

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following Department rule:

**GROUP FAMILY CHILDCARE HOME
REGULATIONS FOR LICENSURE
&
FAMILY CHILDCARE HOME
REGULATIONS FOR LICENSURE**

These proposed amended rules, Group Family Childcare Home Regulations for Licensure and Family Childcare Regulations for Licensure provides quality of care standards intended for children in home day care programs. These proposed amended rules provides details relating to the licensing application, approval and re-licensing processes; includes references to statutory and regulatory provisions, protocol for emergency and disaster procedures, early learning educational standards, health and safety of children and national best practices. Following is an explanatory statement of the Proposed Changes to these rules, as required by RIGL 42-35-2.3.

Summary of Proposed Changes

Application Process

Added:

- Incomplete applications are not processed and are returned to the applicant.
- Proof of home ownership or a notarized landlord authorization form.
- Proof of a current Rhode Island State Identification Card.
- Copy of a written emergency preparedness/evacuation plan.
- Evidence of current certification in pediatric CPR/First Aid training from the American Heart Association or the American Red Cross.
- High school diploma or GED received online is not acceptable.
- If diploma or GED was obtained in a different country, an original sealed copy with translation is provided.
- Copy of written behavior management plan.

Criminal Record Background Check and Clearance of Agency Activity

Added:

- Age requirements for record checks on household members clarified.

License

Added:

- The license applies only to the place of residence occupied by the applicant at the time of issuance.
- The Department conducts unannounced visits annually to ensure continued compliance with the Regulations for Licensure. Additional visits, announced and/or unannounced, occur as necessary.

Denial, Revocation or Suspension of a License

Added:

- The provider, assistant, emergency assistant or member of the provider's household has been convicted of, or is serving an active probationary sentence for a criminal offense, or has an arrest that is pending disposition.
- The provider, assistant or emergency assistant fails to cooperate with the Department in the licensing process including the falsification or omission of facts.

License Renewal

Added:

- Show evidence of current certification in pediatric CPR/First Aid training from the American Heart Association or the American Red Cross.

Physical Space And Home Safety

Added:

- All fire extinguishers are replaced when used or expired, or serviced and tagged by a competent authority or when the seal is broken.
- Each room used by children is ventilated.
- Each room used by children with has at least one window that allows for natural light and with specific measurements.
- "Kitchens" may now be included in the required indoor space calculations.
- Furniture in the areas of the family childcare home designated for childcare is appropriate for children's use.
- Provisions for sleeping are made on the level of the family childcare home where the childcare is provided.
- Children are not cared for in the cellar or basement area of a home unless there are windows and two exits from the area, one of which is a door leading directly to the outside without the use of stairs.
- Windows are above grade and are unobstructed to allow for natural light to enter the room. Specific window measurements specified.
- "Natural barrier" or a fence four feet high is required for the outdoor play area.
- Outdoor porches and decks at the first floor level, used as play areas, are enclosed with a minimum of a four foot railing and with the slats not more than 3 ½ inches apart and with a gate that is kept securely fastened at the entry to any steps or stairways.

Deleted:

- Landline telephone no longer required.

Furniture

Added:

- accommodate the number of children to be enrolled.
- All furniture including cribs, pack and plays, playpens and car seats meets U.S. Consumer Product Safety Commission Standards and documentation of compliance is maintained at the family childcare home.
- Furniture is safe, durable, child-sized and easily cleaned.
- Seating is provided for every child in care.

Health, Nutrition And Well-Being

Added:

- A person whose health or behavior would endanger the health, safety or well-being of children is not permitted to live in the home or be on the premises while children are in care.

Added:

- The provider adopts policies and procedures consistent with the Rhode Island Department of Health's Rules and Regulations Pertaining to Immunization and Communicable Disease in Preschool, School, Colleges or Universities.

- Provider, assistant and emergency assistant are immunized in accordance with the Rules and Regulations Pertaining to Immunization and Communicable Diseases in Preschool, School, Colleges or Universities of the Rhode Island Department of Health.

Deleted:

Requirement for TB testing.

Administration of Medication

- Many additions/deletions to this section.

Night Care

- Entire section added.

Adult/child ratios

Added:

- A provider without an assistant may care for six children less than six years provided that none are under the age of eighteen months.

Reporting Child Abuse & Neglect

Added:

- Reporting to the licensing unit immediately after reporting to the hotline now required.

Caring for Children with a Handicapping Condition or Other Special Needs

- The provider is trained to appropriately address health and safety of children with developmental delays and disabilities, special health and special nutrition needs, including medical needs. Such medical needs may include, but are not limited to, an epi pen, nebulizer and/or insulin injections.
- Children with special needs play and interact with other children in the family childcare home.

Snacks and Meals

- Written menus for meals and/or snacks are planned on a four week rotating basis and are posted where the parent/guardian can see them.
- There is a supply of food available in the family childcare home to provide nutritional meals to children whose parents do not provide food, and to supplement any foods brought by children, which is not nutritional, or of sufficient quantity.

Infant/Toddler Feeding

- Only Bisphenol A (BPA) free plastic or glass bottles are used.
- Bucket seats and high chairs are used for feeding and are not used as a form of restraint.
- Their use is limited to fifteen minutes if other than for feeding. High chairs are equipped with t-straps for safety.
- Guidelines regarding breast milk storage and handling added.

Animal Safety

- All animals maintained on the premises have up-to-date rabies and other vaccinations as required by state law and the rules and regulations promulgated by the Rhode Island Department of Environmental Management.

Diaper Changing Area

- If cloth diapers are used they are not rinsed or dumped of the diapers in the family childcare home. Diapers have an absorbent inner lining completely contained within an outer covering made of waterproof materials that prevents

leakage.

Sleeping/Resting Arrangements

Added:

- practices as recommended by the American Academy of Pediatrics (AAP):
- Cribs have a firm mattress covered by a tight fitting sheet and meet the standards and guidelines reviewed/approved by the US Consumer Product Safety Commission (CPSC).
- Infants up to twelve months sleeping in cribs are monitored by in-person checks at least every ten minutes.

Added:

- The provider maintains at least \$200,000 of liability insurance covering the childcare program.

Screen Time

- Entire section added

Fire Drills, Evacuation Plans And Emergency Preparedness

- Entire section redone

Added:

Supervision

- Visitors and/or guests shall not be in the home during the hours child care is being provided.
- The provider with an assistant is present in the home at least 85% of the as evidenced by written attendance records.

Other Employment

- The provider is prohibited from conducting business, other than childcare, in the home during hours children are in care.
- The provider primary caregiver is not employed outside of the home during hours care is provided.

Qualifications Of Provider, Assistants And Emergency Assistants

Added:

- The provider must show evidence of high school diploma or GED even if they were previously licensed without one. (4 years to comply)
- Current certification in pediatric CPR and First Aid from the American Heart Association or the American Red Cross.
- The assistant shows evidence of a high school diploma or GED.

Deleted:

Emergency assistant may no longer be a provider in any other licensed childcare home.

Orientation

Added:

- The provider provides a formal orientation for all new assistants and emergency assistants with a formal orientation.

Transportation of Children

Added:

- The provider, assistant and/or emergency assistant possess a valid Rhode Island driver's license when transporting children.
- The Transportation of children by the provider, assistant and/or emergency assistant follow the state laws and regulations of the Rhode Island Department of

- Transportation, Registry of Motor Vehicles and shall be covered by liability insurance the requirements of Rhode Island General Law RIGL § 31-22-2231-22-11.6 Safety Belt Use – Child Restraint Child Care Vehicles and School Extra-Curricular Vehicles whenever transporting children.
- The provider must obtain written permission from parent/guardians before transporting children in any type of motor vehicle, and maintains written permission in the child's file.

Release Of Children

- A proper person for such custody is a person whose name has been furnished and updated annually to the provider by a parent/guardian of such child, and whose identity can be verified by current identification card bearing his/her photograph
- The provider calls the police for assistance and does not release the child when the parent/guardian or other person picking up the child appears to be under the influence of alcohol or drugs. when that person is going to be transporting the child.

Added:

- Provider has a written confidentiality policy requiring all assistants, emergency assistants and consultants to maintain confidentiality of child, family and staff information included in files, conversations, observations, meetings, correspondence or any other source.

Added:

- The provider works collaboratively with early intervention and special education providers, and in partnership with the family, to support the health, safety and early learning development of children with disabilities, developmental delays and special health care needs.
- Family Engagement section added.

Child Outreach Screening

Added:

- The provider works collaboratively with the parent/guardian, local school districts and/or local education authorities (LEA) to ensure that all children in the family childcare home age's three to five have the opportunity to participate in a child outreach screening.
- The provider does not use the screening to label a child, determine a child's placement or deny a child's entrance into their home or to infer a child's readiness.

Added:

- The provider ensures a culturally competent curriculum by providing materials that represent and value the home languages, races, abilities and culture of the children in care.

Added:

- The provider maintains written weekly planning that details on a weekly basis, and are informed by Rhode Island Department of Education's the Rhode Island RI Early Learning and Development Standards. Documentation of planning is kept readily available for the previous three months.

Added:

- Requirements for Cleaning and Sanitizing Routines

In the amendment of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and both English and Spanish translations are accessible on the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request. If requesting a hard copy in English or Spanish, please contact the Department's Licensing Aide via telephone at (401) 528-3621.

There will be a public hearing to consider the proposed rule on November 13, 2014 in the community room at the DaVinci Center for Community Progress, located at 470 Charles St, Providence, RI 02904.

Persons wishing to testify may do so by signing up at the Hearing or by submitting written testimony by November 28, 2014 to Sarah St. Jacques, Principal Human Services Policy & Systems Specialist, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903, or via email: sarah.stjacques@dcyf.ri.gov. All previously submitted comments will be considered and need not be resubmitted.

The Hearing will begin at 6:00 P.M. and will conclude when the last speaker finishes testimony or at 8:00 P.M., whichever occurs first. The seating capacity of the DaVinci Center will be enforced and therefore the number of persons participating in the Hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The DaVinci Center is accessible to the handicapped. Individuals with hearing impairments may request an interpreter's presence. Requests for this service must be made to the Department at least 72 hours in advance of the Hearing date.

The Department of Children, Youth, and Families does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap. The prohibition against discriminatory practices extends to the agencies, organizations and institutions the Department licenses.

Esta regla propuesta es accesible en la pagina cibernetica del Secretario de Estado de RI (<http://www.sec.state.ri.us/ProposedRules/>), y también están en ingles y español en la pagina del DCYF (<http://www.dcyf.ri.gov>) o disponible en formato impreso de ser solicitadas. Si desea una copia impresa en ingles o español, por favor contactar al auxiliar de Licencias del Departamento por teléfono al (401) 528-3621.

Habrà una audiencia publica para consideraci3n de las reglas propuestas el Noviembre 13, 2014 en DaVinci, Centro Comunitario Para el Progreso, localizado en el 470 Charles Street, Providence, RI 02904.

Las personas que desean dar testimonios pueden hacerlo firmando su nombre en la audiencia o someter testimonio por escrito a Sarah St. Jacques, Especialista Principal de Servicios Humanos, P3lizas y Sistemas, Departamento de Ni3os, J3venes y Familias, 101 Friendship Street, Providence, RI 02903, antes de Noviembre 28, 2014 o por correo electr3nico, sarah.stjacques@dcyf.ri.gov. Todo comentario sometido anteriormente serà considerado y no es necesario reenviarlo.

La audiencia comenzara a las 6:00 PM y finalizara cuando la última persona termine de dar testimonio o a las 8:00 PM, lo que ocurra primero. La disposici3n de asientos en DaVinci es restringido y por lo tanto el numero de personas participando en la audiencia podría ser limitado

a cualquier momento por el oficial de audiencia, para cumplir con los requisitos y códigos de incendio.

El Centro Comunitario es accesible a personas con discapacidades. Personas con déficit auditivo pueden pedir la presencia de un intérprete. La solicitud para este servicio debe hacerse al Departamento por lo menos 72 horas antes de la fecha de la audiencia.

El Departamento de Niños, Jóvenes y Familias no discriminan contra individuos en base a raza, color, origen nacional, sexo, identificación o expresión de género, orientación sexual, creencias religiosas, creencias políticas o discapacidad. La prohibición contra practicas discriminatorias se extiende a las agencias, instituciones y organizaciones a la cuales el Departamento licencia.