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## Child Care Provider Information

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### Contents

Become a Child Care Provider .....	2
Child Care Center .....	2
Group Home Child Care .....	2
Family Home .....	2
Family, Friend, and Neighbor (FFN) .....	2
Become a STARS to Quality Provider .....	2
Background Checks .....	2
Background checks include the following: .....	3
Background Check Fees .....	3
Will the providers have to pay for background checks for all employees? .....	4
Are all family members included in the background check process? .....	4
Are there changes to the background check process for FFNs? .....	4
What offenses would prevent me from becoming a provider? .....	4
What would make a child care staff member ineligible for employment? .....	4
Monitoring and Inspections.....	5
What are the monitoring requirements of the new law? .....	5
Health and Safety Requirements .....	5
Health and Safety Training .....	5
Provider Training Hour Requirements .....	6

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### Become a Child Care Provider

The first step in becoming a child care provider is to determine which type of care setting you wish to provide:

#### Child Care Center

A center serves 13 or more children with a staff-to-child ratio based on the age of the children. State law requires child care centers to be licensed by the Department's [Child Care Licensing Program](#)

Before school, drop-in, after school and preschool programs are not required to be licensed.

Licensing Staff inspect centers twice a year. Health and fire officials visit once a year. The center director is required to be educated or experienced in early care and education. All caregivers who work 160 hours or more a year are required to attend 8 hours of annual training. Center directors are required to attend 15 hours of annual training. Directors and caregivers are also required to have certification in Adult, Child and Infant CPR and First Aid.

#### Group Home Child Care

Two adults provide care for 7-12 children, with a limit of six under the age of 2. Group homes must be registered with the [Child Care Licensing Program](#). Providers must complete a self-assessment checklist of health, safety, and [childcare program regulations](#).

New providers must attend a child care orientation session within 60 days of registration.

#### Family Home

A caregiver cares for up to six children at a time with no more than three under the age of 2. Care is offered in a homelike setting, usually in the caregiver's residence. Family child care homes must be registered with the [Child Care Licensing Program](#)

#### Family, Friend, and Neighbor (FFN)

In this more informal type of care, a parent or legal guardian selects an individual- often a family member, friend, or neighbor to care for all the children in one family or up to 2 unrelated children. FFNs must pass Montana and FBI criminal background checks and Child Protective Services background checks but are not otherwise regulated or monitored by the State of Montana.

#### Become a STARS to Quality Provider

The [Best Beginnings STARS to Quality Program](#) is a voluntary quality rating improvement system that aligns quality indicators with support and incentives for early childhood programs and early childhood professionals. To be a STARS program, you must be licensed for at least six months. Programs may apply for Best Beginnings STARS to Quality at any time via [www.mtecp.org](http://www.mtecp.org).

### Background Checks

Background checks are required for child care staff members (including prospective staff members) of all licensed/regulated/registered child care providers and all child care providers.

### **A “child care provider” means:**

A center-based child care provider, family child care provider, or another provider of child care services for compensation on a regular basis that:

- is not related to all the children served; and
- is licensed, regulated, or registered under State law

### **A “child care staff member” means**

An individual (other than an individual who is related to all children for whom child care services are provided):

- who is employed by a child care providers for compensation; or
- whose activities involve the care or supervision of children for a child care provider or unsupervised access to children; or
- any individual residing in a family child care home age 18 and older.

### **Background checks include the following:**

1. An FBI fingerprint check
2. State criminal record check;
3. Criminal and sex offender registry (for Montana and any other state the individual has lived in the last 5 years);
4. Child protective services check (for Montana and any other state the individual has lived in the last 5 years); and
5. National sex offender registry check.

### **Background Check Fees**

<b>Type of Check</b>	<b>Frequency</b>	<b>Cost</b>
Federal Fingerprint Check	Upon hire and every 5 years	\$27.25 + additional costs for running prints. This cost may vary depending on entity conducting fingerprints.
State criminal record check	Upon hire and annually thereafter	Will be conducted and paid by the Department
Montana Department of Motor Vehicles	Upon hire and annually thereafter	Will be conducted and paid by the Department
Montana Child Protective Services	Upon hire and annually thereafter	Will be conducted and paid by the Department
Montana Criminal and Sex Offender Registry	Upon hire and annually thereafter	No costs associated
National Sex Offender Registry	Upon hire and every 5 years	Will be conducted by the Department. At this time it is not anticipated that costs will be associated but if that changes, the provider would be responsible for the costs.
Criminal and Sex Offender Registry check for all states the individual has lived in over the last 5 years	Only upon hire unless the individual moves out of state	Will be conducted by the Department. At this time it is not anticipated that costs will be associated but if that changes, the provider would be responsible for the costs.
Out of state Child Protective Services Check for all states the individual has lived in over the last 5 years	Only upon hire unless the individual moves out of state	Costs may vary from state to state

The current costs for an FBI check are \$27.25. The costs for other out of state checks are unknown and may vary by state. In addition to the checks being conducted every 5 years, the Department will also conduct annual State criminal, DMV and child protective checks. The Department will conduct these checks and cover associated costs.

### **Will the providers have to pay for background checks for all employees?**

Yes. Providers will be expected to pay for the fingerprint background checks. The CPS, DMV and state level criminal history checks will have no cost associated.

The new Reauthorization law requires that the background checks be conducted for "anyone having direct access to the children in care." Therefore, the department has determined this would apply to all employees of the child care center, and to all adults or any person who regularly or frequently stays in a facility for family and group day care homes.

The new comprehensive FBI fingerprint background checks for new providers and their staff will be implemented in September 2016, and full implementation for all child care providers and their staff in Montana will be implemented in November of 2017.

### **Are all family members included in the background check process?**

This will apply to any family member who regularly or frequently stays in the facility and is 18 years of age or older.

### **Are there changes to the background check process for FFNs?**

FFNs will be subject to the same background check requirements as any other day care provider.

### **What offenses would prevent me from becoming a provider?**

If an individual has a felony drug offense within the last 5 years, they would not be approved. Prior to sending the notification, the individual would be made aware of the history and be given the opportunity to provide a statement. If they are unable to show that the history was incorrect, the licensee/provider would be informed that the individual has a disqualifying history that would prohibit approval. The licensee/provider would not be able to request an administrative reconsideration because the crime is considered an automatic disqualifier. If the conviction was over 5 years, the offense could be a disqualifier. In this type of case, the licensee/provider could request an administrative reconsideration.

The Child Care Licensing Program requirements also include the following disqualifiers for a felony conviction: assault on an officer, assault with a weapon, prostitution, robbery, and burglary. In addition, the following misdemeanor convictions may also result in a disqualification: partner/family member assault, endangering the welfare of a child, misdemeanor unlawful transaction with children, or a crime involving an abuse of the public trust. The Legally Certified Provider requirements would also disqualify the provider if they have DUI within the last 3 years.

### **What would make a child care staff member ineligible for employment?**

The law specifies disqualifying crimes only for child care providers and staff members. Disqualification criteria include:

- refuses a background check;
- knowingly makes a materially false statement in connection with the background check;
- is registered, or is required to be registered, on the State or National Sex Offender Registry;
- has been convicted of a felony consisting of murder; child abuse or neglect; crime against children; spousal abuse; crime involving rape or sexual assault; kidnapping; arson; physical assault; or a drug-related offense committed during the preceding 5 years; or
- has been convicted of a violent misdemeanor committed as an adult against a child.

## Monitoring and Inspections

### What are the monitoring requirements of the new law?

The law requires that States conduct monitoring visits for all providers, including all license exempt providers (except those that serve relatives)), but has different monitoring requirements for providers who are licensed and providers who are license-exempt.

- For *Licensed Providers* – States must conduct 1 pre-licensure inspection for health, safety, and fire standards and annual, unannounced inspections.
- For *License-Exempt Providers* (FFNs, except those serving relatives) – State must conduct annual inspections for compliance with health, safety, and fire standards. The law does not require that these monitoring visits be unannounced, but ACF recommends that States consider unannounced visits for license-exempt providers since experience shows they are effective in promoting compliance.

In addition to the new requirements to conduct monitoring visits, States are now required to have policies in place to ensure that:

- Licensing inspectors are qualified and have received training in related health and safety requirements; and
- Ratio of inspectors to providers must be sufficient to ensure visits occur in a timely manner. ACF will issue additional guidance on best practices in this area.

## Health and Safety Requirements

### Health and Safety Training

Montana child care providers must have health and safety training in 10 substantive areas:

1. Prevention and control of infectious diseases (including immunization)
2. Prevention of sudden infant death syndrome and use of safe sleeping practices
3. Administration of medication, consistent with standards for parental consent
4. Prevention of and response to emergencies due to food and allergic reactions

5. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic
6. Prevention of shaken baby syndrome and abusive head trauma
7. Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event
8. Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants
9. Precautions in transporting children
10. First aid and cardiopulmonary resuscitation

For a complete list of licensing requirements:

- [Interpretive Guidelines](#)
- [Licensing Regulations](#)

### Provider Training Hour Requirements

#### 1. What are the new orientation training requirements?

Orientation training is required within 90 days after employment for any provider or caregiver/teacher. The following topic areas are required for orientation training:

- 1) Prevention and control of infectious diseases
- 2) Prevention of sudden infant death syndrome and use of safe sleep practices
- 3) Administration of medication
- 4) Prevention and response to emergencies due to food and allergic reactions
- 5) Building and physical premises safety
- 6) Prevention of shaken baby syndrome and abusive head trauma
- 7) Emergency preparedness and response planning
- 8) Handling and storage of hazardous materials and the disposal of bio-contaminants
- 9) Appropriate precautions in transporting children, if applicable
- 10) Recognizing and reporting child abuse and neglect
- 11) First Aid
- 12) CPR certification

#### 2. Who is required to take the orientation training?

All new providers and caregivers/teachers including volunteers in a licensed or registered program are required to have health and safety training in all of the above categories. After September 1, 2016, all newly hired staff will be required to complete the 16 hour health and safety orientation training within 90 days after hire.

#### 3. Where can I obtain the orientation training?

The orientation trainings will all be available online, with the exception of First Aid and CPR. The website to access the trainings online is [www.ChildCareTraining.Org](http://www.ChildCareTraining.Org).

#### 4. Does the orientation training count toward annual training requirements?

Yes. The 16 hours of health and safety training will fulfill the first year of annual training for a new provider or caregiver/teacher.

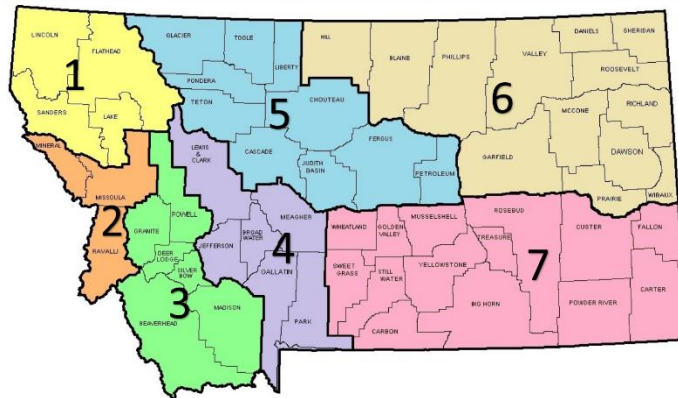
**5. What are the total number of training hours per year for a provider or caregiver/teacher as required by licensing?**

Orientation is separate from the ongoing annual training hours, but can count toward the first year of required training. The department has determined, based on public input and a review of the requirements of the new law that the draft rule will read:

FFN (Family, Friend, Neighbor) <i>formerly LCP</i>	8 hours
Director (Center)	20 hours
Providers (all types and roles)	16 hours

**6. Who do I contact if I have questions?**

Contact your R&R for questions about training.



Region 1	<b>The Nurturing Center</b> 146 Third Ave West Kalispell, MT 59901-4428	Office: (406) 756-1414 Toll Free: (800) 204-0644 Fax: (406) 756-1410
Region 2	<b>Child Care Resources</b> 500 N. Higgins, Suite 202 Missoula, MT 59807-7038	Office: (406) 728-6446 Toll Free: (800) 728-6446 Fax: (406) 549-1189
Region 3	<b>Butte 4 C's</b> 101 N. Main Butte, MT 59701	Office: (406) 723-4019 Toll Free: (800) 794-4061 Fax: (406) 723-6982
Region 4	<b>Child Care Connections</b> 1143 Stoneridge Drive, Suite 1 Bozeman, Montana 59718	Office: (406) 587-7786 Toll Free: (800) 962-0418 Fax: (406) 587-1682
Region 5	<b>Family Connections MT Great Falls</b> 202 2nd Ave S, Suite 201 Great Falls, MT 59405	Office: (406) 761-6010 Toll Free: (800) 696-4503 Fax: (406) 453-8976
Region 6	<b>Family Connections MT Havre</b> 2229 5th Ave. Havre, MT 59501-5217	Office: (406) 265-6743 Toll Free: (800) 696-4503 Fax: (406) 265-1312
Region 7	<b>HRDC District 7</b> 7 North 31st Street Billings, MT 59103-2016	Office: (406) 247-4732 Toll Free: (800) 443-1411 Fax: (406) 869-2585