

Palm Beach County Health Department
Division of Environmental Public Health
Child Care Licensing

Overview of New Regulations for Child Care Facilities

On August 16, 2011, the Palm Beach County Board of County Commissioners (sitting as the Child Care Facilities Board) adopted several amendments to the Rules and Regulations Governing Child Care Facilities. These new rules are available for download at:
http://www.pbchd.com/pdfs/environmental/childcare/pbchd_Rules_And_Regulations_Governing_Child_Care_Facilities.pdf

The rules showing the additions and deletions are available for download at:
http://www.pbchd.com/pdfs/environmental/childcare/rules_and_regulations_governing_child_care_facilities-WORKING-DRAFT-1.pdf

Over the next few months, your inspector will be visiting your facility for license renewal inspections, and will provide technical assistance on the changes to the rules. For related questions you may call the Department at 837-5900 and select Option 1: Child Care Licensing.

Some of the significant additions / changes are presented below.

ARTICLE III

Definitions have been added for several terms, including: *Group, High School Diploma, License, and Training Transcript*. Changes were made to clarify the definitions of terms such as *child care facility, and staff*.

ARTICLE IV

Article IV(A)(4), page 16: New requirements for license application include:

- Proof of Level 2 screening clearance;
- Completion of a pre-licensing workshop by the owner and operator. (See Article IV(A)(17) also).
- Satisfactory fire inspection report;
- Proof of compliance with mandatory radon testing and reporting requirements.

Article IV(A)(11), page 21: License renewal:

- Renewal application submitted after November 16 constitutes a violation with a fine of \$100 for the first occurrence, \$200 for the second occurrence, and \$300 for each subsequent occurrence within a five year period.

Article IV(C), page 23: Provisional license.

- This section outlines criteria for the issuance of provisional licenses.

Article IV(D), page 24: Probationary license.

- This section outlines criteria for the issuance of a probationary license as a disciplinary sanction, in keeping with the Department's progressive enforcement matrix.

Article IV(F), page 25: Fee increase:

- Flat fee of \$150 annually for facilities with a capacity of 25 or less.
- Progressive fee of \$150 plus \$4.00 per child for facilities with a capacity of more than 25.

ARTICLE VI: Personnel Training

All DCF child care training standards apply and are available at the DCF website at www.myflorida.com/childcare. However, this Article was reorganized to make it easier to read. Most of the DCF training policies and procedures were removed, and the child care training standards retained. Highlights of new requirements include:

- Only the DCF transcript will be accepted as proof of the 40-Hour Introductory Child Care Training.
- Documentation of child care training “begin date” must be recorded on the employee application, and included in the personnel record.
- The begin date of training is the date the individual commenced required training in the child care **industry**.
- Child care personnel who left the industry not in compliance with training requirements must complete the training requirements before being employed again to work with children in the child care facility.

ARTICLE VII: Background Screening

- Incorporates new background screening requirements: All owners, personnel, volunteers, and child enrichment services providers must be **screen and cleared** prior to working with children.
- Volunteers who assist in the facility for 10 hours or more require Level 2 background screening.
- Volunteer who assists less than 10 hours per month require Level 1 screening.
- Juveniles (less than 18 years old) require Level 1 screening.
- Child care personnel must be excluded from caring for children pending disposition of an arrest for disqualifying offense.
- 5-Year re-screening requires a full Level 2 screening.

ARTICLE VIII: Supervision and Staffing Requirements

Article VIII(A)(2)(b), page 41: High School Diploma:

- Effective January 1, 2012, at least one staff member with a high school diploma, GED, or active staff credential must be assigned to each group of children in the child care facility. (The terms “high school diploma” and “group” are defined in the Article III).

Article VIII(C)(9), page 44: Commingling of Infants with Older Children:

- The change replaces requirements that a child must be promoted to a new group immediately upon reaching 24 months of age.
- The intent of this section is to allow for a planned, gradual, and smooth transition of children who have just turned 24 months to the 2-3 year old group.

- It is not intended to allow the movement of children from groups of older children to groups of infants. It allows the provider to consider factors other than age in planning the transition of infants and toddlers.
- Infants under 12 months cannot be commingled with children 24 months and older.
- Infants 12 months or older can be commingled with children older than 24 months of age, provided the older child/children will not be 3 years old by September 1 of the current year. This allows promotion of children in keeping with the elementary school calendar.
- When infants are commingled with older children the staff ratio for the youngest child in the group applies.

ARTICLE X: Physical Facility

- Article X (A)(5), page 49: Facility must be free of lead based paint hazards. Renovations to older building with lead based paints must comply with EPA Renovation, Repair and Painting Rule.
- Article X (A)(17), page 50: Child care facilities must comply with mandatory radon testing requirements pursuant to section 404.056(4) Florida Statutes and Section 64E-5.1208(c), Florida Administrative Code.
- ARTICLE X(B), page 54: Outdoor Play Area:
 - The change causes a 50% reduction in the available total outdoor play area, while maintaining the 75 square feet per child (or 45 square feet for infants) space requirement when the play area is being used. Therefore, outdoor play area shall be provided to accommodate at least half of the license capacity of the facility. The facility will use split shifts to ensure that the per child space requirements are maintained while children are using the play area.
 - A child care facility shall not have less than 1500 square feet of outdoor play area.
 - Existing child care facilities must obtain written approval of local zoning, building, and fire departments to change the existing play area or increase the license capacity.
- ARTICLE X(F)(5), page 60: Fire Safety and Emergency Planning.
 - At least one fire drill must be observed by a licensing inspector each year.
 - At least one fire drill must use an alternate route for evacuation.
 - At least one fire drill must be conducted during naptime.

ARTICLE XIV: Communicable Diseases

- ARTICLE XIV(E), page 72: Each year, during the months of August and September, the facility must provide parents with information about influenza causes, symptoms, and prevention.

ARTICLE XV(E)(1), page 77: Attendance and Other Records

Sign-in and Sign-Out Records Required

- Daily sign-in and sign-out logs must be maintained by the facility
- The person who delivers the child or the facility personnel must sign the child in.

- An authorized person age 16 or older must sign out the child, documenting the time child is picked up.

Class or Group Attendance Log Required

- A real time attendance log must be maintained for each class or group.
- The log must show names of all children assigned to the group.
- The log must show all the children that are present, and those that are absent at any give time.
- Attendance records must be complete and accurate, because they are used in accounting for children during emergencies.
- ARTICLE XV(E)(2), page 78: Incident Reports
 - Incident reports must be completed the same day that the incident occurred.

ARTICLE XVII, pages 84-87: Transportation

ARTICLE XVII(A): General Requirements

- The facility must provide written notice to the Health Department prior to providing transportation services.
- Staff to child ratio must be maintained at all time during transportation.
- A copy of the facility's transportation policy and procedures including staff training must be maintained at the facility and be available for review by the licensing inspector.
- Annual vehicle inspections must be done by ASE certified mechanic. The name and certification number of the mechanic must be on the vehicle inspection report.
- The interior temperature of vehicles shall be maintained at 72-82 °F when transporting children.
- Vehicles must be maintained clean, sanitary, and free of hazards.
- Contact information for children's parents must be available on the vehicle during transportation.
- Emergency care plans for children with chronic medical conditions must be available on the vehicle during transportation.
- A second adult is required in the vehicle when children under 5 years of age are being transported.

ARTICLE XVII(B), page 85: Supervision During Transportation.

- An adult must be seated in the driver seat when the engine is running.
- An adult must be in the vehicle when a child is in the vehicle.
- A second adult staff member in addition to the driver is required when transporting children under 5 years of age.

ARTICLE XVII(C): Responsibility for Loading and Unloading Children Transportation Log Required

- A transportation log is required. The log must have the first name and last name of the children being transported.

- A specific staff member or the driver must be assigned responsibility for completing the log.
- Staff must document each time each child enters or leaves the vehicle.

Loading Procedures

- The time the child was loaded onto the vehicle must be recorded on the log.
- If picked up at home the parent or authorized person must sign in the child onto the vehicle.

Unloading Procedures

- The log must be updated immediately when the child is unloaded, by recording the time, and initialing the entry. The assigned staff member must update the log.
- When the child is released to the parent or guardian, the person receiving the child must sign the log.

Confirming That No Child Is Left In the Vehicle

- The driver upon unloading must walk through the vehicle to the last row of seats, and inspect seat surfaces and under seats to ensure that all children had been unloaded.
- A second staff member must check the vehicle to ensure that all children had been unloaded.
- Both driver and second staff member must sign the transportation log verifying that all children had been unloaded and that the information on the log is accurate and complete.

Loading Procedures

Pickup at School

- Facility must develop written policies for picking up children at school:
 - Specific procedures for driver to follow if the child scheduled to be picked up does not show.
 - How will children be supervised if driver need to try to locate a missing child.
- Logging of children must be done at time of loading.
- When children are unloaded at the end of the day, and the vehicle does not return to the facility, the facility must have a written policy on verifying that each child transported had been delivered to the authorized person.

ARTICLE XVII(D), page 87: Child Safety Alarm Device

On or after September 1, 2012, all vehicles used by or on behalf of the child care facility for the transportation of children and that are designed to transport six (6) or more passengers must be equipped with a child safety alarm device that prompts the driver to inspect the vehicle for children upon vehicle shut off. The device must be properly maintained in working order at all times. The Department shall, by December 1, 2011, develop and adopt standards for the installation and performance of such devices.