

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 682

5 By: Senator B. Davis
6 By: Representative Bentley
7

For An Act To Be Entitled

9 AN ACT CONCERNING LICENSING REQUIREMENTS FOR
10 CHILDCARE FACILITIES; TO AMEND THE LAW CONCERNING
11 INSPECTIONS AND INVESTIGATIONS OF CHILDCARE
12 FACILITIES; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 CONCERNING LICENSING REQUIREMENTS FOR
16 CHILDCARE FACILITIES; AND TO AMEND THE
17 LAW CONCERNING INSPECTIONS AND
18 INVESTIGATIONS OF CHILDCARE FACILITIES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 20-78-214, concerning inspections and
25 investigations of childcare facilities and personnel, is amended to add an
26 additional subsection to read as follows:

27 (c)(1) Before the division concludes an investigation of a childcare
28 facility under this section, the licensee of the childcare facility shall be
29 given an opportunity to:

30 (A)(i) Request that the division interview one (1) or more
31 individuals with information relevant to the investigation.

32 (ii) The division shall interview an individual
33 identified by the licensee under subdivision (c)(1)(A)(i) of this section;

34 (B) Provide the division with evidence relevant to the
35 investigation; and

36 (C) Respond in writing to the allegations against the



1 childcare facility.

2 (2) The division shall consider information obtained under the
3 provisions of subdivisions (c)(1)(A)-(C) of this section in making a
4 determination as to whether the childcare facility is being operated in
5 accordance with this section and the published rules of the division for
6 childcare facilities.

7 (3) The division shall not publish a determination that the
8 childcare facility is not being operated in accordance with this section and
9 the published rules of the division for childcare facilities on the website
10 of the Department of Human Services until after the division provides written
11 notice to the childcare facility of the rights described under subdivisions
12 (c)(1)(A)-(C) of this section and the childcare facility:

13 (A) Does not respond to the notice within thirty (30) days
14 of the date on which the childcare facility receives the notice;

15 (B) Does not provide the information described under
16 subdivisions (c)(1)(A)-(C) of this section to the division:

17 (i) Within thirty (30) days of the date on which the
18 childcare facility receives the notice; or

19 (ii) At a later time as permitted by the division;
20 or

21 (C) Waives the right to provide the information described
22 in subdivisions (c)(1)(A)-(C) of this section.

23
24 SECTION 2. Arkansas Code Title 20, Chapter 78, Subchapter 2, is
25 amended to add additional sections to read as follows:

26 20-78-229. Playground diagrams – Changes to play areas.

27 (a) A childcare facility shall not be required to submit a satellite
28 photo of a playground located on the property of the childcare facility to
29 the Division of Child Care and Early Childhood Education if the childcare
30 facility provides the division with a diagram of the playground that:

31 (1) Clearly identifies the perimeter of the playground;

32 (2) Includes measurements of the perimeter of the playground;

33 and

34 (3) Identifies each piece of playground equipment used by
35 children enrolled at the childcare facility.

36 (b) A childcare facility shall not be required to obtain the approval

1 of the division before changing the play area boundaries and playground
2 equipment used by children enrolled at the childcare facility.

3
4 20-78-230. Infant and toddler handwashing.

5 (a) A child who attends a childcare facility shall not be required to
6 wash his or her hands while at the childcare facility if the child is unable
7 to stand on his or her own and reach a sink while using a step stool.

8 (b) A child who is unable to wash his or her hands as described under
9 subsection (a) of this section may use sanitary hand wipes or hand sanitizer
10 in lieu of washing his or her hands.