COMPREHENSIVE EARLY CHILDHOOD EDUCATION PROGRAMS

STANDARDS FOR APPROVAL OF PRESCHOOL AND KINDERGARTEN PROGRAMS

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

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Standards for RI Department of Elementary and Secondary Education Approval of Comprehensive Early Childhood Education Programs

FOREWORD

History

By act of the General Assembly in 1968, nursery schools and kindergartens were endorsed as the initial steps in early childhood education and were thereby made an integral part of the schools of Rhode Island. This act was the result of an upsurge of interest across the nation in offering planned educational opportunities to preschoolers, the establishment of increasing number of facilities for children under six, and the demand by parents for a safe, healthy and acceptable place for their child to begin his/her educational experience. Thus, the Department of Education was authorized to plan for the approval of existing schools and to assume leadership in the establishing of standards for new facilities. That is, by legislative act, namely, Chapter 48 of Title 16 of the General Laws of Rhode Island, the Commissioner was given responsibility for setting standards and planning approval procedures for children three to six years of age.

It was the original legislative intent of the aforenoted statute to protect the health, education, safety and welfare of the children of the state who attend preschool programs. In this respect, the establishment of statewide standards for approval was deemed essential to insure that each child enrolled in the preschool setting would develop his/her potential to the fullest and for each to enjoy the benefits of a safe and healthy learning climate. In 1986, the State of Rhode Island Department of Children, Youth and Families promulgated standards for licensing child day care programs. As their regulations state, "Day care is providing care for a child outside of their home for any part of a day, by a person other than the child's parents or legal guardians. The purpose of licensing and certification of child day care centers and family child care homes is to ensure the health, safety and well-being of children while in care outside of their home." As a result, Rhode Island has two sets of standards. Over time, the need to coordinate and align these two sets of state standards became evident.

Standards Overview

In 2008, the Rhode Island Department of Elementary and Secondary Education developed the standards presented in this document to establish a streamlined singular statewide system for a 2-tier interagency approval process for early care and education programs reflecting current research and changing trends:

- *Tier 1/Foundational Level*
  - Reflects an early care and education program that is
    - A Child Day Care Center, Family Child Care Home, Head Start Program or private preschool licensed by the State of Rhode Island Department of Children, Youth and Families OR
    - A program housed in a public or private K-12 school that meets physical facility requirements of the RI Department of Elementary and Secondary Education
  - Is mandatory for those who want to operate an early childhood education program in Rhode Island.
  - Signifies that the program meets rigorous health and safety standards (as part of the requirements for licensing or approval).
- *Tier 2/Comprehensive Level*
  - Reflects an early care and education program that is approved by the Rhode Island Department of Elementary and Secondary Education as a Comprehensive Early Childhood Education Program pursuant to these standards.
  - Is voluntary. Because these standards represent the second tier of Rhode Island's 2-tier approval process for early care and education programs, a program's decision to not pursue Tier 2 approval will not jeopardize its ability to operate as a Tier 1 program.

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These standards were developed by a team of Rhode Island stakeholders utilizing key resources reflecting evidence-based practice, requirements and/or recommendations of national organizations or nationally recognized resources, and requirements of state agencies including:

- Rhode Island Early Learning Standards Documents
- Rhode Island Quality Rating and Improvement System: BrightStars Center/Preschool Standards and Criteria Framework
- Rhode Island Quality Rating and Improvement System: BrightStars Family Child Care Standards and Criteria Framework
- Rhode Island Department of Children, Youth and Families Child Care Center Regulations for Licensure and Group Family Child Care Home Regulations for Licensure
- National Association for the Education of Young Children (NAEYC) Early Childhood Program Standards and Accreditation Criteria, 2005
- Early Childhood Environment Rating Scale (ECERS)
- Head Start Program Performance Standards and Other Regulations
- Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care, A Joint Collaborative Project of the American Academy of Pediatrics, American Public Health Association and National Resource Center for Health and Safety in Child Care

These standards reflect the Rhode Island Department of Elementary and Secondary Education's commitment to early childhood education and belief that:

- In the early childhood years, children develop the foundation upon which subsequent development in all domains of learning is built. These years are crucial to a child's healthy growth and development.
- Disparities in what children know, understand and are able to do are evident before they enter school and are strongly associated with social and economic circumstances. Participation in high-quality early childhood education programs helps close these gaps in achievement.
- Early childhood education programs that implement research-based program standards of quality have been shown to result in positive educational, social, and economic outcomes for both children and society.
- Comprehensive early childhood education programs recognize that:
    - Children learn through play and social interactions.
    - Children construct their knowledge through active engagement with people and materials.
    - Child development and learning are characterized by individual variation.
    - Family partnerships positively impact both child and program outcomes.
- Comprehensive early childhood education programs address all eight RI Early Learning Standards domains of development: Approaches to Learning, Social and Emotional Development, Language Development and Communication, Literacy, Mathematics, Science, Creativity, and Physical Health and Development.

I. APPLICABILITY

Pursuant to state law (RIGL 16-48), these standards shall apply to early childhood education programs in order to ensure developmentally appropriate early development and learning experiences based on Rhode Island's Early Learning Standards to children between the ages of three (3) to six (6) years of age. These standards shall also pertain to kindergarten classrooms operating in private programs in which kindergarten is the terminal grade.

Applicants must already meet the Tier 1/Foundational Level of being either:

- A Child Day Care Center, Family Child Care Home, Head Start Program, or private preschool licensed by the State of Rhode Island Department of Children, Youth and Families OR
- A program housed in a public or private K-12 school that meets physical facility requirements of the RI Department of Elementary and Secondary Education

Application to the Rhode Island Department of Elementary and Secondary Education pursuant to these standards represents the program's desire to seek voluntary approval as a Comprehensive Early Childhood Education Program.

When a program is subject to a governmental rule or regulation that exceeds the expectation outlined in one of the standards contained herein, that rule or regulation takes precedence. When a governmental rule or regulation differs in other ways or sets a lower threshold of performance, these standards take precedence.

To be eligible for approval under these standards, the program shall operate a minimum of 12 hours per week with compliance with these standards as follows:

- Programs that operate double sessions: Separate morning and afternoon sessions each day must comply with these standards 100% of the time that they are in operation.
- Programs that operate single sessions:
    - Sessions of 6 hours or less in duration per day must comply with these standards 100% of the time that they are in operation.
    - Sessions of more than 6 hours in duration per day must comply with these standards at least 6 hours within their daily hours of operation.

II. THE APPROVAL PROCESS

This section of the standards outlines the approval process including:
1. Purpose
2. Procedures for Approval
3. Types of Applications
4. Department Action on Applications
5. Provisions of Approval

PURPOSE. The primary purpose of approval is to ensure comprehensive and developmentally appropriate early development and learning experiences in public and private early childhood education programs serving children between the ages of three (3) to six (6) years of age and also in kindergarten classrooms operating in private programs in which kindergarten is the terminal grade. An approval certificate signifies that the program meets standards for comprehensive early childhood education programs contained herein including provisions to fulfill such requirements of the standards contained herein. Further, the approval signifies to families, guardians and other concerned individuals that each child is in a comprehensive learning environment.

Approval is a method of regulation designed to implement the state's obligation to comprehensive early education programs to children who are enrolled. An approval is granted after a detailed review of the program, its application, and supporting documentation has shown that the program complies with established laws and standards. Basic guidelines to be used in the evaluation are described in Section III of these standards. Copies of the form, "Application for Approval of Comprehensive Early Childhood Education Programs" may be secured from the Rhode Island Department of Elementary and Secondary Education at www.ride.ri.gov/.

PROCEDURES FOR APPROVAL. Procedures for approval include:
1. Completion and submission of an application and such documentation as may be required by the Commissioner of the Rhode Island Department of Elementary and Secondary Education
2. Upon receipt of a completed application and required documentation, review by an authorized representative of the Commissioner to determine compliance of said application with the standards contained herein (See Section III)
3. An on-site visit by an authorized representative designated by the Commissioner for the purpose of providing assistance in terms of compliance matters or observing the program in action
4. Determination by an authorized representative designated by the Commissioner that the program meets requirements for approval based on both the program's application and supporting documentation and the on-site visit to that program

TYPES OF APPLICATIONS. Outlined below are the various types of applications for approval. Prior to filing these applications, it is recommended that the applicant confer with the authorized representative designated by the Commissioner to initiate the steps required for meeting approval requirements. Types of applications include:
1. Application for Initial Approval
2. Application for Renewal of Approval
3. Re-Application for Approval

Application for Initial Approval. A person desiring to open a comprehensive early childhood education program shall make formal application for tentative approval on prescribed forms provided by the Commissioner. Applications may be submitted for multi-site programs or for single-site programs. In either case, all early childhood education programs in any single site must be approved in order for the site to be approved. Approval by the Commissioner is required before any program advertises itself as a comprehensive early childhood education program approved by the Rhode Island Department of Elementary and Secondary Education.

Application for Renewal of Approval. Renewal of approval must be made annually. The Commissioner will provide written notification through an authorized representative of the Department prior to the expiration of the current approval that a renewal application must be filed. Early childhood education programs desiring renewal of approval shall make application on forms provided by the Commissioner. In addition to the information required on renewal forms, the applicant program shall provide the Department with information regarding any changes made since the date of last approval.

Re-Application for Approval. A re-application for approval for a comprehensive early childhood education program shall meet the requirements as set forth above in these Standards, "Application for Initial Approval." Re-application shall be filed when:

1. There is a change in the location of the early childhood early education program;
2. There is a major change in the original program, goals and objectives of the program and/or type of population served;
3. There has been a previous discontinuance of the program; or
4. The Commissioner has revoked or refused to renew the program's approval.

DEPARTMENT ACTION ON APPLICATIONS. After reviewing the data collected and reported by the authorized representative designated by the Commissioner, approval action by the Commissioner shall take the form of one of the following:

1. Approval
2. Approval Variance
3. Provisional Approval
4. Probationary Approval
5. Denial of Approval
6. Revocation of Approval

Approval. A program which meets the standards will be approved, will be issued a letter of approval and certificate to operate, and will be listed in the Department's Directory of Approved Comprehensive Early Childhood Education Programs. Approval is for one year and must be renewed annually.

Approval Variance. A variance to these standards may be allowed at the discretion of the Commissioner or authorized representative. Application for a variance shall include the following items: an identification of the standard for which the variance is requested, an explanation of the program's current status in relation to the standard in question, a justification for the variance request and a specific plan of tasks and timelines for bringing the program into full compliance with the standard. Variances shall be allowed for no more than one calendar year or another timeframe not to exceed five years as specified by the Commissioner or authorized representative. Renewal of the variance can be requested annually as part of the program's annual program approval renewal. A variance renewal request shall address the same items as in the initial variance request plus documentation of task, timelines and progress toward bringing the program into full compliance unless determined unnecessary by the Commissioner or authorized representative.

Provisional Approval. A new program may be given provisional approval for a six-month period during which time an authorized representative(s) of the Commissioner will visit the program for a full review of the program and its operation. This temporary approval may be renewed once if conditions warrant an extension of time and an acceptable step-by-step plan is submitted for meeting the areas not in compliance with these standards.

Probationary Approval. A program currently approved but unable to meet these standards due to special circumstances as allowed by the Commissioner will be required to submit a step-by-step plan for meeting the requirements. If the plan is acceptable, the Commissioner may permit the applicant to continue to operate for a limited probationary period within a given school year. The program will then be re-examined by the authorized representative of the Commissioner and recommendations made.

Denial of Approval. If a program does not meet these standards and the applicant does not submit an acceptable application or step-by-step plan for doing so, the program will be disapproved. When such action is taken, the Commissioner shall upon written request, grant the applicant a hearing.

Revocation of Approval. The Commissioner may consider any violation of these standards cause for the revocation of or refusal to renew the approval. A comprehensive early childhood education program approval shall be revoked for cause as specified in Section 16-48-5 of the General Laws of Rhode Island, 1956, as amended (See Section IV of these standards). Where approval is revoked or refused, the applicant has a right to a hearing whereby the extent of the program's compliance with these standards shall be determined.

PROVISIONS OF APPROVAL.

1. A letter and certificate of approval is issued without charge by the Commissioner of Education.
2. The letter of approval shall be maintained on file in the program and the certificate of approval shall be posted in a prominent place within the program.
3. The letter and certificate of approval will state the maximum number of children to be served in the program during any given session and the dates of validity. It will remain in force unless otherwise specified or sooner, if revoked.
4. When the approval is in force, the Commissioner or authorized representative shall be given the right of entrance at any reasonable time, the privilege to inspect the program, and access to all records for the purpose of ascertaining compliance with these standards and investigating complaints.
5. The approval is granted to a designated holder of the letter and certificate of approval and limited only to the location named.
6. An operator of a program must notify the Commissioner of Education of major changes such as closure of service, change of name or location, change of ownership, change of program administrator or early education coordinator, major program changes, which affect the approval certificate while in force.
7. When a program discontinues its operation, the owner or program administrator shall provide written notification to the Commissioner at least thirty days prior to closure.
8. A person, unincorporated society, association, or corporation purchasing a program shall comply with all of the requirements for securing an initial approval. An approval is not transferable or assignable.

III. STANDARDS FOR SCHOOLS AND AGENCIES

Structural Standards

Standard One: Physical Facilities

1.1 It is expected that the early childhood program will comply with either DCYF Licensing Regulations or, if the program is located in a public or private PK-12 school, with RIDE Basic Education Program Regulations, G-14-4 Ensuring a Safe and Healthy Physical Environment, in addition to these standards listed below.

1.2 A classroom is a group of children in a room with floor to ceiling walls. If floor to ceiling walls are not possible, then stable partitions of at least 4 feet in height shall divide the classroom and completely separate groups of children as defined in Standard 3**.**

1.3 Physical facilities must be:
a. Inspected and certified by OSHA,
b. Be in compliance with building and fire codes,
c. Provide evidence of being lead free or safe,
d. Provide evidence of being asbestos-free or safe,
e. Have an acceptable score on a radon test within the last 3 years and
f. Have a public water supply or a Department of Health certificate related to a water supply of drinking water quality.

1.4 The early childhood program must be accessible for children and adults with disabilities in accordance with disabilities requirements including the American with Disabilities Act (ADA).

1.5 The program's exterior doors shall be locked. The program's designated main entrance(s) shall have a doorbell, buzzer, keypad, swipe card or other comparable means for entrance. Any unlocked doors shall be monitored at all times by a staff person.

1.6 All parts of the program and its premises shall be kept in good repair, clean, neat, and free of hazards. Maintenance of the facility including daily cleaning shall be done at a time that does not interfere with children's learning or health and safety. Additionally, fundamental methods for achieving the control of rodent and insect infestation shall be used:
- Good sanitation and proper screening
- Proper use of insecticides and rodenticides.
- Structure blocking of avenues through which insects and rodents could gain access to the building.
- Insecticides and rodenticides used approved by the State Health Department

1.7 To ensure playground safety, the playground shall allow at least 75 square feet per child. Given that not all children may be on the playground at one time, the per child allowance is calculated as follows: 75 times one half of the program's capacity. It shall be fenced and have surfaces and equipment that comply with the Handbook for Public Playground Safety. Outdoor play areas for preschoolers shall be separated by fencing or scheduling from those used by children of first grade age and above. Outdoor play areas for kindergarteners may be in the same area used for preschoolers, first and/or second graders but shall be separated by fencing or scheduling from those used by children in the third grade or higher grades.

1.8 Toilet facilities shall be on the same floor as the program and within 40 feet. It is recommended that these be in or immediately adjacent to the classroom; if not, the program should provide a plan that addresses how toileting will be supervised while classroom staff adult/child ratios are maintained. Programs shall have one toilet and one sink for each group of 10 children. Hand washing sinks shall have both warm and cold running water. Potty chairs shall not take the place of required toilets. There shall be separate toilet facilities for staff.

1.9 If enrolled children wear diapers, there shall be a diaper changing area and an adjacent hand-washing sink with warm and cold running water for each group of children. Diaper changing areas and hand washing sinks shall be separate and apart from any food preparation area.

1.10 There shall be adequate ventilation and natural and/or artificial lighting throughout the program facility.

- Each room used for instructional purposes shall have sufficient air changes to produce healthful conditions and to avoid odors or concentrations of toxic substances or dust particles.
- All rooms used for children shall have a window or skylight directly to the outdoors.
- The Illuminating Engineering Society of North America standards for the quantity of illumination, Lighting for Educational Facilities RP-3-00, should be met in general classrooms.
- Emergency lighting shall be available when normal lighting systems fail and in locations that permit an orderly egress from the building in an emergency situation

1.11 There shall be adequate space for the storage of individual clothing with hooks at children's levels for the use of children.

1.12 There shall be adequate storage space for equipment, including cots and blankets, materials, supplies and seasonal toys.

1.13 There shall be designated adult space with adult-size furniture for functions such as planning, meeting privately with parents, storage of staff materials, breaks, etc.

1.14 Classrooms shall be located on the first floor and there shall be a minimum of 35 square feet of usable floor space for each child in activity rooms or classrooms.

1.15 Sound originating in spaces where learning takes place and sound transmitted from adjacent spaces or outdoor sources should not disrupt or hinder educational activities:

Acceptable noise levels in schools areas:

Area	Acceptable Noise Levels in Decibels
Classrooms (up to 750 sf)	40 max
Classrooms (over 750 sf)	35 max

Standard Two: Health and Safety

2.1 It is expected that the early childhood program will comply with either DCYF or, if the program is located in a public or private K-12 school, with RIDE health and safety regulations for public and private K-12 schools in addition to these standards listed below.

2.2 Food and outdoor play shall not be used as a reward or as a behavior consequence. Exceptions may only be made if specifically stated in a child's Individualized Education Program (IEP).

2.3 Physical punishment, threats or derogatory remarks are never permitted.

2.4 When a child presents with challenging behavior, teaching staff shall:

a. Observe the child, then identify events, activities, interactions and other factors that predict and may contribute to challenging behavior.
b. Focus on teaching the child social communication and emotional regulation skills and using environmental modifications, activity modifications, adult or peer support and other intervention

strategies to support the child's appropriate behavior rather than focusing only on eliminating the challenging behavior.

c. Respond to challenging behavior, including physical aggression, in a manner that:
   i. Provides for the safety of the child and others in the classroom
   ii. Is calm and respectful to the child
   iii. Provides the child with information about acceptable behavior

2.5 If there are children in the program who have special health care needs, specific health procedures shall be delivered, where appropriate, by a licensed/certified health professional or a staff person who has been trained to appropriately carry out such procedures. Such procedures may include, but not be limited to, Epi Pen, nebulizer, insulin injections, etc.

2.6 For each child with special health care needs or food allergies or special nutrition needs, the program shall request the family to obtain from the child's health provider an individualized care plan that is prepared in consultation with family members and specialists involved in the child's care. The program shall protect children with food allergies from contact with the problem food. The program shall ask families of a child with food allergies to give consent for posting information about that child's food allergy. If consent is given, then it shall post that information in the food preparation area and in the areas of the program the child uses so it is a visual reminder to all those who interact with the child during the program day. If consent for posting is not provided, then this information shall be shared with all relevant staff to ensure that they are informed.

2.7 At least one staff person per classroom in the early childhood education program shall have a current valid certificate showing satisfactory completion of pediatric CPR training and first aid.

2.8 Clean sanitary drinking water shall be available to children throughout the day.

2.9 The program shall conduct routine cleaning and sanitizing *of* all surfaces in the facility.

a. Sanitizing shall be consistent with the recommendations of Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care, A Joint Collaborative Project of the American Academy of Pediatrics, American Public Health Association and National Resource Center for Health and Safety in Child Care. Caring for Our Children recommends the use of a sanitizer of 1/4-cup household bleach to one gallon water which is made fresh everyday or an industrial product as defined as follows. "Industrial products that meet the Environmental Protection Agency's (EPA's) standards for "hospital grade" germicides (solutions that kill germs) may be used for sanitizing. Be cautious about industrial products that advertise themselves as "disinfectants", having "germicidal action", or "kills germs". While they may have some effect on germs, they may not have the same effectiveness as bleach and water or EPA approved hospital grade germicides." Taken from Caring for Our Children, Appendix pgs. 417-418.
b. After spraying with a sanitizer, surfaces shall be wiped with a disposable paper towel to reduce the spread of germs.

2.10 The program shall adhere to the following cleaning and sanitation schedule:

a. Countertops, door handles and cabinet handles cleaned and sanitized daily and when soiled.
b. Tables shall be sanitized before and after snacks and meals.
c. Food preparation and service surfaces cleaned and sanitized before and after contact with food activity and between preparation of raw and cooked food.
d. Items used for personal care and hygiene such as sheets, blankets and pillowcases cleaned at least weekly and/or when visibly soiled. These items are to be used only by one child and are to be stored in such a way that items of one child are not touching items of another child. If individual cloth towels or washcloths are used, they should be used only once before being cleaned.
e. The following cleaned and sanitized on a regular basis and/or when visibly soiled:
   i. Toys including machine-washable cloth toys
   ii. Dramatic play materials including dress-up clothing

iii. Other cloth items

f. Toileting areas cleaned and sanitized when visibly soiled and at least nightly. Diapering areas cleaned and sanitized after each use.

g. Sinks shall be sanitized after toileting hand-washing when the same sinks are going to be used for other purposes, e.g., before eating, before water table activities, after blowing nose, for washing toys, etc. As an exception to this rule, in order to avoid requiring children to wash their hands twice in quick succession between toileting and eating, the following applies: If children use the toilet, wash their hands and immediately sit down for a meal/snack, contamination of children's hands at the sink used after toileting must be minimized by having children or adults turn off the faucet with a disposable paper towel. (Taken from the Early Childhood Environment Rating Scale - ECERS)

h. Water table emptied and sanitized after each day that it is used. Children and staff shall wash their hands before and after each use.

2.11 Programs shall be inspected by the State Fire Marshal, or other authorized personnel, and the Department of Labor at least once every year, and shall maintain updated fire drill and evacuation plans in accordance with RIGL §16-21-4 and §16-21-5.

2.12 Individualized evacuation plans for children with special needs shall be in place when appropriate.

2.13 The program shall ensure that specific training is provided to staff to be able to appropriately address health and safety of children with special needs including medical needs.

Standard Three: Children's Age Requirements

3.1 A child may be enrolled in an early childhood education program once the child has attained 3 years of age and until entry into an approved kindergarten program.

3.2 The age for enrollment in an approved kindergarten program has been defined by law as 5 years on or before September 1 of any school year.

Standard Four: Staff- Class Sizes, Staff Adult/Child Ratios

4.1 The following staff-child ratios shall be maintained in all classrooms:

3, 4 and 5 year olds: 1:9 ratio with a maximum of 18 children per classroom

Kindergarten children: 1:12 ratio with a maximum of 24 children per classroom

4.2 In every classroom, staff adult/child ratios shall include at least one qualified teacher as defined in 5.2 of these standards.

4.3 Staff adult/child ratios shall be maintained at all times of the day including staff breaks, lunch and outdoor play.

4.4 Programs that provide for inclusive settings for children with disabilities may have staff adult/child ratios that are better than those required above for each classroom. The staff adult/child ratios used shall be determined by the program in consideration of the IEPs for students and/or other special learning, health or social and emotional needs of the children in each classroom.

4.5 Programs serving children that do not speak English or have limited English proficiency may also have staff adult/child ratios that are better than those required above for each classroom. Given the cultural and linguistic diversity in Rhode Island, programs serving children and families from a variety of cultural and linguistic backgrounds must ensure that the program has adequate staff to successfully incorporate the rich diversity of families' languages and dialects into the educational environment while supporting children to make progress in speaking and understanding English. Programs should make every effort to hire qualified staff and secure volunteers who represent the cultures and speak the languages of the communities they serve and reduce the staff-child ratio, when appropriate.

Standard Five: Staff Qualifications and Requirements for Ongoing Professional Development

5.1 Qualifications of Early Childhood Education Coordinator

The program shall employ someone serving in the role of Early Childhood Education Coordinator. This role may be assumed by the following, but not necessarily be limited to, the director or principal or teacher or may be a stand-alone position. The Early Childhood Education Coordinator shall have the following educational qualifications required to serve as the program's pedagogical leader:

1. RI Department of Elementary and Secondary Education teaching certificate in
   a. Early Childhood Education OR
   b. Early Childhood Special Education AND
2. A minimum of 2 years classroom teaching experience AND
3. A 3-credit college course or a minimum of 40 documented hours of professional development over the course of 2 years in mentoring, supervision and leadership. If the Early Childhood Education Coordinator does not meet this requirement as of the effective date of these standards, he/she shall develop an individualized plan for meeting this requirement and submit it to the RI Department of Elementary and Secondary Education as part of the early childhood education program's annual approval renewal. Documentation of progress toward and completion of this plan shall be submitted

to the RI Department of Elementary and Secondary Education as part of the early childhood education program's annual approval renewal AND

4. A Level III RI Early Learning Standards certificate or a plan with timeline for completion as described above.

5.2 Ongoing Professional Development: The program shall assure that each Early Childhood Education Coordinator shall have an individual professional development plan related to core competencies as appropriate to his/her position. This plan shall be developed and updated annually as part of each staff person's annual performance evaluation.

5.3 Teacher Qualifications

Programs shall employ at least one professionally prepared early childhood teacher in each classroom qualified consistent with the requirements in one of the columns on the chart below. If the teacher is employed by a school district in any type of classroom or is employed by a community agency or program in a kindergarten classroom, the teacher shall meet the requirements in column A. Columns A-C apply to community programs other than school districts. All professional preparation referenced below shall include content knowledge in areas including, but not limited to: Child Growth and Development, Approaches to Learning, Social and Emotional Development, Literacy, Language Development and Communication, Mathematics, Science, Creativity, Physical Health and Development, Professionalism, Curriculum, Assessment, Differentiated Teaching and Learning, and Family and Community Relationships.

A	B	C*
1. RI Department of Elementary and Secondary Education teaching certificate in a. Early Childhood Education <u>OR</u> b. Early Childhood Special Education AND 2. A Level II RI Early Learning Standards certificate	1. Bachelor's or Master's in Early Childhood Education or Early Childhood Special Education or Human Development or Child Development from an accredited or approved Institution of Higher Education AND 2. A Level II RI Early Learning Standards certificate AND A minimum of 3 months of successful supervised teaching in a licensed/ approved education program for the appropriate age level (student teaching may fulfill). "Supervised teaching" is defined as a teaching experience in accordance with an individualized professional development plan that is overseen by someone qualified as an Early Childhood Education Coordinator as defined in 5.1 of these standards and that includes active regularly scheduled supervision and review and documentation of the individual's work as it	1. An Associate Degree or Equivalent in Early Childhood Education or Early Childhood Special Education or Human Development or Child Development from an accredited or approved Institution of Higher Education. An Associate's Degree Equivalent is defined as 60 college credits with 30 college credits (semester hours) in child development-early childhood education, child development, elementary education or early childhood special education that encompasses the following: child growth and development and learning of children birth through kindergarten; early childhood curriculum; family and community relationships; observing, documenting, and assessing young children; teaching and learning; and professional practices and development, including relevant field-based experience AND

	relates to that individualized professional development plan. 3. An individualized plan for completing requirements to be a professionally prepared early childhood teacher in each classroom as defined in Column A within 1 year and documentation of progress toward plan completion that is submitted annually to the RI Department of Elementary and Secondary Education as part of the early childhood education program's annual approval renewal.	2. A Level II RI Early Learning Standards certificate AND 3. A minimum of 3 months of successful supervised teaching in a licensed/ approved education program for the appropriate age level (student teaching may fulfill). "Supervised teaching" is defined as a teaching experience in accordance with an individualized professional development plan that is overseen by someone qualified as an Early Childhood Education Coordinator as defined in 5.1 of these standards and that includes active regularly scheduled supervision and review and documentation of the individual's work as it relates to that individualized professional development plan AND 4. An individualized plan for completing requirements to be a professionally prepared early childhood teacher in each classroom as defined in Column A within five years and documentation of progress toward plan completion that is submitted annually to the RI Department of Elementary and Secondary Education as part of the early childhood education program's annual approval renewal.

•Column "C" applies only to existing teachers, that is, those employed as of promulgation date of these standards. New teachers shall meet column "A" or "B".

5.4 Ongoing Professional Development: The program shall assure that each teacher shall have an individual professional development plan related to core competencies as appropriate to his/her position. This plan shall be developed and updated annually as part of each staff person's annual performance evaluation.

5.5 Teacher Assistant Qualifications

Teacher assistants shall meet the requirements in one of the columns on the chart below. If the teacher assistant is employed by a school district in any type of classroom, the teacher assistant shall meet the requirements in column A. Columns A-B apply to community programs other than school districts.

A	B
1. Meet teacher assistant qualifications as established in RI law (RIGL 16-11.2) for teacher assistants employed by school districts. 2. A Level I or II RI Early Learning Standards certificate either at the time of employment or have an individual professional development plan for achieving not to exceed 2 years from the date of employment.	1. Be at least 18 years of age. 2. Have a high school diploma OR general equivalency 3. Have documentation of the following either at the time of employment or have an individual professional development plan not to exceed 2 years from the date of employment for achieving: a. A Child Development Associate (CDA) Credential or enrollment, active participation and demonstration of progress in a program leading to a CDA as reported in the RI Department of Elementary and Secondary Education as part of the early childhood education program's annual approval renewal over a period not to exceed 2 years OR b. Successful completion of a Teacher Assistant Training Program approved by the RI Department of Elementary and Secondary Education OR c. A minimum of 12 credit hours of college coursework relevant to the early childhood education program setting. 4. A Level I or II RI Early Learning Standards certificate either at the time of employment or have an individual professional development plan for achieving not to exceed 2 years from the date of employment.

5.6 Ongoing Professional Development: The program shall assure that each teacher assistant shall have an individual professional development plan related to core competencies as appropriate to his/her position. This plan shall be developed and updated annually as part of each staff person's annual performance evaluation.

5.7 Consultant Qualifications

When hired by the early childhood education program, consultants, e.g., physicians, psychiatrists, social caseworkers, psychologists or nurses, shall meet minimum professional standards in their particular fields. Professional persons whose practice is regulated by state law must meet state requirements.

Standard Six: Administration

6.1 It is expected that the early childhood program will comply with either DCYF or RIDE standards related to Administration in addition to these standards listed below.

6.2 Each early childhood education program shall have a designated program administrator who is responsible for the development, implementation and evaluation of policies and procedures for compliance with these standards that shall be made available to staff and to families. The position of the designated program administrator may vary from program to program, e.g., a child care center director, a public school principal, etc.

6.3 Each program shall have a person assigned to the role of Early Childhood Education Coordinator. This role includes providing leadership for compliance with the Educational Program Standards contained herein.

a. For programs with one classroom, the Early Childhood Education Coordinator, program administrator and teacher may be the same individual if that person meets the qualifications for these positions.
b. For programs with two, three or four classrooms, the equivalent of at least a half time position must be designated as the Early Childhood Education Coordinator.
c. For programs with five or more classrooms, the Early Childhood Education Coordinator shall not have regular direct teaching responsibilities.

6.4 There shall be liability insurance for school personnel, children, transportation services and physical plant.

6.5 Reports shall be submitted to the Commissioner of Education in such manner and form as may be required.

6.6 The program shall actively seek and utilize input from families in the following areas:

a. Establishing or refining program philosophies, long-term goals and short-term objectives.
b. Conducting program assessment and evaluation.
c. Designing family engagement opportunities.
d. Establishing strategies to ensure that the program remains relevant to the values, culture, identity and home language.
e. Creating a physical environment that is welcoming to families.

6.7 The program's governing structure or advisory groups shall include families as members and supports them as active participants. Family members are encouraged to take on leadership roles.

6.8 On an ongoing basis and at least once each year, the program will engage in a comprehensive self-assessment to determine compliance with the structural and educational program standards contained herein and all other standards and regulations governing the program and the program's effectiveness in meeting needs of children and families. This assessment shall include a review and analysis of program-wide child assessment information that reveals patterns and trends. The process shall involve families and staff. As a result of this self-assessment, the program shall document its improvement plan, which shall include priority goals, specific strategies for attaining each goal, and progress towards goal attainment.

6.9 Each program shall produce an annual professional development plan that:

a. Is linked to the program's goals
b. Is linked to individual staff professional development plans that are an outgrowth of a performance-based evaluation process for each staff
c. Includes staff and volunteer orientation which addresses review of the program's staff and family handbook(s) and/or policies and procedures

d. Includes a variety of ongoing professional development strategies that reflect effective research-based professional development practices

6.10 Each program shall have a system in place that provides individualized supervision and support to every person employed by the program and volunteers as defined herein.

6.11 Each program shall have an ongoing staff evaluation process that:
a. Includes individual self-assessments
b. Includes supervisor feedback based on formal observation
c. Includes an evaluation of family engagement
d. Is linked to the individual's job description
e. Is performance-based
f. Includes a formal supervisor/staff conference conducted at least annually
g. Leads to an annual individual professional development plan addressing competencies referenced in the educational program standards areas of curriculum, child assessment, differentiated teaching and learning, and family engagement
h. Provides results that inform the program's annual professional development plan.

6.12 Each program shall provide a minimum of 2 hours paid time per week for each classroom dedicated to planning including interpretation and use of child assessment results to align curriculum and teaching practices to the interests and needs of the children. A part of this planning time shall include collaboration among teaching team members.

6.13 The following applies to volunteers who are used on a routine basis as opposed to those who may be involved on an episodic basis, e.g., for a party, field trip, etc.:
a. Have a personnel record maintained by the program
b. Complete an application for volunteering that shall include signing a statement that they do not have a criminal record or a communicable disease
c. Be provided with an orientation to the program and the volunteer assignment
d. Always work under the supervision of program staff and never be left alone with children or engage in any disciplinary action with a child.

6.14 Children shall be released only to a parent or authorized individual. The program shall have written policies and procedures for releasing children to persons other than parents including:
a. Documentation of any custody or restraining orders relating to child
b. Current written parental authorization for release to named individuals updated annually
c. Verification of identity of authorized individuals including picture ID
d. Emergency call-in authorization by parent including verification of identity of parent over phone

6.15 The program shall:
a. Establish and maintain efficient and effective record-keeping systems to provide accurate and timely information regarding children, families, and staff.
b. Have a confidentiality policy that requires that all employees, consultants, and volunteers maintain confidentiality of child, family, and staff information included in files, conversations, observations, meetings, correspondence, or any other source.
c. Have procedures to ensure appropriate implementation of this policy.

6.16 The program shall be in full compliance with all requirements related to criminal record checks found in requirements for:
a. A Child Day Care Center, Family Child Care Home, or Head Start Program licensed by the State of Rhode Island Department of Children, Youth and Families OR
b. A program housed in a facility that meets physical facility requirements of the RI Department of Elementary and Secondary Education

6.17 The program shall have a staffing plan and schedule for each classroom including a list of qualified substitutes.

Educational Program Standards

Standard Seven: Curriculum

Program level curriculum is a written framework expressing the philosophy, goals and objectives of individual programs and is used to guide teaching staff in implementing curriculum at the classroom level. In order to assure that programs have a curriculum framework and classroom-level curriculum appropriate to the individual needs of children, evidenced-based published curriculum resources may be used in the development of a program level curriculum but should not be used in place of an individualized curriculum at the program and classroom level.

Program Level

7.1 The program has a written statement of philosophy and a curriculum framework consistent with its philosophy that addresses central aspects of child development and that reflects the community it serves.

7.2 The curriculum framework articulates that play experiences are the mechanism through which children attain developmentally appropriate goals in all developmental domains.

7.3 The curriculum framework guides teachers' intentional implementation of evidence-based practices that contribute to positive child outcomes and are consistent with the program's philosophy, goals and objectives.

7.4 The curriculum framework guides teachers in the development of a daily schedule that is predictable yet flexible and responsive to the individual needs of the children. The schedule provides time and support for transitions, includes both indoor and outdoor experiences, provides for large and small group and individual time, and is responsive to a child's need to rest or be active.

7.5 The curriculum framework guides teachers to incorporate content, concepts, and activities that foster and integrate the eight RI Early Learning Standards domains of learning: Approaches to Learning, Social and Emotional Development, Literacy, Language Development and Communication, Mathematics, Science, Creativity, and Physical Health and Development.

7.6 The curriculum framework reflects the program's understanding of how child learning develops and guides teachers in meeting the individual needs of children.

7.7 The curriculum framework describes the materials and equipment needed to support children's learning that:
   a. Reflect the lives of the children and families
   b. Reflect the diversity found in society, including gender, age, language and abilities
   c. Provide for children's safety while being appropriately challenging
   d. Encourage exploration, experimentation, and discovery
   e. Promote action and interaction
   f. Are organized to support independent use
   g. Are rotated to reflect changing curriculum and accommodate new interests and skill levels
   h. Are rich in variety
   i. Accommodate children's special needs

7.8 The program has a system that supports teachers in developing competencies associated with curriculum design and implementation and are associated with achieving child outcomes.

Classroom Level

Classroom level curriculum emerges from the program level curriculum framework as it is translated into the daily experiences for the individual children in the class. It encompasses teaching staff roles, daily schedule, classroom environment, planned activities, intentional practice and nurturing relationships.

7.9 The curriculum is implemented in a manner that reflects responsiveness to goals that families have for their children and home values, beliefs, experiences, and language of currently enrolled children and families.

7.10 The curriculum is implemented through play experiences that provide opportunities for children to attain developmentally appropriate goals in all developmental domains.

7.11 Teaching staff talk frequently with children and listen to children with attention and respect. They:
a. Respond to children's questions and requests.
b. Use strategies to communicate effectively and build relationships with every child.
c. Engage regularly in meaningful and extended conversations with each child.

7.12 Teaching staff shall maintain, post and follow a regular daily schedule and yet permit flexibility to meet interests and needs of the moment. The schedule prioritizes play and incorporates:
a. A combination of teacher-initiated and child-initiated activities
b. Learning opportunities, experiences, and projects that extend over the course of several days
c. Large group, small group and individual activities
d. Indoor and outdoor activities
e. An age appropriate balance between active and quiet activities.

7.13 Teachers design a learning environment that is well organized and equipped with clearly defined learning areas which include, at a minimum, areas devoted to: construction, dramatic play, discovery, books, manipulatives and creative expression.

7.14 Teachers design learning opportunities that integrate multiple goals.

7.15 Classroom materials are:
a. Chosen intentionally to support the learning goals for children
b. Well-maintained
c. Organized and labeled
d. Easily accessible to children
e. Representative of the interests and cultures of children
f. Age-appropriate
g. Of sufficient quantity for the numbers of children being served

7.16 Teachers maintain a method of documented planning that demonstrates that curriculum is developed based on the RI Early Learning Standards or for kindergartens, based on applicable Rhode Island Department of Elementary and Secondary Grade Level Expectations (GLEs). Plans should be written at least on a weekly basis with adjustments as needed based on emerging needs, skills and interests of children in the class.

7.17 Teaching staff use a wide range of teaching strategies based on information gained through ongoing observation of children at play, to support children's growth and development in the areas addressed in all domains. Teaching staff demonstrate a variety of teaching strategies such as facilitator, decision-maker, observer, co-player and trusting adult based on the needs and interests of children.

7.18 Teaching staff support the development and maintenance of children's home language whenever possible while promoting English language acquisition.

7.19 Teaching staff proactively prevent bias and discrimination by:
   a. Treating all children and their families with equal respect and consideration.
   b. Initiating activities and discussions that build positive self-identity and teach children to value differences.
   c. Intervening when children tease or reject others.
   d. Providing models and visual images of adult roles, differing abilities, and ethnic or cultural backgrounds that counter stereotypical limitations.
   e. Avoiding stereotypes in language references.

7.20 Teaching staff create a positive environment through their own behaviors such as frequent social conversations with children, joint laughter and affection, eye contact, tone of voice and smiles.

7.21 Teachers organize space and select materials to stimulate exploration, experimentation, discovery and conceptual learning in all developmental areas.

7.22 Teaching staff develop individual relationships with children by providing care that is responsive, attentive, consistent, comforting, supportive, and culturally sensitive.

7.23 Teaching staff manage behavior, implement classroom rules and expectations, and help individual children learn socially appropriate behavior by providing positive guidance that is consistent with the child's level of development

7.24 Teaching staff provide children opportunities to effect what happens in the classroom through participation in decision making about issues concerning classroom behavior, plans, and activities.

7.25 Teaching staff use children's interest in and curiosity about the world to engage them with new content and developmental skills.

7.26 The outdoor environment should be used as an extension of the indoor classroom and should be included in intentional curriculum planning.

<u>Standard Eight: Child Assessment</u>

Program level child assessment is a written description of the program's system of ongoing assessment that guides:
1. Monitoring children's development and learning.
2. Informing curriculum and decision-making.
3. Identifying children who might benefit from additional supports and/or special services.
4. Communicating with families and other authorized parties.

Program Level

8.1 The program has a written philosophy statement and written practices on child assessment that guides the implementation of a system of assessment that includes both classroom-based and norm-referenced assessment strategies.

8.2 Norm-referenced and standardized tests are used primarily when seeking information on eligibility for special services or when collecting information for overall program effectiveness and are implemented by qualified professionals. When these assessments are used, they are combined with other methods such as observations, checklists, rating scales, and work sampling to obtain an ongoing, comprehensive assessment of children's progress over time.

8.3 The program staff provide families with information about how assessment is used by the program. This information includes:
   a. The purpose and use for which an assessment is designed and its programmatic purpose and use.

b. The interpretations of the results and their meaning in terms of future learning opportunities for their child.
c. The way teaching staff or others have been trained to use assessment procedures and interpret results as well as the conditions under which the child will be assessed (e.g., group size, time constraints, familiarity with adults involved).
d. Access to or information about the specific instruments used.

8.4 The program has a written plan and description of practices for implementing a child assessment system that is aligned with the RI Early Learning Standards and program curriculum. For kindergartens, the child assessment system is aligned with applicable Rhode Island Department of Elementary and Secondary Grade Level Expectations (GLEs). The plan also includes:
a. Timelines associated with assessments that occur throughout the year
b. Procedures to keep individual child records confidential
c. Ways to involve families in planning and implementing assessments and
d. Methods to effectively communicate assessment information to families.

8.5 The program provides teachers with adequate time and classroom support to successfully implement a system of authentic assessment.

8.6 The program collaborates with Child Outreach programs to screen children annually.

8.7 Families have ongoing opportunities to share the results of observations from home to contribute to the assessment process and the identification of goals for the child.

8.8 The program makes provision for teachers, families and relevant specialists to have regular opportunities to participate in two-way communication conferences to discuss each child's progress, accomplishments, difficulties in the classroom and at home as well as to plan learning activities. This includes providing family members with information, either verbally or in writing, about their child's development and learning on at least a quarterly basis, with written reports at least two times a year as part of the parent conferences.

8.9 The program has a system that supports teaching staff in developing competencies in child assessment.

8.10 The program uses child assessment to:
a. Ascertain the degree to which the program is attaining desired child outcomes and goals for children.
b. Identify patterns and trends across the program.
c. Inform the program's improvement plan and professional development of staff.

Classroom Level

Classroom level child assessment practices emerge from the written program level assessment plan and are used to:
1. Monitor children's development and learning.
2. Inform curriculum and decision-making.
3. Identify children who might benefit from additional supports and/or special services.
4. Communicate with families and other authorized parties.

8.11 Teachers assess the developmental progress of each child in the eight RI Early Learning Standards domains, using assessment data from natural classroom environments and situations consistent with children's cultural, language and everyday experiences.

8.12 Teachers conduct child assessments as an integral part of the program to support children's learning. They use a variety of methods such as observations, interactions with children, checklists, rating scales, photographs, work samples, and family input.

8.13 The assessment methods used are
a. Sensitive to and informed by family culture, experiences, children's abilities and disabilities, and home language
b. Are meaningful, accurate, and objective
c. Are used in settings familiar to the children

8.14 Teachers have a system to help manage and organize the collection of assessment information for each child (Example: child portfolio system).

8.15 Teachers use child assessment information to:
a. Identify children's strengths, learning styles and developmental levels.
b. Inform classroom instruction, make sound decisions about individual and group curriculum content, teaching approaches, personal interactions, and guide the design of the children's learning environment.
c. Identify children who might benefit from additional supports and/or special services.
d. Share information on each child's progress with families and other authorized parties.

Standard Nine: Differentiated Teaching and Learning

Programs have a written plan that describes program practices for supporting the learning of each child based on their individual developmental levels, learning styles and interests.

Program Level

9.1 The program has a written philosophy statement and written plan describing how the program supports each child's unique learning style, individual growth and development, and interests.

9.2 The program has a system that supports teaching staff in developing competencies for implementing differentiated teaching and learning practices to enhance each child's learning and development.

9.3 The program's written plan guides teaching staff in using a variety of instructional strategies and multi-level learning opportunities based on the assessment of each child's developmental levels, learning styles, and interests.

9.4 The program's written plan describes a process for serving children with disabilities in inclusive settings and accessing appropriate special education services for children with suspected and diagnosed disabilities.

Classroom Level

At the classroom level, differentiated teaching and learning emerges from the program's written plan that guides teachers in designing and implementing a variety of instructional strategies and multilevel opportunities to support children's development.

9.5 Teaching staff use ongoing, authentic assessments to inform the implementation of classroom practices that reflect each child's developmental level, learning style, and interests in each RI Early Learning Standards domain of learning.

9.6 Teaching staff promote children's learning by responding to their need for and interest in practicing emerging skills by providing children choice and enhancing and expanding activities that children repeatedly choose.

9.7 Children are provided with multiple options and opportunities for learning and demonstrating what they have learned.

9.8 Teaching staff utilize multi-level learning opportunities and a variety of instructional strategies to support children's development.

9.9 Teaching staff interact with children in ways that are sensitive and responsive to differing abilities, temperaments, activity levels, culture and cognitive and social developmental levels.

9.10 Teachers, families, and other professionals work as a team to develop, document and implement a plan for each child that supports his or her inclusion and success.

9.11 For children requiring special education services, teaching staff shall collaborate with special education professionals and families to support children with disabilities to succeed in inclusive environments and ensure each partner has access to necessary information and supports for appropriate services.

Standard Ten: Family Engagement

The program has a written plan that describes program practices for communicating with and involving family members as partners in their child's education and in program decision-making. Family members include adults and children significant in the child's daily life who influence the child and support their learning.

Program Level

10.1 The program level written plan delineates the expectation that all teaching staff engage families in the education of their child. The program level written framework describes the opportunities for families to be involved in program decision-making (e.g. advisory groups) and delineates the expectation that all teaching staff engage families in the education of their child.

10.2 Families are encouraged to take on leadership roles and are actively involved in decision-making opportunities.

10.3 The program uses a variety of methods to engage families in active two-way communication on an ongoing basis such as new family orientations, small group meetings, individual conversations, notes between program and home and written questionnaires.

10.4 The program shall be open to families for observation and visits whenever the program is in operation.

10.5 The program implements activities to facilitate the transition of children and families including:
a. Opportunities for the child and parent to visit the program one or more times prior to enrollment.
b. Activities to support internal transitions within the program, e.g., from class to class, during program enrollment.
c. Strategies to support families with their transitions to other programs or schools at the end of enrollment. These strategies may include providing basic general information on future program options, enrollment procedures and practices, and opportunities for program visitation.

10.6 The program actively seeks and utilizes input from families in the following areas:
a. Establishing or refining program philosophies, long-term goals and short-term objectives.
b. Conducting program assessment and evaluation.
c. Designing family engagement opportunities.
d. Establishing strategies to ensure that the program remains relevant to the values, culture, identity and home language.

e. Creating a physical environment that is welcoming to families.

10.7 The program plans and implements a wide variety of opportunities for families to be engaged in their child's education both within the program and in the family's home.

10.8 The program makes efforts to accommodate families with special needs and circumstances so that they can take full advantage of family engagement opportunities.

10.9 The program has a system that supports teaching staff in developing competencies to enhance families' involvement in the program and in their child's learning and development.

Classroom Level

Classroom level family engagement emerges from the program level written plan as it is translated into individual teacher and staff practices with families.

10.10 Teaching staff implement intentional practices designed to foster strong reciprocal relationships with families from the first contact and maintain them over time.

10.11 Teaching staff communicate with families to gather information about their child's interests, approaches to learning and developmental needs, and to learn about their concerns and goals for their children. This information is incorporated into ongoing classroom planning.

10.12 Teaching staff collect information from individual families for use in designing family engagement opportunities appropriate to their interests and circumstances.

10.13 Teaching staff communicate with families in a variety of ways on at least a weekly basis regarding children's activities and developmental milestones, shared caregiving issues, and other information that affects the well-being and development of their children.

10.14 Teaching staff plan and implement a continuum of opportunities so that families:

a. Know what young children should know and be able to do as articulated in the RI Early Learning Standards.
b. Recognize how standards-based programs support their child's learning.
c. Understand and embrace the positive role that parents play in supporting their child in learning at home and in the program.

10.15 Teaching staff use a variety of resources to communicate with families who speak languages different from their own and, whenever possible, provide information for families in their primary language.

IV. STATE LAW (RIGL 16-48) RELATED TO EDUCATIONAL SERVICES TO VERY YOUNG CHILDREN

CHAPTER 16-48: EDUCATIONAL SERVICES TO VERY YOUNG CHILDREN

SECTION
16-48-1. Applicability
16-48-2. Establishment and operation of schools and programs
16-48-3. Rules and Regulations
16-48-4. Enforcement
16-48-5. Revocation of approval
16-48-6. Penalty

16-48-1. Applicability. -- This chapter shall pertain to private nursery schools and such other regular programs of educational services to children between the ages of two (2) years, eight (8) months and six (6) years of age where such schools and programs operate one or more sessions daily. It does not include bonafide kindergarten and nursery classes which are part of a non-public elementary school system.

16-48-2. Establishment and operation of schools and programs.
(a) No person, unincorporated society, association, or corporation desiring to operate a school or program as defined in this chapter shall be permitted to establish and maintain such a school or program unless and until an application has been filed with the Commissioner of Education and suitable provision has been made to fulfill such minimum requirements of adequate faculty, health, safety, sanitation, site, physical plan, educational program and such other standards as may be established through rules and regulations promulgated by the Commissioner of Education. Upon satisfactory compliance with the standards as established by the Commissioner of Education, along with the certification by the appropriate fire, health and building inspectors, such school or program shall be approved for a period of one year, which approval shall require renewal unless sooner revoked by said Commissioner for cause.
(b) Upon application to establish a school or program as defined in this chapter or to renew the application, the applicant will submit the names of its owner, officers, and employees. The commission may request the bureau of criminal identification of the state police to conduct a nationwide criminal records check of the owners, officers, and employees of the school or program and the bureau of criminal identification of the state police will conduct criminal records checks on request. To accomplish nationwide criminal records checks, the commissioner may require owners, officers, and employees of the schools or programs to be fingerprinted by the bureau of criminal identification of the state police. The commissioner may examine these criminal records checks to aid in determining the suitability of the applicant for approval or renewal of approval.

16-48-3. Rules and Regulations. -- The Commissioner of Education shall make all necessary rules and regulations as he shall deem necessary or expedient, in conformity with the provisions of this chapter and not contrary to law, for the necessary accreditation of the schools and programs, and he shall do all things and perform all acts necessary to enforce the provisions of this chapter.

16-48-4. Enforcement -- It shall be the duty of the Commissioner of Education to prosecute any person, firm or corporation violating the provisions of this chapter, and the director of said department of any duly authorized agent thereof may make complaint for the violation of the provisions of said chapter, and such director or such agent making such complaint shall not be required to give surety for the payment of cost.

16-48-5. Revocation of approval. -- The Commissioner of Education may revoke or refuse to renew the approval of any nursery school or program so approved upon reasonable notice to such school authorities and/ provided further that a hearing on such revocation shall be afforded such parties. Grounds for revocation or refusal to renew shall include: failure to maintain standards; refusal to submit proper reports or records; refusal to admit authorized representatives of the department; furnishing or making misleading or false statements of reports; failure to maintain adequate financial resources; or for

any other cause which, in the opinion of the Commissioner, may be detrimental to the health/ education, safety/ or welfare of the children involved.

16-48.6. Penalty. -- Every person who violates any of the provisions of this chapter by conducting such a school or program without first having obtained approval as herein provided or who shall refuse to permit a reasonable inspection and examination of such a facility as herein provided or who shall intentionally make any false statements or reports to the Commissioner of Education or his agents with reference to the matters contained herein or who conducts such facility after approval has been revoked or suspended, shall, upon conviction of the first offense be imprisoned for a term not exceeding six (6) months or be fined not exceeding one hundred dollars ($100.00) for each week that such facility shall have been maintained without approval, and on the second or subsequent offense shall be imprisoned for a term not exceeding (1 year) or be fined not exceeding five hundred dollars ($500.00) for each week that such facility shall have been maintained without approval or both such fine and imprisonment.

CHAPTER 16-48.1: CERTIFICATION OF PERSONNEL PROVIDING EDUCATIONAL SERVICES TO VERY YOUNG CHILDREN

SECTION
16-48.1-1. Definitions
16-48.1-2. Qualification
16-48.1-3. Employment background checks
16-48.1-4. Criminal records checks -- Operations
16-48.1-5. Criminal records check -- Employee
16-48.1-6. Prior criminal records checks
16-48.1-7. Rules and regulations
16-48.1-8. Destruction of fingerprint records

16-48.1-1. Definitions. --
(1) . The term “commissioner‖ means the commissioner of elementary and secondary education or the designee of the commissioner.
(2) The term “person‖ when used to describe the owner or operator of a facility which must be licensed or registered with the commissioner includes individuals, associations, and corporations.

16-48.1-2. Qualification. -- Notwithstanding any other provisions of law to the contrary/ any person seeking to operate or seeking employment in any facility covered under § 16-48-1, if the employment involves supervisory or disciplinary power over a child or children or involves frequent and routine contact with a child or children without the presence of other employees, shall undergo an employment background check and criminal records check as provided for in this chapter. The commissioner may by rule identify those positions requiring background checks and criminal record checks.

16-48.1-3. Employment background checks. -- Any person seeking to operate a facility covered under § 16-48-1 will submit an affidavit to the commissioner providing information relating to individual employment history as shall be required by rule promulgated by the commissioner. Any person operating a facility covered under § 16-48-1 shall require all persons seeking employment, if the employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, to execute a similar affidavit prior to employment and will maintain the affidavit on file subject to inspection by the commissioner. Failure to require the affidavit or failure to maintain the affidavit on file will be prima facie grounds to revoke the authority of the facility to operate.

16-48.1-4. Criminal records checks -- Operations. -- Any person seeking to operate a facility covered under § 16-48-1 shall apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal records check. The check will conform to the applicable federal standards including the taking of fingerprints to identify the applicant. The commissioner will determine by rule those items of information appearing on a criminal records check which constitute disqualifying information because the information would indicate that the operation or, in the case of an employee, the

employment could endanger the health or welfare of a child or children. Upon the discovery of any disqualifying information with respect to a proposed operator, the bureau of criminal identification of the state police or the local police department will inform the commissioner in writing of the nature of the disqualifying information.

16-48.1-5. Criminal records check -- Employee. -- Any person seeking employment/ if the employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, in any facility covered under § 16-48-1 shall, after acceptance by the employer of the affidavit required by § 16-48.1-3, apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal records check. The check will conform to applicable federal standards including the taking of fingerprints to identify the applicant. Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the commissioner, the bureau of criminal identification of the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information. In addition, the bureau of criminal identification of the state police or the local police department will inform the employer, in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying information has been discovered. In those situations in which no disqualifying information has been found, the bureau of criminal identification of the state police or the local police department will inform both the applicant and the employer, in writing, of this fact. The employer will maintain on file, subject to inspection by the commissioner, evidence that the criminal records checks have been initiated on al~ employees seeking employment after August 1, 1985/ and the results of the checks. Failure to maintain that evidence on file will be prima facie grounds to revoke the license or registration of the operator of the facility. It will be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the nationwide criminal records check pursuant to this section. The nationwide criminal records check will be provided to the applicant for employment without charge.
16-48.1-6. Prior criminal records checks. -- If an applicant for employment has undergone a nationwide criminal records check pursuant to § 16-48.1-4 within eighteen (18) months of an application for employment, then an employer may request from the bureau of criminal identification of the state police or the local police department a letter indicating if any disqualifying information was discovered. The bureau of criminal identification will respond by stating if an item of disqualifying information was discovered without disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the requirements of § 16-48.1-4.

16-48.1-7. Rules and regulations. -- The commissioner is authorized to promulgate rules and regulations to carry out the intent of this chapter.

16-48.1-8. Destruction of fingerprint records. -- At the conclusion of any background check required by this chapter, the state police or the local police department will promptly destroy the fingerprint card of the applicant.