

## **Proposed Rule Changes – October 1, 2026**

### **Child Care Learning Center Rules & Regulations**

DECAL proposes to amend this rule chapter to make a correction in the federal code reference for the definition of “Crime” and to amend the definition of “School-age Children” to accommodate Pre-K age children.

Economic Impact Analysis: The Department anticipates that the proposed rule amendments and implementation of the proposed changes will not have an economic impact on child care providers in the State of Georgia. These proposed amendments do not impose new costs, require additional staffing, or create new administrative or operational requirements for providers.

#### **591-1-1-.02 Definitions**

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

- (a) "Adult" means any competent individual eighteen (18) years of age or older.
- (b) "Adverse Action" means any Intermediate or Closure Action issued as a result of one or more rule violations.
- (c) "Child Care Learning Center" or "Center" means any place operated by an individual or any business entity recognized under Georgia law wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven or more children under 18 years of age and which is required to be licensed. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 et seq.
- (d) "Child with Special Needs" means a child enrolled in a Center who, due to a physical problem, mental health disorder, behavioral disorder, or developmental disability, which is either permanent or temporary, requires some adaptation of the Center's standard program of care or activities to accommodate the child's special needs.
- (e) "Closure Action" means the most restrictive category of Enforcement Actions including emergency closure, long-term suspension and revocation.
- (f) “Comprehensive Records Check Determination” means a satisfactory or unsatisfactory determination by the Department, based upon a Federal Bureau of Investigation fingerprint based criminal record check, a search of appropriate sex offender registries, repositories, or data bases, compliance with relevant state and federal law, and a search of the following registries, repositories or databases in the state where the actual or potential employee or director resides and in each state where such individual resided during the preceding five years: criminal registry or repository;

state sex offender registry or repository; and state based child abuse and neglect registry and database.

(g) "Correctable Abuse Dereliction or Deficiency" means any conduct of a License or Permit Holder which violates any of these rules wherein the Department determines that the rule violation is not the result of any Non-Correctable Abuse, Dereliction or Deficiency.

(h) "Crime" means

1. Any felony pursuant to O.C.G.A. § 20-1A-30 and in accordance with 42 U.S.C. § 9858f(c)(1)(E);
2. A violation of O.C.G.A. § 16-5-23, relating to simple battery, where the victim is a minor;
3. A violation of O.C.G.A. § 16-5-23.1, relating to battery, where the victim is a minor;
4. A violation of O.C.G.A. § ~~16-21-1~~16-12-1, relating to contributing to the delinquency of a minor;
5. A violation of O.C.G.A. § 16-6-1 et seq. relating to sexual offenses;
6. A violation of O.C.G.A. § 16-5-29, relating to battery of an unborn child;
7. A violation of O.C.G.A. § 16-5-60, relating to reckless conduct causing harm when the victim is a minor;
8. A violation of O.C.G.A. § 16-5-70, relating to cruelty to children;
9. A violation of O.C.G.A. § 16-12-1.1, relating to child care facility operators being prohibited from employing or allowing to reside or be domiciled persons with certain past criminal violations;
10. A violation of O.C.G.A. §§ 16-12-100, 16-12-100.1, 16-12-100.2, 16-12-100.3, relating to obscenity and related offenses where the victim is a minor;
11. A violation of O.C.G.A. § 40-6-391, relating to endangering a child while driving under the influence of alcohol or drugs;
12. A violation of O.C.G.A. § 19-7-5, relating to a failing to report if mandated to do so by law;
13. Child pornography, in accordance with 42 U.S.C. § 9858f(c)(1)(E);
14. Abuse of, endangerment of, or sexual assault against a child by an adult, in accordance with 42 U.S.C. § 9858f(c)(1)(E);

15. Any other violent misdemeanor against a child by an adult, in accordance with 42 U.S.C. § 9858f(c)(1)(E);

16. A violation of O.C.G.A. § 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or

17. Any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.

(i) “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. § 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. § 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. § 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. § 17-3-1 et. seq.

(j) “Department” means Bright from the Start: Georgia Department of Early Care and Learning.

(k) “Director” means the on-site manager of a Child Care Learning Center designated by the legal owner who has submitted a Records Check Application and has received a satisfactory Comprehensive Records Check Determination and who is responsible for the supervision, operation and maintenance of the Center and meets the minimum qualifications as determined by the Department.

(l) “Employee” means any person, other than a Director or Provisional Employee, who has submitted a Records Check Application and has received a satisfactory Comprehensive Records Check Determination and who:

1. Regardless of age, is compensated by a Center for the care of children; or

2. Regardless of age, cares for, supervises or has unsupervised access to children at the Center; or
3. Is 17 years of age or older and resides at the facility; or
4. Regardless of age, performs duties for or services that benefit the Center, with or without compensation, which involve personal contact between that person and any child being cared for by the Center, including but not limited to volunteers that perform consistent services for the Center, where services are considered consistent when provided more than once in a ninety calendar day period; or
5. Regardless of age, is a parent or legal guardian of a child in care who is deemed an employee by the Center or either resides at the Center and is age 17 or older, or is compensated in any fashion by the Center except through appropriate state or federal funds; or
6. Regardless of age, is an independent contractor hired by the Center to offer supplemental educational or physical activities for children in care; or
7. Regardless of age, is a Student-in-Training.

(m) "Enforcement Action" means any action issued as a result of one or more rule violations ranging from technical assistance to a Closure Action.

(n) "Evening Care" means care provided to any child at a Center between the hours of 7:00 p.m. and 12:00 midnight.

(o) "Field Trip" means an excursion or program activity with a specific destination away from the Center. 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.

(p) "Fingerprint" means an inked fingerprint card or an electronic image of a person's fingerprint.

(q) "Fingerprint Records Check Determination" means a satisfactory or unsatisfactory determination made by the Department that is based upon national criminal history record information obtained by the use of Fingerprints.

(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) "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.

(t) "Intermediate Action" means a moderately restrictive category of Enforcement Actions including public reprimands, fines, per rule fines, per day fines, restrictions, emergency monitoring and short-term suspension.

(u) "License" means the document issued by the Department to authorize the License Holder to whom it is issued to operate a Center in accordance with these rules. (In lieu of a License, a commission may be issued to a local church ministry, religious nonprofit school or nonprofit religious charitable organization. The requirements to obtain a commission under these rules shall be identical to those for a License.)

(v) "License Holder" means the individual or business entity holding a License issued by the Department to operate a Center at a particular location and having responsibility for the operation and maintenance of the Center in accordance with these rules.

(w) "Night-time Care" means care provided to children at the Center between the hours of 12:00 midnight and 6:00 a.m.

(x) "Non-Correctable Abuse, Dereliction or Deficiency" means an abuse, dereliction or violation of these rules which demonstrates any of the following:

1. Flagrant and shocking intentional misconduct by the Center or Center Staff where those responsible for the operation of the Center knew or should have known of the likelihood of Staff to commit such acts;
2. An intentional or reckless disregard for the physical health, mental health or safety of a child in care which may or may not result in physical injury to the child by the Center or the Center Staff where those responsible for the operation of the Center knew or should have known of the likelihood of Staff to disregard; or
3. Some causal connection between the intentional violation of a rule and the death or major injury of a child in care.

(y) "Parent" means a person related within the second degree of consanguinity by either blood or marriage, or a person with lawful custody, or a state-regulated foster parent, or a legal guardian of a child in care. For purposes of these rules, a Parent shall not be considered an Employee unless such Parent is deemed an Employee by the Center or either resides in the Center or is compensated in any way by the Center other than through appropriate state or federal funds.

(z) "Permit" means the temporary document issued by the Department authorizing a Child Care Learning Center to operate without a License for a limited term and in accordance with these rules.

(aa) "Permit Applicant" means an individual or any business entity recognized under Georgia law applying for a Permit from the Department as defined in these rules.

(bb) "Permit Holder" means the individual or business entity issued a Permit by the Department to operate a Center at a particular location that is responsible for the operation and maintenance of the Center in accordance with these rules.

(cc) "Personnel" or "Staff" means all persons including the Director, Employees and Provisional Employees.

(dd) "Plan of Correction" means a written plan prepared by the authorized agent of the Center submitted to and approved by the Department which states the procedure(s), method(s) and time frame(s) that will be used to correct the area(s) of non-compliance with these rules.

(ee) "Prevention Action" means the least restrictive category of Enforcement Actions including technical assistance, citation, formal notice letter and office conference.

(ff) "Provisional Employee" means a person other than a Director or Employee, who has submitted a Records Check Application to become an Employee and has not received a Comprehensive Records Check Determination but who has received a satisfactory Fingerprint Records Check Determination and who must be supervised at all times by another Staff member who has a current and valid satisfactory Comprehensive Records Check Determination on file.

(gg) "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 Center. 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 a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination; is 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; has not made any material false statements relating to any licensure requirement to the Department, the Permit Holder or the License 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.

(hh) "Qualifying Work Experience" means verifiable experience working directly with children.

(ii) "Records Check Application" means a document created by the Department to be completed and submitted to the Department by every actual and potential Director, Employee and Provisional Employee of the Center that indicates such information as the Department deems appropriate and which authorizes the Department to receive any sex offender registry, child abuse and neglect registry and criminal history record information pertaining to the individual from any local, state or national agency of appropriate jurisdiction and render a Fingerprint or Comprehensive Records Check Determination.

(jj) "Records Check Clearance Date" means the date upon which an individual's fingerprint report was generated.

(kk) "School-age Children" means children who are at least ~~five (5)~~ four (4) years old by the first of September of the current school year ~~and who are eligible to attend public school.~~

(ll) "School-age Center" means a Child Care Learning Center, or part thereof with separate physical 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 for

the School-age Children enrolled in the program during the regular school year during those periods when school is not in session.

(mm) "Student-in-Training" means a student currently enrolled in either a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education which requires or permits the student to observe and participate in the care of children at a Center during a limited period of time, i.e., one quarter, one trimester or one semester, provided that they are under the direct supervision of Center Personnel at all times.

(nn) "Valid Evidence" means electronic proof of a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination as follows:

1. Directors – a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department; provided that the letter for a newly hired Director must have a Records Check Clearance Date that is within the immediate preceding 12 months of the Director's date of hire, and the Director has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer.
2. Provisional Employees - a valid and current satisfactory Fingerprint Records Check Determination issued by the Department; provided that the letter for a newly hired Provisional Employee must have a Records Check Clearance Date that is within the immediate preceding 12 months of the Provisional Employee's date of hire, and the Provisional Employee has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer;
3. Employees - a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department; provided that the letter for a newly hired Employee must have a Records Check Clearance Date that is within the immediate preceding 12 months of the Employee's date of hire, and the Employee has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer;

(oo) "Violation Class" means the category on the compliance and enforcement chart that corresponds with the level of risk of harm or actual harm as a result of one or more rule violation.

(pp) "Violation History Level" means the category on the compliance and enforcement chart that corresponds with the prior history of continued rule violations.

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

DECAL proposes to amend this rule chapter to clarify language for requirements of medical emergencies, aligning this with rule requirements for posted notices and federal requirements for emergency preparedness plans.

Economic Impact Analysis: The Department anticipates that the proposed rule amendments and implementation of the proposed changes will not have an economic impact on child care providers in the State of Georgia. These proposed amendments do not impose new costs, require additional staffing, or create new administrative or operational requirements for providers.

#### **591-1-1-.21 Operational Policies and Procedures**

A Center shall establish and implement written policies and procedures which shall be kept current, be consistent with applicable laws, regulations and these rules, made available to the Parent(s) and used to govern the operations of the Center.

- (1) The policies and procedures shall include the following:
  - (a) A description of services to be provided which specifies the ages of children to be served, days and times of operations and days and times that the Center is closed;
  - (b) A description of enrollment and admission requirements which specifies the Parents' responsibilities for supplying needed information to the Center and escorting the child to and from the Center;
  - (c) A fee and payment schedule that specifies the standard fees, fees related to absences and vacations and other charges and fees such as transportation and late fees;
  - (d) A description of the Center's transportation and field trip services (see rule .36 about transportation requirements);
  - (e) A description of handling administration of medication (see rule .20 about medications), and notifying Parent(s) of noticeable adverse reactions to prescribed medications;
  - (f) A description of parental notification in cases of illnesses and injury and exclusion of sick children (see rule .07 about children's health);
  - (g) A description of parental notification when a notifiable communicable disease is present (see rule .07 about children's health);
  - (h) A description of handling medical emergencies (see rule .07 about children's health);

- (i) A description of meals and snacks served, including guidelines for food brought from the child's home;
- (j) Permission for access by the child's Parent(s) to all Center areas used by the child (see rule .22 about parental access);
- (k) Child abuse reporting law requirements;
- (l) A description of behavior management and discipline actions used by the Center, to include the program's practices regarding the expulsion and suspension of children enrolled for care.
- (m) Nondiscrimination statement;
- (n) Center-sponsored religious and cultural activities, if any;
- (o) If licensed for the care of an infant or toddler: Center's diapering procedures, Center's toilet training procedures, and Center's feeding procedures;
- (p) A written plan for handling emergencies, including but not limited to severe weather, fire and other emergency situations (i.e., loss of electrical power or water and death, serious injury or loss of a child, a threatening event, or natural disaster) which may occur at the Center. The Center will have in place procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, and continuity of operations. The plan must apply to all children in care and will include specific accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions. 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.
- (q) A description of the safe sleep practices followed by the Center that includes the following information: the initial placement of infants on their backs to sleep; no cover or other soft items in crib; appropriate sleep clothing for infants to be provided by Parent; individual crib, cot or mat and bedding provided and changing and cleaning practices for these items; infants who fall asleep in other equipment, on the floor or elsewhere will be moved to a crib to sleep; and no swaddling or positioning devices used.
- (r) A description of the practices followed by the Center to prevent shaken baby syndrome and abusive head trauma in children up to five years of age that includes

the following information: how to recognize, respond to, and report the signs and symptoms of shaken baby syndrome and abusive head trauma; strategies to assist staff members in understanding how to care for infants and how to cope with a crying, fussing, or distraught child; strategies to ensure staff members understand the brain development of children up to five years of age; and a list of prohibited behaviors when dealing with children.

- (2) The Center shall have written documentation signed by the Parent(s) in each child's file that the Director or designee has: provided to the Parent(s) a copy of the Center's policies and procedures required by this rule; advised the Parent(s) of the safe sleep practices followed by the Center; advised the Parent(s) of the child's progress, issues relating to the child's care and individual practices concerning the child's special needs; and encouraged participation by Parent(s) in Center activities.
- (3) The Center 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 Center shall maintain documentation of the dates and times of these drills for two years.
- (4) The Center shall provide the Parent(s) with a copy of the Center's policies and procedures as required by this rule.

**Authority: O.C.G.A. § 20-1A-1 et seq.**

DECAL proposes to amend this rule chapter to clarify requirements for a water depth that is exactly two(2) feet deep.

Economic Impact Analysis: The Department anticipates that the proposed rule amendments and implementation of the proposed changes will not have an economic impact on child care providers in the State of Georgia. These proposed amendments do not impose new costs, require additional staffing, or create new administrative or operational requirements for providers.

### **591-1-1-.35 Swimming Pools and Water-related Activities**

- (1) Local Approval. When permanent swimming or wading pools are located on the center premises, applicable local regulations regarding the design, construction, operation and maintenance shall be followed.
- (2) Accessibility of Pools. All swimming and wading pools shall be inaccessible to children except during supervised activities.
- (3) Supervision of Children in Water ~~Over~~ Two (2) Feet Deep and Over. For water-related activity (such as swimming, fishing, boating or wading) in water ~~over~~ two (2) feet deep and over, continuous supervision of children must be provided as follows:

| Ages of Children                                                                       | Staff:Child Ratio* |
|----------------------------------------------------------------------------------------|--------------------|
| Under two and one-half (2 1/2) yrs.                                                    | 1:2                |
| Two and one-half (2 1/2) to four (4) yrs.                                              | 1:5                |
| Four (4) yrs. 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 (15) yards unassisted **    | 1:15               |

\* At least one person must have 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. Such person may be a Center Staff member or an employee of a water facility (e.g., local swimming pool).

\*\* 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, Center 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.

- (4) Supervision of Children in Water Less than Two (2) Feet Deep. For water-related activity (such as swimming, fishing, boating or wading) in water less than two (2) feet deep (such as a wading pool), continuous supervision must be provided in accordance with normal Staff:child ratios which are as follows:

| Ages of Children                                                                              | Staff:Child Ratio* |
|-----------------------------------------------------------------------------------------------|--------------------|
| 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                                                                            | 1:20               |
| Six (6) years and older                                                                       | 1:25               |

- (5) Additional Supervision. At least one (1) additional Staff member above the required Staff:child ratios for any water-related activity (such as swimming, fishing, boating, or wading) shall be available to rotate among the age groups as needed when any of the following circumstances are present: the majority of the children in a group are not accustomed to or are afraid of the water; the majority of the children in a group comprised of children who cannot swim a distance of 15 yards unassisted cannot touch the bottom of the water facility without submerging their heads; the water facility is particularly crowded; or the children have special needs which impact on their ability to participate safely in the water-related activity.
- (6) Parental Permission. No child shall participate in a swimming activity without the Parents' written permission.
- (7) Use of Wading Pools. Wading pools shall be cleaned and filled with clean water for each day's usage and emptied when not in use.

**Authority: O.C.G.A. § 20-1A-1 et seq.**