

## CHAPTER 2

### CERTIFICATION PROCESS

#### **Section 1. Licensing Procedures.**

(a) Any person who provides care for more than two (2) children is required to be licensed unless exempt under W.S. §§ 14-4-101 and 102. With the exception of a legal parent or grandparent, the exemptions in W.S. §§ 14-4-101 and 102, cannot be combined. If the exemptions are combined, the total number of unrelated children cannot exceed two (2) children unless all of the unrelated children are from one (1) immediate family unit and in the case of grandparents, the total number of children shall never exceed six (6).

(b) Owners who are legally exempt may request voluntary licensing.

#### **Section 2. Application.**

(a) Information on the child care licensing process shall be made available by the Department.

(b) Application is required for anyone not currently licensed or a facility requesting a change of physical location.

(c) All applications shall receive action from the Department within 30 days after being filed. Applications are considered as filed when the licenser has received a signed and dated application form filled out in its entirety. The following items are required to be submitted at the time of application or within 30 days. If not received within 30 days the application shall be denied:

(i) A signed and dated application form filled out in its entirety;

(ii) A current tuberculosis (TB) risk assessment on the DFS Child Care Licensing form. If the results of the TB risk assessment indicates a person is at high risk for TB, the application shall include the results of a subsequent TB risk assessment and/or a TB test conducted by a licensed health care professional that shows no symptoms/risks or negative TB results. If the owner is exhibiting symptoms or if he/she tests positive, the person shall follow the licensed health care professional's direction and shall not be around the child care children until cleared;

(iii) Inspections and/or approval of local fire, sanitation, and zoning (where required);

(iv) Documentation from a licensed health care professional that the applicant has no diagnosed conditions that would impair their ability to provide child care;

(v) Proof of required education, training or experience;

(vi) A completed Central Registry or child abuse/neglect check in all states lived in for the past five (5) years for staff and all adult household members including any adult who intends to move into the home, which does not reveal any disqualifying information;

(vii) A completed fingerprint based national criminal history record check, including all states lived in for the past five (5) years, for staff and all household members, including any adult who intends to move into the home, which does not reveal any disqualifying information;

(viii) A completed National and State Sex Offender Registry check, including all states lived in for the past five (5) years, for staff and all household members, including any adult who intends to move into the home, which does not reveal any disqualifying information;

(ix) Proof of completion of pre-service training in accordance with Chapter 4, Section 9 (a);

(x) A fee of \$50.00; and

(xi) A current list of members of the governing body (board of directors), owners and shareholders (if applicable) and their contact information.

(d) Action taken on an application includes either the issuance of a one (1) year license, issuance of a provisional license or denial of the application.

### **Section 3. Change Notification.**

(a) Written notification to the licenser from the owner and/or director is required as soon as the owner and/or director has knowledge of the following changes: name of facility, names of board of directors members and/or director; or there are changes in the classification; capacity; licensing period; or there are structural modifications.

(b) Changes shall be effective when all required documentation has been received and/or inspection reports have been completed, or the date requested by the owner or director, whichever is later.

### **Section 4. Inspection.**

(a) Within 30 days after an application has been filed, the licenser shall conduct a scheduled inspection of the child care facility.

(b) A minimum of one (1) annual licensing inspection is required of all facilities.

(c) Additional licensing inspections, scheduled or unscheduled may be conducted during the licensing year.

- (d) Inspections may include, but are not limited to:
  - (i) Examination and assessment of the entire facility, equipment, and records for compliance with these rules;
  - (ii) Measurement of available indoor and outdoor play space initially and/or with any change;
  - (iii) Discussion of any licensing violations discovered and technical assistance as the result of inspection.
- (e) Copies of all completed inspection forms shall be kept on site and made available by the owner and/or director to parents, other inspectors or anyone else requesting to see the inspection results.
- (f) All child care facilities shall receive annual fire and health approved inspections in addition to the Department inspection. Local ordinances may require additional inspections.

**Section 5. License Issuance.**

- (a) Upon application for licensure, or for the purpose of renewal of an existing license, or to change the existing license, the Department shall review program documents that demonstrate compliance with the licensing rules and all applicable inspections of the facility. Based on the information submitted or reviewed and the result of the inspections, the Department shall issue a license to the child care facility if the facility:
  - (i) Is in compliance with the applicable Federal, State and local laws, and rules or regulations unless a variance for an exception to a specific regulation has been approved by the Department;
  - (ii) Has no open investigations by Child Care Licensing, Law Enforcement, or Child Protective Services pending against the owner and/or director, staff in their capacity of employee, or a household member; and
  - (iii) Has resolved any determination of non-compliance from a prior or currently held license.
- (b) Each license is issued for the address, owner, and child care facility named on the license. It is not transferable or assignable.
  - (i) Two (2) or more licenses shall not be issued for the same, adjacent or shared locations unless the facilities operate independently of one another by:
    - (A) Not using shared or common equipment simultaneously; and

(B) Maintaining all records and complying with all child care licensing rules independent from the same, adjacent or shared facilities.

(c) When a facility closes or relocates, the license shall be invalid and shall be surrendered to the Department within 10 days of closure or relocation.

(d) The license remains in effect until the Department takes action.

(e) A license shall be issued for a one (1) year term.

(f) Current license shall be prominently displayed for public viewing at all times.

#### **Section 6. Provisional License.**

(a) A provisional license, for a period not to exceed six (6) months, may be issued for an initial or renewal license, permitting operation of a child care facility when:

(i) The facility is temporarily unable to conform to all required minimum standards due to circumstances beyond their control; and/or

(ii) Compliance with licensing rules is being monitored based on an approved corrective action plan.

(b) A license for a one (1) year term shall be issued to replace a provisional license at any time full compliance is documented and/or monitoring is completed.

(c) The Department may impose additional requirements or restrictions on a provisional license to maintain safety of children, or for non-compliance with these rules and applicable statutes. Additional requirements or restrictions may include, but are not limited to: reduced staff:child ratios, limits on the number of children in care, additional monitoring, or a Department-directed CAP.

#### **Section 7. Variance.**

(a) The facility may submit a written request to the Department for a variance to a rule when the facility is unable to meet full compliance with a standard provision in these rules.

(b) The written request shall show:

(i) A compelling reason why the facility is unable to meet the rule requirement; and

(ii) What accommodations the facility shall make to ensure the safety and well-being of children.

(iii) How parents shall be informed of the variance.

(c) All variances shall be reviewed and approved or denied by the Department and shall be:

(i) Reviewed not less than annually to determine if continuation of the variance is appropriate; and

(ii) Terminated at any time the safety and well-being of children is in jeopardy and shall terminate upon the expiration of the current license.

(d) Approval of a variance request shall not be interpreted as permanently waiving compliance with these rules.

**Section 8. Licensure Fees.**

(a) At the time of the application, a licensing fee of \$50.00 shall be paid by all applicants.

(b) A renewal fee of \$25.00 for all licensed facilities is due upon the expiration date of the current license or when a facility has submitted a request for a change in the renewal date.

**Section 9. Application for Renewal of a License.**

(a) Renewal of an existing license shall be dependent upon submission of a request for renewal and payment of the renewal fee as described in Section 8(b) of this chapter, and continued compliance with child care licensing rules.

(b) Medical statements are not required when renewing a license but may be required whenever there has been a change in the physical or mental condition of the owner and/or director or when the Department is aware of a concern about the ability of the owner and/or director to provide safe child care.

**Section 10. Complaints and/or Allegations of Non-Compliance.**

(a) The Licensing Authority shall notify local Child Protective Services or the local law enforcement agency when it receives a complaint of child abuse or neglect involving an owner and/or director, or staff. Complaints concerning child abuse or neglect shall not be investigated by licensing authority staff.

(b) Complaints and/or allegations of non-compliance involving violations of child care licensing rules may be investigated by the Licensing Authority, or the Licensing Authority may provide technical assistance. When appropriate, joint investigations shall be made with Child Protective Services workers, fire or health inspectors or law enforcement.

(i) Anonymous complaints may be accepted; and

(ii) If complaints relate to non-licensing issues (i.e. rates charged and hours of operation), the complaint shall be rejected or referred when appropriate.

(c) The Licensing Authority shall notify the owner and/or director and the chairperson or designee of the board of directors in writing of the allegations of non-compliance within a reasonable time of the investigation being initiated.

(d) Upon completion of the investigation:

(i) The owner and/or director and the chairperson or designee of the board of directors shall be notified in writing of the findings and any areas of non-compliance with rules;

(ii) What is compliance is required and a date by which compliance shall be expected. The Licenser may require immediate compliance with the rule violated;

(iii) Who is responsible for the compliance;

(iv) The Licenser may monitor to ensure that the situation does not develop again; and

(v) An appropriate date, not to exceed 10 days from the date of the notice, for a corrective action plan to be submitted by the owner and/or director, to the licenser.

(vi) An appropriate date, not to exceed 30 days from the date of the notice, for the correction of all issues of non-compliance.

(e) The Department shall review, within 10 days after receipt, the program's Corrective Action Plan and schedule. At that time, the Department shall:

(i) Approve the proposed Corrective Action Plan and completion schedule; or

(ii) Modify and approve a Corrective Action Plan and completion schedule; or

(iii) Disapprove the Corrective Action Plan and completion schedule and revoke or suspend the prior certification of the program pursuant to Chapter 3 of these Rules.

(f) The owner and/or director shall implement the approved Corrective Action Plan and completion schedule. The Department shall monitor the facility for implementation of the Corrective Action Plan within the approved completion schedule. Failure to abide by the Corrective Action Plan and/or completion schedule may result in a violation of these rules.

(g) When the Department approves a proposed or modified Corrective Action Plan and completion schedule for achieving full compliance, the Department may grant certification. Submission or approval of a Corrective Action Plan shall not preclude the Department from taking action on the license as provided in these rules.

(h) The Department may impose additional requirements or restrictions as interim steps between a CAP and revocation or suspension of a license for continued and repeated non-compliance with these rules or applicable statutes. Additional requirements or restrictions may include, but are not limited to: reduced staff:child ratios, limits on the number of children in care, additional monitoring, a Department-directed CAP, or a provisional license.