

Indiana Code _Title 12. Human Services_Article 17.2. Day Care Regulation_Chapter 3.7. Early Education Evaluation Program

IC T. 12, Art. 17.2, Ch. 3.7, Refs & Annos

IC 12-17.2-3.7-1

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

Effective: March 13, 2014

<This version of IC 12-17.2-3.7 as added by P.L.267-2013, SEC.3. See, also, version of IC 12-17.2-3.7 as added by P.L.205-2013, SEC.211.>

IC 12-17.2-3.7-2

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

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IC 12-17.2-3.7-3

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

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IC 12-17.2-3.7-4

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

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IC 12-17.2-3.7-5

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

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IC 12-17.2-3.7-6

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

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IC 12-17.2-3.7-7

12-17.2-3.7-1 to 12-17.2-3.7-7 Repealed by P.L.2-2014, SEC.72, eff. March 13, 2014

Effective: March 13, 2014

IC 12-17.2-3.8-1

12-17.2-3.8-1 “Paths to QUALITY program” defined

Effective: March 13, 2014

Sec. 1. As used in this chapter, “Paths to QUALITY program” refers to a voluntary quality rating and improvement The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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system for child care administered:

(1) statewide by the division; and

(2) under the trademark "Paths to QUALITY".

IC 12-17.2-3.8-2

12-17.2-3.8-2 "Program" defined

Effective: March 13, 2014

Sec. 2. As used in this chapter, "program" refers to the early education evaluation program established by section 3 of this chapter.

IC 12-17.2-3.8-3

12-17.2-3.8-3 Purpose

Effective: March 13, 2014

Sec. 3. The early education evaluation program is established to gather data concerning the school readiness of low income children who have received early education services through providers with programs of demonstrated quality that require parental involvement in the children's education.

IC 12-17.2-3.8-4

12-17.2-3.8-4 School readiness of low income children receiving early education services study; report

Effective: March 13, 2014

Sec. 4. (a) The division shall conduct a study of the school readiness of low income children receiving early education services from providers that:

(1) meet the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating; and

(2) require parental involvement based on the guidelines developed under section 7 of this chapter.

(b) The division shall select representative providers in multiple locations across Indiana who administer kindergarten readiness assessments and other indicators of school readiness to children receiving services from the The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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providers to participate in the program. The division shall work with the department of education to assign student testing numbers to low income children completing kindergarten readiness assessments.

(c) Not later than October 1 of each year, the division shall prepare an annual report of the results of the program and provide the report to the governor, to the department of education, and, in an electronic format under IC 5-14-6, to the legislative council.

(d) The division shall administer the program, which must begin on July 1, 2013.

IC 12-17.2-3.8-5

12-17.2-3.8-5 Duties

Effective: March 13, 2014

Sec. 5. (a) The early learning advisory committee is established to do the following:

(1) Conduct periodic statewide needs assessments concerning the quality and availability of early education programs for children from birth to the age of school entry, including the availability of high quality prekindergarten education for low income children in Indiana.

(2) Identify opportunities for, and barriers to, collaboration and coordination among federally and state funded child development, child care, and early childhood education programs and services, including governmental agencies that administer the programs and services.

(3) Assess the capacity and effectiveness of two (2) and four (4) year public and private higher education institutions in Indiana for the support of development of early educators, including:

(A) professional development and career advancement plans; and

(B) practice or internships with Head Start or prekindergarten programs.

(4) Other duties as determined necessary by the chairperson of the committee.

(5) Not later than June 30 of each year, develop and make recommendations to the governor and, in an electronic format, to the legislative council. The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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format under IC 5-14-6, to the legislative council concerning the results of the committee's work under subdivisions (1) through (4).

(b) The committee consists of six (6) members appointed by the governor as follows:

(1) A representative of the department of education.

(2) A representative of the division.

(3) A representative of a Head Start program under 42 U.S.C. 9831 et seq.

(4) A representative of a family advocacy group that has an interest in early childhood education.

(5) An early childhood education provider.

(6) A representative of business with an interest in early childhood education.

(c) The governor shall appoint the chairperson of the committee.

(d) The division shall staff the committee.

(e) The expenses of the committee shall be paid from the funds of the division.

(f) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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(h) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

(i) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

IC 12-17.2-3.8-6

12-17.2-3.8-6 Assignment of student testing number; providing information to department

Effective: March 13, 2014

Sec. 6. The division shall provide the department of education with information necessary for the department of education to assign a child who receives early education services from a provider who participates in the program under this chapter a student testing number. Upon receipt of the information, the department of education shall assign the child a student testing number to track the child's educational growth and development.

IC 12-17.2-3.8-7

12-17.2-3.8-7 Development of guidelines to increase parental engagement and involvement

Effective: March 13, 2014

Sec. 7. The division shall develop and maintain guidelines for the inclusion in every provider's services under this chapter of a component increasing parental engagement and involvement in the child's education.

IC 12-17.2-4-1

12-17.2-4-1 Operation of center without proper licensure; prohibition

Sec. 1. (a) A person may not operate a child care center without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a child care center without a license issued under this article.

(c) A person may not operate a child care center where:

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(1) the number of children maintained on the premises at any one (1) time is greater than the number authorized by the license; and

(2) the children are maintained in a building or place not designated by the license.

IC 12-17.2-4-2

12-17.2-4-2 Conditions for licensing; waivers and variances

Effective: July 1, 2012

Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center shall be present at all times when a child is in the care of a child care center.

(e) An individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at a child care center shall maintain current certification in first aid applicable to all age groups of children cared for by the child care center.

IC 12-17.2-4-3

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12-17.2-4-3 Applying for licenses

Effective: July 1, 2013

Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to

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jeopardizing the health or safety of a child; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or with a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

during the pendency of the application.

(d) An applicant shall, at no expense to the state, submit:

(1) the necessary information, forms, or consents; and

(2) the applicant's fingerprints;

for a national criminal history background check by the Federal Bureau of Investigation.

(e) Subject to section 3.3 of this chapter, the applicant must, at no expense to the state, do the following:

(1) Require an employee or volunteer of the applicant who has direct contact with a child who is receiving child care from the applicant to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) Report to the division any:

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(A) police investigations;

(B) arrests; and

(C) criminal convictions;

of which the applicant is aware regarding the applicant or an employee or volunteer described in subdivision (1).

An applicant shall require an individual described in subdivision (1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

IC 12-17.2-4-3.3

12-17.2-4-3.3 Deadline to meet certain requirements

Effective: July 1, 2013

Sec. 3.3. A person that holds a license under this chapter on July 1, 2013, shall, at no expense to the state, meet the requirements under section 3(e) of this chapter not later than July 1, 2014.

IC 12-17.2-4-3.5

12-17.2-4-3.5 Drug testing results

Sec. 3.5. (a) A child care center shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for an individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at the child care center. The drug testing results required under this subsection must be obtained before the individual is employed or allowed to volunteer as a caregiver.

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(b) A child care center shall maintain a written policy specifying the following:

(1) That the:

(A) use of:

(i) tobacco; or

(ii) a potentially toxic substance in a manner other than the substance's intended purpose; and

(B) use or possession of alcohol or an illegal substance;

is prohibited in the child care center when child care is being provided.

(2) That drug testing of individuals who serve as caregivers at the child care center will be:

(A) performed based on a protocol established or approved by the division; and

(B) required if an individual is suspected of noncompliance with the requirements specified under subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care center shall immediately suspend or terminate the individual's employment or volunteer service.

(d) A child care center that suspends an individual described in subsection (c) shall maintain a written policy

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providing for reinstatement of the individual following rehabilitation and drug testing results that are negative for a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B).

(e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(f) A child care center that does not comply with this section is subject to:

(1) denial of an application for a license; or

(2) suspension or revocation of a license issued;

under this chapter.

IC 12-17.2-4-4

12-17.2-4-4 Repealed

IC 12-17.2-4-5

12-17.2-4-5 Grounds for denial of license applications

Effective: July 1, 2013

Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

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(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact with children who are receiving child care from the applicant, or a volunteer of the applicant who has direct contact with children who are receiving child care from the applicant, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

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(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

IC 12-17.2-4-6

12-17.2-4-6 Incomplete applications

Sec. 6. The division may not act on an incomplete application. The division shall return an incomplete application with a notation as to omissions. The return of an incomplete application shall be without prejudice.

IC 12-17.2-4-7

12-17.2-4-7 Investigations of applicants

Sec. 7. The division shall investigate a person seeking licensure to determine whether the person is in compliance with this article and the rules adopted under this article. The investigation shall be conducted at a reasonable time and in a reasonable manner, in announced or unannounced visits. Activities may include onsite inspections, record reading, observation, and interviewing. The division may require that evidence of compliance with the rules be presented in a form and manner specified in the rules.

IC 12-17.2-4-8

12-17.2-4-8 Issuance of licenses

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Sec. 8. The division shall issue a license to a person who meets all of the license requirements when an investigation shows the applicant to be in compliance under this article.

IC 12-17.2-4-9

12-17.2-4-9 Eligibility for variances

Sec. 9. A child care center may be eligible to receive a variance from the requirements of this chapter by complying with IC 12-17.2-2-10.

IC 12-17.2-4-10

12-17.2-4-10 Denial of licenses

Sec. 10. (a) The division shall deny a license if an applicant fails to meet the requirements for a license.

(b) The division shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made within thirty (30) calendar days after receiving the written notice under subsection (b).

(d) The administrative hearing shall be scheduled within sixty (60) calendar days after receiving the written request.

(e) The administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The division shall issue a decision within sixty (60) calendar days after the conclusion of the hearing.

IC 12-17.2-4-11

12-17.2-4-11 Investigation of unlicensed premises

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Sec. 11. The division shall investigate any premises that the division has reason to believe are being used for child care without a license in circumstances where a license is required.

IC 12-17.2-4-12

12-17.2-4-12 Expiration, transferability, display, and renewal of licenses

Sec. 12. (a) A license for a child care center expires two (2) years after the date of issuance, unless revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the division.

(c) A current license shall be publicly displayed.

(d) When a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

(e) A licensee shall publicly display and make available, as a handout, written documentation of:

(1) any changes in the status of the licensee's license;

(2) a telephone number and an Internet site where information may be obtained from the division concerning:

(A) the current status of the licensee's license;

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(B) any complaints filed with the division concerning the licensee; and

(C) violations of this article by the licensee; and

(3) a telephone number of the office of the Indiana child care resource and referral program of the county in which the child care center is located.

IC 12-17.2-4-13

12-17.2-4-13 Provisional licenses

Sec. 13. (a) The division may grant a provisional license to an applicant who is not able to demonstrate compliance with a rule because the child care center is not in full operation.

(b) A provisional license shall be granted for a limited period not to exceed one (1) year and is subject to review every three (3) months.

IC 12-17.2-4-14

12-17.2-4-14 Probationary licenses

Sec. 14. (a) The division may grant a probationary license to a licensee who is temporarily unable to comply with a rule if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the division or the state fire marshal to correct the areas of noncompliance within the probationary period; and

(3) the division or state fire marshal approves the plan.

(b) A probationary license is valid for not more than six (6) months. The division may extend a probationary license for one (1) additional period of six (6) months.

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(c) An existing license is invalidated when a probationary license is issued.

(d) At the expiration of the probationary license, the division shall reinstate the original license to the end of the original term of the license, issue a new license, or revoke the license.

(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.

(f) The division shall:

(1) upon issuing a probationary license under this section, provide written notice to the licensee that the division will provide the notice required under subdivision (2); and

(2) not more than seven (7) days after issuing a probationary license under this section, publish notice under IC 5-3-1 and provide written notice to the parent or guardian of each child enrolled in the child care center of the:

(A) issuance of the probationary license; and

(B) reason for the issuance of the probationary license.

IC 12-17.2-4-15

12-17.2-4-15 Inspections

Sec. 15. The division and the state fire marshal shall do the following:

(1) Make annual onsite inspections.

(2) Keep written records of their monitoring activities and inspections.

IC 12-17.2-4-16

12-17.2-4-16 Cooperation by licensees

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Sec. 16. The licensee shall cooperate with the division and the state fire marshal in carrying out these activities, including permitting the division and the state fire marshal to conduct announced or unannounced inspections.

IC 12-17.2-4-17

12-17.2-4-17 Unscheduled visits by parents and guardians

Sec. 17. Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time the child care center is in operation.

IC 12-17.2-4-17.5

12-17.2-4-17.5 Supervision of children

Sec. 17.5. A licensee shall ensure that a child in the licensee's care is continually supervised by a caregiver.

IC 12-17.2-4-18

12-17.2-4-18 Records

Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the division requires and shall report to the division, upon request, the facts the division requires with reference to children.

(b) The division shall keep records regarding children and facts learned about children and their parents or relatives confidential.

(c) The following are permitted access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child care center.

(2) A legally mandated child protection agency.

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- (3) A law enforcement agency.
- (4) An agency having the legal responsibility to care for a child placed at the child care center.
- (5) The parent, guardian, or custodian of the child at the child care center.

IC 12-17.2-4-18.1

12-17.2-4-18.1 Immunization documentation

Sec. 18.1. (a) After December 31, 2002, a licensee shall maintain and annually update documentation provided by the physician of each child who is cared for in a child care center where the licensee provides child care that the child has received complete age appropriate immunizations, including:

- (1) conjugated pneumococcal vaccine; and
- (2) varicella vaccine or a demonstrated immunity to varicella.

The state department of health shall determine for each age level the immunizations that constitute complete age appropriate immunizations.

(b) A licensee meets the requirement of subsection (a) if:

- (1) a child's parent:
 - (A) objects to immunizations for religious reasons; and
 - (B) provides documentation of the parent's objection;

(2) the child's physician provides documentation of a medical reason the child should not be immunized; or

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(3) the child's physician provides documentation that the child is currently in the process of receiving complete age appropriate immunizations;

and the licensee maintains and annually updates the documentation provided by the parent or physician under this subsection.

IC 12-17.2-4-18.5

12-17.2-4-18.5 Duties of child care centers regarding missing child reports

Effective: July 1, 2009

Sec. 18.5. (a) Upon receiving a report under IC 31-36-1-4, a child care center shall thoroughly inspect the report. If the child care center finds that a child on the report required under IC 31-36-1-4 is enrolled at the child care center, the child care center shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults.

(b) Upon receiving a report under IC 31-36-1-4, a child care center shall attach a notice to the child's enrollment records stating that the child has been reported missing. The child care center shall remove the notice when the center is notified under IC 31-36-2-6 that the child has been found.

(c) If a request for the enrollment records of a missing child is received, the child care center shall:

(1) obtain:

(A) the name, address, and telephone number of the person making the request; and

(B) the reason that the person is requesting the school records; and

(2) immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults.

(d) The child care center may not issue a copy of the enrollment records of a child reported missing without authorization from the Indiana clearinghouse for information on missing children and missing endangered adults and may not inform the person making the request that a notice that the child has been reported missing has been issued. The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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attached to the child's records.

IC 12-17.2-4-18.7

12-17.2-4-18.7 Immediate threat to life or well-being of child

Sec. 18.7. (a) The division shall adopt rules under IC 4-22-2 to establish a list of violations of this article that would pose an immediate threat to the life or well-being of a child in the care of a licensee.

(b) If an employee or agent of the division determines that a violation described in subsection (a) exists, the division shall:

(1) issue an emergency or another temporary order under IC 4-21.5-4 requiring the licensee to immediately cease operation of the child care center; and

(2) contact the parent or guardian of each child enrolled in the child care center to inform the parent or guardian:

(A) that the division has issued an order to require the licensee to cease operation of the child care center; and

(B) of the reason for the order to cease operation;

pending the outcome of proceedings conducted under sections 20 through 22 of this chapter.

(c) An emergency or another temporary order issued by an employee or agent of the division must be approved by the director.

(d) An approval under subsection (c) may be communicated orally to the employee or agent issuing the order. However, the division shall maintain a written record of the approval.

IC 12-17.2-4-19

12-17.2-4-19 Notice of enforcement actions; informal meetings

The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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Sec. 19. Except as provided in section 18.7 or 29 of this chapter, the division shall give a licensee thirty (30) calendar days written notice by certified mail of an enforcement action. The licensee shall also be provided with the opportunity for an informal meeting with the division. The licensee must request the meeting within ten (10) working days after receipt of the certified notice.

IC 12-17.2-4-20

12-17.2-4-20 Administrative hearings

Sec. 20. (a) An administrative hearing concerning the decision of the division to impose a sanction under this chapter shall be provided upon a written request by the child care center. The request must be made within thirty (30) calendar days after receiving notice under section 18.7 or 19 of this chapter. The written request must be made separately from an informal meeting request made under section 19 of this chapter.

(b) The administrative hearing shall be held within sixty (60) calendar days after receiving the written request.

IC 12-17.2-4-21

12-17.2-4-21 Procedure for administrative hearings

Sec. 21. A hearing requested under section 20 of this chapter shall be held in accordance with IC 4-21.5-3.

IC 12-17.2-4-22

12-17.2-4-22 Issuance of decisions

Sec. 22. The division shall issue a decision within sixty (60) calendar days after the conclusion of the hearing.

IC 12-17.2-4-23

12-17.2-4-23 Cessation of operations upon suspension of license

Sec. 23. If a license is suspended, a licensed child care center shall cease operation and may not display the license.

IC 12-17.2-4-24

12-17.2-4-24 Reinstatement of suspended licenses

The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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Sec. 24. To reinstate a suspended license the following must occur:

- (1) The licensee must, within thirty (30) days of the notice of the suspension, submit a plan of corrective action to the division for approval.
- (2) The plan must outline the steps and timetable for immediate correction of the violations that caused the division to suspend the license.
- (3) The division must approve the plan.

IC 12-17.2-4-25

12-17.2-4-25 Actions of division following suspensions of licenses

Sec. 25. Following the suspension, the division shall do one (1) of the following:

- (1) Reinstate the license for the term of the original license.
- (2) Revoke the license.
- (3) Issue a new license.
- (4) Deny a reapplication.

IC 12-17.2-4-26

12-17.2-4-26 Cessation of operations upon revocation of license

Sec. 26. A child care center shall cease operation when the license of the child care center is revoked.

IC 12-17.2-4-27

The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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12-17.2-4-27 Notice of license revocation or suspension

Sec. 27. (a) After a license is revoked or suspended, the division shall publish notice under IC 5-3-1 and notify in writing each person responsible for the children in care that the license has been revoked or suspended.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the child care center has been revoked or suspended.

IC 12-17.2-4-28

12-17.2-4-28 Judicial review

Sec. 28. A final decision of the division made after a hearing is subject to judicial review under IC 4-21.5-5.

IC 12-17.2-4-29

12-17.2-4-29 Investigation of unlicensed facilities; injunctions; civil penalties; removal of children

Effective: March 30, 2007

Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the division's attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the division's attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent
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danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the division of family resources child care fund established by IC 12-17.2-2-3.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

IC 12-17.2-4-30

12-17.2-4-30 Expiration of injunctions for operation without a license

Sec. 30. A court order granted under section 29(b)(2)(A) of this chapter expires when the child care center is issued a license.

IC 12-17.2-4-31

12-17.2-4-31 Expiration of injunctions for creation of imminent danger

Sec. 31. A court order granted under section 29(b)(2)(B) of this chapter expires upon the later of the following:

(1) Sixty (60) calendar days after the order is issued.

(2) When a final division decision is issued under sections 20 through 22 of this chapter if notice of an enforcement action is issued under section 19 of this chapter.

IC 12-17.2-4-32

The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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12-17.2-4-32 Grounds for revocation of licenses

Effective: July 1, 2013

Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact with children who are receiving child care from the licensee, or a volunteer of the licensee who has direct contact with children who are receiving child care from the licensee, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

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(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

IC 12-17.2-4-33

12-17.2-4-33 Disciplinary sanctions

The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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Sec. 33. (a) A licensee shall operate a child care center in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the division finds that the licensee has violated this article.

(b) The division may impose any of the following sanctions when the division finds that a licensee has committed a violation under subsection (a):

(1) After complying with the procedural provisions in sections 19 through 22 of this chapter:

(A) suspend the license for not more than six (6) months; or

(B) revoke the license.

(2) Seek civil remedies under section 29 of this chapter.

IC 12-17.2-4-34

12-17.2-4-34 Civil penalty for violation of article

Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars (\$1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the division of family resources child care fund established by IC 12-17.2-2-3.

IC 12-17.2-4-35

12-17.2-4-35 Violations of chapter

Sec. 35. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

IC 12-17.2-4-36

12-17.2-4-36 Investigation of claim of abuse

The statutes and constitution are current with all legislation of the Second Regular Session of the 118th General Assembly (2014) with effective dates through May 1, 2014.

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Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect in a child care center.

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination under IC 31-33-8-12 that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to the appropriate licensing office of the division.