

Response to Governor Nathan Deal's Executive Order Dated February 13, 2012
Georgia Department of Early Care and Learning

Recommendations and Findings

Introduction

To comply with Governor Nathan Deal's Executive Order dated February 13, 2012, Bright from the Start: Georgia Department of Early Care and Learning (DECAL) initiated a formal, multi-stage process in which the department's customers, stakeholders, and staff critically reviewed the rules, regulations, policies, and procedures that impact providers on a day-to-day basis. The department engaged child care providers in this process. Through online surveys, every child care provider regulated by the department was given an opportunity to identify and comment on any of the department's rules, regulations, policies, and procedures they considered cumbersome or that created burdens to their business. DECAL received feedback from over 1,000 child care providers.

Research continues to demonstrate the importance of high quality early care and education in children's brain development and future educational success. Major components of quality early care and education include environments that are safe and healthy for children. Most of the state's early care and education rules, regulations, policies, and procedures relate to ensuring safe and healthy environments.

To formulate the recommendations listed below, DECAL and its partners examined the rules, regulations, policies, and procedures to ensure that early care and education programs are not overly burdened with unnecessary regulations while also ensuring that Georgia's children are served in safe and healthy environments. Details of the process DECAL used to comply with the Governor's Executive Order are found in the attached document.

Results and Recommendations

Overall results indicate no specific core rule area is considered overly burdensome, difficult to understand, unfairly regulated, or not important to the health and safety of children. Respondents did, however, identify areas that could be clarified or streamlined by modifying policy or providing additional training.

Based on the results of the multi-stage approach, DECAL proposes to **AMEND**, **CLARIFY**, and **TRAIN (ACT)** to address concerns identified as a result of the Governor's Executive Order.

- Amend certain rules, regulations, processes, and procedures, which in some cases will begin with a formal review process. Deadlines for initiating the action to amend are identified with each recommendation below.
- Clarify other rules and regulations that providers noted were confusing or existed in a "gray" area. Clarifications will be completed and posted on DECAL's website by December 31, 2012.
- Train providers and DECAL field staff on interpreting and applying rules and regulations specifically identified in the surveys. Training will be initiated by December 31, 2012.

DECAL's recommendations are listed below under each action strategy.

AMEND

1. Teacher Credential Recommendation: DECAL recommends instituting a formal waiver process that will allow child care providers additional time to meet a rule adopted in 2009 that requires all lead teachers to have a minimum of a Child Development Associate Credential (CDA) by December 2012. This rule was adopted to help programs provide higher quality instruction by ensuring that early care and education teachers are appropriately trained. Many providers have expressed concern about being able to fulfill this requirement with the current workforce. Specifically, DECAL will develop a process for programs to submit plans that ensure at least 75% of lead teachers in their programs will obtain the needed credential by 2014. The 75% threshold helps accommodate teacher turnover; however, programs must have a plan detailing how new staff will begin the process to obtain the credential. This waiver process applies specifically to child care programs. DECAL will also review a similar process for new family day care home providers. The formal waiver process will be instituted by August 3, 2012.

It is important to note that DECAL has offered continual support to providers to obtain this credential. This includes several initiatives related to providing financial aid to teachers as well as expanding the number of CDA classes offered statewide. DECAL is currently exploring other supports, including a new paraprofessional certification and additional training offered through Georgia State University. These supports, along with the recommended waiver process, will continue to move Georgia's early education workforce to higher educational levels.

2. Infant Sleeping Recommendation: DECAL will begin the process to amend the rule that requires a blanket be used when an infant is sleeping and will direct providers to follow the recommendations of the American Academy of Pediatrics pertaining to infant safe sleep. Providers report that the language in Georgia's current rule about using a blanket with a sleeping infant is confusing. The process for amending this rule will begin August 16, 2012.
3. Pre-K Financial Audit and Reconciliation Process Recommendation: DECAL will implement a review of the required documentation and process for the Pre-K Reconciliation Report and Agreed Upon Procedures (AUP). Providers expressed concerns with the required documentation related to the financial reconciliation process. The review will be conducted by a committee composed of representatives from DECAL's finance unit, Pre-K management, and Pre-K providers. The committee will present recommendations for possible changes to the Pre-K financial processes to DECAL leadership by December 31, 2012.
4. Multiple Documents with Rules and Regulations for Child Care Centers: DECAL will officially render null and void the *Rules and Regulations for Day Care Centers*, Chapter 290-2-2, formerly used when the Georgia Department of Human Resources (DHR) regulated child care centers not participating in Georgia's Pre-K Program. (At one point both DHR and DECAL regulated child care centers depending on the center's participation in Georgia's Pre-K Program.) Now that DECAL regulates all child care centers in Georgia, the *Rules and Regulations for Day Care Centers*, Chapter 290-2-2, are redundant. Official guidelines governing ALL child care centers will be included in *Rules for Child Care Learning Centers*, Chapter 591-1-1. This action will be completed by August 31, 2012.

CLARIFY

5. Physical Plant Rule: DECAL will more clearly define hazardous materials; will create an extensive list of examples of hazardous materials; and will encourage providers to contact their consultants whenever they need further clarification. DECAL will post these clarifying documents on the department's website. Providers expressed confusion about what constitutes hazardous materials.
6. Staff: Child Ratios (especially for mixed aged groups): DECAL will create charts that will prescribe the number of adults required for the number of children during specific times of the child care day, such as nap time, outside play time, etc. Providers expressed a need for understanding how to compute ratios when there are mixed age groups.
7. Medication Forms: DECAL will review and update information on Child Care Services's Frequently Asked Questions webpage relating to administering medications and the required paperwork on medications in a child care setting. To help providers explain the regulations to parents, DECAL will create a flyer or brochure about medications in a child care setting that providers can distribute to parents. Many providers expressed concern about different types of medication and how to apply the rules in different circumstances.
8. Field Trips/Transportation: DECAL will create additional materials to explain requirements for field trips and for transporting children. The materials will include best practices regarding field trips and transportation and suggestions for ways to comply with Georgia's current requirements. Many providers expressed concern about the amount of paperwork related to field trips and transportation. These rules are vital to ensure children's safety and to meet national regulation standards related to transporting children.
9. Federal Nutrition Policies: DECAL will provide clarification to federal nutrition policies based on the results of a current audit by the U.S. Department of Agriculture (USDA) and on comments made on the surveys. Providers expressed concerns about clearly understanding new and changing federal nutrition policies. Submission of these concerns is timely; DECAL's Nutrition Services unit is currently (May 2012) undergoing a biannual audit by USDA to review the department's administration of the nutrition program in Georgia.
10. Criminal Records Checks: DECAL will clarify existing regulatory and legal requirements for visitors and others not caring for children in family day care homes. Family day care home providers asked for clarification regarding visitors to the family day care home.
11. Playgrounds: DECAL will continue to work on consultant reliability and will more clearly define terms such as "non-mobile equipment," "natural barriers," and "resilient surfaces." Providers noted confusion relating to playgrounds caused by inconsistencies among consultants and by unclear terms.

TRAIN

12. Consultant Consistency: DECAL will continue to conduct reliability training to help ensure that DECAL consultants interpret and apply rules and regulations in a fair and consistent manner. A common theme throughout the survey findings was perceived inconsistencies in the way

consultants from all DECAL divisions interpret and apply rules, regulations, policies, and procedures.

13. Training Webinars: Develop and conduct training webinars for providers to clarify rules that are confusing to providers and to offer additional training on key licensing requirements, for example, hygiene, hand washing, medications, new crib requirements, and transportation.
14. Pre-K Financial Webinar: Based on the commissioner's response to the review committee's recommendations (see Recommendation #3), revise and deliver training on the financial processes and documentation relating to Georgia's Pre-K Program.

Summary

While one of DECAL's primary responsibilities is regulatory, the department works hard to support the small businesses that provide child care and early education services to children. DECAL strives to balance its role of ensuring the health and safety of children in out-of-home child care with the imperative of helping providers succeed in their businesses. DECAL believes that including child care and early education providers in complying with the Governor's Executive Order illustrates its commitment to help ensure that the child care and early education industry in Georgia ... and the children they serve ... thrive.

DECAL appreciates the opportunity afforded by the Governor's Executive Order to scrutinize the state's early care and education rules, regulations, processes, and procedures from the perspective of how they impact small businesses. The recommendations resulting from this process will benefit early care and education providers, families, and, ultimately, the children of Georgia.