



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
10 Park Place, Suite 200, Atlanta, Georgia 30303
(404) 656-5957

Sonny Perdue
GOVERNOR

Holly A. Robinson, Ed.D.
COMMISSIONER

Notice of Public Hearing for Proposed Rulemaking
Bright from the Start: Georgia Department of Early Care and Learning

Child Care Services, Rule Chapter 591-1-1
Proposed Amendments to Rule 591-1-1-.03, Rule 591-1-1-.06, Rule 591-1-1-.12,
Rule 591-1-1-.17, Rule 591-1-1-.31 and Rule 591-1-1-.38

Child Care Services, Rule Chapter 290-2-1
Proposed Amendments to Rule 290-2-1-.06, 290-2-1-.09, Rule 290-2-1-.12
and Rule 290-2-1-.16

Child Care Services, Rule Chapter 290-2-3
Proposed Amendments to Rule 290-2-3-.09, Rule 290-2-3-.11, Rule 290-2-3-.12
and Rule 290-2-3-.15

Notice Date: June 19, 2009

Dear Sir or Madam:

Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) is proposing to amend Rules 591-1-1-.03, 591-1-1-.06, 591-1-1-.12, 591-1-1-.17 and 591-1-1-.31, and 591-1-1-.38 in its *Rules for Child Care Learning Centers*. Substantive changes to these rules include the following.

Rule 591-1-1-.03 (Activities) No rough play or picking up a child so as to cause injury.

Rule 591-1-1-.06 (Bathrooms) Potty chairs may not be substituted for a required toilet.

Rule 591-1-1-.12 (Equipment and Toys) Use of indoor and outdoor equipment safely and in accordance with manufacturer's instructions. Equipment free from hazardous conditions, clean, and placed to permit children's freedom of movement and to minimize danger of accidents and collision. Secure or anchor equipment that could tip over.

Rule 591-1-1-.17 (Hygiene) Potty chairs to be disinfected after each use and stored in bathrooms; sink disinfected if used for emptying contents of potty chairs.

Rule 591-1-1-.31 (Staff) Specified educational credentials and qualifying experience would be required for all directors and teachers on or after July 1, 2012.

Rule 591-1-1-.38 (Enforcement and Penalties) Authority to deny/revoke center's license for failure to pay fine and for making false statement of material information in connection with any statement made or documents submitted to the department. Rule revised to reflect department's authority to impose fines of up to \$500 per day per rule violation, not to exceed \$25,000. Additional provisions added, such as issuance of inspection warrant and emergency order, to reflect existing legal authority.

Bright from the Start is also proposing to amend Rules 290-2-1-.06, 290-2-1-.09, Rule 290-2-1-.12 and 290-2-1-.16 in its *Rules and Regulations for Group Day Care Homes*. Substantive changes to these rules include the following.

Rule 290-2-1-.06 (Applications) Pre-licensure orientation and 40 hours of director's training is required for all initial applicants.

Rule 290-2-1-.09 (Administration and Staff Requirements) Specified educational credentials and qualifying experience would be required for all administrators/directors on or after July 1, 2012.

Rule 290-2-1-.12 (Physical Environment and Equipment) Potty chairs to be disinfected after each use and to be stored in bathrooms; sink disinfected if used for emptying contents of potty chairs. Use of indoor and outdoor equipment safely and in accordance with manufacturer's instructions. Secure or anchor equipment that could tip over.

Rule 290-2-1-.16 (Enforcement) Authority to deny/revoke group day care home's license for failure to pay fine and for making false statement of material information in connection with any statement made or documents submitted to the department. Rule revised to reflect department's authority to impose fines of up to \$500 per day per rule violation, not to exceed \$25,000.

Additionally, Bright from the Start is proposing to amend Rules 290-2-3-.09, 290-2-3-.11, 290-2-3-.12 and 290-2-1-.15 in its *Rules and Regulations for Family Day Care Homes*. Substantive changes to these rules include the following.

Rule 290-2-3-.09 (Children's Activities) No rough play or picking up a child so as to cause injury.

Rule 290-2-3-.11 (Health, Safety and Discipline) Potty chairs to be disinfected after each use and to be stored in bathrooms; sink disinfected if used for emptying contents of potty chairs. No animal with a vicious propensity, such as pit bull dogs, ferrets and poisonous snakes, are permitted in the family day care home or its premises at any time children are present.

Rule 290-2-3-.12 (Equipment and Supplies) Use of indoor and outdoor equipment safely and in accordance with manufacturer's instructions.

Rule 290-2-3-.15 (Enforcement and Penalties) Rule amended to include department's existing authority for adverse actions, such as imposition of fines, suspension, restriction, denial or revocation of registration. Department may impose fines of up to \$500 per day per rule violation, not to exceed \$25,000. Additional provisions added, such as issuance of inspection warrant and emergency order, to reflect existing legal authority.

Attached is a copy of the proposed amendments to these rules. Since the proposed amendments are being considered for adoption on a permanent basis, Bright from the Start invites interested parties to comment on them. Interested parties may submit written comments to my attention by mail at the address on this letterhead or by FAX at 404-651-7184. **To be considered, Bright from the Start must receive written comments on or before July 23, 2009.**

Interested parties who prefer to make verbal comments on the proposed rule changes may do so at a public hearing before a Hearing Officer. The public hearing will be held from **5:00 p.m. to 7:00 p.m. at 34 Peachtree Street, 18th Floor, Training Room, Atlanta, Georgia 30303 on the 23rd day of July 2009.**

All interested parties are invited to attend regardless of whether they choose to make verbal comments regarding the rule amendments. Comments made in writing will be given the same consideration as those that are made verbally.

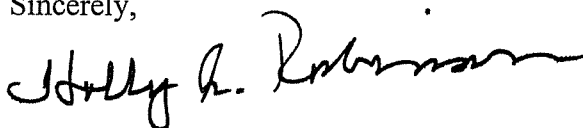
All comments (written and verbal) will be summarized in a written report for the Commissioner of Bright from the Start. The decision to adopt or reject the proposed rule amendments to Rule Chapter 591-1-1, Rule Chapter 290-2-1 and Rule Chapter 290-2-3 will be made by the Commissioner after receipt and review of the report summarizing the public comments. After the decision to adopt or reject the proposed amendments to Rule Chapter 591-1-1, Rule Chapter 290-2-1 and Rule Chapter 290-2-3 is made by the Commissioner, the order adopting or rejecting proposed rule amendments will be posted on the department's website at www.decal.state.ga.us.

This notice of proposed rulemaking is being issued pursuant to O.C.G.A §§ 20-1A-1 et seq. and § 50-13-4. If you have any questions about the notice or the proposed amendments to the *Rules for Child Care Learning Centers* or the *Rules and Regulations for Group Day Care Homes*, contact Kay Hellwig, Director, Child Care Services, at (404) 657-5562. If you have any questions about the notice or the proposed amendments to the *Rules and Regulations for Family Day Care Homes*, contact Renee Parlier, Regional Director, Family Care and Initial Licensing, at (404) 657-5562.

If, due to a disability, you need this notice in an alternate format or if you plan to make verbal comments and will require special accommodations, call Kay Hellwig or Renee Parlier at the number referenced above. Please do this as soon as possible but no later than ten (10) days before the above referenced public hearing.

We appreciate our partnership with you in meeting the early care and education needs of Georgia's children and families, and we value your expertise and experience as we fine-tune the rules and regulations that ensure our children remain healthy and safe.

Sincerely,

A handwritten signature in black ink that reads "Holly A. Robinson". The signature is written in a cursive style with a large, prominent initial "H".

Holly A. Robinson
Commissioner

Attachments