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Sequence Number: 10-08-18
Rule ID(s): 7248
File Date: 10/5/18
Effective Date: 1/3/19

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Department of Human Services
Division:	Community and Social Services
Contact Person:	Jude White, Assistant Commissioner, Community and Social Services
Address:	One Citizen's Plaza Bldg., 8 th Floor, 400 Deaderick St., Nashville, TN
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Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1240-04-01	Licensure Rules for Child Care Agencies
Rule Number	Rule Title
1240-04-01-.22	Specific Requirements for Child Care Centers

Chapter 1240-04-01
Licensure Rules for Child Care Agencies

Amendments

Rule 1240-04-01-.22 Specific Requirements for Child Care Centers, subparagraph (1)(c) is amended by deleting part 3 in its entirety and substituting the following language, so that as amended this part shall read:

3. Chart 3 – Allowable Combined Grouping and Adult:Child Ratio Chart for first/last hour and one-half ($\frac{1}{2}$) of each day only:

Age of Children	Adult:Child Ratio			Maximum Group Size
Two and one-half ($2\frac{1}{2}$) – Five (5) years	1:10			10
Three (3) – Twelve (12) years		1:15		15
Four (4) – Twelve (12) years			1:20	20

Authority: T.C.A. §§ 4-5-201 et seq.; 71-1-105(5); 71-3-501 et seq.; 71-3-502(a)(2).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 8/7/2018 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: August 7, 2018

Signature: Cherrell Campbell-Street

Name of Officer: Cherrell Campbell-Street

Title of Officer: Deputy Commissioner

Subscribed and sworn to before me on: August 7, 2018

Notary Public Signature: Jacqueline Griffin

My commission expires on: SEPT. 7, 2021



Agency/Board/Commission: Department of Human Services

Rule Chapter Number(s): Chapters 1240-04-01

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter

9/27/2018
Date

Department of State Use Only

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Effective on: 1/3/19

Tre Hargett

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This change does not impact small business.

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule has no impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule amends Chapter 1240-04-01-.22, Chart 3, to correct an error in the ratio numbers contained in the chart.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

N/A

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

N/A

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rebekah Baker, Deputy General Counsel, Rebekah.A.Baker@tn.gov, 615-350-4153

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rebekah Baker, Deputy General Counsel, Rebekah.A.Baker@tn.gov, 615-350-4153

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

400 Deaderick Street, Nashville, TN 37243, 615-350-4153, Rebekah.A.Baker@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

REDLINE

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
ADULT AND FAMILY SERVICES DIVISION**

**CHAPTER 1240-04-01
LICENSURE RULES FOR CHILD CARE AGENCIES**

1240-04-01-.22 Specific Requirements for Child Care Centers.

(1) Required Adult:Child Ratios.

(a) Adult:child ratios in this paragraph shall be maintained by the child care agency while the children are on the premises of the child care agency, including outdoors or on the playground.

(b) Adult:Child Ratio Requirements for Child Care Centers.

1. Adult:child ratios and group sizes in child care centers may exceed requirements set by the rule of the Department of Human Services by up to ten percent (10%), rounded to the nearest whole number, no more frequently than three (3) days per week.

(i) At no time shall the licensed capacity be exceeded.

(ii) Infant and toddler groups may never exceed the required ratios and group sizes.

(iii) The Department may terminate this variance in individual cases under provisions for issuance of a restricted license pursuant to T.C.A. § 71-3-502.

(iv) Child care centers that use the variance may, at the Department's discretion, be required to obtain fire approval prior to enrolling additional children.

2. When more than twelve (12) children are present on the premises, a second adult shall be physically available on the premises.

(c) Child Care Ratio and Group Size Charts.

1. Chart 1 – Age Grouping.

Age of Children	Adult:Child Ratio							Maximum Group Size
Six (6) weeks – Fifteen (15) months	1:4							8
Twelve (12) – Thirty (30) months		1:6						12
Twenty-four (24) – Thirty-five (35) months			1:7					14
Three (3) years					1:9			18

Four (4) years						1:13		20
Five (5) years						1:16		20
School-age (Kindergarten and above)							1:20	No Max

2. Chart 2 – Age Grouping.

Age of Children	Adult:Child Ratio							Maximum Group Size
Six (6) weeks – Thirty (30) months	1:5							10
Two (2) – Four (4) years		1:8						
Two and one-half (2½) – Three (3) years (Thirty (30) – Forty-seven (47) months)			1:9					16
Two and one-half (2½) – Five (5) years				1:11				18
Two and one-half (2½) – Twelve (12) years	1:10							20
Three (3) – Five (5) years					1:13			10
Four (4) – Five (5) years						1:16		22
Five (5) – Twelve (12) years							1:20	No Max

3. ~~Chart 3 – Allowable Combined Grouping and Adult:Child Ratio Chart for first/last hour and one-half (½) of each day only:~~

Age of Children	Adult:Child Ratio			Maximum Group Size
Two and one-half (2½) – Five (5) years	1:4			8
Three (3) – Twelve (12) years		1:6		12
Four (4) – Twelve (12) years			1:7	14

[3. Chart 3 – Allowable Combined Grouping and Adult:Child Ratio Chart for first/last hour and one-half (½) of each day only:

Age of Children	Adult:Child Ratio			Maximum Group Size
Two and one-half (2½) – Five (5) years	1:10			10
Three (3) – Twelve (12) years		1:15		15
Four (4) – Twelve (12) years			1:20	20

(d) 1 Assignment of Children to Groups.

- Each child shall be on roll in a defined group and assigned to that group with a specific educator(s).

2. Maximum group size requirements, as established in subparagraph (c) above, shall be maintained at all times with the exception of meals served in common dining rooms, napping in common nap rooms, or outdoors on the playground.
3. Infants shall have a separate space and shall never be grouped with children older than thirty (30) months of age.
4. Extended Care. Children age thirteen (13) months and older may be grouped together while sleeping in overnight care.
5. Children shall be kept with the same group throughout the day.
6. Children shall not be promoted to a new group until required based upon the age and developmental needs of the child.
7. Groups excluding infants and toddlers may be combined for short periods for a special activity (e.g., special assembly, visiting performers or community helpers, etc.) of no more than sixty (60) minutes duration per day as long as adult:child ratios are met.
8. Pre-school and school-age groups may be combined for up to one and one-half (1½) hours at the beginning of the day and for up to one and one-half (1½) hours at the end of the day as set forth in Adult:Child Ratio Chart 3 in 1240-04-01-.22(1)(c)(3).
9. Groups of children may never be mixed as part of the regular routine or operation.

Exception: Pre-school and school-age groups may be mixed based upon emergencies, holidays or low attendance days.

10. Child care agencies shall define grouping for each classroom.
- (e) Each group shall have a designated classroom with enough space for the entire group.
 - (f) Child care centers shall provide written lesson plans for each group of children.
 - (g) When more than twelve (12) children in first grade and above are present, a separate educator, a separate group, a separate space, and a separate program shall be provided for them.
 - (h) Naptime Supervision and Requirements for Naptime and Nighttime Care.
 1. At naptime and during nighttime care, after the children have settled down, adult:child ratios for ages thirty-one (31) months and above may be reduced by fifty percent (50%) in each classroom as long as the children are adequately protected and all of the following requirements are met:
 - (i) At least one (1) adult educator shall be awake and supervising the children in each nap room/sleeping area;
 - (ii) There are enough adults on the premises so that the adult:child ratio required for children when they are awake shall be met immediately.
 - (iii) Ratios for children six (6) weeks through thirty (30) months shall be

maintained.

2. Maximum group size limits do not apply.

(2) Multi-Site Personnel Qualifications for Child Care Centers.

(a) Multi-Site Coordinator. The multi-site coordinator shall meet the same requirements listed below for a single-site child care center director.

(b) Qualifications of On-Site Director under a Multi-Site Coordinator.

1. The on-site director under a multi-site coordinator shall have earned at least eighteen (18) credit hours of college course work, or shall have earned a Department-recognized credential and one (1) year of full-time documented work experience with children in a group setting; or

2. The on-site director under a multi-site coordinator shall have a high school diploma or equivalent educational credential recognized by state law, in addition to at least two (2) years of full-time documented work experience with children in a group setting.

(3) Qualifications for Director of a Single-Site Child Care Center.

(a) The director shall meet at least one (1) of the minimum qualifications listed in the chart below:

If Minimum Education Is:	The Minimum Group Care Experience Required Is:
Graduation from an accredited four-year (4-year) college or a registered nurse (RN) with less than a four (4) year degree.	One (1) year of full-time (paid or unpaid) experience with children in a group setting.
Thirty-six (36) credit hours of college coursework at least thirty (30) hours of which shall be in business or management, child or youth development, early childhood education or closely related field or a Tennessee Early Childhood Administrator Credential.	Two (2) years of full-time (paid or unpaid) experience with children in a group setting.
High school diploma (or equivalent as recognized by state law), and Tennessee Early Childhood Training Alliance (TECTA) certificate for completing thirty (30) clock hours of the Administrator Orientation training or the equivalent as recognized by the Department.	Four (4) years of full-time (paid or unpaid) experience with children in a group setting.
Continuously employed as an on-site child care director or a child care agency owner since July 1, 2000.	Not Applicable.

(b) Training Requirements:

1. No more than six (6) months prior to issuance of the first license, owners (or a designee thereof who is not the on-site director) and directors shall complete the Department-sponsored child care informational intake meeting.

2. Within the first three (3) months of employment the director shall complete a Department-provided training that includes but is not limited to applicable licensing rules.

3. The director shall complete pre-employment training, recognized by the

Department that includes but is not limited to, training in interviewing and evaluating educators for service in a child care agency and in working effectively with parents.

4. During the first year of employment a new director shall:

- (i) Complete an orientation course sponsored by the Department within three (3) months of assuming the position.
- (ii) Satisfy one of the following:
 - (I) Complete thirty (30) hours of administrator training through the TECTA program; or
 - (II) Earn credit during the year in one (1) academic course in administration, child development, early childhood education, health/safety or other related field from an accredited academic institution.
- (iii) Complete at least six (6) hours of health and safety training such as but not limited to:
 - (I) Prevention and control of infectious diseases (including immunization);
 - (II) Prevention of sudden infant death syndrome and use of safe sleeping practices;
 - (III) Administration of medication, consistent with standards for parental consent;
 - (IV) Prevention of and response to emergencies due to food and allergic reactions;
 - (V) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
 - (VI) Prevention of shaken baby syndrome and abusive head trauma;
 - (VII) Emergency preparedness and response planning for emergencies resulting from an actual disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a);
 - (VIII) Handling and storage of hazardous materials and the appropriate disposal of biological contaminants;
 - (IX) Precautions in transporting children (if applicable);
 - (X) First aid and cardiopulmonary resuscitation (CPR);
 - (XI) Poison prevention;
 - (XII) Nutrition and physical activity;

(XIII) Child development; or

(XIV) Caring for and inclusion of children with special needs.

5. After the first year of employment, the director shall:

(i) Earn credit during the year in one (1) academic course in administration, child development, early childhood education, health/safety or other related field from an accredited academic institution; or

(ii) The director in a child care center shall have, in addition to other required training in specific subject areas, evidence of receiving annual training as follows in Department-recognized workshops/training, or one-on-one consulting sessions:

(I) Effective July 1, 2018, at least twenty-four (24) clock hours to include the training topics specified below.

(II) At least three (3) hours of training on pre-literacy and literacy skills and education implementation.

(III) At least six (6) hours must be health and safety such as but not limited to:

I. Prevention and control of infectious diseases (including immunization);

II. Prevention of sudden infant death syndrome and use of safe sleeping practices;

III. Administration of medication, consistent with standards for parental consent;

IV. Prevention of and response to emergencies due to food and allergic reactions;

V. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

VI. Prevention of shaken baby syndrome and abusive head trauma;

VII. Emergency preparedness and response planning for emergencies resulting from an actual disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a);

VIII. Handling and storage of hazardous materials and the appropriate disposal of biological contaminants;

IX. Precautions in transporting children (if applicable);

- X. First aid and cardiopulmonary resuscitation;
- XI. Poison prevention;
- XII. Nutrition and physical activity;
- XIII. Child development; or
- XIV. Caring for and inclusion of children with special needs.

(IV) At least three (3) hours of training on the applicable developmental learning standards within the first three (3) months.

(V) Four (4) hours of the required twenty-four (24) hours may be earned by conducting training.

(VI) This training shall be in addition to other required training in specific subject areas such as Child and Adult Care Food Program (CACFP), personal safety, etc.

(VII) Training in first aid and CPR may be counted as necessary to maintain current certification as required by 1240-04-01-.12.

(iii) The director shall have evidence of completing training in Adverse Childhood Experiences every five (5) years.

(c) The director of a single-site child care center shall be at least twenty-one (21) years of age.

(4) Assistant Director Qualifications for Child Care Centers.

(a) An assistant director shall have:

1. Earned a bachelor's degree, an associate's degree in child development or early childhood education, a CDA credential, or a Child Care Professional credential; or
2. Earned credit during the year in one (1) academic course in administration, child development, early childhood education, health/safety or other related field from an accredited academic institution and one (1) year of full-time (paid or unpaid) documented work experience with children in a group setting; or
3. The on-site assistant director shall have earned a high school diploma or equivalent educational credential recognized by the Department and two (2) years of full-time (paid or unpaid) documented work experience with children in a group setting.

(b) Initial Training.

1. During the first three (3) months of employment a new assistant director shall:

- (i) Complete an orientation course sponsored by the Department within three (3) months of assuming the position; provided, however, that this course shall not be required if the assistant director has received specific training meeting the requirements of this part within three (3) years prior to

assuming the assistant director position.

2. During the first year of employment a new assistant director shall:

- (i) Satisfy one of the following:
 - (I) Earn credit for the year in one (1) academic course in administration, child development, early childhood education, health/safety or other related field from an accredited academic institution; or
 - (II) Have evidence of receiving at least eighteen (18) clock hours of Department-recognized, competency-based training, six (6) hours of which shall be in administration, management or supervisory training.
- (ii) Complete at least six (6) hours of health and safety training such as but not limited to:
 - (I) Prevention and control of infectious diseases (including immunization);
 - (II) Prevention of sudden infant death syndrome and use of safe sleeping practices;
 - (III) Administration of medication, consistent with standards for parental consent;
 - (IV) Prevention of and response to emergencies due to food and allergic reactions;
 - (V) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
 - (VI) Prevention of shaken baby syndrome and abusive head trauma;
 - (VII) Emergency preparedness and response planning for emergencies resulting from an actual disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a);
 - (VIII) Handling and storage of hazardous materials and the appropriate disposal of biological contaminants;
 - (IX) Precautions in transporting children (if applicable);
 - (X) First aid and cardiopulmonary resuscitation;
 - (XI) Poison prevention;
 - (XII) Nutrition and physical activity;
 - (XIII) Child development; or
 - (XIV) Caring for and inclusion of children with special needs.

3. After the first year of employment, the assistant director shall:

- (i) Earn credit during the year in one (1) academic course in administration, child development, early childhood education, health/safety or other related field from an accredited academic institution; or
- (ii) In addition to other required training in specific subject areas, evidence of receiving annual training as follows in Department-recognized workshops/training, or one-on-one consulting sessions.
 - (I) Effective July 1, 2018, at least eighteen (18) clock hours to include the training topics specified below.
 - (II) Four (4) hours of training shall be in administration, management or supervisory training.
 - (III) At least three (3) hours of training on the applicable developmental learning standards within the first three months.
 - (IV) At least three (3) hours of training on pre-literacy and literacy skills and education implementation.
 - (V) At least six (6) hours must be health and safety training such as but not limited to:
 - I. Prevention and control of infectious diseases (including immunization);
 - II. Prevention of sudden infant death syndrome and use of safe sleeping practices;
 - III. Administration of medication, consistent with standards for parental consent;
 - IV. Prevention of and response to emergencies due to food and allergic reactions;
 - V. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
 - VI. Prevention of shaken baby syndrome and abusive head trauma;
 - VII. Emergency preparedness and response planning for emergencies resulting from an actual disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a);
 - VIII. Handling and storage of hazardous materials and the appropriate disposal of biological contaminants;

- IX. Precautions in transporting children (if applicable);
- X. First aid and cardiopulmonary resuscitation;
- XI. Poison prevention;
- XII. Nutrition and physical activity;
- XIII. Child development; or
- XIV. Caring for and inclusion of children with special needs.

(VI) Two (2) hours of the required eighteen (18) hours may be earned by conducting training.

(VII) This training shall be in addition to other required training in specific subject areas such as Child and Adult Care Food Program (CACFP), personal safety training, etc.

4. Training in first aid and CPR may be counted as necessary to maintain current certification as required by 1240-04-01-.12.

5. The assistant director shall have evidence of completing training in Adverse Childhood Experiences every five (5) years.

(c) The assistant director of a child care center shall be at least eighteen (18) years of age.

(5) Educator Qualifications for Child Care Centers.

(a) Sixteen (16) and seventeen (17) year-old students currently enrolled in a Department-recognized career and technical child care educational program may be used as floaters or assistant teachers provided, however, that they shall always be under the direct supervision of an adult educator and shall not be left alone with a group of children.

(b) Each group shall have at least one (1) educator present who has a high school diploma or equivalent educational credential as recognized by the Department.

(c) Training for Educators during the First Year of Employment.

1. New educators shall complete sixteen (16) clock hours of Department-recognized, competency-based training within the first year of employment, six (6) hours of which shall be completed within the first six (6) months of employment.

(i) At least six (6) hours must be health and safety such as but not limited to:

- (I) Prevention and control of infectious diseases (including immunization);
- (II) Prevention of sudden infant death syndrome and use of safe sleeping practices;
- (III) Administration of medication, consistent with standards for parental consent;

- (IV) Prevention of and response to emergencies due to food and allergic reactions;
- (V) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (VI) Prevention of shaken baby syndrome and abusive head trauma;
- (VII) Emergency preparedness and response planning for emergencies resulting from an actual disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a);
- (VIII) Handling and storage of hazardous materials and the appropriate disposal of biological contaminants;
- (IX) Precautions in transporting children (if applicable);
- (X) First aid and cardiopulmonary resuscitation;
- (XI) Poison prevention;
- (XII) Nutrition and physical activity;
- (XIII) Child development; or
- (XIV) Caring for and inclusion of children with special needs.

- 2. Failure of the educator to complete the required six (6) clock hours of training within the first six (6) months of employment shall require that the employee be removed from educator duties until completion of the training.
- 3. Exception: Educators who hold a Bachelor's or Associate's degree in child development or a related field, a CDA credential, or Certified Child Care Professional (CCP) credential, as recognized by the Department, shall instead comply with the training requirements for experienced educators required in subparagraph (d) below.

(d) Training for Educators after the First Year of Employment.

- 1. Educators in a child care center shall have, in addition to other required training in specific subject areas, evidence of receiving annual training as follows in Department-recognized workshops/training or one-on-one consulting sessions:
 - (i) Effective July 1, 2018, at least twelve (12) clock hours to include the training topics specified below.
 - (ii) At least three (3) hours of training on the applicable developmental learning standards within the first three months.
 - (iii) At least three (3) hours of training on pre-literacy and literacy skills and education implementation.
 - (iv) A maximum of two (2) clock hours training credit annually may be credited

for Child and Adult Care Food Program (CACFP) training.

- (v) At least six (6) clock hours of the required training shall be non-agency based, e.g., obtained from sources other than training resources developed within the center itself. Multi-location programs may conduct conference-like or pre-service events that meet the required training needs.
 - (vi) At least six (6) hours must be health and safety training such as but not limited to:
 - (I) Prevention and control of infectious diseases (including immunization);
 - (II) Prevention of sudden infant death syndrome and use of safe sleeping practices;
 - (III) Administration of medication, consistent with standards for parental consent;
 - (IV) Prevention of and response to emergencies due to food and allergic reactions;
 - (V) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
 - (VI) Prevention of shaken baby syndrome and abusive head trauma;
 - (VII) Emergency preparedness and response planning for emergencies resulting from an actual disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a);
 - (VIII) Handling and storage of hazardous materials and the appropriate disposal of biological contaminants;
 - (IX) Precautions in transporting children (if applicable);
 - (X) First aid and cardiopulmonary resuscitation;
 - (XI) Poison prevention;
 - (XII) Nutrition and physical activity;
 - (XIII) Child development; or
 - (XIV) Caring for and inclusion of children with special needs.
6. Up to four (4) clock hours training credit annually may be earned by conducting training.
7. After the first year, this training shall be in addition to other required training in specific subject areas, such as Child and Adult Care Food Program (CACFP), personal safety training, etc.

8. Training in first aid and CPR may be counted as necessary to maintain current certification as required by 1240-04-01-.12.
9. Educators shall have evidence of completing training in Adverse Childhood Experiences every five (5) years.

(6) Licensed Capacity of Physical Space.

- (a) The maximum number of children who may be present inside a physical space, e.g., the child care agency's "licensed capacity", shall be determined in accordance with the minimum square footages set forth in this paragraph.
- (b) The Department may, in its discretion, as determined reasonably necessary to maintain the health and safety of the children in care, restrict the child care agency's licensed capacity below the maximum set forth in these rules.
- (c) A minimum of thirty (30) square feet of usable indoor play space shall be provided for each child in each classroom.
- (d) Each nap room shall contain a minimum of thirty (30) square feet of floor space per child.
- (e) Teen parenting, occupational/career, and technical education classes shall have a separate space for the group, with a minimum of thirty-five (35) square feet of usable play space per child that is apart from the classroom space for students. The designated separate space may be located in the same room and divided by movable barriers less than four (4) feet in height.
- (f) The following are not counted toward required square footage:
 1. Restrooms;
 2. Halls;
 3. Kitchen;
 4. Office space; or
 5. Any space used by cribs or large pieces of furniture.
- (g) Rooms with sufficient floor space may be divided by a barrier at least four (4) feet in height for use by more than one (1) group if each area is adequately equipped and arranged and that each group shall have the security of a stable classroom space.
- (h) Adequate Plumbing Facilities. The child care agency shall have the minimum number of functional toilets and hand-washing stations in accordance with the:
 1. Requirements of any applicable local ordinances and regulations;
 2. Proximity of the plumbing to the classroom(s); and
 3. Ages of the children served.

(7) Equipment for Children.

- (a) Individual lockers or cubbies, separate hooks and shelves or other containers, placed so that children may reach them, shall be provided for each child's belongings.
- (b) Naptime Sleeping Procedures.
 - 1. Positioning of cots, cribs and sleeping mats.
 - (i) In order to avoid the spread of airborne diseases children shall be positioned on mats in a face to feet alternating pattern, unless they are separated by an appropriate solid barrier.
 - (ii) Cots, cribs, and mats shall be positioned at least eighteen inches (18") apart to allow an adult to walk between them, unless they are separated by a solid barrier.
 - (l) If barriers are used, they shall be arranged to permit staff to observe and have immediate access to each child.
- (8) Meals and Snacks. Any person responsible for preparing meals or snacks shall not be included in the adult:child ratio while preparing meals/snacks or doing related tasks, such as washing dishes.
- (9) Schedules and Routines. In an infant or toddler room with more than one (1) educator, each educator shall be responsible for providing consistent care for specific infants and toddlers. Consistent care includes, but is not limited to, planning and record-keeping for the child, communication, general interaction with and routine care of the child.
- (10) Interim Director. Following the issuance of an annual license, a child care center may operate without an on-site director for a period of no more than sixty (60) days total within the licensing year. A qualified person, as determined by the Department, shall be in charge in the interim.

Authority: T.C.A. §§ 4-5-201 et seq.; 71-1-105(5); 71-3-501 et seq.; 71-3-502(a)(2).