

Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 62 – Licensing Rules for Group Child Care Homes and Child Care Centers

PROPOSED AMENDMENT

19 CSR 30-62.102 Personnel. The department is amending sections (1), (2), (3), and (4).

PURPOSE: This amendment changes references of rescinded 19 CSR 40 to current 19 CSR 30, updates child abuse and neglect reporting options, specifies facility orientation requirements, clarifies training requirements, and requires electronic record keeping of clock-hour trainings in the Missouri Professional Development System (MOPD). This amendment also adds background screening requirements to comply with section 210.1080, RSMo.

(1) General Staff Requirements.

(A) Day care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.

(B) Day care personnel shall cooperate with the department.

(C) Individuals eighteen (18) years of age or older shall be counted in meeting the required staff/child ratios.

(D) Caregivers shall be capable of carrying out assigned responsibilities and shall be willing and able to accept training and supervision.

(E) Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests, and problems of children in care.

(F) Caregivers shall be capable of handling emergencies promptly and intelligently.

(G) Caregivers, **directors**, other personnel, or volunteers shall not be under the influence of alcohol or illegal drugs, while on the premises **or in any vehicles used by the program**. These individuals shall not be in a state of impaired ability due to use of medication while on the premises.

(H) The provider shall have available a copy of the *Licensing Rules for Group Day Care Homes and Child Day Care Centers in Missouri*. All caregivers and volunteers working directly with children shall be required to review and be knowledgeable of the rules at the time they begin work and shall be able to understand and apply those rules which relate to their respective responsibilities.

(I) Caregivers shall not be engaged in major housekeeping, cleaning, or maintenance activities during the hours of child care, but may do routine cleanup to maintain order and sanitation in the facility.

(J) *[All staff shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Division of Family Services at the toll free number, 1-800-392-3738.]* **The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver. The facility orientation shall include:**

- 1. A tour of the facility, indoors and outdoors; and**
- 2. A review of the following:**
 - A. Licensing rules;**
 - B. The facility's license and its limitations, if any;**
 - C. The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies;**
 - D. The daily schedule;**
 - E. The assigned duties and responsibilities of staff;**
 - F. The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional or developmental needs;**
 - G. The location of children's records;**
 - H. The facility's safe sleep policy, if applicable;**
 - I. The facility's disaster emergency plan and the location of emergency information; and**
 - J. The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.**

(K) *[Volunteers counted in staff/child ratios, caregivers, and other personnel shall be screened for child abuse/neglect. The screening shall be requested by the provider within ten (10) days of any individual beginning employment or volunteering in the facility. Any investigated allegation of child abuse or neglect involving these persons in which the investigator finds reasonable cause to believe that the individual is the alleged perpetrator of child abuse or neglect shall be evaluated by the department. After review, the department may prohibit the person from being present in the facility during child care hours. A copy of the screening request and the response shall be filed in the employee's record.]* **The child care provider shall ensure that documentation of caregiver completion**

of the facility orientation is maintained and on file for review by the department.

(L) [The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-62.042 Initial Licensing Information and 19 CSR 30-62.052 License Renewal. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.

1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated by the department. After review, the department may prohibit such person from being present on the premises of the facility during child care hours.

*3. Information received by the provider shall be retained in the individual's file in a confidential manner.] **The provider shall request the results of a criminal background check for child care staff members as required by 19 CSR 30-63.020 General Requirements.***

(M) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements.

(N) Child care staff members with disqualifying background screenings results as defined in 19 CSR 30-63.020 General Requirements, shall be prohibited from being present on the premises of the facility during child care hours.

(O) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.

(P) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review

~~[(M)]~~**(Q)** Any person present at the facility during the hours in which child care is provided shall not present a threat to the health, safety, or welfare of the children.

~~[(N)]~~**(R)** If an employee reports licensing deficiencies in the facility, the child care provider shall not take any action against the employee because of the report that would adversely affect his/her employment, or terms or conditions of employment.

~~[(O)]~~**(S)** The licensee shall have documentation on file at the facility of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training for a sufficient number of child care staff to ensure that there is one (1) caregiver at the facility for every twenty (20) children in the licensed capacity. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification, **include an in-person skills assessment, and be** and approved by the department. *[First aid/CPR training may count toward the annual clock hour training requirement.]*

(2) Center Director or Group Day Care Home Provider.

(A) General Requirements.

1. The group day care home provider or the individual designated as the center director shall be responsible for planning, monitoring, and managing the facility's daily program.
2. Center directors and group day care home providers routinely shall be on duty during the hours of highest attendance a minimum of forty (40) hours per week. If the facility operates less than forty (40) hours per week, the center director or group day care home provider shall be on duty at least fifty percent (50%) of the operating hours.
3. The duties and responsibilities of the center director or group day care home provider shall be defined clearly in writing.

4. In the absence of the center director or group day care home provider, another responsible individual shall be designated to be in charge of the facility.

5. The center owner(s), or the board president or chairperson, shall notify the department immediately when there is a change of directors and shall submit child abuse/neglect screening information as required by [19 CSR 40-62.042 Initial Licensing Information] **19 CSR 30-62.042 Initial Licensing Information.**

(B) Education and Experience Requirements.

1. General requirements.

A. A [c]Child [d]Development [a]Associate (CDA) or **Youth Development Credential (YDC)** [credential] shall be considered the equivalent of twelve (12) months' experience and six (6) college semester hours in child-related courses toward meeting the educational and experience requirements for director of any size facility.

B. All experience must have been responsible, supervised, full-time (a minimum of thirty-five (35) hours per week) paid experience in working with children in a child care setting. Part-time experience, **which is less than thirty-five (35) hours per week**, may be prorated [to a full-time equivalent].

C. 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.

D. All college semester hours must have been received from an accredited college or university.

E. The required courses may include child-related courses in early childhood education, elementary education, child development, child psychology, nutrition, first aid, recreation, nursing, health, marriage and family, social work, sociology, or other related areas as approved by the department.

F. Official verification of the education and experience of the group day care home provider or center director shall be on file with the [Child Care Licensing Unit] **department** prior to beginning employment.

G. Any college transcript used for verification of education must be an official transcript bearing the seal of the college or university.

2. Group day care home provider. The group day care home provider shall have at least thirty (30) college semester hours, with six (6) of the thirty (30) hours in child-related courses; or twelve (12) months' experience and six (6) college semester hours in child-related courses; *[or]* a CDA **or a YDC** *[credential]*.

3. Center director.

A. Any individual approved as a qualified center director under the previous licensing rules and employed in a center in that position as of the effective date of these rules shall be exempt from these requirements for continued employment in the same center, or for employment in another center of the same or smaller licensed capacity category. If the same individual is to be employed in another center in a larger licensed capacity category, s/he shall meet the educational and experience requirements of that category.

B. Day care center directors employed after the effective date of these rules shall meet the following education or experience requirements, or both, as determined by the licensed capacity of the center in which they are to serve:

Licensed Capacity of the Center	Education and Experience Requirements for Center Director
Up to 20 Children	Thirty (30) college semester hours, with six (6) of the thirty (30) hours in child-related courses; or twelve (12) months' experience with six (6) college semester hours in child-related courses; <i>[or]</i> a CDA or a YDC <i>[credential]</i> .
21—60 Children	Sixty (60) college semester hours. Twelve (12) of the hours must be in child-related courses; or twenty-four (24) months' experience and twelve (12) college semester hours in child-related courses.
61—99 Children	Ninety (90) college semester hours. Eighteen (18) of the ninety (90) hours must be in child-related courses; or thirty-six (36) months' experience and eighteen (18) college semester hours in child-related courses.
100 or More Children	One hundred twenty (120) college semester hours. Twenty-four (24) of the one hundred twenty (120) hours must be in child-related courses. Six (6) of the twenty-four (24) college semester hours may include courses in business or management; or four (4)

years' experience and twenty-four (24) college semester hours in child-related courses. Six (6) of the twenty-four (24) college semester hours may include courses in business or management.

(3) Child Care Training.

(A) The center director, group day care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall obtain at least twelve (12) clock hours of child-care related training during each calendar year. *[of employment in training which is 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.]* **Clock hour training shall be approved by the department.**

(B) *[All training shall be documented with the dates, the number of hours of training completed, the title subject, and the name of the individual(s) who conducted the training. This information shall be on file at the facility and available for review.]* **A clock hour shall be a minimum of one (1) hour.**

(C) **Caregivers who were employed after the first of the year shall obtain one (1) clock hour of training for each one (1) month of employment, regardless of the date employment began.**

(D) **Group day care homes and child care centers operating fewer than twelve (12) months of the year shall obtain at least twelve (12) annual clock hours. The number of training clock hours required is not prorated for any program, regardless of number of months per year or number of hours per week in operation.**

(E) **The clock hour training shall meet at least one (1) of the eight (8) Content Areas of the *Core Competencies for Early Childhood and Youth Development Professionals (Kansas and Missouri)* (2011) published by Child Care Aware® of Kansas/OPEN Initiative/Missouri AfterSchool Network/Kansas Enrichment Network. Copies may be obtained by contacting: OPEN Initiative at 573-884-3373 or OPENInitiative@missouri.edu or www.OPENInitiative.org. This rule does not incorporate any later amendments or additions. The eight (8) Content Areas are as follows: I. Child and Youth Growth and Development; II. Learning Environment and Curriculum; III. Observation and Assessment; IV. Families and Communities; V. Health and Safety; VI. Interactions with Children and Youth; VII. Program Planning and Development; and VIII. Professional Development and Leadership. This rule does not incorporate any subsequent amendments or additions.**

(F) Training shall be documented with the dates, the individual participant's name, the number of hours of training completed, the title of the training, training approval identification code, and the name of the trainer(s).

1. Caregivers shall obtain a Missouri Professional Development Identification (MOPD ID) number at www.OPENInitiative.org.

2. All clock hour training records shall be recorded in the Missouri Professional Development Registry (MOPD Registry) at www.OPENInitiative.org. A summary of training from the MOPD System will serve as documentation of training hours completed.

(G) Child-related college courses from an accredited college or university as identified by the U.S. Department of Education's Office of Post-Secondary Education (<http://ope.ed.gov/accreditation/>) may be counted as clock hour training. Child-related college courses shall meet the following guidelines:

- 1. College coursework accepted for clock hours shall be child-related.**
- 2. One (1) college credit is equal to fifteen (15) clock hours.**
- 3. College credit is only applicable to the calendar year in which the course is successfully completed.**
- 4. College courses qualifying for director approval, as stated in subsections (2)(B)1.D. and E. of this rule are approved to meet annual clock hour requirements.**
- 5. College coursework does not include clock hour training or CEUs taken from a college. Clock hour training provided through colleges, such as a continuing education program or an extension office, shall follow the procedures for clock hour training approval.**
- 6. College coursework shall be documented by a transcript from an accredited college.**

(H) Earning A Child Development Associate (CDA) or Youth Development Credential (YDC) shall count for twelve (12) clock hours for the year the credential was awarded.

(I) Caregivers shall not receive clock hours for duplicate training completed within the same calendar year.

(J) Clock hours obtained in excess of the twelve (12) training clock hours for the current year shall not be carried over into the next training year.

(K) Clock hours earned to complete the previous year's requirements shall not be applied to the current year's clock hour requirements. Caregivers shall submit the *Clock Hour Training Credit Reassignment* form to the OPEN Initiative to assign clock hours to the appropriate year. See *Clock Hours Training Credit Reassignment* form promulgated as of 2018 and incorporated

by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendments or additions.

(L) Clock hour training taken prior to beginning employment or becoming licensed at the family child care home may be counted if it occurred within that calendar year.

(M) High school coursework shall not be approved for clock hours.

(N) Trainers shall not be awarded clock hours for training sessions which they conduct.

(O) Caregivers shall not be counted in ratio when obtaining clock hour training.

(4) Safe Sleep Training. Every three (3) years the center director, group day care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the *[American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: expansion of recommendations for a safe infant sleeping environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 128, No. 5, November 1, 2011, and available from the University of Vermont College of Medicine, Given Building S261, 89 Beaumont Avenue, Burlington, Vermont 05405-0068, telephone number 802-656-2505, fax number 802-656-4844, or at www.pediatrics.aapublications.org/content/128/5/1030.full] American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at <http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf>*. This rule does not incorporate any subsequent amendments or additions.

(A) The training shall be documented and maintained as described in *[subsection (3)(B)]* **subsection (3)(F)2** of this rule.

[(B) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratio in a group child care home or child care center, licensed prior to the effective date of this rule, shall complete safe sleep training described in section (4) of this rule within three (3) months of the effective date of this rule.]

[(C)] (B) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed after the effective date of this rule shall complete safe sleep training described in section (4) of this rule prior to licensure.

[(D)] (C) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall complete safe sleep training described in section (4) of this rule within thirty (30) days of employment or volunteering at the facility.

AUTHORITY: sections 210.221,[and] 210.223, and 210.1080 RSMo [Supp. 2015] 2018. This rule previously filed as 13 CSR 40-62.091, 13 CSR 40-62.102, and 19 CSR 40-62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.102, 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 30-62.102 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expired May 17, 2016. Amended: Filed Nov. 10, 2015, effective April 30, 2016. 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, 2015 and 210.223, RSMo 2015.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more 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 proposed amendment 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.*