

**Title 19--DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 30--Division of Regulation and Licensure
Chapter 61--Licensing Rules for Family
[Day]Child Care Homes**

PROPOSED AMENDMENT

19 CSR 30-61.010 Definitions. The department is amending the chapter name, deleting sections (4), (7)-(8), (17)-(19), and (25); adding new sections (5)-(7), (10), (14)-(16), (18)-(20), (23), and (25); amending previously numbered sections (3), (5)-(6), (9)-(10), (12), (16), (20), and (23); and renumbering sections as appropriate.

PURPOSE: This amendment updates the existing definitions and terms used in the licensing rules for family child care homes and adds new definitions for child care facility, child care staff member, group size, homeless children and youths, hourly care facility, legal entity, licensee, and Montessori school. This amendment also deletes the terms "review board" and "related", places the definitions in correct alphabetical order, and updates the term "day care" to "child care" in the chapter name and across several definitions.

- (1) Adult is any individual eighteen (18) years of age or older.
- (2) The assistant is an adult who is employed or volunteers in the home to care for children in case of an emergency, to meet staff/child ratios, to substitute for the provider during absences or to assist the provider with the care of children.
- (3) Caregiver is the child care provider, **other child care staff member**, or an assistant.

[(4) Child care provider or provider is the person(s) licensed or required to be licensed under section 210.221, RSMo in order to establish, conduct or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:

- (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and*
- (B) Ultimate financial control of the operation of the facility.]*

*[(5)](4) A child [day] care center or center, whether [known or incorporated under another title or name] **owned by a sole proprietor or other legal entity**, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children [not related to the child care provider] for any part of the twenty-four (24)-hour day.*

(5) A child care facility or facility is a family child care home, group child care home or child care center.

(6) Child care provider, group child care home provider or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo in order to establish, conduct or

maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:

- (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and**
- (B) Ultimate financial control of the operation of the facility.**

(7) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen years of age and older;

*[(6)]***(8) Day care or child care** is care of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Day care **or child care** is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care **or child care** may be given in a family *[day]***child** care home, group *[day]***child** care home or *[day]***child** care center.

[(7) A day care facility or facility is a day care home, day care center or group day care home.]

[(8) Director is the director of the Missouri Department of Health.]

(9) Department is the Missouri Department of Health~~/.]~~and Senior Services.

(10) Director is the director of the Missouri Department of Health and Senior Services.

*[(10)]***(11) A family *[day]*child** care home or home, whether *[known or incorporated under another title or name]***owned by a sole proprietor or other legal entity**, is a child care program where care is given by a person licensed as a family *[day]***child** care home provider for no more than ten (10) children *[not related to the provider]*for any part of the twenty-four (24)-hour day. The provider may be licensed to operate no more than one (1) family *[day]***child** care home or group *[day]***child** care home.

*[(11)]***(12) Graded boarding school** is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.

*[(12)]***(13) A group *[day]*child** care home, whether *[known or incorporated under another title or name]***owned by a sole proprietor or other legal entity**, is a child care program where care is given by a person licensed as a group *[day]***child** care home provider for *[eleven (11), but]*not more than twenty (20)*[,]* children *[not related to the child care provider,]*for any part of the twenty-four (24)-hour day. A group *[day]***child** care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group *[day]***child** care home or family *[day]***child** care home.

(14) Group size is the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

(15) Homeless children and youths:

(A) Are individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) Include-

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

4. Migratory children who qualify as homeless because the children are living in the circumstances described above.

(16) An hourly care facility is a facility licensed exclusively for irregular, intermittent, hourly care.

[(13)](17) Infant is any child under twelve (12) months of age.

(18) Legal entity is the lawful or legally standing individual, corporation, sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company, limited liability limited partnership, partnership, charity, and other forms of organization that has the legal capacity to enter into agreements, contracts, assume obligations, incur and pay debts, sue and be sued in its own right and that is accountable for illegal activities.

(19) Licensee is an individual or other legal entity who has been granted a child care license by the department of health and senior services.

(20) Montessori school is a child care program that subscribes to Maria Montessori's educational philosophy and is accredited by the American Montessori Society or the Association Montessori Internationale.

[(14)](21) Night is the part of the twenty-four (24)-hour day between 9:00 p.m. and 6:00 a.m.

[(15)](22) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.

(23) Premises is a house(s), dwelling(s) or building(s) and its adjoining land.

[(16)](24) Preschool child is any child two through five (2--5) years of age who is not in kindergarten[*for five (5)-year-old children*].

[(17) *Premises is a house(s), dwelling(s) or building(s) and its adjoining land.*]

[(18) *Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.*]

(25) A religious organization is:

(A) A church, synagogue or mosque;

(B) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code; or

(C) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

[(19) *Review board is the Child Care Licensing Review Board.*]

[(20)](26) School-age child is any child five (5) years of age or older who is in kindergarten or [*elementary school*] **above**.

[(21)](27) School system is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.

[(22)](28) Staff/child ratio is the number of caregivers required in relation to the number of children in care.

[(23)](29) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children [*no younger than*] five (5) years of age **or older** and providing no [*day*] **child** care for children younger than five (5) years of age in the same building or in the same outdoor play area.

[(24)](30) Toddler is any child [*between*] twelve to twenty-four (12--24) months of age.

[(25) *A well-known religious order is defined as--*

(A) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code of 1954; and
(B) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.]

AUTHORITY: section 210.221.1(3), RSMo Supp. [1993]2020. This rule previously filed as 13 CSR 40-61.010 and 19 CSR 40-61.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. Rescinded: Filed April 13, 1982, effective Aug. 31, 1982. Readopted: Filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed March 14, 1985, effective Aug. 11, 1985. Amended: Filed Oct. 7, 1987, effective March 25, 1988. Rescinded and readopted: Filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.010, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.010 July 30, 1998. Amended: Filed Aug. 31, 2020.*

*Original authority 1949, amended 1955, 1987, 1993, **1995, 1999, 2015, 2019, 2020.**

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 Nancy Scherer, 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 Nancy.Scherer@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.*