



Georgia Department of Early Care and Learning

Rules and Regulations

Support Centers

Chapter 591-3-1
Adopted October 1, 2018



**RULES OF
BRIGHT FROM THE START:
GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING**

**CHAPTER 591-3-1
SUPPORT CENTERS**

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591-3-1-.01 Legal Authority

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 20-1A-1 et seq.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.01

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

History. Original Rule entitled "Legal Authority" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.

591-3-1-.02 Title and Purpose

These rules shall be known as the Rules and Regulations for Support Centers.

The purpose of these rules is to provide for the registration of Support Centers within Georgia to allow such entities to initiate the criminal records check process for those individuals eligible to provide services to applicable programs for the care of children.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.02

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

History. Original Rule entitled "Title and Purpose" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.

591-3-1-.03 Definitions

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

- (a) "Adult" means any competent individual eighteen (18) years of age or older.
- (b) "Child" or "Children" means any person(s) under 18 years of age for whom child care service(s) is (are) provided in an Early Care and Learning Program.
- (c) "Child Care Learning Center" or "Center" means any place operated by an individual or business entity authorized under Georgia law wherein are received for pay for group care for less 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.
- (d) "Comprehensive Records Check Determination" means a satisfactory or unsatisfactory determination by the Department, based upon a Federal Bureau of Investigation fingerprint check, a search of the National Crime Information Centers National Sex Offender Registry, 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, with the use of fingerprints being required in the state where the individual resides and option in other states; state sex offender registry or repository; and state based child abuse and neglect registry and database.
- (e) "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, 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.

(f) "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.

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

(h) "Early Care and Education Program" or "Program" means any Family Child Care Learning Home, Child Care Learning Center or Support Center.

(i) "Eligible Employee" means any person who is a potential director, employee, volunteer, or independent contractor with a satisfactory Comprehensive Records Check Determination or a Student-in-Training with either a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination through a Support Center.

(j) "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) or

guardians are not residents in the same private residence as the Provider; 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.

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

(l) "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.

(m) "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 Records Check Determination or Comprehensive Records Check Determination.

(n) "Registration" means a certificate issued by the Department to a Support Center applicant granting the applicant permission to operate a Support Center in accordance with these rules.

(o) "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.

(p) "Support Center" means any business entity, including but not limited to temporary staffing agencies, universities, and independent contractors, that receives no children for care and that is granted a Registration by the Department for the purpose of initiating the criminal records check process for an Eligible Employee of any licensed, commissioned or permitted Early Care and Education Program.

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

1. Eligible Employees other than a Student-in-Training – a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department with a Records Check Clearance Date that is within the immediate preceding 12 months of the date of hire, and provided that the Eligible Employee has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer; and

2. Students-in-Training – a valid and current satisfactory Fingerprint Records Check Determination or a valid and current satisfactory Comprehensive Records Check Determination letter issued by the Department with a Records Check Clearance Date that is within the immediate preceding 12 months of the date of hire, and provided that the Eligible Employee has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.03

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

History. Original Rule entitled "Definitions" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.

Amended: F. Aug. 17, 2018; eff. Sep. 6, 2018.

591-3-1-.04 Support Center Requirements and Registration Applications

(1) Support Center Requirements

- (a) No person or business entity authorized under Georgia law shall operate a Support Center unless a Registration has been obtained from the Department.
- (b) A Registration to operate a Support Center is not transferable in any way. A change of business ownership or address requires a new Registration to be issued by the Department. Each Registration shall become invalid immediately upon the final sale or closure of the Support Center, or upon the suspension, revocation, or restriction of the Registration.
- (c) The Registration shall be automatically renewed each year unless the Registration is voluntarily surrendered by the holder or suspended or revoked by the Department.
- (d) A Support Center shall not knowingly make any false statement in connection with a Records Check Application or change of ownership.
- (e) A Support Center shall report to the Department any known arrest for a Crime or change in the Fingerprint Records Check Determination or Comprehensive Records Check Determination or Criminal Record of any Eligible Employee within twenty-four (24) hours or the next work day.
- (f) A Support Center may submit Records Check Applications for Eligible Employees to the Department in accordance with guidelines set forth by the Department.
- (g) A Support Center must ensure that every Eligible Employee submits both a Records Check Application to the Department and Fingerprints to an authorized fingerprinting site.
- (h) A Support Center must ensure that every Eligible Employee has a valid and current satisfactory Fingerprint Records Check Determination or Comprehensive Records Check Determination on file prior to being present at the Early Care and Education Program while any child is present for care or before an individual age 17 or older resides in the Early Care and Education Program.
- (i) Valid Evidence of a satisfactory Fingerprint Records Check Determination or a satisfactory Comprehensive Records Check Determination must be maintained at the Support Center for each Eligible Employee for the duration of employment or residency plus one year, and such paper or electronic evidence must be made immediately available to the Department upon request.
- (j) The Support Center must ensure that every Eligible Employee requests child abuse and neglect registry information and criminal history documents from any U.S. state, territory or tribal land other than Georgia in which they have resided in the preceding five years and submit such documents to the Department in a timely manner. Failure to request out-of-state information will result in the issuance of an unsatisfactory Comprehensive Records Check Determination.
- (k) Portability for Eligible Employees excluding Students-in-Training. Only the most recently issued determination letter is eligible for portability and must be ported electronically. A Center or Home may accept a satisfactory Comprehensive Records Check Determination letter issued by the Department if the individual's Records Check Clearance Date is within the preceding 12 months from the hire date, the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and the Support Center, Center or Home does not know or reasonably should not know that the individual's satisfactory status has changed.
- (l) Portability for Students-in-Training. Only the most recently issued determination letter is eligible for portability and must be ported electronically. A Center or Home may accept a satisfactory Comprehensive Records Check

Determination letter issued by the Department for a Student-in-Training if the individual's Records Check Clearance Date is within the preceding 24 months from the hire date, the Center or Home has verified and maintains evidence on file that the Student-in-Training is currently enrolled in a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education, the individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and the Support Center, Center or Home does not know or reasonably should not know that the individual's satisfactory status has changed.

(m) Recheck Required. The Support Center must immediately require that every Eligible Employee submit to the Comprehensive Records Check Determination process at the following times:

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

(n) A Support Center applicant shall comply with all applicable laws and regulations.

(2) Registration Applications

(a) An application for a Registration to operate a Support Center shall be submitted to the Department on forms provided by the Department.

(b) A Registration may be issued upon presentation of evidence satisfactory to the Department that the Support Center applicant is in compliance with applicable statutes and these rules.

(c) A Registration applicant shall not knowingly make any false statement in connection with the application for a Registration or change of ownership.

(d) A Registration applicant shall comply with these rules and regulations and Georgia law.

(e) A Registration applicant shall provide the Department access to the Support Center and to information pertinent to the initial Registration of the Support Center.

(f) A person or business entity authorized under Georgia law may not register with the Department as a Support Center within one (1) year of a prior license, permit or Registration denial, revocation or suspension.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.04

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

History. Original Rule entitled "Support Center Requirements and Registration Applications" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.

Amended: F. Aug. 17, 2018; eff. Sep. 6, 2018.

591-3-1-.05 Enforcement and Penalties

No Support Center shall operate in the State without a Registration that has been issued by the Department. A Registration for a Support Center may be denied, revoked, restricted or suspended, if applicable, in accordance with the following:

(a) Refusal of a Registration. The Department shall refuse to issue a Registration in the following instances:

1. Where a Registration applicant submits a Registration application within one (1) year of a prior license, permit or Registration denial, revocation or suspension; or
2. Where a Registration applicant who has transferred ownership or governing authority of a program subject to regulation by the Department within one (1) year of the date of a new application when such transfer was made in order to avert denial, revocation or suspension of such license or Registration; or
3. Where a Registration applicant knowingly makes any false statement of material information in connection with an application or on any documents submitted to the Department or in the alteration or falsification of records maintained by the Support Center; or
4. Where a Registration applicant fails to meet the Registration requirements prescribed under these rules or Georgia law within a reasonable amount of time.

(b) Revocation of a Registration. The Department may revoke a Registration in the following instances:

1. Where a Support Center fails to report a known arrest or change in the Satisfactory Records Check Determination of any Eligible Employee; or
2. Where the Department determines that a non-correctable deficiency, abuse or dereliction exists in the operation or management of the Support Center; or
3. Where the Department determines that a correctable abuse, dereliction or deficiency in the operation or management of the Support Center has not been corrected within a reasonable time.

(c) Suspension of a Registration. The Department may suspend the Registration to operate a Support Center for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of the Registration.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.05

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

History. Original Rule entitled "Enforcement and Penalties" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.

591-3-1-.06 Severability

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.06

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

History. Original Rule entitled "Severability" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.

591-3-1-.07 E-Mail Contact Information

Each Support Center registered in the state of Georgia shall provide the Department with e-mail contact information so that this agency may contact the Support Center and send information to the Support Center via email. It shall be the responsibility of the Support Center to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting Support Centers, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

(a) All applicants for Registration shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department.

Cite as Ga. Comp. R. & Regs. R. 591-3-1-.07

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

History. Original Rule entitled "E-Mail Contact Information" adopted. F. Dec. 4, 2015; eff. Dec. 24, 2015.