

**DEPARTMENT OF HEALTH SERVICES
DIVISION OF LICENSING SERVICES
OFFICE OF CHILD CARE LICENSING**

**SUBSTANTIVE POLICY STATEMENT
#SP-036-DLS-CCL**

CLARIFICATION OF A.R.S. §§ 36-884(5), 36-884(6), 36-897.04(A)(5) and 36-897.04(A)(6)

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes § 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to clarify statutory language found in A.R.S. Title 36, Chapter 7.1, Articles 1 and 4 in the following statutes: §§ 36-884(5), 36-884(6), 36-897.04(A)(5) and 36-897.04(A)(6).

According to Arizona Revised Statutes (A.R.S.) § 36-884(5) “Any facility that provides training only in specific subjects, including dancing, drama, music, self-defense or religion and tutoring provided by public schools...” is exempt from the provisions in Article 1.

According to A.R.S. § 36-897.04(A)(5) “Any facility that provides training only in specific subjects, including dancing, drama, music, self defense or religion” is exempt from the provisions in Article 4.

The Department interprets A.R.S. §§ 36-884(5) and 36-897.04(A)(5) to mean that a facility is exempt from licensing or certification when instruction is being provided in a particular topic, for example dancing, music, or self-defense, has a set time period for start and completion, and is age and developmentally appropriate for the child receiving the instruction.

According to A.R.S. § 36-884(6) “Any facility that provides only recreational or instructional activities to school age children who may enter and depart from the facility at their own volition” is exempt from the provisions in Article 1, regardless of whether the facility requires “...the children to document their entrance and departure from the facility...”

According to A.R.S. § 36-897.04(A)(6) “Any facility that provides only recreational or instructional activity to school age children who may come to and go from that facility at their own volition” is exempt from the provisions in Article 4.

The Department interprets A.R.S. §§ 36-884(6) and 36-897.04(A)(6) to mean that a facility is exempt from licensing or certification if a child may arrive and leave the child care setting freely and without restriction from child care staff. However, this does not prevent a parent or guardian from directing their child to arrive or leave at a specific time, nor does it prohibit child care staff from contacting the parent or guardian of a child to inform the parent or guardian of when the child arrives or leaves the child care setting.