

Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 60--License-Exempt Child Care Facilities

PROPOSED AMENDMENT

19 CSR 30-60.050 Staffing Requirements. The department is amending section (1), deleting previous sections (2) through (4), and adding new sections (2) through (8).

PURPOSE: This amendment removes rule language that the Department of Health and Senior Services has no statutory authority to enforce and adds background screening language requirements to comply with 210.1080 RSMo.

(1) Supervision and basic care shall be provided at all license-exempt facilities.

[(A) Caregivers shall provide care conducive to the health and safety of children and shall be capable of handling emergencies;

(B) Caregivers and other personnel, including volunteers, shall not be under the influence of alcohol or illegal drugs while on the premises and shall not be impaired by the use of medications;

(C) Prior to starting work, all caregivers shall read the rules of this chapter and sign a statement that they have read the rules. The statements shall be maintained on file at the facility;

(D) No person shall be present during child care hours who is a threat to the health or safety of children; and

(E) A caregiver shall be in charge at all times child care is provided.]

[(2) Nursery schools not operated by religious organizations shall meet the following requirements for staff/child ratios:

(A) Staff/child ratios in subsections (2)(B)-(H) of this rule shall be maintained at all times;

(B) Groups composed of mixed ages birth through two (2) years shall have no less than one (1) adult caregiver to four (4) children;

(C) Groups composed solely of two (2)-year-old children shall have no less than one (1) adult caregiver to eight (8) children;

(D) Groups composed solely of three (3)- and four (4)-year-old children shall have no less than one (1) adult caregiver to ten (10) children;

(E) Groups composed solely of five (5)-year-old children and older shall have no less than one (1) adult caregiver to sixteen (16) children;

(F) Groups composed of mixed ages of children two (2) years of age and older shall have no less than one (1) adult caregiver to ten (10) children with a maximum of four (4) two- (2) year-olds. Groups composed of more than four (4) two (2) year-old children in a mixed group shall have no less than one (1) adult caregiver to eight (8) children;

(G) If a facility has an attendance of more than fifty (50) children, the caregiver in charge shall not be included in staff/child ratios except during naptime; and (H) Caregivers shall be eighteen (18) years of age or older in order to be counted in meeting staff/child ratios. Persons sixteen (16) and seventeen (17) years of age who assist with children may be counted in staff/child ratios only if they are physically supervised by an adult who is present with the children.]

[(3) Nursery schools not operated by religious organizations shall meet the following requirements for facility directors:

(A) The facility director shall be responsible for planning, monitoring and managing the daily program;
(B) Directors shall have a high school diploma or General Education Development (GED) certificate, and directors shall have at least thirty (30) college semester hours with six (6) college semester hours in child-related courses; or twelve months' (12) experience with six (6) college semester hours in child-related courses; or a child development associate (CDA) credential; and
(C) All experience counted toward director qualifications shall be responsible, supervised, full-time (a minimum of thirty-five (35) hours per week) paid experience working with children in a child care setting. Part-time experience may be prorated to a full-time equivalent. Each month of full-time experience may be substituted for two (2) college semester hours in unspecified courses, but not for the required child-related courses.]

[(4) Nursery schools not operated by religious organizations shall meet the following requirements for child care-related training:

(A) The director and other caregivers counted in staff/child ratios shall obtain at least twelve (12) clock hours of child care-related training during each year of employment in training approved by the department in health, safety, nutrition, guidance and discipline, appropriate activities and learning experiences for children, positive communication and interaction with parents, planning and setting up an appropriate environment for children, professional and administrative practices, or other child-related areas; and
(B) All training shall be documented with the dates, the number of hours of training completed, the subject and the name of the person(s) who conducted the training. This information shall be on file at the facility and available for review.]

(2) All caregivers shall review the rules of this chapter.

(3) Nursery schools shall have on file qualifying background screening results for child care staff members in accordance with 19 CSR 30-63.020 General Requirements.

(4) Facilities operated by a religious organization and that receive federal funds for providing care for children shall have on file qualifying background screening

results for child care staff members in accordance with 19 CSR 30-63.020 General Requirements.

(5) Child care staff members of nursery schools or facilities operated by a religious organization and that receive federal funds for providing care for children with disqualifying background screening results are prohibited from being on the premises during child care hours in accordance with 19 CSR 30-63.020 General Requirements.

(6) Criminal background checks shall be completed every five (5) years for child care staff members of nursery schools and facilities operated by a religious organization and that receive federal funds for providing care for children in accordance with 19 CSR 30-63.020 General Requirements.

(7) A check of the Family Care Safety Registry shall be conducted for all child care staff members of nursery schools every two (2) years.

(8) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and made available for review when requested by the department.

AUTHORITY: sections 210.221.1(3), [and] 210.252.5, and 210.1080 RSMo [Supp. 1999] 2018. This rule was previously filed as 19 CSR 40-60.050. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.050 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Emergency amendment filed February 15, 2019, effective February 25, 2019, expires August 23, 2019. Amended: Filed February 15, 2019.*

**Original authority: 210.221, RSMo 1949, amended 1955, 1987, 1993, 1995, 1999; 210.252, RSMo 1993, amended 1999.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500.00) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this amended rule with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*