

FREQUENTLY ASKED QUESTIONS

1240-04-01-.02 Definitions

Question: Please clarify the terms 'direct supervision' and 'supervision' as used in the rules regarding supervision at mealtime.

Response: Per licensing rules, an adult must be in the direct sight and sound of children ages six (6) weeks through five (5) years, not in kindergarten, while the child is eating. Also, direct supervision of children by the educator is required anytime the children are eating; the educator shall not be engaged in other activities while children are eating. **1240-04-01-.02((43)(b)(44)**

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

Question: Under what circumstances can a background check clearance be transferred to another agency?

Response: If an employee has been fingerprinted within the last ninety (90) days their background check clearance may be transferred to another agency by completing HS-3299 Criminal Background Check Transfer and submitting it to the Department of Human Services at: CC-Criminal-Background-Inquires.DHS@tn.gov . The form is available on the website at: <https://www.tn.gov/humanservices/for-families/child-care-services/child-care-commonly-requested-licensing-forms.html> . For additional information you may also contact the Department of Human Services by phone at: 615-313-5147. **1249-04-01-.07**

1240-04-01-.11 Supervision

Question: At meal time, if two educators are in the classroom, is one educator allowed to get up or are they both required to remain seated during the entire meal service until all children are finished eating? Example: At the end of the meal service, you have a few slow eaters and all other children have finished eating are becoming restless at the table. Can one educator get up and assist the children with handwashing, etc. while the other educator stays seated while the children finish eating?

Response: Agencies can address this in the mealtime supervision plan. Depending upon the activities in the classroom, when there are two (2) educators in the classroom, it may be appropriate for one educator to focus on children who are finished eating and the 2nd educator to focus on children who have not finished eating. **1240-04-01-.11(2)**

Question: Are children who arrive and depart to and from the agency via child care agency transportation services required to be signed in and out of the classroom by the teacher or agency designee?

Response: Per child care licensing rules, child care agency staff shall sign children in and out of the child care agency only when transported to and from the child care agency by the child care agency's transportation services or local school transportation system and no parent / guardian or authorized representative is present. Teachers need to know which children are assigned to them and present in their classroom. **1240-04-01.11(1)(e)**

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Question: Can a noise machine be attached to a crib?

Response: Per child care licensing rules, mobiles and other toys that attach to any part of the crib are prohibited. **1240-04-01-.11(6)(a)6.**

1240-04-01-.12 Health and Safety

Question: Are aromatherapy diffusers allowed in the classroom?

Response: If a child care agency decides to use an aromatherapy diffuser within the classroom setting, the health, safety and well-being of children should be considered and the following assessed: possible allergies and / or allergic reactions, children's access, parental authorization and responsibility and accountability for the diffuser. **1240-04-01-.12(1)(2)**

Question: Are new employees required to have CPR and First Aid certifications upon hiring, or is there a "grace period" for them following their hire date?

Response: Licensure Rules for Child Care Agencies require that all staff shall obtain first aid and CPR **training** within ninety (90) days of employment and at least one staff member with current **certification** in CPR and first aid must be on site at all times. **1240-04-01-.12(10)(11)** Report Cards and Rated Licensing Rules for Child Care Agencies require that a percentage of all staff have current **certification** in first aid and CPR based on 1, 2, and 3 star rating in the Child Health and Well-being report card component area. **1240-04-07**

Question: Which organizations are recognized by the Department for CPR and First Aid certification?

Response: The American Red Cross provides CPR and First Aid certification for a fee. Please refer to: www.redcross.org. Child care agency owners, directors and primary educators are responsible for confirming that training organizations meet the requirements to certify in CPR and First Aid. **1240-04-01.12(10)(b)(11)(a)**

Question: Will the Department recognize an online CPR and First Aid certification?

Response: After consultation with the American Red Cross and the American Heart Association, they do not offer full online courses for certification; however part of the certification class is on line and part of it is given in person to receive full certification. Acceptable CPR and First Aid Certification require students to demonstrate skill proficiency.

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

Question: What is the risk of attaching a pacifier on the child's clothing while awake and playing?

Response: **Caring For Our Children, 4th Edition** recommends the following: pacifier use outside of a crib where there are mobile infants or toddlers is not recommended. Mobile infants or toddlers may try to remove a pacifier from an infant's mouth, put it in their own mouth, or try to reinsert it in

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another child's mouth and these behaviors can increase risks for choking and/or transmission of infectious diseases. <http://nrckids.org/CFOC/> 1240-04-01-.13(2)(f)

Question: Do parents have to provide a meat, a dairy, a vegetable, a fruit, and a grain in their child's lunch?

Response: Child care licensing rules do not require parents to provide food that is in accordance the USDA guidelines; however child care agencies can provide supplements to meet USDA guidelines or encourage parents to provide meals that meet their health expectations. Expectations for child care agencies are outlined in 1240-04-01-.13(4)(a).

1240-04-01-.14 Equipment for Children

Question: Can school-age children wear a necklace? Is an agency allowed to have scarves, neck ties, necklaces, etc. in the dramatic play area for school-age children?

Response: Agencies should use discretion and best practices in allowing these materials for school-age children. There shall be developmentally-appropriate equipment and furnishings for each age group enrolled. 1240-04-01-.14(1)(b) **Caring For Our Children, 4th Edition** recommends the removal or shortening of handles and straps on purses/bags; children under the age of three (3) years should not be allowed to use materials around the neck and those three (3) years of age and older should be supervised. <http://nrckids.org/CFOC/>

1240-04-01-.15 Program, Language and Literacy

Question: Can an agency take the children outside if the temperature is not within the temperature ranges of 32-95 degrees as listed in the licensing rules?

Response: The temperature range is a recommendation; however child care agencies must always keep the health and safety of children as a primary consideration. Find heat and cold weather safety guidelines at: www.weather.gov 1240-04-01-.15(3)(a)

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

Question: If the Director has a Bachelor's degree, is it a requirement to complete an academic course each year?

Response: A director shall earn credit during the year in one academic course **or** shall have, in addition to other required training in specific subject areas, twenty- four (24) clock hours. Refer to 1240-04-01-.22 Specific Requirements For Child Care Centers.

Question: School age programs are often in one large room/gym (not a traditional classroom), does that mean at least one educator for each assigned group needs to have high school diploma and CDA?

Response: Per child care licensing rules, each group shall have at least one (1) educator present who has a high school diploma or equivalent. 1240-04-01-.22

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Question: On the requirement for completing an academic course, how far back can we give them credit? Ex: The person took a college course in 2010, will that count?

Response: In order to meet annual training requirements, an academic course must be completed during the year. **1240-04-01-.22**

Pre-orientation Questions

Question: When is the new orientation effective?

Response: It is effective now.

Question: How often is licensing staff required to conduct pre-licensure orientation?

Response: It is based upon the needs of each region; currently, east region conducts training once every other month; west region conducts training once per month, alternating between homes and centers; and middle region conducts training quarterly.

Question: Will there be a standardized certificate for pre-licensure orientation?

Response: Not at this time.

Question: For smaller counties, can pre-licensure orientation be conducted in one day?

Response: Yes, if all of the material can be presented in one day.

Question: What is the delivery method for a safety plan: email, regular mail, certified mail, in-person, etc.?

Response: The safety plan shall be delivered in- person by the assigned Program Evaluator or other licensing staff; or by certified mail if the educator is on administrative leave or has been terminated from the agency.

Question: If a provider has attended intake and is working with the Department towards a license, but has not received an initial license within six (6) months, will the provider be required to repeat intake?

Response: Per child care licensing rules, 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. **1240-04-01-.20; 1240-04-01-.21; 1240-04-01-.22; 1240-04-01-.23.** If the provider is actively seeking licensure such as making repairs or installing equipment based on inspections such as fire, health, etc. the provider would not be required to repeat orientation.

Question: Can the Department deny an application based on the child care agency's history with the Department?

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Response: Yes, this should be discussed with the program supervisor and a conference call set up with the Office of General Counsel field attorney for recommendations. **TCA §71-3-502(d)(2)(A-E)(3)**

Question: If the corporation or board is the owner of an agency, does the chairperson of the board need to attend pre-licensure orientation?

Response: If a board or corporation is the owner of an agency, both the director and a representative of the owner must complete the pre-licensure orientation. Per child care licensing rules, no more than six (6) months prior to the 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. **1240-04-01-.20; 1240-04-01-.21; 1240-04-01-.22; 1240-04-01-.23**

Question: Once licensed, if the chairperson changes will that person be required to attend pre-licensure orientation?

Response: No.

General Questions

Question: Does the new version of Before You Begin meet the CCDBG requirement for CPR and First Aid training?

Response: Before You Begin was updated to include all the required health and safety topics; however, completion of the Before You Begin module only satisfies the pre-service requirement and does not meet the general ongoing requirements for CPR and First Aid.

Question: Are violations cited if the Program Evaluator smells cigarette smoke within the agency or on staff clothing but don't actually observe anyone smoking?

Response: The Program Evaluator should provide technical assistance by giving the educator /director literature on the dangers of exposure to secondhand smoke and encourage them to share this information with parents.

Question: In the home rules is the informational meeting the same as the orientation?

Response: The informational meeting is the pre-licensure orientation that is required prior to issuance of a temporary license. The orientation is training that new primary educators receive on the licensing rules.

Questions: Do continuing education units (CEU) count as training hours and are they equivalent to an academic course?

Response: CEUs can count as training hours but they are not equivalent to an academic course.

Question: Are training hours prorated for staff working only 2-4 hours per day?

Response: No.

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Question: What type of sleep sack can be used?

Response: Sleep sacks have been approved for use in child care settings by the Consumer Product Safety Commission regulations and the Tennessee Department of Health. Per the communication sent to staff and licensed child care providers on October 19, 2016, sleep sacks are permitted as long as there is compliance with all child care licensing regulations regarding safe sleep supervision procedures; the sleep sack meets the manufacturer's safety instructions and is not handmade or on any recall lists and does not swaddle the child.

1240-04-01-.11(6)

Question: Breast milk is not regular formula; does it still have to be immediately discarded?

Response: The Centers for Disease Control and Prevention (CDC) recommends that breast milk should be used within 2 hours after the baby has finished feeding; therefore the Department is not requiring breast milk to be immediately discarded.

https://www.cdc.gov/breastfeeding/recommendations/handling_breastmilk.htm

Question: Do practicum students need to be fingerprinted?

Response: No, their role is to observe and learn. Practicum students should not have unsupervised access to children. Unsupervised access is defined as when a person in question has access to a child and no other approved staff person is present with the child and supervising.

1240-04-01-.02(48)

Question: Is there a time limit for child care providers to receive training or are they expected to have it at the annual evaluation?

Response: All staff is expected to comply with training requirements by July 30, 2019. Please refer to the previous FAQ located at: <https://www.tn.gov/humanservices/for-families/child-care-services/child-care-resources-for-providers.html>

Question: If an employee begins in October and the agency evaluation occurs in December is the employee expected to have a specific number of annual training hours by the evaluation or do they have the remainder of the year to get their annual training hours? Are training hours pro-rated based on the number of months the employee has been working at the agency?

Response: Timeframes will vary based on the type of training. Some of the training hours are required prior to beginning to work and other training requirements can be met over the course of the year. Please refer to the child care licensing rules based on category of care - **1240-04-01-.20; 1240-04-01-.21; 1240-04-01-.22; 1240-04-01-.23 and 1240-04-01-.06.**

Question: Does a degree or academic courses in Elementary Education meet the requirement for a college course in child development or Early Childhood education?

Response: Yes, an academic course in elementary education meets the requirement for a college course in early childhood education

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Question: Is 2019 considered year one (1) for ACES training?

Response: ACES training became effective July 30, 2018; if an educator received the training in 2018 it is acceptable and would be required five (5) years from the date completed.

Question: Does ACES training prior to 2018/19 count, and if so, what is the earliest date of ACES training can they get credit?

Response: Yes, ACES training taken prior to 2018/2019 can count. ACES training must be taken again within five years of that training based on the licensing rules. **1240-04-01-.20; 1240-04-01-.21; 1240-04-01-.22; 1240-04-01-.23**

Question: What counts as acceptable ACES training? There is info available on YouTube, PBS etc.

Response: Training that is given by Tennessee Early Childhood Training Alliance (TECTA), Child Care Resource and Referral (CCR&R) or Tennessee Commission on Children and Youth (TCCY) or any other organization that has received prior approval from the Department.

Question: What is the time frame agencies have to keep critical licensing violations posted?

Response: Licensing rules do not require a specific timeframe; however the Department will align with policy for the Notice of Probation and require critical licensing violations to be posted for sixty (60) days. **1240-04-01-.05(10)(a)**

Question: If the director is absent, does the person left in charge have to meet the director or assistant director qualifications?

Response: If the director is absent for a few days, the person left in charge shall be familiar with child care agency policies and procedures. **1240-04-01-.06**
If the director has resigned, is terminated or on extended leave, a qualified person shall be in charge in the interim. **1240-04-01-.22**
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. **1240-04-01-.22(10)**

Question: What is the Department's requirement for an electronic sign in and out system?

Response: Per child care licensing rules, sign in and out records should contain each child's full name, date, time of entry, time of departure, signature of parent/guardian or authorized representative and maintained on site for at least one (1) year. **1240-04-01-.11**
If the electronic system does not have the capability of allowing an electronic signature, each person signing the child in and out should 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 should have the capability to print and retrieve records from prior dates.

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Report Card Questions

Director Qualifications

Question: Can the director's education and training be counted under Director Qualifications and Professional Development if they often spend time in the classroom to give breaks, floater etc.?

Response: The director's education and training would not count as professional development for time spent in the classroom.

Professional Development

Question: If the morning shift educator leaves for the day (non-scheduled hours) and the afternoon shift educator comes in to work, do both have to meet educational requirements of high school diploma and CDA?

Response: According to the report card rules, at least one (1) educator in each classroom shall have earned a high school diploma or equivalent and has a CDA or higher educational level or has completed one (1) academic course from an accredited institution.

Question: The Professional Development requirement of completing one academic course from an accredited academic institution does not have any timeframes; how long is one academic course good for?

Response: The Report Card Rules do not require a specific timeframe; however the Department will align with CDA renewal requirements and require completion of one academic course every three (3) years.

Parent/Family Engagement

Question: Are school age programs exempt from report card requirements under Parent / Family Engagement.

Response: No, school-age programs are not exempt from this requirement.

Ratio and Group Size

Question: If an agency is out of adult to child ratio and / or group size in one classroom and within compliance in all other classrooms, how is the score calculated for the visit?

Response: If an agency is in violation of adult to child ratios for one classroom during any visit, then the agency will receive a zero (0) for that visit date.

Child Health and Well Being

Question: Our Health Department offers NEAT physical education, healthy eating, etc. to school age programs. Can they use these trainings to meet the Gold Sneaker requirement?

Response: No, this training would not meet the expectations of Gold Sneaker which is for children ages zero (0) – five (5) years.

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Question: What is the plan since Gold Sneaker is not available and being revised?

Response: Per the communication sent to licensed child care providers and licensing staff on January 15, 2019, the Gold Sneaker training options (in person or online) have not yet been made available to agencies to allow them to train their staff timely in order to meet the training requirements for certification. Therefore, the Department is giving agencies until July 30, 2019 to meet the requirements for Gold Sneaker certification. Gold Sneaker training is now available at: www.prosolutionstraining.com/tn

Question: How can agencies get 3 stars in Child Health and Well-Being?

Response: Per the communication sent to licensed child care providers and licensing staff on January 15, 2019, agencies wishing to achieve a three star rating in the Child health and Well-Being component will need to meet the component requirements at the two star level and 100% of the agency staff must be certified in CPR and First Aid.

Question: How often does Gold Sneaker certification/training need to be updated?

Response: An agency's Gold Sneaker Certification is valid indefinitely until the agency no longer meets certification requirements. The Gold Sneaker training certificate is valid until Gold Sneaker policies change.

Question: Will agencies receive credit for Gold Sneaker training if they completed it 5 years ago or more?

Response: No, Gold Sneaker training has been updated and child care providers will need to have completed the recent version of the training to receive credit. Gold Sneaker training is now available at: www.prosolutionstraining.com/tn

Question: Define daily lesson plan?

Response: A lesson plan outlines the developmental activities occurring throughout the day and should be developmentally appropriate to the children being served.

Question: How does one monitor for health and well-being activities since family and group homes are not required to complete a daily lesson plan?

Response: Licensing rules do not require family and group homes to have lesson plans; however family and group homes desiring to receive stars on the report card in the Child Health and Well-being component area are required to have documentation of daily lesson plans that reflect health and well-being practices.

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General Questions

Question: Will licensing provide report card training just for providers?

Response: This training can be incorporated in the New Director's training and / or Program Evaluator's can use this as technical assistance during agency visits.

Question: When will violation categories be updated in TLCS?

Response: The violation categories have been updated in TLCS.

Question: Will programs that only operate nine (9) or ten (10) months have to offer 3 parent conferences?

Response: Yes.

Question: Will director credentials from other states or Program Administrator credentials obtained through a National Administrator Credential such as National Early Childhood Program be accepted / recognized in place of the Tennessee Early Childhood Program Administrator Credential (TECPAC)?

Response: A director with a credential from another state or program must submit a written request, with supporting proof/documentation, to the Department for an evaluation and approval of equivalency to the Tennessee Early Childhood Program Administrator Credential (TECPAC).