



Georgia Department of Early Care and Learning

Rules and Regulations
Group Day Care Homes

Chapter 290-2-1

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RULES OF
BRIGHT FROM THE START:
GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING

Chapter 290-2-1
GROUP DAY CARE HOMES

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290-2-1-.01 Legal Authority.

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 49-5-1 *et seq.***

Authority O.C.G.A. Sec. 49-5-3 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8, 49-5-12. **Administrative History.** Original Rule entitled "Organization and Administration" was filed on January 30, 1974; effective February 19, 1974. **Amended:** Rule repealed and a new Rule entitled "Definitions" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled Legal Authority" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.02 Title and Purpose.

These rules shall be known as the Rules and Regulations for Group Day Care Homes. The purpose of these rules is to provide for the inspection, licensing and commissioning of group day care homes within Georgia.**

Authority O.C.G.A. Sec. 31-2-4 (1982 Supp.); O.C.G.A. Sec. 49-5-8, 49-5-12 (1982 and 1982 Supp.).**Administrative History.** Original Rule entitled "Definitions" was filed on January 30, 1974; effective February 19, 1974. **Amended:** Rule repealed and a new Rule entitled "Applicability" adopted. Filed February 21, 1983; effective March 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Title and Purpose" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.03 Definitions.

In these rules, unless the context otherwise requires, the symbols, words and phrases set forth herein shall mean the following: ***

(a) "*" means that the rule after which the symbol appears must be complied with prior to the issuance of an initial license or commission and the acceptance of any children for care by the applicant for a license or commission. ** *

(b) "***" means that the rule after which the symbol appears designates those rules, or parts thereof, that an after school group day care home must meet in lieu of compliance with all of the rules, in order to obtain a restricted group day care home license to serve only school-age children. ** *

(c) "Administrator" or "Director" or "Executive Officer" means the licensee or commission holder or a person designated in writing by the licensee or commission holder, who is responsible for the daily on-premises supervision, operation and maintenance of the group day care home. ** *

(d) "Adult" means any competent individual eighteen (18) years of age or over. ** *

(e) "Chaperon" means any adult parent or other adult relative of a child enrolled in the group day care home, who occasionally accompanies a group of children from the group day care home on a field trip and assists the group day care home's personnel in providing supervision of the children during the field trip. The chaperon must be under the direct supervision of group day care home personnel at all times. ** *

(f) "Child with special needs" means a child enrolled in the group day care home who, due to a physical problem, mental health disorder, mental retardation or developmental disability, either permanent or temporary, requires some adaptation of the group day care home's standard program of care or activities to accommodate the child's special needs. The special adaptations that the group day care home agrees to provide must be in writing and the result of a mutual agreement between the group day care home and the parents of the child with special needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the group day care home or the parents. ** *

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(g) "Commission" means the document issued by the department in lieu of a license upon the request of the governing body which authorizes the governing body of a local church ministry, religious nonprofit school or nonprofit religious charitable organization to operate a group day care home in compliance with these rules. The requirements to obtain a commission under these rules shall be identical in all respects to those for obtaining a license. ** *

(h) "Commission holder" means the local church ministry, religious nonprofit school or nonprofit religious charitable organization which holds a commission from the department to operate a group day care home at a particular location and which is responsible for the operation and maintenance of the group day care home in accordance with these rules. ** *

(i) "Correctable abuse, dereliction or deficiency" means any conduct of a licensee or commission holder which violates any of these rules wherein the department has determined that the rule violation is not the result of any of the following: flagrant and shocking intentional misconduct on the part of the licensee or commission holder or their employees, a reckless and serious disregard for the physical or mental health or the safety of a child in care whether or not a child sustains a physical injury; some causal connection between the rule violated and the death or serious injury of a child in care; or, a willful disregard of a particular rule where the licensee or commission holder has previously been cited for noncompliance with the particular rules(s) and has failed to maintain the remedial action(s) set forth in a previous plan of correction. ** *

(j) "Crime" means any felony; a violation of O.C.G.A. Sec. 16-5-23, relating to simple battery, when the victim is a minor; a violation of O.C.G.A. Sec. 16-12-1, relating to contributing to the delinquency of a minor; a violation of O.C.G.A. Sec. 16-6-1 *et seq.*, relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist; a violation of O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph. ** *

(k) "Criminal record" means: ** *

1. Conviction of a crime; or** *

2. Arrest, charge, and sentencing for a crime where: ** *

(i) A plea of nolo contendere was entered to the charge; or** *

(ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 *et*

seq., relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1 *et seq.* if such violation or offense constituted only simple possession; or** *

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16- 13-1 *et seq.* relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or** *

3. Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 *et seq.*** *

(l) "Department" means the Georgia Department of Human Resources. ** *

(m) "Employee" means any person, other than a director, employed by a group day care home to perform at any of the group day care home's facilities any duties which involve personal contact between that person and any child being cared for at the facility and also includes any adult person who resides at the facility or who, with or without compensation, performs duties for the group day care home which involve personal contact between that person and any child being cared for by the group day care home.***

(n) "Employment history" means a record of where a person has worked for the past ten (10) years. ** *

(o) "Evening care" means care provided to children at a group day care home between the hours of 7:00 p.m. and 12:00 midnight.** *

(p) "Field trip" means an excursion or program activity with a specific destination away from the group day care home. It does not include routine school or home pick-up and deliveries or transporting children to and from activities or events where the provider of the activities or the events assume responsibility for the children during the entirety of the event or activity, such as in dance classes or art lessons or regularly scheduled trips to the local public libraries.** *

(q) "Fingerprint records check determination" means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of Georgia Crime Information Group (GCIC) information with fingerprints and other information in a records check application.** *

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(r) "Group" means a specific number of children assigned to specific staff throughout the day. More than one group may occupy the same physical space. ** *

(s) "Group day care home" means any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the department. ** *

(t) "Infant" means any child who is under twelve (12) months of age or any child who is under eighteen (18) months of age and who is not yet walking. ** *

(u) "License" means the document issued by the department to authorize the licensee to whom it is issued to operate a group day care home under these rules. The requirements to obtain a license under these rules shall be identical to those for a commission. ** *

(v) "Licensee" means the person, partnership, association, corporation or agency licensed by the department to operate a group day care home at a particular location and having responsibility for the operation and maintenance of the group day care home in accordance with these rules.

** *

(x) "Nighttime care" means care provided to children at the group day care home between the hours of 12:00 midnight and 6:00 a.m. ** *

(y) "Non-correctable deficiency" means an abuse, dereliction or violation of these rules which demonstrates any one of the following: flagrant and shocking intentional misconduct by the licensee or commission holder or group day care home staff where the licensee or commission holder knew or should have known of the staffs likelihood to commit such acts; an intentional or reckless disregard for the physical or mental health or the safety of a child in care which may or may not result in physical injury to the child by the licensee or commission holder or the group day care home staff where the licensee or commission holder knew or should have known of the staffs likelihood to disregard; or some causal connection between the intentional violation of a rule and the death or major injury of a child in care; or an intentional disregard of a particular rule(s) which related directly to the health and safety of a child in care where the licensee or commission holder has previously been cited for noncompliance with the particular rule(s) within the past twelve (12) months and has failed to sustain the remedial action(s) set forth in a previous plan of correction within that twelve-month period. ** *

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(z) "Parent" means the parent(s) with lawful custody of the child or the legal guardian(s) of a child enrolled or in the process of being enrolled in a group day care home.** *

(aa) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department. ** *

(bb) "Preliminary records check determination" means a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia Crime Information Group (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed. ** *

(cc) "Personnel" or "Staff" means all persons including the administrator, all full or part time employees and volunteers, who perform consistent services for the group day care home and have direct or indirect contact with children at the group day care home. Personnel does not include those relatives who function as chaperons on field trips occasionally nor does it include students in training for limited periods of time provided that these chaperons and students in training work under the direct supervision of group day care home personnel at all times.** *

(dd) "Plan of correction" means a written plan prepared by the administrator submitted to and approved by the department which states the procedure(s), method(s) and time frame that will be used by the licensee or commission holder to correct the area(s) of noncompliance with these rules.** *

(ee) "Qualified" or "qualifications" means that a person possesses, in addition to the other requirements set forth in these rules, certain minimum personal and health requirements necessary to administer or be employed in a group day care home. A person may be considered by the department to be qualified with respect to the minimum personal and health criteria when he or she: has no criminal record; is not suffering from a physical or mental condition which would interfere with the person's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the group day care home in accordance with these rules; has not made any material false statements relating to any licensure requirement to the department or the licensee or commission holder and has not been shown by credible evidence, e.g. a finding of fact made by a court, jury or department investigation or other reliable evidence, to have abused, neglected, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct.** *

(ff) "Qualifying experience" means verifiable experience working directly with children. ** *

(gg) "Satisfactory determination" means a written determination that a person for whom a records check was performed was found to have no criminal record. ** *

(hh) "School-age children" means children who are at least five (5) years old by the first of September of the current school year and who are eligible to attend public school. ** *

(ii) "School-age group day care home" means a group day care home, or part thereof with separate facilities and a separate license, which provides day-time care exclusively to school-age children before and/or after the normal school day. Such programs may operate a full-day program solely during the regular school year during those periods when school is not in session. A school-age group day care home shall be eligible to receive a restricted group day care home license and must meet only those rules after which the symbol, "***", appears. ** *

(jj) "Students in training" means students enrolled in an educational course of study which requires or permits them to observe and participate in the care of children at a group day care home during a limited period of time, e.g. one quarter or trimester, provided that they are under the direct supervision of group day care home personnel at all times. ** *

(kk) "Substitute" means a person who is routinely used to replace regular personnel and performs consistent services for the group day care home during the temporary absence of regular personnel and who has a satisfactory criminal records check determination and has received orientation training. If any substitutes serve in any one (1) position longer than six (6) months, the substitutes so employed must meet all staffing requirements for that position. ** *

(ll) "Supervision" means that the appropriate numbers of staff members are physically present in the area where children are being cared for and are providing watchful oversight to the children, chaperons and students in training. The persons supervising in the child care area must be alert, able to respond to the needs and actions of the children being supervised, as well as the actions of the chaperons and students in training, and providing timely attention to the children's actions and needs. ** *

(mm) "Unsatisfactory determination" means a written determination that a person for whom a records check was performed has a criminal record. ** *

Authority O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 49-5-60. **History.** Original Rule entitled "Licensing" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974. **Repealed:** New Rule entitled "Organization and Administration" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Definitions" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.04 Governing Body.

Each group day care home 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 commission on a form provided by the department. In the event that the group day care home is individually owned, the owner(s) will complete the statement of responsibility. ** *

Authority O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12. **History.** Original Rule entitled “Petition for Adoption of Rule” adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974. **Repealed:** New Rule entitled “Reporting Requirements” adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled “Governing Body” adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.05 Licenses, Commissions and Exemptions.

No person, partnership, association, corporation or entity shall operate a group day care home in the State without having first obtained a license or commission to operate the group day care home by demonstrating compliance with the necessary requirements set forth in these rules.** *

(a) **Licenses and Commissions.** The department may issue a temporary license or temporary commission, a restricted license or restricted commission, or a continuing license or continuing commission in accordance with these rules.** *

1. Temporary License or Commission. The department may in its discretion issue a temporary license or temporary commission if the health and safety of the children to be served by the group day care home will not be endangered. A temporary license or commission will be valid for a specified period not to exceed one (1) year and may be issued in the following instances:

** *

(i) when it is found that a group day care home complies with all of the rules which have the "" designation but has not yet enrolled children; or** *

(ii) when the group day care home is not in full compliance with the 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 or Commission. The department may in its discretion issue a restricted license or commission in lieu of a temporary or regular license or commission. The restricted license or commission may be granted either in connection with the initial application process for a license or commission 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 or commission and shall restrict a group day care home from providing care or services which are beyond the capability of the licensee or commission holder to provide. The restriction may also limit the number and/or age of the children served by the group day care home. ** *

3. License or Commission. A license or commission will be issued upon presentation of evidence satisfactory to the department that the group day care home is in compliance with applicable statutes and these rules. The license or commission remains is valid for one year

unless voluntarily surrendered by the licensee or commission holder, reduced to a restricted or temporary license or commission or suspended or revoked by the department.** *

(b) **Qualifications Requirement.** In order to obtain or retain a license or commission, the administrator of the group day care home and its employees must be suitable, as defined in these rules, to administer or work in a group day care home. The department may presume that the administrator and group day care home employees are suitable, subject to satisfactory determinations on the criminal records checks. However, the department may require additional reasonable verification of the qualifications of the administrator and group day care home employees either at the time of application for a license or commission or at any time during the license or commission period whenever the department has reason to believe that an administrator or group day care home employee is not qualified to administer or work in a group day care home. ** *

1. Reasonable verification which may be required by the department may include, but need not be limited to any 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, certified copies of court orders and additional criminal records checks. ** *

(c) **License or Commission is Non-transferable.** A license or commission to operate a group day care home is not transferable in any way. Each license or commission shall be returned to the department immediately upon the suspension, revocation, restriction of the license or commission or termination of the operation. ** *

(d) **Renewal of License or Commission.** A license or commission will be renewed upon the filing of a completed annual report and a determination by the department that the licensee or commission holder presents satisfactory evidence of meeting the standards set forth in these rules and other applicable laws.** *

(e) **Exemptions.** Anyone operating or desiring to provide a service believed to be exempt from licensure shall apply to the department for exemption by submitting a written description of services, fees, ages of children to be served, hours, days and months of operation and location, a copy of written policies, advertisements, parental agreement forms and other materials to support the criteria for exemption. The exemptions granted by the department are exemptions from

licensure, and do not affect the authority of local, regional or state health department officials, the state fire Marshall or local fire prevention officials to inspect facilities. These rules shall not apply to the following kinds of programs providing care to children:

1. Specialized day care centers that are qualified to furnish care and training to mentally handicapped individuals and have been granted a certificate of approval by the department as provided for in O.C.G.A. Sec. 37-6-6.
2. Programs for children five (5) years and older which operate solely for educational purposes with an established curriculum during the school term for the customary seven (7) hour school day.
3. A facility operated by a local school on school board property for children five (5) years and older before and after the customary seven (7) hour day during the regular school term.
4. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.
5. Mother's Morning Out or similar programs which operate for no more than four (4) consecutive hours per day for no more than two (2) days per week or which limit attendance to no more than eight (8) hours per week per child.
6. Any short-term baby-sitting service provided by an establishment, e.g. church, health club, bowling lanes, etc., on its premises to children for the convenience of their parents who are participating in activities being provided by the establishment. No child shall be permitted to remain in the establishment's baby-sitting facility for more than four (4) hours per day and eight (8) hours per week. This exemption does not apply to programs operated by an organization for its employees or registered students.
7. Drop-in recreation programs where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subject(s) such as music, dance, religion, etc. and the program provider is not assuming responsibility for the provision of daily child care outside the scheduled program.
8. Day camping programs for children five (5) years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more

than seven (7) hours per day or which are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation programs, which must provide standards equivalent to the American Camping Association standards.

9. Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department, or agency of state, county or municipal government.

(f) **E-mail Contact Information.** Each group day care home licensed in the state of Georgia shall provide the Department e-mail contact information ("Contact Information") so that this agency may contact the group day care home and send information to the group day care home via e-mail. It shall be the group day care home'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 group day care homes, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

1. All currently licensed group day care homes shall supply the Department with an email address by June 1, 2009 on forms provided by the Department. All applicants for licensure shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 49-5-8, 49-5-12. **History.** Original Rule entitled "Petition for Declaratory Ruling" adopted. F. Jan. 30, 1974; eff. Feb. 19, 1974. **Repealed:** New Rule entitled "Staff Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Licenses, Commissions and Exemptions" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Amended:** F. Apr. 17, 2009; eff. May 7, 2009.

290-2-1-.06 Applications.

An application for a license or commission to operate a group day care home shall be submitted to the department on the forms provided by the department** *

(a) **Applicant Defined.** The individual completing the application for a license or commission shall be competent and at least eighteen (18) years of age** *

1. When the group day care home is owned by a sole proprietorship, the individual proprietor shall apply for the license or commission, complete the statement of responsibility and serve as the licensee or commission holder;** *

2. When the group day care home is owned by a partnership, the general partners shall apply for the license or commission, complete the statement of responsibility and serve as the license or commission holder;** *

3. When the group day care home is owned by an association, the governing body of the association shall authorize the application for the license or commission and complete the statement of responsibility and the association shall serve as the licensee or commission holder;** *

4. When the group day care home is owned by a corporation, the governing body of the corporation shall authorize the application for the license or commission and complete the statement of responsibility and the corporation shall serve as the licensee or commission holder** *

(b) **Application.** Prior to submitting an application for a license or commission, 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 group day care homes.

1. A current licensee applying for a group day care home license at another location is not required to attend another orientation within two years of the successful completion of a prior orientation that meets the above requirements.

2. An applicant applying for multiple group day care home licenses at one time is only required to attend one such orientation.

(c) **Director's Training.** Prior to the issuance of an initial license, the director of a group day care home 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.

(d) **Criminal Records Check Required.** The director and employees of a group day care home must submit to criminal records checks in connection with any application for a license or commission. ** *

1. **Preliminary Records Check.** Before a license or commission to operate a group day care home may be issued there shall be on file with the department: ** *

(i) A satisfactory preliminary criminal records check determination on the administrator; and** *

(ii) A preliminary records check application for all employees. ** *

2. **Ongoing Requirements.** Before a person may become a director or an employee in a licensed or commissioned group day care home, the holder of the license or commission shall cause the person to be employed to submit a preliminary records check application to the department** *

(i) No person having an unsatisfactory determination as to his or her criminal record may be a director or employee of a licensed or commissioned group day care home. ** *

3. **Penalties.** A license or commission is subject to suspension or revocation and the department may refuse to issue a license or commission if a director or employee does not undergo the records checks applicable to that director or employee and receive a satisfactory determination. A director of a group day care home having an employee whom that director knows, or should reasonably know, to have a criminal record shall be guilty of a misdemeanor.**

(e) **Amended License or Commission.** If there is to be a change in the name of the program or group day care home, changes in the ages of the children to be served, an increase in the regular hours of operation such that the home would be providing evening or nighttime care in addition to daytime care, changes in the services provided, additions to or changes in the use of the building by the licensed or commissioned group day care home, an application for an amended

license or commission 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) day- notice, the management of the home 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.** *

1. In no case, however, shall a new owner operate the group day care home without first securing a new license or commission from the department.* * *

(f) **Separate License or Commissions.** A separate license or commission application is required for each address or location at which a group day care home is proposed to be operated even when all of the proposed group day care homes are owned by the same person or entity. A separate license or commission is also required for each group day care home operated at a single location by different persons or entities. ** *

(g) **Notice of Denial.** If the department determines that the applicant does not comply with these rules and determines that the issuance of a temporary or restricted license or commission is not appropriate, the department will provide a written notice of the denial of licensure or commission and the opportunity for a hearing to the applicant.**

(h) **False or Misleading Information.** The application for a license or commission, including the application for a criminal records check must be truthfully and fully completed. In the event that the department has reason to believe that the application has not been completed truthfully, the department may require additional verification of the facts alleged. The department may refuse to issue a license or commission where false statements have been made in connection with the application or any other documents required by the department. ** *

(i) **Designation as Licensed or Commissioned.** No group day care home shall claim to be a licensed or commissioned group day care home unless it has been issued a current and valid license or commission by the department. ** *

Authority O.C.G.A. Secs. 20-1A-1 et seq., 49-5-3, 49-5-8, 49-5-12, 49-5-60 et seq. **History.** Original Rule entitled "Records" adopted. F. Feb. 21, 1983; eff. Mar.23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Applications" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

290-2-1-.07 Inspections and Investigations.

The department is authorized and empowered to conduct investigations and on-site inspections of any group day care home required by these rules to be licensed or commissioned. The proposed and current licensee or commission holder and staff shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.** *

(a) **Initial Inspection.** Following receipt and review of the complete application package, the department may conduct an on-site inspection of the group day care home to assess compliance with these rules.** *

(b) **Consent to Entry.** An application for a license or commission to operate a group day care home or the issuance of a license or commission by the department constitutes consent by the applicant, the proposed holder of the license or commission and the owner of the premises for the department's representative, after displaying identification to any group day care home staff, to enter the premises at any time during operating hours for the purpose of inspecting the group day care home, including both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises, all children present, and records required by these rules. The department shall have the right to photocopy or reproduce by any means any record required by these rules to be maintained and as needed for any inspection or investigation.** *

(c) **Other Inspections.** The department may conduct on-site inspections of a group day care home in the following instances: **

1. annually or at other regular intervals as the department may determine or at the expiration of the current license or commission; or**
2. upon receiving a report alleging child abuse, neglect or deprivation which occurred while the child was in the care of the group day care home director or employees; or**
3. upon receiving a complaint concerning the group day care home which could endanger the health, safety or welfare of the children in care; or**
4. upon receipt and review of a request for an amended license or commission, where the department determines that an on-site inspection is advisable; or**

5. upon the department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the department's inspection or at any other time. The department shall immediately investigate such matters and may make an on-site inspection so as to take such actions as conditions may require; or**

6. subsequent to the receipt of a plan of correction, as determined necessary by the department, to monitor whether the plan of correction is being complied with by the group day care home personnel.**

(d) **Failure to Allow Access.** Failure to allow access of the department's representative to the group day care home, group day care home staff, or the children receiving care at the group day care home or the records required by these rules or to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a license or commission. ** *

(e) **False or Misleading Statements.** No licensee or commission holder shall make or condone any employee making false or misleading statements to the department in connection with any authorized investigation or inspection being conducted by the department.**

Authority O.C.G.A. Secs. 49-5-8, 49-5-12. **History.** Original Rule entitled "Children's Activities" adopted. F. Feb. 21, 1983; eff. Mar.23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Inspections and Investigations" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.08 Admission and Enrollment.

The group day care home shall not accept a child for enrollment or continue the child's enrollment in the group day care home where the group day care home staff determines that services necessary to protect the health and safety of the child while at the group day care home cannot be provided. No child shall be admitted for care to the group day care home without enrollment records having been completed on the child in accordance with the requirements set forth in Rule 290-2-2-.10.** *

Authority O.C.G.A. Secs. 49-5-8, 49-5-12. **History.** Original Rule entitled “Nutrition and Food Service” adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled “Admission and Enrollment” adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.09 Administration and Staff Requirements.

If the holder of the license or commission is not an individual serving as the actual administrator or director of the group day care home, the holder of the license or commission shall appoint and identify to the Department in writing an administrator or director who shall be responsible for the day-to-day operation and management of the group day care home. ** *

(a) If the administrator/director is absent from the group day care home at any time during the hours of operation, there shall be an officially designated person on the group day care home site to assume responsibility for the operation of the group day care home who shall have full access to all records required to be maintained under these rules. ** *

(b) **Staffing Requirements for Administrator/Director.** The holder of license or commission issued after the effective date of these rules who serves as the administrator/director of the group day care home and the administrator/director of a group day care home hired after the effective date of these rules must meet the following minimum requirements throughout employment:** *

1. Never have been shown by credible evidence, e.g. a court or jury, a Department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the administrator/director shall provide this statement to the Department; ** *

2. Be at least twenty-one (21) years of age; ** *

3. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if no other full-time staff member has such current evidence; ** *

4. Not be suffering from any physical or mental health disorder that would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the group day care home in accordance with these rules; ** *

5. Not have a criminal record; ** *

6. Participate in the orientation and training required by these rules; ** *

7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder; ***

8. Meet one of the following sets of minimum academic requirements and qualifying child care experiences at the time of employment. (Note: The educational qualifications contained in 290-2-1-.09(b)8. will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new education and qualifying child care experiences for administrators/directors are listed in 290-2-1-.09(b)9.(i) through (xiii)):** *

(i) High school diploma or general education diploma (G.E.D.), or** *

(ii) One year of qualifying child care experience as determined by the Department; and** *

9. Effective December 1, 2012, the qualifications listed in 290-2-1-.09(b)8. above will no longer be valid. Effective December 1, 2012, and thereafter, all administrators/directors must possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department; and six (6) months of qualifying child care experience;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler and six (6) months of qualifying child care experience;

(iv) Technical Certificate of Credit (TCC) in Program Administration and six (6) months of qualifying child care experience;

(v) Technical Certificate of Credit (TCC) in School Age and Youth Care and six (6) months of qualifying child care experience;

(vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

- (vii) Forty-hour (40) director training course approved by the Department and has been employed for a minimum of five (5) years as an on-site group day care home administrator/director or as an on-site child care learning center director;
- (viii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;
- (ix) Paraprofessional Certificate issued by the Georgia Professional Standards Commission and six (6) months of qualifying child care experience;
- (x) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;
- (xi) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;
- (xii) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;
- (xiii) Master's degree from an accredited college or university in Early Childhood Education or Child Development;

10. Effective December 1, 2012, a copy and/or written verification of the credential or degree awarded to the administrator/director by the technical college, university, school or Department-approved trainer listed in 591-1-1-.31(1)(b)3.(i) through (xiii) shall be maintained by the group day care home in the administrator's or director's file, and such documentation shall be available for inspection and provided to Department staff upon request.

(c) **Staffing Requirements for Additional Caregivers.** To meet the staff: child ratios required by these rules, the administrator/director of the group day care home may employ additional caregivers who shall meet the following minimum requirements:** *

1. Never have been found by credible evidence, e.g. a court or jury, a Department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the caregiver or employee shall provide this statement to the Department; ** *

2. Be at least eighteen (18) years of age; ** *
3. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if no other full-time staff member is present on the premises with the required training; ** *
4. Not be suffering from any physical or mental handicap that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules; ** *
5. Not have a criminal record; **
6. Have either a high school diploma or general education diploma (GED) or three (3) months qualifying child care experience as determined by the Department if hired after the effective date of these rules; ** *
7. Participate in the orientation and training required by these rules; and** *
8. Not have made any material false statements concerning qualifications requirements either to the Department or to the licensee or commission holder or administrator.** *

(d) **General Staffing Requirements.** The group day care home shall have qualified and sufficient direct-care, clerical, housekeeping and maintenance employees to insure full compliance with these rules without neglecting the supervision of the children. Staff shall supervise all independent contractors, volunteers, chaperons and students in training whenever they are in the presence of children. The group day care home staffing policies shall comply with the following: ** *

1. **Contagious Diseases.** Staff or persons residing in the home or any other person being supervised by the staff, shall not be allowed in the group day care home areas where children are being cared for who knowingly have, or present symptoms of a fever or diarrhea.** *
2. **Smoking Limited.** Staff or persons residing in the home or other persons shall not smoke or use tobacco except in designated enclosed rooms or areas which are totally separated from the child care areas either within group day care home premises, on the home's playgrounds or on any vehicle being used to transport children during the hours that the group day care home is in operation. ** *
3. **Use of Prohibited Substances.** Staff, chaperons and students in training shall not be under the influence of or consume alcohol, marijuana or other controlled substances on the group day care

home premises during the hours of operation or at any other time or place where there are children present for whom the group day care home staff is responsible.** *

4. **Assignment of Employees.** Staff with diaper changing responsibilities shall not be simultaneously assigned to kitchen food preparation duties. ** *

5. **Work Schedules.** Staff shall not regularly be scheduled to perform child care duties for more than twelve (12) hours within any twenty-four (24) hour period. ** *

6. **Substitute Employees.** The group day care home shall provide for substitute staff when regular staff is absent from work. All substitute employees shall be at least eighteen (18) years of age. Substitute caregiver staff shall be informed of these rules and the group day care home's policies and procedures for the age group for which they will be providing care. Substitute service staff shall be informed of the group day care home's policies and procedures necessary to the proper performance of their job duties in compliance with these rules.** *

7. **First Aid and CPR.** There must always be an employee with current evidence of first aid training and cardiopulmonary resuscitation on the group day care home's premises and on any home-sponsored field trip.** *

(e) **Staff Training.** Prior to assignment to children or task, all employees hired after the effective date of these rules shall be oriented in accordance with these rules. Employees continuing to be employed with the group day care home after the effective date of these rules shall receive the on-going training set forth below in subsection 2.** *

1. **Orientation.** Orientation shall include instruction in: ** *

(i) The group day care home's policies and procedures;** *

(ii) Emergency weather plans;** *

(iii) The employee's assigned duties and responsibilities;** *

(iv) Reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries;** *

(v) The rules and regulations set forth in Rule 290-2-2-.11, .12, .13, and .14. Such instruction shall require new staff to be generally familiar with the health and safety requirements for caring for the children that are set forth in the specified sections.** *

(vi) Childhood injury control;**

(vii) The administration of medicine;

(viii) Reducing the risk of Sudden Infant Death Syndrome (SIDS);

(ix) Hand washing;

(x) Fire safety;

(xi) Water safety;

(xii) Prevention of HIV/Aids and blood borne pathogens;

(xiii) Within the first year of employment, all employees hired after the effective date of these rules, who provide any direct care to the children, shall obtain ten (10) clock hours of training or instruction from an accredited school or Department-approved source in child care issues. Custodial and maintenance personnel or volunteers who provide no direct care to the children do not have to meet this training requirement. At least six (6) of the clock hours must be divided as follows: **

(I) Four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition, childhood injury control or positive discipline techniques;**

(II) Two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children; and**

(xiv) Within the first year of employment, the administrator and the person primarily responsible for food preparation hired after the effective date of these rules shall receive four (4) clock hours of training in food nutrition planning, preparation, serving, proper dish washing and food storage.

2. Ongoing Training. Within one (1) year of the effective date of these rules and thereafter on an annual basis, all supervisory and caregiver personnel (regardless of the date of hiring) shall attend ten (10) clock hours of training which is task focused in early childhood education or child development or subjects relating to job assignment and is offered by an accredited college, university or vocational program or other Department approved source. **

3. Documentation of Training. Evidence of orientation and training shall be documented in the personnel file of each staff member, and such documentation shall be available for inspection and provided to Department staff upon request. ** *

(f) **Grouping of Children and Staff: Child Ratios.** The group day care home must establish groupings of children for care which comply with the staffing ratios and requirements set forth below. Staff, such as the director or service workers (food, maintenance, and clerical, staff etc.), shall be counted in the staff: child ratio only during the time that they are giving full attention to

the direct supervision of the children. Service staff routinely acting as child care workers shall meet the qualifications of the respective caregivers. ** *

1. Employees shall be assigned so that, insofar as possible, children receive care from the same employee each day; ** *
2. Children shall be supervised at all times. ** *
3. Unless otherwise provided in these rules the following staff: child ratios shall be maintained by the group day care home whenever it is open as of the date specified: ** *

As of the effective date of these rules, the ratios shall be:

<u>Ages of Children</u>	<u>Staff: Child</u>
Birth to 1 1/2 yrs.	1:7 *
1 1/2 yrs. through 2 1/2 yrs.	1:10 *
2 1/2 yrs. through school age	1:12 ** *

As of November 1, 1991, the ratios shall be:

<u>Ages of Children</u>	<u>Staff: Child</u>
Infants less than one (1) year old or children under eighteen (18) months who are not walking	1:6 *
One (1) year olds who are walking	1:8 *
Two (2) year olds	1:10 *
Three (3) year olds	1:15 *
Four (4) year olds	1:18 *
Five (5) year olds	1:18 ** *
Six (6) years and older	1:18 ** *

4. In determining the staff: child ratios for mixed-age groupings: ** *

- (i) the age of the youngest child under three (3) years of age shall determine the staff: child ratio for the group in which the child(ren) under three (3) years of age are cared for;*
- (ii) where all of the children in any one group are three (3) years and older, the age of the majority of the children in the group shall determine the staff: child ratios. ** *

5. During day-time scheduled rest or sleeping periods, the staff: child ratio for any one group may be increased to 1:18 provided that all children in the specific group are over three (3) years of age and that:

- (i) The required staff: child ratio is maintained for all other groups of children under three (3) years of age; and
- (ii) All staff required by Rule 290-2-1-.09(f)3. relating to staff: child ratios are in the group day care home and available to assure safe evacuation in an emergency.

6. Staff: child ratios as required in Rule 290-2-1-.09(f)3. shall be maintained during evening and nighttime care except when a majority of the children are sleeping when the ratios may be doubled in those areas where the children are sleeping. However, the staff required by the regular staff: child ratios set forth in Rule 290-2-1-.09(f)3. must be available on the premises of the group day care home to resume supervision of the children whenever a majority of the children in care in an area are no longer asleep or an emergency situation arises.

(g) **Staffing Requirements for Water-Related Activities.** Whenever the group day care home chooses to allow the children to participate in water-related activities, such as swimming, fishing, boating or wading, the group day care home shall determine that the person supervising the children for water-related activities meet the following training requirements, whether or not these persons are employed by the group day care home. The group day care home shall also provide for the following special staff: child ratios during the water-related activity:** *

1. **Staff and Training Requirements.** There shall be a minimum of one (1) group day care home staff member on duty directly supervising the children at all times when one (1) or more children are engaged in water-related activities. Where the water is over two (2) feet deep, either the group day care home staff member or the employee provided by the water facility to supervise the use of the facility by children must have the following:** *

- (i) current evidence of having completed successfully a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or YWCA or other recognized standard-setting agency for water safety instruction. However, this advanced life saving training is only required if the children will be in water that is over two (2) feet in depth; and** *

2. **Staff: Child Ratios for Water-Related Activities.** The group day care home shall also maintain the following staff: child ratios during any water-related activities: ** *

(i) For water-related activities in water over two (2) feet in depth, the group day care home staff shall provide continuous supervision of the children in accordance with the following:

<u>Ages of Children</u>	<u>Staff: Child Ratio</u>
Under two and one-half (2 1/2) years	1:2 *
Two and one-half (2 1/2) to four (4) years	1:5 *
Four (4) years and older who cannot swim a distance of fifteen (15) yards unassisted	1:6
Four (4) yrs. and older who can swim a distance of fifteen yards unassisted	1:15

In lieu of requiring each child to take a swimming test to determine whether the child can swim a distance of fifteen (15) yards unassisted, group day care home staff may accept copies of certificates or cards from a recognized water safety instruction organization showing that the child has successfully completed a swimming class which required the child to swim a distance of fifteen (15) yards unassisted.

(ii) For water-related activities in water that is less than two (2) feet deep throughout, such as a self-contained wading pool less than two (2) feet in depth, continuous supervision must be provided by group day care home staff in accordance with the staff:child ratio set forth in Rule 290-2-1-.09(f)3.** *

(I) The wading pool shall be cleaned and filled with clean water for each day's usage and emptied when not in use.** *

(iii) At least one (1) additional staff member above the required staff: child ratio for water-related activities set forth in paragraphs (i) and (ii) shall be available to rotate among the groups as needed when any of the following circumstances are present:** *

(I) when the majority of the children in a group are not accustomed to, or are afraid of the water;

** *

(II) the majority of the children in a group are comprised of children who cannot swim a distance of 15 yards unassisted, cannot touch the bottom of the water-facility without submerging their heads; ** *

(III) the water-facility is particularly crowded; or** *

(IV) the children have special needs which impact on their ability to participate safely in the water-related activity.

(h) **Staffing Requirements for Transporting Children.** Whenever the group day care home 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 group day care home; and** *

1. Either the driver or another staff person present on the vehicle must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid offered by certified or licensed health care professionals and which dealt with the provision of emergency care to infants and children; and** *

2. When transporting children, the group day care home shall provide: ** *

(i) A minimum of two (2) staff members (the driver and non-driver) in the following situations: ** *

(I) When three (3) or more children under three (3) years of age are transported; or*

(II) When seven (7) or more children under five (5) years of age occupy the vehicle; or*

(III) When eighteen (18) or more children five (5) years of age and older occupy the vehicle; and** *

(ii) A third employee, who is at least eighteen (18) years of age, shall be provided in the vehicle when transporting children in the following situations: ** *

(I) When more than eight (8) children under three (3) years of age occupy the vehicle.*

Authority O.C.G.A. Secs. 20-1A-1 et seq., 20-2-711, 40-5-23, 40-5-146, 49-5-3, 49-5-8, 49-5-12. **History.** Original Rule entitled "Health and Safety" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Administration and Staff Requirements" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Amended:** F. Apr. 17, 2009; eff. May 7, 2009. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

290-2-1-.10 Record Keeping and Reporting.

The following records shall be maintained on file at each group day care home subject to the exceptions listed herein. The records shall be maintained in an organized manner and shall be accessible to the Department: ** *

(a) **Records on Administrator and Employees.** The file for each administrator and employee shall contain: ** *

1. Identifying information to include: ** *

(i) Name; ** *

(ii) Date of Birth; ** *

(iii) Social Security number; ** *

(iv) Current address; and ** *

(v) Current telephone numbers; ** *

Employment history; ** *

Evidence of the following as applicable to the position held: ** *

(i) Education; ** *

(ii) Qualifying work experience; and ** *

(iii) Orientation, where there is more than one (1) full-time staff member or a substitute employee. The records on orientation shall include the following: ** *

(I) Date of orientation; ** *

(II) Description of orientation; ** *

(III) Signature of the person or a representative of the organization providing the training; and ** *

(IV) Signature of the person receiving the training; ** *

4. Evidence of all training required by these rules which shall include: ** *

(i) Title of Training; **

(ii) Date of training; **

(iii) Trainer's signature; **

(iv) Location of training; and **

(v) Number of clock hours obtained; **

5. Verification of a satisfactory criminal records check determination; ** *
6. Daily attendance records or other employee payroll records for the employee for the preceding six (6) month period, which may be stored away from the group day care home provided that the home notifies the Department of its intention to store these records offsite, provides the Department with the name, address and phone number of the custodian of these records and allows the Department, in its discretion, to have access to these records at the custodian's location immediately or access at the home within seven (7) business days of a Department representative's request. The Department may, in its discretion, accept photocopies of the requested records which are provided within seven (7) business days of the Department representative's request for the same; and * *
7. Statement completed by the staff member or other documentation regarding qualifications.

** *

(b) **Records on Children.** A group day care home must maintain a file for each child while such child is in care at the group day care home and for a period of one (1) year after such child is no longer in care at the group day care home. The file shall be accessible to the Department and shall contain the following: **

1. Identifying information about the child to include: name, date of birth, sex, address, living arrangement if not with both parents and name of school, if any, and name of guardian, if applicable; **
2. Identifying information about the parents or guardian to include: names of both parents, name of guardian, if applicable, home and work addresses and home and work telephone numbers; **
3. Name(s) and addresses of the person(s) to whom the child can be released. Such information shall contain the authorized person's address, telephone numbers, relationship to child and to parent or guardian, and other identifying information; **
4. Identifying information about the person(s) to contact in emergencies when the parent or guardian cannot be reached to include: name(s), addresses, telephone number(s), relationship to child and to parent or guardian, and other identifying information; **
5. Signed agreement between the holder of the license or commission or a person designated by the holder and the parent or guardian to include: **
 - (i) Description of general services to be provided by the group day care home to the child including whether the home is providing meals and snacks; **

(ii) Identification of the child's primary source of health care to include: **

(I) Physician's or clinic's name; and**

(II) Telephone number;**

(iii) Authorization for obtaining emergency medical care for the child when the parent or guardian is not available;**

(iv) Statement regarding known allergies or other physical problems, mental health disorders, mental retardation or developmental disabilities which would limit the child's participation in the group day care home's program and activities;**

(v) Description of any special procedures to be followed in caring for the child, including any special services which the group day care home agrees to provide to a child with special needs;**

(vi) A description of the information that will be required of the parent or guardian before the group day care home will dispense any medication in accordance with Rule 290-2-1-.11(e)10.(i) through (iii) (medication shall be in the original labeled container; medication container shall be labeled with child's full name; and medicines which are no longer dispensed shall be returned to the child's parent or guardian immediately) and the parent's or guardian's acknowledgement that he or she will provide all of the necessary information. The authorization will include when applicable: **

(I) Date;**

(II) Full name of the child; *

(III) Name of medication;**

(IV) Prescription number, if any;**

(V) Dosage; * *

(VI) The dates to be given;**

(VII) The time of day medication is to be dispensed;**

(VIII) Signature of parent or guardian;**

(IX) Verification that medication was dispensed according to parent's or guardian's authorization, including the signature of staff member who dispensed the medication; **

(vii) Parent's or guardian's acknowledgment of the following: **

(I) That when the parent, guardian or persons authorized by the parent or guardian, picks up or drops off the child at the group day care home, he or she will not allow the child to enter or leave

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the group day care home without being escorted and that the group day care home will not permit the child to enter or exit the group day care home without an escort; **

(II) That the parent, guardian, or person authorized by the parent or guardian to drop off and pick up the child, will sign the child in and out of the group day care home each day and this documentation will at a minimum include the date, the times of arrival and departure, and the initials of the parent, guardian or authorized person who drops off and picks up the child;

(III) That the parent or guardian is responsible for keeping the group day care home advised of any significant changes as the changes occur in the information that the parent or guardian provided at the time of enrollment concerning phone numbers, work locations, emergency contacts, family physician, etc.; and**

(IV) That where a school-age group day care home does not agree to provide routine meals and/or snacks, as appropriate for the children, the parent or guardian agrees that he or she shall provide the child with nutritious meals and snacks daily as appropriate;**

6. Documentation of incidents requiring professional medical attention, other than simple first aid performed by group day care home staff to include:**

(i) Child's name; **

(ii) Type of illness or injury; **

(iii) Date of illness or injury;**

(iv) How injury or illness occurred;**

(v) Staff present;**

(vi) Method of notifying parent or guardian; and**

(vii) Services provided to the child;**

7. Written parental or guardian authorization for the child to participate in field trips, special activities away from the group day care home and water-related activities occurring in water that is more than two (2) feet deep if the group day care home participates in any such activities;**

8. Written parental or guardian authorization if the group day care home is to provide routine transportation for the child to or from school, home or group day care home. The authorization shall specify the following: **

(i) Routine pick up location;**

(ii) Routine pick up time;**

(iii) Routine delivery location; **

(iv) Routine delivery time; and **

(v) Name of any person authorized to receive the child; and the procedure to be followed if the authorized person is not present at the drop-off site to receive the child; **

9. Evidence of age-appropriate immunizations or a signed affidavit against such immunizations shall be maintained for each child enrolled in the group day care home on a form provided by the Department;**

(i) No child shall continue enrollment in the group day care home for more than thirty (30) days without such evidence; **

10. The child's daily arrival and departure records for the twelve (12) preceding months which shall be maintained, but need not be filed, in each child's record. The parent, guardian, or person authorized by the parent or guardian to drop off and pick up the child will document, in written or electronic format, each time the parent, guardian or authorized person drops off and picks up the child. The group day care home shall ensure that children are only released to authorized persons, and group day care home staff shall take necessary steps to determine that any such person presenting to pick up a child in care is authorized by the parent or guardian of the child and that person matches the identifying information provided by the parent or guardian.

(i) The documentation shall include at least the following information: the date, the child's name, the arrival and departure times, and the signature or initials of the parent, guardian or authorized person at the time of arrival and departure.

(ii) These records shall be made available to the Department in printed or written form upon request.

11. The child's daily attendance records for the twelve (12) preceding months which must be maintained, but need not be filed in each child's record and which shall be made available to the Department in written or printed form upon request; and**

12. Transportation checklists which need not be filed in each child's record. **

(c) **Required Reports.** The administrator or designated person-in-charge shall report or cause to be reported the following: **

1. **Child Abuse, Neglect or Deprivation.** Whenever there is reasonable cause to believe that a child has been physically injured or has suffered death by a parent or caretaker by other than accidental means; provided, however, that physical forms of discipline need not be reported where the same does not result in injury to the child; or a child has been neglected, exploited or

deprived or sexually assaulted or sexually exploited. Sexual exploitation occurs when a parent or caretaker allows, permits, encourages or requires a child to engage in prostitution or other sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct as defined in O.C.G.A. Sec. 16-12-100. Any suspected incident of child abuse, neglect or deprivation shall be reported to the local County Department of Family and Children services in accordance with O.C.G.A. Sec. 19-7-5.**

2. **Communicable Diseases.** Any cases or suspected cases of notifiable communicable diseases shall be reported to the local county health department as required by the rules regarding Notification of Disease, Chapter 290-5-3. **

3. **Death, Serious Injury or Emergency Situation.** Within twenty-four (24) hours or the next work day, the following incidents must be reported to the Department's Child Care Licensing Office: **

(i) Any death of a child while in the care of the group day care home;**

(ii) Any serious illness or injury requiring hospitalization or professional medical attention other than first aid of a child while in the care of the group day care home;**

(iii) Any fire; **

(iv) Any structural disaster; **

(v) Any emergency situation that requires temporarily relocating children; and**

(vi) Any situation when a child in care becomes missing, such as, but not limited to, a child who is left on a vehicle, a child who leaves the building, playground, or property, or a child who is left behind on any trip,

(d) **Criminal Record.** The name of any employee who acquires a criminal record as defined in these rules, if the director knows, or reasonably should know, of the employee's criminal record, shall be reported to the Department's Child Care Licensing Office. **

(e) **Annual Reports.** Within forty-five (45) days of the group day care home's receipt of an annual report form from the Department, the administrator shall submit to the Department a complete annual report on the form provided. The annual report may be used in determining licensure requirements. **Authority O.C.G.A. Secs. 19-7-5, 20-1A-1 et seq., 31-2-4, 49-5-12. **History.** Original Rule entitled "Equipment and Supplies" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Record Keeping and Reporting" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009. **Repealed:** New Rule of same title adopted. F. Aug. 5, 2010; eff. Aug. 25, 2010

290-2-1-.11 Operations, Health, Safety and Activities.

Each group day care home shall be operated in accordance with the following: ** *

(a) **Policies and Procedures.** Each group day care home shall establish policies and procedures which shall be kept current and made available to the parent or guardian and used to govern the operations of the group day care home. The policies and procedures shall: ** *

1. be consistent with applicable laws, regulations and these rules; ** *

2. Include a written description of services to be provided which specifies the following: ** *

(i) Ages of children served; ** *

(ii) Months of operation; ** *

(iii) Days of operation; ** *

(iv) Hours of operation; ** *

(v) Dates and times the group day care home is closed; ** *

(vi) Enrollment and admission requirements, including parental or guardian responsibilities for supplying and maintaining accurate required record information and escorting child to and from the group day care home; ** *

(vii) Standard fees, payment of fees, fees related to absences and vacations and other charges such as insurance, transportation, late fees, etc.; ** *

(viii) Transportation provided, if any; ** *

(ix) Field trip services, if any;

3. The policies and procedures shall also include written procedures for the following: **

(i) Guidance and discipline techniques; ** *

(ii) Handling emergency medical care, including place(s) the children will be taken for emergency medical care; * * *

(iii) Administering medication and recording noticeable adverse reactions to medication; ** *

(iv) Notifying parent or guardian of the child's: ** *

(I) Illness; ** *

(II) Injury; and ** *

(III) Exposure to a notifiable communicable disease; ** *

(iv) Noticeable adverse reaction to prescribed medication(s); ** *

- (v) Exclusion of sick children; * * *
 - (vi) Exclusion of children with communicable diseases, as defined on the chart of communicable diseases which contains recommendations for the exclusion of sick children and their readmission and is provided by the Department; * * *
 - (vii) Protection of children in the event of: * * *
 - (I) Severe weather; * * *
 - (II) Fire; and * * *
 - (III) Physical plant problems, such as a power failure that affects climate control or structural damages; * * *
 - (viii) The group day care home's transportation of children to or from school or home, if provided, to include the procedure to be followed if no one is home to receive a transported child; and
 - (ix) Handling emergencies, including but not limited to severe weather, loss of electrical power or water and death, serious injury or loss of a child, which may occur at the center. Such plan shall include assurance that no center personnel will impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.
4. The policies and procedures shall also include the following information:
- (i) A description of meals and snacks served, including guidelines for food brought from the child's home;
 - (ii) Permission for access by the child's parent or guardian to all group day care home areas used by the child;
 - (iii) Child abuse reporting law requirements;
 - (iv) A description of behavior management and discipline actions used by the group day care home;
 - (v) Nondiscrimination statement;
 - (vi) Group day care home sponsored religious and cultural activities, if any;
 - (vii) If licensed for the care of an infant or toddler:
 - (I) Group day care home's diapering procedures;
 - (II) Group day care home's toilet training procedures;
 - (III) Group day care home's feeding procedures;

5. The group day care home shall have written documentation signed by the parent or guardian in each child's file that the director or designee has:

- (i) Provided to the parent or guardian a copy of the group day care home's policies and procedures required by this rule;
- (ii) Advised the parent or guardian of the child's progress, issues relating to the child's care and individual practices concerning the child's special needs;
- (iii) Encouraged parent's or guardian's participation in group day care home activities.

6. The group day care home shall conduct drills for fire, tornado and other emergency situations. The fire drills will be conducted monthly and tornado and other emergency situation drills will be conducted every six months. The group day care home shall maintain documentation of the dates and times of these drills for two years.

7. The group day care home shall provide the parent or guardian with a copy of the group day care home's policies and procedures as required by this rule.

(b) **Posted Notices.** Each group day care home shall post in a designated area for public viewing near the front entrance the following: ** *

- 1. The current group day care home license or commission; ** *
- 2. A copy of these rules; ** *
- 3. A notice provided by the Department which advises parents or guardian of their right to review a copy of the group day care home's most recent licensure or commission evaluation report upon request to the group day care home director. The group day care home shall provide any parent or guardian with a copy of this evaluation report upon request. ** *
- 4. A copy of the current communicable disease chart, as provided by the Department; ***
- 5. A statement allowing parental or guardian access to all child care areas upon notifying any staff member of his or her presence; * * *
- 6. Names of persons responsible for the administration of the group day care home in the administrator's absence; ** *
- 7. The current week's menu for meals and snacks; ** *
- 8. Emergency plans for severe weather and fire; and ** *
- 9. A statement requiring visitors to check in with staff when entering the group day care home.

** *

(c) **Confidential Information.** Information pertaining to the children enrolled at a group day care home is considered confidential and may not be released by group day care home staff without first obtaining written permission signed by the parent or guardian except in the following situations. Relevant information relating to the children's family situations, medical status and behavioral characteristics on the children enrolled at the home at any time shall be shared by group day care home staff among caregivers on the home caregiver staff, with members of the Department or with other persons authorized by these rules or the law to receive such information, or with other persons in an emergency situation involving the child. **

(d) **Parental or Guardian Access.** The custodial parent or guardian of a child shall, at any time the child is in attendance, be permitted access to all child care areas of the group day care home and shall make his or her presence known to group day care home staff prior to removing the child from the group day care home.* *

(e) **Health and Hygiene.** The group day care home shall meet the following minimum criteria:
** *

1. The Department's current communicable disease chart of recommendations for exclusion of sick children from the group day care home and their readmission shall be followed. **

2. A child shall not be accepted nor allowed to remain at the group day care home if the child has the equivalent of a one hundred and one (101) degree or higher oral temperature and another contagious symptom, such as, but not limited to, a rash or diarrhea or a sore throat.**

3. Parent or guardian of any child who becomes ill or is injured shall be notified immediately of any illness or injury requiring professional medical attention, or any illness which may not require professional medical attention but which produces symptoms causing moderate discomfort to the child, such as, but not limited to, any of the following: elevated temperature, vomiting or diarrhea. **

(i) Parent's or guardian's specific instructions shall be obtained, and followed if appropriate, until the child is picked up or is able to return to the child's group. **

(ii) 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 group day care home or is able to return to the child's group.**

4. If the child becomes ill or experiences an adverse reaction to a prescribed medication or is injured during the day and the illness, reaction or injury does not warrant professional medical attention or causes less than moderate discomfort to the child, the parent or guardian shall be notified of the illness, reaction or injury by the end of the day on which the illness, reaction or injury occurred. **

5. Parent or guardian of each child enrolled shall be notified, in writing, of the occurrence of any of the illnesses on the communicable disease chart, as provided by the Department, within twenty-four (24) hours after the group day care home becomes aware of the illness or the next working day. **

6. The group day care home shall have a written plan which outlines how emergency medical services will be obtained. When a medical emergency arises involving a child, the group day care home staff shall seek prompt emergency medical treatment and provide any certified or licensed emergency medical persons with immediate access to the child.* * *

7. Each building of the group day care home and any vehicle used by the group day care home for transportation of children shall have a first aid kit which shall at least contain:** *

(i) Scissors;** *

(ii) Tweezers;** *

(iii) Gauze pads;** *

(iv) Adhesive tape; ** *

(v) Thermometer; ** *

(vi) Band-aids, assorted sizes;** *

(vii) An anti-bacterial ointment;** *

(viii) Insect-sting preparation;** *

(ix) An antiseptic cleansing solution;** *

(x) Triangular bandages;** *

(xi) Rubber gloves; ** *

(xii) Cold pack;** *

(xiii) Protective eye wear; and

(xiv) A protective face mask.

8. The first aid kit, together with a first aid instruction manual which must be kept with the kit at all times, shall be stored so that it is not accessible to children but is easily accessible to staff.

** *

9. Except for first aid, personnel shall not dispense prescription or nonprescription medications to a child without specific written authorization from the child's physician, parent or guardian: **

(i) Authorizations to dispense medications shall be limited to two (2) weeks, unless otherwise prescribed by a physician. **

10. Personnel shall only dispense medications that are provided by the parent or guardian and meet the following criteria: **

(i) The medication shall be in the original labeled container, **

(ii) The medication container shall be labeled with the child's full name, and**

(iii) Medicines which are no longer to be dispensed shall be returned to the child's parent or guardian immediately. **

11. Non-emergency injections shall only be administered by appropriately licensed persons unless the parent or guardian and physician of the child sign a written authorization for the child to self-administer the injection. **

12. The group day care home shall maintain a record of all medications dispensed to children by personnel to include: the date, time and amount of medication that was administered, any noticeable adverse reactions to the medication noted by the staff, and the signature or initials of the person administering the medication. **

13. All prescription and nonprescription medications shall be kept in a locked storage cabinet or container which is not accessible to the children and stored separate from cleaning chemicals, supplies or poisons.**

14. Medications requiring refrigeration shall be placed in a leak proof container in a refrigerator that is not accessible to the children. **

15. Personnel shall, to the extent possible, keep children clean, dry and comfortable. **

16. Children's hands shall be washed with liquid soap and warm running water: **

(i) Immediately upon arrival for care, when moving from one child care group to another, and upon re-entering the child care area after outside play;**

(ii) Before and after eating meals and snacks, handling or touching food, or playing in water;**

(iii) After toileting and diapering, playing in sand, touching animals or pets, and contact with bodily fluids such as, but not limited to, mucus, saliva, vomit or blood; and

(iv) After contamination by any other means.

17. Washcloth handwashing is permitted for infants when the infant is too heavy to hold for handwashing or cannot stand safely to wash hands at a sink and for children with special needs who are not capable of washing their own hands. An individual washcloth shall be used only once for each child before laundering. **

18. Between each diaper change, unless the child is changed in his own crib, the diaper change surface shall be: **

- (i) Cleaned with a disinfectant, and
- (ii) Dried with a single-use disposable towel.

19. Personnel shall wash their hands with liquid soap and warm running water: **

- (i) Immediately upon arrival for the day, when moving from one child care group to another, and upon re-entering the child care area after outside play;**
- (ii) Before and after diapering each child, dispensing medication, applying topical medications, ointments, creams or lotions, handling and preparing food, eating, drinking, preparing bottles, feeding each child, and assisting children with eating and drinking;**
- (iii) After toileting or assisting children with toileting, using tobacco products, handling garbage and organic waste, touching animals or pets, and handling bodily fluids, such as, but not limited to, mucus, saliva, vomit or blood; and**
- (iv) After contamination by any other means.

20. The diaper changing area shall be clear of:

- (i) Formulas,
- (ii) Food, food utensils and food preparation items, and
- (iii) Any items which a child could reach while being changed which might harm a child.

21. Separate containers shall be used for storing soiled disposable items, such as disposable diapers, disposable washcloths and soiled non-disposable items such as cloth diapers, washcloths and bed linens.

22. Soiled item storage containers shall be:

- (i) Waterproof or equipped with a leak proof disposable liner,
- (ii) Covered,
- (iii) Easily cleaned, and
- (iv) Maintained in such a manner so as the contents of the container are never accessible to the children.

23. Children's soiled or wet clothing shall be stored in individual plastic bags.
24. If used, toilet potty chairs shall after each use be emptied by disposal in a flush toilet, cleaned with a disinfectant and stored in the bathroom. If a sink is used, the sink shall also be disinfected.
25. Soiled laundry shall be stored in covered containers and kept separate from clean laundry. **
26. If laundry is done on group day care home premises, the laundry area shall:
 - (i) Be located outside the children's activity rooms or areas, and
 - (ii) Not be used as a passageway by children to travel from one area to another whenever any soiled or clean laundry is exposed.
27. All parts of the group day care home shall be kept clean and in good repair. ** *
28. Hygienic measures, such as, but not limited to, screened windows, covered containers for food and proper waste disposal procedures shall be utilized to minimize the presence of rodents, flies, roaches and other vermin at the group day care home. ** *
29. Floor coverings shall be tight, smooth, free of odors and washable or cleanable. ** *
30. The following shall be cleaned with a disinfectant as specified:
 - (i) Tubs after each use,
 - (ii) Showers after each use,
 - (iii) Bathroom areas daily, and
 - (iv) Food service areas daily.
31. The following children's personal items shall be kept clean: ** *
 - (i) Combs, ** *
 - (ii) Toothbrushes, and ** *
 - (iii) Cloth towels. ** *
32. Each child's personal items shall: **
 - (i) Be kept on individually labeled racks, in cubbies or lockers,
 - (ii) Be separated from the articles used by other children, and **
 - (iii) Not used by any other child prior to being laundered or disinfected. **
33. No persons shall be permitted to use the same utensil for drinking or eating without the utensil having been thoroughly cleaned between uses. **
34. Drinking fountains, if available, shall: ** *
 - (i) Be safe and kept clean, ** *
 - (ii) Have regulated pressure, ** *

- (iii) Not be mounted on sinks used for diaper changing activities, and** *
 - (iv) Have an angle jet with an orifice guard above the rim. ** *
35. Single service drinking cups shall be provided when appropriate drinking fountains are not available. ** *
- (i) Cups shall be discarded after each use unless the cups are sanitized in a dishwasher between each use. ** *
36. Garbage and organic waste shall be stored in containers lined with plastic liners and having tight fitting covers. ** *
37. Trash and garbage shall be removed from the building daily, or more often if necessary, to maintain the premises in a clean condition. ** *
38. Rooms with toilets and lavatories shall be equipped within easy reach of children with the following: ** *
- (i) Liquid soap, ** *
 - (ii) Toilet tissue, and** *
 - (iii) Single use towels or cloth towels used only once in between launderings. ** *
39. To reduce the transfer of airborne diseases, sleeping and resting equipment shall be placed in the children's area as follows:
- (i) There shall be a minimum of a twenty-four inch (24") corridor between each row of sleeping or resting equipment;
 - (ii) There shall be a minimum of twelve inches (12") between each piece of sleeping and resting equipment in each row of equipment; and
 - (iii) Children shall be placed on sleeping equipment so that one child's head is toward another child's feet in the same row.
40. Sleeping equipment shall be arranged in the child care areas during evening and nighttime care so that the children's sleep will not be unnecessarily interrupted by delivery and pick-up of other children. **
- (f) **Activities.** The group day care home shall provide a daily planned program of varied and developmentally appropriate activities that promote the social, emotional, physical, cognitive, language and literacy development of each child. Group day care home staff shall use a variety of teaching methods to accommodate the needs of the children's different learning styles. **

1. Current lesson plans shall be kept on site and reflect appropriate instruction practices and activities to support children's development. The group day care home shall have sufficient and varied play and learning equipment and materials to support the above program of activities in all developmental areas. Opportunities for each child to make choices in a variety of activities shall be offered. Children with special needs shall be integrated into the activities provided by the group day care home unless contraindicated medically or by parental or guardian agreement.

2. **Variety of Activities.** Activities shall be planned for each group to allow for: **

(i) Indoor and outdoor play, **

(ii) A balance of quiet and active periods, **

(iii) A balance of supervised free choice and caregiver-directed activities, **

(iv) Individual, small group, and large group activities, **

(v) Large muscle activities, such as, but not limited to, running, riding, climbing, balancing, jumping, throwing, or digging, **

(vi) Small muscle activities, such as, but not limited to, building with blocks or construction toys, use of puzzles, shapes, nesting or stacking toys, pegs, lacing, sorting beads or clay;

(vii) Language experiences such as, but not limited to, listening, talking, rhymes, finger plays, stories, use of film strips, recordings or flannel boards;

(viii) Arts and crafts, such as, but not limited to, painting, coloring, cutting or pasting;

(ix) Dramatic play such as, but not limited to, play in a home center, with dolls, puppets or dress up;

(x) Rhythm and music such as, but not limited to, listening, singing, dancing, or making music; and

(xi) Nature and science experiences such as, but not limited to, measuring, pouring, activities related to the "world around us" such as nature walks, plants, leaves or weather, or experiences in using the five senses through sensory play.

3. **Schedules.** A daily schedule for each group shall be developed to reflect routines and activities. Schedules shall be: *

(i) Flexible but routinely followed to provide structure, *

(ii) Posted in each group's room or area, and*

(iii) Made available to parents or guardians upon request.*

4. **Outdoor Activities.** Outdoor activities shall be provided daily, weather permitting, in accordance with the following: **

(i) Group day care homes operating five (5) hours or more per day shall provide each child who is not an infant at least one and one half (1.5) hours of outdoor activity per day:**

(I) Infants shall spend at least one (1) hour daily out of doors;

(II) Group day care homes operating less than five (5) hours per day shall provide a brief outdoor period for the children daily; and **

(III) A child may be excused from outdoor activities for a limited period of time if there is documentation that outdoor activity is medically contraindicated or there is an occasional written request by the parent or guardian that the child be excused from outdoor activities for a very limited amount of time because of special circumstances.**

5. Staff shall not engage in, or allow children or other adults to engage in, activities that could be detrimental to a child's health or well-being, such as, but not limited to, horse play, rough play, wrestling or picking up a child in a manner that could cause injury.

6. **Individual Attention.** Personnel shall provide individual attention to each child as evidenced by: **

(i) Responding promptly to the child's distress signals and need for comfort. **

(ii) Playing with and talking to the child.**

(iii) Providing and assisting the child with personal care in a manner appropriate to the child's age level, i.e. providing the child privacy in dressing, diapering and toileting functions as the chronological age of the child dictates.**

7. **Routines for Children.** Personnel shall provide routines for toileting, eating, resting, napping (depending upon the age of the children), intervals between activities, and doing school homework, if any. **

(i) Children shall be allowed as they feel the need to:

(I) Go to the toilet, and

(II) Get drinking water;

(ii) Supervised nap or rest periods during the day shall be provided for children under five (5) years of age;

(iii) Quiet activities for school age children, and other children who are not asleep shall be provided. **

- (I) Children who do not sleep during nap or rest period shall not be required to remain lying down for more than one (1) hour during the day;
- (iv) Opportunities for each child to make choices in a variety of activities shall be offered; **
- (v) The use of entertainment media, such as television, video taped programs or movies and video or computer games shall be limited to: **
 - (I) Television programs or computer software produced for the benefit of audiences comprised of young children;
 - (II) "G"-rated movies, i.e., movies that have been rated by the motion picture industry as suitable for a general audience which includes young children, or movies that have not been rated but which have been fully previewed by the administrator who has determined that the movies were produced for the benefit of young children and are appropriate for viewing by young children.;
 - (III) No more than two (2) hours daily per child or group; and
 - (IV) Provided only at times when alternative activities are available for children who choose not to participate. **
- (vi) Staff shall assist and encourage each child to become independent in the development of self-help skills, such as washing hands and face, dressing, eating and toileting.

8. Activities for Children under Three. Children less than three (3) years of age shall:

- (i) Be allowed time to play on the floor daily;
- (ii) Not be routinely left in cribs or playpens except for rest or sleep; and
- (iii) Not spend more than one-half (1/2) hour of time consecutively in confining equipment, such as swings, highchairs, jumpseats, carriers or walkers.
- (g) **Evening Activities.** During evening and nighttime care, activities shall be provided based on children's ages, hours of care and length of time in care:
 - I. Quiet activities and experiences shall be available immediately prior to bedtime.
 - (h) **Field Trips.** The group day care home shall obtain written permission from the parent or guardian in advance of the child's participation in any field trip.**
 - 1. The field trip permission notice shall provide details of the trip including: **
 - (i) The name/address of the trip destination, **
 - (ii) The date of the trip, **
 - (iii) Time of departure, and**
 - (iv) Estimated arrival time back at the group day care home; and**

2. The written parental or guardian approval shall include: **

- (i) Field trip destination, **
- (ii) Parent's or guardian's signature, and**
- (iii) Date of approval. **

3. A list of children and adults participating in the field trip and an emergency medical information record on each child to include 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 group day care home uses in the area where the home is located and the telephone numbers where each child's parent or guardian can be reached, shall be:**

- (i) Left at the group day care home; and**
- (ii) Taken on the trip and in the possession of the adult in charge of the trip. **

4. Each child on a field trip shall have on his person:

- (i) His or her name; and
- (ii) The group day care home's name, address and telephone number.

(i) **Safety.** Disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the group day care home shall not be detrimental to the physical or mental health of any child.**

1. Personnel shall not: **

- (i) Physically or sexually abuse a child, or engage in or permit others to engage in sexually overt conduct in the presence of any child enrolled in the group day care home;**
- (ii) Inflict corporal/physical punishment upon a child; **
- (iii) Shake, jerk, pinch or handle roughly a child; **
- (iv) Verbally abuse or humiliate a child which includes, but is not limited to, the use of threats, profanity or belittling remarks about a child or his family; **
- (v) Isolate a child in a dark room, closet or unsupervised area; **
- (vi) Use mechanical or physical restraints or devices to discipline a child; **
- (vii) Use medication to: **
- (I) Control a child's behavior without written medical authorization issued by a licensed professional and given with the parent's or guardian's written consent; or**
- (II) Discipline a child; **

- (viii) Restrict unreasonably a child from going to the bathroom; **
- (ix) Punish toileting accidents; **
- (x) Force feed a child or withhold feeding a child a regularly scheduled meals and/or snacks; **
- (xi) Force or withhold naps; **
- (xii) Allow children to discipline or humiliate other children; **
- (xiii) Confine a child for disciplinary purposes to a swing, highchair, infant carrier, walker or jumpseat; or* *
- (xiv) Commit any criminal act, as defined under Georgia law which is set forth in O.C.G.A. Sec. 16-1-1 *et seq.*, in the presence of any child enrolled in the group day care home.**

2. Sleeping and resting equipment shall be arranged to:

- (i) Avoid obstructing access to exit doors;
- (ii) Provide the caregiver access to each child; and
- (iii) Prevent children's access to cords hanging from window treatments and other hazardous objects.

3. Children shall not be permitted: **

- (i) In the kitchen except as part of a planned, supervised learning experience; **
- (ii) To wear around their necks or attached to their clothing pacifiers or other hazardous items; or
- (iii) To participate in a swimming activity or any activity away from the group day care home without the parent's or guardian's written permission.**

4. Infants and children shall not be left unattended while being diapered or having their clothes changed on the diaper changing surface. **

5. All unused electrical outlets within reach of children shall have protective caps specifically designed to prohibit children from placing anything in the receptacle. Electrical outlets in use which the children can reach shall be made inaccessible to the children.

6. Heating and cooling equipment shall be protected to prevent children from touching it.

7. Fans, space heaters, etc. shall be positioned or installed so as to be inaccessible to the children.

**

8. An operable telephone shall be readily available in the group day care home with the following telephone numbers posted in a conspicuous place next to each telephone. In those areas of the state serviced by the 911 emergency number, 911 may be posted in lieu of the phone numbers required for (ii), (iii), and (iv) below: ***

- (i) A physician or hospital; ** *
- (ii) An ambulance or rescue squad service; ** *
- (iii) The local fire department; ** *
- (iv) The local police department; ** *
- (v) The county health department; and ** *
- (vi) The regional poison control center. ** *

9. Construction and maintenance work shall take place only in areas that are not accessible to the children. **

10. Interior group day care home door locks shall permit personnel to open the locked room from the outside of the room in an emergency.

11. All floor level windows or full-length glass doors shall be constructed of safety glass with decals applied at the eye level of the children or such windows or doors shall have protective devices covering the glass designed to prevent the children from getting cut by the glass should it break for any reason. ** *

12. Doors to rooms not approved for child care, other than kitchen doors, shall be latched or locked so children cannot wander into those areas. Children shall not be permitted access to any area not approved for child care, including the kitchen. ** *

13. The group day care home premises shall be free of plants and shrubs which are poisonous or hazardous. * * *

14. When permanent swimming or wading pools are located on the group day care home premises, applicable local regulations regarding the design, construction, operation, and maintenance shall be followed. **

15. All swimming and wading pools shall be: **

- (i) Inaccessible to children except during supervised activities; and **
- (ii) Operated and maintained in accordance with acceptable health standards. **

16. The group day care home shall have available at all times: ** *

- (i) A licensed driver; and **
- (ii) A vehicle which meets vehicle safety rules; or ** *
- (iii) A plan approved by the Department for alternative emergency transportation. ***

17. 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 trailered attachment to a motor vehicle.**

(i) **Transportation Requirements.** The transportation requirements that follow apply to all transportation provided by the licensee, including transportation provided by any person on behalf of the licensee, regardless of whether the person is employed by the licensee. 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, whether a fee is charged for this service or not 18. The group day care home shall develop a written transportation plan to ensure that children who are using transportation contracted for or provided by the group day care home are accounted for in all situations arising from the use of the transportation.**

(i) **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.

I. The first and last name of each child transported shall be documented on the checklist. Each child shall be listed individually; a sibling group shall not be listed as a single entry, for example, "Smith children."

II. The director shall designate either the driver of the vehicle or the additional person on the vehicle as the person responsible for completing the checklist.

III. The driver or other designated person shall immediately document in writing, with a check or other mark/symbol on the checklist, each time a child gets on and off the vehicle so that each child is accounted for every time the vehicle is loaded or unloaded. The driver or other designated person shall also document in writing the following information on the checklist:

a. The written time of departure/arrival for all types of transportation as described below:

(1). School Transportation - Each time the vehicle departs from the group day care home, arrives at each school(s) and when the vehicle returns to the group day care home.

(2). Home Transportation - Each time the vehicle departs from the group day care home, arrives at the location where a child or children are dropped off and when the vehicle returns to the group day care home.

(3). Field Trip Transportation - Each time the vehicle leaves the group day care home, arrives at the field trip destination, leaves the field trip destination, and when the vehicle returns to the group day care home.

b. The initials of the driver or additional designated person to verify the arrival and departure times at each location.

IV. The staff person on the vehicle responsible for keeping the checklist shall give the completed checklist to the Director or the Director's designated staff person at the group day care home as set forth below:

a. Immediately upon return to the group day care home at the completion of the trip once the vehicle has been checked.

b. Immediately upon arrival at the group day care home on the next business day following completion of the trip if the vehicle did not return to the group day care home at the end of the trip or if the group day care home was closed when the vehicle returned.

(ii) Transportation checklists shall be maintained as part of the records of the group day care home for one (1) year;

(iii) **Checking the Vehicle – Group Day Care Homes Using Transportation Vehicles Without Child Safety Alarm Devices.** To ensure that all children have been unloaded from transportation vehicles that are not equipped with Department approved and recognized child safety alarms, the vehicle shall be thoroughly checked first by a staff person who was present on the vehicle during the trip and then by the director or the director's designated staff person who was not on the vehicle during the trip.

I. Immediately upon unloading the last child at any location including, but not limited to, a field trip destination, arrival at the group day care home, and the last stop during transportation to home or school, the responsible person on the vehicle shall:

a. Physically walk through the vehicle;

b. Visually inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior;

c. Sign the passenger transportation checklist with their full name, indicating all of the children have exited the vehicle; and

d. Give the checklist to the director or designated staff person at the group day care home, who will also check the vehicle as stated in 290-2-1-.11(i)18.(iii)I.a. through c. above.

II. If the director or other designated staff person is not available and the driver is the only staff person present, the driver shall check the vehicle as stated in 290-2-1-.11(i)18.(iii)I.a. through c. above 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 group day care home 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 or school transportation or on a field trip; the driver takes the vehicle home at the end of the day). Such telephone contact shall be documented and signed on the checklist by the staff person.

(iv) Checking the Vehicle – Group Day Care Homes Using Transportation Vehicles with Child Safety Alarm Devices. Any vehicles designed or used to transport more than seven (7) passengers and one (1) driver that have Department approved and recognized child safety alarm devices installed shall meet the following requirements to ensure that children have been unloaded from the vehicle as long as the devices are properly maintained in working order. Any vehicle with a child safety alarm device that is not in working order shall follow the rule for checking a vehicle that does not have such device.

I. The alarm system shall be installed so that the driver must walk to the very back of the vehicle to reach the switch that deactivates the alarm. Only the driver or other group day care home staff shall deactivate the alarm. Alarm switches installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas will not be acceptable or approved by the Department.

II. The alarm system may be installed by any certified technician or mechanic employed by a recognized electronics or automotive business in accordance with the devices manufacturer's recommendations.

III. The time delay from activation of the alarm until the alarm sounds shall be no longer than one minute.

IV. Group day care homes shall comply with one of the following three options for using the child safety alarm device when children are being delivered at the facility or to any other destination when the vehicle is unloaded. Other options must be approved by the Department.

a. Unload all of the children, walk through the vehicle to ensure that no children remain on board and deactivate the alarm. (This option will only work if you are able to unload all children in less than one minute.)

b. Upon arrival, have one staff member immediately walk through the vehicle to deactivate the alarm system. That staff member will remain near the alarm switch at the back of the vehicle until all children have been unloaded to ensure that no child is left on board. (This option will require at least two staff members, one to supervise the children and one to remain inside the vehicle.)

c. Upon arrival, deactivate the alarm and unload the children. Immediately after unloading, start the vehicle and move it to a different location for final parking. (This will reactivate the alarm and require a final walk through.)

V. For any of the transportation vehicle unloading options contained in 290-2-1-.11(i)18.(iv)IV.

a. through c. above, selected by the group day care home, the vehicle shall be thoroughly checked by the staff person who was present on the vehicle during the trip to ensure that all children have been unloaded from the vehicle.

a. Immediately upon unloading the last child at any location including, but not limited to, a field trip destination, arrival at the group day care home, and the last stop during transportation to home or school, the responsible person on the vehicle shall:

1. Physically walk through the vehicle;
2. Visually inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior;
3. Sign the passenger transportation checklist with their full name, indicating all of the children have exited the vehicle; and
4. Give the checklist to the director or designated staff person at the group day care home.
5. If the director or other designated staff person is not available to receive the checklist and the driver is the only staff person present, the driver shall check the vehicle as stated in 290-2-1-.11(i)18.(iii)I.a. through c. above 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 group day care home 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 or school transportation or on a field trip; the driver takes the vehicle home at the end of the day.) Such telephone contact shall be documented and signed on the checklist by the staff person.

(v) Immediate action shall be taken to locate children missing from the transporting vehicle, the field trip site, the group day care home or the children's homes if the group day care home was responsible for transporting the children to their homes and the children were not delivered to the physical possession of their parents, guardians or other designated adults.**

19. The transportation plan record shall require that an emergency medical information card for each child shall include a listing of the child's allergies, special medical needs and conditions, current prescribed medications that the child is required to take on daily basis for a chronic condition, the name and phone number of the child's doctor, the local medical facility that the home uses in the area where the home is located, and the telephone numbers where the parent or guardian can be reached.** *

20. Vehicles used for transporting children shall be maintained in accordance with these standards established by the Department: ** *

(i) Each vehicle shall have a satisfactory annual safety check of: tires, headlights, horn, tail-lights, brakes, suspension, exhaust system, steering, windshields and windshield wipers;** *

(ii) A copy of the inspection report (Form # 699), or its equivalent, provided by the Department shall be maintained in the group day care home or in the vehicle. ** *

(I) Inspection reports shall include the name of the person performing the safety check and the date that the inspection was performed. ** *

(iii) The interior of each transportation vehicle shall be: ** *

(I) Equipped with a fire extinguisher inaccessible to the children and a functioning heating system;** *

(II) Clean;** *

(III) Free of hazardous objects or other non-essential items which could impede the children's access or egress from the vehicle or could cause injury to the children if the items were thrown about the vehicle as a result of a collision; and ** *

(IV) In safe repair. ** *

(iv) No window, except the driver's, in a transporting vehicle shall be opened to more than fifty percent (50%) of its capacity at any time children are on board;

(v) Each vehicle used to transport children shall contain the following current information: **

(I) Names of all children transported and each child's:**

I. Pick up location;**

II. Pick up time; **

III. Delivery location; **

IV. Delivery time; * *

V. Length of time on the vehicle; **

VI. Alternate delivery location if parent or guardian is not at home; **

(II) Name of person to receive the child: **

I. A child shall not be dropped off at any location if there is no one to receive the child; and **

(III) Identification of the group day care home's: **

I. Name; **

II. Driver; and **

III. Telephone number. **

21. The motor shall be turned off, the brake set and the keys removed whenever the driver leaves the vehicle. * *

22. Transporting vehicles shall be parked or stopped so that no child will have to cross the street in order to: **

(i) Meet the vehicle; or **

(ii) Arrive at a destination. **

23. Any vehicle used by the group day care home to transport children shall have vehicle seats which are securely fastened to the body of the vehicle. ** *

24. All children transported in a vehicle provided by or used by the group day care home shall be secured in a child passenger restraining system or seat safety belt in accordance with state and federal law and regulations. The child passenger restraining systems and seat safety belts must be installed and used in accordance with the manufacturer's directions for such systems and seat safety belts with respect to restraining, seating or positioning the child being transported in the vehicle. *

25. There shall be no more than three (3) persons in the front seat of a transporting vehicle including the driver. The group day care home must follow applicable state and federal laws and regulations and the vehicle manufacturer's recommendations when allowing children to sit in the front seat. **

26. No vehicle used by the group day care home in transporting children shall exceed the manufacturer's rated seating capacity for the vehicle. The group day care home shall maintain on

file proof of the manufacturer's rated seating capacity for each vehicle the group day care home uses. * * *

27. A child shall not be left unattended in a vehicle. **

28. Unless accompanied by his parent or guardian, no child shall be required to travel more than forty-five (45) minutes on each trip between the group day care home and destination point, excluding field trips.

29. The group day care home shall assume responsibility for the child from the time and place the child is picked up until the child is delivered to his or her parent or guardian or to a responsible person designated by his or her parent or guardian. **

30. Animals shall be controlled to assure that: ** *

(i) Proper sanitation of the premises is maintained; and** *

(ii) Animals are not a hazard to children, personnel or visitors at the group day care home. No animals, such as, but not limited to, pit bull dogs, ferrets and poisonous snakes, which may have a vicious propensity, shall be permitted on the group home premises at any time there are children on the premises for which the staff are responsible.** *

(iii) Horses or other farm animals shall not be quartered on any property over which group day care home staff exercises any control that is located within five hundred (500) feet of the building in which the group day care home is located.** *

31. All animals shall be confined in pens or covered areas except for specific teacher directed learning experiences. ** *

(i) Animal pens and confinement areas shall be kept clean; and;** *

(ii) Animals shall be properly vaccinated and documentation of the vaccinations shall be maintained at the group day care home. ** *

32. Immediately prior to the group day care home closing at the end of the business day, a staff member shall make a physical inspection of the entire premises to verify that all children have been returned to their parent, guardian or other designated adult.**

33. The group day care home shall not allow any person to remain on the group day care home premises if the person does not have a legitimate reason for being on the premises. **

34. The group day care home staff shall comply with all applicable laws and regulations. **

Authority O.C.G.A. Secs. 20-1A-1 et seq., 40-8-76, 49-5-1 et seq., 49-5-12. **History.** Original Rule entitled "Building and Grounds" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New

Rules and Regulations for Group Day Care Homes

Rule entitled "Operations, Health, Safety and Activities" adopted. F. Apr 1, 1991; eff. Apr 21, 1991. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009. **Repealed:** New Rule of same title adopted. F. Aug. 5, 2010; eff. Aug. 25, 2010. **Amended:** ER. 290-2-1-0.20-.11 entitled "Operation, Health, Safety and Activities" adopted. F. July 20, 2011; eff. July 21, 2011, as specified by the Agency. **Repealed:** ER. 290-2-1-0.20-.11 of the same title adopted. F. Nov. 18, 2011; eff. Nov. 18, 2011 the date of the adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency. **Repealed:** Permanent Rule of the same title adopted. F. Dec. 12, 2011; eff. Jan. 1, 2012.

290-2-1-.12 Physical Environment and Equipment.

A person planning the construction of a new group day care home or any structural changes to an existing group day care home shall obtain the following approvals and submit evidence of the same to the department:***

(a) **Required Approvals.** The group day care home shall be approved by the local zoning authority. ***

(b) The group day care home plans shall be approved prior to construction or renovation by: ***

1. The appropriate fire marshal or state inspector, and** *
2. The local building official, and** *
3. The department. ** *

(c) All water sources, if other than an approved city or county system shall be approved by the proper authority having jurisdiction. ** *

(d) In all new group day care homes, all sewage disposal systems, if other than an approved city or county system, shall be approved by the local county health department and specify the number of persons the system is approved to serve.** *

(e) The group day care home shall submit proof of compliance with applicable regulations of the state fire marshal, the proper local fire marshal or state inspector, including a certificate of occupancy if required, prior to receiving any children for care.** *

(f) **Physical Plant Requirements.** The following spaces shall not be used as activity areas for children: ** *

1. Basement areas in excess of twenty-five (25) linear feet from a window; *
2. Rooms with floor levels lower than three (3) feet or more below ground level on all sides; and *
3. Any area unapproved for use by authorities having jurisdiction. * *

(g) Ceilings in the group day care home shall be at least seven (7) feet in height.** *

(h) The group day care home shall be: ** *

1. Maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-five (85) degrees Fahrenheit depending upon the season;** *

2. Lighted with a minimum of twenty-five (25) foot candles of illumination except during scheduled nap or rest periods. Areas used for napping shall be lit dimly; and** *

3. Ventilated either by mechanical or natural means to provide fresh air and control unpleasant odors. ** *

(i) The indoor area, i.e. the room(s) used for the play, rest and eating activities , shall provide thirty-five (35) square feet of usable space per child:** *

1. Kitchens, bathrooms, closets, halls, storage areas or rooms, offices, rooms designated for staff use, other single use areas, and space occupied by adult size furniture shall be excluded in determining usable space. ** *

(j) Upon approval by the department, a holder of a license or commission may designate two (2) specific one (1) hour periods each day when only twenty-five (25) square feet of space per child is provided for children three (3) years of age and older in their assigned rooms or areas:** *

1. Interested licensees or commission holders shall submit a written request for such designation on forms provided by the department. ** *

(k) Child care rooms shall have outside windows which receive natural sunlight and equal not less than five percent (5%) of the floor area in each room, unless central heating and air conditioning are provided.*

1. Facilities which do not have a functioning central heating and air conditioning system shall make fifty percent (50%) of all required windows operable for ventilation. Any openings used for ventilation shall be screened. ** *

2. For group day care homes first licensed after the effective date of these rules and for group day care homes that are renovated after the effective date of these rules, diapering areas shall be ventilated by functioning exhaust fans and a duct system or by the required operable windows. *

(l) For evening and nighttime care, separate changing areas shall be provided for children of the opposite sex eight (8) years of age and older. ** *

(m) Toilets and lavatories which are accessible to the children shall be located on each floor, in or adjacent to the child care areas or rooms. ** *

(n) Flush toilets and lavatories (hand washing sinks) with running water shall be provided in the following minimum ratios for the use of all children: ***

1.	Number of Children	Toilets and Lavatories
	1 – 12	1
	13 – 18	2

(i) If used, toilet potty chairs shall after each use be emptied by disposal in a flush toilet, cleaned with a disinfectant, and stored in the bathroom. If a sink is used, it shall be disinfected after each use.

(o) When child-size fixtures are not provided, platforms or sets of steps to assist children who are unable to use the fixtures comfortably shall be available at the toilets and lavatories. *

(p) In group day care homes licensed after the effective date of these rules and in homes that remodel or add to existing plumbing facilities, the bathroom area shall be fully enclosed and ventilated to the outside of the building with either an open screened window or functioning exhaust fan and duct system. Homes without fully enclosed bathrooms shall ensure that there is adequate ventilation to control odors and adequate sanitation measures to prevent the spread of contagious diseases. *

(q) A copy of the hand washing chart, provided by the department, shall be posted above or beside each lavatory used by adults.*

(r) Diapers shall be changed in the child's own crib or on a diaper changing surface that is used for no other purposes other than changing clothes in each room where infants or any other children wearing diapers are served.*

1. The diaper changing surface shall be:*

(i) Smooth; *

(ii) Non-porous; and*

(iii) Equipped with a guard or rail to prevent falls. *

(s) The following items shall also be provided at the diapering area:*

1. Soap;*

2. Individually dispensed, single-use hand towels; *

3. Single-use wash cloths; and*

4. Covered storage container for soiled items.*

(t) In group day care homes first licensed after the effective date of these rules and group day care homes that renovate existing plumbing facilities, a hand washing lavatory with running

heated water shall be located adjacent to the diapering area. Flush sinks shall not be used for hand washing. Cleansing procedures in existing facilities shall be approved by the department.*

(u) Staff shall wash their hands after each diaper change they perform.*

(v) Individual storage spaces which are accessible to children who are not infants shall be provided for each child's:**

1. Outer garments; and**

2. Personal belongings. **

(w) Locked or securely fastened storage spaces or cabinets shall be used for the storage of supplies, seasonal toys, decorations and other excess equipment. Children shall not be permitted access to these storage spaces or cabinets.* *

(x) The following shall be kept in a locked area out of the reach of children and separate from food storage areas and used by the staff in such a way as to be inaccessible to the children:**

1. All potentially hazardous equipment, such as, but not limited to, lawn and garden tools, repair equipment, maintenance and cleaning equipment, and razors;**

2. Non-food related products under pressure in aerosol dispensing cans;*

3. Flammable materials and liquids;**

4. Corrosive materials;**

5. Cleaning supplies;**

6. Insecticides;**

7. Poisons;**

8. Office supplies; and**

9. Industrial-sized or commercial buckets with a capacity of three (3) gallons or more or any other similar device with rigid sides which would be unlikely to tip over if a toddler fell into the container head first.

(y) For group day care homes first licensed after the effective date of these rules, the group day care home shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times the group day care home's licensed or commissioned capacity for children. ** *

1. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time; ** *

2. Outside play areas shall be adjacent to the group day care home or in an area which can be reached by a safe route or method approved by the department; ** *
3. Play areas shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by the department; ** *
 - (i) Fencing material shall not present a hazard to children, and shall be maintained so as to prevent children from leaving the play area by any other means than through an approved access route; ** *
 - (ii) Fence gates shall be kept closed except when persons are entering or exiting the area; ** *
4. The outdoor play space shall have a surface suitable for varied activities; *
 - (i) Hard surfaces, such as gravel, concrete, or paving shall not exceed one fourth (1/4) of the total outdoor play area; *
5. Outside play areas shall be kept: ** *
 - (i) Clean, ** *
 - (ii) Free from litter, ** *
 - (iii) Free of hazards such as, but not limited to non-resilient surfaces under the fall-zone of play equipment, rocks, exposed tree roots and exposed sharp edges of concrete or equipment; * * *
6. Shaded areas shall be provided in the outside play areas; *
7. All outside play equipment shall be arranged so as not to obstruct supervision of children; and ** *
8. Climbing and swinging equipment shall be: ** *
 - (i) Anchored, and ** *
 - (ii) Have a resilient surface beneath the equipment and the fall-zone from such equipment which is adequately maintained by the group day care home to assure continuing resiliency. ** *
 - (z) Any outside storage or equipment area shall be locked or separated from the children by a barrier or be enclosed and shall not be accessible to the children. ** *
 - (aa) Sufficient parking areas shall be provided to permit safe discharge and pick up of children. ** *
 - (bb) The group day care home shall provide outside lighting at entrances and exits used by children when the group day care home provides evening or nighttime care. ** *
 - (cc) **General Requirements.** All indoor and outdoor furniture, activity materials, and equipment shall be used in a safe and appropriate manner by each employee and child in attendance and in

accordance with the manufacturer's instructions, recommendations, and intended use. All equipment and furniture shall be used only by the age-appropriate group of children and shall be:
** *

1. Free from hazardous conditions such as, but not limited to, sharp, rough edges or toxic paint;** *
2. In safe operating condition;** *
3. Placed so as to minimize danger of accident or collision;** *
4. Placed so as to permit the children's freedom of movement; ** *
5. Kept clean; and** *
6. Secured if equipment and furniture is of a weight or mass that could cause injury from tipping, falling, or being pulled or pushed over. Potentially unstable equipment and furniture that might injure a child if not secured include, but are not limited to, televisions, chests of drawers, bookcases, shelving, cabinets and fish tanks. Examples of items not required to be secured include, but are not limited to, child-sized tables and chairs, rocking chairs, and cribs.

(dd) **Toys For Children Under Three.** All toys used by children less than three (3) years of age shall be appropriate for the age of the children using the toys. These toys shall be:

1. Easily cleaned;
2. Non-toxic and lead-free;
3. Too large to be swallowed by a child and not capable of causing asphyxiation or strangulation;
4. Have no sharp pieces, edges or points or small parts which may be pried off by a child;
5. Be free of rust; and
6. Cleaned with a disinfectant daily.

(ee) **Accessibility of Toys.** A variety of age-appropriate toys and play materials shall be stored on low open shelves accessible to children in each room or assigned area. Infants and children shall not be permitted to play with toys which are not designed for their particular age group or younger. Projectile launchers of any sort , such as dart guns, pop guns, and slingshots etc. shall not be allowed at the group day care home. Balloons shall not be accessible to preschool children.**

(ff) **Outdoor Equipment.** The outdoor play equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for school-age children. The outdoor

equipment shall be free of rust, lead-based paint, splinters and sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose a significant safety hazard to the children. *

(gg) **Tables.** There shall be table space provided for each child who is able to sit at a table unassisted. *

1. An appropriately-sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.*

(hh) **Feeding Chairs.** A feeding chair or similar equipment designed for feeding children shall be provided for the use of each child being fed who is capable of sitting up but who is unable to sit unassisted at a table.*

1. High chairs or similar equipment shall have:*

(i) A broad base to prevent tipping;*

(ii) A surface that the child cannot raise; *

(iii) A strap or other device to prevent the child from sliding out of the chair; and*

(iv) A feeding surface, free of cracks. *

(ii) **Cleaning of Tables and Feeding Chairs.** After each use, table tops and high chairs or similar equipment shall be cleaned with a disinfectant.*

(jj) **Sleeping Equipment.** Individual sleeping equipment shall be available for each child.*

1. A crib with a mattress shall be available for each infant. *

(i) Cribs shall be of sturdy construction with bars no more than two and three-eighths (2 and 3/8) inches apart. *

(ii) Stack cribs shall not be used.*

(iii) If crib mobiles or other mobiles are used in the group day care home, the mobiles shall be placed or installed in such a manner so as to be incapable of being touched by any infant or child.*

(iv) Each crib mattress shall be at least two (2) inches thick and covered with a waterproof, washable material. *

(v) Locks and latches on the drop-side of the crib shall be safe and secure from accidental release.*

(vi) Crib sides shall always be up and the fastenings secured when a child is in the crib, except when personnel are standing at the side of the crib giving the child personal attention.

(vii) There shall be no restraining devices of any type used in the crib unless prescribed in writing by a physician. Staff shall be responsible for using the restraints safely and in accordance with the prescription.

(viii) Loose plastic materials shall not be used in cribs.

(ix) Each crib shall have individual crib-size bedding, including a sheet and a cover which is:

(I) Changed daily or more often if necessary; and

(II) Changed prior to a change of occupant.

(x) Before a change of occupant, each crib and mattress shall be cleaned with a disinfectant.

2. Depending on the developmental stage of the one (1) year old child, a crib or playpen or mat or cot shall be available for resting or sleeping. A crib shall not be used with an infant who has learned how to climb out of a crib. *

(i) Playpens shall have a two (2) inch mat.*

(ii) Playpens shall be stored outside of children's activity room or area when children are not napping or resting.*

3. A cot or mat shall be available for each child who is two (2) years or older who is required to take a nap. *

(i) Cots and mats, if stored in the children's activity room or area, shall be arranged so as to:*

(I) Prevent children's access to them; and*

(II) Allow maximum use of play space.*

(ii) Mats shall be:*

(I) Covered with waterproof material;*

(II) Washable; and*

(III) At least two (2) inches thick. *

4. For nighttime care, each child, except infants who require individual cribs, shall be provided an individual: *

(i) Bed with a four (4) inch mattress; or*

(ii) Cot with a two (2) inch pad.*

5. Sleeping and resting equipment shall be:*

(i) Of sound construction;*

(ii) Of sufficient size to accommodate comfortably the size and weight of the child;*

(iii) Marked for individual use and used by the same child daily; and*

(iv) Kept clean. *

6. Sleeping equipment shall be covered with a clean sheet or similar covering.*

(i) Sheets shall either be individually marked or laundered daily; and*

(ii) Individually marked sheets shall be laundered weekly; or more frequently as needed.*

7. A light weight cover shall be available for each child's use.*

(i) Covers shall either be individually marked or laundered daily; and*

(ii) Individually marked covers shall be laundered weekly, or more frequently as needed.*

8. Pillows shall not be used by children under two (2) years of age. *

(i) When used for older children, pillows shall be:*

(I) Assigned for individual use; and*

(II) Covered with individually marked pillow cases or covered with cases that are laundered daily; and *

(III) Individually marked pillow cases shall be laundered weekly, or more frequently as needed.*

Authority O.C.G.A. Secs. 20-1A-1 et seq., 49-5-8, 49-5-12, 49-5-14. **History.** Original Rule entitled "Fire Safety Requirements" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Physical Environment and Equipment" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

290-2-1-.13 Emergency Situations.

A group day care home shall have a written plan for handling emergencies, including but not limited to, severe weather, loss of electrical power or water and death, serious injury or loss of a child, which may occur at the group day care home. No group day care home personnel shall impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.***

Authority O.C.G.A. Secs. 49-5-8, 49-5-12. **History.** Original Rule entitled "Transportation" adopted. F. Feb. 21, 1983; eff. Mar.23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Emergency Situations" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.14 Food Services and Nutrition.

The group day care home shall ensure that the children receive nutritious meals and snacks for the children in accordance with the following: ** *

(a) A written feeding plan for children less than one (1) year of age shall be obtained from parents.

1. Instructions from the parents shall be updated regularly as new foods are added or other dietary changes are made; and

2. The parent shall sign the feeding plan.

(b) The feeding plan shall be posted in the child's assigned room and shall include

1. The child's feeding schedule;

2. The amount of formula or breast milk to be given;

3. Instructions for the introduction of solid foods;

4. The amount of food to be given; and

5. Notation of any type(s) of commercial premixed formula which may not be used in an emergency because of food allergies.

(c) When formula is provided by the group day care home, only commercially prepared, ready-to-feed formula shall be used. When formula or breast milk is provided by the parents, it shall be provided in individually marked baby bottles. Any unused formula or breast milk remaining one hour after the beginning of the feeding shall be discarded or returned to the parent at the end of the day.

(d) All baby bottles shall be clearly labeled with the individual child's name.

1. Only the current day's formula shall be served and shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or below.

(e) Group day care home personnel shall hold and feed infants less than six (6) months of age and older children who cannot hold their own bottles or sit alone.

1. Baby bottles shall never be propped; and

2. The infant's head shall be elevated while feeding.

(f) Honey shall not be served to children less than one (1) year of age.

(g) As soon as the feeding plan indicates that a child is ready for solid foods, the child shall be fed from individual spoons and individual containers or dishes.

(h) A child shall not be fed directly from the original baby food container if the contents are to be fed to the child at more than one (1) meal or to more than one (1) child.

(i) As soon as the children exhibit a desire to feed themselves, the children shall be assisted and encouraged to

1. Use their fingers for self-feeding, eat with a spoon, and
2. Drink from individual cups.

(j) Food shall be served*

1. In individual plates or bowls for each child, and**
2. With individual utensils of a size appropriate for the age of the child. **

(k) Beverages shall be served in individual glasses or cups. **

(l) Children shall be encouraged but not forced to eat. Caregivers shall not use food to reward or punish children. **

(m) Children shall be**

1. Given necessary assistance in feeding;
2. Encouraged to try a variety of foods in order to develop good nutritional habits.

(n) Powdered non-fat dry milk shall only be used for cooking purposes.

(o) Food and drinks shall be prepared in an area that is not used for diaper changing and as close to serving time as possible to protect children and personnel from food-borne illnesses.

(p) Any portions of food or drink which are served to children or placed on the table for service and are not consumed at that meal or snack by the children to whom the portions are served shall be thrown away.

(q) The group day care home shall provide a menu listing all meals and snacks to be served during the current week except for school-age group day care homes where food may be provided by the parents by agreement between the school-age group day care home and the parents. The menu shall be*

1. Dated; and*
2. Posted near the front entrance of the group day care home in a location conspicuous to parents.*

(r) Menu substitutions shall be recorded on the posted menu.

- (s) Menus shall be retained at the group day care home for six (6) months.
- (t) When a child requires a modified diet for medical reasons, a written statement from a medical authority shall be on file. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's parents shall be on file. **
1. All caregiver personnel shall be informed of the diet restrictions for the child; and
 2. Only food that complies with the prescribed dietary regimen but still meets the food and nutrition requirements shall be served to the child.
- (u) Each group day care home shall have designated space for food preparation and storage areas separate from rooms used by children.*
- (v) Food preparation surface areas shall be nonporous with no unsealed cracks or seams.*
- (x) Kitchen lights shall be shielded.*
- (y) Ventilation shall be provided either by mechanical or natural means so as to provide fresh air and control of unpleasant odors in the food preparation area.*
- (z) Water supply and sewage disposal systems, if other than community systems, shall be approved by the local county health authorities. ** *
- (aa) Staff shall wash their hands and arms thoroughly with soap and warm water before starting food service work and shall wash hands during work hours as often as may be necessary to remove soil and contamination as well as after visiting the toilet room.** *
- (bb) Food purchased from a caterer shall be prepared in a facility with a current food service permit, and shall be maintained at a safe temperature (forty-five (45) degrees Fahrenheit or below for foods requiring refrigeration or one hundred forty (140) degrees Fahrenheit for foods which must be heated prior to serving) until served.*
- (cc) All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.** *
- (dd) Food shall be in sound condition, free from spoilage and contamination and shall be safe for human consumption.**
- (ee) All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination.**

(ff) Containers for food storage other than the original container or package in which the food was obtained shall be impervious and nonabsorbent, have tight fitting lids or covers and labeled as to contents. **

(gg) Containers of food shall be stored above the floor on clean surfaces, in such a manner as to be protected from splash and other contamination. **

(hh) Eggs, pork, pork products, poultry, and fish shall be thoroughly cooked. **

(ii) Meats, poultry, fish, dairy products, bakery products, and processed foods shall have been inspected under an official regulatory program. **

(jj) Hot foods shall be maintained at a temperature of one hundred forty (140) degrees Fahrenheit or above except during serving. Hot foods shall not be served at a temperature which would cause the children to burn their mouths upon consuming the food. **

(kk) Staff shall not use tobacco in any form while engaged in food preparation or service, or while in the food preparation area or while cleaning equipment and utensils.

(ll) Chipped or cracked dishes shall not be used. **

(mm) Food service equipment and preparation areas shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits. **

(nn) Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying. A three (3) compartment sink or a dishwasher with a sani-cycle or capability of maintaining a rinse water temperature of a minimum of one hundred fifty (150) degrees Fahrenheit and a two (2) compartment sink shall be available. Dishes, glasses and silverware shall be rinsed in the approved dishwasher or rinsed in a chemical sanitizing agent and air dried. ** *

(oo) Garbage shall be stored in trash containers with lids. Containers shall be emptied and cleaned as needed. Acceptable facilities, including water and detergent or steam, shall be provided and used for cleaning containers. Areas around outside containers shall be kept clean. ** *

(pp) Poisons, medicines, cleaning chemicals, razors, aerosol cans, etc. shall be kept in a safe, or locked location that is inaccessible to the children. ** *

(qq) Children shall be served all meals and snacks scheduled for the period during which they are present. In those group day care homes where the parents of children enrolled provide the meals and snacks, the group day care home shall ensure that no child remains at the group day care

home without receiving the scheduled nutritious meals and snacks. The following meals and snacks shall be scheduled and served by the group day care home when appropriate: ** *

1. Breakfast or a morning snack shall be served to each child;** *
2. Lunch;** *
3. An afternoon snack;** *
4. Supper shall be served during evening care;** *
5. An evening snack shall be served prior to bedtime; and*

6. There shall be a period of at least two (2) hours between each required meal or snack service.

(rr) Meals and snacks with serving sizes depending upon the age of the child shall meet nutrition guidelines as established by the United States Department of Agriculture Child Care Food Program.** *

(ss) Meals and snacks shall be varied daily.

(tt) Additional servings of nutritious food shall be offered to children over and above the required daily minimum, if not contraindicated by special diets.

(uu) Soft drink vending machines and other food dispensers shall not be maintained on group day care home premises for the children's use.*

1. Dispensers for personnel use shall be outside of the children's areas.

(vv) Drinking water shall be available to all children.** *

1. Drinking water shall be offered at least once between meals and snacks to children under three (3) years of age.

(xx) Peanuts, hot dogs, raw carrots, popcorn, fish with bones and grapes shall not be served to the children under three (3) years of age. Children older than three (3) years of age may be served these foods provided that the foods are cut in such a way as to minimize choking.

(yy) Foods and drinks with little or no nutritional value, i.e. sweets, soft drinks, etc., shall be served only on special occasions and only in addition to the required nutritious snacks.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 49-5-8, 49-5-12. **History.** Original Rule entitled "Applications for License" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Food Services and Nutrition" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.

290-2-1-.15 Waivers and Variances.

The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed on forms provided by the department. The department may establish conditions which must be met by the group day care home in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations: **

(a) **Variance.** A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulation in question.

(b) **Waiver.** The department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.**

(c) **Experimental Variance or Waiver.** The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.**

Authority O.C.G.A. Sec. 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Secs. 31-2-4, 49-5-8. **Administrative History.** Original Rule entitled "Inspections: Access by Department Staff" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency. **Repealed:** Rule entitled "Waivers and Variances" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.16 Enforcement and Penalties.

No group day care home shall operate in the State without a license or commission unless the Department determines that it is exempt from licensure or commission requirements. A license or commission to operate a group day care home may be denied, revoked, restricted or suspended in accordance with the following:**

(a) **Refusal of a License or Commission.** The Department shall refuse to issue a license or commission upon a showing of: **

1. Noncompliance with the Rules and Regulations for Group Day Care Homes which are designated in writing to the facilities as being related to children's health and safety;
2. Flagrant and continued operation of an unlicensed or noncommissioned group day care home in contravention of the law; or
3. Prior license or commission denial or revocation within one (1) year of application. **

(b) **Refusal of a License or Commission.** The Department may refuse to issue a license or commission upon a showing of:

1. The applicant, or the agent of the applicant, denies the Department's representative access to the group day care home for the purposes of determining whether a license or commission will be granted; or,**
2. The director or employees of the group day care home do not undergo the applicable records check and receive satisfactory determinations; or**
3. The applicant, or the agent of the applicant, knowingly makes any false statement of material information in connection with the application for licensure, or in the alteration or falsification of records maintained by the applicant or the agent of the applicant in connection with the application for licensure; or
4. The applicant or alter ego of the applicant or the agent of the applicant has transferred ownership or governing authority of a group day care home or a child care learning center within one (1) year of the date of the new application when such transfer was made in order to avert denial, suspension, or revocation of a license or commission; or

5. The applicant or alter ego of the applicant or persons in management or control of the group day care home have failed to pay a civil penalty or enforcement fine previously imposed by the Department.

(c) **Revocation of a License or Commission.** The Department may revoke a license or commission in the following instances:**

1. Where the Department's representative is refused access to the group day care home for the purpose of determining whether the group day care home is in compliance with these rules; or,**

2. Where the Department determines that a non-correctable deficiency, abuse or dereliction exists in the operation or management of the group day care home; or,**

3. Where the Department determines that a correctable abuse, dereliction or deficiency in the operation or management of the group day care home has not been corrected within a time after:**

(i) having been brought immediately to the attention of the administrator of the group day care home by a Department representative; and,**

(ii) having been advised in writing of the deficiencies and setting a time not to exceed ten (10) working days for the filing of an acceptable plan of correction; and,**

(iii) the licensee or commission holder fails to submit an acceptable plan of correction to the Department within the specified time limits. In determining whether a plan of correction is acceptable, the Department will consider the extent of the deficiencies, whether the licensee or commission holder has previously been cited for the same deficiencies, the history of compliance including whether the licensee or commission holder has complied with previous plans of correction, and whether the correction required can be maintained over time; or**

4. The licensee or commission holder fails to follow the accepted plan of correction; or, **

5. Where the director or employees of a group day care home do not undergo the applicable records checks and receive satisfactory determinations; or**

6. Where there is a flagrant abuse, dereliction or deficiency that constitutes shocking intentional misconduct; or**

7. Where the licensee knowingly makes any false statement of material information in connection with any statement made or on any documents submitted to the Department as part of an inspection, survey, or investigation, or in the alteration or falsification of records maintained by the licensee; or

8. Where the licensee fails to pay a civil penalty or enforcement fine imposed by the Department after the time period for requesting an appeal of the notice of imposition of civil penalty or enforcement fine has expired and the licensee has not submitted an appeal within required time frame in accordance with these rules and regulations; or

9. Where the licensee fails to pay a civil penalty or enforcement fine imposed by the Department after the licensee has submitted a timely appeal of the notice of imposition of civil penalty or enforcement fine and the imposition of the civil penalty or enforcement fine has been affirmed in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., and applicable law.

(d) **Suspension of a License or Commission.** The Department may suspend the license or commission to operate a group day care home in the following instances: **

1. Where the director or employees of a group day care home do not undergo the applicable records checks and receive satisfactory determinations, or**

2. Where the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to this effect in its order summarily suspending the license pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined.**

(e) **Restriction of a License or Commission.** The Department may restrict or limit a regular, restricted or temporary licensee or commission holder from providing certain kinds of care or services to children or limiting the number and/or age of the children who may be served if the Department determines that the licensee or commission holder either cannot comply with these rules or has not complied with these rules. **

(f) **Emergency Order.** Notwithstanding other remedies available to the Department which may be pursued at the same time, the Commissioner or his/her designee may order the emergency placement of a monitor or monitors in a group day care home in accordance with the following:**

1. The Department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present: **

(i) The group day care home is operating without a license or commission; or**

(ii) The Department has denied the application for the license or commission or has initiated action to revoke the existing license or commission of the group day care home;

or **

(iii) Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger. **

2. A monitor may be placed in a group day care home for no more than ten (10) consecutive calendar days, during which time the monitor shall observe conditions and regulatory compliance with any recommended remedial action of the Department. Upon expiration of the ten (10) day period, should conditions warrant, the initial ten (10) day period may be extended for an additional ten (10) day period. The monitor shall report to the Department. The monitor shall not assume any administrative responsibility within the group day care home, nor shall the monitor be liable for any actions of the group day care home. The salary and related costs and travel and subsistence allowance as defined by Department policy of placing a monitor in a group day care home shall be reimbursed to the Department by the group day care home, unless the order placing the monitor is determined to be invalid in a contested case or by final adjudication by a court of competent jurisdiction, in which event the costs associated with the monitor shall be paid by the Department. **

3. The emergency order shall contain the following: **

(i) The scope of the order; **

(ii) The reasons for the issuance of the order; **

(iii) The effective date of the order if other than the date the order is issued; **

(iv) The person to whom questions regarding the order are to be addressed; and **

(v) Notice of the right to a preliminary hearing. **

4. Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner of the group day care home, the director of the group day care home, or any other agent, employee, or person in charge of the group day care home at the time of the service of the order. **

5. The request for a preliminary hearing shall be made in writing within five (5) days from the time of service, excepting weekends. The request must be made to the representative of the Department designated in the order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative review of the record, written evidence submitted by the group day care home affected, and a preliminary written argument in support of its contentions. **

6. If a request is made to appear in person at the preliminary hearing, the group day care home shall provide the name and address of the person or persons, if any, who will be representing the group day care home in the preliminary hearing.**

7. Upon receipt of a request for a preliminary hearing, the Department shall set and give notice of the date, time and location of the preliminary hearing. The preliminary hearing shall be held as soon as possible after a request therefor but in no event later than seventy-two (72) hours after such request, provided that a group day care home may request that such hearing be held earlier; provided, however, that in no event will a hearing be held on a weekend or holiday.**

8. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record, any additional evidence introduced at the hearing, and any arguments made. A recording shall be made of the hearing. **

9. The Department shall, where practicable, issue an immediate oral order and shall, in all instances, issue a written order within four (4) business days after the close of the hearing.**

10. Pending final appeal of the validity of any emergency order issued as provided for pursuant to O.C.G.A. Sec. 20-1A-13, such emergency order shall remain in full effect until vacated or rescinded by the Commissioner or his/her designee.**

11. The Department is not precluded from taking any other actions permitted by other laws or regulations during the time that an emergency order is in force. **

(g) **Right to a Hearing.** The department's action revoking or refusing to renew or issue a license or commission required pursuant to O.C.G.A. Sec. 20-1A-1 et seq. or any other adverse action, such as the imposition of an enforcement fine, the restriction or suspension of a license or commission, shall be preceded by notice and opportunity for a hearing and shall constitute a contested case within the meaning of the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., except that only thirty (30) days' notice in writing from the Commissioner's designee shall be required prior to license or commission revocation and except that the hearing held relating to such action by the Department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at that hearing.**

1. In connection with the Department instituting proceedings to revoke, suspend, refuse to renew or restrict a previously issued license or commission, the Department shall provide notice sent by certified mail setting forth the facts or conduct which has warranted the Department's action. The

notice shall inform the licensee or commission holder of the opportunity to demonstrate that the licensee or commission holder was in full compliance with all lawful requirements for the retention of the license or commission at the time that the facts or conduct warranting the revocation, suspension or restriction action allegedly occurred. However, this notice shall not be required in the following instances: **

(i) The Department finds that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, in which case summary suspension of the license may be ordered pending proceedings for revocation or suspension or other action, which proceeding shall be promptly instituted and determined; or**

(ii) The Department's order is expressly required, by a judgment or a statute, to be made without the right to or hearing or continuance of any type. **

2. The notice of revocation, suspension or restriction of a license or commission becomes effective thirty (30) days from the day of notice unless the licensee or commission holder requests a hearing. A request for a hearing must be made in writing within ten (10) days of receipt of the notice of revocation, suspension or restriction. **

(h) **Notice of Hearing.** If the licensee or commission holder requests a hearing, a notice of hearing shall be mailed or served personally on the licensee or commission holder. The notice shall contain the following: **

1. A statement of the date, time, place and nature of the hearing;**

2. A statement of the legal authority and jurisdiction under which the hearing is to be held;**

3. A reference to the particular section of the statutes and rules involved;**

4. A short and plain statement of the matters asserted. The Department may refer to any child that is the subject of a deficiency or violation in the notice by the child's initials. The name of the child so referenced will be released orally to the holder of the license or commission upon written request to the Department. If the Department is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application approved by the hearing officer, a more definite and detailed statement shall be furnished; and**

5. A statement as to the right of any party to subpoena witnesses and documentary evidence through the Department. **

(i) **Inspection Warrants.** If a Department representative is denied entrance to a group day care home which is believed to be subject to licensure, an application for an inspection warrant may be made by the Department to a court of competent jurisdiction and, if granted, used to gain entry to that group day care home.**

(j) **Injunctive Relief.** The Department may without regard to the availability of other remedies, including administrative remedies, seek an injunction against the continued operation of a group day care home without a license or commission or the continued operation of a group day care home in willful violation of O.C.G.A. Sec. 20-1A-1 et seq. or of any regulation of the Department or in violation of any other order of the board or of the Department. **

(k) **Criminal Penalties.** The criminal penalties which may be imposed for violation of these rules are as follows: **

1. Any person who violates the provisions of O.C.G.A. Sec. 20-1A-1 et seq. or who hinders, obstructs, or otherwise interferes with any representative of the Department in the discharge of that person's official duties in making inspections or in investigating complaints shall be guilty of a misdemeanor.**

2. Any person who shall make, utter, execute, or submit to the Department any oral or written representation, knowing the same to be false, for the purpose of obtaining anything of value, including any service, shall be guilty of a misdemeanor.**

3. Any group day care home which operates without a currently valid license or commission issued by the Department is subject to the provisions O.C.G.A. Sec. 20-1A-10(t) which provides upon conviction of operating a group day care home without a license or commission, for a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense. Each day of operation without a license or commission constitutes a separate criminal offense. **

(l) **Enforcement Fines.** The Department may assess an enforcement fine of up to five hundred dollars (\$500) per day for each rule violation, not to exceed a total of twenty-five thousand dollars (\$25,000). The Department may assess enforcement fines in accordance with the following: **

1. A fine, not exceeding five hundred dollars (\$500) per day for each rule violation, may be assessed by the Department against any licensee who: **

- (i) Violates any licensing or commissioning provision of O.C.G.A. Sec. 20-1A-1 et seq. or any rule, regulation, or order issued under O.C.G.A. Sec. 20-1A-1 et seq. or any term, condition, or limitation of any license or commission or certificate of registration under O.C.G.A. Sec. 20-1A-1 et seq. thereby subjecting a child in care to injury or a life threatening situation; or**
 - (ii) Commits any violation for which a license or commission may be revoked. **
2. If any violation is a continuing one, each day of such violation will constitute a separate violation for the purpose of computing the applicable enforcement fine.**
 3. Whenever the Department proposes to subject a licensee to the imposition of an enforcement fine, it shall notify such licensee in writing. The notice shall set forth the following: **
 - (i) The date, facts, and nature of each act or omission with which the licensee is charged;**
 - (ii) The specific and particular provisions of the Official Code of Georgia Annotated section, the rule, regulation, order, license or commission, involved in the violation;**
 - (iii) Each fine which the Department proposes to impose and its amount;**
 - (iv) That the licensee has an opportunity to show in writing, within ten (10) days of the receipt of the notice, why such fine should not be imposed;**
 - (v) That the failure to pay the enforcement fine, subsequently determined by the Department, if any, may result in collection through a civil action (lawsuit); and**
 - (vi) That the licensee also has the right to appeal the imposition of the enforcement fine pursuant to the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., by filing a timely request for a hearing within ten (10) days of receipt of the notice.**
 4. The written notice of the intention to impose an enforcement fine shall be sent by registered or certified mail by the Department to the last known address of such licensee.**
 5. The amount of the enforcement fine will be assessed in accordance with the following: **
 - (i) A fine of five hundred dollars (\$500) per day for each rule violation may be assessed for any violation of these rules which has resulted in a disabling or permanent injury or the death of a child;**
 - (ii) A fine ranging from three hundred dollars (\$300) to four hundred ninety-nine dollars (\$499) per day for each rule violation may be assessed for any violation of these rules which has resulted in an injury or harm to a child but has left no disabling or permanent physical damage;**

(iii) A fine ranging from fifty dollars (\$50) to two hundred ninety-nine dollars (\$299) per day for each rule violation may be assessed for any violation of these rules which demonstrates a reckless and serious disregard for the physical or mental health or safety of a child in care but which may or may not result in physical injury to a child or for any other violation of these rules for which a license or commission may be revoked. **

6. The Department will consider in assessing an enforcement fine the severity of the rule violation, the duration of noncompliance, the holder of the license or commission's prior licensure history and the voluntary reporting of the violation for which the fine is being imposed on the licensee or commission holder.**

7. The assessment of an enforcement fine will not preclude the Department from taking any additional actions authorized by law or regulation including but not limited to license or commission restriction, suspension, revocation, emergency monitors or the seeking of an injunction against the continued operation of the group day care home.**

(m) **Complaints.** All complaints concerning licensed or commissioned or unlicensed group day care homes or child care learning centers may be submitted to the Department by telephone, letter, e-mail, facsimile, or personal conference. Complaints will be investigated by a Department representative, if appropriate. A written report of the findings of the investigation will be sent to the complainant upon request where authorized by law. **

Authority O.C.G.A. Secs. 20-1A-1 et seq., 31-1-4, 31-2-4, 49-5-1 et seq., 50-13-1 et seq. **History.** Original Rule entitled "Variances and Waivers" adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Enforcement and Penalties" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

290-2-1-.17 Severability.

In the event that any rule, sentence, clause or phase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

Authority O.C.G.A. Sec. 49-5-12 (1982 and 1982 Supp.); O.C.G.A. Sec. 49-5-8. **Administrative History.** Original Rule entitled "Denial or Revocation of License" was filed on February 21, 1983; effective March 23, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Severability" adopted. F. Apr. 1, 1991; eff. Apr. 21, 1991.

290-2-1-.18 Notice of Revocation or Emergency Suspension Actions.

(1) The Department shall provide notice of its actions to revoke the license or seek an emergency suspension of the home's license to operate to parents, guardians, and others who may have children in the care of the home. This notice, together with the Department's complaint intake phone number and website, shall be provided to parents, guardians, and others through the following methods:

(a) The posting of the official notice of the revocation or emergency suspension action and any final resolution at the home by Departmental staff in an area that is visible to the parents and guardians whose children attend the home;

(b) The posting of the official notice of the revocation or emergency suspension action and any final resolution on the Department's website; and

(c) The distribution by Departmental staff of a brief notice of the initial filing of actions to revoke or suspend the home's license to the parents or guardians, or persons authorized to pick up the children from care for the parents or guardians, who are at the home at the time that the notice of revocation or emergency suspension is posted by the Department.

(2) In addition, the Department may share any notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies which may have an interest in the welfare of the children in care at the home.

(3) When the Department has posted a notice of revocation and/or emergency suspension actions in the home, the home shall ensure that the notice at the home continues to be visible to the parents, guardians, and others throughout the pendency of the revocation and emergency suspension actions including any appeals. Where the home provides transportation of the children in care to and from the home and the parents, guardians, or others responsible for the care of the children do not come to the home on a regular basis, the group day care home shall send home with the children on the day that it is delivered by Departmental staff copies of the brief notice of the revocation or emergency suspension action to the parents, guardians, or others who are responsible for the care of the children enrolled in the home.

(4) The home shall have posted at the home in an area that is readily visible to the parents, guardians, and others any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(5) It shall be a violation of these rules for the home to permit the removal or obliteration of any notices of revocation, emergency suspension action, resolution, or inspection survey reports posted by the Department on the premises of the home during the pendency of any revocation or emergency suspension action.

Authority O.C.G.A. Secs. 49-5-1 et seq., 49-5-12, 50-13-4. **History.** Original Rule entitled “Enforcement” adopted. F. Feb. 21, 1983; eff. Mar. 23, 1983, as specified by the Agency. **Repealed:** F. Apr. 1, 1991; eff. Apr. 21, 1991. **Amended:** ER. 290-2-1-0.16-.18 entitled “Notice of Revocation or Emergency Suspension Actions to Parents, Guardians, and Others” adopted. F. Oct. 17, 2002; eff. Oct. 16, 2002, the date of adoption. **Amended:** Permanent Rule entitled “Notice of Revocation or Emergency Suspension Actions” adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.

290-2-1-.19 Infant-Sleeping Safety Requirements.

In order to reduce the risk of Sudden Infant Death Syndrome (SIDS), staff shall put an infant to sleep on the infant’s back unless the home has been provided a physician’s written statement authorizing another sleep position for that particular infant. The infant shall be placed for sleeping on a firm, tight-fitting mattress in a sturdy and safe crib. If the crib has side bars, the bars shall be no more than two and three-eighths inches (2 3/8") apart. Any crib used for sleeping shall have a tight-fitting bottom crib sheet with no pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, or other soft items in the crib. If a blanket is required for the comfort of the infant, the infant’s feet shall be placed at the foot of the crib and the infant shall be covered with the blanket only to chest level with the blanket tucked firmly under the crib mattress. The infant’s sleeping area shall be maintained within a temperature range of sixty-five (65) to eighty-five (85) degrees depending upon the season. When an infant can easily turn over onto his or her stomach, staff shall continue to put the infant to sleep initially on the infant’s back but allow the infant to roll over onto his or her stomach as the infant prefers. Positioning devices that restrict an infant’s movement in the crib shall not be used unless a physician’s written statement authorizing its use is provided for that particular infant.

Authority O.C.G.A. Secs. 49-5-1 et seq., 50-13-4. **History.** Original Rule entitled “Posting and Distribution of Notices of Revocation and Emergency Suspension Actions” adopted as ER. 290-2-1-0.16-.19. F. Oct.17, 2002; eff. Oct. 16, 2002, the date of adoption. **Amended:** Permanent Rule entitled “Infant-Sleeping Safety Requirements” adopted. F. Nov. 22, 2002; eff. Dec. 12, 2002.