

<b>ORP</b> <b>Office</b> <b>of Rules and</b> <b>Procedures</b>	<b>Department of Children and Family Services</b>	
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<b>Approved by:</b>		

### Interpretation

**Applicable To:** Licensed Day Care Centers

**Policy Citation:** 407.130(h): Persons who were deemed qualified to serve as a child care director prior to January 1, 1985, continue to be deemed qualified for their position.

407.140(g): Persons who were deemed qualified as a child care worker or school-age worker prior to January 1, 1985, continued to be deemed qualified as an early childhood teacher or school-age worker.

**Question:** Is a person who was employed and deemed qualified as a child care director, child care worker, or school-age worker prior to January 1, 1985, considered qualified under the current rules if the person leaves that particular position at one center to go to another center or if the person has had a lapse in employment after January 1, 1985?

**Discussion:** The rule does not state that the individual must be in the same position at the same facility in which she or he was deemed qualified prior to January 1, 1985. If the individual was in the position in a licensed facility and was qualified under the standards in effect prior to January 1, 1985, that person continues to be qualified for the same position in the current rule. A lapse in employment or a change of facility does not affect the person's status as qualified under the rule. For example, if an individual was employed in a licensed day care center in December, 1994 as a child care director and was qualified for that position under the rules in effect in December, 1984, that person would qualify to be a child care director at any day care center under the provisions of 407.130 (h).

**Response:** A person who was employed as and deemed qualified to serve as a child care director, child care worker, or school-age worker prior to January 1, 1985, is deemed qualified for that position whether or not there has been a lapse in employment for that person or the person leaves one particular position to accept another position in the same classification.

