

# What's New in Child Care Regulation



# Objectives

- Identify Federal and State law changes
- Identify Community Partners
- Identify new rule language
- Address any new procedures needed to maintain the new standards.



# Chapter 65C-22, Florida Administrative Code Changes and New Look



# 65C-22, F.A.C.

- Repealed rule language, incorporated a handbook of standards written in plain language and organized by topic areas to make it more user friendly.
- Align Florida's Child Care Health Safety Standards with Federal requirements that included the recent background screening changes and national child care standards, and necessary updates to keep the rule current.

# 65C-22, F.A.C. Child Care Standards

- 65C-22.001(3) License
- 65C-22.001(5) Supervision
- 65C-22.001(6) and (7) Handbook and Incorporated Documents
- 65C-22.010 Enforcement

# 65C-22.001 (3) License

- The license is non-transferrable between owners and locations.
- During the hours of operation, the child care facility must not be used for any business or purpose unrelated to providing child care that can interfere with compliance of child care standards or permit the presence of individuals who do not meet screening and training requirements when children are present.
- The facility must include their license number in any advertisement about their services.

# 65C-22.001 (5) Supervision

- Children that are delivered to a location offsite from the facility by someone other than the parent or guardian become the responsibility of the child care program at that designated location and time as agreed upon by the provider and parent/guardian. If a child is not present at the time of pick-up, prior to leaving the designated location, child care personnel must verify the whereabouts of the child.

# Child Care Facility Handbook

- Definitions:
  - Age Appropriate
  - Classroom/Room/Designated Space
  - Continuing Education Unit (CEU)
  - Direct Supervision
  - Field Trip



# Child Care Facility Handbook

- **Definitions:**

- International Association of Continuing Education and Training (IACET)
- Nationally Affiliated Member Based State Professional Organization
- Serious Injury
- Stable Walls or Barriers

# Child Care Facility Handbook

- 2.4 Supervision
  - 2.4.1 General Supervision Requirements
    - Clarifying language “Children must never be left inside or outside the facility, in a vehicle, or at a field trip location by themselves.
    - A program is responsible for the supervision of a child until an authorized individual retrieves the child from the program. Verified by photo identification.

# Child Care Facility Handbook

- 2.4 Supervision continued
  - 2.4.1 General Supervision Requirements continued
    - Each child transported must be dropped at the designated location as agreed upon by the provider and the custodial parent/legal guardian and released to an authorized individual.
  - 2.4.4 Meal Time Supervision
    - Children must be supervised appropriately for their age to monitor the size of food and that the children are eating accordingly.

# Child Care Facility Handbook

- 2.4 Supervision continued
  - 2.4.5 Water Activity Supervision
    - No wading pools
    - During water play activities, the supervising adult must be within an arm's length providing “touch supervision”.

# Child Care Facility Handbook

- 2.4 Supervision continued
  - 2.4.5 Water Activity Supervision continued
    - All pools must have drain covers in compliance with the Virginia Graeme Baker Pool and Spa Safety Act.
    - Pools more than 6 feet in width, length or diameter must have a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook. Personnel must be trained on proper use of this equipment.

# Child Care Facility Handbook

- 2.5 Transportation
  - 2.5.2 Transportation Log
    - Extremely important providers are using this log properly.
    - Now must include any field trips on foot.

# Child Care Facility Handbook

- 2.5 Transportation continued
  - 2.5.3 Emergency Care Plans
    - Personnel must have possession of emergency contact information while away from facility.
    - Personnel must have emergency care plans and supplies for chronic medical conditions available during transport as well as be trained to recognize and respond appropriately to a medical emergency.

# Child Care Facility Handbook

- 2.5 Transportation continued
  - 2.5.4 Vehicle Requirements
    - Interior of vehicle must be maintained at a temperature comfortable to children.



# Child Care Facility Handbook

- 2.5 Transportation continued
  - 2.5.5 Seat Belt/Child Restraints
    - Must meet age requirements for seating and if transporting children using wheelchairs must meet specific safety requirements for them.
    - Child safety restraints must be replaced if:
      - Recalled
      - Past manufacturer's "date of use" expiration
      - Involved in a crash that meets certain criteria

# Child Care Facility Handbook

- 2.6 Planned Activities
  - Scheduled activities must include a variety of activities that range from structured to unstructured.
  - Program practices must promote consistency and continuity of care.

# Child Care Facility Handbook

- 2.8 Child Discipline
  - Providers must have discipline and expulsion policies.
  - Discipline policy must include preventative practices and intervention procedures.
  - Prohibited discipline techniques are outlined in detail.

# Child Care Facility Handbook

- 3.1 General Health and Safety Requirements
  - Indoor and outdoor play areas must be inspected daily before use for basic health and safety.
  - Poisonous and/or aggressive animals are prohibited.
  - Strangulation hazards must not be accessible to children.

# Child Care Facility Handbook

- 3.1 General Health and Safety Requirements continued
  - Smoking is prohibited, including e-cigarettes.
  - Written approval to verify compliance of building requirements for air, soil and water quality; building materials and/or safety hazards in the community with regards to a new construction facility, renovation of an older building or after a natural disaster.

# Child Care Facility Handbook

- 3.1 General Health and Safety Requirements continued
  - Clarifying language for cleaning in rooms occupied by children.
  - Facility must have an integrated pest management program.
  - Outlet covers required.
  - Guardrails or protective barriers where there is more than a 30 inch vertical distance.
  - Electrical devices accessible to children must not be located near water.

# Child Care Facility Handbook

- 3.2 Toxic/Hazardous Material/Firearms/Weapons
  - Carbon monoxide detectors must be tested and maintained.
  - Clarifying language added to list additional types of hazardous materials and the requirement to have materials labeled and used according to manufacturer's recommendations.
  - Narcotics, alcohol, or other impairing drugs must not be present on the premises or in vehicles used by the facility.

# Child Care Facility Handbook

- 3.5 Outdoor Play Area
  - Shade is required.
  - Metal and dark colored surfaces on equipment that children come into direct contact may not be utilized when in direct sunlight.
- 3.5.1 Fencing
  - Must not have gaps or openings larger than 3 1/2 inches.
  - Must have at least 2 exits with one being remote from the building.



# Child Care Facility Handbook

- 3.6.3 Crib Requirements
  - Cribs or playpens/play yards must meet the regulations as outlined in Title 16, Parts 1219, 1220 & 1221 Code of Federal Regulations.
  - Cribs must be placed away from window blinds or draperies.

# Child Care Facility Handbook

- 3.6.4 Safe Sleep
  - All cribs or playpens/play yards must have tight fitting sheets and no excess bedding, including no bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals, and cushions.
  - Facility must have written policy and procedure to identify and prevent shaken baby syndrome and abusive head trauma.

# Child Care Facility Handbook

- 3.6.4 Safe Sleep
  - Documentation for an alternate sleeping position must include child's name and date of birth, description of sleep position, and the length of time authorization is valid.
  - NO strangulation or suffocation hazards in or around cribs or playpens/play yards.

# Child Care Facility Handbook

- 3.8.2 Fire Safety
  - Fire extinguishers must be properly installed, serviced and maintained with current inspection tags at all times.
- 3.8.3 Exit Areas
  - Must be clearly marked.
  - Must not be blocked at any time.

# Child Care Handbook

- 3.8.4 Fire Drills
  - Written record of fire drills must be retained for 2 years.
- 3.8.5 Emergency Preparedness
  - Evacuation and relocation added to align with federal requirements.
  - Plan must include how the facility will notify and update parents in the event of an emergency, including off site relocation.
  - Written record of emergency drills must be retained for 2 years.

# Child Care Handbook

- 3.8.5 Emergency Preparedness continued
  - A current attendance record/classroom roster must accompany staff during the drill or actual emergency to account for all children.
  - Must use the daily roster to account for children at the safe space after exit and upon return to the program. (This includes fire drills.)

# Child Care Facility Handbook

- 3.8.7 Emergency Procedures
  - Facility must have a written plan for reporting and managing any incident that is threatening to the health, safety or welfare of the children, staff or volunteers to the licensing authority.
    - 1. Lost or missing child;
    - 2. Suspected maltreatment of a child;
    - 3. Injuries or illness requiring hospitalization or emergency treatment;
    - 4. Death of child or staff member;
    - 5. Presence of a threatening individual who attempts or succeeds in gaining entrance to the facility.

# Child Care Facility Handbook

- 3.9.1 Food Preparation Area
  - Handwashing sink cannot be used for anything other than handwashing.
- 3.9.2 Food Storage
  - Poisonous/toxic chemicals or cleaning products must not be stored on shelves above food preparation areas and/or food products intended for consumption, unless placed in bins that are impermeable.



# Child Care Facility Handbook

- 3.9.3 Food Safety
  - Foods that are associated with young children's choking incidents must not be served to children under 4 years of age.
  - Facility's cannot accept food from an outside source if that food is not at the appropriate holding temperature.
  - If the food is not acceptable by licensing standards, then the facility must have an alternate plan for meals.

# Child Care Facility Handbook

- 3.9.5 Food Handling
  - Food must not be served to children at more than 110 degrees Fahrenheit. Cooling time must not exceed 15 minutes.

# Child Care Facility Handbook

- 3.9.6 Breastmilk, Infant Formula, and Food
  - Formula must be handled according to manufacturer's instructions. If instructions are not readily available, child care personnel must obtain information from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines.
  - [www.who.int/foodsafety/publications/micro/pif\\_guidelines.pdf](http://www.who.int/foodsafety/publications/micro/pif_guidelines.pdf)

# Child Care Facility Handbook

- 3.9.6 Breastmilk, Infant Formula, and Food continued
  - Providers must develop and follow procedures for the storage and preparation of expressed milk as outlined by the Academy of Breastfeeding Medicine Protocol. Cannot give formula to a breastfed infant without parental consent.
  - ABM Clinical Protocol #8 Human Milk Storage, Revised 2017
  - [www.bfmed.org](http://www.bfmed.org)

# Child Care Facility Handbook

- 3.9.7 Bottle Warming
  - Unused breastmilk must be discarded within one hour after feeding OR it may be returned to the parent in the bottle or container provided by parent.

# Child Care Facility Handbook

- 3.9.8 Drinking Water
  - Clean and sanitary drinking water must be accessible indoors and outdoors throughout the day.
  - On hot days, bottle fed infants may be given additional breastmilk or formula mixed with water provided by their parent/legal guardian. Infants should not be given plain water in the first six months of life unless directed to by the child's physician.

# Child Care Facility Handbook

- 3.10.1 Handwashing
  - Situations or times that children and staff must perform handwashing procedures must be posted in all food preparation, diapering and toileting areas.
- 3.10.2 Diapering Requirements
  - Diaper changing procedures must be posted in the changing area and followed.

# Child Care Facility Handbook

- 3.11 Indoor Equipment
  - Providers should monitor the Consumer Product Safety Commission (CPSC) recommendations for use of equipment.
  - Providers must follow a routine schedule of cleaning, sanitizing and disinfecting toys, equipment and furnishings.



# Child Care Facility Handbook

- 3.11 Indoor Equipment
  - Items exposed to bodily fluids, such as saliva, must be cleaned, sanitized or disinfected immediately or prior to another child's use.
  - Bath tubs, buckets, diaper pails and other open containers of water must be emptied immediately after use.

# Child Care Facility Handbook

- 3.12 Outdoor Equipment
  - Permanent or stationary playground equipment must have a minimum of 6 inches in depth of loose ground cover or other shock absorbing protective surface under equipment and within the fall zone.
  - Any open containers with water must be emptied immediately after use.

# Child Care Facility Handbook

- 4.2 Training Requirements
  - 4.2.1: Part II of 40 hour training:
    - Special Needs Appropriate Practices or Understanding Developmentally Appropriate Practices and one age specific appropriate practice course.
  - 4.2.3: Safe Sleep/Shaken Baby Syndrome
    - Health Safety and Nutrition, Safe Sleep or ELFL Safe Sleep Practices

# Child Care Facility Handbook

- 4.2 Training Requirements continued
  - 4.2.4: First Aid and CPR
    - By October 25, 2019 all staff must have current First Aid and pediatric CPR training.
  - 4.2.5 Fire Extinguisher
  - 4.8.3 Director Credential Training Provider

# Child Care Facility Handbook

- 5.1 Initial Screening
  - Outlines the background screening process used since July 2016.
  - Does not include latest development with the National Fingerprint File.

# Child Care Facility Handbook

- 6.1 Communicable Disease Control
  - If the health department or health care professional suspects:
    - a child or staff member is contributing to the transmission of an illness,
    - is not adequately immunized during an outbreak of a vaccine-preventable disease
    - Or the circulating pathogen poses an increased risk to the individual

The child or child care personnel may not return to the facility until the health department determines the risk of transmission is no longer present.

# Child Care Facility Handbook

- 6.1 Communicable Disease Control continued
  - Operators must have a written plan regarding safety precautions in the event there is exposure to blood and potentially infectious fluids.

# Child Care Facility Handbook

- 6.2 First Aid Kit Minimum Requirements
  - Kits must be restocked after each use.
  - Updated the list of items to be included.



# Child Care Facility Handbook

- 6.5 Medication

- Prescription and non-prescription medication used on “as needed” basis must have additional documentation to describe symptoms that would require the medication to be given from the custodial parent or legal guardian.
- Prescription medication must also include contact information for the physician.
- Medication must be maintained at appropriate temperature.

# Child Care Facility Handbook

- 6.5 Medication continued
  - Prior to administering medication, child care personnel need to be trained.
  - Sun Safety
  - Sunscreen, diaper cream, insect repellant require written permission from parents/guardians and manufacturer instructions must be followed.

# Child Care Facility Handbook

- 7.1 Immunization Records
  - No immunizations prior to enrollment and no documented exemption from immunizations requires documentation of a scheduled appointment to receive immunization.
  - Providers must include written notification to inform parents that some children in care may not have current immunizations.
  - Recommendation for staff to be immunized.

# Child Care Facility Handbook

- 7.2 Student Health Records
  - Any child with an increased risk for a chronic physical, developmental, behavioral or emotional condition and require additional services must have a current Emergency Care Plan in their file.

# Child Care Facility Handbook

- 7.3 Enrollment Information
  - Enrollment information must include, in writing, permission for the facility to release the child to any person authorized, or in the manner authorized by the custodial parent/legal guardian.
  - Enrollment must include parent/guardian consent for child care personnel to have access to child's records.

# Child Care Facility Handbook

- 7.4 Personnel Records
  - Written documentation of volunteer hours must be maintained at the facility.

# Child Care Facility Handbook

- 7.5 Daily Attendance
  - Each classroom must have an attendance record for the children occupying that space.
  - Providers must contact parents/guardians within one hour of the normal drop off time to verify the child's absence.
- 8.1 Access
  - Child Care Facility must not interfere with or prevent licensing from copying records, photographing or recording a location or activity on the premises as documentation for the inspection.

# Child Care Facility Handbook

- 8.2 Child Safety
  - Child Care Personnel must appropriately interact with children to foster a healthy, safe environment that will encourage the child's physical, intellectual, motor, and social development. Interactions with children that are aggressive, demeaning or intimidating in nature are strictly prohibited.



# 65C-22.00 I (7) Incorporated documents

- Attestation of Good Moral Character
  - Does not require notarization.
  - Is only signed prior to beginning employment or after a 90 day break in service.
- Background Screening and Personnel File
- Training Applications:
  - Birth – thru 5 FCCPC
  - School-Age FCCPC
  - Staff Credential
  - Director Credential and Renewal

## 65C-22.001 (7) Incorporated documents

- Volunteer Acknowledgement
- Child Care Application for Enrollment
- Child Care In-Service Training Record
- Child Abuse and Neglect Reporting Requirements
- “Know Your Child Care Facility” Brochure
- “Influenza Virus, Guide to Parents” Brochure
- Florida Certificate of Immunization
- Religious Exemption from Immunization
- School Entry Health Exam



## 65C-22.001 (7) Incorporated documents

- CCFP Meal Pattern for Children
- CCFP Meal Pattern for Infants
- USDA MyPlate
- Center for Disease Control Guidelines
- Caring for Our Children Basics, Health and Safety Foundations for Early Care and Education
- Title 16, Parts 1219, 1220, 1221 Code of Federal Regulation

# 65C-22.010 Enforcement

- Definition of Technical Assistance
- Reconciliation of 2012 and 2017 Child Care Facility Classification Summaries
- Grace period- violation of a standard that occurred more than 2 years prior will not be counted for the purpose of progressive enforcement; however, will be considered for continued licensure or registration.

# 65C-22.010 Enforcement

- Chapter 120, Florida Statutes used in accordance with:
  - Denial, Suspension, or Revocation of a License or Registration
  - License or Registration converted to Probation Status
  - Administrative Fine
- Imposition of a fine shall be accomplished through an administrative complaint.
- Denial of license/registration or conversion to probationary status shall be accomplished through an administrative complaint or notice of intent to deny a pending renewal application.

# Questions??

