

ARKANSAS V. MISSOURI
DIFFERENCES IN CHILD CARE FACILITY LICENSING LAWS

Arkansas	Missouri	
<p>“Childcare facility” means any facility which provides care, training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit and whether or not the facility makes a charge for the services offered by it.</p> <p>In any case where a facility or the owner or operator thereof is appointed guardian of a total of ten (10) or more minors, it shall be presumed that the facility, owner, or operator is engaged in child care and shall be subject to childcare facility licensure.</p> <p>§ 20-78-202</p>	<p>"Child-care facility" or "child care facility", a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:</p> <p>(a) Six children; or (b) Three children under two years of age;</p> <p>§ 210.201</p>	<p>Arkansas and Missouri differ on the definition of “child care facility”.</p> <p>Under Missouri law, a house or other place is a child care facility if more than six (6) children are provided with care or three (3) child under two years of age are provided with care.</p> <p>Under Arkansas law, a child care facility is a facility that “provides care, training, education or supervision for any unrelated minor child”.</p> <p>However, under Arkansas law there is a presumption that a place is a child care facility if at least ten (10) or more minors are under the guardianship of the owner or operator of the facility.</p>
	<p>Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care.</p> <p>No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.</p> <p>A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility.</p>	<p>Missouri requires child care facilities to disclose their licensure status to parents and guardians. Parents and guardians must sign a notice of being advised of the licensing status of the facility. Child care facilities must also provide parents and guardians with a written explanation of the disciplinary philosophy and policies of the child care facility.</p> <p>Arkansas does not have a similar statute.</p>

<p>Parents shall not be denied access to their child at any time during hours of operation.</p> <p>(Clarification: The intent of this rule is to ensure that the parent(s) or guardian(s) is able to have contact with their child during hours of care. It is not intended to be a determining factor in child custody/visitation matters, nor should it be used to circumvent court ordered custody/visitation rights or schedules. Facilities should encourage parents to resolve custody/visitation issues outside of the care environment. Parents should be informed that continuing problems could result in the dismissal of their child.)</p> <p><i>Child Care Center Licensing Requirements</i></p>	<p>The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.</p> <p>§ 210.211</p>	
<p>Any person, partnership, group, corporation, organization, or association desiring to operate a childcare facility shall first make application for a license for a childcare facility to the Division of Child Care and Early Childhood Education on the application forms furnished for this purpose by the division.</p> <p>§ 20-78-210</p>	<p>Any parent or guardian of a child shall have access to the child care facility in which his child is enrolled and which is licensed [...] and shall have access to the providers of care in such facilities during normal hours of operation or when a child of such parent or guardian is in the care of such facility or provider, unless such parent or guardian is subject to a court order restricting access to the child.</p> <p>§ 210.215</p>	<p>Missouri codified the right of a parent or guardian of a child who attends a licensed child care facility to have access to the care facility and the providers of care in the child care facility. There is an exception for when a parent or guardian is subject to a court order restricting access to the child.</p> <p>Arkansas does not have a similar statute. However, the access rights of a parent are addressed in the regulations. Parents cannot be denied access to their child at any time during a child care facility's hours of operation.</p>
<p>Any person, partnership, group, corporation, organization, or association desiring to operate a childcare facility shall first make application for a license for a childcare facility to the Division of Child Care and Early Childhood Education on the application forms furnished for this purpose by the division.</p> <p>§ 20-78-210</p>	<p>Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.</p> <p><i>Licensing Rules for Group Child Care Homes and Child Care Centers</i></p>	<p>Under Missouri law, any person planning to offer day care for more than four (4) unrelated children must apply for a license.</p> <p>Under Arkansas law, any person desiring to operate a facility must apply for license.</p>

<p>A home requires licensing when one (1) or more persons care for six (6) or more children, from more than one (1) family at the same time. A maximum of sixteen (16) children may be cared for with a Child Care Family Home license.</p> <p><i>Minimum Licensing Requirements for Child Care Family Homes</i></p>	<p>Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.</p> <p><i>Licensing Rules for Family Day Care Homes</i></p>	<p>Under Missouri law, a family day care home is required to have a license when there are four (4) or more unrelated children being cared for in the home.</p> <p>Under Arkansas law, a license is required for a family day care home when one (1) or more persons care for six (6) or more children.</p>
<p><u>Evening & Night Care: Program Requirements</u> Night care is defined as any care provided after midnight.</p> <ol style="list-style-type: none"> The caregiver shall remain awake at all times children are in care. (Alternative Compliance may be requested to allow the caregiver to sleep after the children are in bed for the night. For this request to be approved, consideration will be given to the overall level of licensing compliance, the use of motion detectors and/or other alarms to alert the caregiver if children leave the sleeping area, the ages, numbers and sex of the children in overnight care and written notification to parents that the caregiver will be sleeping during overnight care.) There shall be a plan for evacuating children to safety in case of fire or emergency. Children arriving in the daylight hours shall have outdoor play, weather permitting. Older children shall have time for reading or doing homework during the school year. Homes with only one caregiver shall limit care to no more than two (2) shifts (18 hours) per twenty four (24) hour period. Homes offering twenty-four (24) hour care 	<p><u>Nighttime Care</u> PURPOSE: This rule sets forth requirements for facilities providing nighttime care for children.</p> <ol style="list-style-type: none"> If nighttime care is to be offered on a regular basis, rules shall be met as set forth for nighttime care and the home shall be specifically licensed to include nighttime care. Family day care homes licensed for nighttime care shall meet the requirements of the following additional rules: <ol style="list-style-type: none"> Special effort shall be made by the child care provider to individualize care at children's bedtime and awakening. The parent(s) shall be consulted concerning his/her child's particular behavior patterns at bedtime and awakening; As parents will be calling for children at various hours during nighttime care, room arrangements shall take into consideration the child's need for undisturbed sleep; Combs, brushes, toothbrushes or other personal items shall be individually marked with the child's name; Night-lights shall be located in areas as required by individual children's needs; Separate sleeping and dressing areas shall be provided for school-age boys and girls; and 	<p>Under Missouri law, a child care facility must be licensed to provide nighttime care. Arkansas does not have the same requirement.</p> <p>Missouri and Arkansas have different additional requirements for nighttime care.</p> <p>For example, Missouri requires the provider in a family day care home to be in close proximity to the sleeping child. Whereas, in a group child care home or child care center, at least one (1) care provider must be awake at all times. There does not appear to be alternative compliance for these requirements.</p> <p>Arkansas requires the caregiver/staff members to be awake at all times. Child care family homes may request alternative compliance to allow for sleep after the children are in bed for the night.</p>

shall provide a schedule verifying that they have made provisions for a secondary caregiver to provide relief care for one shift. (Alternative compliance may be requested by caregivers who provide twenty-four (24) hour care and who do not have a secondary caregiver. For this request to be approved, consideration will be given to the overall level of compliance with the licensing requirements and to the number and ages of children in care during the third shift.)

5. Evening meals shall be served. The Licensee shall ensure that children spending the night are served breakfast.

6. Drinking water shall be available to children during the night.

7. Bathing facilities shall be available. Hot water shall be available. Children shall not take baths together or share the same bath water. Tubs or showers shall be cleaned after each use. Children shall be given fresh washcloths and towels. Preschool children shall never be left alone when bathing. Privacy shall be ensured for school age children.

8. Each child in night care shall be given a bed or cot with mattress or pad and a pillow. a. If linens become soiled, they shall be changed. Protective mattress covers shall be used and washed at least weekly. b. Each child's bed or cot shall have a cover available. c. Bed or cots shall be arranged at least one foot apart.

f. During sleeping hours, the provider or assistant(s) shall be in close proximity to sleeping areas in order to respond to children needing attention. Close proximity means that the provider shall be close enough to the children to be able to hear any sounds they might make that would indicate a need for assistance

Licensing Rules for Family Day Care Homes

Nighttime Care

PURPOSE: This rule sets forth requirements for facilities providing nighttime care for children.

(1) If nighttime care is to be offered on a regular basis, rules shall be met as set forth for nighttime care and the facility shall be specifically licensed to include nighttime care.

(2) Facilities licensed for nighttime care shall meet the requirements of the following additional rules:

- a. Special effort shall be made by caregivers to individualize care at children's bedtime and awakening. The parent(s) shall be consulted concerning his/her child's particular behavior patterns at bedtime and awakening;
- b. As parents will be calling for children at various hours during nighttime care, room arrangements shall take into consideration the child's need for undisturbed sleep;
- c. Combs, brushes, toothbrushes or other personal items shall be individually marked with the child's name;
- d. Night-lights shall be located in areas as required by individual children's needs;
- e. Separate sleeping and dressing areas shall be provided for school-age boys and girls;

Minimum Licensing Requirements for Child Care Family Homes

Evening & Night Care Variations

Night care is any care provided after midnight.

301 Staff/Child Ratio 1. Staff members shall be awake at all times and shall have children in view at all times.

401 Program Requirements 1. Evening quiet time activity shall be provided to each child arriving before bedtime.

701 Nutrition Requirements 1. Children who are in care overnight shall be provided with a breakfast prior to leaving for school or other activities. 2. Supper shall be provided to children during evening meal hours. 3. Snacks meeting the current U.S. Department of Agriculture guidelines shall be provided to children in attendance for more than 2 ½ hours prior to bedtime.

1002 Sleeping Arrangements 1. Bedtime schedules shall be established for children in consultation with the child's parent(s). 2. Storage space for clothing and personal belongings shall be provided within easy reach of the children. 3. Individual beds or cots equipped with comfortable mattresses, sheets, pillows, pillow cases and blankets shall be provided for children in all-night care. Bed linens shall be changed at least once a week or daily when wet or soiled. 4. Mats may be used for children in evening care. 5. The upper level of double deck beds shall be allowed for children 10 years or older if a bed rail and safety ladder is provided. 6. Children shall have clean and comfortable sleeping garments for their individual use.

f. During sleeping hours, caregivers shall be in close proximity to sleeping areas in order to respond to children needing attention. Close proximity means that caregivers shall be close enough to the children to be able to hear any sounds they might make that would indicate a need for assistance. One (1) caregiver shall be awake at all times; and

g. Adults on the premises shall be limited to staff, parents or authorized individuals.

Licensing Rules for Group Child Care Homes and Child Care Centers

1105 Toilet Facilities 1. There shall be age appropriate bathing facilities available for all children. For children 2 ½ years of age and older in night care (after midnight), there shall be a bathtub or shower available. Bathtubs and showers shall be equipped to prevent slipping. 2. Bathrooms shall be located near the sleeping areas. 56 3. No child under 6 years of age shall be left alone or with another child while in the bathtub or shower.

Child Care Center Licensing Requirements

Evening & Night Care Program Requirements

Night care is any care provided after midnight.

1. The caregiver shall remain awake at all times children are in care. Alternative compliance may be requested to allow the caregiver to sleep after the children are in bed for the night. For this request to be approved, consideration will be given to the overall level of licensing compliance, the use of motion detectors and/or other alarms to alert the caregiver if the children leave the sleeping area, the ages and number and sex of the children in overnight care and written notification to parents that the caregiver will be sleeping during overnight care.
2. There shall be a plan for evacuating children to safety in case of fire or emergency.
3. Children arriving in the daylight hours shall have outdoor play, weather permitting. Older children shall have time for reading or doing homework during the school year.
4. Evening meals shall be served. The home shall ensure that children spending the night are served breakfast.

5. Drinking water shall be available to children during the night.

6. Bathing facilities shall be available. Hot water shall be available. Children shall not take baths together or share the same bath water. Tubs or showers shall be cleaned after each use. Children shall be given fresh washcloths and towels. Preschool children shall never be left alone when bathing. Privacy shall be ensured for school age children.

7. Children in night care shall be given a bed or cot with mattress or pad and a pillow. a. If linens become soiled, they shall be changed. Protective mattress covers shall be used and washed at least weekly. b. Each child's bed or cot shall have a cover available. c. Beds or cots shall be arranged at least one foot apart.

8. Homes with only one caregiver shall limit care to no more than two shifts (18 hours) per 24 hour period. Homes offering 24 hour care shall provide a schedule verifying that they have made provisions for a secondary caregiver to provide relief for one shift. (Alternative Compliance may be requested by caregivers who provide 24 hour care and who do not have a secondary caregiver. For this request to be approved, consideration will be given to the overall level of compliance with registration requirements and to the number and ages of children in care during the third shift.)

Registered Child Care Family Home Licensing Requirements

<p>If an applicant meets the requirements of this subchapter and the published rules of the division regarding minimum standards for a childcare facility, then the applicant shall be granted a license by the division as a childcare facility. This license shall continue in effect until revoked or suspended as provided in this subchapter.</p> <p>§ 20-78-210</p>	<p>The official license shall be granted for up to two (2) years and may be renewed upon reapplication and inspection.</p> <p><i>Licensing Rules for Family Day Care Homes</i></p> <p><i>Licensing Rules for Group Child Care Homes and Child Care Centers</i></p>	<p>Missouri regulations provide that licenses are granted for two (2) year terms and then renewal of the license is required.</p> <p>Arkansas law does not have renewal provisions for licensing.</p> <p>Under Arkansas law, licenses remain in effect until suspended or revoked.</p>
<p>All caregivers, including volunteers who are counted in the ratios, shall receive the following orientation within three (3) months of employment (and every three (3) years thereafter) and shall not be left alone with children until this is completed. 1. Introduction (8 clock hours): [...] c. Safe sleep practices for infants</p> <p><i>Child Care Center Licensing Requirements</i></p> <p><i>Licensed Child Care Family Home Licensing Requirements</i></p> <p><i>Registered Child Care Family Home Licensing Requirements</i></p>	<p>All licensed child care facilities that provide care for children less than one year of age shall implement and maintain a written safe sleep policy in accordance with the most recent safe sleep recommendations of the American Academy of Pediatrics.</p> <p>The purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome and sudden unexpected infant deaths in children less than one year of age.</p> <p>§ 210.223</p>	<p>Missouri codified the safe sleep policy. Child care facilities must implement and maintain a written safe sleep policy.</p> <p>Arkansas has not codified the safe sleep policy. However, Arkansas regulations require caregivers to receive training in safe sleep practices.</p>
	<p>Child-care facilities operated by religious organizations [...] shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.</p> <p>§ 210.254</p>	<p>Missouri requires religious organizations that operate a facility to provide parents and guardians with a notice of parental responsibility.</p> <p>Arkansas does not have a similar statute.</p>

	<p>The provisions of this section and section 210.259 apply to a child care facility maintained or operated under the exclusive control of a religious organization.</p> <p>Nothing in sections 210.252 to 210.257 shall be construed to authorize the department of health and senior services or any other governmental entity:</p> <ul style="list-style-type: none"> (1) To interfere with the program, curriculum, ministry, teaching or instruction offered in a child care facility; (2) To interfere with the selection, certification, minimal formal educational degree requirements, supervision or terms of employment of a facility's personnel; (3) To interfere with the selection of individuals sitting on any governing board of a child care facility; (4) To interfere with the selection of children enrolled in a child care facility; or (5) To prohibit the use of corporal punishment. However, the department of health and senior services may require the child care facility to provide the parent or guardian enrolling a child in the facility a written explanation of the disciplinary philosophy and policies of the child care facility. <p>§ 210.258</p>	<p>Under Missouri law, governmental interference with religious organizations that run facilities that are under the exclusive control of the religious organization is prohibited.</p> <p>Arkansas does not have a similar statute.</p>
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<p>As used in this section, the following criminal offenses apply to this section unless the record of the offense is expunged, pardoned, or otherwise sealed:</p> <ol style="list-style-type: none"> (1) Criminal attempt, § 5-3-201, criminal complicity, § 5-3-202, criminal solicitation, § 5-3-301, or criminal conspiracy, § 5-3-401, to commit any of the offenses in this subsection; (2) Capital murder, § 5-10-101; (3) Murder, §§ 5-10-102 and 5-10-103; (4) Manslaughter, § 5-10-104; (5) Negligent homicide, § 5-10-105; (6) Kidnapping, § 5-11-102; (7) False imprisonment, §§ 5-11-103 and 5-11-104; (8) Permanent detention or restraint, § 5-11-106; (9) Robbery, §§ 5-12-102 and 5-12-103; (10) Battery, §§ 5-13-201 — 5-13-203; (11) Assault, §§ 5-13-204 — 5-13-207; (12) Coercion, § 5-13-208; (13) Introduction of a controlled substance into the body of another person, § 5-13-210; (14) Terroristic threatening, § 5-13-301; (15) Terroristic act, § 5-13-310; (16) Any sexual offense, § 5-14-101 et seq.; (17) Voyeurism, § 5-16-102; (18) Death threats concerning a school employee or student, § 5-17-101; (19) Incest, § 5-26-202; (20) Domestic battery, §§ 5-26-303 — 5-26-306; (21) Interference with visitation, § 5-26-501; (22) Interference with court-ordered custody, § 5-26-502; (23) Endangering the welfare of an incompetent person, §§ 5-27-201 and 5-27-202; (24) Endangering the welfare of a minor, §§ 5-27-205 and 5-27-206; 	<p>Upon completion of the criminal background check, any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a licensed or license-exempt child care facility or an unlicensed child care facility registered with the department of social services and shall be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits if such person:</p> <ol style="list-style-type: none"> (1) Refuses to consent to the criminal background check as required by this section; (2) Knowingly makes a materially false statement in connection with the criminal background check as required by this section; (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry; (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or (5) Has pled guilty or nolo contendere to or been found guilty of: <ol style="list-style-type: none"> a. Any felony for an offense against the person as defined in chapter 565; b. Any other offense against the person involving the endangerment of a child as prescribed by law; c. Any misdemeanor or felony for a sexual offense as defined in chapter 566; d. Any misdemeanor or felony for an offense against the family as defined in chapter 568; e. Burglary in the first degree as defined in 569.160; f. Any misdemeanor or felony for robbery as defined in chapter 570; 	<p>Missouri law includes refusing to consent to a criminal background check, knowingly making a materially false statement in connection with the criminal background check, and registering or being required to register as a sex offender as disqualifying offenses.</p> <p>Arkansas law does not.</p>
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<p>(25) Contributing to the delinquency of a minor, § 5-27-209;</p> <p>(26) Contributing to the delinquency of a juvenile, § 5-27-220;</p> <p>(27) Permitting abuse of a minor, § 5-27-221;</p> <p>(28) Soliciting money or property from incompetent persons, § 5-27-229;</p> <p>(29) Engaging children in sexually explicit conduct for use in visual or print media, § 5-27-303;</p> <p>(30) Pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;</p> <p>(31) Transportation of minors for prohibited sexual conduct, § 5-27-305;</p> <p>(32) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;</p> <p>(33) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;</p> <p>(34) Computer crimes against minors, § 5-27-601 et seq.;</p> <p>(35) Felony abuse of an endangered or impaired person, § 5-28-103;</p> <p>(36) Theft of property, § 5-36-103;</p> <p>(37) Theft of services, § 5-36-104;</p> <p>(38) Theft by receiving, § 5-36-106;</p> <p>(39) Forgery, § 5-37-201;</p> <p>(40) Criminal impersonation, § 5-37-208;</p> <p>(41) Financial identity fraud, § 5-37-227;</p> <p>(42) Arson, § 5-38-301;</p> <p>(43) Burglary, §§ 5-39-201 and 5-39-204;</p> <p>(44) Breaking or entering, § 5-39-202;</p> <p>(45) Resisting arrest, § 5-54-103;</p> <p>(46) Felony interference with a law enforcement officer, § 5-54-104;</p> <p>(47) Cruelty to animals, §§ 5-62-103 and 5-62-104;</p> <p>(48) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;</p> <p>(49) Public display of obscenity, § 5-68-205;</p>		<p>g. Any misdemeanor or felony for pornography or related offense as defined in chapter 573;</p> <p>h. Any felony for arson as defined in chapter 569;</p> <p>i. Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;</p> <p>j. Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;</p> <p>k. A felony drug-related offense committed during the preceding five years; or</p> <p>l. Any similar offense in any federal, state, municipal, or other court of similar jurisdiction of which the director of the designated department has knowledge.</p>
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<p>(50) Promoting obscene materials, § 5-68-303; (51) Promoting obscene performance, § 5-68-304; (52) Obscene performance at a live public show, § 5-68-305; (53) Prostitution, § 5-70-102; (54) Patronizing a prostitute, § 5-70-103; (55) Promotion of prostitution, §§ 5-70-104 — 5-70-106; (56) Stalking, § 5-71-229; (57) Criminal use of a prohibited weapon, § 5-73-104; (58) Simultaneous possession of drugs and firearms, § 5-74-106; (59) Unlawful discharge of a firearm from a vehicle, § 5-74-107; (60) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; and (61) Sexual extortion, § 5-14-113.</p>		
<p>Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, a conviction or plea of guilty or nolo contendere for any of the offenses listed in this subsection, whether or not the record of the offense is expunged, pardoned, or otherwise sealed, shall result in permanent disqualification from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider and is not subject to subsection (d) of this section: (A) Any of the following offenses by any court in the State of Arkansas: i. Capital murder, § 5-10-101; ii. Murder in the first degree, § 5-10-102; iii. Murder in the second degree, § 5-10-103; iv. Kidnapping, § 5-11-102; v. Rape, § 5-14-103;</p>	<p>The prospective child care staff member or child care staff member may appeal a finding of ineligibility for employment or presence at a child care facility in writing to the department that made the determination of ineligibility to challenge the accuracy or completeness of the information contained in his or her criminal background check if his or her finding of ineligibility is based on one or more of the following offenses: a. Murder, as described in 18 U.S.C. Section 1111; b. Felony child abuse or neglect; c. A felony crime against children, including child pornography; d. Felony spousal abuse; e. A felony crime involving rape or sexual assault; f. Felony kidnapping;</p>	<p>Missouri law allows a person to appeal a criminal background check disqualification for criminal offenses that Arkansas lists as permanent disqualifications. Note that the appeal under Missouri law is to challenge the accuracy or completeness of the information on the criminal background check. This does not mean the disqualification for the offenses would be waived if it was determined that the criminal background check was accurate and complete, and the person was convicted of the disqualifying offenses or offenses. All other disqualifying offenses may be waived.</p>

<p>vi. Sexual assault in the first degree, § 5-14-124;</p> <p>vii. Sexual assault in the second degree, § 5-14-125;</p> <p>viii. Endangering the welfare of an incompetent person in the first degree, § 5-27-201;</p> <p>ix. Abuse of an endangered or impaired person, § 5-28-103, if it is a felony;</p> <p>x. Arson, § 5-38-301;</p> <p>xi. Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; and</p> <p>xii. Sexual extortion, § 5-14-113;</p> <p>xiii. (B) Any similar offense by a court in another state; or</p> <p>xiv. (C) Any similar offense by a federal court.</p> <p>§ 20-38-105</p>	<p>g. Felony arson;</p> <p>h. Felony physical assault or battery;</p> <p>i. A violent misdemeanor offense committed as an adult against a child, including the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving child pornography; or</p> <p>j. Any similar offense in any federal, state, municipal, or other court.</p> <p>(2) If a finding of ineligibility is based on an offense not provided for in subdivision (1) of this subsection, the prospective child care staff member or child care staff member may appeal to challenge the accuracy or completeness of the information contained in his or her criminal background check or to offer information mitigating the results and explaining why an eligibility exception should be granted.</p> <p>§ 210.1080</p>	<p>Arkansas law does not prohibit a person from showing that his or her criminal background check is inaccurate or incomplete in its reflection of a conviction of a permanently disqualifying offense. Permanently disqualifying offenses cannot be waived in Arkansas. All other disqualifying offenses may be waived.</p>
<p>201 Administrative Procedures</p> <p>1. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names, addresses, and telephone numbers of Board members shall be provided to the Licensing Specialist.</p> <p><i>Child Care Center Licensing Requirements</i></p>	<p>Organization and Administration</p> <p>PURPOSE: This rule defines the requirements for the organization and administration of group day care homes and child day care centers.</p> <p>(1) Each day care facility shall be organized according to written policies and procedures which clearly establish job responsibilities and lines of administrative authority.</p> <p>(2) If a group day care home is owned by a legal entity, the legal entity shall designate a person to be responsible for the daily operation of the facility and to meet the requirements of the group day care home provider. The department shall be notified in writing immediately if there is a change of the person designated to be responsible for the daily</p>	<p>Missouri regulations appear to be more expansive than Arkansas' with regard to administrative lines of authority and responsibility over the operation of a child care facility.</p>

	<p>operation of the facility and to meet the requirements of the group day care home provider.</p> <p>(3) When the responsibility for the operation of a facility rests with a board of directors, the department shall be notified in writing immediately if there is a change of the board president or chairperson.</p> <p>(4) The person(s) or legal entity who owns a day care facility shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for group day care homes and day care centers.</p> <p><i>Licensing Rules for Group Child Care Homes and Child Care Centers</i></p> <p><i>Licensing Rules for Family Day Care Homes</i></p>	
<p>A Child Care Family Home is defined as a situation in which children are cared for in a caregiver's own family residence or in some other suitable family type residence. There shall be no more than one license issued per home/structure. (This does not apply to situations such as duplex where two licenses could be issued to two separate applicants.)</p> <p>A home requires licensing when one (1) or more persons care for six (6) or more children, from more than one (1) family at the same time. A maximum of sixteen (16) children may be cared for with a Child Care Family Home license.</p> <p><i>Minimum Licensing Requirements for Child Care Family Homes</i></p>	<p>A family day care home or home, whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a family day care home provider for no more than ten (10) children not related to the provider for any part of the twenty-four (24)-hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.</p> <p><i>Licensing Rules for Family Day Care Home</i></p>	<p>Missouri law limits the number of children in a family day care home to ten (10) while Arkansas has a maximum limit of sixteen (16).</p>
<p>All caregivers, including volunteers who are counted in the ratios, shall receive the following orientation within three (3) months of employment (and every</p>	<p>The child care provider shall ensure that within seven (7) days of employment or volunteering and</p>	<p>Missouri law requires employee and volunteer orientation on licensing rules</p>

<p>three (3) years thereafter) and shall not be left alone with children until this is completed.</p> <p>1. Introduction (8 clock hours):</p> <ol style="list-style-type: none"> a. Proper supervision of children b. Behavioral guidance practices c. Safe sleep practices for infants d. Shaken baby syndrome; which includes prevention (Carter's Law, Act 1208) e. Appropriately responding to a crying/fussy infant/child f. Emergency procedures in the event of severe weather, or fire, including evacuation procedures and routes, and location, and use of fire extinguishers. g. Mandated reporter training h. Administering medication i. Caring for children with special needs / care plans j. Transportation and car seat safety k. Policies regarding release of children to authorized individuals l. Prevention and control of infectious diseases m. Building and physical premises safety, including the identification of, and protection from, hazards, bodies of water, and vehicular traffic n. Nutrition and physical activities o. Prevention and response to food sensitivities and allergic reactions p. Basic child development q. The handling and storage of hazardous materials and the appropriate disposal of bio contaminants. <p><i>Minimum Licensing Requirements for Child Care Family Homes</i></p>	<p>before being left alone with children that caregivers receive a facility orientation.</p> <p>The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver.</p> <p>The facility orientation shall include:</p> <ol style="list-style-type: none"> 1. A tour of the facility, indoors and outdoors; and 2. A review of the following: <ol style="list-style-type: none"> a. Licensing rules; b. The facility's license and its limitations, if any; c. The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies; d. The daily schedule; e. The assigned duties and responsibilities of staff; f. The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional or developmental needs; g. The location of children's records; h. The facility's safe sleep policy, if applicable; i. The facility's disaster emergency plan and the location of emergency information; and j. The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at https://apps.dss.mo.gov/OnlineCanReporting/default.aspx. <p><i>Licensing Rules for Family Day Care Homes</i></p>	<p>and on the facility's license and its limitations.</p> <p>Arkansas does not have a similar requirement.</p>
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<p>All caregivers who work directly with children shall obtain at least fifteen (15) hours of training, including child development training, registered with the Division of Child Care and Early Childhood Education Professional Development Registry, or Department of Education or Department of Higher Education approved training each year in continuing early childhood education.</p>	<p>Child Care Training. (A) The provider shall obtain at least twelve (12) clock hours of child care-related training during each calendar year. Any assistant working more than five (5) hours per week shall meet the same training requirements. Clock hour training shall be approved by the department.</p> <p><i>Licensing Rules for Family Day Care Homes</i></p>	<p>Missouri law requires at least twelve (12) hours of training annually in child care-related matters while Arkansas requires fifteen (15) hours.</p> <p>Additionally, Arkansas law requires at least ten (10) hours of early childhood education is required annually.</p>
<p><i>Minimum Licensing Requirements for Child Care Family Homes</i></p> <p>The caregiver shall obtain at least fifteen (15) hours of training, including child development training registered with the Division of Child Care and Early Childhood Education Professional Development Registry, Department of Education, or Department of Higher Education approved training each year in continuing early childhood education, which is approved by the Division.</p>	<p>Child Care Training. (A) The center director, group day care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall obtain at least twelve (12) clock hours of child-care related training during each calendar year. Clock hour training shall be approved by the department.</p> <p><i>Licensing Rules for Group Child Care Homes and Child Care Centers</i></p>	
<p><i>Registered Child Care Family Home Licensing Requirements</i></p> <p>All staff members who work directly with children shall obtain at least fifteen (15) hours of training each year in continuing Early Childhood Education. This training shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry or Department of Education or Department of Higher Education approved and shall 20 be geared toward the age group they spend the majority of their time with.</p>		
<p><i>Child Care Center Licensing Requirements</i></p> <p>All persons employed by a childcare facility who work directly with children shall receive at least ten (10) hours per year of continuing early childhood education as approved by the Division of Child Care</p>		

<p>and Early Childhood Education of the Department of Human Services. § 20-78-222</p>	<p>The home shall not exceed its licensed capacity at any time (see Regulation 801.3). Regulation 801.3. There shall be at least thirty-five (35) square feet of usable indoor space for each child in the Home. This area shall not include kitchens, bathrooms, hallways or closets.</p> <p><i>Minimum Licensing Requirements for Child Care Family Homes</i></p>	<p>(A) If there is one (1) adult provider, the home may be licensed for up to six (6) children including a maximum of three (3) children under age two (2), or for up to ten (10) children including a maximum of two (2) children under age two (2), or both. If only four (4) children are present, all the children may be under the age of two (2). (B) If the provider has an assistant present, the home may be licensed for up to ten (10) children including a maximum of four (4) children under age two (2) or for up to eight (8) children who may all be under age two (2). (C) A family day care home may be licensed at maximum capacity for a period of eighteen (18) consecutive hours of the twenty-four- (24-) hour day. For the remaining six (6) hours of the twenty-four- (24-) hour day, care may be provided for one-third (1/3) the licensed capacity of the home.</p> <p><i>Licensing Rules for Family Day Care Homes</i></p>	<p>Missouri and Arkansas have different methods for determining licensing capacity for family child care homes.</p>
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<p>Child Care Licensing may require a physician's statement for any caregiver anytime behavioral or physical indicators warrant.</p> <p><i>Child Care Center Licensing Requirements</i></p>	<p>Medical examination reports for all adults working in the facility, as required by 19 CSR 30-62.122 Medical Examination Reports, shall be on file at the facility and available for review.</p> <p><i>Licensing Rules for Group Child Care Homes and Child Care Centers</i></p> <p>Medical examination reports for the provider and child care assistants as required by 19 CSR 30-61.125 Medical Examination Reports, shall be on file at the home and available for review.</p> <p><i>Licensing Rules for Family Day Care Homes</i></p>	<p>Under Missouri law, medical examination reports are required for all employees of a facility.</p> <p>Arkansas law provides that Child Care Licensing may require a physician's statement for any caregiver when behavioral or physical indicators warrant.</p>
<p>The home shall not exceed its licensed capacity at any time (see Regulation 801.3).</p> <p>Regulation 801.3. There shall be at least thirty-five (35) square feet of usable indoor space for each child in the Home. This area shall not include kitchens, bathrooms, hallways or closets.</p> <p><i>Minimum Licensing Requirements for Child Care Family Homes</i></p>	<p>Overlap Care of Children PURPOSE: This rule defines overlap care and sets forth the requirements for overlap care.</p> <p>(1) There may be situations (for example, to accommodate parents' work shifts, before and after school care or before- and after summer camp care) when the number of children in care may exceed the licensed capacity of the facility at the time of overlap. The number in care shall never be more than one-third (1/3) over the licensed capacity of the facility. The overlap period(s) shall not exceed two (2) hours total in any twenty-four (24)-hour child-care day. The two (2) hours of available overlap time may be utilized in smaller time periods.</p> <p>(2) Overlap care shall not be provided until an overlap request has been submitted, including the hours overlap care will be provided and written approval has been received from the department. Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved (see 19 CSR 40-61.155).</p>	<p>Missouri law allows overlap care of children. Overlap care allows a child care home to exceed its licensed capacity under certain circumstances (for example, to accommodate a parent's work shift).</p> <p>Arkansas law prohibits family care homes from exceeding their licensed capacity at any time.</p>

	<p>(3) All procedures for admitting children shall be followed if a provider chooses to enroll children for overlap care.</p> <p>(4) Staff/child ratios shall be maintained during overlap periods.</p> <p>(5) When before- and after-summer camp care for children is provided, the provider shall require that the parent(s) sign a statement of consent for the child to be taken from the facility to the summer camp location.</p> <p>(6) Overlap shall be granted to an infant/toddler unit or to a preschool/school-age unit based on the licensed capacity of each unit. A provider may not use the time period for one (1) unit to increase the overlap period for the other unit.</p> <p>(7) Overlap approval shall not be granted to facilities licensed exclusively for before- and after-school child care programs.</p> <p><i>Licensing Rules for Group Child Care Homes and Child Care Centers</i></p> <p><u>Overlap Care of Children</u> PURPOSE: This rule defines overlap care and sets forth the requirements of overlap care.</p> <p>(1) There may be situations (for example, to accommodate parents' work shifts or before and after-school care) when the number of children in care over two (2) years of age may exceed the licensed capacity of the home. The number in care shall never be more than one-third (1/3) over the licensed capacity of the home at the time of overlap. The overlap period(s) shall not exceed two (2) hours total in any twenty-four (24)-hour child-care day.</p>	
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	<p>The two (2) hours of available overlap time may be utilized in smaller time periods.</p> <p>(2) Overlap care of children under two (2) years of age shall not be permitted.</p> <p>(3) Overlap care shall not be provided until an overlap request has been submitted, including the hours overlap care will be provided, and written approval has been received from the department. Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved.</p> <p>(4) All procedures for admitting children shall be followed if a provider chooses to enroll children for overlap care.</p> <p><i>Licensing Rules for Family Day Care Homes</i></p>	
<p><i>Registered Child Care Family Home Licensing Requirements</i></p>		<p>Missouri does not have registered child care family homes or regulations for registered child care family homes.</p> <p>Arkansas has registered child care family homes and accompanying regulations. Registered child care family homes are registered to care for five (5) or fewer children.</p>