

Proposed Rule Changes – October 1, 2026

Family Child Care Learning Home Rules & Regulations

DECAL proposes to amend this rule chapter to make a correction in the federal code reference for the definition of “Crime”.

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.

290-2-3-.03 Definitions

In these rules, unless the context otherwise requires, the capitalized 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” or “Children” means any person(s) under 18 years of age for whom child care service(s) is (are) provided in a Home. For purposes of these rules, the terms shall not include Children that are related to the License Holder or applicant as defined in these rules or Children whose Parent(s) reside in the same residence as the License Holder or applicant.
- (d) “Closure Action” means the most restrictive category of Enforcement Actions including emergency closure, long-term suspension and revocation.
- (e) “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 provider 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.
- (f) “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.

(g) "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.

(h) "Department" means Bright from the Start: Georgia Department of Early Care and Learning.

(i) "Employee" means any person, other than the Provider 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 Home for the care of children;
- 2. Regardless of age, cares for, supervises or has unsupervised access to children at the Home; or
- 3. Is 17 years of age or older and resides at the Home; or
- 4. Regardless of age, performs duties for or services that benefit the Home, with or without compensation, which involve personal contact between that person and any child being cared for by the Home, including but not limited to volunteers that perform consistent services for the Home, 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 Home or either resides at the Home and is age 17 or older, or is compensated in any fashion by the Home except through appropriate state or federal funds; or
- 6. Regardless of age, is an independent contractor hired by the Home to offer supplemental educational or physical activities for Children in care; or
- 7. Regardless of age, is a Student-in-Training.

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

(k) "Family Child Care Learning Home" or "Home" means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as

the Provider and which is required to be licensed; provided, however, that the total number of unrelated Children cared for in such Home, for pay and not for pay, may not exceed six Children under 13 years of age at one time, except that a Provider may care for two additional children three years of age or older for two designated one hour periods daily upon approval by the Department.

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

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

(n) "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.

(o) "License" means the document issued by the Department to authorize the License Holder to whom it is issued to operate a Family Child Care Learning Home in accordance with these rules.

(p) "License Holder" means the individual issued a License by the Department to operate a Home at a particular location who is responsible for the operation and maintenance of the Home and who primarily provides care in the Home in accordance with these rules.

(q) "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 Home or either resides in the Home or is compensated in any way by the Home other than through appropriate state or federal funds.

(r) "Plan of Correction" means a written plan prepared by the License Holder or applicant and 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 noncompliance with these rules.

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

(t) "Provider" means the License Holder or applicant of a Family Child Care Learning Home who has submitted a Records Check Application and has received a satisfactory Comprehensive Records Check Determination and who is also the person that primarily provides care in the Home.

(u) "Provisional Employee" means a person other than the Provider 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.

(v) "Records Check Application" means a document created by the Department to be completed and submitted to the Department by every actual and potential Provider, Employee and Provisional Employee of the Home 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.

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

(x) "Related" or "Related Children" means children that are related to the Provider within the third degree of consanguinity or affinity by either blood or marriage (i.e. sons, daughters, grandchildren, nieces, nephews, first cousins), or under the legal guardianship, custody or state-regulated foster care of the Provider.

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

(z) "Supervision" and "Supervised" means that the Provider or authorized Adult providing care is alert, is providing watchful oversight to the Children, is able to respond promptly to the needs and actions of the Children and can intervene promptly in the case of an emergency.

(aa) "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 Home during a limited period of time, i.e., one quarter, one trimester or one semester, provided that they are under the direct supervision of Home personnel at all times.

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

1. Providers - a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department; provided that the letter for the Provider must have a Records Check Clearance Date that is no older than the immediate preceding 12 months of the date of licensure of the Home, and the Provider 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.

(cc) "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 a rule violation.

(dd) "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-1et seq., 42 U.S.C. § 9857 et seq.

DECAL proposes to amend this rule chapter to remove requirements for obtaining social-security numbers in personnel files for confidentiality purposes. Additionally, DECAL proposes to amend this rule chapter to correct errors in formatting and 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.

290-2-3-.07 Staffing and Supervision

- (1) The Provider shall be at least 21 years of age.
- (2) Providers must possess and submit valid evidence/documentation of one of the following credentials/degrees issued by either the organizations listed below, an accredited educational institution, or another organization approved/recognized by the Department:
 - (a) Child Development Associate (CDA) credential (issued by the Council for Professional Recognition and kept current); or
 - (b) Technical Certificate of Credit (TCC) in Early Childhood Education; or
 - (c) Technical College Diploma (TCD) in Early Childhood Education; or
 - (d) Associate Degree in Early Childhood Education (AA, AAS, AAT); or
 - (e) Paraprofessional Certificate (issued by the Georgia Professional Standards Commission and kept current); or
 - (f) Bachelor's degree in Early Childhood Education; or
 - (g) Master's degree in Early Childhood Education.
- (3) Providers and applicants who have submitted an application for License on or before June 30, 2009 shall be exempt from the requirement stated in (2)(a) through (g) above, except if the Family Child Care Learning Home closes for business and then submits a new application for License on or after July 1, 2009. Any Provider who submits an application for License on or after July 1, 2009 must meet one of the education requirements listed above. Any Provider who has submitted an application for License on or before June 30, 2009 shall have a high school diploma, General Education Diploma (GED), or similar credentials and shall submit valid evidence/documentation of such credential.
- (4) A Home must maintain a personnel file on the Provider, all Employees, Provisional Employees, Personnel, Staff, Students-in-Training, Volunteers, Clerical, Housekeeping, Maintenance and other Support Staff for the duration of the term of employment plus one (1) calendar year, and it

shall contain the following: identifying information to include: name, date of birth, ~~social security number~~, current address and current telephone number; employment history for the past ten years; as applicable to the position held: evidence of education and qualifying work experience, evidence of required program orientation including date and signature of person providing the orientation; evidence of all training required by these rules which shall include: title of training, date of training, trainer's signature, location of training and number of clock hours obtained; a statement completed by the staff member that the information provided is true and accurate; and any other records required by these rules.

(5) Program Orientation. Prior to assignment to children or task, the Provider and all Employees (i.e., Volunteers, Students-in-Training, Independent Contractors, etc.) and Provisional Employees must receive initial program orientation.

(6) The initial program orientation must include the following subjects:

- (a) the Home's policies and procedures;
- (b) the portions of these rules dealing with the care, health and safety of children;
- (c) the Staff person's assigned duties and responsibilities;
- (d) reporting requirements for suspected cases of child abuse, neglect or deprivation;
- (e) communicable diseases and serious injuries;
- (f) emergency weather plans;
- (g) the program's emergency preparedness plan;
- (h) childhood injury control;
- (i) the administration of medicine;
- (j) reducing the risk of Sudden Unexpected Infant Death (SUID) which includes Sudden Infant Death Syndrome (SIDS);
- (k) hand washing;
- (l) fire safety;
- (m) water safety; and

(n) prevention of HIV/AIDS and blood borne pathogens.

(7) Health and Safety Orientation. The Provider, Employees and Provisional Employees with direct care responsibilities shall complete health and safety orientation training within the first 90 days of employment. The state-approved training hours obtained will count toward required first year training hours. The training must address the following health and safety topics:

- (a) prevention and control of infectious diseases (including immunization);
- (b) prevention of sudden infant death syndrome and use of safe sleeping practices;
- (c) administration of medication, consistent with standards for parental consent;
- (d) prevention of and response to emergencies due to food and allergic reactions;
- (e) 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;
- (f) prevention of shaken baby syndrome, abusive head trauma and child maltreatment;
- (g) 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);
- (h) handling and storage of hazardous materials and the appropriate disposal of bio contaminants;
- (i) precautions in transporting children; ~~recognition and reporting of child abuse and neglect; and~~
- (j) recognition and reporting of child abuse and neglect; and
- ~~(j)~~(k) child development to include all major domains: cognitive; social and emotional; physical development and motor skills; communication, language, and literacy; and approaches to play and learning.

(8) First Aid and CPR.

- (a) Every Provider, Provisional Employee and Employee with direct care responsibilities shall have current evidence of successful completion of a biennial training program in pediatric cardiopulmonary resuscitation (CPR) and a triennial training program in

pediatric first aid which have been offered by certified or licensed health care professionals or trainers. Such training must be completed by the Provider prior to initial licensure. Training must be completed within 45 days from the date of hire for Provisional Employees and Employees. Current and valid evidence of the successful completion of such training shall be maintained on the Home's Premises.

- (b) The Provider, a Provisional Employee or Employee with current evidence of successful completion of pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid must always be on the Home's premises whenever any Child is present.
- (c) The Provider, a Provisional Employee, or Employee with current evidence of successful completion of pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid must always be present on any field trip or during the transportation of children.

(9) Annual Training.

- (a) Every calendar year after the first year of employment, the Provider, Provisional Employees and Employees shall attend ten (10) clock hours of diverse training which is offered by an accredited college, university or vocational program or other Department-approved source.
- (b) The annual ten (10) clock hours of training shall include the following:
 - 1. At least two (2) hours in evidence based, developmentally appropriate language and literacy practices;
 - 2. At least two (2) hours in on-going child development and health and safety related topics, which could include, but not be limited to:
 - (i) Child development (e.g., developmental domains (cognitive; social and emotional; physical development and motor skills; communication, language, and literacy; approaches to play and learning), discipline and guidance techniques, children with special needs);
 - (ii) Health (e.g., nutrition and the support of breast feeding, physical activity, prevention and control of illnesses and infectious diseases, immunizations, prevention of and response to emergencies due to food and allergic reactions, cleanliness, sanitation, and the appropriate disposal of bio contaminants);
 - (iii) Safety (e.g., prevention of Sudden Unexpected Infant Death (SUID) which includes Sudden Infant Death Syndrome (SIDS) and the use of safe sleeping practices, medication administration, injury control and prevention, transportation, handling and storage of hazardous materials,

identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic, and emergency preparedness planning and response);

- (iv) Child abuse and neglect (e.g., identification and reporting, meeting the needs of abused and/or neglected children, prevention of shaken baby syndrome, abusive head trauma and child maltreatment).

- 3. No more than two (2) of the required ten (10) hours in business-related topics (e.g., parental communication, recordkeeping, management, business planning).

- (10) Documentation of Training. Evidence of orientation and training shall be documented and maintained in the Personnel file and/or Georgia's workforce registry and professional development system of each Staff member which shall be available to the Department for inspection. Documentation shall include the title of the training courses, the dates, and the number of hours of the courses, and the names of the trainers or sponsoring organizations.
- (11) The Provider, Employees and Provisional Employees shall never have been shown by credible evidence, e.g., a court, a department investigation or other reliable evidence to have abused, neglected, sexually exploited, 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 hire or at any other time the Department has reason to believe that a Provider, Employee or Provisional Employee is not qualified under these rules to administer or work in the Home. Upon said request, the Provider, Employee, or Provisional Employee shall provide this statement to the Department.
- (12) The Provider, Employees and Provisional Employees must be able to perform adequately the job duties of providing for the care and supervision of the children in the Home in accordance with these rules.
- (13) The Provider, Employees and Provisional Employees shall not have made any material false statements concerning qualifications requirements either to the Department or to the Provider.
- (14) The Provider, Employees and Provisional Employees must provide additional reasonable verification of the qualifications of the Provider, Employees and Provisional Employees upon request by the Department. Reasonable verification may include, but need not be limited to any or all of the following: statement(s) from an attending physician or other health care professional attesting to the mental and/or physical health of the Provider, Provisional Employee or Employee; letters of reference from designated persons in the community where the Provider, Provisional Employee and/or Employee intend to work or is working; certified copies of court orders; and additional records checks.

- (15) The Provider, Employees and Provisional Employees must comply with the background check requirements as outlined in Rule 290-2-3-.21 Criminal Records and Comprehensive Background Checks.
- (16) The total number of Children not Related to the Provider in the Family Child Care Learning Home, for pay or not for pay, cannot exceed six Children, except that a Provider may care for two additional children who are three years of age or older for two designated one hour periods daily upon approval by the Department.
- (17) Whenever Related Children or Children who reside in the Home are present in the Home, the total number of children present under the age of thirteen years may not exceed twelve, and the space requirement of 35 square feet per each child present must be met.
- (18) At least one Staff person with a satisfactory Comprehensive Records Check Determination shall supervise Children at all times appropriate to the individual age, needs and capabilities of each child. Such supervision must include, but not be limited to, indoor and outdoor activities, mealtimes, naptime, transportation, field trips, and transitions between activities. "Supervision" means Staff members are providing watchful oversight to the children, volunteers and Students-in-Training. The person(s) supervising in the child care area must be alert, positioned to maximize their ability to hear and see the children at all times, and able to respond promptly to the needs and actions of the children being supervised, as well as the actions of the volunteers and Students-in-Training, and provide timely attention to the children's actions and needs. Staff shall be attentive and participating with all children during mealtimes and shall be seated within an arm's length away from children thirty-six (36) months of age and younger. Plans shall be made to obtain additional Staff help in cases of emergencies.
- (19) An Employee or Provisional Employee, who must be at least sixteen (16) years of age, must be present to assist with supervision whenever more than three (3) children under the age of twelve (12) months are present, more than six (6) children under the age of three (3) years are present or more than eight (8) children under the age of five (5) years are present.
- (20) If Children are allowed to participate in water activities where the water is ~~over~~ two feet or over in depth, the Provider or an Adult shall supervise such activities and must have successfully completed a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or other recognized standard setting agency for water safety instruction.
- (a) For water-related activities where water is ~~over~~ two feet or over in depth, the following Staff: Child ratios shall be maintained:

Ages of Children	Staff: Ratio	Child
Under 2 ½		1:2
2 1/2 to 4 years		1:5
4 years & older (who cannot swim a distance of 15 yds. unassisted)		1:6
4 years & older (who can swim a distance of 15 yds. unassisted)		1:8

- (b) In lieu of requiring each Child four years and older to take a swimming test, the Provider may accept copies of verifications from a recognized water safety instruction organization stating that the Child has successfully completed a swimming class which required the Child to swim a distance of 15 yards unassisted.

(21) **Employees.** A licensed Home may hire Employees. All Employees:

- (a) must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks;
- (b) must be informed of the rules for Family Child Care Learning Homes and the Home's policies and procedures for the age group for which they will be providing care;
- (c) must be informed of the Home's policies and procedures necessary to the proper performance of their job duties in compliance with the Rules for Family Child Care Learning Homes; and
- (d) must participate in the orientation and training required by these rules.

(22) **Provisional Employees.** A licensed Home may hire Provisional Employees. All Provisional Employees:

- (a) must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks;
- (b) must be informed of the rules for Family Child Care Learning Homes and the Home's policies and procedures for the age group for which they will be providing care;
- (c) must be informed of the Home's policies and procedures necessary to the proper performance of their job duties in compliance with the Rules for Family Child Care Learning Homes;
- (d) must participate in the orientation and training required by these rules;
- (e) must be supervised at all times by the Provider or an Employee with a valid and current satisfactory Comprehensive Records Check Determination; and
- (f) may be hired as a permanent Employee by the Home only if the individual receives a satisfactory Comprehensive Records Check Determination by the Department and meets all other qualification requirements in these rules.

(23) **Independent Contractors.** A Home 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 Home for the purpose of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21 Criminal Records and

Comprehensive Background Checks before being present at the Home while children are present for care or before residing in the Home.

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

(24) **Parents.** The Home may have Parents occasionally assist in a classroom, chaperone or accompany a group of Children from the Home 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 Parent that is deemed to be a staff member by the Home or who is age 17 or older and resides at the Home or who is compensated in any way by the Home except through appropriate state or federal funds is considered an Employee or Provisional Employee for purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks before being present at the Home while Children other than their own are present for care or before residing in the Home;
- (b) No Parent shall be solely responsible for Children other than their own and must be under continuous direct supervision of the Provider or Home 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 Parent is exempted from annual training and first-aid/CPR training requirements.

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

- (a) Volunteers that provide consistent services are considered either Employees or Provisional Employees for the purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks before being present at the Home while children are present for care or before residing in the Home;
- (b) No volunteer shall be solely responsible for Children other than their own and must be under continuous direct supervision of the Provider or Home 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.

(26) **Students-in-Training.** The Home may have Students-in-Training.

- (a) Students-in-Training are considered either Employees or Provisional Employees for the purposes of these rules and must comply with the background check requirements as outlined in Rule 290-2-3-.21, Criminal Records and Comprehensive Background Checks

before being present at the Home while children are present for care or before residing in the Home;

- (b) No Student-in-Training shall be solely responsible for Children other than their own and must be under continuous direct supervision of the Provider or a Home 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 Student-in-Training is exempted from annual training and first-aid/CPR training requirements.

(27) **Clerical, Housekeeping, Maintenance and Other Support Staff.** The Home may 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 Home may have additional Staff at the Home. 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 290-2-3-.21, 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 Home may have individuals at the Home to repair and/or maintain the Home while Children are in care. These individuals:

- 1. must have no contact with Children in care;
- 2. may not be required to obtain a Fingerprint 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.

(28) Compliance with Applicable Laws and Regulations. The Provider, Employees and Provisional Employees shall not commit any criminal act, as defined under Georgia law, in the presence of any child enrolled in the Home and shall comply with all applicable laws and regulations.

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

DECAL proposes to amend this rule chapter to simplify and clarify language and remove duplicative requirements.

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.

290-2-3-.08 Children's Records

- (1) The Home shall maintain current and updated individual records on each Child in care. The Home shall maintain the records outlined herein while the Child is in care and for a period of one (1) year after such Child is no longer in care at the Family Child Care Learning Home. Such records shall include: identifying information (Child's name, birth date, Parent's name, home and business addresses, telephone numbers); name, address and telephone number of persons, including Child's physician, to contact in emergencies; and name, address, telephone numbers, relationship to Child and to Parent(s) and other identifying information of person(s) to whom the Child may be released.
- (2) Such records shall include evidence of age appropriate immunizations, or a signed affidavit certifying that the required immunizations conflict with the religious belief of the Parent or a physician statement that immunization is contraindicated. Evidence of immunizations or required documentation shall be on file for each Child upon admission to the Home or within 30 days thereafter.
- (3) Such records shall include written authorization for the Child to receive emergency medical treatment when the Parent is not available.
- (4) Such records shall include a record of any allergies and other known medical problems.
- (5) Such records shall include documentation of any medications given as required by these rules.
- (6) Such records shall include descriptions of accidents or serious illnesses occurring while the Child is in the Family Child Care Learning Home, including date, time and condition under which it occurred and the action taken.
- (7) Such records shall include parental agreements for transportation, field trips, swimming and/or other activities away from the Home if the Child will be participating in these activities.
- (8) Policies and Procedures. Each Family Child Care Learning Home shall establish policies and procedures, which shall be kept current, be consistent with applicable laws, including but not limited to the Americans with Disabilities Act, regulations and these rules, made available to the Parents, and used to govern the operations of the Family Child Care Learning Home.
 - (a) The policies and procedures shall include a written description of the services to be provided which specifies the following: ages of children served, months of operation, days of operation, hours of operation, dates the Family Child Care Learning Home will be closed, admission requirements, including parental responsibilities for supplying and maintaining

accurate required record information and escorting Child to and from the Family Child Care Learning Home; standard fees, payment of fees, fees related to absences and vacations and other charges such as transportation, etc. and transportation provided, if any.

(b) The policies and procedures shall also include written procedures for the following:

1. Behavior management and discipline actions used by the Home, to include the program's practices regarding the expulsion and suspension of children enrolled for care;
2. Handling ~~medical emergencies~~ ~~emergency medical care~~, including where the Children will be taken for emergency medical care;
3. Administering medication, ~~and~~ recording noticeable adverse reactions to medication, ~~and notifying parents of these adverse reactions;~~
4. Notifying Parent(s) in writing of their Child's: illness, injury, and exposure to a notifiable communicable disease or any cases or suspected cases of viruses or illnesses (COVID-19, etc.) identified during a public health emergency, within twenty-four (24) hours after the Home becomes aware of the illness or the next working day;
- ~~5. Noticeable adverse reaction to medication(s);~~
- ~~6~~5. Exclusion of sick children;
- ~~7~~6. Exclusion and readmission of children with communicable diseases, as defined on the most current version of the communicable disease chart, as found on the Department's website, or with cases or suspected cases of viruses or illnesses (COVID-19, etc.) identified during a public health emergency;
- ~~8~~7. Protection of children in the event of: severe weather, fire, and physical plant problems, such as a power failure, that affect climate control, loss of water, or structural damages;
- ~~9~~8. The transportation of Children to and from school or home, if provided, to include the procedure to be followed if no one is home to receive the transported Child;
- ~~10~~9. Identification of others providing care. The Provider must inform the Parents of Children in care of the names of any caregiver and their responsibilities, and the names of the persons who would be called upon in an emergency;
- ~~11~~10. Parents' ability to visit the Family Child Care Learning Home unannounced and at any time that their Child is in care;
- ~~12~~11. Any information requested by the Parent concerning the operation of the Family Child Care Learning Home or the care of the Child, including but not limited to a description of any special procedures to be followed in caring for the Child, such as any special services which the Home agrees to provide to a Child with

special needs. The Parent(s) will be provided daily communication (verbal/written) regarding the care of the Child, especially with infants, toddlers and nonverbal Children. Additionally, the Provider must bring special problems or significant developments to the Parent's attention as soon as they arise;

~~13~~12. Notification of the existence of a firearm in the Family Child Care Learning Home;

~~14~~13. Notification of any changes in the regular composition of the household. The Provider must notify the Parent(s) of anyone regularly on the premises, including but not limited to spouse, friend(s), relative(s), or significant other(s);

~~15~~14. Notification of the existence of any pets or other animals residing in the Home or on the property of the Family Child Care Learning Home; and

~~16~~15. Notification of infant sleep position practices. The Provider must notify Parent(s) of Sudden Infant Death Syndrome (SIDS) risk reduction practices, sleep positioning policies, and arrangements for placing all infants on their backs for sleep.

~~17~~16. A description of the practices followed by the Home 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.

(9) Documenting the Child's arrival and departure. The Parent or person(s) authorized by the Parent to drop off and pick up the Child will document each time the Parent or authorized person drops off and picks up the Child. The documentation shall include at least the following information: the date, the Child's name, the arrival and departure times, and the signature or initials of the Parent or authorized person and shall be made available to the Department in printed or written form upon request.

(10) The Home shall ensure that Children are only released to authorized person(s), and the Home shall take necessary steps to determine that any such person(s) presenting to pick up a Child in care is authorized by the Parent(s) of the Child and that person matches the identifying information provided by the Parent.

(11) If applicable, notification of the absence of a liability insurance policy. If the Home is not covered by liability insurance sufficient to protect its clients, the Home must notify the Parent of each Child under the care of the program in writing. Each Parent must acknowledge receipt of such notice, and a copy of the acknowledgment shall be kept in the Child's file.

(12) Documentation of family relationships for related children, other than the Provider's own children, cared for in the Home shall be maintained and shall include a notarized statement by the related child's Parent(s) attesting to the relationship.

(13) Documentation of the non-pay status of related and unrelated children in care for whom no pay is received shall be maintained and shall include a notarized statement by such child's Parent(s) attesting to the non-pay status.

(14) If applicable, documentation of approved water and sewage disposal systems shall be maintained in the Home by the Provider.

Authority: O.C.G.A. § 20-1A-1et seq.

DECAL proposes to amend this rule chapter to simplify and remove duplicative requirements.

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.

290-2-3-.12 Equipment and Supplies

- (1) The Home shall provide a variety of age-appropriate toys, books, and play equipment and materials to insure that each child shall have opportunity to experience and participate in a variety of activities.
- (2) Individual or disposable wash cloths and towels shall be provided.
- ~~(3) Furniture and equipment shall be kept clean and in a safe usable condition.~~
- (43) All indoor and outdoor furniture, activity materials, and equipment shall be: used in a safe and appropriate manner by each Provider, Provisional Employee, Employee and child in attendance and used in accordance with the manufacturer's instructions, recommendations, and intended use.
- (54) All indoor and outdoor furniture, activity materials, and equipment shall be free from hazardous conditions such as, but not limited to, sharp rough edges or toxic paint and kept clean and in a safe usable condition.
- (65) All indoor and outdoor furniture, activity materials, and equipment shall be placed so as to permit the children's freedom of movement and to minimize danger of accident and collision.
- (76) All indoor and outdoor furniture and equipment shall be secured if equipment and furniture is of a weight or mass that could cause injury from tipping, falling, or being pulled or pushed over. Potentially unstable equipment and furniture that might injure a child if not secured include, but are not limited to, televisions, chests of drawers, bookcases, shelving, cabinets and fish tanks. Examples of items not required to be secured include, but are not limited to, child-sized tables and chairs, rocking chairs, and cribs.
- (87) There shall be table space provided for each child who is able to sit at a table unassisted. An appropriately sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.
- (98) Toys shall be stored on low, open shelves accessible to children in each room or assigned area.
- ~~(109)~~ Toys that launch projectiles, such as dart guns, pop guns, slingshots, etc. shall not be allowed in the Home, and balloons shall not be accessible to preschool children.
- (1110) Toys for Children Under Three. Toys for children under three (3) years of age shall also be age-appropriate.

(~~1211~~) Toys for children under three (3) years of age shall be non-toxic and lead free; too large to be swallowed by a child and not capable of causing asphyxiation or strangulation; free of sharp pieces, edges or points; free of small parts which may be pried off by a child; free of rust and easily cleaned with a disinfectant daily.

Authority: O.C.G.A. § 20-1A-1 et seq.

DECAL proposes to adopt this new rule chapter allowing Family Child Care Learning Homes that are regulated by any branch of the U.S. military and meet certain conditions, to be exempt from licensure by the Department of Early Care & Learning.

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.

290-2-3-.22 Exemptions

(1) All programs providing group care for children shall obtain either a License, Permit, or a Commission for an early care and education program or an exemption from the Department, as applicable. Any person or entity operating or planning to operate a program that meets the criteria for exemption from licensure, as listed below, shall complete an online self-assessment through the Department to determine eligibility.

(a) Requirements for Exemption Self-Assessments

1. The following exemption category shall complete an online self-assessment through the Department: Category MRF – Military Regulated Family Child Care Learning Home.

2. Programs that self-assess, do not affect the authority of local, regional, or state health department officials, the state fire marshal, local fire prevention officials, local or regional building officials or zoning officials to inspect and approve facilities and locations. Programs must operate in a residence, and the self-assessment is only valid at the address listed and for the services indicated.

3. A program that completes a self-assessment and deems itself exempt but has subsequent material changes in the operation of the program, such as, but not limited to, a change of physical location, a change in operating months, days, and/or hours, or a change in the ages served, shall complete a new self-assessment.

(b) Exemption Category. The following type of program shall be exempt from licensure:

1. Category MRF – Military Regulated Family Child Care Learning Home that meets all of the following:

(i) Program is regulated by a branch of the U.S. military.

(ii) Program serves military families only, on or off base.

(iii) Program will not participate in the Childcare and Parent Services (CAPS) program.

Authority: O.C.G.A. § 20-1A-1et seq.