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## NOTICE TO DAY CARE PROVIDERS

### Use of Early Childhood Assistants

From: Shontée Blankenship, Deputy Director of Licensing

Date: June 2, 2023

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During the COVID-19 pandemic, in order to help address the on-going staffing crisis faced by many providers, licensed day care centers were allowed to follow the provisions set forth in the *Licensed Day Care Guidance & License-Exempt School-age Guidance* issued by the Department, including staffing classrooms with a qualified Early Childhood Assistant without the presence of an Early Childhood Teacher for up to 3 hours of their program day. The guidance expired on May 31, 2023.

We recognize that there continues to be a child care workforce shortage, exacerbated during the COVID-19 pandemic. Therefore, the Department filed emergency rules and proposed permanent amendments to Rule 407, Licensing Standards for Day Care Centers today to continue allowing a qualified Early Childhood Assistant to staff classrooms for up to 3 hours of their program day with some modifications outlined below. Effective June 2, 2023, licensed day care centers may staff a classroom without the presence of an Early Childhood Teacher if the following conditions are met:

- When all children are two years of age or older, an Early Childhood Assistant 18 years of age or older may provide direct supervision without the presence of an Early Childhood Teacher to a classroom for the first 90 minutes of the licensed program hours, and for the last 90 minutes of the licensed program hours.
- Early Childhood Assistants shall not be utilized in a classroom for three consecutive hours.
- The use of an Early Childhood Assistant without an Early Childhood Teacher present shall not exceed three hours of the licensed program day, except for as allowed in Section 407.190 (e)(2) and shall not exceed 50 percent of the licensed classrooms that are in operation during that time frame.
- The director shall provide on-going on-site supervision of the Early Childhood Assistant.
- The day care center director shall post a notice outside of each classroom if that room is temporarily staffed with an Early Childhood Assistant without an Early Childhood Teacher present.
- The day care center shall maintain a daily log of names, dates, and times of usage of each Early Childhood Assistant utilized in each classroom without an Early Childhood Teacher present.
- There shall be a staffing plan that identifies each classroom where an Early Childhood Assistant is utilized without an Early Childhood Teacher present. The staffing plan shall be accessible on site, submitted to the licensing representative for their licensing file, and filed on-site in the staff personnel records.

