

The Arkansas Child Care Approval System
Arkansas Department of Human Services
Division of Child Care and Early Childhood Education

RULES AND REGULATIONS

1.0 REGULATORY AUTHORITY

- 1.01 These regulations are enacted pursuant to Acts 820 and 1268 of 1993, Ark. Code Ann. §6-45-103 (Supp. 1993) and revised by Act 1132 of 1997.
- 1.02 These regulations shall be known as the Department of Human Services Division of Child Care and Early Childhood Education regulations governing the Arkansas Child Care Approval System.

2.0 PURPOSE

- 2.01 It is the purpose of these regulations to set the general guidelines for the operation of the Arkansas Child Care Approval System.
- 2.02 This system is intended to extend Approval status to licensed child care facilities which meet quality guidelines as set forth in these regulations.
- 2.03 Designation of Approval status for any child care facility will qualify taxpayers for the following:
 - a. Under Act 820, corporations which build and equip an approved child care center will be exempt from the state compensating tax levied by Ark. Code Ann. §26-53-101 et. Seq (1987). Construction materials and furnishings purchased for use in the initial construction and equipping of a child care center for the exclusive purpose of providing child care to the corporation's employees will be subject to this exemption.
 - b. Under Act 820, a business which qualifies for the exemption from the Gross Receipts Tax under Ark. Code Ann. §26-52-401 (29), shall be allowed an income tax credit of three and nine-tenths percent (3.9%) of the annual salary of employees employed exclusively in providing child care services.
 - c. Under Act 1268, enhanced income tax credits in the amount of twenty percent (20%) of the federal child care credit as allowed

under Section 21 of the Internal Revenue Code will be available to qualified taxpayers who incur child care expenses at approved child care facilities.

3.0 DEFINITIONS /ACRONYMS

- 3.01 DCCECE: Division of Child Care and Early Childhood Education (the Division)
- 3.02 NAEYC: National Association for the Education of Young Children
- 3.03 NAFCC: National Association for Family Child Care
- 3.04 ADED: Arkansas Department of Economic Development
- 3.05 Shall: Mandatory standard
- 3.06 Should: Standard is recommended but not mandatory
- 3.07 Arkansas Child Care Approval System: Also known as Quality Approval or State Accreditation

4.0 APPLICANT ELIGIBILITY

- 4.01 All licensed child care facilities as defined under Ark. Code Ann. §20-78-202, exclusive of foster homes, group homes and custodial institutions, are eligible for Approval status.
- 4.02 All licensed child care facilities, excluding those named in section above, operating under a regular child care license as issued by the Division are eligible. Programs operating under a non-compliance provisional child care license at the time of application will not be considered for Approval status, however, 1st year provisional initial license will be accepted.

5.0 AGENCY RESPONSIBILITY

- 5.01 The Division of Child Care and Early Childhood Education (the Division) will coordinate and administer the Arkansas Child Care Approval System.
- 5.02 The Division Director will approve all recommendations for Approval status that will be reviewed and recommended by the Division's Approval System Coordinator.

- 5.03 The Division will be responsible for providing verification to the Department of Finance & Administration each December of child care facilities qualifying for Approval status in the preceding calendar year.
- 5.04 The Division will be responsible for providing verification to the Arkansas Department of Economic Development (ADEED) each December of child care facilities qualifying for Approval status in the preceding calendar year.
- 5.05 The Division will verify licensed status of all applicants.
- 5.06 The Division will provide technical assistance to any facilities desiring to achieve Approval status.
- 5.07 Grants from the Division may be awarded to facilities moving toward Approval status dependent upon a thorough assessment of current facility deficiencies. Facility enhancement/improvement grants are awarded on a competitive basis and are not guaranteed to any provider, regardless of approved or non-approved status.
- 5.08 Approval status will be renewed annually. An on-site inspection and verification of regular licensed status will be required for renewed Approval. Previously approved facilities, which are on non-compliance provisional licensing status at time of renewal, will not be considered for re-evaluation until the provisional status is removed.
- 5.09 The Division, in conjunction with ADED, will provide technical assistance to corporations to plan, develop and implement a quality child care center.

6.0 APPLICATION PROCEDURES

- 6.01 Applications will be submitted to the Division for review. Application forms will be provided.
- 6.02 Child care centers which can verify accreditation through the National Academy of Early Childhood Programs, a division of NAEYC, will be considered approved for the purposes of these regulations. NAEYC certification is good for the five (5) year certification period. Verification of accreditation status must be provided.
- 6.03 Family child care homes which can verify accreditation through the National Association for Family Child Care (NAFCC) will be considered approved for the purposes of these regulations. NAFCC

certification is good for the three (3) year certification period. Verification of accreditation status must be provided to the Division.

6.04 The application shall consist of:

- A. Information page
- B. Statement of Assurances/Certification of Information
- C. Narrative Description of Program
 - 1. Site description, including schematic diagrams of indoor/outdoor space
 - 2. Staff qualifications
 - 3. Staffing patterns (staff/child ratios, group size)
 - 4. Educational program design/curriculum, daily schedule
 - 5. Policies/procedures obtained through a Parent Handbook
 - 6. Staff development plan
 - 7. Parent involvement
 - 8. Community involvement
- D. Proof of age appropriate immunization for all children participating in the program excluding school age children kindergarten and above.

6.05 Applications will be reviewed for compliance with licensing and Approval standards.

7.0 ASSESSMENT PROCESS

7.01 Upon favorable review of the application, a program coordinator of the Division will notify the applicant of completion of the initial review and an appointment to conduct an on-site program assessment will be scheduled within 20 days.

7.02 The on-site program assessment will consist of the following:

- A. Verification of data provided in the initial application
- B. Observation using the appropriate nationally validated program assessment(s):
 - 1. Infant/Toddler Environment Rating Scale-Revised, by Clifford/Harms
 - 2. Early Childhood Environment Rating Scale-Revised, Clifford/Harms
 - 3. School-Age Care Environment Rating Scale, by Harms/Jacobs/White
 - 4. Family Day Care Rating Scale, by Clifford/Harms

- 7.03 On-site observations will consist of a full program day in the facility.
- 7.04 All program areas (infant/toddler, pre-school, and school-age) will be observed and assessed.
- 7.05 Applicants shall have an overall average of 5.5 with a minimum average of 4.5 in each of the 7 subscales found in the Environment Rating Scales.
- 7.06 Upon completion of both initial application review and on-site assessment, the applicant will be notified in writing within thirty (30) days of the site visit of the outcome of the reviews.
- 7.07 Applicants who are denied Approval status will be provided written justification for denial.
- 7.08 Unannounced visits may be conducted throughout the year to verify continued compliance of licensing and Approval standards. An unfavorable review may result in a complete re-assessment that could lead to termination of Approval status.

8.0 STAFF/CHILD RATIO/GROUP SIZE

- 8.01 Approved programs shall meet current staff/child ratios as defined by Child Care Licensing Rules and Regulations. Programs should reduce staff/child ratios below minimum licensing standards where feasible to provide more individualized care.

- 8.02 Documented instances of non-compliance with child care staff/child ratios within the 6 months prior to application will result in denial of the approval application. Compliance with these ratios will be verified through Child Care Licensing.
- 8.03 Group size shall be limited to two times the number of children allowed with one staff member. This does not apply to periodic or special group activities.

9.0 STAFF QUALIFICATIONS/PROFESSIONAL DEVELOPMENT

- 9.01 Directors/managers of childcare centers or homes shall have one of the following levels of higher education, training and/or experience:
- ❖ A CDA Credential and three (3) years of experience,
Or
 - ❖ An Associate Degree or Bachelor's Degree in early childhood or elementary education, home economics/family living, child development/or special education,
Or
 - ❖ A combination of higher education/training/work experiences may be considered in lieu of the above listed requirements upon written submission of a written request for special consideration, if the review of the facility operation establishes compliance with the quality program standards.
- 9.02 All newly hired staff shall begin a basic childcare employee training course within six (6) months of employment. The program may enroll the new employee in the Arkansas Child Care Orientation Training (CCOT) to meet this requirement or may request to use an established in-house basic childcare course. If an in-house course is used a written outline shall be submitted with the application stating topics covered and the number of hours completed.
- 9.03 Directors/managers of childcare centers shall obtain a minimum of 30 hours of continuing training annually with at least 10 hours of training in administration and management of childcare programs. Persons who are obtaining an early childhood degree may count college course hours towards the required hours of staff development.
- 9.04 All day care family home providers and persons working within a childcare facility directly with children shall obtain a minimum of twenty (20) hours of continuing training annually in a topic area relating directly to early childhood education. Approved training may be accessed through workshops, conferences, and in-house staff development. If in house staff

development activities are counted in this requirement, the content and implementation of the training will be reviewed.

- 9.05 Each facility shall demonstrate a long-range staff development plan that includes specific training components, evaluation of staff development needs and individual training plans for each staff member. Programs are encouraged to access grant resources through DCCECE to assist staff in meeting CDA credentialing standards.
- 9.06 It is required that the director and all staff in the program working directly with children register with the Arkansas Early Childhood Professional Development Registry System.
- 9.07 It is recommended that all director/managers complete the Arkansas Children's Program Administrator Credential.
- 9.08 The following professional trainings are recommended for all staff working directly with children:
 - Framework Training
 - Pre-K Early Literacy Learning in Arkansas (Pre-K ELLA)
 - Caregiver Certificate Program
 - Child Care Specialist Certificate
 - Child Care Curriculum Endorsement

10.0 PARENTAL/COMMUNITY INVOLVEMENT

- 10.01 Each program shall include a plan for parent involvement which includes at a minimum: parent meetings, parent conferences, and a method of involving the parent(s) in the child's educational experiences.
- 10.02 Each program shall have a plan for community involvement. Programs should provide opportunities for community representatives to participate in the educational activities of the classroom.
- 10.03 The program has an "open door" policy for parents that encourages visiting at any time and encourages participation in classroom activities.
- 10.04 The program has a parent handbook.

11.0 PROGRAM/EDUCATIONAL STANDARDS

- 11.01 A developmentally appropriate "learning environment" shall be available to all children in the childcare setting.

11.02 The program shall have a written over-all curriculum plan that is arranged in thematic units and includes goals and objectives related to the following:

- Cultural diversity
- Cognitive/Intellectual learning
- Social/Emotional development
- Creative/Aesthetic learning
- Physical development
- Language

11.03 Approved curriculum models are:

- Arkansas Framework for Infant & Toddler Care
- Arkansas Early Childhood Education Framework
- Bank Street
- Core Knowledge
- Creative Curriculum
- High Reach
- High Scope
- Montessori
- Other DCCECE approved curriculum in which learning is achieved through use of appropriate materials and learning centers with a variety of materials, books, blocks, games, and science materials. Art, music and movement shall be incorporated into the instructional day.

11.04 Staff shall plan and implement daily activities based on the overall curriculum goals for the age group enrolled as well as the specific needs of individual children.

11.05 Programs shall implement and maintain individual child portfolios that include samples of children's work and teacher observations.

11.06 Provision should be made through program design and networking efforts to ease the transition of children moving from one program or age grouping into another or to public school kindergartens.

12.0 GRIEVANCE PROCEDURE

12.01 Applicants who are denied Approval status may as to show cause why the decision should be reversed. Written correspondence shall be submitted to the Director of the Division within thirty (30) days of the notification of denial asking that the Approval status be reviewed.

12.02 Upon written communication from the denied applicant, the Director of

the Division will institute an internal review to insure that appropriate process was followed and to determine the validity of the staff decision. The Director of the Division will transmit the findings of the internal review to the applicant within ten 10 days of the request.

12.03 If the outcome of the internal review is unsatisfactory to the applicant, the applicant may ask for further review by the Division and ask that a show cause hearing be scheduled before the Division. The Director will schedule a show cause hearing and notify the applicant in writing of the date and time of the hearing.

12.04 If the results of the show cause hearing are unsatisfactory to the applicant, the applicant may appeal the decision of the Division to the Director of Human Services. The grievance policy of the Department of Human Services will be the standard for further appeal.

13.0 REVOCATION OF APPROVAL STATUS

13.01 Revocation of Approval status will occur in the following circumstances:

- A. Substantiation of complaints received by the Division office and/or failure to correct deficiencies within a reasonable period of time.
- B. Final revocation/suspension of the child care license by the Division.

13.02 Upon receipt of complaints by the Division office, program staff will conduct an on-site full assessment to determine if complaints are valid and violations of Approval regulations have occurred.

13.03 Revocation of Approval status will affect certification for tax credit purposes only in the calendar year in which revocation is instituted.

13.04 All previously stated grievance procedures will be available to facilities which are subject to Approval revocation.

14.0 ADDITIONAL REGULATIONS FOR PARTICIPATION IN THE ARKANSAS BETTER CHANCE PROGRAM OR ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS

14.01 The group size in a classroom shall not exceed:

- 8 children ages birth-18 months
- 14 children ages 18 months –3 years
- 20 Children ages 3-5 years

- 14.02 The adult-to-child ratio in the classroom shall not exceed:
- 1:4 (birth to 18 months)
 - 1:7 (18 months-3 years)
 - 1:10 (3 years-5 years)
- 14.03 Minimum Qualifications/Classroom/Lead Teacher: The lead teacher shall hold a Bachelor's or Master's degree in early childhood education, elementary education, or special education with an early childhood P-4 license or in Family and Consumer Science with an emphasis in child development. Teachers must be able to demonstrate competency in the areas of developmentally appropriate programming, curriculum development and daily classroom management.
- 14.04 Minimum Qualifications/Classroom Teacher of second classroom (multiple classroom sites). The teacher shall hold an Associate Arts degree in early childhood education. Teachers must be able to demonstrate competency in the areas of developmentally appropriate programming, curriculum development and daily classroom management. Teachers employed prior to 7/1/02 and holding a CDA, who now is required to have an AA, may submit a plan to attain the AA to be approved by the DCCECE.
- 14.05 Minimum Qualification/Paraprofessional Aide: The paraprofessional aide shall hold a minimum of one of the following:
- Associate of Arts or Sciences degree in early childhood development
 - Child Development Associate credential and any additional requirements of ADE
- 14.06 All teachers as defined in section 14.03 shall meet the new early childhood licensure requirements for the P-4 licensure by January 1, 2004. Teachers who hold a K-6 licensure are exempt fro P-4 licensure requirements.
- 14.07 If programs hire staff not initially qualified under sections 14.03 and 14.04 deficiency removal plans instituted which include time frames within which deficiencies will be removed and a plan to monitor the employee's progress. Teachers must have a minimum of a college degree but may work toward completion of the early childhood P-4 licensure under an additional licensure plan. These plans must be approved by the DCCECE.
- 14.08 ABC staff should reflect the ethnic diversity of the children participating in the ABC program.

- 14.09 Lead teachers/teachers shall be required to participate in thirty (30) hours of staff development annually on topics pertinent to early childhood education. Persons who are obtaining an early childhood degree may count college course hours toward the required hours of staff development.
- 14.10 Paraprofessional aides shall be required to participate in twenty (20) hours of staff development annually on topics pertinent to early childhood education.
- 14.11 Single classroom sites shall have a teacher qualified under section 14.03 and a paraprofessional aide qualified under section 14.05.
- 14.12 In ABC sites that are funded for multi-classroom sites, the following staffing patterns are acceptable:
- A. Two classrooms
 - Lead teacher qualified under section 14.03.
 - Classroom teacher qualified under section 14.04.
 - Two (2) paraprofessional aides qualified under section 14.05.
 - B. Three classrooms
 - Lead teacher qualified under section 14.03.
 - Two (2) teachers qualified under section 14.04.
 - Three (3) paraprofessional aides qualified under section 14.05.
 - C. Four classrooms
 - Two (2) teachers qualified under section 14.03.
 - Two (2) teachers qualified under section 14.04.
 - Four (4) paraprofessional aides qualified under section 14.05.

Lead teachers in this staffing configuration are responsible for curriculum and program planning and oversight of paraprofessional aides.