

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3646

STATE OF NEW JERSEY

DATED: AUGUST 20, 2020

The Assembly Women and Children Committee reports favorably Assembly Bill No. 3646.

This bill amends the provisions of P.L.2019, c.426, which was approved on January 21, 2020. Under that law, the Commissioner of Children and Families, in consultation with the Commissioner of Education, is to establish a three-year pilot program to study the impact and effect of community providers operating in public school facilities for the purposes of providing child care services for children younger than school age. A community provider includes a for-profit child care center, a nonprofit child care center, or a local government unit. While that law requires a community provider operating in a public school facility to be licensed under the “Child Care Center Licensing Act,” P.L.1983, c.492 (C.30:5B-1 et seq.), this bill clarifies the following issues in regard to licensure:

- The community provider operating in a public school facility under the pilot program must meet all of the licensing requirements applicable to child care centers that are not located in a public school facility, including all environmental licensing requirements established pursuant to P.L.2007 c.1 (C.52:27D-130.4 et seq.) and regulations promulgated by the Department of Children and Families at N.J.A.C.3A:52-5.3(i); and
- The Commissioner of Children and Families must enforce the provisions of the “Child Care Center Licensing Act” in regard to a community provider operating in a public school facility under the program in the same manner and to the same extent as those provisions are enforced in regard to child care centers that are not located in a public school facility.

This bill also stipulates that a public school facility in which a community provider is providing child care services through the pilot program must have a separate entrance and exit to the area of the facility in which the child care services are located to prevent persons entering or exiting that area from any contact with school-age children who attend the public school facility. The public school facility must also have an area in which the parent or guardian of a child enrolled in the child care services program may visit and interact with the child that is separate from the general area in which the child care services are provided.

Under current law, the tuition charged for child care services under the pilot program is required to be within the range of tuition amounts charged for such services by licensed child care centers located within the same county in which the school district is located. This bill provides that the tuition charged must be within the range of tuition charged by licensed child care centers located in the same municipality or municipalities in which the school district is situated.

Similarly, current law requires that a public school facility, in which a community provider is operating a child care center, charges rent to the community provider that is within the range of rent amounts charged to other licensed child care centers operating within the county in which the school district is situated. However, this bill requires that the rent charged to a community provider be within the range of rent amounts charged to other licensed child care centers located within the municipality or municipalities in which the school district is situated.

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