

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Holbert

1 Amend Education Committee Report, dated March 25, 2021, page 2,  
2 strike lines 9 through 24 and substitute:

3 "Page 6, strike lines 4 through 24 and substitute:

4 **"26-6-106.2. Staffing during emergency circumstances -**  
5 **definitions.** (1) DURING AN EMERGENCY CIRCUMSTANCE, A CHILD CARE  
6 CENTER MAY PERMIT AN EMPLOYEE WHO HAS SUCCESSFULLY COMPLETED  
7 CRIMINAL BACKGROUND CHECK REQUIREMENTS BUT IS NOT A QUALIFIED  
8 CAREGIVER TO SUPERVISE CHILDREN FOR NOT MORE THAN TWO HOURS  
9 WHILE THE CHILD CARE CENTER SECURES A QUALIFIED CAREGIVER.

10 (2) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A  
11 CHILD CARE CENTER THAT PROVIDES CHILD CARE EXCLUSIVELY TO  
12 SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL  
13 DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY PERMIT  
14 AN EMPLOYEE WHO HAS SUCCESSFULLY COMPLETED CRIMINAL  
15 BACKGROUND CHECK REQUIREMENTS BUT IS NOT A QUALIFIED CAREGIVER  
16 TO SUPERVISE CHILDREN FOR NOT MORE THAN TWO HOURS, IF THE CHILD  
17 CARE CENTER IS LOCATED IN A SCHOOL DISTRICT THAT IS NOT A RURAL  
18 SCHOOL DISTRICT, OR FOR NOT MORE THAN FOUR HOURS, IF THE CHILD  
19 CARE CENTER IS LOCATED IN A RURAL SCHOOL DISTRICT, WHILE THE CHILD  
20 CARE CENTER SECURES A QUALIFIED CAREGIVER.

21 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, THE  
22 TWO-HOUR OR FOUR-HOUR TIME FRAMES DESCRIBED IN SUBSECTION (2)(a)  
23 OF THIS SECTION MAY BE EXTENDED FOR AN AMOUNT OF TIME THAT IS  
24 REASONABLY NECESSARY FOR THE CHILD CARE CENTER TO SECURE A  
25 QUALIFIED CAREGIVER.

26 (3) (a) DURING AN EMERGENCY CIRCUMSTANCE, AT LEAST ONE  
27 EMPLOYEE SHALL PROVIDE FOR THE IMMEDIATE SUPERVISION AND CARE  
28 OF THE CHILDREN SERVED.

29 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION,  
30 DURING AN EMERGENCY CIRCUMSTANCE, A CHILD CARE CENTER SHALL  
31 MAINTAIN THE STAFF-TO-CHILD RATIO REQUIRED BY DEPARTMENT RULE  
32 FOR AN INFANT PROGRAM OR A TODDLER PROGRAM.

33 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
34 REQUIRES:

35 (a) "EMERGENCY CIRCUMSTANCE" INCLUDES, BUT IS NOT LIMITED  
36 TO, ILLNESS, DEATH, ACCIDENT, LAW ENFORCEMENT ACTION, ROAD  
37 CLOSURE, HAZARDOUS WEATHER, EMERGENCY BODILY FUNCTION, CHILD  
38 ELOPEMENT, OR PROVIDING EMERGENCY ATTENTION OR CARE TO A CHILD.

39 (b) "RURAL SCHOOL DISTRICT" HAS THE SAME MEANING AS SET  
40 FORTH IN SECTION 22-7-1211 (4)(a).".

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