

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.

iii. If Children over the age of eight are outdoors and a Child Care Staff Member is not physically present, the play area must be enclosed by fencing and the facility must remain in compliance with Section 7(D)(1)(a)(i) of this rule.

b. In Child Care Facilities serving 13 or more Children, a Child Care Staff Member must be able to see and hear all Children, be responsible for the ongoing activity of the Children, and be able to provide prompt intervention when needed.

2. When Children are grouped by age in programs serving 13 or more Children, groupings of Children must be within an individual room, or a specific area within a large room, separated by a partition which visually and physically separates groups of Children. The area must be defined by a visible barrier, partition or other room divider having a height above the eye level of the Children who will use that area.

3. The Child Care Facility must provide direct supervision, by awake Child Care Staff Members, to Children while maintaining staff-Child ratios during napping and/or sleeping.

a. One Child Care Staff Member may leave the group setting for periods of no longer than five minutes to attend to personal or programmatic needs, as long as that Child Care Staff Member continues to be available in an emergency.

b. Dimmed, but adequate, lighting to allow visual supervision of all Children must be maintained at all times.

c. Monitors providing both video and audio may be considered as an acceptable form of supervision in an adjacent nap space. Sleeping Children must be checked in person at a minimum every 30 minutes.

4. Child Care Staff Members must attend to a Child crying or crying out.

E. Crisis plan. The Facility must develop and follow a written plan for obtaining help in an emergency when only one Child Care Staff Member is present.

F. Personnel Qualifications.

1. All Child Care Staff Members working without supervision must be at least 18 years old. 16 and 17-year-old Child Care Staff Members must be directly supervised by another staff person over the age of 18.

a. All Child Care Staff Members must have a high school diploma or equivalent, be attending high school, or be enrolled in a General Educational Development (GED) preparation program or the High School Equivalency Test (HiSET) preparation program.

b. All Child Care Staff Members must demonstrate the following:

i. The ability and willingness to comply with all applicable laws and rules;

ii. The ability to provide safe and compassionate services;

iii. A history of honest and lawful conduct; and

- 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

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- c. 30 college credits in Early Childhood Education, and one year of direct Child care experience; or
 - d. Child Development Associate (CDA) as awarded by the Council for Professional Recognition or a Maine State-approved credential, and three years' direct Child care experience; or
 - e. Five years of direct Child care experience, and 135 hours of training in early childhood education including healthy, safe, and inclusive environments; Child development; observation and assessment; developmentally appropriate practice; guidance; relationships with families; and cultural diversity.
- 6. Facilities licensed for 50 or more 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. A Bachelor of Science/Bachelor of Arts (BA/BS) in Early Childhood Education; or
 - b. A BA/BS in a Department-approved related field with 18 credit hours in Early Childhood Education and three years of direct Child care experience; or
 - c. An Associate in Arts/Associate in Science (AA/AS) in Early Childhood Education and three years of direct Child care experience; or
 - d. An AA/AS in a related field with 18 credit hours in Early Childhood Education and three years of direct Childcare experience;
 - e. Current CDA as awarded by the Council for Professional Recognition or a Maine State-approved credential, with five years of direct Childcare experience;
 - f. Seven years of experience and 180 hours of training in the topics listed in Section 7(F)(4)(e) above; or
 - g. Meet Level 5, 6, 7, or 8 on the Maine Roads to Quality Career Lattice.
- 7. The lead teacher or person having the primary responsibility for a group of Children in a program with 13 or more Children must be at least 18 years of age and meet one of the following requirements:
 - a. Current CDA as awarded by the Council for Professional Recognition or a Maine State-approved credential; or
 - b. 12 months of direct Child care experience; or
 - c. One year (30 credit hours) of college work including one course in a Child related subject and six months experience.
- 8. Directors and/or lead teachers of school-age Child Care Facilities must have an AA/AS in Early Childhood Education or 30 college credits in a closely related field such as elementary education, Child development, or recreation management.