10-148 CMR Ch. 32, Child Care Facility Licensing Rule Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Programs

- 6. No Child Care Facility shall care for more Children than the license allows. Child Care Facilities must only care for Children within the age range of the license issued and within the proper staff-Child ratios for those age ranges.
 - **a.** Changes in capacity or age range may be made at the discretion of the Department, and when necessary, with the approval of the local code enforcement and the State Fire Marshal's Office.
 - **b.** The license may be amended or reissued to increase or decrease the number of Children allowed or to change the age range of Children that may be cared for by the Child Care Facility.
- **B. Qualifications of the Applicant and Director**. The Applicant and proposed Director must demonstrate their willingness and ability to operate and manage the Child Care Facility with mature judgment, compassionate regard for the best interests of Children and consistent compliance with these regulations and all relevant laws. In making this determination, the Department shall consider each of the following factors to the extent that they are relevant to the proposed Applicant and Director of the Child Care Facility:
 - **1.** Record and reputation of honest and lawful conduct in business and personal affairs, including but not limited to:
 - a. Arrests, indictments or convictions;
 - **b.** Investigation by Child Protective Services or the Out-of-Home Investigation Unit of the Department;
 - c. The removal of Children from the Applicant's or Director's care or custody by court order;
 - **d.** Any protection from abuse order or any other order that makes a finding of domestic abuse or family violence; and/or
 - e. Any prior licensing investigations, conditional licenses, license suspensions, application denials, fines and/or revocations regarding a Child care license or approval issued to the Applicant or Director.
 - 2. Conduct which demonstrates an understanding of, and compliance with this rule;
 - 3. Information which relates to the ability or willingness to comply with all applicable laws and rules;
 - **4.** Any information reasonably related to the ability to provide safe and developmentally appropriate Child care;
 - 5. Relevant experience, including the capacity to manage the financial operations and staff of the Child Care Facility for which the license is sought; experience in the field of Child care, Child development or areas related to the provision of Child care services.
 - 6. The applicant must authorize the Department to review the records of the following entities to determine compliance with this rule, as part of the license application and renewal processes: criminal history and driving record, when applicable; court records; Maine and national sex offender registries; Child Protective Services, and Out of Home Investigations.

10-148 CMR Ch. 32, Child Care Facility Licensing Rule Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Programs

- **iv.** Child Care Staff Members working alone may not have physical limitations that would impact the Child Care Staff Member's ability to safely care for, supervise or respond to the needs of Children in care.
- **c.** All Child Care Staff Members responsible for, or assisting with, the care of Children must exercise good judgment in the handling of Children, demonstrate consistent compliance with this rule and all relevant laws, and must not engage in any action or practice detrimental to the welfare of the Children.
- 2. All Child Care Staff Members must be able to perform their assigned tasks and meet all requirements in this rule. No alcohol, tobacco, recreational marijuana, or illegal drugs may be consumed while on duty. Prescribed drugs or certified Medications that do not impair the ability of the Child Care Staff Member to care for Children are allowed.
- **3.** Facilities licensed for 3 12 Children must employ a primary caregiver, Director and/or lead teacher who is:
 - **a.** At least 18 years of age, and who holds a current certification in adult and pediatric first aid and Cardio-Pulmonary Resuscitation (CPR); and
 - **b.** Has completed at least 6 hours of pre-licensing training in healthy, safe environments; Child development; observation and assessment; developmentally appropriate practice; guidance; relationships with families; individual and cultural diversity; Children with special needs; business and professional development; and Child care practices.
- 4. Facilities licensed for 13-20 Children must employ a minimum of one director or lead teacher. The Director/lead teacher may be the owner of the Child Care Facility. The director and/or lead teacher must be at least 21 years of age and must meet one of the following requirements:
 - **a.** Graduation from an accredited high school or its equivalent, and 12 months of employment in a licensed Child Care Program and 12 hours of training in healthy, safe environments; Child development; observation and assessment; developmentally appropriate practice; guidance; relationships with families; individual and cultural diversity; Children with special needs; business and professional development, Child care, or early Childhood education; or
 - **b.** 30 credit hours of college courses including six credit hours in early Childhood education or closely related subjects and six months of experience (employment or college practicum) in a licensed Child Care Program; or
 - **c.** Current Child Development Associate (CDA) credential as awarded by the Council for Professional Recognition, or a Maine State-approved credential, and six months of direct Child care experience (employment or college practicum).
- 5. Facilities licensed for 21 49 Children must employ a Director and/or lead teacher who is at least 21 years of age, and meets one of the following requirements:
 - a. An Associate Degree in Arts/Associate in Science (AA/AS) in Early Childhood Education; or
 - **b.** An AA/AS with 12 credits in Early Childhood Education or a Department-approved related field, and two years of direct Childcare experience; or