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Sequence Number: 12-18-08
Rule ID(s): 3940
File Date: 12/29/08
Effective Date: 03/14/09

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Department of Human Services
Division:	Adult and Family Services
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Revision Type (check all that apply):
_X_ Amendment
___ New
___ Repeal

Rule(s) Revised (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only **ONE** Rule Number/RuleTitle per row)

Chapter Number	**Chapter Title**
1240-04-04	Standards for Family Child Care Homes
Rule Number	**Rule Title**
1240-04-04-.05	Program

Chapter Number	**Chapter Title**
Rule Number	**Rule Title**

Chapter Number	**Chapter Title**
Rule Number	**Rule Title**

Chapter 1240-04-04
Standards for Family Child Care Homes

Amendments

Rule 1240-04-04-.05 Program, is amended by adding a new paragraph (5), so that, as amended, the new paragraph (5) shall read as follows:

(5) Personal Safety Curriculum.

(a) For ages three (3) through school-age, a curriculum shall be offered that shall include instruction, at least once a year, in personal safety.

(b) Personal Safety Curriculum Components and Guidelines.

1. The personal safety curriculum shall include a Department-recognized component for the prevention of child abuse, including, for children four (4) years of age and older, a child sexual abuse prevention component.

2. The curriculum shall be based upon curriculum guidelines provided by the Department to the child care provider in any suitable format. The child care provider may choose terminology and instructional methods for this curriculum with a goal of providing clear, effective and appropriate instruction to the children in personal safety, including the prevention of all forms of child abuse.

(c) Personal Safety Instruction Requirements for School-Age Children.

1. For school-age children, the curriculum shall include instruction for reporting physical, sexual or verbal abuse.

2. Children of school-age shall not be required to receive personal safety instruction from the child care agency if they annually receive personal safety instruction as required by this paragraph (5) in the curriculum of their local public education agency, or, if they receive such instruction in any other educational setting, as approved, in either circumstance, by the Department.

3. Documentation of Personal Safety Instruction in Educational Settings.

(i) Written documentation, in a form and manner approved by the Department, verifying that annual personal safety instruction as required by this paragraph (5) is being provided in a public educational setting to each child enrolled in the child care agency, shall be maintained on file with the Department.

(ii) For children who do not attend public schools, the child care provider shall secure and maintain documentation, in a form and manner approved by the Department, verifying that each school-age child enrolled in the child care agency is receiving annual personal safety instruction as required by this paragraph (5).

(d) Beginning October 1, 2008, the personal safety curriculum used by a child care agency shall be made available by the child care agency to parents and legal guardians for review. The child care agency shall use a standard notification

form developed by the Department that will be provided to the parents or legal guardians by the child care agency to confirm that the parents/guardians have been notified of the curriculum to be used and of their opportunity to review the personal safety curriculum.

(e) The record of each enrolled child shall include a copy of the signed notification form acknowledging that parents/legal guardians have been provided an opportunity to review the agency's personal safety curriculum, and have been notified of the sexual abuse/personal safety curriculum for their child.

(f) If parents/legal guardians have questions regarding the personal safety curriculum, a representative of the child care agency shall meet with the parents/legal guardians to discuss the curriculum.

Authority: T.C.A. §§ 4-5-202; 71-3-502(l).

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services (board/commission/ other authority) on 12/17/2008 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 09/30/08

Notice published in the Tennessee Administrative Register on: 10/15/08

Rulemaking Hearing(s) Conducted on: (add more dates). 11/17/08; 11/18/08; 11/19/08; 11/20/08

DEBRA E. BATTS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires May 22, 2010

Date: 12/17/08

Signature: Janice Y. Brown

Name of Officer: Janice Y. Brown

Title of Officer: Assistant General Counsel
Tennessee Department of Human Services

Subscribed and sworn to before me on: December 17, 2008

Notary Public Signature: Debra E. Batts

My commission expires on: May 22, 2010

All rulemaking hearing 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.

R E Cooper Jr.
Robert E. Cooper, Jr.
Attorney General and Reporter

12-23-08
Date

Department of State Use Only

Filed with the Department of State on: 12/29/08

Effective on: 3/14/09

Riley C. Darnell
Riley C. Darnell
Secretary of State

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Regulatory Flexibility Addendum
Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

These rules do not appear to substantially affect small businesses as defined in the Regulatory Flexibility Act, as the paperwork required by these rules will consist of the 1-2 page notification form required by statute. Furthermore, the Department is promulgating these rules as required by Public Chapter 1032.