

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING

DOCKET NO. 16-0602-1002

NOTICE OF RULEMAKING -TEMPORARY AND PROPOSED FEE RULE

EFFECTIVE DATE: The effective date of this temporary rule is [July 1, 2010](#).

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than [July 21, 2010](#).

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

[Title 39, Chapter 11, Idaho Code, established a statewide system for the protection of children in daycare facilities which included licensing fees. The rule amendments in this docket provide requirements for licensing and inspections fees for daycare licensing that were effective on January 1, 2010.](#)

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

[These temporary rules are necessary to protect the public health, safety, and welfare of children in daycare and to comply with amendments to statutes that were effective on January 1, 2010.](#)

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

[Section 39-1107, Idaho Code, established a maximum licensing fee for a basic daycare license not to exceed \\$175 for daycare centers, and \\$100 for group daycare facilities and a family daycare home voluntarily licensed. Criminal history and background checks are the responsibility of the applicant and are based on the actual cost of the check.](#)

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

[The Department estimates that the cost for the State Fiscal Year 2011 will be approximately \\$69,000, which is the difference for licensing fees collected and expenditures for health and safety inspections. This cost will be covered by the Federal Child Care Development Funds which is 100 percent federally funded.](#)

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted during 2010, because extensive rulemaking negotiations were held in 2009 under Docket No. 16-0602-0901, to meet new statutory requirements effective January 1, 2010.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact [Landis Rossi \(208\) 334-5688](mailto:Landis.Rossi@dhw.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before **July 28, 2010**.

DATED this _____ day of _____, 2010.

Tamara Prisock
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THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 16-0602-1002

320. DAYCARE LICENSING FEES.

The nonrefundable licensing fee must be paid to the Department prior to the issuance of a daycare license or renewal. (7-1-10)T

01. Daycare Licensing Fee Amounts. The maximum fee for initial application of an unlicensed daycare or renewal must not exceed the following amounts. (7-1-10)T

a. Daycare center license fee must not exceed one hundred seventy-five dollars (\$175). (7-1-10)T

b. Group daycare facility license fee must not exceed one hundred dollars (\$100). (7-1-10)T

c. Family daycare home voluntary license fee must not exceed one hundred dollars (\$100). (7-1-10)T

02. Daycare Fire Inspection Fee. Daycare fire inspection fees are payable to the local fire department or fire district official. The fire inspection fee can not exceed twenty-five dollars (\$25). The fire inspection fee will be deducted from the licensing fee payable to Department with proof of the inspection and amount paid. (7-1-10)T