



Rhode Island Department of Human Services

Name of Regulation: Child Care Center and School Age Programs Regulations for Licensure

Full RICR Citation: 218-RICR-70-00-1

Posted for Public Comment on: July 12, 2022

Public hearing held on: July 27, 2022

Comment Period Ended on: August 11, 2022

Re-posted for Public Comment on: September 8, 2022

Public Comment Period Ended on: October 8, 2022

Summary Response to Comments:

	Respondent	Nature of the Comments
	Name Title Organization Date Submitted	Summary of comment received
1.	Patricia Kearns Owner Me and My Friends Childcare and Learning Center July 13, 2022	If an individual holds an associate degree in Early Childhood, then they have already taken the 24 ECE credits to obtain the ECE degree. Is this person eligible to be the education coordinator?
2.	Stacy Bernardi Early Head Start Coordinator Tri-County Community Action Agency July 14, 2022	Regarding the on-site files, the proposed regulation states that the Individual Professional Development Plan must align with the training plan. What is the training plan it is referring to? Program training plan?
3.	Emily Markovitz Education Coordinator Mt. Hope Learning Center July 14, 2022	For after school staff working 10-20 hours per week, 24 hours of professional development can be a lot in a year. Is there any leeway on the number of hours based on the number of hours worked per week?
4.	Emily Markovitz Education Coordinator Mt. Hope Learning Center July 14, 2022	Regarding the required 18 hours of Professional Development for each new hire. For a school-aged only programs, may we opt out of the trainings that are specific to infants and toddlers? There are a few that have no application for school aged staff and use valuable Professional Development time that could be better spent on outside trainings related to our age group. It's very difficult to find time for 18 hours of trainings in three months for staff members who work 10 hours per week as they typically are committed to other jobs or responsibilities outside of their hired hours.
5.	Janet Kenney Director London Bridge Child Care Center July 14, 2022	The proposed regulation mentioned being able to use a dishwasher with a sanitizing cycle or a three bay. When Dept Of Health came out to London Bridge a couple years ago they told me it cannot be a dishwasher with a sanitizing cycle they require a sanitizer, and they are somewhere around \$5000. That made us go to paper goods

		which is terrible for the environment and very expensive. I hope the sanitizing cycle in a dishwasher is OK.
6.	Emma Pontarelli Assistant Director The Early Learning Centers of RI July 15, 2022	I see the education coordinator has a new option for bachelor's degree. Is this any field as long as the employee holds a bachelor's degree? Example - Bachelor's in Youth Development.
7.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.8 Physical Facilities G. Outdoor Requirements 4. Self-closing and self-latching out of reach of children with a four-foot fence does not seem doable in particular for school age children. This new requirement is difficult to do with the height of some children especially school age being close or over 4 feet tall, yet the requirement of the fence is at four feet tall therefore making it difficult to be completely out of reach.
8.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.8 Physical Facilities H. Overall Facility Safety 1. We think it should read NOT meet the following criteria for the list (a-m). Or unredline "for control of the following safety hazard". As it currently reads, it appears that the (A-M) list is acceptable to have on the center.
9.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.9 Health, Safety and Nutrition E. Child Abuse and Neglect 2. The added word "immediately" is very subjective.
10.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.9 Health, Safety and Nutrition G. Environmental Health 5. Garbage receptacles are covered. Is this for all garbage cans? Maybe just for the bathrooms/diapering areas have covered one. Also, in school age programs that are in public schools, their trash receptacles are not all covered. In addition, why would we need a covered receptacles in the office, break room, etc.?
11.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.9 Health, Safety and Nutrition G. Environmental Health 11. a. can you add 3 bay sink or dishwasher to match (E. Food Preparation #4). Does not match the food preparation reg in the beginning.

12.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.9 Health, Safety and Nutrition J. Illness and Injury 4. a. (5) The thermometer in every classroom is a big cost and could be seen as a financial burden and maybe 2 working thermometers within the center is adequate enough. The ones that work well are normally about \$20 a thermometer and if a center has 15 classrooms that would be \$300.
13.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.10 Routine Care of Children C. Sleeping 6. k. The addition of cots, we do not understand what are additional items that cannot be on cots?
14.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.11 Enrollment and Staffing E. Classroom Transition 2. a. Added the word “classroom”, is this within the same age group? For example, if we close a classroom due to enrollment or staffing but the child stays with the same teachers just different room would a transition plan need to be done?
15.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.11 Enrollment and Staffing G. Staffing Requirements 14. Every staff member needs to be CPR/American Heart Association – this is a more stringent requirement and would like to be able to offer both CPR and First Aid online. This would help to make sure the reg is being met. Having in person for 1-3 people at a time would be hard to get someone out to do the training. Also, what is considered staff? We have a cook, after hours cleaner, etc.?
16.	Dr. DayCare and Kids Klub assigned group to review the proposed regulations. -Kate Bixler-HR rep -Tracy Cheney-Education and Compliance -Mary Ann Shallcross Smith-President -Amy Vogel-Operations 7/19/22	1.12 Staff Qualifications and Ongoing Professional Development C. Classroom Staff 3. Teacher Aide – this is a huge help! This is a great addition, and we truly appreciate it.
17.	Laura Pirro Health Coordinator, Head Start & State Pre-K Tri-County Community Action Agency 7/20/22	Do programs have time to make adjustments to the updated playground gate/latch requirements?

18.	Laura Pirro Health Coordinator, Head Start & State Pre-K Tri-County Community Action Agency 7/20/22	Is the IPDP the same thing as the “training plan” as referenced in the professional development regulations?
19.	Laura Pirro Health Coordinator, Head Start & State Pre-K Tri-County Community Action Agency 7/20/22	Our Head Start and State Pre-K program employs a full-time health manager, whose qualifications include registered nurse licensure with 5+ years of experience in community and pediatric health. Would this position qualify as the program’s approved health consultant?
20.	Claudine Taylor Director Brown Play School August 3, 2022	<p>Regarding the proposed requirement to have two self-closing exits from the play yard.</p> <p>We currently have a chain link fence with two gates. There is the latch towards the top and also a chain that we put over the top to ensure that it stays closed as well as have a staff member in charge of opening and closing the gate, since parents and caregivers don’t always know how to secure it properly. In the front of the school we have an enclosed area from that door that is used on rainy days, when we can’t dismiss from the play yard. This enclosed area has a gate that sounds like what you are looking for, I believe they called it a pool gate and opens from the top, therefore not allowing children to reach (many times the adults can’t figure it out either). We have had issues with this gate in the wintertime, as when we have heavy rains and then very cold temps, the gate has been frozen solid and we needed to dismiss from another door. I am wondering if this has been considered as we want to be able to use these gates year-round. Perhaps, you will have recommendation if this gets put through, along with a time frame that we would have, since these gates are very expensive. We also need to have some type of a double gate opening for when the truck needs to deliver mulch for the play yard.</p>
21.	Liz Diamond Director Covenant Cooperative Nursery School August 10, 2022	<p>Regarding the proposed increase in PD hours from 20 to 24 per year.</p> <p>In my opinion, 20 hours is more than adequate for the professional development training, especially since the new regulations do not stipulate any “unapproved” hours, but all will need to be approved hours (CELP??). Our preschool, CCNS, follows the RI Public School calendar, meeting for approximately 10 months of the year, giving us an average of 2 hours of PD training per month. We have been very consistent in seeking out CELP/RIELDS resources for the 10 approved hours and then including on-line trainings from reputable sources to complete the remaining 10 hours. It is stated in the proposed regulations that a staff member who is hired later in the year will be asked to complete only 2 hours per month (on average), if I understand the distinction correctly. Why could that not be the stipulation for all staff/centers— an average of 2 hours of PD per month, for either a 10-month or 12-month annual calendar. Thus, the regulation could read 20-24 hours of PD per year, based on the center’s annual calendar.</p>
22.	Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022	<p>Rhode Island KIDS COUNT supports the following changes:</p> <ul style="list-style-type: none"> -Official language in child care licensing regulations with hyperlinks that incorporate applicable national standards. - Consolidation of age categories for school-age children under definitions. -Addition of definition of comprehensive background check requirements. - Addition of definitions for a plan of corrective action, probationary license, provisional licenses, and summary suspension. -Addition of clear expectations for at least two unannounced monitoring visits per year. - Hyperlink connections to relevant state regulations that child care centers must follow including lead, asbestos, radon, drinking water, swimming pools, and use of insecticides and rodenticides. Clarification of inspections needed for school-age programs operating in a public schools building. -Addition of playground inspection requirements for new facilities and for existing facilities making structural changes. -Removal of regulation that allows for natural light only through a windowed door or skylight and through a shared space (not actually through a window in classroom). -Addition of specific facility safety hazards, including regulation to prevent entrapment in a storage chest or box. -Addition of list of items that must be included in a first aid kit.

		-New requirement that 100% of staff be trained in pediatric first aid and CPR within 90 days of employment (up from 50%).
23.	Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022	We recommend removing sub-categories of school-age children from the ratio/group size tables and the allowable age configuration table since there is no need to separate school age children by age category and the ratios and group sizes are exactly the same for each of the subcategories.
24.	Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022	We recommend that language be changed to remove “following safety standards” and say “free of the following safety hazards” since the list is not a list of safety standards but is a list of safety hazards
25.	Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022	<p>We oppose the following change on the grounds that they lower and/or weaken standards that have been in place to ensure the health, safety, and positive development of young children:</p> <p>Removal of regulation requiring a specific number of diaper changing areas with handwashing sinks based on the number of infants and toddlers. We recommend requiring a dedicated diaper changing area with handwashing sink for every group of infants (8 per regulations) and every group of toddlers (12 per regulations) within the regular group space/classroom and accessible without barriers (doors). This should be in place in most programs already with the COVID-19 health and safety funds. If it is not in place, facility funds should be dedicated to help all programs install these diaper changing areas so that different groups of children and staff do not share the same diapering space.</p>
26.	Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022	<p>We oppose the following change on the grounds that they lower and/or weaken standards that have been in place to ensure the health, safety, and positive development of young children:</p> <p>Allowing children ages 16 and 17 to work as teacher aides without specific language to ensure they may not be counted in the staff: child ratio or left alone or with any other underage staff with any child at any time. In the “Underage Volunteers” section youth ages 16 and 17 are currently allowed to volunteer in child care programs, but specifically cannot be counted in the staff: child ratio or be left alone with children. The same standards should be in place for both underage volunteers and paid staff. We understand that some providers would like to offer youth an opportunity to get paid while shadowing or helping out in a classroom. This could be done by changing the heading for Underage Volunteers to include Paid Interns. If we want youth to be paid as “teacher assistants in training” we must ensure they are enrolled full-time in high school or have a high school diploma/GED and that they have a good mentor teacher they are working with (perhaps a teacher with a CDA or better).</p> <p>They should not be counted in the ratio or left alone with any child at any time (or left with another underage staff person with a child or group of children). If this change moves forward and children ages 16 and 17 are allowed to work as teacher’s aides, we also recommend that DHS child care regulations incorporate Rhode Island Child Labor Laws and that DHS monitor programs to ensure that no staff person of any licensed child care program is under age 16 and that employers maintain completed Intention to Employ a Minor form and Certificate of Age form for each employed 16 and 17 year old staff member employed.</p> <p>We also recommend that DHS develop a form and require child care programs to use it with every employed or volunteer youth ages 16 and 17 to verify that the youth is aware that they cannot serve as staff to meet the staff: child ratio required in licensing and must always be working directly with (in the same space) as a qualified teacher or assistant teacher.</p>

27.	<p>Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022</p>	<p>We oppose the following change on the grounds that they lower and/or weaken standards that have been in place to ensure the health, safety, and positive development of young children:</p> <p>Lowering the qualifications for an Education Coordinator by allowing individuals without a bachelor's degree to serve as the Education Coordinator for a licensed child care program. The Education coordinator works in partnership with the center director/administrator to oversee the program with the Education Coordinator responsible for supervising the selection and implementation of curriculum, teaching and learning, and monitoring and assessment of children's development and learning. The addition of an associate degree option will now mean that some child care programs will not have any staff with a bachelor's degree since teachers, teacher assistants, and directors/administrators are only required to have a high school diploma.</p> <p>Caring for Our Children, the national health and safety standards for child care, clearly states that directors (citing because the standards do not specify an Education Coordinator role since most states require directors to oversee both administration and education) should have "a minimum of a Baccalaureate degree with at least nine credit-bearing hours of specialized college-level course work in administration, leadership, or management, and at least twenty-four credit-bearing hours of specialized college-level course work in early childhood education, child development, elementary education, or early childhood special education that addresses child development, learning from birth through kindergarten, health and safety, and collaboration with consultants."</p> <p>If this change moves forward, we would strongly encourage that BrightStars adopt a new standard that Education Coordinators have at least a Bachelor's degree for all centers at 3 stars or above since this is an essential standard to deliver high-quality early learning programs and to prepare a program to partner with Head Start programs and to be eligible for any RI Pre-K funding.</p>
28.	<p>Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022</p>	<p>We recommend the following change to better align Rhode Island regulations with national standards known to promote positive child development:</p> <p>Remove "older infants" as a category under definitions and under the ratio/group size tables and the allowable age configurations tables. This sub-category of infants was added along with the school-age sub-categories to Rhode Island child care regulations in 2017. There is no need to separate infants by age category (and in fact it is not a high-quality practice to move children into new groups/teachers) and the ratios and group sizes are exactly the same. Maintaining separate categories of infants sends a message that they should not be in the same room together, reinforcing the common practice in the United States for early childhood centers to follow the "factory model" of schooling and abruptly move children to the next classroom based on age or developmental achievements (such as walking). These changes are often disruptive to the child's attachment to caregivers and peers. (Fincham & Fellner, 2016)</p>
29.	<p>Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022</p>	<p>We recommend the following change to better align Rhode Island regulations with national standards known to promote positive child development:</p> <p>Add language under Monitoring and Enforcement that clearly states that complete monitoring reports and corrective action plans are always posted on a public website and remain on the website for at least three years – per federal Child Care and Development Block Grant regulations. The monitoring reports currently on the website do not provide detailed information about compliance.</p>
30.	<p>Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022</p>	<p>We recommend the following change to better align Rhode Island regulations with national standards known to promote positive child development:</p> <p>Add language specifying that information about licensing suspensions and probationary licenses, substantiated child neglect (including children who wander away from a child care center), substantiated child abuse, serious child injuries and child deaths at licensed programs will also be posted on the public consumer website and are searchable by provider name/location. This is absolutely essential information for parents.</p>
31.	<p>Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022</p>	<p>We recommend the following change to better align Rhode Island regulations with national standards known to promote positive child development:</p> <p>Add language to the section about "Toddler, Preschool, and School Age K groups may integrate for the first (1st) hour of operation at the beginning of the day and for the last hour of operation at the end of the day" to specify that all integrated groups must meet the staff: child ratio requirements and the maximum group size for the youngest age child in the integrated group</p>

32.	<p>Leanne Barrett Senior Policy Analyst Rhode Island KIDS COUNT August 11, 2022</p>	<p>We recommend the following change to better align Rhode Island regulations with national standards known to promote positive child development:</p> <p>Include a link to the Individualized Professional Development Plan and require each employed staff person who is responsible for supervising/education children to have a complete IPDP on file. Revise the Professional Development regulations to promote/incentivize attainment of post-secondary credentials and degrees which is documented in the IPDP. We recommend requiring or incentivizing that annual PD clock hours be focused on the attainment of a national credential or state credential (CDA, Rhode Island PK-Grade 2 Certification), completion of college coursework in Early Childhood Education/Related Field, completion of college coursework toward a degree (general education coursework required for a degree should also count). It would also make sense to reduce the number of required annual clock hours for individuals who have attained certain credentials which is how the RI Department of Education structures continuing education since highly qualified staff need some continuing education, but not as much as staff who have not earned any credentials.</p>
33.	<p>Suzanne McDonald Co-founder and Board President Sea Rose Montessori August 11, 2022</p>	<p>Balancing qualifications and training with staffing shortages and very tight budget margins. Could there be a grant that covers staff time and overtime?</p>
34.	<p>Suzanne McDonald Co-founder and Board President Sea Rose Montessori August 11, 2022</p>	<p>Can training that does not apply (infant, buses) be eliminated? Paying staff to do training they are not dealing with is one issue, and they are already overworked.</p>
35.	<p>Suzanne McDonald Co-founder and Board President Sea Rose Montessori August 11, 2022</p>	<p>I would like to see Montessori training formally recognized as qualifications in lieu of college degrees. These are years long programs that often are not associated with any 4 year institution and therefore are not fully recognized.</p>