

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO CHILD CARE FACILITIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to subpart A of Part VIII to be  
3 appropriately designated and to read as follows:

4           "§346-    Child care facility inspection information  
5 oversight committee. (a) There is created within the  
6 department's benefit, employment and support services division  
7 the child care facility inspection information oversight  
8 committee. The purpose of the oversight committee shall be to  
9 oversee implementation and compliance with the requirements of  
10 section 346-153(c).

11           The oversight committee shall be composed of:

12           (1) The director or director's designee, who shall serve  
13           as chair of the committee;

14           (2) The coordinator of the state advisory council on early  
15           childhood education and care, or the coordinator's  
16           designee;



- 1        (3) One representative from each of the department's  
2        statewide child care licensing units;
- 3        (4) The quality rating and improvement system  
4        administrator of the University of Hawaii's center on  
5        the family;
- 6        (5) A registered family child care home provider, to be  
7        appointed by the director;
- 8        (6) A licensed group child care center provider, to be  
9        appointed by the director;
- 10       (7) A licensed group child care home provider, to be  
11       appointed by the director; and
- 12       (8) One parent representative of child care consumers from  
13       each of the geographic areas served by the statewide  
14       child care licensing units, to be appointed by the  
15       respective supervisors of each unit.
- 16       (b) Members of the oversight committee shall be appointed  
17       without regard to section 26-34. Each appointed member shall  
18       serve no more than two consecutive four-year terms, not to  
19       exceed eight consecutive years; provided that ex officio members  
20       shall serve for the length of their respective terms of office.  
21       Any appointed member of the oversight committee whose term is



1 expired and is not disqualified from membership pursuant to this  
2 subsection may continue in office as a holdover member until a  
3 successor member is appointed. Any vacancy shall be filled for  
4 the unexpired term pursuant to this section. The director may  
5 suspend or remove for cause any member of the oversight  
6 committee after due notice and public hearing. The members of  
7 the oversight committee shall serve without compensation but may  
8 be reimbursed for expenses, including travel expenses, incurred  
9 in the course of performance of official duties. Members of the  
10 oversight committee shall be subject to chapter 84."

11 SECTION 2. Section 346-153, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§346-153 Records of [~~deficiencies and complaints,~~]  
14 inspections; release to public. (a) For every child care  
15 facility, the department shall maintain records for the current  
16 and previous two years of: results of its inspections;  
17 notifications to providers of deficiencies; corrective action  
18 taken; complaints of violations of rules adopted under this  
19 part; results of its investigations; resolution of complaints;  
20 and suspensions, revocations, reinstatements, restorations, and



1 reissuances of licenses, temporary permits, and registrations  
2 issued under this part.

3       **(b)** Notwithstanding any other law to the contrary, the  
4 records described in this section shall be available for  
5 inspection in the manner set forth in chapter 92F and [~~may~~]  
6 shall be posted by the department on a public website[+] in  
7 accordance with this section; provided that with respect to  
8 records of family child care homes and group child care homes,  
9 sensitive personal information, including home addresses, or  
10 information provided to the department with the understanding  
11 that it would not be publicly divulged shall be deleted or  
12 obliterated prior to making the records available to the public.  
13 Nothing in this section shall authorize the department to  
14 release the names of or any other identifying information on  
15 complainants. The department may withhold information on a  
16 complaint for which an investigation is being conducted for not  
17 more than ten working days following the date of filing of the  
18 complaint; provided that if an investigation relates to an  
19 alleged criminal offense, no information shall be released until  
20 the investigation has been completed and the director has



1 determined that no legal proceeding will be jeopardized by its  
2 release.

3 (c) Beginning with inspections occurring on January 1,  
4 2018, the department shall post on its website electronic copies  
5 of reports for all inspections it performs of child care  
6 facilities subject to this part. Except as provided in  
7 subsection (b), each report shall be posted on the department's  
8 website within five working days of the conclusion of each  
9 inspection and shall include:

- 10 (1) The date of the inspection;  
11 (2) A description of violations of relevant state laws or  
12 rules, if applicable;  
13 (3) Plans of correction and the status of corrective  
14 actions in response to any violations, if applicable;  
15 (4) A list and description of all corrective actions taken  
16 by the child care facility, if applicable, to be  
17 submitted by the facility and added to the report at a  
18 later time, as determined by the department; and  
19 (5) Other information regarding the quality and condition  
20 of the child care facility as the department deems  
21 appropriate.



1        (d) The department shall submit an annual report to the  
 2 legislature on all records and actions subject to this section.  
 3 For all actions that involve a complaint of a suspected  
 4 violation or an actual violation discovered by the department,  
 5 the report shall include the department's findings regarding the  
 6 suspected or actual violation and any corrective action ordered  
 7 by the department, including the suspension or revocation of any  
 8 license, permit, or registration."

9        SECTION 3. There is appropriated out of the general  
 10 revenues of the State of Hawaii the sum of \$                    or so much  
 11 thereof as may be necessary for fiscal year 2017-2018 and the  
 12 same sum or so much thereof as may be necessary for fiscal year  
 13 2018-2019 to implement and comply with the reporting  
 14 requirements for child care facilities as required by this Act.

15        The sums appropriated shall be expended by the department  
 16 of human services for the purposes of this Act.

17        SECTION 4. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19        SECTION 5. This Act shall take effect on July 1, 2017.

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*Kal Ahn*  
*[Signature]*

INTRODUCED BY: *Michelle A. Kildani*  
*[Signature]*



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# S.B. NO. 511

**Report Title:**

Child Care Facilities; Inspections; Reports; Oversight;  
Appropriation

**Description:**

Requires DHS to publish reports of child care facility inspections and complaint investigations on DHS's website. Creates an oversight committee for implementation of and compliance with publication requirements. Requires annual reporting to the Legislature. Makes an appropriation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

