

TO: MT Child Care Providers, MT Child Care Resource and Referral agencies, Child Care Licensing Program and Other Interested Parties

FROM: Patty Butler, Early Childhood Services Bureau Chief

SUBJECT: Child Care Licensing Program updates, Rule Change, Stabilization Grant

DATE: September 29, 2021

There are rule changes and updates to share in the Child Care Licensing program now, and we want to assure that all providers have up-to-date information.

On September 28, 2021 a proposed rule package was filed with Office of Legal Affairs. This rule package includes some changes specific to CCDF regulations, as well as the Department Administrative Rules alignment to language in SB 142 related to staffing and the number of children allowed per facility. Before rules can be finalized, there is an opportunity for public comment, a hearing on public comment, and then time for response to those comments. Based on this process the rule change is in a status of 'proposed'. Notification will be sent out to all providers regarding the Public Comment period and Public Hearing once the Publish Date is confirmed. We will also post a link on our website.

Senate Bill 142 will go into effect on October 1, 2021 and includes these changes to current Montana Law, MCA **52-2-703**:

"Family day-care home" means a private residence in which day care is provided to ~~three to six~~ three to eight children on a regular basis

"Group day-care home" means a private residence or other structure in which day care is provided to ~~7 to 12~~ 9 to 15 children on a regular basis.

"Day-care center" means an out-of-home place in which day care is provided to ~~13~~ 16 or more children on a regular or irregular basis.

Per regulation, ARM **37.95.153**, you must notify the department of any changes that would affect the terms of the registration or license including the number of children listed on the license. If you would like to increase the number of children on your license per SB142 and the change to MCA **52-2-703**, please submit your request along with verification of liability insurance for the number of children requested. You will also need to send a square footage report and floor plan to demonstrate there is at least 35 square feet per child of indoor play space and 75 square feet per child of outdoor play space per ARM **37.95.610** and ARM **37.95.705**.

Other changes and updates in Child Care Licensing and ECSB:

**Starting October 1st, all staff of any age must have successfully completed a fingerprint-based FBI check prior to being present in the facility. An automated initial approval letter will be generated once the FBI check and the staff immunizations (Tdap and MMR) are complete. This letter will be generated and mailed twice per week and allow the individual to be present in the facility once received.

Initial approval does not allow staff to be left alone with children. Adult, Child, and Infant CPR and Pediatric First Aid plus the course "Infant Safety Essentials" must be complete within 30 days of hire and

before being left alone with children. Additional background checks are required for staff who have lived out-of-state within the past 5 years and must also be complete prior to being left alone with children.

**Reminder that FBI Background Checks are FREE currently. If fingerprints are completed outside of the Child Care Resource & Referral Agency and are sent into Helena from the individual/program, you do not need to send money also.

**As you know, Child Care Licensors have been out in the field conducting scheduled inspections since the beginning of May. The waiver from our federal partners for scheduled inspections expires 9/30/2021, so Child Care Licensing will be sending further information out for inspections after 10/1/2021.

**Covid approved overlap has been extended until the new rules are in place. Once the new rules are in place, this overlap extension will expire.

**Early Childhood Services Bureau is launching the child care licensing business process improvement and data improvement project to make child care licensing work better for providers and families. The goal of this work is to increase the capacity of our child care system, so we have high quality care available for all of Montana's children. The project will review and reform child care regulations, policies, and procedures to modernize, streamline, and enhance the provider experience. There will be an additional letter sent out to detail this work.

** Provider Stabilization Grant applications will be available to all Licensed and Registered Programs in October. The grants are intended to help child care providers maintain or resume services and will fund operating expenses. A town hall will be held on October 7th at 6:00 in the evening to introduce the grant and to provide information about the covid relief funding. A follow up town hall will be held on October 13th at 6:00 in the evening to go over the grant application and answer specific questions. There will be a website available for the grant application form, for information, how to prepare, and guidance documents. The website address will be shared during the town hall. The applications will be open until July 30, 2022. I encourage you to attend both town hall calls if possible. Watch for more information about how to connect to the town hall.