

# ASSEMBLY, No. 3646

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Mukherji, Assemblywomen Jasey and Downey**

**SYNOPSIS**

Requires separate entrance for certain child care services located in public school facilities and clarifies licensure requirements and DCF enforcement authority for services.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/27/2020)**

1 AN ACT concerning certain child care services on school district  
2 property and amending P.L.2019, c.426.

3

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

6

7 1. Section 1 of P.L.2019, c.426 (C.30:5B-34) is amended to  
8 read as follows:

9 1. a. The Commissioner of Children and Families, in  
10 consultation with the Commissioner of Education, shall establish a  
11 three-year School District Child Care Services Pilot Program to  
12 study the impact and effect of community providers operating in  
13 public school facilities for the purpose of providing child care  
14 services for children younger than school age for less than 24 hours  
15 a day.

16 b. Notwithstanding the provisions of N.J.S.18A:20-34 or any  
17 other section of law to the contrary, under the pilot program the  
18 commissioner shall designate up to 10 school districts that shall  
19 each select up to two community providers to operate in a public  
20 school facility to provide child care services pursuant to subsection  
21 a. of this section. If the commissioner designates a school district  
22 in which a community provider is operating in a public school  
23 facility on the effective date of this act, then the school district shall  
24 select that community provider to provide child care services under  
25 the pilot program.

26 c. A community provider operating in a public school facility  
27 under the pilot program shall be licensed under the "Child Care  
28 Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.), and  
29 shall meet all of the licensing requirements applicable to child care  
30 centers that are not located in a public school facility, including all  
31 environmental licensing requirements established pursuant to the  
32 provisions of P.L.2007, c.1 (C.52:27D-130.4 et seq.) and  
33 regulations promulgated by the Department of Children and  
34 Families at N.J.A.C.3A:52-5.3(i).

35 (1) The Commissioner of Children and Families shall enforce  
36 the provisions of the "Child Care Center Licensing Act,"  
37 P.L.1983, c.492 (C.30:5B-1 et seq.), in regard to a community  
38 provider operating in a public school facility under the pilot  
39 program in the same manner and to the same extent as those  
40 provisions are enforced in regard to child care centers that are not  
41 located in a public school facility.

42 (2) A public school facility in which a community provider  
43 under the pilot program is providing child care services shall have a  
44 separate entrance and exit to the area of the facility in which the  
45 child care services are provided to prevent persons entering or

**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 exiting that area from any contact with school-age children who  
2 attend the public school facility. The public school facility shall  
3 also have an area in which the parent or guardian of a child enrolled  
4 in the child care services program may visit and interact with the  
5 child that is separate from the general area in which the child care  
6 services are provided.

7 d. Under the pilot program, preference for the child care  
8 services shall be given to children who reside within the school  
9 district and to children of persons employed by the school district  
10 whether the employee resides within the school district or outside  
11 the school district, and if available space permits the child care  
12 services may be provided to any child who resides outside the  
13 school district.

14 e. A public school facility shall charge rent to a community  
15 provider operating in the public school facility under the pilot  
16 program established pursuant to subsection a. of this section. The  
17 rent amount charged shall be within the range of rent amounts  
18 charged to other licensed child care centers located within the  
19 **【county in which the school district is located】** municipality or  
20 municipalities in which the school district is situate.

21 f. The tuition amount charged for the child care services shall  
22 be within the range of tuition amounts charged for such services by  
23 licensed child care centers located within the **【county in which the**  
24 **school district is located】** municipality or municipalities in which  
25 the school district is situate.

26 g. A local board of education participating in the pilot program  
27 shall adhere to the compliance and reporting standards prescribed  
28 by the State Board of Education pursuant to N.J.S. 18A:4-14.

29 h. A school nurse providing nursing services to the elementary,  
30 middle, or high school students in the school district in which child  
31 care services are provided pursuant to the pilot program, shall not  
32 be responsible for the provision of nursing services to children  
33 receiving child care services under the pilot program, prior to,  
34 during, or after school hours.

35 In the event of an emergency, a school nurse shall not be held  
36 liable for any good faith act or omission while providing nursing  
37 services to children receiving child care services from a community  
38 provider participating in the pilot program or to the employees of  
39 the community provider. Good faith shall not include willful  
40 misconduct, gross negligence, or recklessness.

41 i. Six months prior to the conclusion of the pilot program, the  
42 commissioner, in consultation with the Commissioner of Education,  
43 shall submit a report to the Governor and, pursuant to section 2 of  
44 P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall  
45 contain information on: any cost savings realized by the parents or  
46 guardians of children receiving child care services from a  
47 community provider participating in the pilot program as compared  
48 to the costs of attendance at child care centers in the same

1 【geographic area】 municipality or municipalities in which the  
2 school district is situate; the revenue generated for school districts  
3 whose facilities are utilized by a community provider participating  
4 in the pilot program; and other factors deemed appropriate by the  
5 commissioner for evaluating the impact and effect of community  
6 providers operating in public school facilities.

7 The report shall also include an evaluation of the costs of a  
8 community provider providing child care services under the pilot  
9 program compared to the costs of providing child care services at a  
10 child care center located in the municipality or municipalities in  
11 which the school district is situate. The commissioner shall  
12 evaluate the following:

13 (1) Total payroll costs including, but not limited to, FICA,  
14 Federal Unemployment Tax, and State unemployment insurance;

15 (2) Employee-related costs including, but not limited to, health  
16 insurance, retirement fund contributions, workmen’s compensation,  
17 and staff training;

18 (3) Building costs including, but not limited to, custodial  
19 services, building repairs and maintenance, utilities, and  
20 landscaping. Building costs shall be pro-rated based on the square  
21 footage of the portion of the school building used by a community  
22 provider to provide child care services and the total square footage  
23 of the school building;

24 (4) General business expenses including, but not limited to,  
25 advertising, toys, and classroom supplies;

26 (5) Insurance including, but not limited to, property, flood,  
27 accident, liability, and fire;

28 (6) Office supplies including, but not limited to, postage,  
29 printing, computers, computer repair and maintenance, and  
30 telephone; and

31 (7) Such other costs the commissioner deems appropriate.

32 j. As used in this section, “community provider” means a for-  
33 profit child care center, a nonprofit child care center, or a local  
34 government unit.

35 (cf: P.L.2019, c.426)

36

37 2. This act shall take effect immediately.

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#### STATEMENT

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42 This bill amends the provisions of P.L.2019, c.426, which was  
43 approved on January 21, 2020. Under that law, the Commissioner  
44 of Children and Families, in consultation with the Commissioner of  
45 Education, is to establish a three-year pilot program to study the  
46 impact and effect of community providers operating in public  
47 school facilities for the purposes of providing child care services for  
48 children younger than school age. A community provider includes

1 a for-profit child care center, a nonprofit child care center, or a local  
2 government unit. While that law requires a community provider  
3 operating in a public school facility to be licensed under the “Child  
4 Care Center Licensing Act,” P.L.1983, c.492 (C.30:5B-1 et seq.),  
5 this bill clarifies the following issues in regard to licensure:

6 1) The community provider operating in a public school facility  
7 under the pilot program must meet all of the licensing requirements  
8 applicable to child care centers that are not located in a public  
9 school facility, including all environmental licensing requirements  
10 established pursuant to P.L.2007 c.1 (C.52:27D-130.4 et seq.) and  
11 regulations promulgated by the Department of Children and  
12 Families at N.J.A.C.3A:52-5.3(i); and

13 (2) The Commissioner of Children and Families must enforce  
14 the provisions of the “Child Care Center Licensing Act” in regard to  
15 a community provider operating in a public school facility under the  
16 program in the same manner and to the same extent as those  
17 provisions are enforced in regard to child care centers that are not  
18 located in a public school facility.

19 The bill also provides that a public school facility in which a  
20 community provider is providing child care services under the pilot  
21 program must have a separate entrance and exit to the area of the  
22 facility in which the child care services are provided to prevent  
23 persons entering or exiting that area from any contact with school-  
24 age children who attend the public school facility. The public  
25 school facility must also have an area in which the parent or  
26 guardian of a child enrolled in the child care services program may  
27 visit and interact with the child that is separate from the general  
28 area in which the child care services are provided.

29 Under the law as enacted, the tuition charged for child care  
30 services under the pilot program is required to be within the range  
31 of tuition amounts charged for such services by licensed child care  
32 centers located within the same county in which the school district  
33 is located. This bill provides that the tuition charged must be within  
34 the range of tuition charged by licensed child care centers located in  
35 the same municipality or municipalities in which the school district  
36 is situate.

37 The bill also specifies certain costs that the commissioner must  
38 evaluate when he is comparing the cost of a community provider  
39 providing child care services in a school district under the pilot  
40 program compared to the cost of providing child care services at  
41 child care centers located in the same municipality or municipalities  
42 in which the school district is situate. These costs would include  
43 but not be limited to, total payroll costs, employee-related costs  
44 such as health insurance and retirement contributions, building  
45 costs such as repair and maintenance, general business expenses,  
46 insurance, and office supplies.