

Proposed Rule Changes for the Department of Early Care and Learning (DECAL): Effective October 1, 2023

Rules and Regulations for Child Care Learning Centers

These rules are being amended in accordance with the requirements set out in O.C.G.A. 50-13-1, *et seq.*

DECAL proposes to amend this rule chapter to increase health and safety awareness for parents that have children in care and require programs to immediately notify parents in the event that a child is involved in an incident that puts their health and/or safety at risk. This could include situations such as, but not limited to, the child becomes missing from the program, the child escapes the building or playground, the child is left on a vehicle, etc.

591-1-1-.07 Children's Health

(1) Exclusion of Sick Children. A child shall not be accepted nor allowed to remain at the Center if the child has the equivalent of a one hundred one (101) degrees Fahrenheit or higher oral temperature and another contagious symptom, such as but not limited to, a rash, diarrhea or a sore throat. When a child shows symptoms of illness during the day, the child shall be moved to a quiet area away from other children where the child shall be supervised and provided the necessary attention until such time as the child leaves the Center or is able to return to the child's group.

(2) Parental Notification. Parents must be notified of ~~a child's~~ incidents, illnesses or injuries as follows:

Notification	When
Immediately notify Parent(s) and obtain specific instructions until child can be picked up or returned to group.	When professional medical attention is required, or When child experiences symptoms of moderate discomfort such as elevated temperature, vomiting or diarrhea, <u>or</u> <u>When child is involved in an incident that puts their health and/or safety at risk (e.g., missing from program, left on vehicle, escaped from building/playground, etc.)</u>
Notify Parent(s) by the end of the day.	When professional medical attention is not required, or When child experiences symptoms of less than moderate discomfort, or When child experiences an adverse reaction to prescribed medication which does not constitute moderate discomfort.

(3) Communicable Diseases. The Department's current communicable disease chart of recommendations for exclusion of sick children from the Center and their readmission shall be followed. Parents of all children enrolled shall be notified in writing of the occurrence of any of the illnesses on the most current version of the communicable disease chart, as found on the Department's website, or any cases or suspected cases of

viruses or illnesses (COVID-19, etc.) identified during a public health emergency, within twenty-four (24) hours after the Center becomes aware of the illness or the next working day.

- (4) **Medical Emergencies.** A Center shall have a written plan which outlines how emergency medical services will be obtained, including place(s) the child will be taken for emergency care. When a medical emergency arises involving a child, the Center Staff shall seek prompt emergency medical treatment and provide any certified or licensed emergency medical persons with immediate access to the child.
- (5) **Hazardous Items.** Children shall not be permitted to wear around their necks or attach to their clothing pacifiers or other hazardous items.

Authority: O.C.G.A. § [20-1A-1](#) et seq.

DECAL proposes to amend this rule chapter to add language to more accurately align with language in **O.C.G.A. § 20-1A-1et seq** that would allow the Department to revoke a program's license in the event that false or misleading information is submitted.

591-1-1-16 Governing Body and Licenses

Each Center shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for License or Permit on a form provided by the Department. If the Center is individually owned, then the owner(s) will complete the statement of responsibility.

(a) Application for License. Prior to filing for licensure, an applicant shall attend an orientation of no more than 16 hours that has been approved by the Department. This orientation shall, at a minimum, provide instruction on the application process and give an overview of the Department's regulations that relate to the operation of early child care learning centers.

1. Orientation. An existing License Holder applying for another Child Care Learning Center License is not required to attend another orientation within two years following the successful completion of a prior orientation.

2. An applicant applying for multiple Child Care Learning Center Licenses at one time is only required to attend one orientation.

(b) Director's Training. Prior to the issuance of an initial License, the Director of a Center responsible for its day-to-day operations shall have completed a 40-hour director's training course that has been approved by the Department. At a minimum, the subject matter taught at a Director's training course shall cover the areas of administrator competencies that serve as a framework for professional development, which include, but are not limited to, early learning standards, business management, communication, developmentally appropriate practices, professional and leadership development, and advocacy for the Center, Parents, children and Staff.

(c) No person shall operate a Center without a License or Permit. A separate License or Permit is required for each address or location at which a Center is proposed to be operated even when all of the proposed Centers are owned by the same person or entity. A separate License or Permit is also required for each Center operated at a single location by the same governing body.

1. Temporary License. The Department may at its discretion issue a temporary License if the health and safety of the children to be served by the Center will not be endangered. A temporary License will be valid for a specified period not to exceed one (1) year and may be issued when the Center is not in full compliance with these rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable Plan of Correction.

2. Restricted License. The Department may at its discretion issue a restricted License in lieu of a temporary or regular License. The restricted License may be granted either in connection with the initial application process for a License or Permit or as a result of a subsequent determination made by the Department concerning compliance with these rules. The restriction shall appear on the face of the License and shall restrict a Center from providing care or services which are beyond the capability of the License Holder to provide. The restriction may also limit the number and/or age of the children served by the Center.

3. Regular License. A License will be issued upon presentation of evidence satisfactory to the Department that the Center is in compliance with applicable statutes and these rules. The License is valid for one year

unless voluntarily surrendered by the holder, reduced to a restricted or temporary License or suspended or revoked by the Department.

4. Qualification Requirement. In order to obtain or retain a License or Permit, the Director of the Center and its Employees must be qualified as defined in these rules to administer or work in a Center. The Department may presume that the Director and Employees are qualified subject to a satisfactory Comprehensive Records Check Determination. However, the Department may require additional reasonable verification of the qualifications of the Director and Employees either at the time of application for a License or Permit or at any time during the License or Permit period whenever the Department has reason to believe that a Director or Center Employee is not qualified under these rules to administer or work in a Child Care Learning Center. Reasonable verification which may be required by the Department may include, but need not be limited to, any or all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the applicant and/or staff member; letters of reference from designated persons in the community where the applicant and/or staff member intends to work or is working; certified copies of court orders and additional criminal records checks.

(d) License or Permit is Non-transferable. A License or Permit to operate a Child Care Learning Center is not transferable in any way. Each License and Permit shall be returned to the Department immediately upon the expiration, suspension, revocation, restriction of the License or Permit or closure or termination of the operation.

(e) License Fees. Every License or Commission issued by the Department to operate a Child Care Learning Center shall be subject to an annual fee. Such annual fee shall be determined by the following:

1. Capacity of one to 25 children..... \$50.00
2. Capacity of 26 to 50 children.....\$100.00
3. Capacity of 51 to 100 children.....\$150.00
4. Capacity of 101 to 200 children.....\$200.00
5. Capacity of more than 200 children..\$250.00

If such annual fee is not paid by the date set forth by the Department, the Department may issue a late fee of up to \$250.00 within 30 days of the due date. If such annual fee and any imposed late fees are not paid within 30 days of the due date, the Department shall revoke the License or Commission.

(f) Amended License. If there is a change in the name of the program or Center, changes in the ages of the children to be served, an increase in the regular hours of operation such that the Center would be providing evening or night-time care in addition to day-time care, changes in the services provided, additions to or changes in the use of the building by the licensed Center, an application for an amended License shall be submitted at least thirty (30) days prior to the change, except in the case of an emergency. If an emergency situation arises which makes it impossible to give thirty (30) days' notice, the management of the Center shall notify the Department by telephone and shall submit an application for an amended License as soon as management becomes aware of the change that will be necessitated by the emergency situation. In no case, however, shall a new owner operate the Center without first securing a new License or Permit from the Department.

(g) False or Misleading Information. The application for a License or Permit, including the Records Check Application, must be truthfully and fully completed. In the event that the Department has reason to believe that the application has not been completed truthfully, it may require additional verification of the facts alleged. The Department may refuse to issue or revoke a License or Permit where false statements have been made in connection with the application or any other documents ~~required by~~ submitted to the Department.

(h) E-mail Contact Information. Each Center issued or applying for a License or Permit in the state of Georgia shall provide the Department e-mail contact information ("Contact Information") so that this agency may contact the Center and send information to the Center via e-mail. It shall be the Center's responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information,

including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting Centers, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

(i) Permit. The Department may issue a Permit for a program to operate without a License for a limited term in situations, such as but not limited to, a change of ownership.

1. An application for a Permit to operate a Child Care Learning Center shall be submitted to the Department on the forms provided by the Department.
2. A Permit Applicant or Permit Holder must provide evidence of a satisfactory Comprehensive Records Check Determination for the Director and every Employee and a satisfactory Fingerprint Records Check Determination for every Provisional Employee of the program.
3. A Permit Applicant or Permit Holder may continue to employ an individual from the prior ownership, if applicable. During the Permitting process, such individual may be present at the Center while any child is present for care based on the prior satisfactory Comprehensive Records Check Determination so long as that determination is valid and current, no more than 5 years old and the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer.
4. The Permit Applicant or Permit Holder shall not allow any individual to reside at the Center or be present at the Center while any child is present for care if the Center knows or reasonably should know that the individual has a Criminal Record, an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination.
5. Each Director and Employee must receive a satisfactory Comprehensive Records Check Determination and each Provisional Employee must receive a satisfactory Fingerprint Records Check Determination issued by the Department before that individual can be present at the Center while any Child is present for care or reside in the Center and prior to issuance of a License.
6. Issuance of a Permit. A Permit will be issued, upon presentation of evidence satisfactory to the Department that a Center is in compliance with applicable statutes and these rules. The Permit shall be valid for 21 calendar days unless voluntarily surrendered by the Holder or suspended or revoked by the Department.
7. Renewal of a Permit. A Permit may be renewed only if every resident and member of the Center's Staff has both submitted a Records Check Application to the Department and submitted to a fingerprint scan within 21 calendar days of the issuance of the initial Permit.

Authority: O.C.G.A. § [20-1A-1](#) *et seq.*, [42 U.S.C. § 9857](#) *et seq.*

DECAL proposes to amend this rule chapter to clarify requirements to help providers understand what is needed to meet the intent of the rule and add language that requires the documentation of the dates transportation is conducted by or on behalf of the program.

591-1-1-.36 Transportation

- (1) **Transportation Requirements.** The transportation requirements that follow apply to all transportation provided by the Center, including transportation provided by any person on behalf of the Center, regardless of whether the person is employed by the License Center and regardless of whether a fee is charged for this service. Non-routine transportation, such as a Parent requesting that their child be picked up at school due to the Parents' work schedule or other conflicts, is also covered by these requirements, regardless of whether a fee is charged for this service or not. (Possible scenarios include, but are not limited to: contract services hired by the Center to provide transportation or another licensed facility providing transportation on the Center's behalf.)
- (2) **Emergency Transportation.** A Center shall have available at all times both a licensed driver and a vehicle that meets the safety requirements contained in these rules or must have a plan approved by the Department for alternative emergency transportation.
- (3) **Transportation Training.** Child Care Learning Centers that provide any type of transportation shall obtain two (2) clock hours of state-approved or state-accepted transportation training, biannually, for the Director and for each Staff person responsible for or who participates in the transportation of children. The training shall include, but is not limited to, a review of the transportation rules, a review of approved transportation forms and procedures, and instruction on the usage and completion of the forms and procedures. This training may be counted as part of the annual training requirements for Staff.
 - (a) The Director and each Staff person who is responsible for or who participates in the transportation of children shall complete two (2) clock hours of state-approved or state-accepted transportation training on or before June 30, 2015 and at least every two years thereafter.
 - (b) Effective July 1, 2015, the Director and each Staff person who will be responsible for or participate in the transportation of children shall have completed two (2) clock hours of state-approved or state-accepted transportation training prior to assuming any duties related to the transportation of children and at least every two years thereafter.
- (4) **Vehicle Safety.** Vehicles used for transporting children shall be maintained as follows:
 - (a) **Annual Safety Check.** Each vehicle shall have a satisfactory annual safety check, completed by a trained individual, of at least: tires, headlights, horn, taillights, turn signals, brake lights, brakes, suspension, exhaust system, steering, windows, windshields and windshield wipers. A copy of a standard inspection report used by the Department or an equivalent shall be kept in the Center or on the vehicle and should include evidence of any repairs and/or replacements that were identified as needed on the inspection report.
 - (b) **Interior.** Interior of a transportation vehicle must be clean and in safe repair and free of hazardous items, objects and/or other non-essential items which could impede the children's access or egress from the vehicle or cause injury if the items were thrown about the vehicle as a result of a collision.
 - (c) **Fire Extinguisher.** Each vehicle shall be equipped with a fire extinguisher maintained in working order and kept inaccessible to children.
 - (d) **Heater.** Each vehicle must have a functioning heating system.

- (e) Seats. Seats must be securely fastened to the body of the vehicle.
- (f) Child Passenger Restraints
 1. All children transported in a vehicle provided by or used by the Center shall be secured in a child passenger restraining system or seat safety belt in accordance with current state and federal laws and regulations. The child passenger restraining system and seat safety belts must be installed and used in accordance with the manufacturer's directions for such system and used in accordance with the manufacturer's directions with respect to restraining, seating or positioning the child being transported in the vehicle.
 2. No vehicle used by the Center to transport children shall exceed the manufacturer's rated seating capacity for the vehicle. The Center shall maintain on file proof of the manufacturer's rated seating capacity for each vehicle used by the Center.
- (g) Front Seat. There shall be no more than three (3) persons in the front seat of a transporting vehicle including the driver. Centers must follow applicable state and federal laws and regulations and the vehicle manufacturer's recommendations when children are allowed to sit in the front seat.
- (h) Windows. No window, in a transporting vehicle, except that of the driver, shall be opened to more than fifty percent (50%) of its capacity at any time children are on board.

(5) Staffing Requirements for Transportation of Children

- (a) Driver. Whenever the Center transports children for any reason, the driver of the vehicle shall be at least eighteen (18) years of age and possess a valid driver's license as required for the class of vehicle that the driver will be operating for the Center.
- (b) Additional Staff. When the Center transports children for any reason, the following Staff:child ratios shall be maintained:

<p>Driver + One (1) Staff Members [The additional Staff must be at least eighteen (18) years of age or older]</p>	<p>When transporting three (3) or more children under three years of age; When seven (7) or more children under five (5) years of age occupy vehicle; When eighteen (18) or more children five (5) years of age or older occupy the vehicle.</p>
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<p>Driver + Two (2) Staff Members [One (1) of the additional Staff members must be at least eighteen (18) years of age]</p>	<p>When eight (8) or more children under three (3) years of age occupy the vehicle with other children; When more than twenty (20) children under five years of age occupy the vehicle with other children.</p>
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- (c) Staffing Requirements When Transporting More Than Thirty-Six (36) Children.
 1. When more than thirty-six (36) children under five (5) years of age occupy the vehicle, the Staff:child ratios as stated in Rules [591-1-1-.32\(1\)](#) and [591-1-1-.32\(2\)](#) shall be met.

2. When more than thirty-six (36) children five (5) years of age and older are transported with no children under the age of five (5) years, there shall be a minimum of two (2) Staff persons for the first thirty-six (36) children and there must be one additional Staff person for each additional twenty (20) children. This means a third Staff person would be required if transporting thirty-seven (37) to fifty-six (56) children five (5) years and older.
- (6) Parental Authorization. For routine transportation provided by the Center or on behalf of the Center, the child's Parent(s) must provide written authorization for the transportation and specify routine pick-up location, routine pick-up time, routine delivery location, routine delivery time and the name of any person authorized to receive the child.
 - (7) Transportation Plan. For all transportation conducted by the Center or on behalf of the Center, the following requirements shall be met:
 - (a) Center and Passenger Information. Each vehicle used to transport children shall contain current information including the full names of all children to be transported and each child's pick-up location, pick-up time, delivery location, alternate delivery location if a Parent is not at home and name of person authorized to receive each child. In addition, the vehicle shall contain current information identifying the Center's name and telephone number and the name of the driver of the vehicle.
 - (b) Emergency Medical Information. An emergency medical information record must be maintained in the vehicle for each child being transported. The emergency medical information record for each child shall include a listing of the child's full name, date of birth, allergies, special medical needs and conditions, current prescribed medications that the child is required to take on a daily basis for a chronic condition, the name and phone number of the child's doctor, the local medical facility that the Center uses in the area where the Center is located and the telephone numbers where the Parent(s) can be reached.
 - (c) Passenger Transportation Checklists. A passenger transportation checklist, provided by or in a format approved by the Department, shall be used to account for each child during transportation. A separate passenger checklist shall be used for each vehicle.
 1. The first and last name of each child transported shall be documented on the passenger transportation checklist. Each child shall be listed individually; a sibling group shall not be listed as a single entry, for example, an entry of "Smith children" would be unacceptable.
 2. The driver or other designated person shall immediately document in writing, with a check or other mark/symbol to account for each child listed on the passenger transportation checklist each time a child enters and exits the vehicle. The driver or other designated person shall document in writing with a different mark/symbol to account for each child listed on the passenger transportation checklist who was not present on the vehicle for any reason. An explanation shall be documented in writing whenever a child is transported to a field trip site but is not present on the return trip to the Center.
 3. The driver or other designated Staff person shall also document in writing the dates and the departure/arrival times for all types of transportation on the passenger transportation checklist as follows: School Transportation - each time the vehicle departs from the Center, is loaded or unloaded at each school and when the vehicle returns to the Center. Home Transportation - each time the vehicle departs from the Center, arrives at the location where any child is picked up or dropped off and when the vehicle returns to the Center. Field Trip Transportation- each time the vehicle leaves the Center, arrives at a field trip destination, leaves a field trip destination, and returns to the Center.

4. The Staff person on the vehicle responsible for keeping the passenger transportation checklist shall give the completed passenger transportation checklist to the Director or the Director's designated Staff person at the Center as set forth below: immediately upon return to the Center at the completion of the trip once the vehicle has been checked or the next business day following the completion of the trip if the vehicle did not return to the Center at the end of the trip or if the Center was closed when the vehicle returned.
 5. Passenger transportation checklists shall be maintained as Center records for one (1) year.
- (d) Checking the Vehicle - To ensure that all children have been unloaded from transportation vehicles, regardless of whether the vehicle is equipped with a child safety alarm devices, the vehicle shall be thoroughly checked first by a designated Staff person who was present on the vehicle during the trip and then by a second designated Staff person, who may or may not have been present on the vehicle during the trip, to ensure that two checks of the vehicle have been completed.
1. The first check shall be conducted immediately upon unloading the last child at any location including, but not limited to, a field trip destination, arrival at the Center, and the last stop during transportation to home or school. The responsible person on the vehicle shall: physically walk through the entire vehicle; visually inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior; sign the passenger transportation checklist(s), indicating all of the children have exited the vehicle; and give the passenger transportation checklist(s) to the second designated Staff person.
 2. The second designated Staff person shall conduct a check of the vehicle immediately upon the completion of the first check of the vehicle. The responsible person shall: physically walk through the entire vehicle; visually inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior; and sign the passenger transportation checklist(s), indicating all of the children have exited the vehicle. There shall be continuous watchful oversight of the vehicle between the first check and second check.
 3. If a second designated Staff person is not available to conduct a second check of the vehicle, the driver shall check the vehicle as follows: physically walk through the entire vehicle; visually inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior; and sign the passenger transportation checklist(s), indicating all of the children have exited the vehicle, and then report by phone to the Director or designated Staff person that the check has been completed and no children remain on the vehicle. (Possible circumstances include, but are not limited to: the Center has closed when the driver returns with the vehicle; the driver is the only Staff person on the vehicle at the last destination during home, school or field trip transportation; the driver takes the vehicle home at the end of the day.) The time and verification of such telephone contact shall be immediately documented and signed on the passenger transportation checklist(s) by the driver.
- (8) Travel Restriction. Unless accompanied by his or her Parent, no child shall be required to travel more than forty-five (45) minutes on each trip between the Center and destination point, excluding field trips.
- (9) Center Responsibility. The Center is responsible for the child from the time and place the child is picked up until the child is delivered to his or her Parent(s) or the responsible person designated by his or her Parent(s). A child shall not be dropped off at any location if there is no one present authorized to receive the child.
- (10) Supervision of Vehicles. A child shall never be left unattended in a vehicle.

- (11) Prohibited Methods of Transportation. Children shall not be transported in vehicles, or parts thereof, which are not designed for the purpose of transporting people, such as but not limited to: truck beds, campers or any trailers attached-to a motor vehicle.
- (12) Transporting vehicles shall be parked or stopped so that no child will have to cross the street in order to meet the vehicle or arrive at a destination.
- (13) The motor shall be turned off, the brake set and the keys removed whenever the driver leaves the vehicle.

Authority: O.C.G.A. § [20-1A-1](#) et seq.