

FREQUENTLY ASKED QUESTIONS

1240-04-01-.02 Definitions

Question: Does the definition of a school-age child include those “enrolled” in kindergarten, or truly those who have “entered” kindergarten?

Response: The current rule, **Tenn. Comp. R. & Regs. 1240-04-01-.02(37)** reads, “School-Age Child: A child who has entered kindergarten through seventeen (17) years of age.” Licensing is providing the following clarification as a supplement to that rule; “A child may be considered school-age during the summer immediately preceding their entry into kindergarten.” This clarification allows for those children enrolled in kindergarten in the summer immediately preceding entry into kindergarten to be grouped as a school-age child for purposes of supervision, etc.

1240-04-01-.06 Staff

1240-04-01-.07 Criminal Background Check and State Registry/Records Review Procedures

Question: Can educators be employed by agencies with “sister agencies” and work between the two (2) locations?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.06 et al. and 1240-04-01-.07 et al**, staff must adhere to specific requirements of training and background checks before working at any agency. The practice of moving employees between licensed centers is permissible so long as the agencies share the same FEID number, the category of care has not changed, and there has not been a break in employment that would require a new background check pursuant to **Tenn. Comp. R. & Regs. 1240-04-01-.07 et al**.

1240-04-01-.08 Record Keeping

Question: How often is staff required to update their physical examination on file?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.08(3)(c)(4)**, “Documentation signed by the examining licensed physician...verifying that the staff person is physically, mentally and emotionally capable of safely and appropriately providing care for children in a group setting...shall be on file within ten (10) calendar days of employment or work start date.” This is one time unless, according to **Tenn. Comp. R. & Regs 1240-04-01-.06(3)(e)(1)**, there is reasonable cause/suspicion that a staff person is unable to satisfactorily perform their job duties, at which time the agency may “...obtain physical/mental health evaluations to determine their ability to satisfactorily perform their job duties.”

Question: Should information such as time and amount of feeding, toileting, sleep patterns, etc. be documented and shared with parents as well as educators?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.08(2)(f)**, certain “...information shall be documented and shared with all educators of an infant, toddler or non-verbal child during the day.” While that requirement is specific to the sharing of information between educators, **Tenn. Comp. R. & Regs. 1240-04-01-.05(9)(e)** states, “The child care agency shall have ongoing communication with parents/guardians to include curriculum, changes in personnel and any

FREQUENTLY ASKED QUESTIONS

changes affecting children’s routine care.” Licensure encourages and recommends providers to work with parents/guardians to communicate as often and as transparently as reasonably possible.

1240-04-01-.11 Supervision

Question: Are fingerprints considered an acceptable unique identifier for purposes of electronic sign-in/sign-out?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.11 (1)(e)(1)(v)**, “Child care agencies shall maintain a daily sign-in and sign-out sheet that includes...Space for printed name and signature of parent/guardian or authorized representative.” If the electronic system does not have the capability of allowing an electronic signature, each person signing the child in and/or out must have a unique code or identifier and the agency shall maintain a list of all codes/identifiers on-site at all times. The agency must have a secondary plan in the event of power failure or system failure. The system must also have the capability to print and retrieve records from prior dates.

Question: Can an infant sleep on a cot or a mat with a blanket?

Response: According to **Tenn. Comp. R. & Regs. Rules 1240-04-01-.11(6)(a)(2)** “...no infant shall be allowed to sleep on a sofa/mattress/soft bed (which would include blankets pursuant to **Tenn. Comp. R. & Regs. Rules 1240-04-01-.11(6)(a)(5)**). In remaining consistent with the definition of infant across all of the rules, the aforementioned rule would bar a twelve (12) month-old from sleeping with soft bedding/blankets. This is reiterated by **Tenn. Comp. R. & Regs. Rules 1240-04-01-.14(4)(c)(12)**, which states that “...a blanket shall be available to each child thirteen (13) months or older.” A plain reading of the language above, coupled with definitions of “Infant” and “Toddler,” means that a twelve (12) month-old child is truly considered twelve (12) months until he or she officially turns thirteen (13) months. Thus, a child who is twelve (12) months-old should be transitioned to a cot or mat, but that same child, until he or she is thirteen (13) months-old, is prohibited from the use of soft bedding/blankets.

1240-04-01-.12 Health and Safety

Question: Is sunscreen considered preventative medicine? How should it be applied?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.12(13)(a)(1)**, “All medications and all preventative products, such as non-prescription diaper cream, sunscreen and insect repellent, shall be received from the parent/guardian by a designated staff person or persons.” The rule is clear in the next section that, “...all preventative products...shall be administered by a designated staff person or persons.” (**Tenn. Comp. R. & Regs. 1240-04-01-.12(13)(b)(1)**). Thus, staff should be the only individuals handling and administering sunscreen. However, if the children are school-age, children may be able to self-administer the sunscreen if they have appropriate, signed authorization from physicians/parents to do so. However, a school-age child should only administer the sunscreen to his or her own body, and not to another child. Any adverse reaction resulting from application of the sunscreen to the child should be documented and communicated to parents.

FREQUENTLY ASKED QUESTIONS

Question: Can an individual leave a gun in their own personal vehicle at a child care agency?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.12(14)(d)**, “Firearms shall not be permitted on the premises of a child care agency, in any vehicle used to transport children or in the presence of a child.” If it is a personal residence, the rules further clarify, “In a private residence, firearms, other deadly weapons, and potentially hazardous items, such as power tools, are permitted on the premises, but shall be kept locked, out of sight, and inaccessible to children at all times.” (**Tenn. Comp. R. & Regs. 1240-04-01-.12(14)(d)(1)**). A potentially hazardous item, including a deadly weapon, housed in a private vehicle, on the premises of a child care agency that is not a private residence, would be prohibited pursuant to state licensure requirements. Providers should consult their own legal counsel if they have additional questions.

1240-04-01-.13 Food and Food Services

Question: Is a necklace, scarf, etc. allowable if it is considered cultural or religious?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.13(2)(f)**, “Children shall not be permitted to wear teething necklaces, pacifiers, or any item around their neck or attached to their clothing that are potentially hazardous and associated with choking.” However, accommodations made for religious or cultural purposes may implicate federal protections that would be outside the scope of these FAQs. Providers should consult their own legal counsel if they have additional questions.

Question: Are pacifiers prohibited by rule?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.13 (2)(f)**, “Children are not permitted to wear pacifiers or any item around their neck or attached to their clothing that are potentially hazardous and associated with choking.” A child may have a pacifier that is not attached to clothing or around the neck, however, **Caring For Our Children, 4th Edition** does not recommend pacifier use outside of a crib where there are mobile infants or toddlers. Use of a pacifier should be at the reasonable discretion of the provider and when there is adequate supervision to ensure that the pacifiers are handled safely when in use.

Question: Can a microwave be placed in a classroom?

Response: According to **Tenn. Comp. R. & Regs. 1240-04-01-.13(1)(m)(3)**, “Microwave ovens and their immediate surrounding area, including cords, shall not be accessible to infants or pre-school children.” And “...School-age children shall use microwaves only under direct adult supervision.” If the microwave or the microwave cords can be accessed / reached by children then it would be impermissible pursuant to the rule. The surrounding area is any space in the area of the microwave that can be accessed by children which would include any area from where the microwave sits to the floor.

FREQUENTLY ASKED QUESTIONS

1240-04-01-.17 Transportation

Question: Does a staff driver need to submit an additional drug screening if he or she does not drive during the summer months, but remains employed by the agency? How often is the drug screening required?

Response: According to **Tenn. Comp. R. & Regs. Rules 1240-04-01-.17(10)(e)(1)**, an individual designated as a driver for transportation purposes "...shall pass a drug screening test no later than ten (10) days prior to assuming driving duties." There may be a situation where an individual may not be driving for the agency during the summer months, but that should not trigger the need for a new drug screening before he/she can resume driving duties, so long as the break in driving is scheduled and self-controlled. Additionally, **Tenn. Comp. R. & Regs. Rules 1240-04-01-.17(10)(e)(6)** states that, "Based on reasonable suspicion, the Department may require that a driver have a drug screening test." This allows both the provider and the Department to take action when and if they feel it necessary to check on the sobriety of an employee/driver.