

## **Rule 591-1-1-.09 Criminal Records and Comprehensive Background Checks**

### **1. Satisfactory Fingerprint Records Check Determination or Satisfactory Comprehensive Records Check Determination Required**

(a) A Center must ensure that every actual and potential Director, Employee and Provisional Employee of a Child Care Learning Center submit both a Records Check Application to the Department and Fingerprints to an authorized fingerprinting site.

(b) A Center must ensure that every Director has a valid and current satisfactory Comprehensive Records Check Determination on file prior to being present at the Center while any child is present for care or before an individual age 17 or older resides in the Center. The Comprehensive Records Check Determination must have a Records Check Clearance Date that is no older than the preceding 12 months of the hire date; provided, however, if the Director has had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, a new satisfactory Comprehensive Records Check Determination is required.

(c) A Center must ensure that every Employee has a valid and current satisfactory Comprehensive Records Check Determination on file prior to being present at the Center while any child is present for care or before an individual age 17 or older resides in the Center. The Comprehensive Records Check Determination must have a Records Check Clearance Date that is no older than the preceding 12 months of the hire date; provided, however, if the Employee has had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, a new satisfactory Comprehensive Records Check Determination is required.

(d) The Center must ensure that every Provisional Employee has a valid and current satisfactory Fingerprint Records Check Determination on file prior to being present at the Center while any child is present for care or before an individual age 17 or older resides in the Center and must be supervised at all times by a Director or Employee with a valid and current satisfactory Comprehensive Records Check Determination. The Fingerprint Records Check Determination must have a Records Check Clearance Date that is no older than the preceding 12 months of the hire date; provided, however, if the Provisional Employee has had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, a new satisfactory Fingerprint Records Check Determination is required.

(e) No actual or potential Director, Employee or Provisional Employee of a Child Care Learning Center with an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination may be present at a Center when any child is present for care or reside at a Center.

(f) Valid Evidence of a satisfactory Fingerprint Records Check Determination must be maintained at the Child Care Learning Center for each Provisional Employee for the duration of employment or residency plus one year, and such paper or electronic evidence must be made immediately available to the Department upon request.

(g) Valid Evidence of a satisfactory Comprehensive Records Check Determination must be maintained at the Child Care Learning Center for the Director and each Employee (including Students-in-Training, Volunteers, independent contractors and residents age 17 and older) for the duration of employment or residency plus one year, and such paper or electronic evidence must be made immediately available to the Department upon request.

(h) The Center must ensure that every Provisional Employee requests child abuse and neglect registry information and criminal history documents from any U.S. state, territory or tribal land other than Georgia in which they have resided in the preceding five years and submit such documents to the Department in a timely manner. Failure to request out-of-state information will result in the issuance of an unsatisfactory Comprehensive Records Check Determination.

(i) For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Comprehensive Records Check Determination.

(j) Portability for Directors, Employees and Provisional Employees, excluding Students-in-Training. Only the most recently issued determination letter is eligible for portability and must be ported electronically. A Center may accept a satisfactory Fingerprint Records Check Determination letter or a satisfactory Comprehensive Records Check Determination letter issued by the Department if the Records Check Clearance Date is within the preceding 12 months from the hire date, the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and the Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(k) Portability for Students-in-Training. Only the most recently issued determination letter is eligible for portability and must be ported electronically. A Center may accept a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination letter issued by the Department for a Student-in-Training if the individual's Records Check Clearance Date is within the preceding 24 months from the hire date, the Center has verified and maintains evidence on file at the Center that the Student-in-Training is currently enrolled in a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education, the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and the Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(l) Recheck Required. The Center must immediately require that every Director, Employee and Provisional Employee submit to the Comprehensive Records Check Determination process at the following times:

1. When the Center knows or reasonably should know that a Director, Employee or Provisional Employee has been arrested or charged for any covered Crime;
2. When there is a lapse of employment from the child care industry that lasted for 180 calendar days (6 months) or longer;
3. At least once every five years; and
4. When the Department so requests.

**Authority: O.C.G.A. § 20-1A-1et seq., 42 U.S.C. § 9857et seq.**

## **Rule 591-1-1-16 Governing Body and Licenses**

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

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

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

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

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

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

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

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

3. Regular License. A License will be issued upon presentation of evidence satisfactory to the Department that the Center is in compliance with applicable statutes and these rules. The License is valid for one year unless voluntarily surrendered by the holder, reduced to a restricted or temporary License or suspended or revoked by the Department.

4. Qualification Requirement. In order to obtain or retain a License or Permit, the Director of the Center and its Employees must be qualified as defined in these rules to administer or work in a Center. The Department may presume that the Director and Employees are qualified subject to a satisfactory Comprehensive Records Check

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

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

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

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

(g) E-mail Contact Information. Each Center issued or applying for a License or Permit in the state of Georgia shall provide the Department e-mail contact information ("Contact Information") so that this agency may contact the Center and send information to the Center via e-mail. It shall be the Center's responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting Centers, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

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

1. An application for a Permit to operate a Child Care Learning Center shall be submitted to the Department on the forms provided by the Department.

2. A Permit Applicant or Permit Holder must provide evidence of a satisfactory Comprehensive Records Check Determination for the Director and every Employee and a satisfactory Fingerprint Records Check Determination for every Provisional Employee of the program.

3. A Permit Applicant or Permit Holder may continue to employ an individual from the prior ownership, if applicable. During the Permitting process, such individual may be present at the Center while any child is present for care based on the prior satisfactory Comprehensive Records Check Determination so long as ~~the~~ that determination is valid and current, no more than 5 years old and the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer.

4. The Permit Applicant or Permit Holder shall not allow any individual to reside at the Center or be present at the Center while any child is present for care if the Center knows or reasonably should know that the individual has a Criminal Record, an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination.

5. Each Director and Employee must receive a satisfactory Comprehensive Records Check Determination and each Provisional Employee must receive a satisfactory Fingerprint Records Check Determination issued by the Department before that individual can be present at the Center while any Child is present for care or reside in the Center and prior to issuance of a License.

6. Issuance of a Permit. A Permit will be issued, upon presentation of evidence satisfactory to the Department that a Center is in compliance with applicable statutes and these rules. The Permit shall be valid for 21 calendar days unless voluntarily surrendered by the Holder or suspended or revoked by the Department.

7. Renewal of a Permit. A Permit may be renewed only if every resident and member of the Center's Staff has both submitted a Records Check Application to the Department and submitted to a fingerprint scan within 21 calendar days of the issuance of the initial Permit.

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

## **Rule 591-1-1-.31 Staff**

### **(1) Director.**

(a) A Center must have a Director who is responsible for the supervision, operation and maintenance of the Center. The Director must be on the Center's premises. If the Director is absent from the Center at any time during the hours of the Center's operation, there shall be an officially designated person on the Center site to assume responsibility for the operation of the Center, and this person shall have full access to all records required to be maintained under these rules.

(b) Qualifications of Director. The Director must meet the minimum qualifications listed below.

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

2. Possess at least one of the following sets of minimum academic requirements and qualifying child care experience:

(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 Child Care Learning Center Director ~~or as an on-site Group Day Care Home 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;

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

4. Must be able to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

5. 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 Director or Staff shall provide this statement to the Department;

6. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder or commission holder, and

7. Comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks.

(c) Required Records. A copy and/or written verification of the credential or degree awarded to the Director listed in [591-1-1-.31](#) (1)(b)2.(i) through (xiii) shall be maintained by the Center in the Director's file, and such documentation shall be available for inspection and provided to Department staff upon request.

## **(2) Teacher/Lead Caregiver.**

(a) A Center with a licensed capacity of 19 or more children must have a designated teacher/lead caregiver for each group of children.

(b) Qualifications of Teacher/Lead Caregiver. The teacher/lead caregiver must meet the minimum qualifications listed below.

1. Be at least eighteen (18) years of age;

2. Possess at least one of the following sets of minimum academic requirements and qualifying 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;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler;

- (iv) Technical Certificate of Credit (TCC) in ~~Infant and Toddler Program Administration~~;
- (v) Technical Certificate of Credit (TCC) in School Age and Youth Care;
- (vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development;
- (vii) Associate's degree in Early Childhood Education or Child Development (AA, AAS, AAT);
- (viii) Paraprofessional Certificate issued by the Georgia Professional Standards Commission;
- (ix) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development;
- (x) 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;
- (xi) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;
- (xii) Master's degree from an accredited college or university in Early Childhood Education or Child Development.

3. If the newly hired lead teacher does not possess one of the educational and qualifying child care experience requirements listed in [591-1-1-.31](#) (2)(b)2.(i) through (xii), the Center may hire this individual as lead teacher if the following requirements are met:

- (i) The lead teacher enrolls in a program of study to obtain one of the educational credentials and qualifying experience requirements listed in [591-1-1-.31](#) (2)(b)2.(i) through (xii), within six (6) months after becoming employed at the Center and completes the credential or degree within eighteen (18) months after enrollment;
- (ii) The Center prepares a written plan outlining the newly hired lead teacher's professional development in obtaining one of the credentials or degrees listed in [591-1-1-.31](#) (2)(b)2.(i) through (xii). Such plan must include the following information:
  - (I) Individual's identifying information (name, address and telephone numbers);
  - (II) Technical college, university or school where enrolled (name, address and telephone number) or Department-approved trainer providing credential course work (name, address and telephone number);
  - (III) Credential or degree individual is seeking;
  - (IV) Content area of credential or degree;
  - (V) Anticipated date for completion of credential or degree;
  - (VI) Names and numbers of courses to be completed during the current year and ongoing updates of the names and numbers of courses to be completed for the following year(s);



(VII) Documentation of course work successfully completed throughout process (i.e., completion of quarter, semester or component of course work); and

(VIII) A copy of the credential or degree awarded by the technical college, university, school or Department-approved trainer for specified credential upon completion.

(iii) This professional development plan must be maintained in the lead teacher's file, and such plan shall be available for inspection and provided to Department staff upon request.

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

5. Must be able to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

6. 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 teacher/lead caregiver or Staff shall provide this statement to the Department-;

7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder or commission holder-; and

8. Comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks.

(c) Required Records. A copy and/or written verification of the credential or degree awarded to the lead teacher listed in [591-1-1-.31](#) (2)(b)2.(i) through (xii) shall be maintained by the Center in the lead teacher's file, and such documentation shall be available for inspection and provided to Department staff upon request.

### **(3) Caregivers/Aides for a Center with Licensed Capacity of Nineteen (19) or More Children.**

(a) A Center with a licensed capacity of nineteen (19) or more children may employ caregivers/aides to assist the teacher/lead caregiver in the care of children in any group within the Center. No caregiver/aide who is 16 or 17 years of age shall be solely responsible for children.

(b) Qualifications of Caregivers/Aides for a Center with Licensed Capacity of Nineteen (19) or More Children.

1. Be at least sixteen (16) years of age;

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

3. Must be able to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

4. 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 teacher/lead caregiver or Staff shall provide this statement to the Department-;

5. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder or commission holder-; and

6. Comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks.

**(4) Caregivers/Aides for a Center with Licensed Capacity of Eighteen (18) or Fewer Children**

(a) A Center with a licensed capacity of eighteen (18) or fewer children may employ caregivers/aides to assist the Director in the care of children in any group within the Center.

(b) Qualifications of Caregivers/Aides for a Center with Licensed Capacity of Eighteen (18) or Fewer Children.

1. Be at least eighteen (18) years of age;

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

3. Must be able to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

4. 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 teacher/lead caregiver or Staff shall provide this statement to the Department.

5. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder or commission holder;

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; and

7. Comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks.

**(5) Provisional Employees.** The Center may hire Provisional Employees. All Provisional Employees:

(a) Must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks;

(b) Must be informed of the rules for Child Care Learning Centers and the Center's policies and procedures for the age group for which they will be providing care;

(c) Must be informed of the Center's policies and procedures necessary to the proper performance of their job duties in compliance with the rules for Child Care Learning Centers;

(d) Must participate in the orientation and training required by these rules;

(e) Must be able to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

(f) Must 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 Provisional Employee shall provide this statement to the Department;

(g) Must not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder or commission holder;

(h) Must be supervised at all times by a Director or Employee with a valid and current satisfactory Comprehensive Records Check Determination; and

(i) May be hired as a permanent Employee by the Center only if the individual receives a satisfactory Comprehensive Records Check Determination by the Department and meets all other qualification requirements in these rules.

**(6) Independent Contractors.** A Center may have an independent contractor to offer supplemental educational or physical activities for children in care.

(a) Such an independent contractor is considered either an Employee or Provisional Employee of the Center for the purpose of these rules and must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks; and

(b) Such an independent contractor is exempted from annual training and first-aid/CPR training requirements.

**(7) Parents.** The Center may have Parents occasionally assist in a classroom, chaperone or accompany a group of children from the Center on a field trip.

(a) A Parent that is this type of occasional assistant is not required to obtain a criminal records check determination; however, a staff member who is also a Parent of a child in care at the Center is considered either an Employee or Provisional Employee for purposes of these rules and must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks; and

(b) No Parent shall be solely responsible for children other than their own and must be under continuous direct supervision of a Director or Employee with a valid and current satisfactory Comprehensive Records Check Determination while in the presence of children in care other than their own.

**(8) Volunteers.** The Center may have volunteers other than Parents help in a classroom, chaperone or accompany a group of children from the Center on a field trip.

(a) Volunteers that provide consistent services are considered either Employees or Provisional Employees for purposes of these rules and must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks;

(b) No volunteer shall be solely responsible for children other than their own and must be under continuous direct supervision of a Director or Employee with a valid and current satisfactory Comprehensive Records Check Determination while in the presence of children other than their own; and

(c) Such volunteer is exempted from annual training and first-aid/CPR training requirements.

**(9) Students-in-Training.** The Center may have Students-in-Training at the Center.

(a) Students-in-Training are considered either Employees or Provisional Employees for purposes of these rules and must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks;

(b) No Student-In-Training shall be solely responsible for children other than their own and must be under continuous direct supervision of a Director or Employee with a valid and current satisfactory Comprehensive Records Check Determination while in the presence of children in care other than their own; and

(c) Such Students-in-Training are exempted from annual training and first-aid/CPR training requirements.

**(10) Staff for School-Age Centers.**

(a) After-school programs serving children ages five (5) years and older (school-age) that routinely operate a maximum of four (4) hours per day, Monday through Friday, whether the School-age Center is the only licensed program at that location or operates a full day Child Care Learning Center, shall comply with the following:

(b) A School-age Center must have at least one lead teacher/caregiver who is responsible for:

1. Day-to-day programming and
2. Supervision of the assistant caregivers/aides assigned to each classroom or group of School-age Children;

(c) If there is only one lead teacher/caregiver and more than one classroom or group of School-age Children, the Director of the School-age Center shall assign an assistant caregiver/aide who is at least 18 years of age to each classroom or group of children;

(d) If there is a lead teacher/caregiver assigned to each classroom or group of children, the assistant caregiver/aide may be 16 or 17 years of age; and

(e) Staff for School-Age Centers are considered Employees or Provisional Employees for purposes of these rules and must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks.

**(11) Clerical, Housekeeping, Maintenance and Other Support Staff.** The Center shall have qualified and sufficient direct-care, clerical, housekeeping, maintenance and other support staff to ensure full compliance with these rules without neglecting the supervision of the children.

(a) Other Staff That May Have Direct Contact With Children in Care. A Center may have additional staff at the Center. Any staff member that has any personal contact with any child in care:

1. Is considered either an Employee or Provisional Employee for purposes of these rules and must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks; and
2. May be exempted from annual training and first-aid/CPR training requirements.

(b) Other Staff That Must Not Have Direct Contact With Children in Care. The Center may have individuals at the Center to repair and/or maintain the facility while children are in care that have no personal contact with any child in care. These individuals:

1. Must have no contact with children in care;
2. May not be required to obtain a criminal records check determination, unless they have contact with children in care; and
3. May be exempted from annual training and first-aid/CPR training requirements.

**(12) 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.

**(13) Compliance with Applicable Laws and Regulations.** Center Staff shall not commit any criminal act, as defined under Georgia law, in the presence of any child enrolled in the Center. Center staff shall comply with all applicable laws and regulations.

**Authority: O.C.G.A. § 20-1A-1et seq., 42 U.S.C. § 9857et seq.**

### 591-1-1-.33 Staff Training

- (1) Center Orientation. Prior to assignment to children or task, all Employees and Provisional Employees must receive initial Center orientation.
- (2) The initial Center orientation must include the following subjects: the Center's policies and procedures; the portions of these rules dealing with the care, health and safety of children; the ~~Employee's~~ Staff person's assigned duties and responsibilities; reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries; emergency weather plans; the program's emergency preparedness plan; childhood injury control; the administration of medicine; reducing the risk of Sudden Infant Death Syndrome (SIDS); hand washing; fire safety; water safety; and prevention of HIV/Aids and blood borne pathogens.
- (3) Health and Safety Orientation. Each staff member with direct care responsibilities shall complete health and safety orientation training within the first 90 days ~~at the time~~ of employment. The state-approved training hours obtained will count toward required first year ~~or annual~~ training hours. ~~Staff employed on or prior to September 30, 2016 will complete the training by December 29, 2016. Staff members employed after September 30, 2016 will complete the health and safety training within the first 90 days of employment.~~ The training must address the following health and safety topics: prevention and control of infectious diseases (including immunization); prevention of sudden infant death syndrome and use of safe sleeping practices; administration of medication, consistent with standards for parental consent; prevention of and response to emergencies due to food and allergic reactions; building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; prevention of shaken baby syndrome, ~~and~~ abusive head trauma and child maltreatment; emergency preparedness and response planning for emergencies resulting from a natural disaster, or a human-caused event (such as violence at a child care facility); handling and storage of hazardous materials and the appropriate disposal of bio contaminants; ~~and~~ precautions in transporting children (if applicable); recognition and reporting of child abuse and neglect; and child development.
- (4) ~~First Year Training—Direct Care Staff. Within the first year of employment, all Staff who provide any direct care to children, except independent contractors, Students in Training and volunteers, shall obtain ten (10) clock hours of training or instruction in child care issues from an accredited school or Department approved source. At least six (6) of the clock hours must be divided as follows: four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition and childhood injury control and two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children.~~
- (54) ~~First Year Training—Food Preparation and Nutrition Training. Within the first year of employment, the Director 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.~~
- (65) Annual Training. ~~In the first year of employment and then by~~ Every calendar year after the first year of employment thereafter, all supervisory and caregiver Personnel, except independent contractors, Students-in-Training and volunteers, shall attend ten (10) clock hours of diverse training which is task-focused in on-going health, safety and early childhood or child development related topics ~~early childhood education or~~

~~child development or subjects relating to job assignment and~~ which is offered by an accredited college, university or vocational program or other Department-approved source. The annual ten (10) clock hours of training shall be chosen from the following fields: child development, including discipline, guidance, nutrition, injury control and safety; health, including sanitation, disease control, cleanliness, detection and disposition of illness; child abuse and neglect, including identification and reporting, and meeting the needs of abused and/or neglected children; and business related topics, including parental communication, recordkeeping, etc.; provided however that such business related training shall be limited to no more than two (2) of the required ten (10) clock hours of training. Records of completion of such training shall be maintained, as required by these rules.

- (76) Documentation of Training. Evidence of orientation and training shall be documented in the Personnel file of each Staff member which shall be available to the Department for inspection.
- (87) Exemptions from Training. Custodial, maintenance Personnel or volunteers who provide no direct care to children are not required to obtain ~~first year~~ health and safety orientation training or annual training.

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