34 and shall evaluate the program of the child care center to determine
35 whether the center complies with the provisions of this act.

36 c. Any rule or regulation involving physical examination,
37 immunization or medical treatment shall include an appropriate
38 exemption for any child whose parent or parents object thereto on
39 the ground that it conflicts with the tenets and practice of a
40 recognized church or religious denomination of which the parent or
41 child is an adherent or member.

42 d. The department shall have the authority to inspect and
43 examine the physical plant or facilities of a child care center and to
44 inspect all documents, records, files or other data maintained

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 pursuant to this act during normal operating hours and without prior
2 notice.

3 e. The department shall request the appropriate State and local
4 fire, health and building officials to conduct examinations and
5 inspections to determine compliance with State and local
6 ordinances, codes and regulations by a child care center. The
7 inspections shall be conducted and the results reported to the
8 department within 60 days after the request.

9 f. Nothing in this act shall be interpreted to permit the adoption
10 of any code or standard which exceeds the standards established
11 pursuant to the "State Uniform Construction Code Act," P.L.1975,
12 c.217 (C.52:27D-119 et seq.).

13 g. Any rules and regulations adopted by the department
14 pursuant to this act prescribing standards governing the safety and
15 adequacy of the physical plant or facilities of child care centers
16 shall not apply to a child care center operated by a nonprofit
17 organization in a public school building used as a public school.

18 h. Notwithstanding any rule or regulation to the contrary, no
19 child care center required to maintain a license pursuant to this
20 section, that operates in a public school building used as a public
21 school, shall be required to obtain a "no further action letter" or
22 other approval from the Department of Environmental Protection
23 that indicates that no further remediation is needed for the site, as a
24 condition of a license required pursuant to this section.

25 As used in this subsection, "no further action letter" and
26 "remediation" shall have the same meaning as set forth in section
27 23 of P.L.1993, c.139 (C.58:10B-1).

28 (cf: P.L.2000, c.122, s.2)

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill would exempt any child care center that operates in a
36 public school building used as a public school, from being required
37 to obtain a "no further action letter" or other approval from the
38 Department of Environmental Protection (DEP) indicating that no
39 remediation is required at the site, as a condition of its license
40 approval or renewal.

41 The Department of Children and Families has adopted
42 regulations that require all child care centers, as a condition for the
43 initial issuance of a child care license renewal or relocation of a
44 licensed center, to obtain a "no further action letter" or other
45 approval from the DEP demonstrating that remediation is not
46 required at the site. This bill would exempt any child care center
47 that is located in a public school building that is used as a public
48 school from this requirement. Current law already exempts certain

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1 child care centers that operate in public school buildings from
2 standards governing the safety and adequacy of the physical plant
3 or facilities. This bill would provide a similar exemption with
4 regard to the public school's site.