

**TO:** Legislative Committee on Administrative Rulemaking

**FROM:** Heidi Moreau, Policy Advisor, Department for Children and Families

**DATE:** June 24, 2020

**SUBJECT:** 20-P02 Child Care Licensing Regulations: Center Based Child Care and Preschool Programs

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Upon further review of the text of the Child Care Licensing Regulations: Center Based Child Care and Preschool Programs final proposed rule, the Agency of Human Services, Department for Children and Families (“DCF”) is proposing revisions to the final proposed rule.

DCF discovered three discrepancies between the text of the proposed rule and the final proposed rule and two grammatical errors. The revisions associated with these discrepancies and errors are listed below. DCF also proposes to revise the foreword to the rules by replacing the name of Commissioner Schatz with Deputy Commissioner Steven Berbeco.

(1) The text of section 2.3.7.2.3 in the final proposed rule reads as follows:

2.3.7.2.3 A full license shall be replaced with a provisional licensure when the Division determines that one (1) of the conditions specified in the rule 2.3.7.2.1 of these regulations. Upon issuance of a provisional license, the full license shall be expired by the Division.

DCF proposes to revise this section to mirror the version of section 2.3.7.2.3 in the proposed rule, with the addition of “has been met” at the end of the first sentence:

2.3.7.2.3 A ~~full~~ provisional license shall be replaced with a ~~provisional licensure~~ full license when the Division determines that one (1) of the conditions specified in the rule 2.3.7.2.1 of these regulations has been met. Upon issuance of a provisional license, the full license shall be expired by the Division.

(2) The text of section 3.4.5.4 in the final proposed rule reads as follows:

3.4.5.4 The licensee shall maintain a legally notarized affidavit onsite, signed by the licensee or designee, testifying that each personnel file required for staff, auxiliary staff, and partner staff contains all records as required in the rules 3.4.5.1 – 3.4.5.3 of these regulations. The licensee shall permit representatives of the Division to have full access to off-site records to verify documentation.

DCF proposes to revise this section to mirror the version of section 3.4.5.4 in the proposed rule, with the addition of a comma after “When the licensee maintain off-site personnel records”:

3.4.5.4 When the licensee maintains off-site personnel records, the licensee or designee shall also maintain a legally notarized affidavit onsite, signed by the licensee or designee, testifying that each personnel file required for staff, auxiliary staff, and partner staff contains all records as required in the rules 3.4.5.1 – 3.4.5.3 of these regulations. The licensee shall permit representatives of the Division to have full access to off-site records to verify documentation.

(3) The text of section 5.11.6.8 in the final proposed rule reads as follows:

5.11.6.8 Open containers of ready-to-feed or concentrated formula shall be covered, refrigerated, and discarded after forty-eight (48) hours if not used. Freshly mixed powder or liquid concentrate shall be covered, refrigerated, and discarded after twenty-four (24) hours if not used. Unused portions of formula that was offered to the infant shall be discarded after each feeding

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