

JAN 21 2011

A BILL FOR AN ACT

RELATING TO INFANT AND TODDLER CHILD CARE CENTERS.

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

1 SECTION 1. Pursuant to chapter 17-895, Hawaii
2 administrative rules (HAR), the department of human services
3 licenses infant and toddler child care centers. However, the
4 legislature finds that current laws do not adequately protect
5 parents and their infants and toddlers because no standardized
6 procedure exists for an individual to file a complaint against
7 an infant and toddler child care center. In addition, there are
8 no rules that specifically address the filing of a complaint
9 against a center's alleged omissions or wrongful actions.
10 Section 17-895-6(a)(17), HAR, only requires an infant and
11 toddler child care center to have written operation policies
12 available for review by parents or guardians. This section
13 requires centers to include a statement on grievance procedures,
14 however, there is no requirement for consistency from facility
15 to facility, and the procedures provided may not be clear, which
16 may make it difficult for a parent or guardian to determine how
17 to proceed.



1 The purpose of this Act is to require the department of
2 human services to adopt rules to implement standardized
3 procedures for complaints and grievances, by both clients and
4 employees, against infant and toddler child care centers in the
5 state.

6 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§346- Infant and toddler child care centers;
10 standardized complaint and grievance procedures; public
11 information. (a) The department shall adopt rules in
12 accordance with chapter 91 to implement a standardized set of
13 procedures to accommodate:

14 (1) Complaints by individuals, including parents or legal
15 guardians of infants and toddlers using the services
16 of an infant and toddler child care center; and

17 (2) Grievances by employees of an infant and toddler child
18 care center,

19 regarding omissions or alleged wrongful actions committed by the
20 infant and toddler child care center.

21 (b) The department may make public information regarding
22 this standardized set of procedures, including any additional



1 relevant information, and may publicize it on the department's
2 website."

3 SECTION 3. Upon the effective date of the new or amended
4 rules adopted pursuant to section 2 of this Act, any grievance
5 procedure of an infant and toddler child care center, including
6 grievance procedures required by section 17-895-6(a)(17), Hawaii
7 administrative rules, shall be superceded by the new or amended
8 rules and of no force or effect.

9 SECTION 4. Section 17-895-6(a)(17), Hawaii administrative
10 rules, shall be repealed upon the adoption of new or amended
11 rules pursuant to section 2 of this Act.

12 SECTION 5. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 6. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: *Shianne Chun Oakland*



Report Title:

Infant and Toddler Child Care Centers; Grievance Procedures

Description:

Requires the Department of Human Services to adopt rules to implement a standardized set of procedures accommodating complaints and grievances against infant and toddler child care centers. Allows the department to publicize the procedures, including on its website.

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

