



Child Care Licensing Rules

Draft revisions to the Center-Based and Preschool Program, Afterschool Program, and Family Child Care Program Rules

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Housekeeping Items

- Presentation will be recorded
- Time reserved at the end for questions
- Technical issues? tamera.pariseau@vermont.gov or text 802.798.4375
- Information at the end of the presentation on how to submit comments

Welcome

- Purpose of Child Care Rules
 - Commitment to children and communities
 - No changes made without thorough and careful consideration
 - Feedback received, considered, incorporated

Process for Revisions to Child Care Rules

- Provider workgroup review
- Agency collaboration and legal review
- Federal review and feedback
- Public informal review and feedback
- Formal legal process for rule changes known as 'promulgation'

Why Change?

- Legal requirement to review child care licensing rules at least once every three years for revisions and updating - V.S.A. § 3502(e)
- Support adjustments to educational qualifications for providers
- Changes to federal laws governing Early Childhood Education (Code of Federal Regulations - CFR)
- Changes to state laws
- Health and Safety updates
- Plain language guidance
- Submission and review of the 2025 – 2027 CCDF State Plan and monitoring feedback

Background & Fingerprint Process (current process)

Staff are allowed to begin employment:

- Once the record check authorization form has been received and processed by CDD
- Individuals may not be left alone with children until their fingerprints have been received by CDD, and a final approval letter has been issued. During this time, individuals must work under the supervision of an employee who has already been fingerprint-approved

Background & Fingerprint Process (proposed process)

Background Checks and Fingerprint Process rules are updated to meet federal requirements

Staff will not be able to begin working with children until:

- CDD receives the results of an in-state fingerprint-supported clearance as required by federal law. CDD will then issue a provisional hire letter (this does not allow individuals to work alone with children)

Staff will be able to be left alone with children when:

- CDD receives the final clearance letter from The Vermont Crime Information Center after fingerprints are run, and the final FBI check is completed. CDD will then issue a final letter

Program Personnel/Staffing, Qualifications and Experience (current rules)

- For CBCCPP rules there has been an expedited variance allowed since 2021 that allows certain positions to meet lower qualification requirements than exist in the current rules.
- For positions in all sets that do not require college coursework there is a requirement that the individual have their high school diploma or GED in their credential account.

Program Personnel/Staffing, Qualifications and Experience (proposed rules)

- For CBCCPP rules the expedited variance, as it states on the paperwork for the variance, will no longer be in effect after new rules are promulgated.
- For positions in all sets that do not require college coursework the requirement to have high school diplomas or a GED in their credential account has been removed.

Health & Safety, Immunizations (current rules)

- Allows for exemptions for immunizations following Vermont law, which includes religious and medical exemptions
- Provides for a child in process of complying with full immunization in accordance with Vermont requirements
- Programs that provide Non-recurring care services were exempt from needing to obtain immunization information for the children they served in a non-recurring care capacity

Health & Safety, Immunizations (proposed rules)

Immunization rules are updated to meet federal requirements

- Continues to allow for immunization exemption with documentation per Vermont state law, but additionally -
- Allows any child experiencing homelessness or placed in foster care to have a grace period of no more than six months to obtain immunization information
- Incorporates into rules that immunizations must be required for all child care, including non-recurring care (previously issued as an Administrative Memo)

Health & Safety – Staff Orientation (current requirements)

- Completion of an approved Orientation training prior to staff being left alone with children
- Trainees under 18 and staff not left alone with children have one month after start date to complete the Orientation training
- Covers 23 areas of knowledge requirements to meet federal law

Health & Safety – Staff Orientation (proposed requirements)

Staff Orientation Training rules are updated to meet federal requirements

- Program Director and Staff will continue to be required to complete an Orientation training before they can be left alone with children
- Staff that are unable to be left alone with children still having a month to complete it after they start work
- Orientation training will have 31 areas of knowledge to meet federal requirements
- CDD is working to contract the process of updating one of the options to meet the Orientation requirement to add what is needed and make it more user friendly.

Health & Safety – Radon (current requirements)

- Current rules do not have a requirement regarding radon testing

Health & Safety – Radon (proposed requirements)

- If the program will provide care in the basement of a building, the licensee/FCCP must make sure a radon test is done and meets the Environmental Protection Agency (EPA) safety standards

Professional Development for CBCCPP (current requirements)

CBCCPP:

- Within 6 months staff have an IPDP
- On an annual basis staff need to complete 15 clock hours of training as specified in their IPDP
- Staff with VT Agency of Education licensure only need to have their license in their credential account
- CPR and First Aid training does not count in the 15 hours

Professional Development for CBCCPP (proposed requirements)

- Within 6 months staff have an IPDP
- On an annual basis staff are required to complete 12 training hours, with 2 of those 12 hours required to be related to federally required health and safety topics
- The Director of a Non-Recurring Care (NRC) program must complete 10 training hours, with 2 meeting the federally required health and safety topics
- Seasonal staff in NRC programs, and all substitutes, must complete 4 training hours, with 2 of those hours in the federally required health and safety topics
- Staff with VT Agency of Education licensure only need to have their license in their credential account
- CPR and First Aid training can count for up to 2 hours in the year it is taken

Professional Development for ASP (current requirements)

ASP:

- Within 4 months staff have an IPDP
- On an annual basis:
 - Program Administrator/ Director need to complete 12 hours
 - Staff need to complete 8 hours as specified in their IPDP, with 2 hours having to focus in certain areas
 - Aides need to complete 4 hours.
- CPR and First Aid training does not count in the training hours.

Professional Development for ASP (proposed requirements)

- Within 6 months staff have an IPDP
- On an annual basis the Program Administrator and Director are required to complete 12 training hours, with 2 of those 12 hours required to be related to federally required health and safety topics
- Staff must complete 6 hours, with 2 also being in the required health and safety topics
- Seasonal staff in NRC programs, and all substitutes must complete 4 training hours, with 2 of those hours in the required tops areas
- Staff with VT Agency of Education licensure only need to have their license in their credential account
- CPR and First Aid training can count for up to 2 hours in the year it is taken

Professional Development for FCCH (current requirements)

- Within 6 months staff have an IPDP
- On an annual basis the FCCP and staff need to complete 15 clock hours of training as specified in their IPDP
- Staff with VT Agency of Education licensure only need to have their license in their credential account
- CPR and First Aid training does not count in the 15 hours

Professional Development for Registered FCCH and Licensed FCCH (proposed requirements)

Licensed FCCH:

- Within 6 months have an IPDP
- On an annual basis, FCCP and staff need to complete 12 hours of training with 2 hours in federally required health and safety topics, listed in the rule
- Seasonal staff and substitutes must complete 4 annual training hours, with 2 of those hours also in the required topics
- Staff with VT Agency of Education licensure only need to have their license in their credential account.
- CPR and First Aid training can count for up to 2 hours in the year it is taken.

And a couple more things...

Rules for Afterschool Child Care Programs have been updated to fully align with the other sets of rules

Registered Family Child Care and Licensed Family Child Care will again be in their own separate rule books

Updates for Language & Accessibility

- Plain Language
 - Relevant – get what is needed
 - Findable – easily find what is needed
 - Understandable – easily understand what is found
 - Useable – easily use the information
- Accessibility
 - Legal compliance – meet Americans with Disabilities Act (ADA) requirements
 - Inclusivity – allows everyone to access and use the document
 - Equality – ensures everyone has the same opportunity to access information

Next Steps

- Comments collected and reviewed
- Modifications based on feedback, if appropriate
- Work with DCF Legal team to complete paperwork required for the beginning of promulgation
- Promulgation process is underway!

Promulgation? What is promulgation??

Promulgation Process

- 3 V.S.A. Chapter 25, Subchapter 3, specifically §§817-850, covers the Rulemaking Procedures for State Agencies
- Sixteen step process that begins with the pre-filing of proposed rules with ICAR, the Interagency Committee on Administrative Rules
- Rules reviewed by multiple state agencies at various times in the process
- A required Public Hearing, a formal opportunity for feedback from the public on the proposed rules
- CDD finalizes rules, with a few more levels of review occurring

Promulgation Process, The Final Steps

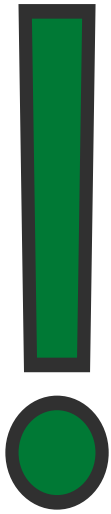
- Final rules filed with and reviewed by LCAR, the Legislative Committee on Rules, and the Secretary and State's Office
- Final rules posted on CDD's website
- Rules become effective no sooner than 15 days after the posting on the CDD website
- Effective dates of some rules may be staggered to allow providers sufficient time to come into compliance

Questions



Questions on presentation and process

Review Drafts and Submit Comments



Where draft versions and redlined versions of the draft rules, and comment survey can be found:

<https://dcf.vermont.gov/cdd/laws-rules/proposed>

Comments accepted through November 26th

Where to Find the Drafts and Comment Survey

An Official Vermont Government Website



Agency of Human Services
Department for Children and Families

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Child Development Division

We work with partners to provide Vermonters with affordable access to high-quality child care and child development services.



FAMILIES

Learn how we can help you find and pay for quality child care and child development services.



CHILD CARE PROVIDERS

Information and forms for individuals and businesses seeking to provide child care.

Child Care Helpline
[1-800-649-2642](tel:1-800-649-2642)

Child Support Helpline
[1-800-786-3214](tel:1-800-786-3214)

ESD Benefits Call Center
[1-800-479-6151](tel:1-800-479-6151)


Report Child Abuse
[1-800-649-5285](tel:1-800-649-5285)



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State Laws

- [Act 76 \(H.217\)](#)
- [Title 33: Human Services, Chapter 1: Department for Children and Families](#)
- [Title 33: Human Services, Chapter 35: Child Care](#)
- [Title 33: Human Services, Chapter 36: Early Care and Education Providers Labor Relations Act](#)

Child Care Financial Assistance Program (CCFAP)

- [Policies & Procedures](#)
- [Program Regulations](#)
- [Proposed Regulations](#)
- [Memo: Child Care Financial Assistance Program \(CCFAP\) Regulations \(PDF\), June 2024](#)

Child Care Licensing Regulations

- [Current Regulations](#)
- [Proposed Regulations](#)

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Thank you!

We look forward to hearing from you

