

CCL ARM Outline

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Subchapter 1: General

Proposed Rule	Current Rule
I General definitions	ARM 37.95.102
II Types of licenses and registration	ARM 37.95.103, 108, 110, 1105
III Counting children to determine license	ARM 37.95.104, 105
IV Ratios, staff numbers, and supervision	ARM 37.95.103, 106, 172, 623, 702, 718
V License or registration application	ARM 37.95.106
VI License-exempt application requirements	ARM 37.95.103, 110
VII Issuing a license	ARM 37.95.108
VII Renewing a license or registration	ARM 37.95.106
IX License or registration application denial	ARM 37.95.103
X Technical assistance	ARM 37.95.640, 730
XI License or registration assignment	ARM 37.95.146, 149
XII Program inspections	ARM 37.95.103, 108, 640, 730
XIII Requirements for joint programs	ARM 37.95.117
XIV Pilot projects and waivers	ARM 37.95.106

Subchapter 1: General

- Added definitions to clarify types of child care licenses and license-exempt
- Clarified language around child care license types and how an applicant can select the type of provider they want to be
 - Added out-of-school-time child care program licensing path
 - Provides minimum regulated path for family, friend, and neighbor providers
- Clarified language around ratios, group sizes, and staffing
 - Higher ratio and group size for out-of-school-time programs
- Spelled out the licensing steps, including pre-inspection and inspections and clarified they can only occur during hours of operation
- Added rule to allow license or registration to remain in effect while renewal being processed
- Clarified licensing technical assistance provided by department and partners
- Added ability for providers to propose innovative pilot projects under a provisional license

Subchapter 2: Program Activities

Proposed Rule	Current Rule
XV Programming definitions	New
XVI General program activity requirements	ARM 37.95.106, 602, 613, 715, 720, 1110, 1150
XVII Infant and toddler activity requirements	ARM 37.95.103, 1011, 1015, 1180
XVIII Positive child guidance	ARM 37.95.169, 606, 715, 1110

Subchapter 2: Program Activities

- Added new definitions and rule content to incorporate positive child guidance from Caring for Our Children best practices
- Streamlined general programming requirements to give more flexibility while maintaining child safety and development standards
- Streamlined infant and toddler requirements to reduce redundancy and to give more flexibility while maintaining child safety and development standards

Subchapter 3: Administrative

Proposed Rule	Current Rule
XIX Administrative definitions	New
XX Emergency communication	ARM 37.95.103, 121, 183, 613, 708, 1140
XXI Policy requirements	ARM 37.95.103, 124, 139, 155, 169, 171, 183, 1140
XXII Record retention	ARM 37.95.155
XXIII Program records	ARM 37.95.106, 141, 702, 711, 1110
XXIV Children's records	ARM 37.95.139, 141, 156, 184, 411, 702, 703, 1130
XXV Staff records	ARM 37.95.106, 160, 169, 184, 1005, 1110
XXVI Family access to information	ARM 37.95.103, 115, 141, 183
XXVII Notifications to department	ARM 37.95.103, 153, 165, 171, 183

Subchapter 3: Administrative

- Added new definitions to clarify the difference between student suspension and expulsion
- Combined requirements from several existing rules related to policies and record-keeping, and reorganized for ease of understanding for providers, families, and staff
 - All required policies are listed in one rule and the type of provider needing each set of policies is included
 - Record-keeping rules separated by type of record – program, child, staff
- Reorganized existing rules on family rights and department rights related to communication from providers for ease of understanding

Subchapter 4: Safety and Facilities

Proposed Rule	Current Rule
XXVIII Safety and facilities definitions	ARM 37.95.102
XXIX Hazards	ARM 37.95.103, 121, 207, 705, 1110
XXX Animals	ARM 37.95.121, 1110
XXXI Building requirements related to exits	ARM 37.95.121, 610, 705, 1110
XXXII Indoor space requirements	ARM 37.95.610, 611, 705, 1021, 1120, 1180
XXXIII Outdoor space requirements	ARM 37.95.103, 121, 610, 1015, 1120
XXXIV Fire safety requirements	ARM 37.95.103, 106, 121, 706, 1110
XXXV Emergency and disaster preparation	ARM 37.95.103, 106, 124, 1140
XXXVI Safety around bodies of water	ARM 37.95.103, 127
XXXVII Transportation safety	ARM 37.95.132
XXXVIII Sleeping	ARM 37.95.103, 121, 210, 613, 619, 718, 720, 1005, 1016, 1105, 1110

Subchapter 4: Safety and Facilities

- Added definitions for clarity, including for safe sleep environments incorporating cradleboards
- Removed requirements for duplicative inspections for commercial buildings (including public schools)
- Clarified and aligned indoor and outdoor space requirements, providing more options and flexibility to meet standards
- Added clarity and consistency to rules around exits, egress, and fire safety
 - Clarifies that apartment buildings can include a home-based child care facility as long as all residential fire code requirements are met by the building
- Aligned swimming safety with Caring for Our Children best practices
- Streamlined transportation safety requirements
- Removed details that were additional burden, unable to be enforced, and not contributing to health and safety of children
 - Examples: no riding the back of trucks, minimum room temperature, washing machine temperature

Subchapter 5: Medical Health

Proposed Rule	Current Rule
XXXIX Medical health definitions	ARM 37.95.102
XL Medication administration	ARM 37.95.103, 181, 182, 1110
XLI Management of illness	ARM 37.95.103, 139, 184, 1110
XLII First aid	ARM 37.95.183, 1015, 1110

Subchapter 5: Medical Health

- Added definitions of 'health care provider' to align with MT ARM and MCA, and 'supplement' to distinguish from medication
- Streamlined and removed redundancy in medication management
- Updated 'sick child' rules to reflect best practice
 - Removed some exclusion criteria for illnesses that are not considered contagious, which will help parents and families by not excluding children when unnecessary
 - Aligned with non-exclusion requirements of 2021 HB 702
- Streamlined first aid kit requirements

Subchapter 6: Environmental Health

Proposed Rule	Current Rule
XLIII Environmental health definitions	ARM 37.95.102
XLIV Health rules included in inspection by public health authorities	ARM 37.95.106
XLV Smoke-free environment	ARM 37.95.103, 126
XLVI Outdoor air quality	New, aligned with ARM 37.111.827
XLVII Indoor air quality	ARM 37.95.207, aligns with 37.111.826
XLVIII Hand hygiene	ARM 37.95.103, 184, 207, 708, 1110
XLIX Bathroom hygiene	ARM 37.95.103, 207, 210, 214, 708, 1001
L Solid waste management	ARM 37.95.103, 205, 210, 708, 1001, 1002
LI Laundry and clothing	ARM 37.95.103, 184, 206, 210, 708, 1002, 1021, 1110, 1180
LII Sanitation	ARM 37.95.207, 708
LIII Diapering	ARM 37.95.103, 210, 1001, 1180

Subchapter 6: Environmental Health

Proposed Rule	Current Rule
LIV Bathing	ARM 37.95.207, 210, 1004
LV Water supply system	ARM 37.95.103, 225, 708
LVI Sewage system	ARM 37.95.103, 225, 226, 708
LVII Swimming pool sanitation	ARM 37.95.227
LVIII Food preparation and handling	ARM 37.95.103, 214, 708

Subchapter 6: Environmental Health

- Aligned indoor and outdoor air quality with MT ARM for public schools
- Simplified hygiene, laundry, and bathing requirements to focus on goal of maintaining child health rather than prescribing how
- Combined diapering details from several current rules into single rule to clarify and reduce unnecessary requirements
- Simplified food safety rules to make them easier to follow and to focus on the goal of reducing foodborne illness rather than prescribing how to do that

Subchapter 7: Nutrition and Food Service

Proposed Rule	Current Rule
LIX Nutrition and food service definitions	ARM 37.95.102
LX Nutrition requirements	ARM 37.95.215, 619, 711, 1160
LXI Infant feeding	ARM 37.59.103, 1003, 1021, 1180
LXII Food service equipment	ARM 37.95.103, 163, 720, 1003, 1016, 1105

Subchapter 7: Nutrition and Food Service

- Simplified nutrition requirements that align with CACFP
 - Removes requirement for menus to be reviewed by a dietician, which removes a cost for providers
- Updated guidelines for feeding infants and toddlers
 - Adds current best practices related to bottle boiling, how to handle breast milk
- Streamlined requirements for safe seating for infants and toddlers

Subchapter 8: Immunizations

Proposed Rule	Current Rule
LXIII Immunization definitions	ARM 37.95.102
LXIV Minimum child immunization requirements	ARM 37.95.140
LXV Exemptions from vaccination	ARM 37.95.140
LXVI Requirements for adequate documentation of immunization status	ARM 37.95.140
LXVII Examination and audit of official child immunization records	ARM 37.95.140
LXVIII Immunization status as a condition of attendance	ARM 37.95.140

Subchapter 8: Immunizations

- Added definitions to add detail to exemption types and health care providers, and align vaccination definitions with requirements
- Clarified exemptions for FFNs (no immunization requirements if all children are related) and RCEs (no immunization requirements)
- Added religious exemption option for children
 - Aligns with SB215 and with immunization of school children requirements (ARM 37.114.701)
- Aligned documentation requirements with those used in schools (ARM 37.114.703) and reduces documentation required for school-age children
- Removed immunization requirements for child care staff members
- Balanced family and provider choice by giving home-based provider option to set policies to not accept immunization exemptions

Subchapter 9: Staff Qualifications and Training

Proposed Rule	Current Rule
LXIX Qualifications and training definitions	ARM 37.95.102
LXX Program staffing	ARM 37.95.103, 620, 704, 1170
LXXI Director or owner responsibilities and qualifications	ARM 37.95.624, 703, 1170
LXXII Site director responsibilities and qualifications	New
LXXIII Lead teacher responsibilities and qualifications	ARM 37.95.622, 704, 1170
LXXIV Assistant teacher responsibilities and qualifications	ARM 37.95.622, 704
LXXV Substitute responsibilities and qualifications	ARM 37.95.162, 622
LXXVI Trainee responsibilities and qualifications	ARM 37.95.622, 704
LXXVII Support staff qualifications	New
LXXVIII Volunteer qualifications	New
LXXIX Orientation training	ARM 37.95.163
LXXX Annual training	ARM 37.95.162
LXXXI Health and safety refresher course	ARM 37.95.162

Subchapter 9: Staff Qualifications and Training

- Streamlined qualifications requirement (education, training, other licensing, experience) to accommodate the broad array professionals and program settings
 - Will allow individuals with elementary teacher licenses, or 35 years of experience but no college degree, or a long background in Montessori education, or many other scenarios to be approved in this role
 - This is important to grow the state's child care workforce, which is essential to increase our child care capacity
- Created clear rules around volunteers and decreased requirements for volunteers who are not left unsupervised with children
- Reduced ongoing training burden for FFNs and RCEs, and aligns training requirements with age of children being cared for

Subchapter 10: Background Checks

Proposed Rule	Current Rule
LXXXII Background check definitions	New
LXXXIII Fingerprint and background checks	ARM 37.95.103, 106, 110, 161, 704
LXXXIV Background check results that must result in the denial of an applicant	ARM 37.95.176
LXXXV Background check results that may result in the denial of an applicant	ARM 37.95.176
LXXXVI Offenses that are pending resolution	ARM 37.95.173
LXXXVII Process to request administrative reconsideration of background check results and department determination	ARM 37.95.176

Subchapter 10: Background Checks

- Added three offenses to the must-deny list
 - Partner/family member assault that includes a minor
 - Arson
 - Being named perpetrator in substantiated child abuse and neglect report
- Moved two offenses that are not always violent felonies from must-deny list to may-deny list
 - Burglary
 - Prostitution
- Added being named as a perpetrator in a founded report of child abuse or neglect as a may-deny offense (only if there are other may-deny offenses)
- Clarified a household member can remain in home when children in care are not present for offenses pending resolution
- Clarified and distinguished between the process to appeal a denial based on incomplete or inaccurate information versus request for reconsideration based on rehabilitation
 - Ensures due process and fair hearing rights

Subchapter 11: Enforcement

Proposed Rule	Current Rule
LXXXVIII Complaints and investigations	ARM 37.95103, 106, 108, 154, 730
LXXXIX Licensing or registration corrective action	New
XC Time period for correcting a violation	New
XCI Denial, suspension, revocation, or modification of a license or registration	ARM 37.95.176
XCII Violations that may result in negative licensing or registration action	ARM 37.95.176
XCIII Notice of license or registration denial, suspension, or revocation	New
XCIV Issuing a probationary license or registration	ARM 37.95.176
XCV Providing unlicensed care	New
XCVI Reapplication after denial, suspension, or revocation	ARM 37.95.175
XCVII Fair hearing	New, aligns with ARM 37.5.103

Subchapter 11: Enforcement

- Added detail and clarity about the process of complaints and investigations
- Clarified each step in the process if a violation is found:
 - Noticing rights for providers
 - Requirements and timeframes for corrective actions and negative licensing actions if violations are not corrected
 - Process for a denial, suspension, revocation or modification of a license if a violation is not corrected
 - Violations that can lead to negative licensing actions
 - Gives timeframes for reapplication for a license or registration after negative action
- Clarified department role and responsibility for addressing unlicensed, illegal care