

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF HUMAN SERVICES

Title of Rule: Child Care Center and School Age Program Regulations for Licensure

Rule Identifier: 218-RICR-70-00-1

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: September 8, 2022

End of Public Comment: October 8, 2022

Rulemaking Authority:

R.I. Gen. Laws § 42-12.5

R.I. Gen. Laws § 42-12-23

Summary of Rulemaking Action:

These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2021-2023) as approved by the Federal Administration for Children and Families. In addition, best practice has changed over the years and the regulations for health and safety in child care need to be updated to reflect those changes. List of changes below:

- 1.5 Added "Incorporated Materials" section
- 1.6(A) Combined language for G1-G7
- 1.6(B) Added definitions of: Comprehensive Background Check, Plan of Corrective Action, Probationary License, Provisional License, Summary Suspension
- 1.7(B) Changed "program" to "prospective location"
- 1.7(C)(12) Updated language to remove temperatures and add a reference to "tempered water"
- 1.7(D) Changed sixty (60) days to thirty days (30)
- 1.7(E)(1)(e) Added language regarding "Other Conditions"
- 1.7(E)(2) Removed language
- 1.7(E)(4) Removed "which can occupy more than one (1) building"
- 1.7(F)(2) Added language regarding at least two unannounced visits per year.
- 1.8(A)(1)(i) Added language regarding Playground Inspection
- 1.8(A)(2) Added language for a School Age Program operating in a public school
- 1.8(B)(2) Added language regarding construction in facilities licensed prior to these regulations
- 1.8(B)(3) Added language regarding the removal of lead paint.
- 1.8(C) Removed language "minimum of three hundred (300) cubic space per child" and "natural light"
- 1.8(C)(12) Changed "International" to "Rhode Island"
- 1.8(D)(1) Updated language
- 1.8(D)(5) Reformatted section
- 1.8(E)(2) Added "that meets the minimum requirements of RI Department of Health"
- 1.8(E)(4) Added "or a three(3) bay sink"
- 1.8(F) Removed language regarding height of handrail
- 1.8(G)(3) Added language regarding criteria for reviewing plan for outdoor play
- 1.8(G)(4) Removed language "America Society for Testing and Materials" and added language regarding fencing
- 1.8(G)(5) Added language regarding programs licensed subsequent to these regulations
- 1.8(G)(5)(b) and (c) Removed reference to United States Consumer Safety Commission
- 1.8(G)(18) Added language regarding sandboxes
- 1.8(H) Updated/added language
- 1.8(H)(3) Added language regarding items with hinged lids
- 1.9(C)(1) Added language regarding rescue medication and sunscreen, insect repellent, and diaper cream
- 1.9(C)(2) Added language regarding the administration of medication
- 1.9(C)(6) Added language regarding rescue medication
- 1.9(E) Added the word "immediately"
- 1.9(G)(3) Added "or out of reach of all children in the facility."
- 1.9(G)(4)(a) Clarified language
- 1.9(G)(5) Added the word "covered"
- 1.9(G)(6) Changed "Department of Health" to "Department of environmental Management"
- 1.9(G)(7) Added language "in a conspicuous place"
- 1.9(G)(11) Added language regarding single use tableware
- 1.9(H) Clarified language regarding maintaining personal hygiene
- 1.9(J)(4) Added language regarding First Aid Kits, changed "six (6) months" to "once a month", and added language regarding list/log of all supplies
- 1.9(J)(5) Added language regarding head related and injuries requiring medical attention must be immediately reported to parents
- 1.9(K)(13)(d) Added "Infant inclined sleepers" to list of prohibited equipment
- 1.9(M)(6)(d) Added "under twelve (12) months"
- 1.9(O) Changed "DHS" to "the Department"
- 1.10(C) Reformatted section
- 1.10(C)(6)(k) Added the work "cot"
- 1.11(B)(2) Added language
- 1.11(B)(5) Removed language

1.11(B)(7) Updated language regarding the first and last hour of the day
 1.11(E) Removed language regarding transitioning children to a new classroom
 1.11(E)(2)(a) Added the word "classroom:
 1.11(E)(2)(c) Updated language
 1.11(D) Added language regarding requirements when transitioning a child to a new classroom
 1.11(F) Removed "classroom staff are able to intervene if necessary"
 1.11(G) Updated language regarding roles in the classroom
 1.11(G)(2) Updated chart
 1.11(G)(3) Added "on site"
 1.11(G)(4) Added "on site"
 1.11(G)(14) Updated language from "At least fifty percent (50%) of all staff members on site" to "Every staff member within ninety (90) days.
 1.11(G)(14)(a) Added language "Renewal certifications must occur within ninety (90) days if expiration for both Pediatric CPR and First Aid"
 1.11(G) Removed language "one staff member trained in the use Heimlich Maneuver for infant and toddlers is on site at all times"
 1.11(G)(15) Added clarifying language
 1.11(G)(15)(a) added "a written plan" and "virtual"
 1.11(I)(1)(a)((3)) Added "and maintain written proof in file"
 1.11(I)(1)(b)((3)) Changed 'Clearance of Agency Activity' to "Child Abuse and Neglect Registry"
 1.11(I)(1)(b)((4)) Updated language
 1.11(J) Added language regarding visitor log
 1.12(A)(1) Updated language regarding Comprehensive Background Checks
 1.12(A)(1)(a) Added language for volunteer and staff under the age of eighteen (18)
 1.12(B) Added "and/or school age"
 1.12(B)(1)(b)((3)) Added criteria for administrators of in-school school age programs and removed school age administrator section
 1.12(B)(3)(b)((1)) Updated language
 1.12(B)(3)(b)((2)) Removed language regarding one year experience
 1.12(B)(3)(b)((3)) Removed language regarding three (3) months supervised teaching experience
 1.12(B)(3)(b)((4)) Removed option 4
 1.12(C)(3) Added Teacher Aide section and requirements
 1.12(E)(2)(d) Added language regarding proof of orientation
 1.12(F) Updated/added language regarding Professional Development
 1.13(A)(3) Reformatted section
 1.13(A)(3)(a) Added "including onsite, during transport and/or on field trips"
 1.13(A)(3)(d) Added "that impacts the program's ability to operate"
 1.13(F)(1)(a) Added language regarding files stored electronically
 1.13(F)(7) Removed "other relevant documents" and "pertinent social information"
 1.13(F)(10)(i) Added "aligned with Individual Professional Development Plan (IPDP)" and requirements for updating and maintaining the IPDP
 1.13(F)(10)(j) Added "signed"
 1.14(B)(1) Added "including materials that reflect diverse cultures and ethnicities"
 Added/updated citations as needed
 Updated numbering as needed
 Changed references of "Criminal Records Checks and Clearance Agency Activity" to "Comprehensive Background Checks"
 Changed references of "Child Care Administrator" to "Administrator"
 Additional proposed amendments are as follows:
 1.5 Updated links
 1.8(D)(1) Added "per classroom"
 1.8(G)(4) Added the word "licensed"
 1.8(G)(4)(b) Removed "which are out of children's reach"
 1.8(H)(1) Added clarifying language
 1.9(G)(5) Added "in all areas accessible to children"
 1.9(G)(11) Added "or a three (3) bay sink"
 1.11(B)(8) Added citation to clarify requirement
 1.11G(14)(c)(1) Added language regarding Pediatric First Aid and Pediatric CPR renewal may be done online or in person.
 1.12(C)(3) Added clarifying language
 1.12(F)(1) Updated Professional Development Training requirements

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until October 8, 2022 by contacting the appropriate party at the address listed below:

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In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by a governmental agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of the publication of this notice.

Regulatory Analysis Summary and Supporting Documentation:

These changes ensure that DHS is meeting the requirements of the corrective action plan for the Child Care and Development Fund Plan (Fiscal Year 2021-2023) and to ensure families have access to safe child care through Child Care Centers and School Age programs.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.