

CHAPTER 426

AN ACT concerning child care services on school district property and supplementing P.L.1983, c.492 (C.30:5B-1 et seq.).

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

C.30:5B-34 School district child care services pilot program.

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

b. Notwithstanding the provisions of N.J.S.18A:20-34 or any other section of law to the contrary, under the pilot program the commissioner shall designate up to 10 school districts that shall each select up to two community providers to operate in a public school facility to provide child care services pursuant to subsection a. of this section. If the commissioner designates a school district in which a community provider is operating in a public school facility on the effective date of P.L.2019, c.426, then the school district shall select that community provider to provide child care services under the pilot program.

c. A community provider operating in a public school facility under the pilot program shall be licensed under the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

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

e. A public school facility shall charge rent to a community provider operating in the public school facility under the pilot program established pursuant to subsection a. of this section. The rent amount charged shall be within the range of rent amounts charged to other licensed child care centers located within the county in which the school district is located.

f. The tuition amount charged for the child care services shall be within the range of tuition amounts charged for such services by licensed child care centers located within the county in which the school district is located.

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

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

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

i. Six months prior to the conclusion of the pilot program, the commissioner, in consultation with the Commissioner of Education, shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall contain information on: any cost savings realized by the parents or guardians of children

receiving child care services from a community provider participating in the pilot program as compared to the costs of attendance at child care centers in the same geographic area; the revenue generated for school districts whose facilities are utilized by a community provider participating in the pilot program; and other factors deemed appropriate by the commissioner for evaluating the impact and effect of community providers operating in public school facilities.

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

2. This act shall take effect immediately and shall expire six months after the submission of the report required pursuant to subsection i. of section 1 of this act.

Approved January 21, 2020.