

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 586

Introduced by Mello, 5.
Read first time January 23, 2013
Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Child Care Licensing Act; to amend section
2 71-1908, Reissue Revised Statutes of Nebraska; to provide
3 content for rules and regulations for family child care
4 homes, child care centers, and preschools as prescribed;
5 to harmonize provisions; and to repeal the original
6 section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1908, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1908 (1) Sections 71-1908 to 71-1923 and sections 2 to
4 39 of this act shall be known and may be cited as the Child Care
5 Licensing Act.

6 (2) The Legislature finds that there is a present and
7 growing need for quality child care programs and facilities. There is
8 a need to establish and maintain licensure of persons providing such
9 programs to ensure that such persons are competent and are using safe
10 and adequate facilities. The Legislature further finds and declares
11 that the development and supervision of programs are a matter of
12 statewide concern and should be dealt with uniformly on the state and
13 local levels. There is a need for cooperation among the various state
14 and local agencies which impose standards on licensees, and there
15 should be one agency which coordinates the enforcement of such
16 standards and informs the Legislature about cooperation among the
17 various agencies.

18 Sec. 2. Rules and regulations adopted and promulgated
19 pursuant to the Child Care Licensing Act shall include, but not be
20 limited to, the provisions of sections 3 to 39 of this act.

21 Sec. 3. (1) An applicant for or a holder of a license to
22 operate a family child care home shall complete a criminal history
23 record information check for himself or herself and for each member
24 of his or her household who is nineteen years of age or older. Each
25 applicant nineteen years of age or older for employment in a family

1 child care home shall complete a preemployment criminal history
2 record information check. Each person nineteen years of age or older
3 who assists with child care in a family child care home as a
4 volunteer shall complete a criminal history record information check
5 before acting as a volunteer in a family child care home. The
6 applicant for licensure or licensee shall maintain documentation of
7 such criminal history record information checks available for review
8 by the department.

9 (2) The criminal history record information checks
10 required by this section shall be conducted through the Nebraska
11 State Patrol or one or more local law enforcement agencies. If a
12 licensee, applicant for licensure, household member nineteen years of
13 age or older, or applicant for employment nineteen years of age or
14 older has lived in Nebraska less than twelve months, he or she shall
15 provide the department with documentation of a criminal history
16 record information check from his or her previous state of residence.

17 (3) A person is permanently disqualified from holding a
18 license to operate a family child care home or working as an employee
19 or volunteer in a family child care home if he or she has a criminal
20 history which includes conviction of any unlawful act endangering the
21 health or safety of another individual, including, but not limited
22 to:

- 23 (a) Aggravated or armed robbery;
24 (b) Assault in the first or second degree;
25 (c) Child abandonment;

- 1 (d) Child abuse;
- 2 (e) Child molestation or debauching a minor;
- 3 (f) Child neglect;
- 4 (g) Commercial sexual exploitation of a minor;
- 5 (h) Domestic violence;
- 6 (i) Exploitation of a minor involving drug offenses or
7 conviction of drug offenses that involved a minor;
- 8 (j) Felony controlled substance offenses other than
9 possession of a controlled substance;
- 10 (k) Felony violation of custody;
- 11 (l) Incest;
- 12 (m) Kidnapping;
- 13 (n) Murder in the first or second degree;
- 14 (o) Sexual abuse of a minor;
- 15 (p) Sexual assault;
- 16 (q) Sexual exploitation of a minor, including child
17 pornography; or
- 18 (r) Voluntary manslaughter.
- 19 (4) A person is disqualified from holding a license to
20 operate a family child care home or working as an employee or a
21 volunteer in a family child care home if he or she has a criminal
22 history that includes conviction in the preceding twenty years of:
- 23 (a) Arson;
- 24 (b) Criminal nonsupport;
- 25 (c) Felony possession of controlled substance offenses;

1 (d) Felony theft; or

2 (e) Robbery.

3 The disqualification period under this subsection begins
4 on the date the conviction became final. Any period of time during
5 which the individual is incarcerated, either in jail or a state or
6 federal correctional facility, is not included in the calculation of
7 the disqualification period. If the individual has more than one
8 conviction, the disqualification period begins on the date the most
9 recent conviction became final.

10 (5) An individual is disqualified from holding a license
11 to operate a family child care home or working as an employee or a
12 volunteer in a family child care home if he or she has a criminal
13 history that includes conviction in the preceding five years of:

14 (a) Burglary;

15 (b) Driving while under the influence of alcohol or
16 drugs, two or more convictions;

17 (c) Felony issuance of a bad check;

18 (d) Misdemeanor controlled substance offenses;

19 (e) Misdemeanor contributing to the delinquency of a
20 child; or

21 (f) Misdemeanor theft.

22 The disqualification period under this subsection begins
23 on the date the conviction became final. Any period of time during
24 which the individual is incarcerated, either in jail or a state or
25 federal correctional facility, is not included in the calculation of

1 the disqualification period. If the individual has more than one
2 conviction, the disqualification period begins on the date the most
3 recent conviction became final.

4 (6) An applicant for or the holder of a license to
5 operate a family child care home is disqualified for such license if
6 the applicant, the licensee, or a household member has had his or her
7 parental rights terminated by a court because of a finding of abuse
8 or neglect of a child or inability to care for a child. An applicant
9 for employment, an employee, or a volunteer shall not work or
10 volunteer in a family child care home if he or she has had his or her
11 rights as a parent terminated by a court because of a finding of
12 abuse or neglect of a child or inability to care for a child.

13 (7) A person may hold a license to operate a family child
14 care home or work as an employee or a volunteer in a family child
15 care home with a pending complaint, indictment, or conviction of
16 other crimes if the department determines the person has the
17 character and fitness to work with children. In making this
18 determination, the department may consider the following factors with
19 respect to the conduct addressed in the complaint, indictment, or
20 conviction:

21 (a) The age of the person at the time of the conduct;

22 (b) The recency of the conduct;

23 (c) The seriousness of the conduct;

24 (d) The factors underlying the conduct;

25 (e) The cumulative effect of the conduct;

- 1 (f) The evidence of rehabilitation;
2 (g) The person's positive social contributions since the
3 conduct;
4 (h) The person's honesty in providing information; and
5 (i) The materiality of any omissions or
6 misrepresentations.

7 (8) The department may deny or take action against a
8 license if an applicant for a license, a licensee, a household
9 member, an employee, or a volunteer is found to have a criminal
10 history that includes conviction or substantial evidence of
11 committing or permitting, or aiding or abetting another to commit,
12 any unlawful act endangering the health or safety of another
13 individual or a history of convictions or behavior that shows an
14 inability or unwillingness to comply with laws or regulations.

15 Sec. 4. (1) The department may deny or take action
16 against a license if an applicant for or a holder of a license to
17 operate a family child care home or a family member, an employee, or
18 a volunteer applying for, working, or volunteering in a child care
19 home is: (a) Thirteen years of age or older and listed on the central
20 register created pursuant to section 28-718; (b) eighteen years of
21 age or older and listed on the Adult Protective Services Central
22 Registry created under section 28-376; or (c) a registered sex
23 offender pursuant to the Sex Offender Registration Act.

24 (2) The applicant, licensee, household member, employee,
25 or volunteer shall provide enough information to the department for

1 an accurate check of the registries described in subsection (1) of
2 this section and the information available to the sex offender
3 registration and community notification division of the Nebraska
4 State Patrol and shall authorize the release of information from the
5 registries or the division. The department shall conduct the checks
6 of such registries and provide the results to the applicant,
7 licensee, household member, employee, or volunteer. The applicant,
8 licensee, household member, employee, or volunteer shall request the
9 information available to the sex offender registration and community
10 notification division of the Nebraska State Patrol. All checks
11 pursuant to this subsection shall be completed before the applicant,
12 licensee, household member, employee, or volunteer assumes
13 responsibility for the care and supervision of children in a family
14 child care home.

15 (3) Any applicant, licensee, household member, employee,
16 or volunteer who is listed on either of the registries described in
17 subsection (1) of this section or is a registered sex offender
18 pursuant to the Sex Offender Registration Act shall not be on the
19 premises of a family child care home during the hours of operation,
20 except that a parent listed as a perpetrator may be allowed on the
21 premises only to pick up and drop off his or her child.

22 Sec. 5. (1) An applicant for or a holder of a license to
23 operate a family child care home shall complete a report of law
24 enforcement contact for himself or herself and shall obtain a
25 completed report for each employee, each volunteer, and each

1 household member who is nineteen years of age or older. The reports
2 shall:

3 (a) Be updated, signed, and dated annually;

4 (b) Be updated any time an applicant while the
5 application is pending, a licensee, an employee, a volunteer, or a
6 household member is arrested, is issued a citation other than a minor
7 traffic violation, or is charged with or convicted of any felony,
8 misdemeanor, or infraction;

9 (c) List all previous and currently pending criminal
10 charges and arrests, both felony and misdemeanor, regardless of
11 prosecution;

12 (d) List any felony or misdemeanor charges and arrests
13 related to crimes against children;

14 (e) List any felony or misdemeanor convictions;

15 (f) List any current or past parole or probation status,
16 including pretrial diversion or court supervision; and

17 (g) List each date of contact with law enforcement,
18 county and state of the contact, and reason for the contact and any
19 arrest, charge, conviction, and disposition.

20 (2) As soon as the licensee or applicant becomes aware of
21 the contact, he or she shall notify the department of any arrest,
22 misdemeanor ticket other than a minor traffic violation, pending
23 criminal charges, and felony or misdemeanor convictions of himself,
24 herself, employees and volunteers of the family child care home, or
25 household members. Failure to notify the department of law

1 enforcement contacts as described in this section may result in
2 disciplinary action.

3 Sec. 6. If the holder of a license to operate a family
4 child care home has reason to believe that an employee or a volunteer
5 is being or has been investigated for abuse, neglect, or sexual abuse
6 of a child or vulnerable adult, the licensee shall submit the name of
7 the employee or volunteer to the department for a check with the
8 central register created pursuant to section 28-718 or the Adult
9 Protective Services Central Registry created pursuant to section
10 28-376.

11 Any employee or volunteer of a family child care home who
12 is under investigation for abuse, neglect, or sexual abuse of a child
13 or vulnerable adult shall not be left alone with children in the
14 family child care home until the investigation is completed and the
15 findings are determined.

16 Sec. 7. An applicant for a license to operate a family
17 child care home shall submit a completed and signed health
18 information report on a form provided by the department for himself
19 or herself as part of the initial application. All employees of a
20 family child care home who are responsible for the care and
21 supervision of children more than twenty hours per week shall
22 complete a health information report within thirty days after the
23 date of hiring. The reports shall be updated annually.

24 The health information report shall include an assessment
25 by a health professional of the applicant or employee and any health

1 conditions that could negatively affect his or her ability to care
2 for children. If the information indicates that the applicant or
3 employee has, or has had, a health condition that could negatively
4 affect his or her ability to care for children, the department may
5 request additional information.

6 Sec. 8. An applicant for or the holder of a license to
7 operate a family child care home shall complete the training as
8 provided in sections 9 to 15 of this act and shall keep documentation
9 of the completion of all training on the premises and available for
10 the department to review. Acceptable documentation of training
11 includes certificates issued by persons conducting the training and
12 documentation of independent study.

13 Sec. 9. Before a provisional license to operate a family
14 child care home may be issued, the applicant shall complete the
15 following:

16 (1) A two-hour orientation training provided by the
17 department;

18 (2) Cardiopulmonary resuscitation training as described
19 in section 15 of this act; and

20 (3) First-aid training.

21 Sec. 10. (1) The holder of a license to operate a family
22 child care home shall complete training developed by the Early
23 Childhood Training Center established pursuant to section 79-1102 on
24 sudden infant death syndrome, safe sleep, shaken baby syndrome, and
25 child abuse and neglect and reporting. Any proposed equivalent

1 training shall be approved by the department.

2 (2) A licensee licensed on or after the effective date of
3 this act shall complete such training within three years after the
4 date of provisional licensure under section 71-1911 and every five
5 years thereafter.

6 (3) A licensee whose license is issued licensed before
7 the effective date of this act shall complete the training within
8 three years after such date and every five years thereafter.

9 (4) The training described in subsection (1) of this
10 section shall count toward the annual training requirement set out in
11 section 13 of this act.

12 Sec. 11. (1) The holder of a license to operate a family
13 child care home shall complete a business training module for family
14 child care homes developed by the Early Childhood Training Center
15 established pursuant to section 79-1102. Any proposed equivalent
16 training must be approved by the department.

17 (2) A licensee licensed on or after the effective date of
18 this act shall complete the training within five years after the date
19 of provisional licensure under section 71-1911.

20 (3) A licensee licensed before the effective date of this
21 act shall complete the training within five years after such date.

22 (4) The training described in subsection (1) of this
23 section shall count toward the annual training requirement set out in
24 section 13 of this act.

25 Sec. 12. (1) The holder of a license to operate a family

1 child care home shall complete training in the seven domains of the
2 early childhood learning guidelines developed by the Early Childhood
3 Training Center established pursuant to section 79-1102. Any proposed
4 equivalent training shall be approved by the department. The seven
5 domains are: (a) Approaches to learning, (b) creative arts, (c)
6 health and physical development, (d) language and literacy
7 development, (e) mathematics, (f) science, and (g) social and
8 emotional development.

9 (2) A licensee licensed on or after the effective date of
10 this act shall complete training in one domain within four years
11 after the date of provisional licensure under section 71-1911 and one
12 domain annually thereafter.

13 (3) A licensee licensed before the effective date of this
14 act shall complete training in one domain within four years after
15 such date and one domain annually thereafter.

16 (4) The training described in this section shall count
17 toward the annual training requirement set out in section 13 of this
18 act.

19 Sec. 13. (1) The holder of a license to operate a family
20 child care home or a child care center and each employee who works
21 more than twenty hours per week, not including substitutes or
22 volunteers, shall obtain twelve clock hours of training annually.
23 Employees who work twenty hours or fewer each week shall complete six
24 clock hours of training annually.

25 (2) Such training shall include, but not be limited to,

1 the following topics:

2 (a) Safe environments;

3 (b) Healthy environments;

4 (c) Learning environments;

5 (d) Physical development;

6 (e) Cognitive learning;

7 (f) Communication;

8 (g) Creative learning;

9 (h) Self-esteem;

10 (i) Social development;

11 (j) Guidance;

12 (k) Family relationships;

13 (l) Program management; and

14 (m) Professionalism.

15 (3) Audio, video, and reading material specific to one or
16 more of these training topics shall count toward the annual training
17 requirement only if an independent learning summary is completed on a
18 form provided by the department. The actual length of audio and video
19 material will be counted, and fifty pages of text will be considered
20 equal to one clock hour of training. Two hours of cardiopulmonary
21 resuscitation training and one hour of first-aid training shall be
22 counted in the year that each is taken.

23 Sec. 14. Each clock hour spent participating in any of
24 the following types of activities shall count toward the annual
25 training requirement set out in section 13 of this act:

1 (1) Workshops and conferences;

2 (2) College courses;

3 (3) Noncredit course work; and

4 (4) Adult education courses.

5 Sec. 15. (1) Cardiopulmonary resuscitation training shall
6 be obtained from an entity that has been approved by the Board of
7 Emergency Medical Services. The department shall provide a holder of
8 a license to operate a family child care home with information about
9 approved cardiopulmonary resuscitation courses.

10 (2) A holder of a license to operate a family child care
11 home shall maintain current cardiopulmonary resuscitation and first-
12 aid training as long as he or she is licensed.

13 (3) A current cardiopulmonary resuscitation card and
14 documentation of first-aid training shall be provided to the
15 department upon request.

16 Sec. 16. (1) An applicant for or a holder of a license to
17 operate a child care center shall complete a criminal history record
18 information check for himself or herself and for each member of his
19 or her household who is nineteen years of age or older if the child
20 care center is located in a private residence. Each applicant
21 nineteen years of age or older for employment in a child care center
22 shall complete a preemployment criminal history record information
23 check. Each person nineteen years of age or older who assists with
24 child care in a child care center as a volunteer shall complete a
25 criminal history record information check before acting as a

1 volunteer in a child care center. The applicant for licensure or
2 licensee shall maintain documentation of such criminal history record
3 information checks available for review by the department.

4 (2) The criminal history record information checks
5 required by this section shall be conducted through the Nebraska
6 State Patrol or one or more local law enforcement agencies. If a
7 licensee, applicant for licensure, applicant for employment nineteen
8 years of age or older, or household member nineteen years of age or
9 older, if applicable, has lived in Nebraska less than twelve months,
10 he or she shall provide the department with documentation of a
11 criminal history record information check from his or her previous
12 state of residence.

13 (3) A person is permanently disqualified from holding a
14 license to operate a child care center or working as an employee or
15 volunteer in a child care center if he or she has a criminal history
16 which includes conviction of any unlawful act endangering the health
17 or safety of another individual, including, but not limited to:

18 (a) Aggravated or armed robbery;

19 (b) Assault in the first or second degree;

20 (c) Child abandonment;

21 (d) Child abuse;

22 (e) Child molestation or debauching a minor;

23 (f) Child neglect;

24 (g) Commercial sexual exploitation of a minor;

25 (h) Domestic violence;

1 (i) Exploitation of a minor involving drug offenses or
2 conviction of drug offenses that involved a minor;

3 (j) Felony controlled substance offenses other than
4 possession of a controlled substance;

5 (k) Felony violation of custody;

6 (l) Incest;

7 (m) Kidnapping;

8 (n) Murder in the first or second degree;

9 (o) Sexual abuse of a minor;

10 (p) Sexual assault;

11 (q) Sexual exploitation of a minor, including child
12 pornography; or

13 (r) Voluntary manslaughter.

14 (4) A person is disqualified from holding a license to
15 operate a child care center or working as an employee or a volunteer
16 in a child care center if he or she has a criminal history that
17 includes conviction in the preceding twenty years of:

18 (a) Arson;

19 (b) Criminal nonsupport;

20 (c) Felony possession of controlled substance offenses;

21 (d) Felony theft; or

22 (e) Robbery.

23 The disqualification period under this subsection begins
24 on the date the conviction became final. Any period of time during
25 which the individual is incarcerated, either in jail or a state or

1 federal correctional facility, is not included in the calculation of
2 the disqualification period. If the individual has more than one
3 conviction, the disqualification period begins on the date the most
4 recent conviction became final.

5 (5) An individual is disqualified from holding a license
6 to operate a child care center or working as an employee or a
7 volunteer in a child care center if he or she has a criminal history
8 that includes conviction in the preceding five years of:

9 (a) Burglary;

10 (b) Driving while under the influence of alcohol or
11 drugs, two or more convictions;

12 (c) Felony issuance of a bad check;

13 (d) Misdemeanor controlled substance offenses;

14 (e) Misdemeanor contributing to the delinquency of a
15 child; or

16 (f) Misdemeanor theft.

17 The disqualification period under this subsection begins
18 on the date the conviction became final. Any period of time during
19 which the individual is incarcerated, either in jail or a state or
20 federal correctional facility, is not included in the calculation of
21 the disqualification period. If the individual has more than one
22 conviction, the disqualification period begins on the date the most
23 recent conviction became final.

24 (6) An applicant for or the holder of a license to
25 operate a child care center is disqualified for such license if the

1 applicant, the licensee, or a household member, if applicable, has
2 had his or her parental rights terminated by a court because of a
3 finding of abuse or neglect of a child or inability to care for a
4 child. An applicant for employment, an employee, or a volunteer shall
5 not work or volunteer in a child care center if he or she has had his
6 or her rights as a parent terminated by a court because of a finding
7 of abuse or neglect of a child or inability to care for a child.

8 (7) A person may hold a license to operate a child care
9 center or work as an employee or a volunteer in a child care center
10 with a pending complaint, indictment, or conviction of other crimes
11 if the department determines the person has the character and fitness
12 to work with children. In making this determination, the department
13 may consider the following factors with respect to the conduct
14 addressed in the complaint, indictment, or conviction:

15 (a) The age of the person at the time of the conduct;

16 (b) The recency of the conduct;

17 (c) The seriousness of the conduct;

18 (d) The factors underlying the conduct;

19 (e) The cumulative effect of the conduct;

20 (f) The evidence of rehabilitation;

21 (g) The person's positive social contributions since the
22 conduct;

23 (h) The person's honesty in providing information; and

24 (i) The materiality of any omissions or
25 misrepresentations.

1 (8) The department may deny or take action against a
2 license if an applicant for a license, a licensee, a household
3 member, if applicable, an employee, or a volunteer is found to have a
4 criminal history that includes conviction or substantial evidence of
5 committing or permitting, or aiding or abetting another to commit,
6 any unlawful act endangering the health or safety of another
7 individual or a history of convictions or behavior that shows an
8 inability or unwillingness to comply with laws or regulations.

9 Sec. 17. (1) The department may deny or take action
10 against a license if an applicant for or the holder of a license to
11 operate a child care center or, a household member, an employee, or a
12 volunteer applying for or working or volunteering in a child care
13 center is: (a) Thirteen years of age or older and listed on the
14 central register created pursuant to section 28-718; (b) eighteen
15 years of age or older and listed on the Adult Protective Services
16 Central Registry created under section 28-376; or (c) a registered
17 sex offender pursuant to the Sex Offender Registration Act.

18 (2) The applicant, licensee, household member, employee,
19 or volunteer shall provide enough information to the department for
20 an accurate check of the registries described in subsection (1) of
21 this section and the information available to the sex offender
22 registration and community notification division of the Nebraska
23 State Patrol and shall authorize the release of information from the
24 registries or the division. The department shall conduct the checks
25 of such registries and provide the results to the applicant,

1 licensee, household member, employee, or volunteer. The applicant,
2 licensee, household member, employee, or volunteer shall request the
3 information available to the sex offender registration and community
4 notification division of the Nebraska State Patrol. All checks
5 pursuant to this subsection shall be completed before the applicant,
6 licensee, household member, employee, or volunteer assumes
7 responsibility for the care and supervision of children in a child
8 care center.

9 (3) Any applicant, licensee, household member, employee,
10 or volunteer who is listed on either of the registries described in
11 subsection (1) of this section or is a registered sex offender
12 pursuant to the Sex Offender Registration Act shall not be on the
13 premises of a child care center during the hours of operation, except
14 that a parent listed as a perpetrator may be allowed on the premises
15 only to pick up and drop off his or her child.

16 (4)(a) The names of each applicant, licensee, director,
17 and employee of a child care center shall be cleared against the
18 central register created under section 28-718 by the department. When
19 a child care center is located in the residence of the licensee, the
20 names of all household members thirteen years of age and older shall
21 also be cleared by the department against such register.

22 (b) Whenever the name of any applicant, licensee,
23 director, or employee of a child care center or a household member if
24 applicable is identified as being on such central register as a
25 perpetrator, the department shall notify the individual that his or

1 her name appears on the central register and may proceed with actions
2 necessary to deny or revoke the child care center's license.

3 (5)(a) The names of each applicant, licensee, director,
4 and employee of a child care center shall be cleared by the
5 department against the Adult Protective Services Central Registry
6 created pursuant to section 28-376. When a child care center is
7 located in the residence of the licensee, the names of all household
8 members eighteen years of age and older shall also be cleared by the
9 department against such register.

10 (b) Whenever the name of any applicant, licensee,
11 director, or employee of a child care center or a household member if
12 applicable is identified as being on such central registry as a
13 perpetrator, the department may proceed with actions necessary to
14 deny or revoke the child care center's license.

15 Sec. 18. (1) An applicant for or a holder of a license to
16 operate a child care center shall complete a report of law
17 enforcement contact for himself or herself and shall obtain a
18 completed report for each employee, each volunteer, and each
19 household member, if applicable, who is nineteen years of age or
20 older. The reports shall:

21 (a) Be updated, signed, and dated annually;

22 (b) Be updated any time an applicant while the
23 application is pending, a licensee, an employee, a volunteer, or a
24 household member, if applicable, is arrested, is issued a citation
25 other than a minor traffic violation, or is charged with or convicted

1 of any felony, misdemeanor, or infraction;

2 (c) List all previous and currently pending criminal
3 charges and arrests, both felony and misdemeanor, regardless of
4 prosecution;

5 (d) List any felony or misdemeanor charges and arrests
6 related to crimes against children;

7 (e) List any felony or misdemeanor convictions;

8 (f) List any current or past parole or probation status,
9 including pretrial diversion or court supervision; and

10 (g) List each date of contact with law enforcement,
11 county and state of the contact, and reason for the contact and any
12 arrest, charge, conviction, and disposition.

13 (2)(a) Each applicant, licensee, director, and employee
14 shall submit a completed and signed felony/misdemeanor statement to
15 the department. When a child care center is located in the residence
16 of the licensee, all household members nineteen years of age and
17 older shall submit a completed and signed felony/misdemeanor
18 statement to the department, including any crimes for which a
19 juvenile has been adjudicated as an adult.

20 (b) The department may request additional information
21 from the licensee or law enforcement agencies.

22 (c) Whenever any applicant, licensee, director, or
23 employee or household member, if applicable, has a history of
24 criminal behavior, the department may proceed with actions necessary
25 to deny or revoke the license of the child care center.

1 (3) As soon as the licensee or applicant becomes aware of
2 the contact, he or she shall notify the department of any arrest,
3 misdemeanor ticket other than a minor traffic violation, pending
4 criminal charges, and felony or misdemeanor convictions of himself,
5 herself, employees and volunteers of the child care center, or
6 household members, if applicable. Failure to notify the department of
7 law enforcement contacts as described in this section may result in
8 disciplinary action.

9 Sec. 19. When a new director is employed by a child care
10 center, he or she shall complete department-approved director
11 orientation within thirty days after starting employment. The
12 director shall also complete training developed by the Early
13 Childhood Training Center established pursuant to section 79-1102 on
14 sudden infant death syndrome, safe sleep, shaken baby syndrome, and
15 child abuse and neglect and reporting. Any proposed equivalent
16 training shall be approved by the department. For child care centers
17 licensed on or after the effective date of this act, the director
18 shall complete such training within three years after the date of
19 provisional licensure under section 71-1911 and every five years
20 thereafter. For child care centers licensed before the effective date
21 of this act, the director shall complete the training within three
22 years after such date and every five years thereafter. The training
23 required by this section shall count toward the annual training
24 requirement set out in section 13 of this act.

25 Sec. 20. (1)(a) The director of a child care center shall

1 complete child care management training for child care center
2 directors developed by the Early Childhood Training Center
3 established pursuant to section 79-1102. Any proposed equivalent
4 training shall be approved by the department.

5 (b) For child care centers licensed on or after the
6 effective date of this act, the director shall complete the training
7 within five years after the date of provisional licensure under
8 section 71-1911.

9 (c) For child care centers licensed before the effective
10 date of this act, the director shall complete the training within
11 five years after such date.

12 (d) The training required by this subsection shall count
13 toward the annual training requirement set out in section 13 of this
14 act.

15 (2) When the same licensee operates two or more child
16 care centers, the licensee may designate another employee who is
17 responsible for writing policies and procedures, preparing budgets,
18 and other administrative duties to complete the training required
19 pursuant to subsection (1) of this section instead of the director.

20 Sec. 21. (1) The director of a child care center shall
21 complete training in the seven domains of the early childhood
22 learning guidelines developed by the Early Childhood Training Center
23 established pursuant to section 79-1102. Any proposed equivalent
24 training shall be approved by the department. The seven domains are:
25 (a) Approaches to learning, (b) creative arts, (c) health and

1 physical development, (d) language and literacy development, (e)
2 mathematics, (f) science, and (g) social and emotional development.

3 (2) A licensee licensed on or after the effective date of
4 this act shall complete training in one domain within four years
5 after the date of provisional licensure under section 71-1911 and one
6 domain annually thereafter.

7 (3) A licensee licensed before the effective date of this
8 act shall complete training in one domain within four years after
9 such date and one domain annually thereafter.

10 (4) The training described in this section shall count
11 toward the annual training requirement set out in section 13 of this
12 act.

13 Sec. 22. (1) The holder of a license to operate a child
14 care center shall ensure that teachers employed at the child care
15 center complete the following training:

16 (a) Training developed by the Early Childhood Training
17 Center established pursuant to section 79-1102 on sudden infant death
18 syndrome, safe sleep, shaken baby syndrome, and child abuse and
19 neglect and reporting. Any proposed equivalent training shall be
20 approved by the department. Beginning three years after the effective
21 date of this act, at least fifty percent of all teachers employed by
22 the child care center shall complete such training; and

23 (b) Training in the domains of the early childhood
24 learning guidelines developed by the Early Childhood Training Center.
25 Any proposed equivalent training shall be approved by the department.

1 Within four years after the effective date of this act, at least
2 twenty-five percent of all teachers employed by the child care center
3 shall complete training in at least one domain. Within five years
4 after such date, fifty percent of all teachers employed by the child
5 care center shall complete training in at least one domain. Within
6 six years after such date, seventy-five percent of all teachers
7 employed by the child care center shall complete training in at least
8 one domain.

9 (2) The training required by this section shall count
10 toward the annual training requirement set out in section 13 of this
11 act.

12 Sec. 23. The director of a child care center shall
13 maintain a list for each calendar year of all teachers showing which
14 teachers have completed:

- 15 (1) Orientation training;
16 (2) Safety training;
17 (3) Early learning guidelines training;
18 (4) Clock hours of annual training; and
19 (5) Cardiopulmonary resuscitation and first-aid training.

20 Sec. 24. When new staff or volunteers begin working in a
21 licensed child care center, they shall be provided with orientation
22 prior to having direct responsibility for the care of children. The
23 orientation shall include:

- 24 (1) Job duties and responsibilities;
25 (2) Infection control practices, including proper hand-

1 washing techniques, personal hygiene, and disposal of infectious
2 material;

3 (3) Information on abuse, neglect, and sexual abuse of
4 children and the state's reporting requirements;

5 (4) Child care center regulations;

6 (5) Evacuation plans in the event of fire;

7 (6) Safety plans in the event of a tornado;

8 (7) Emergency preparedness in the event of a natural or
9 manmade disaster; and

10 (8) The center's method of interacting with children and
11 discipline policies.

12 Sec. 25. When meals are served by a child care center,
13 all employees responsible for menu planning, food preparation, and
14 food service safety shall complete at least four clock hours of
15 training in nutrition, food safety, and food service within thirty
16 days after beginning employment and annually thereafter.

17 Sec. 26. Persons who transport children on behalf of a
18 child care center shall:

19 (1) Receive and maintain a valid certificate of
20 completion of the "Safe Kids Buckle Up" program within ninety days
21 after beginning employment and every five years thereafter, except
22 that persons employed to transport children on behalf of a child care
23 center before the effective date of this act shall receive and
24 maintain a valid certificate of completion for "Safe Kids Buckle Up"
25 within one year after the effective date of this act and every five

1 years thereafter. Any proposed equivalent training shall be approved
2 by the department; and

3 (2) Maintain valid certificates for cardiopulmonary
4 resuscitation and first-aid training. Persons employed before the
5 effective date of this act to transport children on behalf of a child
6 care center shall complete cardiopulmonary resuscitation and first-
7 aid training within one year after the effective date of this act and
8 maintain valid certificates thereafter.

9 Sec. 27. (1) An applicant for or a holder of a license to
10 operate a preschool shall complete a criminal history record
11 information check for himself or herself and for each member of his
12 or her household who is nineteen years of age or older if the
13 preschool is located in a private residence. Each applicant nineteen
14 years of age or older for employment in a preschool shall complete a
15 preemployment criminal history record information check. Each person
16 nineteen years of age or older who works in a preschool as a
17 volunteer shall complete a criminal history record information check
18 before acting as a volunteer in a preschool. The applicant for
19 licensure or licensee shall maintain documentation of such criminal
20 history record information checks available for review by the
21 department.

22 (2) The criminal history record information checks
23 required by this section shall be conducted through the Nebraska
24 State Patrol or one or more local law enforcement agencies. If a
25 licensee, applicant for licensure, applicant for employment nineteen

1 years of age or older, or household member nineteen years of age or
2 older, if applicable, has lived in Nebraska less than twelve months,
3 he or she shall provide the department with documentation of a
4 criminal history record information check from his or her previous
5 state of residence.

6 (3) A person is permanently disqualified from holding a
7 license to operate a preschool or working as an employee or volunteer
8 in a preschool if he or she has a criminal history which includes
9 conviction of any unlawful act endangering the health or safety of
10 another individual, including, but not limited to:

11 (a) Aggravated or armed robbery;

12 (b) Assault in the first or second degree;

13 (c) Child abandonment;

14 (d) Child abuse;

15 (e) Child molestation or debauching a minor;

16 (f) Child neglect;

17 (g) Commercial sexual exploitation of a minor;

18 (h) Domestic violence;

19 (i) Exploitation of a minor involving drug offenses or
20 conviction of drug offenses that involved a minor;

21 (j) Felony controlled substance offenses other than
22 possession of a controlled substance;

23 (k) Felony violation of custody;

24 (l) Incest;

25 (m) Kidnapping;

1 (n) Murder in the first or second degree;
2 (o) Sexual abuse of a minor;
3 (p) Sexual assault;
4 (q) Sexual exploitation of a minor, including child
5 pornography; or

6 (r) Voluntary manslaughter.

7 (4) A person is disqualified from holding a license to
8 operate a preschool or working as an employee or a volunteer in a
9 preschool if he or she has a criminal history that includes
10 conviction in the preceding twenty years of:

11 (a) Arson;

12 (b) Criminal nonsupport;

13 (c) Felony possession of controlled substance offenses;

14 (d) Felony theft; or

15 (e) Robbery.

16 The disqualification period under this subsection begins
17 on the date the conviction became final. Any period of time during
18 which the individual is incarcerated, either in jail or a state or
19 federal correctional facility, is not included in the calculation of
20 the disqualification period. If the individual has more than one
21 conviction, the disqualification period begins on the date the most
22 recent conviction became final.

23 (5) An individual is disqualified from holding a license
24 to operate a preschool or working as an employee or a volunteer in a
25 preschool if he or she has a criminal history that includes

1 conviction in the preceding five years of:

2 (a) Burglary;

3 (b) Driving while under the influence of alcohol or
4 drugs, two or more convictions;

5 (c) Felony issuance of a bad check;

6 (d) Misdemeanor controlled substance offenses;

7 (e) Misdemeanor contributing to the delinquency of a
8 child; or

9 (f) Misdemeanor theft.

10 The disqualification period under this subsection begins
11 on the date the conviction became final. Any period of time during
12 which the individual is incarcerated, either in jail or a state or
13 federal correctional facility, is not included in the calculation of
14 the disqualification period. If the individual has more than one
15 conviction, the disqualification period begins on the date the most
16 recent conviction became final.

17 (6) An applicant for or the holder of a license to
18 operate a preschool is disqualified for such license if the
19 applicant, the licensee, or a household member, if applicable, has
20 had his or her parental rights terminated by a court because of a
21 finding of abuse or neglect of a child or inability to care for a
22 child. An applicant for employment, an employee, or a volunteer shall
23 not work or volunteer in a preschool if he or she has had his or her
24 rights as a parent terminated by a court because of a finding of
25 abuse or neglect of a child or inability to care for a child.

1 (7) A person may hold a license to operate a preschool or
2 work as an employee or a volunteer in a preschool with a pending
3 complaint, indictment, or conviction of other crimes if the
4 department determines the person has the character and fitness to
5 work with children. In making this determination, the department may
6 consider the following factors with respect to the conduct addressed
7 in the complaint, indictment, or conviction:

- 8 (a) The age of the person at the time of the conduct;
9 (b) The recency of the conduct;
10 (c) The seriousness of the conduct;
11 (d) The factors underlying the conduct;
12 (e) The cumulative effect of the conduct;
13 (f) The evidence of rehabilitation;
14 (g) The person's positive social contributions since the
15 conduct;
16 (h) The person's honesty in providing information; and
17 (i) The materiality of any omissions or
18 misrepresentations.

19 (8) The department may deny or take action against a
20 license if an applicant for a license, a licensee, a household
21 member, if applicable, an employee, or a volunteer is found to have a
22 criminal history that includes conviction or substantial evidence of
23 committing or permitting, or aiding or abetting another to commit,
24 any unlawful act endangering the health or safety of another
25 individual or a history of convictions or behavior that shows an

1 inability or unwillingness to comply with laws or regulations.

2 Sec. 28. (1) The department may deny or take action
3 against a license if an applicant for or a holder of a license to
4 operate a preschool or a household member if applicable, an employee,
5 or a volunteer applying to work or working in a preschool is: (a)
6 Thirteen years of age or older and listed on the central register
7 created pursuant to section 28-718; (b) eighteen years of age or
8 older and listed on the Adult Protective Services Central Registry
9 created under section 28-376; or (c) a registered sex offender
10 pursuant to the Sex Offender Registration Act.

11 (2) The applicant, licensee, household member, employee,
12 or volunteer shall provide enough information to the department for
13 an accurate check of the registries described in subsection (1) of
14 this section and the information available to the sex offender
15 registration and community notification division of the Nebraska
16 State Patrol and shall authorize the release of information from the
17 registries or the division. The department shall conduct the checks
18 of such registries and provide the results to the applicant,
19 licensee, household member, employee, or volunteer. The applicant,
20 licensee, household member, employee, or volunteer shall request the
21 information available to the sex offender registration and community
22 notification division of the Nebraska State Patrol. All checks
23 pursuant to this subsection shall be completed before the applicant,
24 licensee, household member, employee, or volunteer assumes
25 responsibility for the care and supervision of children in a

1 preschool.

2 (3) Any applicant, licensee, household member, employee,
3 or volunteer who is listed on either of the registries described in
4 subsection (1) of this section or is a registered sex offender
5 pursuant to the Sex Offender Registration Act shall not be on the
6 premises of a preschool during the hours of operation, except that a
7 parent listed as a perpetrator may be allowed on the premises only to
8 pick up and drop off his or her child.

9 (4)(a) The names of each applicant, licensee, director,
10 and employee of a preschool shall be cleared against the central
11 register created under section 28-718 by the department. When a
12 preschool is located in the residence of the licensee, the names of
13 all household members thirteen years of age and older shall also be
14 cleared by the department against such register.

15 (b) Whenever the name of an applicant, licensee,
16 director, or employee of a preschool or a household member if
17 applicable is identified as being on such central register as a
18 perpetrator, the department shall notify the individual that his or
19 her name appears on the central register and may proceed with actions
20 necessary to deny or revoke the preschool's license.

21 (5)(a) The names of each applicant, licensee, director,
22 and employee of a preschool shall be cleared by the department
23 against the Adult Protective Services Central Registry created
24 pursuant to section 28-376. When a preschool is located in the
25 residence of the licensee, the names of all household members

1 eighteen years of age and older shall also be cleared by the
2 department against such register.

3 (b) Whenever the name of an applicant, licensee,
4 director, or employee of a preschool or a household member if
5 applicable is identified as being on such central registry as a
6 perpetrator, the department may proceed with actions necessary to
7 deny or revoke the preschool's license.

8 Sec. 29. (1) An applicant for or a holder of a license to
9 operate a preschool shall complete a report of law enforcement
10 contact for himself or herself and shall obtain a completed report
11 for each employee, each volunteer, and each household member, if
12 applicable, who is nineteen years of age or older. The reports shall:

13 (a) Be updated, signed, and dated annually;

14 (b) Be updated any time an applicant while the
15 application is pending, a licensee, an employee, a volunteer, or a
16 household member, if applicable, is arrested, is issued a citation
17 other than a minor traffic violation, or is charged with or convicted
18 of any felony, misdemeanor, or infraction;

19 (c) List all previous and currently pending criminal
20 charges and arrests, both felony and misdemeanor, regardless of
21 prosecution;

22 (d) List any felony or misdemeanor charges and arrests
23 related to crimes against children;

24 (e) List any felony or misdemeanor convictions;

25 (f) List any current or past parole or probation status,

1 including pretrial diversion or court supervision; and

2 (g) List each date of contact with law enforcement,
3 county and state of the contact, and reason for the contact and any
4 arrest, charge, conviction, and disposition.

5 (2)(a) Each applicant, licensee, director, and employee
6 shall submit a completed and signed felony/misdemeanor statement to
7 the department. When a preschool is located in the residence of the
8 licensee, all household members nineteen years of age and older shall
9 submit a completed and signed felony/misdemeanor statement to the
10 department, including any crimes for which a juvenile has been
11 adjudicated as an adult.

12 (b) The department may request additional information
13 from the licensee or law enforcement agencies.

14 (c) Whenever any applicant, licensee, director, or
15 employee or household member, if applicable, has a history of
16 criminal behavior, the department may proceed with actions necessary
17 to deny or revoke the license of the preschool.

18 (3) As soon as the licensee or applicant becomes aware of
19 the contact, he or she shall notify the department of any arrest,
20 misdemeanor ticket other than a minor traffic violation, pending
21 criminal charges, and felony or misdemeanor convictions of himself,
22 herself, employees and volunteers of the preschool, or household
23 members, if applicable. Failure to notify the department of law
24 enforcement contact as described in this section may result in
25 disciplinary action.

1 Sec. 30. (1) If the holder of a license to operate a
2 preschool or the director of a preschool has reason to believe that
3 an employee or a volunteer is being or has been investigated for
4 abuse, neglect, or sexual abuse of a child or vulnerable adult, the
5 licensee or director shall submit the name of such employee or
6 volunteer to the department for a check with the central register
7 created pursuant to section 28-718 or the Adult Protective Services
8 Central Registry established pursuant to section 28-376.

9 (2) Any employee or volunteer of a preschool who is under
10 investigation for abuse, neglect, or sexual abuse of a child or
11 vulnerable adult shall not be left alone with children in the
12 preschool until the investigation is completed and the findings are
13 determined.

14 Sec. 31. An applicant for a license to operate a
15 preschool shall submit a completed and signed health information
16 report on a form provided by the department for himself or herself as
17 part of the initial application. All employees of a preschool who are
18 responsible for the care and supervision of children for more than
19 twenty hours per week shall complete a health information report
20 within thirty days after the date of hiring. The reports shall be
21 updated annually.

22 The health information report shall include an assessment
23 by a health professional of the applicant or employee and any health
24 conditions that could negatively affect his or her ability to care
25 for children. If the information indicates that the applicant or

1 employee has or had a health condition that could negatively affect
2 his or her ability to care for children, the department may request
3 additional information.

4 Sec. 32. When a new preschool director is employed, he or
5 she shall complete department-approved director orientation within
6 thirty days after starting employment. The director shall also
7 complete:

8 (1) Training developed by the Early Childhood Training
9 Center established pursuant to section 79-1102 on child abuse and
10 neglect and reporting. Any proposed equivalent training shall be
11 approved by the department. For preschools licensed on or after the
12 effective date of this act, the director shall complete the training
13 within three years after the date of provisional licensure under
14 section 71-1911 and every five years thereafter. For preschools
15 licensed before the effective date of this act, the director shall
16 complete the training within three years after such date and every
17 five years thereafter. Such training shall count toward the annual
18 training requirement set out in section 37 of this act; and

19 (2) Training in the seven domains of the early childhood
20 learning guidelines developed by the Early Childhood Training Center.
21 Any proposed equivalent training shall be approved by the department.
22 The seven domains are: (a) Approaches to learning, (b) creative arts,
23 (c) health and physical development, (d) language and literacy
24 development, (e) mathematics, (f) science, and (g) social and
25 emotional development. For preschools licensed on or after the

1 effective date of this act, the director shall complete training in
2 one domain within four years after the date of provisional licensure
3 under section 71-1911 and one domain annually thereafter. For
4 preschools licensed before the effective date of this act, the
5 director shall complete training in one domain within four years
6 after the effective date of this act and one domain annually
7 thereafter. Such training shall count toward the annual training
8 requirement set out in section 37 of this act.

9 Sec. 33. The holder of a license to operate a preschool
10 shall ensure that teachers employed at the preschool complete the
11 following training:

12 (1) Training developed by the Early Childhood Training
13 Center established pursuant to section 79-1102 on sudden infant death
14 syndrome, safe sleep, shaken baby syndrome, and child abuse and
15 neglect and reporting. Any proposed equivalent training shall be
16 approved by the department. Beginning three years after the effective
17 date of this act, at least fifty percent of all teachers employed by
18 the preschool shall complete such training. The training shall count
19 toward the annual training requirement under section 37 of this act;
20 and

21 (2) Training in the domains of the early childhood
22 learning guidelines developed by the Early Childhood Training Center.
23 Any proposed equivalent training shall be approved by the department.
24 Within four years after the effective date of this act, at least
25 twenty-five percent of all teachers employed by the preschool shall

1 complete training in at least one domain. Within five years after
2 such date, fifty percent of all teachers employed by the preschool
3 shall complete training in at least one domain. Within six years
4 after such date, seventy-five percent of all teachers employed by the
5 preschool shall complete training in at least one domain.

6 Sec. 34. The director of a preschool shall maintain a
7 list for each calendar year of all teachers showing which teachers
8 have completed:

- 9 (1) Orientation training;
10 (2) Safety training;
11 (3) Early learning guidelines training;
12 (4) Clock hours of annual training; and
13 (5) Cardiopulmonary resuscitation and first-aid training.

14 Sec. 35. When new staff or volunteers begin working at a
15 licensed preschool, they shall be provided with orientation prior to
16 having direct responsibility for the care of children. The
17 orientation shall include:

- 18 (1) Job duties and responsibilities;
19 (2) Infection control practices, including proper hand-
20 washing techniques, personal hygiene, and disposal of infectious
21 material;
22 (3) Information on abuse, neglect, and sexual abuse of
23 children and the state's reporting requirements;
24 (4) Preschool regulations;
25 (5) Evacuation plans in the event of fire;

1 (6) Safety plans in the event of a tornado;

2 (7) Emergency preparedness in the event of a natural or
3 manmade disaster; and

4 (8) The preschool's method of interacting with children
5 and discipline policies.

6 Sec. 36. Persons who transport children on behalf of a
7 preschool shall:

8 (1) Receive and maintain a valid certificate of
9 completion of the "Safe Kids Buckle Up" program within ninety days
10 after beginning employment and every five years thereafter, except
11 that persons employed to transport children on behalf of a preschool
12 before the effective date of this act shall receive and maintain a
13 valid certificate of completion for "Safe Kids Buckle Up" within one
14 year after the effective date of this act and every five years
15 thereafter. Any proposed equivalent training shall be approved by the
16 department; and

17 (2) Maintain valid certificates for cardiopulmonary
18 resuscitation and first-aid training. Persons employed before the
19 effective date of this act to transport children on behalf of a
20 preschool shall complete cardiopulmonary resuscitation and first-aid
21 training within one year after the effective date of this act and
22 maintain valid certificates thereafter.

23 Sec. 37. (1) Each employee of a preschool who works more
24 than twenty hours per week, not including substitutes or volunteers,
25 shall obtain twelve clock hours of training annually. Employees who

1 work twenty hours or less each week shall complete six clock hours of
2 training annually.

3 (2) Such training shall include, but not be limited to,
4 the following topics:

- 5 (a) Safe environments;
- 6 (b) Healthy environments;
- 7 (c) Learning environments;
- 8 (d) Physical development;
- 9 (e) Cognitive learning;
- 10 (f) Communication;
- 11 (g) Creative learning;
- 12 (h) Self-esteem;
- 13 (i) Social development;
- 14 (j) Guidance;
- 15 (k) Family relationships;
- 16 (l) Program management; and
- 17 (m) Professionalism.

18 (3) Audio, video, and reading material specific to one or
19 more of these training topics shall count toward the annual training
20 requirement only if an independent learning summary is completed on a
21 form provided by the department. The actual length of audio and video
22 material will be counted, and fifty pages of text will be considered
23 equal to one clock hour of training. Two hours of cardiopulmonary
24 resuscitation training and one hour of first-aid training shall be
25 counted in the year that each is taken.

1 Sec. 38. Each clock hour spent participating in any of
2 the following types of activities shall count toward the annual
3 training requirement set out in section 37 of this act:

4 (1) Preschool-sponsored training;

5 (2) Workshops and conferences;

6 (3) College courses;

7 (4) Noncredit course work; and

8 (5) Adult education courses.

9 Sec. 39. (1) Cardiopulmonary resuscitation training shall
10 be obtained from an entity that has been approved by the Board of
11 Emergency Medical Services. The department shall provide preschool
12 licensees with information about approved cardiopulmonary
13 resuscitation courses.

14 (2) At least one staff member of a preschool with current
15 cardiopulmonary resuscitation and first-aid training shall be on the
16 premises of the preschool at all times during the hours and days of
17 operation of the preschool.

18 (3) A current cardiopulmonary resuscitation card and
19 documentation of first-aid training shall be provided to the
20 department upon request.

21 Sec. 40. Original section 71-1908, Reissue Revised
22 Statutes of Nebraska, is repealed.