

Lottery for Education:
Afterschool Programs
(LEAPs)

Program Manual

The overall goal of Lottery for Education: Afterschool Programs (LEAPs) is to provide Tennessee students with academic enrichment opportunities that reinforce and complement the regular academic program. LEAPs grants are funded through unclaimed lottery prize winnings.



GENERAL INFORMATION

Background

In November 2002, Tennesseans voted to create a state lottery. The General Assembly established that profits from the lottery go towards specific educational programs: college scholarships, early childhood programs and afterschool programs.

In accordance with TCA Title 4, Chapter 6, Part 7, one hundred percent (100%) of monies constituting an unclaimed prize shall be deposited into an afterschool account for the purpose of administering a system of competitive grants and technical assistance for eligible organizations providing after school educational programs within Tennessee.

The overall goal of Lottery for Education: Afterschool Programs (*LEAPs*) is to provide Tennessee students with academic enrichment opportunities that reinforce and complement the regular academic program.

Eligible Applicants

Public and Not-for-Profit Organizations that provide, or propose to provide, afterschool educational programs within Tennessee may apply for these funds.

Organizations that have not previously received grants from – or provided contractual services on behalf of – the State of Tennessee will be required to verify their ability to administer grant programs before being considered for funding.

Eligible Participants

- Youth 5-18 years old and enrolled in elementary or secondary school;
- 50% of students enrolled **must** also meet one of the following criteria:
 - ▶ qualify for free/reduced lunch;
 - ▶ be at risk of educational disadvantage and failure due to circumstances of abuse, neglect or disability;
 - ▶ be at risk of state custody due to family dysfunction;
 - ▶ be enrolled in and attending a public school failing to make adequate yearly progress (AYP);
 - ▶ be attending a public school, including a public charter school, instead of a public school failing to make AYP as a result of parent choice; or

- ▶ be at risk of failing one or more subjects or are behind grade level by at least one year.

However, preference shall be given to programs that maintain an enrollment of children of which at least 80% of the students enrolled meet one of the criteria above.

Program Priorities

Programs established must be designed to reinforce and complement the regular academic program of participating students. All activities must be educationally based. Such programs **must** include:

- ▶ Services to students on an average of 15 hrs. per week;
- ▶ Reading skills development and enhancement;
- ▶ Math or science skills development and enhancement;
- ▶ Academic mentoring or tutorial assistance; and,
- ▶ Fitness, nutrition, health/wellness or leisure opportunities.

Funded programs will be required to offer services for a minimum of 15 hours per week. All programs will be expected to provide services in a manner consistent with state school-aged child care guidelines (<http://tennessee.gov/sos/rules/0520/0520-12/0520-12-01.20100830.pdf>) and receive a *Certificate of Approval* through TDOE Division of School-aged Childcare.

Grant funds shall be used to supplement, not supplant, non-lottery educational resources for afterschool educational programs and purposes. Funds will only be awarded for new activities.

The Tennessee Department of Education also requires that all applications include a signed copy of the *Memorandum of Partnership Agreement (MPA)* in order to be considered for funding.

Competitive Priority*

In an effort to ensure stronger connections to regular school day programming and First to the Top initiatives, five (5) technical merit points (one point per item addressed) will be available to applications that propose to address:

- Increases in reading proficiency;
- Increases in math proficiency;

- Increases in high school graduation rates;
- Increases in post-secondary access and success; and/or,
- STEM activities.

**All activities must be evidence-based and supported by research.*

Review Process and Grant Award Decisions

All complete application packages received by the TN Department of Education on or before the due date will be forwarded to a technical merit review committee. **A package will be deemed incomplete if the signed *Memorandum of Partnership Agreement* has not been included.**

The committee will provide each application with a technical merit score based upon the review criteria and without bias. (See the ***Resources*** section for a copy of the scoring rubric.) Technical merit scores will serve as the foundation for the grant award decisions. Additional consideration will be given to applications that propose to serve diverse populations and/or underserved communities.

Prior LEAPs grant recipients who have completed a grant cycle may re-compete for funding; however, previous performance as a LEAPs grantee will be taken into consideration in the awarding of a new grant.

Successful grant applications will be funded at the level requested if the program application is well justified and the budget is realistic and supported. The Department reserves the right to negotiate grant amounts and to select certain applications regardless of points awarded if necessary to meet identified program priorities/requirements. The Department may consider the relative availability of afterschool programming in an area when determining grant awards.

All awards are subject to the availability of funds. Grant awards are not considered final until a grant contract is executed between the applicant and the TN Department of Education.

Grant Awards

Competitive grant contracts will be awarded in varying amounts for the delivery of services at a specific site. Grant amounts will vary based on the scope and costs involved. Services should be provided for a minimum of 180 days. Experience indicates that a high quality program can

be provided at a cost of approximately **\$5.00 - \$7.50 per day** for each participating student. For agencies that will be using grant funds to provide participant transportation, provisions may justify grant awards in amounts of **\$6.00 - \$8.50 per day** per participating student. The following chart indicates two possible funding scenarios:

Site/Center Name	Hours per Week	Cost per Day		No. of Students		No. of Days		Total Cost
BD Aftercare Program	15	\$5.00	X	50	X	180	=	\$45,000
						TOTAL		\$45,000

Site/Center Name	Hours per Week	Cost per Day		No. of Students		No. of Days		Total Cost
Riley Center	15	\$6.25	X	37	X	220	=	\$50,875
						TOTAL		\$50,875

The amounts cited above are provided as examples to assist applicants in the planning process and should not be construed to be guaranteed rates of reimbursement. Applicants must provide a detailed budget as part of the application process and reimbursement will be limited to actual expenditures.

Grant Award Cycle

LEAPs grants may be awarded for a maximum of three years. Continuation funding will be contingent upon exemplary performance and availability of funding. Exemplary performance will be based on how well projects have met program goals and objectives concerning student academic, behavioral and social improvement, student participation/attendance and results of an on-site monitoring visit.

Because funding is made available through unclaimed lottery winnings, continuation projects are subject to the availability of funds. Continuation budget plans submitted in the Year-end Report should not be considered working budgets; TDOE staff will confirm an approved award and official contract start date. *Any services provided prior to notification and official contract start date will be at the expense of the agency.* TDOE does not approve any payment requests outside of the contract time period.

Matching Funds and Sustainability

A minimum percentage of in-kind or matching funds is not required. However, agencies should maintain a description of the *contribution of resources* being provided towards the implementation of this project. It will be helpful to identify collaborative partnerships to be formed to provide services/resources for the project. Grant funds should be used to provide new activities, not duplicate existing services.

Agencies also should develop plans for continuation of the project once grant funds are no longer available.

PROGRAM ELEMENTS

Site Location and Transportation

The program site must be a safe and easily accessible facility, and may serve students from more than one school. The program site may be an elementary/secondary school or an alternate facility that is at least as accessible to the participants as the school they attend. Applicants will be required to meet *state childcare guidelines* (<http://tennessee.gov/sos/rules/0520/0520-12/0520-12-01.20100830.pdf>).

All programs/sites must establish a plan for the safe transportation of participants and explain that procedure in the proposal, such as van/bus transportation, parent pick-up or walking.

Nutritional Programs & Physical Activity

Food is often one of the most costly, necessary and forgotten expenses of an afterschool or summer program. Programs should be prepared to offer nutritional snacks to program participants. Federal child nutrition programs provide an important source of funding for snacks and meals. Consult with your school food nutrition program or visit the Afterschool Snacks and Suppers section of the USDA Food & Nutrition Service website at <http://www.fns.usda.gov/cnd/afterschool> for more information or contact staff at the TN Department of Human Services, 615-313-4750.

Physical activity needs to be balanced with good nutrition in order to create a healthy learning environment. Over 16% of children and adolescents are now seriously overweight. Afterschool programs can play an important role in promoting healthy lifestyles for youth. Agencies will be

expected to include participation in physical activities as part of the program design. Visit the following website: <http://www.choosemyplate.gov/> for ideas.

Staff Requirements/Professional Development

Services are required to be provided for an average of 15hrs. per week, therefore, funded agencies must meet childcare guidelines. Applicants should refer to Chapter 0520-12-1 of the Child Care Rules (<http://tennessee.gov/sos/rules/0520/0520-12/0520-12-01.20100830.pdf>) for requirements.

Experience indicates that high-quality staff development is an essential element in an effective program. A plan must be established for insuring that staff has access to high-quality training and professional development. In addition to activities that may be provided locally, agencies should plan to send a representative to required state trainings/meetings each year of the project.

It is expected that *all* agencies are adhering to the Child Care Rules as appropriate and necessary including employee background checks and screenings.

Collaboration/Partnerships & Parent Involvement

Establishing partnerships with other agencies/organizations will be a very important aspect of this program. Community-based organization should form partnerships with the schools of students being served. Partnerships with existing extended contract services, Title I, Reading First, 21st Century Community Learning Centers, or other school-based child care programs could help provide the required academic components of the *LEAPs* program. Also, schools should seek out community partners such as parks/recreation centers, youth organizations, museums, civic or volunteer groups to assist with non-academic requirements.

Collaboration with partners should be ongoing and include parents/guardians when appropriate. Furthermore, local programs are strongly encouraged to offer parental involvement activities to support the advancement of students' academic achievement and social development. The Department of Education expects a *minimum* of 2 parent activities per year be offered.

Program Performance & Compliance

Performance Evaluation

Grant recipients will participate in an evaluation process that determines student progress and program success as well as provide information for needed adjustments in the program design.

Outcomes should be established to demonstrate positive results in the areas of academic achievement, student attendance, and disciplinary action. In addition, project staff will be required to submit an Annual Progress Report to the Department of Education each year of funding.

Performance Measures

The following performance measures have been established for the Lottery for Education: Afterschool Programs (LEAPs). Individual program sites will be evaluated based upon these outcome measures in addition to identified process measures.

Achievement: Students regularly participating in the program will show continuous improvement in achievement through measures such as test scores, grades and/or teacher reports.

Behavior: Students participating in the program will show improvement on measures such as school attendance, classroom performance and decreased disciplinary actions or other adverse behaviors.

Attendance: Implementation of strategies associated through research and best practice with the ability to increase the range, availability, quantity and quality of services available to students.

Continuous Improvement Plan/Program Evaluation

Grantees are required to report evaluation results based on program goals/objectives/outcomes. Agencies are expected to describe the method/tools of evaluation, a summary of analysis of the data collected, how the information will be disseminated to key stakeholders and how they will use the information to improve the programming offered to students. Grantees may use grant funds to pay an evaluator for services or utilize the expertise of a partner organization to assist with program evaluation.

As a part of the evaluation process, local LEAPs staff will enter program information in the state-sponsored data collection system as well as participate in the LEAPs Program Implementation Study being conducted by the University of Tennessee, College of Social Work, Office of Research and Public Service (UT SWORPS).

In order to track student enrollment, academic and discipline information via the Student Information System package (SIS), grant staff should work with assigned school/district staff to

“flag” program participants in the SIS package for **LEAPs** under student classification. See **Resources** section for instructions.

Reporting/ Program Monitoring

Mid-year and year-end reports will be submitted that include program updates and explains how evaluation data is being used to make program improvements. TDOE staff will receive monthly attendance updates via the data collection system. In addition, TDOE monitors grantees on an annual basis regarding program compliance. Grantees receive an annual, on-site fiscal and program monitoring visit from Center for Extended Learning staff. The monitoring visit schedule is based on the following:

- A minimum of 1 site visit with all newly funded grantees;
- A minimum of 1 site visit with all other funded grantees; and,
- At least one site visit with each site/center during the 3-year grant cycle.

The process will include site visits and observations by Department of Education staff, as well as interviews with program personnel. Program staff may be asked for written documentation supporting the various indicators. The instrument will be scored and the rater will provide an explanation for the scores in the rater’s comments area of each category. Local program staff may ask questions and ask for clarification or feedback regarding improvements needed.

A copy of the completed monitoring instrument will be signed and left with the program director or designee. The agency may file a written appeal to the Department of Education concerning the scoring decisions within 10 working days from the date of the evaluation. The written appeal should be sent to the Extended Learning Programs office. The appeal packet should contain materials which support the appeal. Extended Learning Program staff will review the materials and will notify the appellant of the decision concerning granting any scoring changes within 5 working days of receipt of the appeal.

Items needing to be addressed will be specified in the “Comments/Findings/Recommendations” section of the monitoring document and explained at the end of the visit.

In the event of corrective action, grant agencies will be required to submit written documentation within 15 business days – which may include revised program materials – of steps taken to address any findings identified during the monitoring visit or to request technical assistance. Department staff will review the submitted information and send a follow-up report that includes additional recommendations and/or corrective action steps to be taken. Depending on the

nature of the finding, a follow-up site visit may be required and would be scheduled within 90 days of the original visit. Agencies failing to rectify insufficient ratings could face withholding of funds, repayment of funds and/or termination of the grant contract.

FISCAL INFORMATION

Budget Considerations

LEAPs grants are administered as reimbursement grant contracts; i.e., the grantee delivers services and is reimbursed for actual approved expenditures. Agencies should possess the fiscal capacity to manage the cash flow challenges presented by this type of grant process. Grantees are encouraged to maintain 2-3 months operating capital to provide programming between payment requests. Carry-over funds are not allowed; unused funds will be redistributed.

Reimbursements for capital purchases may be authorized, except for vehicle, land or building acquisition. However, rent or vehicle lease are allowable expenditures if necessary. Funds received under this program may only be used to supplement and not supplant federal, state and local funds that would otherwise be available and used for program expenditures. Grant funds may not be used to support religious activities, programming or purchases.

Fees are permissible; however, applicants must establish a sliding fee scale that takes into account the relative poverty of students and families targeted for services. Applicants that choose to establish a fee structure must provide a narrative that explains the fee structure as well as how the fees will be administered and managed. Per program guidance, fees may only be used to fund activities specified in the grant application.

Please refer to the following documents in the ***Resources*** section:

ACCOUNTABILITY FOR EQUIPMENT/SENSITIVE ITEMS

FISCAL AND ADMINISTRATIVE TIPS

TN CASH MANAGEMENT POLICY

21ST CENTURY AND LEAP FISCAL INSTRUMENT

DEPARTMENT OF FINANCE AND ADMINISTRATION-POLICY 03

SUMMARY OF FEDERAL/STATE ADMINISTRATIVE AND FISCAL REGULATIONS

TDOE POLICY ON INDIRECT COST FOR SUBRECIPIENT GRANTS

Reimbursement Requests

Effective fall 2012, TDOE requests a minimum of quarterly reimbursement invoice submissions but will accept them no more than monthly. All payment requests should be submitted electronically to Jo Ann Summers at jo.ann.summers@tn.gov. As the fiscal review officer (FRO), she will review the information and documentation for approval.

Payment requests should include the Request for Reimbursement Invoice form (*CBO invoice forms are emailed to local project director with agency specific contract/code numbers*) with required signature and a copy of the accounting ledger for the time period covered by the invoice. Please see examples in the **Resources** section. Should there be questions or problems, the FRO will notify the local project director. Receipts, invoices and billing statements should be kept on file and available for state review as needed or requested. Please **do not** submit information with personal identifiers as documentation (i.e. employee timesheets with social security numbers, hotel receipts with credit card account number).

Each payment request is recorded in an invoice log and on an accounting worksheet. At the end of each quarter, the FRO will take an inventory of submitted requests. A notification will be sent to the local project director if a payment request has not been submitted for the quarter.

Final payment requests should be submitted within 45 days of the close of the contract budget period. For contract budgets ending on June 30, final payment requests should be submitted by August 15. *Any services provided outside the contract terms are at the agency's expense.*

Budget Amendments

All funded agencies use the same amendment form. Budget changes of 15% or more of a line-item require a formal amendment request be submitted. The completed form with required signature should be submitted electronically to the FRO for review and approval. Should there be questions or problems, the FRO will notify the local project director.

A completed amendment form should include the approved line-item budget, the amount of increase, the amount of decrease, the amended line-item budget totals and a justification for the adjustments. Once approved, a copy will be sent to the local project director and a copy retained by TDOE. See form in the **Resources** section.

Final budget amendments for a project year must be submitted on or before close of business June 15 to ensure that the amendment is approved before the close of the contract budget period.

Inventory/Records Management

Equipment and sensitive items must be approved by TDOE prior to purchase. These funds are not meant to be used as a technology grant; therefore, typically, approval is granted for no more than 8-10 items in a group (i.e. e-readers, iPods, computers).

Agencies must obtain a minimum of 3 bids/quotes for the items being requested. The quote along with a justification of why the item(s) are needed and how they will be used should be sent to the Extended Learning Director for review/approval. Justification must demonstrate that the requested items are necessary for successful implementation of program activities and affect student success.

Items must be added to the inventory list and labeled appropriately. Damaged/lost/stolen items must be accounted for on the inventory list. See sample form in the **Resources** section. At the close of a successful grant cycle, agencies may retain the equipment as their property provided it will continue to be used in a manner consistent with the program guidelines.

Program documents, files and financial records must be maintained for a minimum of 3 years after the close of the grant project.

Please refer to the following documents in the **Resources** section:

RECORDS MGT BASICS 03-23-12

ACCOUNTABILITY FOR EQUIPMENT/SENSITIVE ITEMS

EDGAR EQUIPMENT & RECORDS RETENTION

Grant Close-out Process

At the conclusion of a grant cycle, agencies are required to submit final reimbursement invoice, final project report, and complete all program data entry into the data collection system. Failure to complete these tasks could result in the withholding of final payments and/or repayment of grant funds.

RESOURCES



1. Grant Scoring Rubric
2. School-aged Childcare Rules
3. Flagging Students Instructions
4. SWORPS Registration
5. Local Evaluation Report form
6. Site Monitoring Tool
7. Site Visit Checklist
8. Mid-Year Report template
9. Year-end Progress Report template
10. Grantee Profile template
11. Accountability for Equipment & Sensitive Items
12. Fiscal/Administrative Tips
13. TN Cash Management Policy
14. 21st CCLC/LEAPs Fiscal Instrument
15. F/A Policy 03
16. Summary of Federal/State Admin/Fiscal Regulations
17. TDOE Indirect Cost Policy
18. Sample Invoice/Documentation
19. Amendment Form
20. Sample Inventory form
21. Records Management Basics
22. EDGAR – Equipment & Records Retention

Applicant: _____

Reviewer: _____

Bonus Area (5 points)

<p>Competitive Priority</p> <p>_____ Yes _____ No</p>	<p>In an effort to ensure stronger connections to regular school day programming and First to the Top (FTTT) initiatives, technical merit points (one point per item addressed) will be available to applications that propose to address:</p> <ul style="list-style-type: none">• Increases in reading proficiency;• Increases in math proficiency;• Increases in high school graduation rates;• Increases in post-secondary access and success; and/or,• STEM activities.
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To receive *Bonus Points*, the proposal and the goals sheet should clearly describe the evidenced-based activities being offered and the connection to the school day program as well as FTTT.

TOTALS

I. **Statement of Need** _____

II. **Project Design, Management & Collaboration** _____

III. **Budget** _____

TOTAL _____

Applicant: _____

Reviewer: _____

I. Statement of Need (20 points)

Excellent	Good	Fair	Poor	Missing	Review Criteria
_____	_____	_____	_____	_____	A detailed description of the community has been provided and all information reflects the most current data available.
_____	_____	_____	_____	_____	Concerns or gaps in existing services have been identified and addressed particularly as they relate to subgroups within the target population.
_____	_____	_____	_____	_____	Objective data has been effectively utilized to establish priorities for the project.
_____	_____	_____	_____	_____	The process for selecting the participating student(s) has been described.

STRENGTHS:

WEAKNESSES:

Applicant: _____
 Reviewer: _____

II. Project Design, Management & Collaboration (60 points)

Excellent	Good	Fair	Poor	Missing	Review Criteria
_____	_____	_____	_____	_____	Goals, objectives and outcomes are clearly identified and measurable.
_____	_____	_____	_____	_____	Activities, strategies and implementation plan have been clearly detailed, are appropriate and address academic and developmental needs and are based on up-to-date research and effective practices.
_____	_____	_____	_____	_____	The proposal has outcomes that will show the impact the project has had on student academic performance as well as student behavior.
_____	_____	_____	_____	_____	A timeline for program implementation has been provided.
_____	_____	_____	_____	_____	Location and transportation needs have been addressed.
_____	_____	_____	_____	_____	Plan includes qualified staff and volunteers and the professional development plan is of sufficient intensity/duration.
_____	_____	_____	_____	_____	The agency has demonstrated evidence of successful experience providing services to youth.
_____	_____	_____	_____	_____	The agency has the financial and administrative capacity to successfully manage a grant-funded situation.
_____	_____	_____	_____	_____	Plan describes the partnerships to be formed, what services will be provided and how all agency members will work together and includes the required MPA.
_____	_____	_____	_____	_____	The project effectively links and builds upon available local, state and federal resources.
_____	_____	_____	_____	_____	Parent involvement/participation has been included.

STRENGTHS:

WEAKNESSES:

Applicant: _____
Reviewer: _____

III. Budget (20 points)

Excellent	Good	Fair	Poor	Missing	Review Criteria
_____	_____	_____	_____	_____	Costs are reasonable in relation to the activities, design and number to be served.
_____	_____	_____	_____	_____	A sustainability plan has been described.
_____	_____	_____	_____	_____	Budget/project reflects effective use of existing resources.
	_____ Yes		_____ No		Funds have been budgeted <u>or</u> identified for professional development activities.

STRENGTHS:

WEAKNESSES:

**RULES
OF
THE STATE BOARD OF EDUCATION
OFFICE OF THE COMMISSIONER**

**CHAPTER 0520-12-01
STANDARDS FOR INFANT/TODDLER, PRESCHOOL AND
SCHOOL-AGE EXTENDED CARE PROGRAMS**

TABLE OF CONTENTS

0520-12-01-.01 Introduction	0520-12-01-.10 Health and Safety
0520-12-01-.02 Definitions	0520-12-01-.11 Food
0520-12-01-.03 Basis for Certification of Approval	0520-12-01-.12 Physical Facilities
0520-12-01-.04 Procedures for Obtaining a Certificate of Approval	0520-12-01-.13 Transportation
0520-12-01-.05 Ownership, Organization, and Administration	0520-12-01-.14 Care of Children with Special Needs
0520-12-01-.06 Supervision	0520-12-01-.15 Afterschool Programs Serving Adolescents
0520-12-01-.07 Staff	0520-12-01-.16 Civil Penalties
0520-12-01-.08 Equipment for Children	
0520-12-01-.09 Program	

0520-12-01-.01 INTRODUCTION.

- (1) Scope of Rules. These rules are applicable to: public, school-administered infant/toddler, pre-kindergarten, and/or school-age care programs, programs administered by approved Montessori schools and private church-related schools, as defined in T.C.A. § 49-50-801, programs operated by private schools as defined by T.C.A. § 49-6-3001(c)(3)(A)(iii), Lottery Education Afterschool Programs as mandated by the T.C.A. § 49-6-707, programs providing early intervention services through Tennessee Early Intervention Services school-administered head start, and even start, monitored by the Department of Education pursuant to T.C.A. § 49-1-302(l), providing child care services to children ages six (6) weeks through minority.
- (2) Purpose of Child Care Certification of Approval. The primary purpose of school-administered child care certification of approval is the protection of children. These minimum requirements seek to maintain adequate health, safety, and supervision of children while in a group setting. The secondary purpose of certification is to promote developmentally appropriate care.

Authority: T.C.A. §§4-5-201 et seq., 49-1-201(c)(24), 49-1-302(l), 49-1-1101 through 49-1-1109, 49-2-203(b)(11), 49-5-413 and 49-6-707. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.02 DEFINITIONS. For purposes of this chapter, the following definitions are applicable:

- (1) Administrative Hearing. A hearing that is held under the Administrative Procedures Act rather than a court of law. The purpose of the hearing is to allow an agency the opportunity to challenge enforcement actions taken by the Department.
- (2) Adolescence. The period of physical and psychological development from the onset of puberty to maturity.
- (3) Approval. A preschool, school-age care or child care program is in accordance with the provisions of the law and the requirements (rules) of the State Board of Education. Approval is not transferable from one location to another or from one agency to another. The approval may be revoked at any time upon ninety (90) days notice to the agency; or if the health,

(Rule 0520-12-01-.02, continued)

safety, or welfare of the children in care imperatively requires it, may be suspended immediately.

- (4) Approved capacity. The designated maximum number of children permitted in a facility as determined by the department based upon available space, age of children, adult:child ratios, and group size. Capacity shall be designated on the certificate.
- (5) Auxiliary staff. Full and part-time employees of the program who provide non-caregiving services.
- (6) Caregiver or Care Provider. The person, persons, entity or entities directly responsible for providing for the supervision protection and basic needs of the child.
- (7) Certificate of Approval. A written form of approval issued by the Department of Education to agencies/programs providing care to children. Issuance of a Certificate of Approval is not an endorsement of child care methods or of the agency's operational philosophy. A Certificate of Approval is not transferable from one location to another or from one school and /or system to another.
- (8) Certified Childcare Professional (C.C.P.). An early childhood educational credential granted by the National Child Care Association
- (9) Chemical restraint. A medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior.
- (10) Child. A person under eighteen (18) years of age.
- (11) Child's Age. The age of child on September 30 of any given year except for infants/toddlers, whose age is based on calendar year.
- (12) Child Development Associate (C.D.A.). An early childhood education credential granted by the National Council for Professional Recognition
- (13) Child Care. The provision of supervision, protection, and at a minimum, the basic needs of a child or children for more than three (3) hours a day, but less than twenty-four (24) hours a day.
- (14) Child Care Advisory Council. A director of a local school system, a representative of a private, church-related school organization as defined by T.C.A. § 49-50-801, a representative from an institution of higher education, a parent of a child in a child care program, a coordinator of child care programs, a representative of the Department of Education, a representative of the Child Care Services of Department of Human Services and four other members appointed by the State Board of Education to advise in the establishment of child care standards and regulations and to act as a hearing tribunal for appeals from actions of the State Department of Education regarding the certificate of approval issued to child care programs.
- (15) Child Care Center. Any place or facility operated by any entity or person who provides child care for thirteen (13) or more children.
- (16) Child care program. Any place or facility operated by any public or private school which provides care for children in a before or after school-based program operated by a local board of education pursuant to T.C.A. § 49-2-203(b)(11), a public school administered early

(Rule 0520-12-01-.02, continued)

childhood education program, a church affiliated program operated pursuant to T.C.A. § 49-50-801, or federally funded early childhood education program such as a Title I program, a school-administered head start, or an even start program, state-approved Montessori school programs, programs operated by a private school as defined by T.C.A. § 49-6-3001, a LEAPS (Lottery Education Afterschool Program) as mandated by T.C.A. § 49-6-707 or an early intervention services program funded through the Tennessee Early Intervention Services.

- (17) Child Care System. The existence of two (2) or more facilities used for child care purposes which facilities are under the ownership, administration, or control of any individual(s), corporation, partnership, cooperative, or other public or private entity of any kind.
- (18) Commissioner. The executive head of the Department of Education, appointed by the Governor.
- (19) Conventional Care. Child care services provided between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.
- (20) Day Care. Synonymous with definition of child care, above.
- (21) Department (SDE). The Tennessee Department of Education and its representatives.
- (22) Developmentally Appropriate. Practices which use the knowledge of child development to identify the range of appropriate behaviors, activities, and materials for specific age groups. This knowledge is used in conjunction with an understanding about children's growth patterns, strengths, interests, and experiences to design the most appropriate learning environment. A developmentally appropriate curriculum provides for all areas of a child's development, physical, emotional, social, and cognitive, through an integrated approach. For children birth to five years of age the Tennessee Early Learning Development Standards is adopted by the State Board of Education for guidance in appropriate learning expectations.
- (23) Director. The person with overall responsibility for the child care program.
- (24) Emergency situation. A child's behavior places the child or others at risk of violence or injury if no intervention occurs.
- (25) Extended isolation. Isolation which lasts longer than one (1) minute per year of the child's age.
- (26) Extended restraint. Physical holding restraint lasting longer than five (5) minutes.
- (27) Field Trip. A trip that is not part of the regular curriculum which is off the general premises and beyond reasonable walking distance.
- (28) Group. A specific number of children comprising an age range, assigned to specific staff in an assigned space, which is divided from the space of other groups by a recognizable barrier.
- (29) Group Child Care. Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least eight (8) children who are not related to the primary caregiver; provided, however, that the maximum number of children present in a group child care, including those related to the primary caregiver, shall not exceed twelve (12) children, with the exception that, if the group child care is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine(9) years of age or older will not be counted in determining the maximum number of children permitted to

(Rule 0520-12-01-.02, continued)

be present in a group child care, if those children are provided a separate space from that occupied by the group child care; and provided, further, that up to three (3) additional school-age children, related or unrelated to the primary caregiver, may be received for child care before and after school, on school holidays, on school snow days and during summer vacation. The Department may permit children in the separate space to interact with the children in the group child care in such manner as it may determine appropriate.

- (30) Home School. The provision of full-time educational services, as recognized by the Department of Education, to a child by the child's parent in the child's primary residence.
- (31) Infant. A child who is six (6) weeks through fifteen (15) months of age.
- (32) Isolation room. A space designed to isolate a child that is unlocked, cannot be locked from the inside, without structural barriers to exit, free of any condition that could be a danger to the child, well ventilated, sufficiently lighted, and where school personnel are in direct visual contact with the child at all times. Such spaces must comply with all applicable state and local fire codes.
- (33) Kindergarten. For approval purposes, the definition of a child care center excludes kindergarten programs for five-year-old children operated on essentially the same time schedule as public school kindergartens. A kindergarten may be part of a public or private school system or may be operated independently. If the agency serves children under five years of age or exceeds the time schedule normally observed by public kindergartens, it shall be subject to the approval process for compliance with child care rules.
- (34) Law. Statutory or regulatory provisions affecting the operation of a child welfare agency including, but not limited to, the law as contained in T.C.A. § 49-1-302(l) and T.C.A. §§ 49-1-1101 through 49-1-1109, Chapter 0520-12-01, and these rules.
- (35) Meal. Meat or meat substitute, vegetable and/or fruit, bread or bread product, and fluid milk.
- (36) Mechanical restraint. The application of a mechanical device, material, or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Mechanical restraint does not include the use of restraints for medical immobilization, adaptive support, or medical protection.
- (37) Non-school, community-based organization program. An infant/toddler, preschool or school-age before and after school program operated through contract with the Department of Education and under the certificating authority of the Department of Education.
- (39) Noxious substance. A substance released in proximity to the child's face or sensitive area of the body for the purpose of limiting a child's freedom of movement or action, including but not limited to Mace and other defense sprays.
- (39) Off-site Activity. Any activity which occurs away from the general premises of the child care program's facility and beyond reasonable walking distance.
- (40) Owner. The individual(s), corporation, partnership, cooperative, or other private or public entity of any kind, or any combination thereof, who or which, through their authorized representative(s), assumes or is legally required to assume, ultimate responsibility for the control of a child care program.
- (41) Parent. A biological, legal, or adoptive parent, guardian, or legal or physical custodian who has primary responsibility for a child.

(Rule 0520-12-01-.02, continued)

- (42) Physical holding restraint. The use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body.
 - (a) The term "safe-hold" includes any technique through which an adult attempts to immobilize a violent child by wrapping their limbs around the child. The term does not include holds administered for the sole purpose of providing comfort or security to a distressed child.
 - (b) The term "serious self-inflicted injury" includes, but is not limited to, violent outbursts in which a child throws himself/herself against a wall, is hitting or cutting himself/herself, etc.
- (43) Pre-kindergarten. A developmental learning program that addresses the cognitive, physical, emotional, social and communication areas of child development for children, three (3) and/or four (4) years of age taught by a licensed teacher certified in early childhood education.
- (44) Preschool Child. A child who is six (6) weeks through five (5) years of age and not in kindergarten, including children who are more specifically defined under this subchapter as an "infant" or a "toddler".
- (45) Program. A public or private school-administered infant/toddler, pre-kindergarten/preschool and/or school-age care program; infant/toddler, pre-kindergarten/preschool and/or school-age care program administered by private, church-related schools as defined in T.C.A. § 49-50-801, a federally funded early childhood program such as Title I, a school-administered head start or even start program, state-approved Montessori school program, a LEAPS grant funded program as defined in T.C.A. § 49-6-707, or an early intervention services program funded through the Tennessee Early Intervention Services.
- (46) Related. Any children of the following relationships by marriage, blood, or adoption; children, step-children, grandchildren, siblings, step-siblings, nieces, and nephews of the primary caregiver. The term "related" includes any "grand" or "great" relationship (e.g. great niece, great grandchild, etc.) within the relationships indicated.
- (47) School-age Child. A child who is five (5) years of age and enrolled in kindergarten through seventeen (17) years of age. A five (5) year-old may be classified as a school age child in the summer immediately preceding the child's fall entry into kindergarten.
- (48) Snack. A fluid drink and two (2) of the following components, provided, however, that a fluid drink shall not be required if a fluid drink is chosen as one of these components:
 - (a) Vegetables or fruits
 - (b) Bread or Bread Alternative
 - (c) Meat or meat alternates, or
 - (d) Fluid Milk
- (49) Staff. Full and part-time caregivers, employees, or unpaid volunteers of the program
- (50) Substitute. Paid or unpaid persons who are replacements for regular staff.

(Rule 0520-12-01-.02, continued)

- (51) Supervision. For the purposes of this Chapter, when children are not within the direct sight and sound of an adult, the term "supervision" means the following requirements:
- (a) Children six (6) weeks of age through age two (2) years of age: the adult must be able to hear the child at all times, must be able to see the child with a quick glance, and must be able to physically respond immediately.
 - (b) Children three (3) years of age to five (5) years of age shall be safely protected by an adult in close proximity and not distracted by other tasks.
 - (c) Children six (6) weeks of age to five (5) years of age during mealtime: An adult must be in the direct sight and sound of child/children while the child/children are eating.
 - (d) Children, who are in kindergarten five (5) years of age through nine (9) years of age, shall be protected by an adult who adjusts restrictions appropriately for different age groups and abilities.
 - (e) Children ten (10) years of age through thirteen (13) years of age: The adult shall know the whereabouts and activities of the children at all times and must be able to physically respond immediately.
 - (f) Children fourteen (14) years of age to eighteen (18) years of age: The adults shall know the whereabouts and activities of the children, provide age appropriate guidance, and must be able to physically respond immediately.
 - (g) Mixed Age Groups. When children ages ten (10) years or above are grouped with children under ten (10) years of age, the minimum supervision requirements must be in accordance with the supervision required for the age group of the youngest child in the group.
 - (h) Helper devices such as mirrors, electronic sound monitors, etc. may be used as appropriate to meet these requirements.
- (52) Temporary Approval. A permit issued by the Department to a new child care program allowing and authorizing the program to begin child care operations while the program attempts to attain full compliance with all applicable regulations. The temporary approval is valid, unless suspended, for one hundred twenty (120) days or until the Department grants or denies the application for annual certificate of approval.
- (53) Toddler. A child who is twelve (12) months through thirty (30) months of age.
- (54) Volunteer. A person who provides services for a child care center without payment and who is used to supplement the regular staff or substitutes. The volunteer shall not be used to meet classroom adult:child ratios. The names, addresses, telephone numbers and dates of service for all volunteers shall be recorded in the staff personnel records of the program.
- (55) Youth. A person who is ten (10) years of age through seventeen (17) years of age.

Authority: T.C.A. §§4-5-201 et seq., 49-1-201(c)(24), 49-2-203(b)(11), 49-2-203(b)(11)(B), 49-1-302(l), 49-1-1102, 49-6-101 and 49-6-707. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010. Emergency rule filed August 30, 2010; effective through February 26, 2011.

0520-12-01-.03 BASIS FOR CERTIFICATION OF APPROVAL.

- (1) Annual Certification of Approval: Tennessee law requires that all child care programs, as defined in T.C.A. §§ 49-1-302(l) and 49-6-707, shall be reviewed annually by the Department of Education.
- (2) The inspection/approval process is based on rules developed and published in accordance with T.C.A. § 49-1-302(l)(1)(B) and based upon the following criteria:
 - (a) The safety, welfare and best interests of the children in the care of the program;
 - (b) The capability, training and character of the persons providing or supervising the care to the children and the use of such judgment by a caregiver in the performance of any of the caregiver's duties as would be reasonably necessary to prevent injury, harm or the threat of harm to any child in care;
 - (c) The quality of the methods of care and instruction provided for the children;
 - (d) The suitability of the facilities provided for the care of the children; and
 - (e) The adequacy of the methods of administration and the management of the program, the program's personnel policies, and the financing of the program.
- (3) The program must be maintained in compliance with the certification criteria listed in paragraph (2) above and any other certification criteria throughout the year.
- (4) Falsification of Records/Information. Includes but is not limited to falsified or forged records, documents, and/or concealment of services or children from monitoring by the Department. Falsification of any information required for Certification of Approval shall be grounds for suspension, denial, or revocation of the Certificate of Approval.
- (5) Specifications of the Certificate of Approval
 - (a) All programs shall be operated within approved capacity, the hours of operation, specific age ranges, services offered, and at the address designated on the certificate; and
 - (b) All programs shall operate within the restrictions stated on the certificate.

Authority: T.C.A. §§4-5-201 et seq., 49-1-201(c)(24), 49-1-302 et seq., 49-1-1101 through 49-1-1109, 49-2-203(b)(11) and 49-6-707. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.04 PROCEDURES FOR OBTAINING A CERTIFICATE OF APPROVAL.

- (1) The Department of Education offers consultation and instruction sessions to before and after school child care, as described in T.C.A. § 49-2-203(b)(11), school-administered early childhood education programs, pre-kindergarten programs, school-administered Head Start and Even Start programs, approved Montessori programs, infant/toddler, preschool or school age programs administered by private schools, private, church related schools, as defined in T.C.A. § 49-50-801, Lottery Education Afterschool Programs (LEAPS), and Tennessee Early Intervention System programs. A child care program evaluator is available to serve schools in each major region of the state, east, middle and west.

(Rule 0520-12-01-.04, continued)

- (2) The department will offer instruction in the certification process to schools announcing interest in developing infant/toddler, pre-kindergarten and/or school-age child care programs.
- (3) When a public or private school is planning to offer an infant/toddler, pre-kindergarten, and/or school-age care program, the Office of School-based Support Services of the Department of Education or a child care program evaluator assigned to the regional Department of Education Field Service Center must be contacted to start the certification process.
- (4) Upon satisfaction of the following minimum requirements, a temporary approval may be issued if:
 - (a) Verification director's qualifications meet the requirements. See Rule 0520-12-01-.07(4)(a);
 - (b) Verification of three (3) satisfactory references for the director;
 - (c) Verification that physical facilities have received fire safety and environmental approval;
 - (d) Verification that the on-site director/coordinator has successfully completed a criminal history background check and has a negative criminal history as required by T.C.A § 49-5-413;
 - (e) Verification by the Department, after appropriate on-site inspection, the site is suitable for child care activities and does not endanger the welfare or safety of children.
- (5) Denial or Restriction of Temporary Certificate of Approval.
 - (a) The temporary certificate of approval shall remain in effect, unless suspended, for a period of one hundred twenty (120) days, or until such time as the Department grants or denies the annual certificate of approval, whichever is later.
 - (b) During the temporary certificate of approval period, the program must attain and maintain compliance with all applicable regulations. The failure to obtain and maintain compliance during this period may result in the denial of the certificate of approval.
- (6) Evaluation Process for Annual Certificate of Approval.
 - (a) The temporary certificate of approval is issued to authorize the program to begin infant/toddler, pre-kindergarten or preschool and/or school-age care operations while the program attempts to attain full compliance with all other applicable regulations.
 - (b) The Department shall perform a minimum of two (2) visits to the program during the temporary certificate of approval period, at least one (1) of which shall be unannounced.
 - (c) The Department shall perform at least one (1) observation of the caregivers' interaction with children during the temporary certificate of approval period.
 - (d) During the temporary certificate of approval period, the program must provide verification, including any required supporting documentation as directed by the Department, of compliance with all applicable regulations and further, that the applicant otherwise meets, or has continued to meet, all the requirements set forth in paragraph (4) above.

(Rule 0520-12-01-.04, continued)

- (e) During the temporary certificate of approval period, the Department shall determine whether an annual or restricted certificate of approval shall be issued to the program.
- (f) If the Department determines that any of the requirements set forth in this Chapter has not been, or cannot be, satisfactorily met then it may deny the issuance of a certificate of approval.
- (g) If the Department determines that the conditions of the program's facility, the methods of care or other circumstances warrant, it may issue a restricted temporary license that permits operation of the program, but limits the program's authority in one (1) or more areas of operation.
- (h) Issuance of a Certificate of Approval. The Department shall issue a Certificate of Approval if the Department determines that the program:
 - 1. Has fully complied with all laws and regulations governing the specific program; and
 - 2. Has demonstrated a reasonable probability that the program can maintain compliance with all regulations during the certification of approval period.
 - 3. Upon issuance of the annual Certificate of Approval, the program must maintain compliance with all applicable regulations and restrictions on the Certificate of Approval, if any, throughout the certification period.
- (7) Renewal And Re-Evaluation.
 - (a) Programs currently certified as approved by the Department must submit an updated annual report prior to the expiration of the existing Certificate of Approval.
 - (b) Certified program must demonstrate compliance with requirements set forth in paragraphs (4) and (6).
 - (c) Upon demonstration of compliance with all laws and regulations governing the program and if the program has demonstrated a reasonable probability that the program can maintain compliance with all laws and regulations during the Certification period, the Department shall issue a new annual Certificate of Approval.
 - (d) If the Department determines that any of the requirements set forth in Chapter 0520-12-01 has not been, or cannot be, satisfactorily met, then it may deny the issuance of the new annual Certificate of Approval.
 - (e) If the Department determines that the conditions of the applicant's facility, its methods of care or other circumstances warrant, it may issue a restricted annual Certificate of Approval that permits operation of a program, but limits the program's authority in one (1) or more areas of operation.
- (8) Throughout the temporary certification period and during the annual re-evaluation period, immediate access to all areas of the child care facility shall be granted to all Department representatives and other inspection authorities (i.e., fire safety, sanitation, health, Department of Children's Service, etc.) during operating hours.
- (9) If the Department determines, as a result of its inspections or investigations or those of other local, state or federal agencies or officials, or through any other means, that a plan is

(Rule 0520-12-01-.04, continued)

necessary to insure the safety of the children in the care of the program the Department may require the program to implement such a safety plan.

Authority: T.C.A. §§4-5-201 et seq., 49-1-201(c)(24), 49-1-302(l), 49-1-1101 et seq. through 49-1-1109, 49-2-203(b)(11), and 49-5-413. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.05 OWNERSHIP, ORGANIZATION, AND ADMINISTRATION.

(1) Statement of Purpose and Need.

(a) An applicant for approval to operate a school-administered infant/toddler, pre-kindergarten/preschool, school-age care, TEIS early intervention, or school-administered or community organization administered LEAPS program shall submit a written statement to the Department of Education governing the following areas:

1. A description of the services to be offered to children and parents and reasons these services are needed at the proposed location;
2. Ages of children to be served;
3. Hours of operation;
4. A Description of meal provision or preparation;
5. Admission requirements and enrollment procedures; and
6. Provision for emergency medical care.

(b) If, after being approved, a child care provider wishes to change the scope or type of service offered to children and families, an amended statement shall be filed with the Department for approval prior to implementation.

(2) Organizational Structure.

(a) The organization of every program shall be such that legal and administrative responsibility is clearly defined and available upon request.

(b) Every program shall have an on-site director.

(c) Following the issuance of an initial approval, program may operate without an on-site director for a period of no more than sixty (60) days total within the annual approval year. A qualified person, as determined by the Department, shall be in charge in the interim.

(3) Finances.

(a) In order to ensure the appropriate continuity of care for children the program management must provide a reasonable plan with a proposed budget for the financial support of the program. The proposal must demonstrate a reasonable plan for the financial support of the program which would assure adequate staffing, equipment and safe operation. Adequate financing of the center's operation shall be maintained throughout the year.

(Rule 0520-12-01-.05, continued)

- (b) Proposed budgets and other relevant financial records shall be available to the Department of Education upon request.
 - (c) If any program is the subject of any bankruptcy or receivership petition or order, or any other action that may affect the financial status or operational status of the program, including but not limited to foreclosure notices, liens, etc. or, if any program is the subject of any local, state or federal regulatory action, such as but not limited to, the fire safety, health, environmental zoning or local, state or federal grant compliance status or tax enforcement proceedings, the program's management shall immediately notify the Department and shall provide current documentation of the status of the program, including copies of necessary administrative and/or court legal documents applicable to that status.
- (4) Insurance.
- (a) General liability, automobile liability and medical payment insurance coverage shall be maintained on the operations of the program's facilities and on the vehicles owned, operated or leased by the program and as follows:
 - 1. General liability coverage on the operations of the program's facilities shall be maintained in a minimum amount of five hundred thousand dollars (\$500,000) per occurrence and five hundred thousand dollars (\$500,000) general aggregate coverage.
 - 2. Medical payment coverage shall be maintained in the minimum amount of five thousand dollars (\$5,000) for injuries to children resulting from the operation of the program.
 - 3. Automobile coverage for programs that transport children:
 - (i) Automobile liability coverage shall be maintained in a minimum amount of five hundred thousand dollars (\$500,000) combined single limit of liability.
 - (ii) Medical payment coverage shall be maintained in the minimum amount of five thousand dollars (\$5,000) for injuries to children being transported in vehicles owned, operated or leased by the program.
 - (b) The requirements of this paragraph shall not apply to a program that is under the direct management of a self-insured administrative department of the state, a county or a municipality or any combination of those three (3) or that has, or whose parent entity has a self-insurance program that provides, as determined by the Department, the coverage and the liability limits required by these rules.
 - (c) Documentation that the necessary insurance is in effect, or that the administrative department or other entity is self-insured, shall be maintained in the records of the program and shall be available for review by the Department.
- (5) Enrollment Restrictions.
- (a) Enrollment of children under six (6) weeks of age is prohibited.
 - (b) Children shall not be in care for more than twelve (12) hours in a twenty-four (24) hour period except in special circumstances (e.g., acute illness of or injury to parents, severe weather conditions, natural disaster, and unusual work hours). In such cases

(Rule 0520-12-01-.05, continued)

every effort shall be made to minimize the amount of time spent in the program by exploring and documenting alternatives (i.e., part time care, care with a relative, etc.)

- (c) Individualized plans for the care of a child in excess of twelve (12) hours due to special circumstances shall be signed by the parent and the director/administrator and must be approved by the Department. Plans shall be updated annually.
 - (d) The program shall not admit a child into care until the parent has supplied the program with a completed application, immunizations record (for children over two (2) months of age), and a health history.
 - (e) All children physically present in the program's facility or the program's assigned area within the facility shall be counted in the adult:child ratio and group size, and shall have all required records on file before care is provided.
 - (f) The program shall maintain documentation that the parent was offered an on-site visit of the program to review the facility and the parent had an opportunity to review the program's policies and procedures prior to the child being enrolled into the program.
- (6) Requirements for Communication with Parents.
- (a) A copy of the program's policies, procedures, and the Department's Summary of Certification requirements shall be supplied to the parent upon admission of the child. The program's policies shall include:
 - 1. Criteria for the dis-enrollment of children.
 - 2. Specific criteria concerning the release of children to anyone whose behavior may place the children at immediate risk.
 - (b) The program shall require the parent to sign for receipt of the policies and Summary of Certification Requirement, and the signed receipt shall be maintained by the program in the child's file.
 - (c) Parents shall be permitted to see the professional credential(s) of staff upon request.
 - (d) Each center shall implement a plan for regular and ongoing communication with parents. This plan shall include but not be limited to communication concerning curriculum, changes in personnel, or planned changes affecting children's routine care. Documentation shall be maintained for the most recent quarter.
 - (e) During operating hours, parents shall be permitted access to their children. Programs shall develop a policy and implementation plan regarding non-custodial parent access and/or denial of access to children. The policy and implementation plan shall be provided to all parents. (The policy may be included in the parent handbook.)
 - (f) Parents shall give written permission in advance of the child's removal from the premises, including prior notification and consent for each off-site activity, except in cases of emergencies or investigative procedures conducted pursuant to the child protective services laws or other applicable laws.
 - (g) Children shall be signed in and out of the program by the custodial parent or attendance recorded by the appropriate staff person. School-age students may sign themselves into the program. Program staff shall verify parental authorization and the identity of any person to whom a child is released.

(Rule 0520-12-01-.05, continued)

- (h) An abuse prevention awareness program for parents shall be offered at least once a year. The program shall include a child abuse prevention component, approved by the Department of Education, with information on the detection, reporting, and prevention of child abuse in child care centers and in the home.
- (i) Notifying Parents of Violations
 - 1. Within the Certification year, after issuing two (2) formal notices of violations in compliance with rules, a notice of Probation, or after issuing any type of legal enforcement order, the Department may, in its discretion, require the program to notify parents and funding sources of the circumstances. Such notification shall be a letter prepared by the Department to be provided to each parent or posted in the program with parents' signatures indicating they have seen the letter.
 - 2. The Department may, at its discretion, notify parents and funding sources of any decision affecting the program rendered by the State Board of Education Child Care Advisory Council serving in the role of Hearing Board for appeals or by any court.
- (7) General Record Requirements.
 - (a) All records required by this Chapter shall be maintained in an organized manner on-site at the program and shall be immediately available to the Department upon request.
 - (b) A child's records shall be kept for one (1) year following the child's leaving the agency; provided, however, that the health record shall be returned to the child's parent upon request when the child leaves the agency. Records of children enrolled in pre-kindergarten programs may be made part of the child cumulative file.
 - (c) Staff records shall be maintained for at least one (1) year following the separation of the staff from the program.
- (8) Children's Records.
 - (a) General Requirements for Children's Records shall include:
 - 1. A current information form, which shall be updated annually and as changes occur, and which shall include:
 - (i) The child's name and date of birth;
 - (ii) Name of parent(s);
 - (iii) Child's and parents' home address (or addresses) and phone numbers;
 - (iv) Parents' business addresses, phone numbers, and approximate work hours;
 - (v) Any special needs or relevant history of the child or the child's family; and
 - (vi) The name and address (home and business or school) of a responsible person to contact in an emergency if parent(s) cannot be located promptly.

(Rule 0520-12-01-.05, continued)

2. Name, address, and telephone number of a physician to call in case of an emergency.
3. Written consent of parent(s) regarding emergency medical care.
4. A written plan stating to whom the child shall be released.
5. Written transportation agreement between parent and the program regarding daily transportation between home and the program and the program and school. If parents have a third party transportation arrangement, verification and details of the arrangement shall be maintained in the child's file.
6. A copy of the child's health history provided by the child's parent or other caretaker, which need not be signed or certified by a health care provider, shall be on file in the program and shall be available to appropriate staff.
7. Daily attendance records for each child to include time in and time out.
8. Prior written permission of parent for each off-site activity.
9. Immunization Record.
 - (i) The program shall maintain a written record in the child's file, as set forth in subparagraphs (b) and (c), verifying that the child has been immunized according to current Department of Health guidelines.
 - (ii) Exceptions to this immunization record requirement may be made only if:
 - (I) The child's physician or the health department provides a signed and dated statement, giving a medical reason why the child should not be given a specified immunization; or
 - (II) The child's parent provides a signed written statement that such immunizations conflict with his/her religious tenets and practices.
10. Reports of Incidents, Accidents, Injuries and Fatalities.
 - (i) Incidents, accidents and injuries shall be reported to the parent as soon as possible, but no later than the child's release to the parent or authorized representative.
 - (ii) Incidents, accidents and injuries to children shall be documented immediately as follows:
 - (I) Date and time of occurrence;
 - (II) Description of circumstances; and
 - (III) Action(s) taken by the agency.
 - (iii) Documentation of incidents, accidents and injuries to children shall be filed in the child's record no later than one (1) business day immediately following the occurrence.

(Rule 0520-12-01-.05, continued)

- (iv) The Department shall be notified of any child fatality at the program no later than one (1) calendar day immediately following the death.
 - (b) **Preschool Children's Record Requirements.**
 1. Additional information for infants, toddlers and all non-verbal children shall be recorded and shared with parents daily as follows: the time and amount of feeding, any incidence of excessive spitting up, toileting and/or times of diaper changes, sleep patterns, and developmental progress.
 2. Before a child under the age of thirty (30) months of age is accepted for care, the parent shall provide proof of a physical examination within three (3) months prior to admission, signed or stamped by a physician or health care provider. This record must be kept on file at the program.
 3. The records of any child who is five (5) years old in an agency which lacks approved kindergarten status for purposes of T.C.A. § 49-6-201 shall include a signed acknowledgment by the child's parents that recognizes that the child's attendance does not satisfy the mandatory kindergarten prerequisite for the child's enrollment in first (1st) grade. The statement of acknowledgment shall be signed by the parent and maintained in the child's file.
 - (c) **School-age Children's Record Requirements.**
 1. The information form for school-age children shall list the name, address, and phone number of the school the child attends.
 2. If the school-age program is not located within the school in which the child is enrolled, the program shall have on file a statement from the parent (or the school) that the child's immunizations are current and that his/her health record is on file at the specified school which the child attends.
 3. The records of any child who is five (5) years old in a center which lacks approved kindergarten status for purposes of T.C.A. § 49-6-201 shall include a signed acknowledgment of the child's parents that recognizes that the child's attendance does not satisfy the mandatory kindergarten prerequisite for the child's enrollment in first grade. The statement of acknowledgment shall be signed by the parent and maintained in the child's file.
 - (d) Immigrant children. Schools may request information but may not deny enrollment to undocumented immigrant children regardless of their immigrant status. *Plyler v. Doe*, 457 U.S. 202 (1982).
- (9) **Staff Record Requirements Shall Include:**
 - (a) Name, birth date, social security number, (used by the employer for Federal/State tax purposes), address, and telephone number of all staff members, including volunteers, and a contact for each staff member in an emergency;
 - (b) Educational background and educational experiences, including dates and places of diplomas received, and conferences, courses, and workshops attended in the preceding year;
 - (c) Documentation, signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner or Physician's Assistant, verifying that the staff

(Rule 0520-12-01-.05, continued)

person is capable of safely and appropriately providing care for children in a group setting. The documentation shall be on file within ten (10) calendar days of employment or starting to work;

- (d) An updated statement of each staff member's physical health shall be obtained every third (3rd) year, or more often if deemed necessary by the Department;
 - (e) At least three (3) references from non-relatives, either written or with documented interviews of each reference on each staff member;
 - (f) Written, verified record of employment history;
 - (g) Documentation of annual performance reviews;
 - (h) Date of employment and date of separation from the program;
 - (i) Daily attendance (including time in/out) of staff;
 - (j) Signed and completed criminal history disclosure form;
 - (k) Verification of criminal background check results;
 - (l) Verification of Vulnerable Persons Registry results;
 - (m) Driver records shall additionally contain:
 - 1. Copy of driver's license showing proper endorsement;
 - 2. Verification of a passed drug screen; and
 - 3. Verification of Cardiopulmonary Resuscitation (CPR) and First Aid certifications;
 - (n) Volunteer Records. Records of volunteers shall be maintained on-site at the program and must include names, addresses, telephone numbers and dates of service of all volunteers.
- (10) Right to Privacy/Confidentiality.

The program staff shall not disclose or knowingly permit the use by other persons of any information concerning a child or family except as required by law, regulation or court order, or as may be necessary to be disclosed to public authorities in the performance of their duties and which may be necessary for health, safety, or welfare of any child enrolled in the program or the child's family.

(11) Posting of Certificate of Approval and Other Required Documentation.

- (a) During the hours of operation, the current Certificate of Approval to operate the program shall be posted near the main entrance in a conspicuous location.
- (b) The Department of Human Services toll-free complaint number shall be posted in a conspicuous location.
- (c) The Department of Children's Services' child abuse number shall be posted near the main entrance in a conspicuous location and at each telephone.

(Rule 0520-12-01-.05, continued)

- (d) A copy of all current applicable Department Certification rules shall be maintained in a central space and available to all staff and parents.
- (e) No smoking signs shall be posted in a conspicuous manner.
- (f) The program shall post any other materials as directed by the Department.

(12) Release of Children

- (a) Children shall only be released to a responsible designated person in accordance with the child release plan required by these rules. The program shall verify the identity of the authorized person by requiring presentation of a photo identification.
- (b) The person to whom the child is released must sign the child out of the program.
- (c) Children should not be released to anyone whose behavior, as deemed by a reasonable person, may place the child(ren) in imminent risk. Immediately call 911, the local law enforcement agency or other emergency services number prior to the release of children to a parent. If the person, displaying risky behavior, is not the parent, the program shall not release the child and the parent shall be called immediately.

Authority: T.C.A. §§4-5-201 et seq., 37-1-403(a)(8) 49-1-302(l), 49-1-1101 through 49-1-1109, 49-6-2101, 49-6-2105, 49-6-2107, 49-6-2108, 49-2-2110, 49-6-2114, 49-6-2116, 55-9-602 et seq., 55-50-301 et seq. and 55-50-401 et seq. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.06 SUPERVISION.

(1) Supervision Procedures.

- (a) Program Responsibility for the Children's Supervision.
 - 1. The management of the program shall maintain a system that enables all children in the program's care to receive a level of supervision of their status and activities that is appropriate to their age and their development, physical and mental status so as to ensure their health and safety and that allows program personnel to know the whereabouts of each child.
 - 2. This system shall include a mandatory visual inspection of all areas of the building and grounds immediately prior to closing the program for the day in order to ensure that no children have been unintentionally left in any part of the program's facilities or in any vehicles that the program uses to transport children.
- (b) Children six (6) weeks of age through two (2) years of age: the adult must be able to hear the child at all times, must be able to see the child at a quick glance, and must be able to physically respond immediately.
- (c) Children three (3) years through five (5) years of age shall be safely protected by an adult in close proximity and not distracted by other tasks and must be able to physically respond immediately.
- (d) Children six (6) weeks of age to five (5) years of age during mealtime: An adult must be in the direct sight and sound of child/children while the child/children are eating.

(Rule 0520-12-01-.06, continued)

- (e) Children who are in kindergarten five (5) years of age by September 30th through nine (9) years of age shall be protected by an adult who adjusts restrictions appropriately for different ages and abilities and must be able to physically respond immediately.
 - (f) Children ten (10) years of age through thirteen (13) years of age: The adult shall know the whereabouts and activities of the child/children at all times and must be able to physically respond immediately. Youth/children shall have the opportunity to develop independence.
 - 1. Staff shall position themselves strategically for adequate supervision and quick response.
 - 2. Staff shall be aware of the dynamics (interactions) and activities of the entire group even when dealing with only part of the group at a time.
 - (g) Children fourteen (14) years of age to eighteen (18) years of age: The adult shall know the whereabouts and activities of the children, provide age appropriate guidance and must be able to physically respond as needed.
 - (h) Mixed-age Groups. When children ages ten (10) and above are grouped with children under ten (10) years of age, the minimum supervision requirements must be in accordance with the supervision required for the age group of the youngest child in the group.
 - (i) Helper devices such as mirrors, electronic sound monitors, etc. may be used as appropriate to meet these requirements.
 - (j) Caregivers shall monitor children's toileting and be aware of their activities while respecting the privacy needs of the child.
 - (k) When more than twelve (12) children are present on the premises, but a second (2nd) adult is not required by the adult:child ratio rules, contained in this Chapter, a second (2nd) adult shall be physically available on the premises.
 - (l) The program shall maintain a plan, approved by the Department's child care program evaluator, that enables a caregiver in an emergency situation to call a second (2nd) adult who can respond quickly while maintaining as much supervision of the children in care as is possible under the circumstances.
 - (m) All children for whom care is provided at any one time shall be included in the program's enrollment, square footage allowance, and approved capacity.
 - (n) Auxiliary staff may be used as emergency substitutes if their qualifications permit, but not while performing auxiliary duties.
 - (o) If meals are served, any person responsible for preparing meals and washing the dishes shall not be included in the adult:child ratio while preparing meals or washing dishes.
 - (p) When more than twelve (12) school-age children in first (1st) grade and above are present, a separate group, a separate space, and a separate program type shall be provided for them.
- (2) Assignment of Children to Groups.

(Rule 0520-12-01-.06, continued)

- (a) Each child must be on roll in a defined group and assigned to that group with a specific teacher and/or caregiver.
 - (b) Maximum group size requirements shall be maintained at all times when children are indoors with the exceptions of meals served in common dining rooms, napping in common nap rooms, or outdoors on the playground.
 - (c) When infants are cared for in a center with older children, they shall not be grouped with children older than thirty (30) months of age and a separate area shall be provided for them.
 - (d) In order to assure the continuity of care for children thirty (30) months of age to five (5) years of age and their caregivers, the children shall be kept with the same group throughout the day and shall not be moved, shuffled, or promoted to a new group until required based upon the developmental needs of the child; provided however, that:
 - 1. For children, groups, excluding infants and toddlers, may be combined for short periods for a special activity, e.g. special assembly, visiting performers, or community helpers, etc., of no more than thirty (30) minutes duration per day as long as adult:child ratios are met.
 - 2. Groups, excluding infants and toddlers, may be combined, for up to one (1) hour at the beginning of the day and for up to one (1) hour at the end of the day as set forth in the Adult:Child Ratio Chart 3.
 - (e) Each group must have a “home base” with enough space for the entire group.
- (3) Required Adult:Child Ratios.
- (a) The adult:child ratios shall be maintained by the program while the children are indoors and on the playground.
 - (b) Adult:child ratios and group sizes may exceed the required limit by up to ten percent (10%) rounded to the nearest whole number, for no more frequently than three (3) days per week; provided however:
 - 1. Infant and toddler groups may never exceed the required ratios and group sizes;
 - 2. The pre-kindergarten classes implemented in accordance with State Board of Education rule 0520-01-03-.5-.05 may never exceed twenty (20) children; and
 - 3. The approved capacity of the classroom, based on square footage, may not be exceeded;
 - (c) Any number of children in excess of the adult:child ratios requires a second qualified adult caregiver; provided, however, that the maximum group size shall not be exceeded.
 - (d) Adult:Child Ratio Charts

1. Chart 1 - Single Age Grouping and Adult:Child Ratio Chart

Maximum Group Size and Adult:Child Ratio							
Single-Age Grouping	8	12	14	16	18	20	No Max

(Rule 0520-12-01-.06, continued)

Infants: 6 wks. – 15 mos.	1:4						
Toddlers (12 mos. – 30 mos.)		1:6					
2 years (24 mos. – 35 mos.)			1:7				
3 years					1:9		
4 years						1:13	
5 years						1:16	
School-Age (K - 12 years)							1:20
13 to 18 years							1:30

2. Chart 2 - Multi-Age Grouping and Adult:Child Ratio Chart

Maximum Group Size and Adult:Child Ratio							
Multi-Age Grouping	8	16	18	20	22	24	No Max
Infants/Toddlers: 6 wks. – 30 mos.	1:5						
2-4 years		1:8					
2.5 - 3 years (30 – 47 mos.)			1:9				
2.5 - 5 years				1:11			
2.5 – 12 years	1:10						
3 – 5 years (includes 3 – 4 years)					1:13		
4 - 5 years						1:16	
5 - 12 years							1:20
13 to 18 years							1:30

3. Chart 3 – Allowable Combined Group & Adult:Child Ratio Chart for first/last hour of each day only:

Maximum Group Size and Adult:Child Ratio							
	10	15	20				
2 – 12 years	1:10						
3 – 12 years		1:15					
4 – 12 years			1:20				

(4) Naptime Supervision (Requirements for Naptime and Nighttime Care).

(a) At naptime and during nighttime care, after the children have settled down, adult:child ratios may be relaxed so long as the children are adequately protected and all of the following requirements are met:

1. At least one (1) adult shall be awake and supervising the children in each nap room/sleeping area;
2. Infant/toddler ratios shall be maintained; and
3. The adult:child ratio for children ages thirty-one (31) months and above can be fifty percent (50%) of the required ratio if there are enough adults on the

(Rule 0520-12-01-.06, continued)

premises so that the adult:child ratio required for children when they are awake shall be met immediately in an emergency.

- (b) Maximum group size limits do not apply as long as the appropriate adult:child ratio is met at the fifty percent (50%) level.
 - (c) Safe Sleep Practices:
 - 1. Infants shall be positioned on their backs when placed in a crib for sleeping.
 - 2. In order to avoid the risk of smothering, soft bedding for infants is prohibited.
 - 3. Infants shall not be wrapped tightly or swaddled in blankets for sleeping.
 - 4. Infants shall be touched by a caregiver every fifteen (15) minutes in order to check breathing and body temperature.
 - 5. Pillows shall be prohibited for infants.
 - 6. If a child appears not to be breathing, the program must immediately begin CPR and call for emergency medical assistance.
 - 7. Before any caregiver can assume caregiving duties of any type in an infant room they shall be oriented in the foregoing SIDS procedures.
 - (d) Naproom Lighting. The areas where infants sleep shall be lit in a manner which allows the caregiver to quickly, at a glance, verify that the child's head is uncovered, that the child is breathing, and otherwise visually verify the child's condition.
- (5) Playground Supervision.
- (a) The same adult:child ratios are applicable for the playground as in the classrooms.
 - (b) A playground supervision plan shall be written and implemented which includes:
 - 1. Arrival and departure procedures;
 - 2. Supervision assignments of staff to assure that all areas of the playground can be seen so that all children can remain within sight of the caregivers;
 - 3. Identification of which staff will merely supervise in their assigned zone while other caregivers, if any, interact with children as play facilitators;
 - 4. Emergency plans specific to a variety of circumstances, such as, child injury, weather evacuation, toileting and other personal care needs of children or staff, etc.; and
 - 5. A communication link among playground supervisors and a designated staff person, if available, inside the program's facility.
- (6) Supervision During Off-Site Activities.
- (a) Preschool Children. The number of adults displayed in adult:child ratio in charts 1 and 2 must be doubled during off-site visits.

(Rule 0520-12-01-.06, continued)

(b) School-age Children (Kindergarten - 13 years of age).

1. The number of trained caregivers required to be present on off-site activities shall be at a minimum, equivalent to the number that would be required in the classroom; additional adults to meet the following off-site ratios in chart 4 may be caregivers, volunteers and/or unpaid staff.

2. Chart 4 – Off Site Activities for School-age Children

Number of Children On Activity	Trained Caregivers	Additional Adults	Total Adults Required
1 – 20	1	1	2
21 – 30	2	1	3
31 – 40	2	2	4
41 - 50	3	2	5

(c) School-age Children (14 to 18 years of age). The number of trained caregivers required to be present on off-site activities shall yield an adult:child ratio of 1:20, additional adults to meet this ratio may be caregivers, volunteers and/or unpaid staff.

(d) A minimum of two (2) adults is required for any off-site activity.

(e) The program must maintain a system utilizing an off-site attendance roll which tracks the whereabouts of each child while off the premises.

(7) Supervision While Swimming. When children are swimming, the adult:child ratios in Chart 5 and the following requirements shall be met:

(a) Chart 5 – Swimming Adult:Child Ratio Chart

Age Group	Adult:Child Ratio
Infants (6wks-12 months)	1:1
Toddlers/Twos (13 -35 months)	1:2
Three Year Olds	1:4
Four Year Olds	1:6
Five Year Olds	1:8
School-Age (K -13 years)	1:10
14 to 18 years	1:20

(b) Although group swimming for infants and toddlers is not prohibited, it is not recommended.

(c) At least one (1) adult present shall have a current certificate in advanced aquatic lifesaving skills. This person must supervise from above the level of the swimmers, preferably from an elevated lifeguard chair or otherwise from the pool deck.

(d) The lifeguard may not be included in the required adult:child ratio while performing lifeguard duties.

(e) Remaining caregivers should supervise both in and out of the water.

(8) Transportation Supervision. Supervision for transportation of children shall comply with rules in 0520-12-01-.13(2).

(Rule 0520-12-01-.06, continued)

Authority: T.C.A. §§4-5-201 et seq., 49-1-302(l), 49-1-1101 through 49-1-1109, 49-5-413, 49-6-2101, 49-6-2105, 49-6-2107, 49-6-2108, 49-2-2110, 49-6-2114, 49-6-2116, 49-6-3001, 55-9-602 et. seq., 55-50-301 et seq., 37-1-403(a)(8), 55-50-401 et. seq. and 71-3-507(g) and (h). **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.07 STAFF.

(1) Responsibility for Staff.

- (a) The board, owner, applicant, or other designated agent of the program shall be responsible for selecting individuals qualified and of suitable character to work with children.
- (b) The director, with the guidance of the board or owner of the program, shall be responsible for staff and program and the day-to-day operation of the program.
- (c) Each location where children are kept shall have an on-site director.
- (d) To be designated as such, the on-site director of a program in operation up to twelve (12) hours a day shall be physically present in the program's facilities daily at least half of the total hours of operation. If a program operates more than one (1) shift, the on-site director shall be physically present at least one (1) shift.
- (e) To be designated as the director or person in charge (on a daily basis) of a multi-site program, he/she shall be employed full-time in that capacity.
- (f) An assistant director or other staff member shall be designated to be in charge in the absence of the director and all staff shall be notified of this designation.
- (g) Management shall evaluate all staff in the performance of their duties. Caregivers shall be evaluated for knowledge and understanding of growth and development patterns of children and understanding of appropriate activities for children as well as those with special needs. The Tennessee Frameworks for Evaluation process for licensed, pre-kindergarten teachers (certified in early childhood education) shall be accepted as the performance evaluation requirements of this subsection.

(2) General Staff Qualifications.

- (a) Every staff person, including auxiliary staff, substitutes, volunteers, and practicum students, shall be physically, mentally, and emotionally capable of using the appropriate judgment for the care of children, and otherwise performing his/her duties satisfactorily.
- (b) A person who has a physical, mental, or emotional condition which is in any way potentially harmful to children shall not be present with the children.
- (c) Every staff person, both paid and unpaid, who is under the age of eighteen (18) years must be supervised by an adult while in the presence of children.
- (d) At least one (1) adult available on the premises at all times during program operating hours must be able to read and write English.

(Rule 0520-12-01-.07, continued)

- (e) Prior to assuming duties, each new employee shall receive orientation in, and be able to explain:
 - 1. Program philosophy;
 - 2. Job description;
 - 3. Emergency procedures;
 - 4. Policies regarding discipline of children;
 - 5. Policies regarding the reporting of child abuse; and
 - 6. Policies for receiving and dismissing children.
 - (f) Within the first two (2) weeks on the job, each employee (including auxiliary staff, such as bus driver, cook, etc.) shall receive instruction in:
 - 1. Child abuse detection, reporting, and prevention;
 - 2. Parent-center communication;
 - 3. Disease control and health promotion;
 - 4. An overview of certificate of approval requirements; and
 - 5. Information on risks of infection to female employees of childbearing age.
 - (g) All training shall be documented in the program's records and be available for review by the Department's staff at any time.
 - (h) The program must maintain written documentation that each employee has read the full set of all applicable rules. In addition, a copy of the rules (0520-12-01) shall be maintained in an area that is readily accessible to all staff.
- (3) Multi-Site Personnel.
- (a) Multi-Site Coordinator. The multi-site coordinator must meet the same requirements listed below for a single site program director.
 - (b) Qualifications of On-Site Director Under a Multi-site Coordinator:
 - 1. At least two (2) years of college training or a department-recognized credential in addition to at least one (1) year of full-time documented work experience with young children in a group setting; or
 - 2. A high school diploma or its equivalent educational credential recognized by the Department in addition to at least two (2) years of full-time (paid or unpaid) documented work experience with young children in a group setting.
- (4) Qualifications for Director of a Single Site Program.
- (a) The director shall meet at least one (1) of the minimum qualifications listed in the chart below:

(Rule 0520-12-01-.07, continued)

If Minimum Education Is:	The Minimum Group Care Experience Required Is:
Graduation from an accredited four-year (4-year) college	One (1) year of full-time (paid or un-paid) experience in a group setting. [2 years School-age care = 1 year full time]
Sixty (60) semester hours (two [2] years) of college training, with at least thirty (30) hours of which shall be in business or management, child or youth development, early childhood education or related field	Two (2) years of full-time (paid or un-paid) experience in a group setting [2 years School-age care = 1 year full time]
High School Diploma (or Department recognized equivalent), and Tennessee Early Childhood Training Alliance (TECTA) certificate for completing thirty (30) clock hours of orientation training, or the equivalent as recognized by the Department	Four (4) years of full-time (paid or un-paid) experience in a group setting [2 years School-age care = 1 year full time]
Has been continuously employed as an on-site program director or child care agency owner since July 1, 2000	Not Applicable

(b) Training Requirements:

1. Prior to issuance of the first annual certificate of approval, directors shall complete an orientation on rules implementation provided by the Department of Education child care program evaluator.
2. During the first year of employment a new director shall:
 - (i) Complete an orientation course within three (3) months of assuming the position; provided, however, that this course shall not be required if the director has:
 - (I) Received specific training meeting the requirements of this part within three (3) years prior to employment; or
 - (II) Earned a Bachelors degree, an Associates degree in child development or early childhood education, a CDA credential, or a CCP credential;
 - (ii) Have evidence of receiving at least thirty-six (36) clock hours of Department recognized, competency-based training or one-to-one consulting sessions, at least six (6) hours of which must be in administration, management or supervisory training; or
 - (iii) Earn credit during the year in one (1) academic course in administration, child development, early childhood education, health/safety, inclusion of children with special needs, or other related field.
3. After the first (1) year of employment, the director shall:
 - (i) Earn credit during the year in one (1) academic course in administration, child development, early childhood education, health/safety or other related field; or

(Rule 0520-12-01-.07, continued)

- (ii) Have evidence of receiving at least eighteen (18) clock hours annually in workshops, competency-based training, or one-to-one consulting sessions:
 - (I) Six (6) hours shall be in administration management or supervisory training; and
 - (II) Four (4) hours of the required eighteen (18) hours may be earned by conducting training.
 - (c) If the Principal of a school serves as Director of the program. The Principal qualifications and training are in accordance with T.C.A. § 49-2-203.
- (5) Assistant Director Qualifications.
- (a) The on-site assistant director shall have at least two (2) years of college training or a Department recognized credential and one (1) year of full-time or two (2) years of part time school-age care documented work experience (paid or un-paid) in a group setting; or
 - (b) The on-site assistant director shall have earned a high school diploma or equivalent educational credential recognized by the Department and two (2) years of full-time or four (4) years of part time school-age care documented work experience (paid or un-paid) in a group setting.
- (6) Caregiver Qualifications.
- (a) Each caregiver shall be at least eighteen (18) years of age. Exception, sixteen (16) and seventeen (17) year old students currently enrolled in Department recognized career and technical early child development/child care program may be counted in the adult-child ratio; provided, however, that they shall always be under the direct supervision of an adult and shall not be left alone with a group of children.
 - (b) Each group shall have at least one (1) caregiver present who has a high school diploma or equivalent educational credential as recognized by the Department.
 - (c) Training for Caregivers During the First (1st) Year of Employment.
 - 1. New caregivers shall complete, within the first (1st) thirty (30) days of employment with the program, two (2) clock hours of pre-service orientation training offered or recognized by the Department. Pending completion of the orientation training, the caregiver's employment status as a caregiver with the program is conditional.
 - 2. New caregivers shall additionally complete sixteen (16) hours of Department-recognized, competency-based training within the first (1st) year of employment, six (6) hours of which must be completed within the first six (6) months of employment.
 - 3. Failure of the caregiver to complete the required two (2) hours of pre-service orientation and/or failure to complete the required six (6) hours of training within the first (1st) six (6) months of employment shall require that the employee be removed from caregiver duties until completion of the training.

(Rule 0520-12-01-.07, continued)

4. Exception. Caregivers who have been employed in early childhood education programs or child care programs during the last three (3) years, hold a Bachelors or Associates degree in child development or a related field, or who hold a Child Development Associate (CDA) credential or Child Care Professional (CCP) credential as recognized by the Department shall instead comply with the training requirements for experienced caregivers required in subparagraph (d) below.

(d) Training for Caregivers After First (1st) Year of Employment.

1. Experienced caregivers shall complete at least twelve (12) clock hours annually of Department recognized, competency-based training.
2. A maximum of two (2) hours training credit may be credited for Child and Adult Care Food Program (CACFP) training or USDA Free and Reduced Price Meal Program training.
3. At least six (6) hours of the required training shall be obtained outside of program.
4. Up to four (4) hours of training credit annually may be earned by conducting training.
5. Credit for Tennessee Early Childhood Training Alliance Orientation Training Completion of a thirty (30) hour orientation class through the TECTA system shall satisfy the caregiver's minimum annual training requirements for two (2) years.

(7) Substitutes.

- (a) The names, addresses, telephone numbers and dates of service shall be recorded for all substitutes in the staff personnel records of the program.
- (b) Substitutes shall comply with the same orientation requirements defined by these rules for all program staff.
- (c) Substitutes who have acted as caregivers for two hundred (200) or more hours in the previous calendar year shall meet the training requirements contained in the rules for caregivers.
- (d) Substitutes providing services for thirty-six (36) hours or more in a calendar year shall:
 1. Meet the criminal background check requirements contained in these rules; and
 2. Meet the same requirements as regular staff for the physical examination required by these rules.
- (e) Practicum Students. Persons serving temporarily as caregivers in field service placements as part of an educational course of study or other curriculum requirement shall not be considered as substitutes for purposes of this paragraph.

(8) Volunteers.

- (a) Volunteers may be used to provide services and supplement the required caregivers or substitutes without payment, but are not counted to meet the adult:child ratios. If

(Rule 0520-12-01-.07, continued)

counted in the adult:child ratio, or provide services for more than twenty (20) hours per calendar week, volunteers shall meet the qualifications for substitutes as set forth in paragraph 0520-12-01-.07(7) above.

- (b) Management shall be responsible for and supervise the activities of volunteers to assure safety of the children.
 - (c) Records for volunteers shall be maintained as required in 0520-12-01-.05.
- (9) Criminal Background and Vulnerable Persons Registry Review Requirements.
- (a) Individuals Requiring a Fingerprint Criminal Background Review and Abuse (Vulnerable Persons) Registry Check:
 - 1. Any individual applying to work as a paid employee, a director, or manager of a program in a position that will require or allow the individual to have contact with children at any time;
 - 2. Any individual applying to work as a new substitute and who is expected to offer, or who provides, at least thirty–six (36) hours of substitute services to the program in any calendar year.
 - 3. Any individual applying for a certificate of approval to operate a program as defined in T.C.A. § 49-1-1102 et seq. and who has significant contact with children in the course of the role of operator. For purposes of this subparagraph, an “operator” shall be an individual who is an owner or administrator of a school-administered infant/toddler, preschool and/or school-age care program, pre-kindergarten, school-administered Head Start or Even Start, approved Montessori, Lottery Afterschool Education Program, TEIS early intervention program.
 - (b) Individuals applying to work as a paid employee of a program, administered by a local education agency (LEA) or the State Department of Education, shall have their name, address and social security number submitted to the Department of Children’s Services Background Check and the Sex Offender Registry to verify that the person does not appear on any of these registries as required by T.C.A. § 49-10-608.
 - (c) Pending outcome of the criminal background check as described in this paragraph; the outcome of the review of the individual’s status on the Department of Health’s Vulnerable Persons Registry; and, for LEA and State Department of Education applicants, the outcome of the Department of Children’s Services Background Check and the Sex Offender Registry, the applicant for employment or a substitute or volunteer position, or for a director/owner, seeking to be certified to operate a program, shall be conditional and shall be dependent upon the results of these background checks.
 - (d) Requirements for Submission of a Fingerprint Sample.
 - 1. Programs shall utilize an established user agreement between the Tennessee Bureau of Investigation and the local education agency, private school, or community based organization for the processing of applicant fingerprints.
 - 2. Fingerprint Sample. The program shall be responsible for obtaining and submitting the fingerprint sample of any person required by the Chapter in the form and manner directed by the Tennessee Bureau of Investigation.

(Rule 0520-12-01-.07, continued)

- (i) Within ten (10) calendar days of the first day of beginning employment or substitute status;
 - (ii) Within ten (10) calendar days of the new program application for Certificate of Approval;
 3. Vulnerable Persons Registry. The program shall be responsible for determining, within the same time periods as set forth in part (d)2 above, the status on the Department of Health's Vulnerable Persons Registry of any individual who is required by subparagraph (a) above to undergo a criminal history background check. Verification of status check shall be maintained in the employee's record pursuant to the requirements set forth in 0520-12-01-.05.
 4. Department of Children's Services Background Check and the Sex Offender Registry. The LEA or State Department of Education administered program shall be responsible for determining, within the same time periods as set forth in part (c)2 above, the status on the Department of Children's Services Background Check and the Sex Offender Registry of any individual who is required by T.C.A. § 49-10-608 to undergo a criminal history background check. Verification of such status check shall be maintained in the employee's record pursuant to the requirements set forth in 0520-12-01-.05.
- (10) Exclusions Of Persons from Contact with Children.
- (a) Prohibited Criminal or Abuse or Neglect History.
 1. No individual with a prohibited criminal history as defined below, regardless of whether such individual is required by these rules to undergo a criminal background check, may work, substitute or volunteer in a program, or be resident, owner, director or manager of a program who has access to children, or be an operator who has significant contact with children or otherwise have unrestricted access to children in any manner whatsoever.
 2. An individual shall be immediately and automatically excluded from a program or any contact whatsoever with children, as described above, if the individual's criminal history includes:
 - (i) A criminal conviction or a no-contest or guilty plea; or any pending criminal action, including individuals subject to any warrant, indictment or presentment, etc.; or placement in a pretrial diversion; or,
 - (ii) A pending juvenile action or previous juvenile adjudication, which, if an adult, would constitute a criminal offense; and
 - (iii) Any of the circumstances in subparts (i) or (ii) above involves any of the following criminal offenses:
 - (I) Any offense (including a lesser included offense) involving the physical, sexual or emotional abuse or gross neglect of a child or involving a threat to the health, safety or welfare of a child;
 - (II) Any offense (including a lesser included offense) involving violence, or the threat of violence against another person; and/or

(Rule 0520-12-01-.07, continued)

- (III) Any offense (including a lesser included offense) involving, the manufacture, sale, distribution or possession of any drug.
3. An individual shall also be immediately and automatically excluded from the program or from access in any manner whatsoever to the children in the care of the program, if the individual:
 - (i) Reveals a prohibited or potentially prohibited criminal history on the criminal history disclosure form; or
 - (ii) Is listed on the Department of Health's Vulnerable Persons Registry;
 - (iii) Is known to the management of a program as a perpetrator of child abuse or child sexual abuse or to have a prohibited criminal record, who is identified to the program's management by the Department of Children's Services as a validated perpetrator of abuse of a child based upon an investigation conducted by the Department of Children's Services or by the child protective services agency of any other state; or, who at anytime is identified by any person or entity to the program's management and is confirmed by the Department as having a prohibited criminal history.
 4. Exclusions from driving duties. An individual with a prohibited history as set forth below shall be immediately and automatically excluded from providing driving duties on behalf of the program if the individual:
 - (i) Has a pending criminal action (including warrants, indictments, presentments, etc.) is completing pretrial diversion, or has been convicted of or pled guilty to any offense involving the use of a motor vehicle while under the influence of any intoxicant, which constitutes a violation of T.C.A. §§ 39-13-213; 55-10-101; 55-10-102 or 55-10-401; or
 - (ii) Has been convicted of or pled guilty to any felony involving use of a motor vehicle while under the influence of any intoxicant. In such case, the individual shall not be employed or otherwise serve as a driver for a program for a period of five (5) years from the date of the conviction or guilty plea.
 5. Exclusions for Child Neglect. An individual who has been identified by the Department of Children's Services as having neglected a child based on an investigation conducted by the Department of Children's Services, or any child protective services agency of any state, and who has not been criminally charged or convicted or pled guilty as stated above, shall be supervised by another adult while providing care for children.
- (b) The program shall immediately review the report of the background check received from the Tennessee Bureau of Investigation, and shall immediately consult with the Department to resolve any questions relative to the person's status. Upon determination that the person's status prohibits the person from having access to children as described in part 7 of Rule 0520-12-01-.07(10)(a), the program shall immediately exclude such person from access to children. Failure to exclude the person under this part will result in immediate suspension of the program's certificate of approval.
 - (c) Failure to exclude individuals with a criminal history or abuse or neglect finding. Failure to immediately exclude any individual subject to exclusion or supervision

(Rule 0520-12-01-.07, continued)

pursuant to this subchapter may result in immediate suspension, denial or revocation of the program's certificate of approval.

(11) Waivers from Exclusions Due to Criminal or Abuse or Neglect History.

- (a) Any person who is excluded or whose certificate of approval or operator status is denied based upon the results of the criminal history background review or based upon any other determination may request in writing to the Department within ten (10) calendar days of receiving notice of such exclusion or denial, a waiver from these automatic exclusion requirements.
- (b) Excluded individuals may also make a written request for a waiver by letter or directly on the criminal history disclosure form.
- (c) Requests for a waiver shall state the basis for the request, including any extenuating or mitigating circumstances that would, in the person's opinion, clearly warrant an exemption from the exclusion. Any documentary evidence may also be submitted with the request.
- (d) Requests for waivers shall be heard by an advisory committee, composed, at a minimum, of law enforcement personnel, persons experienced in child protective services, persons experienced in child development issues and child care providers issued a certificate of approval by the Department and reviewed by the Department.
- (e) Any person who is excluded from providing care or services to children under any provisions of this subchapter shall remain excluded pending the outcome of any exemption review and appeals.

(12) Supplemental Background Checks.

- (a) The Department may, at anytime, request that the criminal background or status on the Department of Health's Vulnerable Persons Registry of any individuals having access to children under any of the circumstances set forth in this subchapter be reviewed using the processes described above. All other provisions applicable to any pre-employment, residential or access status of any individual shall apply to any background review conducted pursuant to this paragraph (12).
- (b) The employment status of persons for whom a post-employment criminal background check was conducted, or the status of existing program owners or operators, substitutes or volunteers of a program for whom a criminal background check was conducted after issuance of a certificate of approval or after employment or assuming duties as a volunteer or substitute, and who were not otherwise subject to a pre-status applicant background check and to the exclusionary provisions provided in this subchapter, shall be governed by the provisions of this subchapter.

Authority: T.C.A. §§4-5-201 et seq., 49-1-302(l), 49-1-1101 through 49-1-1109, 49-2-203, 49-5-413, 49-6-300, 49-10-608 and 71-3-507 (g) & (h). **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.08 EQUIPMENT FOR CHILDREN.

- (1) General.

(Rule 0520-12-01-.08, continued)

- (a) Manufacturer's safety instructions shall be followed for the use and/or installation of all indoor and outdoor equipment and appliances. Such instructions shall be retained and communicated to all appropriate staff.
 - (b) All indoor and outdoor equipment shall be well made and safe. There shall be no dangerous angles, no sharp edges, splinters, nails sticking out, no open S-hooks or pinch points within children's reach.
 - (c) Electrical cords on equipment for children shall be inaccessible to the children.
 - (d) Damaged equipment shall be repaired or removed from the room or playground immediately.
 - (e) Equipment shall be kept clean by washing frequently with soap and water.
 - (f) There shall be developmentally-appropriate equipment and furnishings for each age group in attendance.
 - (g) Individual lockers, separate hooks and shelves or other containers, placed at children's reaching level, shall be provided for the belongings of each child, ages infant - preschool.
 - (h) In infant/toddler rooms, equipment and space shall be provided for climbing, crawling, and pulling without the restraint of playpens or cribs.
 - (i) A place shall be provided for each school-age child's belongings.
- (2) Indoor Play Equipment.
- (a) Pieces of equipment, such as television sets, bookcases, and appliances, shall be secured or supported so that they will not fall or tip over.
 - (b) Sufficient indoor equipment, materials, and toys shall be available to:
 - 1. Meet active and quiet play needs of all children enrolled;
 - 2. Provide a variety of developmentally appropriate activities so that each child has at least three (3) choices during play time; and
 - 3. Adequately provide for all the activities required in Section 0520-12-01-.09 Program.
 - (c) Toys, educational and play materials, shall be organized and displayed within children's reach so that they can select and return items independently.
 - (d) Toys or teaching aids that are small or that have small parts that can be inhaled or swallowed shall be inaccessible to infants and toddlers.
- (3) Outdoor Play Equipment.
- (a) There shall be developmentally appropriate outdoor play equipment for children who are in care more than three (3) daylight hours.

(Rule 0520-12-01-.08, continued)

- (b) All outdoor play equipment and materials shall be sufficient in amount and variety so that children have an opportunity to participate in a minimum of at least three (3) different types of play using either stationary equipment and/or portable play materials.
- (c) All outdoor play equipment shall be placed to avoid injury:
 - 1. Fall zones shall extend six (6) feet away from the perimeter of climbing equipment and away from retainer structures, fences, and other equipment and out of children's traffic paths.
 - 2. Agencies with a playground continually certified as approved since prior to January 1, 2002 shall be permitted to maintain fall zones of at least four (4) feet; provided, however, that any expansion or addition shall comply with the six (6) feet fall zone required by part 1 above.
- (d) Anchorage of Equipment.
 - 1. Supports for climbers, swings, and other heavy equipment that could cause injury if toppled shall be securely anchored to the ground, even if the equipment is designed to be portable.
 - 2. Portable equipment shall otherwise be anchored to the ground if the height and weight of the equipment exceeds the height and weight of the smallest child who will use the equipment.
- (e) An acceptable resilient surfacing material, as recognized by the Department, shall cover fall zones in accordance with the following chart:

Resilient Surfacing Material	Minimum Acceptable Depth
Wood chips or Mulch	Six (6) inches
Double Shredded Bark	Six (6) inches
Pea Gravel	Six (6) inches
Medium Gravel	Eight (8) inches
Fine Sand	Eight (8) inches
Course Sand	Eight (8) inches
Artificial (Manufactured) Surface	As recommended by Manufacturer

- (4) Naptime and Sleeping Equipment.
 - (a) There shall be equipment for napping or sleeping for each preschool child who is in care for six (6) hours or more.
 - (b) A quiet rest area and cots or mats shall be available for children who want to rest or nap. However, no child shall be forced to nap.
 - (c) No child shall be forced to stay on a cot or on a mat for an extended period of time.
 - (d) All nap/sleep equipment shall be in good condition and comply with the following requirements:
 - 1. Individual cots or two-inch (2") mats shall be provided for children ages twelve (12) months to five (5) years.

(Rule 0520-12-01-.08, continued)

2. Individual beds or cots shall be provided for children sleeping for extended periods of more than two and one half (2-1/2) hours, such as during nighttime care.
3. Each child under twelve (12) months shall have an individual, free-standing, crib at least twenty-two inches (22") x thirty-six inches (36") with an open top.
4. Mattresses and foam pads shall be covered with safe, waterproof material.
5. A clean sheet or towel shall be used to cover whatever the child sleeps on.
6. A clean coverlet shall be available to each child.
7. Soiled sheets and coverlets shall be replaced immediately.
8. For health and safety reasons each crib, cot, bed or mat shall be labeled to assure that each child naps on his own bedding.

Authority: T.C.A. §§4-5-201 et seq., 49-1-201(c)(24), 49-1-302(l), 49-1-1101 through 49-1-1109, 49-2-203(b)(11), and Executive Order No. 24 (November 11, 1988). **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.09 PROGRAM.

- (1) Schedule and Routines.
 - (a) Routines such as snacks, meals, and rest shall occur at approximately the same time each day.
 - (b) There shall be a balance between child's choice and adult-directed activities.
 - (c) There shall be alternating periods of vigorous activity and quiet play or rest throughout the day.
 - (d) Special consideration shall be given to providing early morning and late afternoon activities that will help children cope with possible unhappiness over separation from parents and end-of-day fatigue.
 - (e) Each caregiver shall be responsible for providing consistent care for a specific infant(s)/toddler(s). "Consistent care" includes, but is not limited to, planning, record-keeping for the child, communication, general interaction with and routine care of the child.
 - (f) The caregiver(s) shall give individual attention to each child, in addition to the time devoted to diapering and feeding.
 - (g) Children shall not be left in restraining devices such as swings, car seats, or high chairs (in excess of thirty (30) minutes). Stimulation shall be provided to children in those settings.
 - (h) Opportunities shall be provided for children to interact with one another.

(Rule 0520-12-01-.09, continued)

- (i) Opportunities shall be provided for children to be by themselves to play alone or do homework, if they choose, in a small quiet area away from other activities.
 - (j) Youth ten (10) years and older shall be encouraged to participate in the planning of their schedules and activities.
 - (k) Extended Care. Children shall be given the same opportunities for developmentally appropriate activities during extended care hours as during conventional care hours.
- (2) Television, Radio, Videos, and Computers:
- (a) Programs, movies, computer games, and music with violent or adult content (including “soap operas”) shall not be permitted in children’s presence.
 - (b) Programs/movies/computer games shall be developmentally appropriate for the viewers.
 - (c) Parents shall be informed of movie showings and video/computer games and their ratings.
 - (d) Videos, movies, and video/computer games must be previewed by staff for content.
 - (e) If television, video tapes/DVDs, video/computer games, and/or movies are used, they shall be limited to:
 - 1. Two (2) hours per day, or the length of a movie if more than two (2) hours in case of school-age children.
 - 2. Extended Care. Television viewing by children during night care between 6 p.m. and 6 a.m. shall be limited to one (1) hour.
 - (f) All programs shall be designed for children’s education and/or enjoyment.
 - (g) Up to one (1) additional hour per day, but not more than three (3) days per week, can be added to viewing time for computer use.
 - (h) School-age children and adolescents may use computers for completion of homework or for test prep with no limits on viewing time.
 - (i) Computers, if used, shall be located in view of a caregiver for monitoring purposes.
 - (j) Computers which allow internet access by the children shall be equipped with monitoring or filtering software, or an analogous software protection, which limits children’s access to inappropriate web sites, e-mail, and instant messages.
 - (k) Other activity choices shall be available to children during television/movie viewing or computer use.
- (3) Outdoor Play and Playground Routines.
- (a) An opportunity for outdoor play shall be extended to children of all ages who are in care more than three (3) daylight hours; provided, however, for programs where outdoor play is prohibitive or dangerous, as determined at the discretion of the Department, unoccupied indoor space providing fifty (50) square feet per child is acceptable.

(Rule 0520-12-01-.09, continued)

- (b) Children shall be allowed to experience a variety of weather conditions:
 - 1. Children shall be provided an opportunity for outdoor play when the temperature range, after adjustment for wind chill and heat index, is between thirty-two (32) degrees and ninety-five (95) degrees Fahrenheit and not raining;
 - 2. Children shall be properly dressed and the length of time outside adjusted according to the conditions and the age of the children.
 - (c) Caregivers shall be alert for signs of dehydration, heat stroke, frostbite, etc., dependent upon the season.
 - (d) Each agency shall develop a set of age appropriate playground rules that uses positive language. Rules shall be posted in each play area.
- (4) Reclining Rest Period:
- (a) A reclining rest period of at least one (1) hour shall be provided for all preschool children in care for six (6) hours or more.
 - (b) Each child shall be allowed to form his own patterns of sleep.
 - (c) A child shall not be left in a crib or on a cot for an unreasonable length of time.
- (5) Behavior Management and Guidance.
- (a) Attention spans and skills of children shall be considered so that caregivers do not require children to engage in developmentally inappropriate behavior.
 - (b) Discipline shall be reasonable, appropriate, and in terms the children can understand.
 - (c) Discipline that is shaming, humiliating, frightening, verbally abusive, or injurious to children shall not be used.
 - (d) Discipline shall not be related to food, rest, or toileting.
 - (e) Spanking or any other type of corporal punishment is prohibited. ("Corporal punishment" is the infliction of bodily pain as a penalty for behavior of which the punisher disapproves.)
 - (f) Caregivers shall not focus solely upon unacceptable behavior.
 - (g) Praise and encouragement of good behavior shall be used.
 - (h) Efforts shall be made to help children develop a feeling of self-worth beginning in infancy and continuing throughout the school-age years.
 - (i) When a child is engaging in unacceptable behavior the caregiver shall, prior to disciplining the child, first distract the child's attention and substitute a desirable activity.
 - (j) Time out shall be reasonable and developmentally appropriate.

(Rule 0520-12-01-.09, continued)

1. Time out shall take place in an appropriate location based upon the development of the child.
 2. The length of each time out session shall be based on the age of the child and shall not exceed one (1) minute per each year of age of the child; provided, however, that in no event shall any child below the age of thirty-six (36) months be placed in time-out for more than three (3) minutes, and no child between thirty-six (36) months and sixty (60) months of age shall be placed in time-out for longer than five (5) minutes.
- (6) Physical Care - Toilet Training.
- (a) Toilet training shall never be started until a child has been in the program long enough to feel comfortable.
 - (b) Toilet training shall not be started until a child is able to understand, to do what is asked of them, and to communicate their need to use the bathroom.
 - (c) Children shall not be made to sit on the potty or toilet for more than five (5) minutes.
 - (d) Children shall be diapered or cleaned immediately in a safe, sanitary manner.
- (7) Educational Activities.
- (a) Activities shall be based on developmentally appropriate educational practices.
 - (b) A daily program shall provide opportunities for learning, self-expression, and participation in a variety of creative activities such as art, music, literature, dramatic play, science, and health.
 - (c) Staff shall plan ahead for developmentally appropriate activities; written lesson plans shall be provided for children of each age group.
 - (d) Indoor physical activities, requiring children to use both large and small muscles, shall be provided for children of each age group.
 - (e) For infants/toddlers, a portion of the day shall include floor time for activities that develop physical, social, language and cognitive skills.
 - (f) Because of the importance of language development and communication skills, infants and toddlers shall have language experiences with adults on a daily basis.
 - (g) Personal Safety Curriculum required:
 1. For ages three (3) through school-age, the curriculum shall include instruction in personal safety as needed but at least once a year.
 2. The personal safety curriculum shall include a Department-recognized component on the prevention of child abuse, based upon Department curriculum guidelines. The program may choose terminology and instructional methods for this curriculum with a goal of providing clear, effective and appropriate instruction to the children in personal safety, including the prevention of child abuse.
 3. The personal safety curriculum used by the program shall be made available to the parents and legal guardians for review.

(Rule 0520-12-01-.09, continued)

4. The record of each enrolled child shall include a copy of the signed notification form acknowledging that parents/legal guardians have been provided an opportunity to review the agency's personal safety curriculum, and have been notified of the sexual abuse/personal safety curriculum for their child.
 5. If parents/legal guardians have questions regarding the personal safety component of the curriculum, a representative of the program shall meet with the parent/legal guardian to discuss the personal safety component of the curriculum.
 6. For school-age children, the personal safety curriculum is integrated in the Health and Wellness curriculum during the school day for K-12 students. The school-age children enrolled in the program shall be provided information on reporting physical, verbal or sexual abuse to the students.
- (h) Children, enrolled in a school-administered pre-kindergarten program, shall participate in an educational curriculum, correlated with the Tennessee Early Learning Developmental Standards (TN-ELDS) as required by T.C.A. § 49-6-104(b)(5).
- (8) Extended Care. Agencies providing nighttime care shall meet the following additional requirements:
- (a) Calming activities preceding bedtime shall be provided, including such things as listening to a story or soft music. In addition, individual/adult attention shall be provided as needed.
 - (b) Routine personal hygiene shall be encouraged and supervised. A plan shall be made with parents for brushing teeth, baths, bed dress, etc.

Authority: T.C.A. §§4-5-201 et seq., 37-1-403, 37-1-601, 37-1-603, 49-1-302 (l), 49-1-1101 through 49-1-1109 and 49-6-104. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.10 HEALTH AND SAFETY.

- (1) Children's health records shall be maintained as directed under subchapter 0520-12-01-.05.
- (2) Each child shall be immunized according to the current Department of Health guidelines unless exempted pursuant to subchapter 0520-12-01-.05(8). Programs serving non-school-age children shall maintain written policies for dis-enrollment of children who fail to comply with Department of Health immunization guidelines in a timely manner.
- (3) Children shall be checked upon arrival and observed for signs of communicable disease during the day.
- (4) A child's temperature should be taken using a non-invasive method unless otherwise prescribed by a physician. Symptomatic children shall be removed from the group until parents are contacted and health issues are resolved.
- (6) Universal precautions, as defined by the Department of Health and required by 0520-01-03-.08(2)(g)4, shall be followed when handling or cleaning bodily fluids.
- (7) First Aid.

(Rule 0520-12-01-.10, continued)

- (a) A standard first aid kit (for example, one approved by the American Red Cross) shall be available to all staff, and all staff shall be familiar with its contents and use.
 - (b) At least one staff member who has current certification or equivalent in first aid from a certifying organization recognized by the Department shall be on duty at all times. The course shall be a minimum of three (3) hours and shall be taught by a certified first aid instructor. Extended Care: All staff shall have certification or equivalent in first aid from a certifying organization recognized by the Department.
 - (c) Current and comprehensive first aid information shall be available to all staff who interact with children and the agency shall provide periodic training and updates on basic first aid and the use of the first aid kit.
- (8) Emergency Treatment.
- (a) Cardiopulmonary Resuscitation (CPR) Requirements.
 - 1. At least one staff member on duty shall hold current certification in Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from the American Red Cross, the American Heart Association, or other certifying organization, as recognized by the Department.
 - 2. Extended Care. All staff shall be certified in Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from a certifying organization recognized by the Department.
 - (b) The initial CPR course shall be a minimum of four (4) hours and shall be taught by an individual currently certified, as recognized by the Department, to provide CPR instruction.
 - (c) When school-age children are present, and/or in a school-age only program, at least one staff member shall hold current certification, pursuant to the requirements listed in subparagraphs (a) and (b) above, in Adult CPR. Extended Care: All staff shall be certified pursuant to the requirements listed in subparagraphs (a) and (b) above, in adult CPR.
- (9) Preparation for Emergencies.
- (a) The program, in consultation with appropriate local authorities, shall develop a written plan to protect children in the event of disaster such as, but not limited to, fire, tornado, earthquake, chemical spills, floods, etc. and shall inform parents of the plan.
 - (b) The program shall implement these emergency procedures through timely practice drills to meet local regulations and local emergency services plans and shall maintain documentation of drills for one year. Extended Care: At least one (1) of these drills shall be conducted during extended care hours.
- The following emergency telephone numbers shall be posted next to all telephones and be readily available to any staff member:
- 1. Fire Department;
 - 2. Police Department/Sheriff;

(Rule 0520-12-01-.10, continued)

3. Nearest Hospital Emergency Room;
 4. Child Abuse Hotline;
 5. Local Emergency Management Agency;
 6. Ambulance or Rescue Squad; and
 7. Poison Control Center.
- (d) If 911 or a similar generic number is operable in the community, it shall be posted in addition to the above numbers.
- (e) All home/work contact numbers for parents shall be readily available to all staff.
- (10) Contagious Conditions:
- (a) Impetigo and diagnosed strep shall be treated appropriately for twenty-four (24) hours prior to readmission of the child to the center.
 - (b) Children diagnosed with scabies or lice shall have proof of treatment and be free of nits prior to re-admission.
 - (c) The program may not provide care and/or isolation for a child with contagious condition unless written instructions are obtained from a licensed physician or certified health care provider.
 - (d) Parents of every child enrolled shall be notified immediately if one of the following communicable diseases has been introduced into the program:
 1. Hepatitis A;
 2. Food borne outbreaks (food poisoning);
 3. Salmonella;
 4. Shigella;
 5. Measles, mumps, and/or rubella;
 6. Pertussis;
 7. Polio;
 8. Haemophilus influenza type B;
 9. Meningococcal meningitis; and
 10. Any other illness identified by the state or local Department of Health.
 - (e) The program shall report the occurrence of any of the above diseases to the local health department as soon as possible, but no later than the end of the day in which it occurred.
- (11) Notification to Parents of Accidents, Injuries, Illnesses.

(Rule 0520-12-01-.10, continued)

- (a) Staff shall make every reasonable attempt to notify parents immediately when a child sustains serious injury/injuries, including but not limited to, massive bleeding, broken bones, head injuries, possible internal injury, etc., to arrange for emergency treatment.
- (b) Staff shall make every reasonable attempt to notify parents immediately when a child shows signs of serious illness, including but not limited to, high temperature, disorientation, coughing, vomiting or diarrhea with blood present, severe difficulty breathing, seizure, etc. to arrange for emergency treatment.
- (c) Accidents, injuries, and every sign of illnesses shall be reported, or a reasonable attempt made to report, to the parent as soon as possible, but no later than the child's release to the parent or authorized representative.
- (d) In no event shall the program delay seeking emergency treatment due to a delay in making contact with the parent.

(12) Medications.

- (a) All medications, prescription and non-prescription shall be received from the parent by a designated staff person or management level staff person.
- (b) An alternate staff person shall be available to administer medication in the event the designated staff person is absent.
- (c) The staff person designated in subparagraph (a) above shall document verification of the following:
 - 1. The parent's written authorization to administer medication;
 - 2. That medicines or drugs are in the original prescription container, are not out of date, and labeled with the child's name;
 - 3. The specific dosage and times medication is to be administered to the child; and
 - 4. That the parent has provided the program with instructions on the methods of administration.
- (d) The following documentation of administration shall be maintained in the child's file and a copy provided to the parent:
 - 1. Times medications administered;
 - 2. Noticeable side effects; and
 - 3. Name of staff person administering medication to child.
- (e) The parent shall sign documentation verifying that:
 - 1. The administration information required by subparagraph (c) above was received, and
 - 2. Unused medication was returned to the parent.

(Rule 0520-12-01-.10, continued)

- (f) Medication shall not be handled by children. Exception: A physician's authorization for the current school year shall be on file for school-age children who must have self-administered medications. Assistance to school-age children self administering medication must be in accordance with Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting, developed by the Department of Health in accordance with T.C.A § 49-5-415.
 - (g) Medication shall never be administered in bottles or infant feeders unless authorized by a physician.
 - (h) Accessibility of Medications.
 - 1. All medicines, prescription and non-prescription, whether requiring refrigeration or not, shall be stored in a locked compartment or container.
 - 2. If medicine requiring refrigeration is kept in a refrigerator used for food storage, the medicine shall be put in a leak-proof locked container.
 - 3. Keys for these compartments shall be inaccessible to children.
 - 4. Exception for Emergency Administration. Medication requiring emergency administration, as directed by the physician, nurse practitioner or physician's assistant, e.g., "EpiPen", asthma inhaler, etc., may be kept in an unlocked container that is inaccessible to children.
 - (i) Unused medication shall be returned to the parent.
 - (j) Public school-administered programs shall follow the procedures for student medications defined in the School Health policy, adopted by the Local Education Agency in accordance with 0520-01-01-.08(1).
- (13) Prohibited Practices and Products.
- (a) Smoking.
 - 1. Smoking is not permitted in the presence of children.
 - 2. Under state law, smoking in child care centers that are not private homes is restricted within a child care facility to areas where children are not permitted access, and parents must be given notice that the facility has a smoking area.
 - (i) No smoking signs must be posted conspicuously within the facility as provided by state law.
 - (ii) Federal law prohibits smoking in any part of a child care facility that is not a private residence if the facility is constructed, operated, or maintained with Federal funds.
 - (b) Alcoholic Beverages.
 - 1. The use of alcoholic beverages is not permitted in child care centers during the hours of operation of the center.
 - 2. Alcoholic beverages shall not be present in areas where children are permitted access in the child care facility.

(Rule 0520-12-01-.10, continued)

- (c) Illegal or inappropriate activities on the premises, property, or in a vehicle on the facility property or used for transportation of children enrolled in the program or any activity that otherwise places children at risk are prohibited.
 - (d) Firearms shall not be on the premises of a child care agency, in any vehicle used to transport children or in the presence of a child. Exception: In a private residence, firearms and other deadly weapons or tools on the premises shall be secured in such a way that they are inaccessible to children.
 - (e) Kitchen knives and other potentially dangerous utensils or tools shall be secured so that they are not accessible to children.
 - (f) Staff's personal belongings (such as, but not limited to, contents of purses, backpacks, coat pockets, diaper bags, etc.) shall be inaccessible to children at all times.
- (14) Diapering.
- (a) Children shall be diapered/changed and cleaned immediately when wet or soiled.
 - (b) For the protection of children and adults, the Centers for Disease Control guidelines for handwashing and diapering procedures shall be followed.
 - (c) The diapering area and/or toilet training area shall be located near a handwashing lavatory and shall be located in a separate area from the food preparation/service area.
 - (d) All diapering surfaces must off the floor, nonporous and shall be sanitized using solutions for general cleaning and sanitizing purposes:
 - 1. For general cleaning and sanitizing purposes, a fresh solution of one quarter (1/4) cup chlorine bleach to one (1) gallon of water (or one (1) tablespoon bleach to one (1) quart of water) shall be made daily.
 - 2. Substitutions for the bleach solution required in part 1 above, that are approved for the child care setting by the Department of Health are permissible.
 - 3. The solution required in part 1 above is not appropriate for items associated with food preparation or for items that children frequently place in their mouths, and the Health Department does not permit the use of higher concentrations than these in food preparation areas. Specific jurisdictions may have even more stringent requirements, therefore, the local health department should be consulted.
 - (e) A tightly covered container with plastic liner shall be used for diaper disposal and shall be inaccessible to children. This container shall be emptied by closing the liner and disposing of it in an outside receptacle.
 - (f) Special Needs Children.
 - 1. If older children are enrolled who lack independent toileting abilities, rules regarding diapering of preschool children shall apply.
 - 2. Children shall be changed in a location designated for that purpose and which provides privacy from other children and adults.

(Rule 0520-12-01-.10, continued)

3. School-age children may be diapered on the floor on a nonporous washable, surface that adequately protects the floor from contamination.
4. The floor beneath the diapering surface shall be immediately cleaned after each diapering.
5. The diapering area shall be located near a handwashing lavatory. This area shall be in a separate location from food preparation/service area.

(15) Naptime Care.

- (a) In order to avoid the spread of airborne diseases, children shall be positioned on mats in a face-to-feet alternating pattern.
- (b) Spacing of cots, cribs, and mats shall allow sufficient space to walk between them.

(16) Tuberculosis (TB) Screening.

- (a) Tuberculosis (TB) screening prior to on-going contact with children is recommended for any individual who:
 1. Was born in a country other than the United States, Canada, Western Europe, Australia, New Zealand, and Japan;
 2. Has a weakened immune system (Human Immunodeficiency Virus (HIV), cancer, taking chemotherapy drugs, etc.); or
 3. Has been recently exposed to tuberculosis.
- (b) Any person who has had a cough for three (3) weeks or longer should be evaluated by a physician for tuberculosis.
- (c) Future screening is not required for individuals who have been treated for tuberculosis or latent tuberculosis infection unless persistent pulmonary symptoms develop or there is contact with tuberculosis.
- (d) All children born in countries other than the United States, Canada, Western Europe, Australia, New Zealand, and Japan shall present evidence of a tuberculin skin test performed in the United States at any time after twelve (12) months of age. Any child with a positive tuberculin skin test shall be referred to a physician for evaluation. After the initial evaluation, future periodic screening is not required unless the child develops persistent pulmonary symptoms or there is contact with tuberculosis.

(17) Staff Health.

- (a) Staff health records shall be maintained as directed under subchapter 0520-12-01-.05(9).
- (b) A statement of mental or emotional health shall be obtained from a psychiatrist or clinical psychologist when deemed necessary by the Department.

(18) Duty to Report Child Abuse and Neglect.

- (a) Duty to Report.

(Rule 0520-12-01-.10, continued)

1. Every operator, owner, director, teacher, or staff member of, or substitute staff member or volunteer in a program is individually responsible, and is required by T.C.A. §§ 37-1-403 and 37-1-605, to immediately report any reasonable suspicion of child abuse or neglect to the Department of Children's Services, local law enforcement or the judge of the juvenile court in the county of the child's residence.
 2. Determining Suspicion of Abuse/Neglect.
 - (i) Due to both the immediate risk to children's safety, as well as to the extreme risk of destroying or losing critical evidence, the program and/or individual staff shall not delay reporting possible abuse or neglect in an attempt to conduct an investigation to verify the abuse/neglect allegations.
 - (ii) In determining a reasonable suspicion for purposes of reporting, the program shall limit questioning of the child and may make only the most basic inquiries necessary to determine if any reasonable possibility of abuse or neglect exists.
 - (iii) The program does not have to, and shall not attempt to, validate (or "prove") the allegation prior to making a report as required by this paragraph (18). A final determination of the validity of the report of abuse or neglect shall be made exclusively by the Department of Children's Services and/or by law enforcement upon the report by the program's staff.
 3. Any statement from a child reasonably indicating abuse/neglect of that child or another child or any evidence of abuse/neglect observed on a child shall be immediately reported by staff to the Department of Children's Services in a manner specified by that department, to local law enforcement or to the judge of the juvenile court in the county of the child's residence.
- (b) The telephone numbers of the Department of Children's Services, the local law enforcement or the juvenile judge of the county of the child's residence for staff to call to report suspected abuse and neglect shall be posted in a conspicuous location by each telephone.
- (c) Prohibited Procedures for Reporting Suspected Child Abuse/Neglect/Penalties.
1. The program shall not develop or implement policy that inhibits, interferes with or otherwise affects the duty of any staff, including substitutes and volunteers, to report suspected abuse or neglect of a child as required by subparagraph (a) above and T.C.A. §§ 37-1-403 and 605, and shall not otherwise directly or indirectly require staff to report to the program management or seek the approval of program management prior to any individual staff member reporting the suspected abuse or neglect.
 2. A report of suspected child abuse or neglect of a child enrolled in the program by the operator, owner, director, teacher or staff member of, or substitute staff member or volunteer in a program shall not be made to any other entities or persons, including, but not limited to, hospitals, physicians, or educational institutions as an alternative to or substitute for the reporting requirements to the persons or entities specifically listed in subparagraph (a) above.
 3. The operator, owner, director, teacher, or staff member of, or substitute staff member or volunteer in the program shall not suggest to advise or direct a parent

(Rule 0520-12-01-.10, continued)

or caretaker of a child enrolled in the program to make a report of suspected child abuse or neglect regarding that parent's or caretaker's own child who is enrolled in the program as a means of fulfilling the duty of the operator, owner, director, teacher or staff member of, or substitute staff member or volunteer in, the program to report child abuse or neglect as required by T.C.A. §§ 37-1-403 and 37-1-05.

4. Because the statutory requirements of T.C.A. §§ 37-1-403 and 37-1-605 do not authorize the prohibited procedures described in parts 1-3 of this subparagraph (c) to fulfill the statutory duty of any person, and especially the duty of those certified as approved by the Department of Education to care for and protect vulnerable children, to make timely and effective reports of child abuse and neglect to appropriate investigative agencies, and because the prohibited procedures described in parts 1-3 of this subparagraph (c) are unreliable procedures to ensure that the appropriate authorities are to timely and satisfactorily investigate suspected child abuse or neglect, any action that does not comply in all respects with subparagraph (a) above, will not fulfill the statutory duty to report child abuse or neglect and the certification of approval requirements of this Chapter.
5. Failure to Report Properly Is Grounds for Suspension, Denial or Revocation of the Program's Certificate of Approval.
 - (i) Failure to make the reports required by subparagraph (a) above or the use of the prohibited methods described in parts 1-3 of this subparagraph (c) as an attempt to fulfill the duty to report suspected child abuse or neglect, for children in the care of the program are, by themselves, grounds for suspension, denial or revocation of the program's certificate of approval.
 - (ii) If the facts establish by a preponderance of the evidence that there has not been strict compliance with the requirements of subparagraph (a) above or that the prohibited procedures described in parts 1-3 of this subparagraph (c) have been utilized as an alternative means of fulfilling the requirements of subparagraph (a) above, these circumstances shall create a rebuttable presumption for the Administrative Law Judge and the Child Care Advisory Council Review Board that the duty to report child abuse or neglect has not been fulfilled, and this ground for suspension, denial, or revocation of the program's certificate of approval by the Department of Education shall be sustained unless such presumption is rebutted by a preponderance of the evidence.
- (d) Agency Duties During Investigations of Child Abuse and Neglect: Custodial Authority of Children.
 1. Every operator, owner, director, teacher or staff member of, or substitute staff member or volunteer in a program certified as approved by the Department of Education shall fully cooperate with all agencies involved in the investigation of child abuse or neglect.
 2. The program shall provide access to records of children and staff.
 3. The program shall allow appropriate investigators to interview children and staff.
 4. The program shall not interfere with a child abuse and neglect investigation.

(Rule 0520-12-01-.10, continued)

5. The program shall protect the child by requesting the investigator's identification.
 6. The program shall maintain confidentiality of the investigation and shall not disclose the investigation or details of the investigation except as required to carry out procedures for the protection of children or as otherwise directed by the Department of Children's Services, law enforcement or the Department of Education.
- (e) Upon notification of a pending abuse/neglect investigation of any program staff member or resident of a home-based program, the program shall enter into a Safety Plan with the Department regarding the individual's access to the program and the children in the care of the program.
 - (f) All agency staff, including non-caregiving staff, shall receive training regarding the procedures to report child abuse and neglect.
- (19) A parent shall be notified before the child leaves the premises except in emergency circumstances, except that an authorized investigator with the Department of Children's Services or local law enforcement may take a child off the premises of the program if he/she has obtained custody of the child as follows:
- (a) Voluntary placement agreement with the parent;
 - (b) Court order;
 - (c) Emergency assumption of custody under T.C.A. § 37-1-113 without parental permission;
 - (d) If the child's parent or legal guardian is present and approves; or
 - (e) In conjunction with investigative procedures under the child abuse laws.

Authority: T.C.A. §§4-5-201 et seq., 49-1-302(l), 49-1-1101 through 49-1-1109, 49-5-415, 49-6-5001 and 5002, 37-1-113, 37-1-401 et seq., 37-1-601 et seq. and 20 U.S.C. § 6081 **Administrative History:** Original rule filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.11 FOOD.

- (1) Nutritional Needs.
 - (a) If the program provides meals, the program shall provide developmentally appropriate meals, snacks, and drinks for each child that are of sufficient proportions and nutritional value to meet each child's health needs in accordance with the following minimum requirements:
 1. For children in the agency at least four (4) hours, one (1) snack shall be provided, unless the four (4) hour period covers a normal meal hour, in which case a meal shall be served. However, if the child is fed their meal at home or in school, the child shall be served two (2) snacks in lieu of a meal.
 2. Children in care five (5) to six (6) hours shall be provided one (1) meal and one (1) or two (2) snacks. However, if the child is fed their meal at home or in school, the child shall be served two (2) snacks in lieu of a meal.

(Rule 0520-12-01-.11, continued)

3. Children in care seven (7) to ten (10) hours shall be provided one (1) meal and one(1) or two (2) snacks.
 4. Children in care for longer than ten (10) hours shall be provided two (2) complete meals and one (1) or two (2) snacks.
 5. A meal shall be offered to children who arrive before 7:00 a.m. and who have not had breakfast at home.
 6. Extended Care. For children in extended night care, meal and snack service will not apply while children are asleep, but snacks will be offered if the child awakens and indicates hunger.
- (b) Appropriate foods shall be encouraged; highly inappropriate foods, e.g., foods high in sugar and/or fat content but containing low nutritional value, shall not be served.
 - (c) Powdered milks shall be used only in a cooked food product.
 - (d) All special needs diets shall be prepared as prescribed by a physician or by the written instructions of the parent.
 - (e) In order for parents to be aware of the food their children are receiving, the week's menus shall be planned and posted by the first day of each week and remain posted throughout the week.
 1. These menus shall be followed, although reasonable substitutions are permissible, if the substituted food contains the same nutrients.
 2. Any change shall be documented in advance of the meal.
 - (f) Food shall not be forced on or withheld from children.
 - (g) Food as Behavior Management.
 1. Foods served as part of the meal/supplement pattern shall not be used as reward; nor shall food be used or withheld as a form of discipline.
 2. Desserts and sweets must not be used as rewards or a form of discipline.
 - (h) New foods shall be introduced to infants and toddlers one at a time over a five (5) to seven (7) day period with parent's approval.
 - (i) The feeding schedule for infants shall be in accordance with the child's need rather than according to the hour.
 - (j) Staff shall support parent's decision to continue breast feeding.
 - (k) Parents and caregivers shall work together when weaning an infant to insure consistency in the weaning process. Weaning shall be delayed until after an infant adjusts to group care.
 - (l) Children shall not be permitted to carry a bottle with them throughout the day.
- (2) Meal Service.

(Rule 0520-12-01-.11, continued)

- (a) Caregivers and children shall wash their hands with soap and water.
- (b) High chairs and tables on which food is prepared and served shall be washed with soap and water and sanitized prior to and after snacks and meals.
- (c) Floors under tables and high chairs on which food is served shall be swept and/or vacuumed after each meal and cleaned as needed.
- (d) Dishes and Utensils.
 - 1. Napkins, individual forks and/or spoons shall be provided for children who feed themselves.
 - 2. Individual dishes as necessary for the type of feeding shall be provided.
 - 3. Routine food service dishes, utensils, and bottles shall be break-resistant.
- (e) Due to the extreme risk of choking, solid foods (including cereal) shall not be given in bottles or with infant feeders to children with normal eating abilities unless authorized by a physician. Violation of this rule may result in suspension, revocation or denial of the agency's ability under its certificate of approval to provide infant care.
- (f) To avoid choking, foods shall be appropriately sized for the eating and chewing abilities of children. Special attention should be given when serving raw fruits and vegetables and prepackaged meats and cheeses, such as hotdogs, pepperonis, and cheese cubes.
- (g) At mealtime, children shall be seated at appropriately sized tables and chairs, and adults shall supervise them in accordance with subsection 0520-12-01-.06(1)(d).
- (h) Formula and Food Brought from Home:
 - 1. All formulas and food brought from home shall be labeled with the child's name.
 - 2. Milk shall be placed immediately in the refrigerator.
 - 3. Once milk has been warmed, it shall not be re-warmed or returned to the refrigerator.
 - 4. For optimum digestion, formula is to be served at body temperature.
 - 5. Frozen breast milk shall be dated when expressed.
 - 6. All formulas remaining in bottles after feeding shall be discarded.
- (i) Microwaves, Bottle Warmers, and Crock Pots. In order to prevent scald and splash burns:
 - 1. Microwave ovens, bottle warming devices, and crock pots, including cords, shall not be accessible to preschool children.
 - 2. School-age children shall use microwaves only under direct supervision.
 - 3. Children shall never be held while removing a bottle from a crock pot or warming device.

(Rule 0520-12-01-.11, continued)

4. The "splash zone" area immediately surrounding microwaves, crock pots and warming devices shall be kept inaccessible to children at all times.
 5. All crock pots, bottle warmers and other warming devices shall be maintained at the device's lowest available temperature setting.
 6. Crock pots and bottle warming devices shall be secured in such a manner as to prevent them from tipping over, splashing and spilling.
 7. Bottled breast milk, infant bottles, and formula shall not be heated in a microwave oven.
 8. To prevent scalding, liquid and solid foods heated in a microwave oven shall be checked for "hot spots" prior to serving.
- (j) Previously opened baby food jars shall not be accepted in the center. If food is fed directly from the jar by the caregiver, the jar shall be used for only one feeding.
- (k) Infants shall be held while being fed as long as they are unable to sit in a high chair, an infant seat, or at the table.
- (l) To avoid the risk of serious injury or choking, children shall always be restrained in the high chair manufacturer's restraint device while sitting in a high chair. Children who are too small or are too large to be restrained using the manufacturer's restraint device shall not be placed in a high chair.
- (m) Bottles shall not be propped, and a child shall not be given a bottle while lying flat.
- (n) When children are capable of using a high chair, they shall be allowed to do so and to experiment with food, with feeding themselves, and to eat with fingers or spoon.
- (o) Children shall never be left without adult supervision while eating.
- (3) Food Storage.
- (a) Potentially hazardous foods requiring cold storage shall be maintained at forty-five (45) degrees Fahrenheit (F) or below, and accurate thermometers for measurement of the food temperature shall be kept in the refrigerators where such food is stored.
 - (b) Potentially hazardous food requiring hot storage shall be maintained at an internal temperature of one-hundred forty (140) degrees F or above.
 - (c) Frozen foods shall be maintained at a temperature of zero (0) degrees F or below.
 - (d) Thermometers shall be placed in all freezers and all other cold storage equipment.
 - (e) All dry food supplies shall be stored in closed containers. These foods shall be stored in a manner to prevent possible contamination and to allow for proper cleaning of the storage area. Containers of food shall be stored at a minimum of six (6) inches above the floor or on movable dollies.
 - (f) All food shall be protected from contamination during storage, preparation, transportation, and serving.

(Rule 0520-12-01-.11, continued)

- (g) No poisonous or toxic materials except those required for sanitization purposes may be used or stored in a food-service area of a facility.
- (4) Food Sanitation.
- (a) Home canned food and raw milk are prohibited.
 - (b) Raw fruits and vegetables shall be washed before use.
 - (c) All eating and drinking utensils shall be thoroughly cleaned and sanitized after each use with the exception of single-service utensils which shall be discarded following use.
 - (d) Single-service articles shall be made from non-toxic materials and shall be stored, handled, and dispensed in a sanitary manner.
 - (e) All utensils and food-contact surfaces or equipment used in the preparation, transportation, service, display, or storage of potentially hazardous food shall be cleaned and sanitized prior to and after each use.
 - (f) Milk and food shall not be placed on the table longer than fifteen (15) minutes prior to the beginning of the meal to avoid contamination and spoilage.

Authority: T.C.A. §§4-5-201 et seq., 49-1-302(l), and 49-1-1101 through 49-1-1109. **Administrative History:** Original rule filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.12 PHYSICAL FACILITIES.

- (1) Inspections and Compliance with Fire, Health and Safety Standards.
- (a) All facilities shall annually pass an inspection verifying compliance with all applicable state and local fire and environmental requirements.
 - (b) The following facilities, in addition to meeting the requirements set forth in subparagraph (a) above, shall pass inspection by the State Fire Marshal's Division of the Tennessee Department of Commerce and Insurance and the Food and General Sanitation Division of the Tennessee Department of Health:
 - 1. Facilities that have never been awarded a certificate of approval or a DHS child care license;
 - 2. Facilities that have not previously been approved by the State Fire Marshal;
 - 3. Facilities that have relocated; and/or
 - 4. Existing facilities with renovations, new construction, additions to, and/or changes in occupancy.
- (2) Neither a temporary nor an annual license shall be issued unless all of the following requirements are met:
- (a) The physical facility meets all requirements set forth in paragraph (1) above;
 - (b) The physical facility (indoor and outdoor) present no apparent hazards; and

(Rule 0520-12-01-.12, continued)

- (c) The physical facilities are otherwise deemed appropriate by the Department for the safe care of children.
- (3) Requests for inspections are made by the Department's child care program evaluator, but it is the responsibility of the applicant to obtain verification of the inspections and the approvals.
- (4) Building Plans: Plans for new construction must be drawn by a registered architect or engineer and submitted to the fire prevention division of the Department of Commerce & Insurance and to the local health department when required by such departments and in accordance with the respective departments' procedures.
- (5) Continuing compliance. Physical facilities shall maintain compliance with all applicable codes as set forth in paragraph (1) above, throughout the certification year and shall additionally comply with any updated standards issued by the fire safety section of the Department of Commerce and Insurance and the food and general sanitation section of the Department of Health.
- (6) Annual inspection. All facilities shall be inspected and approved annually by either state codes enforcement officers or authorized local fire safety inspectors and by environmentalists. Exception: Public and private schools are inspected based on a schedule established by the fire marshal and/or fire officials of partnering jurisdictions.
- (7) The program shall not be located in a building used for purposes which would be hazardous to the children or would prohibit outdoor play unless the program is an inner city program which has requested and has been granted an exception from the Department pursuant to the requirements for "Outdoor Play" found in paragraph 0520-12-01-.09 of this Chapter.
- (8) Telephones and Other Communication Devices.
 - (a) There shall be a working telephone in the center.
 - (b) If answering machines/voice mail must be used, they shall be monitored at thirty (30) minute intervals (except when staff and children are off premises) so that emergency messages can be received.
 - (c) Parents shall be informed that answering machines/voicemail are used.
- (9) Licensed Capacity of Physical Space.
 - (a) The maximum number of children who may be present inside a physical space (e.g., the program's "certificated capacity") shall be determined in accordance with the minimum square footages set forth in this paragraph; provided, however, the Department may, in its discretion as determined reasonably necessary to maintain the health and safety of the children in care, restrict the program's certificated capacity below the maximum which is set forth in these rules.
 - (b) A minimum of thirty (30) square feet of usable indoor play space shall be provided for each child.
 - (c) Each naproom shall contain a minimum of thirty (30) square feet of floor space per child.

(Rule 0520-12-01-.12, continued)

- (d) Teen parenting career and technical classes (formerly known as “vocational”) shall have separate space for the group of young children with thirty (30) square feet of usable play space per child apart from the classroom space for the students.
- (e) Occupational/career and technical child care classes shall have separate space for the group of young children, with thirty (30) square feet per child of usable space, apart from the classroom space for students. The designated separate space may be located in the same room and divided by movable barriers less than four (4) feet in height.
- (f) For the purposes of calculating square footage requirements, any area used as restrooms, halls, kitchen, or office space, and any space used by cribs or large pieces of furniture, shall not be considered "usable play space" and shall not be counted toward the program's certificated space.
- (g) Rooms with sufficient floor space, as defined by the requirements set forth in these rules, may be divided and used for more than one (1) group; provided, however, that each area is adequately equipped and arranged and that each group shall have the security of a stable classroom space.

(10) Outdoor Play Area.

- (a) Outdoor play areas shall contain a minimum of fifty (50) square feet of usable play space for each child using the area at one time.
- (b) Agencies Initially Certificated After January 1, 2002. The outdoor play area must be enclosed by a fence or barricade at least four (4) feet in height. Provided, however, the Department may in at its discretion grant a waiver from this provision when the Department determines that the lack of such fence or barricade poses no apparent or potential risk to children.
- (c) The areas where children play or are cared for shall be properly maintained:
 - 1. A written playground maintenance plan shall be prepared by the program to address routine, remedial, and preventive maintenance and to designate who is responsible for each maintenance need.
 - 2. A pre-play/care inspection of the outdoor play area shall be completed by the program before children play outdoors.
 - 3. The play/care areas shall be free of hazardous items or materials unless adequately protected by storage, inaccessibility, proper supervision, or other safety procedures.
 - 4. These areas shall present no conditions which are hazardous to children.
 - 5. All such areas shall be free of all animal wastes.

(11) Equipment Hazards.

- (a) Cords on window blinds shall be inaccessible to children.
- (b) Electrical cords on equipment shall be inaccessible to children.

(Rule 0520-12-01-.12, continued)

- (c) All indoor and outdoor areas shall be kept safe by the absence of, or the immediate removal or repair of, any object, fixture, equipment, or substance in the facility or grounds that could potentially cause injury to a child.

(12) General Sanitation and Safety of Building and Grounds.

(a) Water Supply.

1. The drinking water supply serving child care facilities shall be from a source approved by the health authority having jurisdiction.
2. Drinking water from individual single service cups or an approved drinking fountain shall be provided in all occupied rooms.

(b) Sewage and Waste Disposal.

1. Connection to a public storage disposal system shall be made where possible. The use of a private sewage disposal system shall have the approval of the local health department and it shall be operating satisfactorily.
2. All garbage shall be removed from the building daily.
3. All garbage storage receptacles shall be outside and kept closed with tight-fitting lids.
4. The area surrounding the garbage containers shall be kept clean.

(c) Building, Grounds and Pools.

1. The building shall be kept clean and maintained in good repair, without unsafe cracks, leaks or unsatisfactory plumbing.
2. Adequate natural and/or artificial lighting shall be provided throughout the facility.
3. All rooms used by children shall be maintained at a temperature of between sixty-eight (68) to seventy-eight (78) degrees F by means of heating, cooling or ventilation sources approved for use.
4. Stoves, hot radiators, steam and hot water pipes, fans, or other heat generating equipment shall be adequately protected by screens, guards, insulation, or suitable measures that will protect children from coming in contact with them.
5. Broken glass, trash and debris shall be kept removed from the building and grounds.
6. Building and grounds shall be kept free of unprotected ponds, wells, cisterns, refrigerators or similar hazards.
7. Swimming pools shall be fenced to prevent entry of children without adult supervision.
9. Swimming pools and/or wading pools shall not be used without prior approval by the Health Department.

(Rule 0520-12-01-.12, continued)

10. Grounds, tire swings and containers shall have adequate drainage to prevent standing water that can breed mosquitoes and other insects.
11. If animals or birds are kept in classrooms as pets, they shall be caged away from the food storage and preparation or service area, and cages kept clean.
12. Turtles shall not be kept as pets due to the risk of salmonella.

Authority: T.C.A. §§4-5-201 et seq., 49-1-202, 49-1-302(l), and 49-1-1101 through 49-1-1109.
Administrative History: Original rule filed April 30, 2002; effective July 14, 2002. Amendment filed September 6, 2007; effective January 28, 2008. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.13 TRANSPORTATION.

(1) Management Responsibility.

- (a) If a program provides transportation or contracts for transportation, the program's management shall be fully responsible for all transportation of children, including between home and program (if different facility from school), to and from school, and on field trips.
- (b) Program management is responsible for operating transportation services in compliance with:
 1. All State laws, regarding school transportation, T.C.A. §§ 49-6-2102 through 49-6-2115 & 49-6-2117 through 49-6-2118;
 2. All rules and regulations, promulgated by State Board of Education, Chapter 0520-01-05 regarding school transportation and school buses.
 3. If a program is administered by a community-based organization, which is not approved as a school (non-school, community-based organization) and provides transportation or contracts for transportation, the transportation plan and vehicle requirements are excluded from 0520-12-01-.13 (1)(b) 1. & 2. The non-school community-based organization administered program shall establish a transportation plan and maintain vehicle requirements in accordance with rule 0520-12-01-.13(4).
- (c) Vehicles used to transport children and which are owned or operated by, contracted for or which are otherwise under the direction or control of the school-administered program, shall carry automobile liability insurance coverage for each vehicle used for that purpose in the minimum amounts required by T.C.A. § 49-6-2111 and defined in State Board of Education Pupil Transportation rules 0520-01-05-.01(2).
 1. Automobile insurance coverage for non-school community-based organizations which transport children:
 - (i) Automobile liability coverage shall be maintained in a minimum amount of five hundred thousand dollars (\$500,000) combined single limit of liability.
 - (ii) Medical payment coverage shall be maintained in the minimum amount of five thousand dollars (\$5,000) for injuries to children being transported in vehicles owned, operated or leased by the non-school community-based organization's program.

(Rule 0520-12-01-.13, continued)

- (d) Vehicles used to transport children must be in compliance with the Federal Motor Vehicle Safety Standards as defined by Title 49 part 571 of the Code of Federal Regulations and the Tennessee Minimum School Bus Standards, adopted by the State Board of Education as required by Rule 0520-01-05-.02.
 - 1. Unless the certification label states the fifteen (15) passenger van is a "school bus", the National Traffic and Motor Vehicle Safety Act, 49 USC § 30112, prohibits the use of a fifteen (15) passenger van to transport students to and from school or a school-related activity. The fifteen (15) passenger van is defined as any vehicle that seats ten (10) to fifteen (15) passengers, not including the driver.
 - 2. Children may be transported in passenger vehicles, however, children of all ages but must be in compliance with passenger restraint laws, T.C.A. § 55-9-602 at all times in passenger vehicles (vehicles weighing less than ten thousand (10,000) pounds).
 - (i) Any child under one (1) year of age or any child weighing less than twenty pounds (20 lbs) or less shall be properly secured in a child passenger restraint system in a rear facing position.
 - (ii) Any child, one (1) through three (3) years of age weighing greater than twenty pounds (20 lbs) shall be properly secured in a child passenger restraint system in a forward facing position.
 - (ii) Any child, four (4) through eight (8) years of age and measuring less than four feet, nine inches in height shall be properly secured in a passenger motor vehicle using a separate carrier, an integrated child seat or a belt-positioning booster seat.
 - (iv) Any child, nine (9) through twelve (12) years of age, measuring four feet, nine inches or more in height, shall be properly secured in a passenger motor vehicle using a seat belt system in the rear seat of the vehicle.
 - (v) Any child, thirteen (13) through fifteen (15) years of age, shall be properly secured in a passenger motor vehicle using a seat belt system.
- (e) Federally approved child care restraint systems must be provided and utilized during the transport of any child three (3) years of age and under on a school bus.
- (f) No child shall be allowed to ride on the floor of a vehicle, and no child shall be placed with another child in the same restraint device.
- (g) All school buses shall be inspected in compliance with the Rules and Regulations for School Bus Inspection, Chapter 1340-03-03, promulgated by and regulated by the Tennessee Department of Safety.
- (h) All persons hired for the position of "school bus driver" shall:
 - 1. Be issued a commercial driver's license (CDL) by the Tennessee Department of Safety;
 - (i) Bus drivers employed by a school/school system shall have an "S" endorsement.

(Rule 0520-12-01-.13, continued)

- (ii) Bus drivers employed by a non-school, community-based organization shall have a "P" endorsement with completion of school bus driver training.
- 2. Knows and understands the school system's or private school's policies and procedures concerning transportation and to bus driver's responsibilities and duties;
- 3. Has no criminal offense or criminal record of a violation of any of the following:
 - (i) Driving under the influence of an intoxicant as prohibited by T.C.A. § 55-10-401;
 - (ii) Vehicular assault as prohibited by T.C.A. § 39-13-106;
 - (iii) Vehicular homicide as prohibited by T.C.A. § 39-13-213(a)(2);
 - (iv) Aggravated vehicular homicide as prohibited by T.C.A. § 39-13-218; or
 - (v) Manufacture, delivery, sale or possession of a controlled substance as prohibited by T.C.A. § 39-17-417;
- 4. Completed the annual physical and mental examinations of school bus drivers as required by T.C.A. § 49-6-2108;
- 5. Complete the annual training for school bus drivers presented by the Tennessee Department of Safety. School bus driver training is not required for drivers of passenger vehicles only.
 - (i) Drivers of any passenger vehicle, used to transport children, shall possess a current, valid driver's license and endorsement required by the Tennessee Department of Safety for transporting children in the applicable type of vehicle.
 - (j) Seating capacity on a school bus shall be in compliance with T.C.A. § 49-6-2110 (a), requiring a minimum of thirteen linear inches of seat space for each student.
 - (k) Vehicles used for transporting children shall have a clearly visible identifying sign.
 - 1. Exceptions to vehicle identification, i.e. signage:
 - (i) Vehicles used exclusively for the occasional field trip;
 - (ii) Vehicles used exclusively for the limited provision of emergency transportation, e.g., vehicle used when regular vehicle has a mechanical breakdown; and
 - (iii) The Department may waive the vehicle identification requirements for programs under the direction or control of a public agency.
 - (l) Develop transportation routes (school bus routes) in compliance with T.C.A. § 49-6-2105 to ensure no child is on a school bus more than one and one-half (1 ½) hours in the morning and one and one-half (1 ½) hours in the afternoon.
 - (m) A vehicle used to transport children shall have fire extinguishers, emergency reflective triangles, a first aid kit, and a blood-borne pathogenic clean-up kit, and an adult familiar

(Rule 0520-12-01-.13, continued)

with the use of this equipment on board. Emergency exiting procedures shall be practiced by all staff responsible for transporting children on a regular basis. (Not applicable to occasional transportation by volunteers).

- (n) Firearms are prohibited in vehicles used to transport children.
- (2) Supervision of Children During Transportation.
- (a) An adult must be in the vehicle whenever a child is in the vehicle.
 - (b) An adult must be seated behind the steering wheel if the motor is running and children are being loaded and/or are on board.
 - (c) Transportation of children with special needs shall be in compliance with the Individual Education Plan (IEP) for each child. Bus drivers who do not return to a central depot shall stipulate that all buses will be checked at the end of every run to make sure that no person remains on the bus as defined in T.C.A. § 49-6-2114.
 - (d) Adult Monitor Requirements.
 - 1. An adult monitor, in addition to the driver, is required on the vehicle for the transportation of four (4) or more children ages six (6) weeks to four (4) years of age.
 - 2. An adult monitor, in addition to the driver, is required on the vehicle for all routes exceeding thirty (30) minutes for children ages six (6) weeks to four (4) years of age, regardless of the total number of children being transported.
 - 3. An adult monitor, in addition to the driver, is required on the vehicle for the transportation of four (4) or more non-ambulatory children (permanently or temporarily non-ambulatory) of any age.
 - 4. An adult monitor, in addition to the driver, is required if more than ten (10) pre-kindergarten students four (4) years of age are transported on the same bus.
 - 5. An adult monitor shall not be seated in the front passenger seat, but shall be seated in the vehicle in a position which will allow:
 - (i) Each child to be seen with a quick glance;
 - (ii) Each child to be heard at all times;
 - (iii) Each child's activities to be observed; and
 - (iv) The monitor to respond immediately should there be an emergency.
- (3) Responsibility for Loading, Unloading and Tracking Each Child.
- (a) Passenger Log:
 - 1. A passenger log shall be used to track each child during transportation.
 - 2. The first and last name of each child received for transport shall be recorded on the passenger log. A sibling group shall not be listed as a single group entry, for example, "Smith children".

(Rule 0520-12-01-.13, continued)

3. The driver of the vehicle or the monitor shall be designated by management as the person responsible for completing the log.
- (b) Loading Procedures:
1. As each child is loaded onto the vehicle, the time the child was placed on the vehicle shall be recorded on the passenger log.
 2. If the child was loaded from home, the parent or other authorized person will additionally sign the log indicating the child was placed on the vehicle.
- (c) Unloading Procedures:
1. The individual designated by the program as responsible for the log shall update it immediately upon the child being released from the vehicle. The designated staff member shall update the log by:
 - (i) Recording the time the child was released; and
 - (ii) Initialing next to the time of release.
 2. When the child is released to a parent or other authorized person, that person must sign the log indicating that the child was released to them.
 3. When Pre-Kindergarten children are transported on the return route, the school bus driver must not leave a Pre-K child at the child's home or bus stop unless the parent or other authorized person is present. If the parent or other authorized person is not present, the Pre-K student is not to exit the bus and the school bus driver is to follow the process/policy developed by the school system in collaboration with the Department of Children's Services and/or the police or sheriff's office.
- (d) Confirming that Every Child is Off the Vehicle.
1. Driver Responsibilities. Immediately upon unloading the last child and to ensure that all children have been unloaded the driver shall:
 - (i) Physically walk through the vehicle;
 - (ii) Inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior; and
 - (iii) Sign the log, with the driver's full name, indicating the children are all unloaded.
- (e) If a child is expected for transport (based on the roster) but is not present at the location, the driver may not leave the location without checking with a designated member of staff and the center. If the designated member of staff is not present in the loading area and there is not an additional adult on the vehicle, all children will accompany the driver into the facility to verify the whereabouts of the child.
- (4) Transportation provided by non-school, community-based organization.

(Rule 0520-12-01-.13, continued)

(a) Non-school, community-based organizations providing transportation for child care shall provide a written statement to the Department:

1. Stating the type(s) of transportation offered, e.g. transportation to and/or from school, transportation to and from child care program, transportation to and from child's home, etc.;
2. Listing and describing the vehicles that will be used for the transportation of children;
3. Describing any contracts, agreements or arrangements with any third (3rd) parties for the provision of transportation services, with copies of such contracts or agreements or arrangements available upon the Department's request;
4. Describing the agency's policy, procedures and staff training plans for maintaining compliance with responsibilities for loading and unloading and tracking each child;
5. Describing the agency's management plan for ensuring all transportation staff properly perform their duties in accordance with the licensing rules and agency policies and procedures;
6. Describing the agency's policy, procedures and staff transportation training plans for maintaining compliance with transportation rules and state law; and
7. Describing the agency's policy, procedures and staff training plans for the emergency evacuation of the vehicle.

(b) Non-school, community-based organization's vehicle requirements and inspections.

1. Department of Safety Inspections. Annually, all non-school, community-based organization's vehicles that are designed by the vehicle manufacturer to carry ten (10) or more passengers must be inspected in accordance with the schedule established by the Department of Safety. Any maintenance or repair to the vehicles disclosed by the inspections shall be the sole responsibility of the non-school, community-based organization.
 - (i) The non-school, community-based organization's vehicle may have a stop arm in accordance with T.C.A. § 55-8-151(d) if the bus driver has completed annual school bus driver training provided by the Department of Safety.
 - (ii) The non-school, community-based organization's vehicle with a stop arm is required to be distinctly marked "Youth Bus" on the front and rear thereof in letters not less than six inches (6") in height and legibly written.
2. No vehicle which does not pass the inspections required in this paragraph (4) shall be used by the non-school, community-based organization to provide transportation services until necessary repairs, as determined by Department of Safety, have been made.
3. Receive regular inspections and maintenance by a certified mechanic in accordance with the maintenance schedule recommended by the vehicle manufacturer.

(Rule 0520-12-01-.13, continued)

4. Have the following vehicle equipment certified as inspected at least every four thousand (4,000) miles if not covered by and/or otherwise serviced in accordance with the manufacturer's maintenance schedule: brakes; steering; oil levels; coolant; brake, windshield-washer and transmission fluids; hoses and belts; and tires.
 5. The following equipment shall be maintained in the vehicle and stored in a manner which is not readily accessible to children: fire extinguisher; emergency reflective triangles; first aid kit; blood-borne pathogenic clean-up kit; and seat-belt cutter or similar device designed to immediately release the vehicle's child restraint system(s) in an emergency.
 - (i) The bus driver or transportation monitor assigned to the vehicle shall be familiar with the location and use of all equipment required under subparagraph 5.
 6. The non-school, community-based organization shall maintain documentation that the following daily inspections have been performed and any necessary repairs completed or other appropriate action taken before transporting children.
 - (i) A visual inspection of the vehicle's tires for wear and adequate pressure;
 - (ii) A visual inspection for working headlights and taillights (brake lights and back-up lights), signals, mirrors, wiper blades and dash gauges;
 - (iii) An inspection of properly functioning child and driver safety restraints;
 - (iv) An inspection for properly functioning doors and windows;
 - (v) An inspection for the presence of safety equipment required by these rules or any other provisions of law or regulations, and repair or replacement as necessary based upon visual evidence of the need to do so;
 - (vi) A determination that the vehicle has adequate fuel; and
 - (vii) An inspection for, and cleaning of, debris from the vehicle's interior.
 7. Emergency exiting procedures shall be practiced on a regular basis by all staff responsible for transporting children.
- (5) Non-school community-based organizations contracting for transportation services.
- (a) Any vehicle, contracted for the purposes of transporting children in a program administered by a non-school, community-based organization, shall be a for hire commercial passenger vehicle properly registered with the Federal Motor Carrier Safety Administration, <http://www.fmcsa.dot.gov>. For hire commercial passenger vehicle registration: <http://www.fmcsa.dot.gov/registration-licensing/online-registration/onlineregdescription.htm>.
 - (b) The contracted vehicle shall have a commercial license plate (tag).
 - (c) The contracted vehicle shall have minimum levels of liability insurance as defined by the Federal Motor Carrier Safety Administration rule § 387.33. Any vehicle with seating capacity of sixteen (16) passengers or more shall have five million dollars (\$5,000,000)

(Rule 0520-12-01-.13, continued)

liability coverage. Any vehicle with seating capacity of fifteen (15) passengers or less shall have one and one half million dollars (\$1,500,000) liability coverage.

Authority: T.C.A. §§4-5-201 et seq., 49-1-302(l), 49-6-2101 through 49-6-2117, 55-8-151, 55-9-602, 55-10-401 and 55-50-101 et seq. **Administrative History:** Original rule filed April 30, 2002; effective July 14, 2002. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010. Emergency rule filed August 30, 2010; effective through February 26, 2011.

0520-12-01-.14 CARE OF CHILDREN WITH SPECIAL NEEDS.

In addition to the preceding rules, if children with special needs are cared for in the center, the following rules shall be met:

- (1) When children with special needs are enrolled, all reasonable and appropriate efforts shall be made to provide those children equal opportunity to participate in the same program activities as their peers.
- (2) Parents or other appropriate individual identified by the parent shall provide information and, as appropriate, training to care givers regarding special needs/techniques/emergency measures, as utilized in the child's home to ensure the child's well-being.
- (3) Adaptations to the environment shall be directed toward normalizing the lifestyle of the child with a disability by helping him/her become independent and develop self-help skills.
- (4) Behavior management techniques or program activities which would tend to demean or isolate the child are prohibited.
- (5) The program shall inform parents of any specialized services available from the program, and if the program is aware of any specialized services available through third parties, shall additionally inform the parent of such services.
- (6) Efforts to provide specialized service (e.g., speech/hearing therapy, physical therapy, psychological evaluation, or services for mentally retarded) either directly or by referral, shall be conducted only with written permission by the parent in accordance with the Individual Family Service Plan (IFSP) or Individual Education Plan (IEP) and documented in the child's record. Any information exchange regarding these services that is shared with or received from third parties shall also be documented.
- (7) Emergency Plans.
 - (a) The program shall have written individualized emergency plans for each child with a disability who requires more assistance in emergencies than other children of the same age or in the same group.
 - (b) The program shall maintain documentation that the Emergency Plan is practiced monthly.
- (8) Each non-verbal child's daily activities, including, as applicable to the individual child, the time and amount of feeding, elimination, times of diaper changes, sleep patterns, and developmental progress, shall be recorded and shared with the parent(s) daily.
- (9) Diapering of School-age Children with special needs shall be completed as required by Rule 0520-12-01-.10(14).

(Rule 0520-12-01-.14, continued)

- (10) Physical Restraint shall be in accordance with T.C.A. §§ 49-10-1301 through 1305 and rules promulgated by State Board of Education in accordance with T.C.A. § 49-10-1306.
- (a) A student receiving special education services, as defined by T.C.A. § 49-10-102(4), may be or isolated, only if such restraint or isolation is provided for in the individual education program, except that such student may be restrained or isolated in emergency situations, if necessary to assure the physical safety of the student or others nearby.
 - (b) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact the school principal or the principal's designee. The principal or principal's designee shall see and evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used.
 - (c) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint longer than five (5) minutes, then an individual education program meeting shall be convened within ten (10) days following the use of such isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.
 - (d) School personnel who must isolate or restrain a student receiving special education services, as defined by T.C.A. § 49-10-102(4), whether or not such isolation or restraint was in an emergency situation or provided for in the student's individual education program, shall report the incident to the school principal or the principal's designee who shall record the use of such isolation or restraint and the facts surrounding such use. A copy of such record shall be made available at individual education program meetings and upon the request of the student's parent or legal guardian.
 - 1. If the school principal or principal's designee or any person having knowledge of the isolation or restraint have reason to believe that such isolation or restraint was unreasonable, unsafe, or unwarranted, and such isolation or restraint caused injury to the student, the incident shall be reported pursuant to T.C.A. § 37-1-403.
 - 2. School personnel shall remain in the physical presence of any restrained student and shall continuously observe a student who is in isolation or being restrained to monitor the health and well-being of such student.
 - (e) Administering a chemical restraint to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited, provided that nothing in this subsection shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.
 - (f) Administering a noxious substance to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.
 - (g) Use of any mechanical restraint on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(Rule 0520-12-01-.14, continued)

- (h) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by § 49-10-102(4), is prohibited.
- (i) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.
- (j) The use of physical holding restraint in the following circumstances is not prohibited:
 - 1. The brief holding by an adult in order to calm or comfort;
 - 2. The minimum contact necessary to physically escort a student from one area to another;
 - 3. Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or
 - 4. Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.
 - 5. The program is not required to notify the student's parent or guardian pursuant to Section 10(b) above in any of the circumstances listed in this subdivision (j).
- (k) The use of a locked door, or use of any physical structure that substantially accomplishes the intent of locking a student in a room or structure, to isolate or seclude a student, is prohibited.
- (l) Local education agencies shall develop policies and procedures, in accordance with 0520-01-09-.23, governing:
 - 1. Personnel authorized to use isolation and restraint;
 - 2. Training requirements; and
 - 3. Incident reporting procedures.
- (m) Notwithstanding any provision of this section, actions undertaken by school personnel to break up a fight or to take a weapon from a student are not prohibited; however, these acts shall be reported.

Authority: T.C.A. § 4-5-201 et seq., 37-1-403, 49-1-302(l), 49-1-1101 through 49-1-1109, 49-10-102, 49-10-1301 through 1306. **Administrative History:** Original rule filed March 1, 2005; effective July 29, 2005. Amendment repealing and replacing rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.15 AFTER SCHOOL PROGRAMS SERVING ADOLESCENTS (YOUTH WHO ARE IN THE PERIOD OF PHYSICAL AND PSYCHOLOGICAL DEVELOPMENT FROM THE ONSET OF PUBERTY TO MATURITY).

- (1) Organization and Administration.
 - (a) Program shall have an adequate budget.
 - (b) Records shall be kept on all adolescents enrolled in the program.

(Rule 0520-12-01-.15, continued)

- (c) Staff records shall be maintained for each employee: educational background, reference checks, TBI check, in-service training, physical exams and reviews.
 - (d) Program volunteers shall complete criminal history background checks and appropriate in-service training.
 - (e) The program shall post their Certificate of Approval and provide parents with a copy of the policies and procedures.
 - (f) Parents shall have access to all areas of the program when their adolescent is present.
 - (g) If the program provides transportation, the transportation shall be in accordance with 0520-12-01-.13.
- (2) Staff Qualifications.
- (a) The director is responsible for the day to day operations, including staff and program.
 - (b) A person shall be designated to serve as acting director when the director is absent.
 - (c) Staff shall be in compliance with 0520-12-01-.07 (9)-(12) Criminal Background and Vulnerable Persons Registry Review Requirements.
 - (d) Staff shall have knowledge of adolescent behavior and development.
 - (e) Staff shall be physically, mentally and emotionally stable.
 - (f) All new employees shall have orientation and child abuse prevention training before working with the adolescents.
 - (g) The director shall have at least a high school diploma and four (4) years experience working with adolescents.
 - (h) All caregivers shall be a minimum of eighteen (18) years of age and one caregiver in each group shall have a high school diploma.
 - (i) Directors shall have eighteen (18) hours in-service training each year and caregivers twelve (12) hours.
- (3) Supervision and Grouping of Children:
- (a) Each group shall have adult supervision.
 - (b) Minimum staffing requirements per group of adolescents (adult:adolescent ratio) is 1:30.
 - (c) Swimming and field trips require ratios be doubled.
- (4) Equipment.
- (a) All equipment shall be in good condition and kept clean.
- (5) Program, Schedule and Routines:
- (a) Snacks and meals (if full day program) shall be scheduled regularly.

(Rule 0520-12-01-.15, continued)

- (b) Adolescents shall have time for self-directed activities, as well as, adult-directed activities.
 - (c) Adolescents shall have choices regarding activities and an opportunity to help plan activities.
 - (d) Parents shall be informed of any TV or movies or computer games to be shown.
 - (e) Staff shall monitor computer use.
 - (f) Sports and physical activity shall be offered, weather permitting.
- (6) Behavior Management and Guidance:
- (a) Caregivers shall be knowledgeable of developmentally appropriate adolescent behavior.
 - (b) Discipline shall be in accordance with rules and policy adopted by the program to define program objectives, student expectations, behavioral code, and discipline procedures. The rules and policy shall be made available to all participants in an accessible document such as a student handbook.
 - (c) No corporal punishment is allowed.
 - (d) Good behavior shall be praised and encouraged.
- (7) Educational Activities:
- (a) Adolescents shall have opportunities for learning, self expression, and enrichment activities each day.
 - (b) Adolescents shall receive child abuse awareness and personal safety information, such as "Safe at Last" curriculum if not made available through their school curriculum.
- (8) Health and Safety, Adolescent Health.
- (a) Adolescents shall have immunizations in accordance with Chapter 0520-01-03-.08. and current Tennessee law.
 - (b) Instructions for any adolescent's special health needs shall be documented.
 - (c) Parents shall be notified if their adolescent is hurt or becomes ill.
 - (d) All parents shall be notified of any communicable diseases.
 - (e) Use of medications shall be in accordance with school system's policy for the administration of medications and health care procedures as defined by T.C.A. § 49-5-415 and State Board of Education guidelines.
 - (f) There is to be no smoking.
- (9) Staff Health.

(Rule 0520-12-01-.15, continued)

- (a) Staff shall have documentation they are physically and mentally able to work with children.
- (10) Safety.
- (a) There shall be a staff member present at all times who has current certification in CPR and first aid training.
 - (b) A first aid kit must be on the premises as well as a first aid chart.
 - (c) There shall be no firearms on the premises.
 - (d) There shall be an Emergency Management Plan, a written plan to protect students in event of disaster, such as fire, tornado, earthquake, chemical spills, floods, etc.
- (11) Food, Nutritional Needs.
- (a) Adolescents will receive meals and snacks based on the amount of time spent in the program.
 - (b) Menus shall be posted.
 - (c) Special diets and instructions shall be provided in writing.
- (12) Physical Facilities.
- (a) Programs shall be in buildings that are not hazardous or dangerous to children.
 - (b) All facilities shall have annual fire and health inspections.
 - (c) All programs shall have a working telephone.
 - (d) Programs shall have thirty (30) square feet of usable space per adolescent.
 - (e) Outdoor recreation/sports area shall have fifty (50) square feet per student.
- (13) Care of Adolescents with Special Needs.
- (a) Programs serving adolescents with special needs shall follow the rules defined in 0520-12-01-.14.
 - (b) Adaptations shall be directed towards helping the adolescent become independent and developing self-help skills.
 - (c) Specialized services provided shall be documented and information shared with appropriate parties.

Authority: T.C.A. §§ 49-1-302(l), 49-1-1101 through -49-1-1109, 49-6-707. **Administrative History:** Original rule filed March 15, 2010; effective August 29, 2010.

0520-12-01-.16 CIVIL PENALTIES.

- (1) Pursuant to T.C.A. § 49-1-1107(c)(2) the following are the minimum and maximum civil penalties that may be assessed against a child care program authorized pursuant to T.C.A. § 49-1-1101, et seq.

(Rule 0520-12-01-.16, continued)

- (2) The department shall assess the civil penalty in an order which states the reasons for the assessment of the civil penalty, the factors used to determine its assessment and the amount of the penalty. The order may not be imposed solely upon the recommendation of an agent of the department. All orders shall be reviewed by the department's legal staff before being imposed.
- (3) Prior to the department's assessment of a civil penalty, a program determined by an agent of the department to be in violation of these rules may be prescribed a plan of corrective action. Failure to follow a plan of corrective action as prescribed by the department may result in the assessment of a civil penalty.
- (4) Definitions.
 - (a) "Negligence" is the failure of a child care program, owner, staff, auxiliary staff, director or other employees to comply with the duties or standards imposed by these rules, federal, state and local laws, or the standards of care generally required of school-administered child care programs.
 - (b) "Intentional disregard" is the knowing forbearance of a child care program, owner, staff, auxiliary staff, director or other employees to comply with the duties or standards imposed by these rules, federal, state and local laws, or the standards of care generally required of school-administered child care programs.
 - (c) "Plan of corrective action" is a plan which provides a schedule for the completion of work to bring a program into compliance with these rules, federal, state and local laws, or the standards of care required of school-administered child care programs. The plan must include specific strategies to be implemented in program design during the completion of the work. The plan must ensure that children will not be placed in danger due to the program area which is not in compliance and it must ensure that children will not be placed in danger by the work being done to bring the area into compliance.
- (5) Civil Penalties Schedule.
 - (a) Major Violations.
 1. For any violation of a law or regulation that, due to negligence or intentional disregard of a law or regulation, results in serious injury to, or death of, a child, the Department may assess a civil penalty in a range from seven hundred fifty dollars (\$750.00) up to one thousand dollars (\$1,000.00). The Department shall determine the amount of the penalty based upon the extent of the injury to the child and whether the injury or death of the child was the result of negligence or intentional disregard of the law or regulation. Consideration of the program's history of prior violations shall also be a factor in the determination of the amount of the civil penalty.
 2. For any violation of a law or regulation that, due to negligence or intentional disregard of a law or regulation, results in an injury to a child, the Department may assess a civil penalty in a range from three hundred dollars (\$300.00) up to five hundred dollars (\$500.00). The Department shall determine the amount of the penalty based upon the extent of the injury and whether the injury to the child was the result of negligence or intentional disregard of the regulation. Consideration of the program's history of prior violations shall also be a factor in the determination of the amount of the civil penalty.

(Rule 0520-12-01-.16, continued)

3. For violations of the following categories of regulations the Department may impose a civil penalty of two hundred dollars (\$200.00) for the first violation, three hundred dollars (\$300.00) for the second violation, and four hundred dollars (\$400.00) for the third and any subsequent such violation:
 - (i) Failure to follow any regulation related to organization, ownership and administration of a program pursuant to Section 0520-12-01-.06 of these rules;
 - (ii) Failure to follow any regulation related to health and safety pursuant to Section 0520-12-01-.10 of these rules;
 - (iii) Failure to follow any regulation related to food, nutritional needs and meal service pursuant to Section 0520-12-01-.11 of these rules;
 - (iv) Failure to follow any regulation related to maintenance of equipment pursuant to Section 0520-12-01-.08 of these rules;
 - (v) Failure to follow any regulation related to maintenance of physical facilities pursuant to Section 0520-12-01-.12 of these rules;
 - (vi) Failure to follow any regulation related to adult: child ratios pursuant to Section 0520-12-01-.06 of these rules;
 - (vii) Failure to follow any regulation related to supervision of children pursuant to Section 0520-12-01-.06 of these rules;
 - (viii) Failure to follow any regulation related to dispensing or storing medications pursuant to Section 0520-12-01-.10 of these rules;
 - (ix) Failure to follow any regulation related to care of children with special needs pursuant to Section 0520-12-01-.14 of these rules;
 - (x) Failure to follow any regulation related to program staff pursuant to Section 0520-12-01-.07 of these rules;
 - (xi) Failure to properly store hazardous items such as, but not limited to, cleaning products, pesticides, hazardous chemicals, or other poisonous items pursuant to Section 0520-12-01-.10 of these rules;
 - (xii) Failure to properly remove or secure firearms within the physical facility and under the ownership or control of the program, or its staff or other persons permitted access to the children, or failure to prevent exposure of children in the program's care to firearms which are under the control of the program, or its staff, or other persons who have been permitted by the program to have access to the children pursuant to Section 0520-12-01-.10 of these rules; or
 - (xiii) Failure to follow or failure to complete a plan of corrective action.
- (b) Minor Violations.
 1. A minor violation shall be any violation of a law or regulation not described as a major violation in part 1.

(Rule 0520-12-01-.16, continued)

2. Each minor violation may subject the program to the proscription of a corrective action plan by the Department or to a civil penalty of fifty dollars (\$50.00).
 3. The existence of six (6) or more minor violations of any type in any period of twelve (12) months shall constitute a major violation and may be subject to a civil penalty imposed by the Department of two hundred dollars (\$200.00) in addition to the penalty for each minor violation. Three (3) or more minor violations of the same regulation in any period of twelve (12) months shall constitute a major violation and may be subject to a civil penalty imposed by the Department of two hundred dollars (\$200.00) in addition to the penalty for each minor violation.
- (6) Upon timely notice of a request for an appeal pursuant to T.C.A. § 49-1-1107(c)(5), the Department shall appoint a hearing officer to conduct the appeal proceedings before the council. The hearing officer shall have the authority of an Administrative Law Judge of the Department of State and shall conduct the appeal process pursuant to the rules of procedure for hearing contested cases as provided in Chapter 1360-04-01 of the Rules and Regulations of the Tennessee Department of State.

Authority: T.C.A. § 49-1-302 and 49-1-1107(c)(2). **Administrative History:** Original rule filed March 15, 2010; effective August 29, 2010.

Summary of Rules for After School Programs serving Adolescents

Policy for implementing Chapter 0520-12-1 in programs serving only adolescent populations

Child care centers inspected by the Department of Education must meet the requirements as defined by the rules in Chapter 0520-12-1 to receive a Certificate of Approval. The following is to clarify the interpretation of Chapter 0520-12-1 in programs serving adolescent populations in order that such programs meet minimum health and safety standards and provide supervision and program activities which are developmentally appropriate. Adolescence is defined as *the period of physical and psychological development from the onset of puberty to maturity.*

1. Organization and Administration

- Child Care Center shall have an adequate budget. Records shall be kept on all adolescents.
- Staff records shall also be kept on each employee that include educational background, reference checks, TBI check, in-service training, physical exams and performance reviews. (Program volunteers shall complete criminal history background checks and appropriate in-service training.)
- The program shall post their Certificate of Approval and provide parents with a copy of the policies and procedures.
- Parents shall have access to all areas of the program when their adolescent is present.
- If the program provides transportation, the transportation shall be in accordance with the school system's transportation policy, T.C.A. §49-6-2102 and Chapter 0520-1-5-.01(6); the operation of the school bus shall be in accordance with Chapter 1340 -3-3 and the school bus driver shall be appropriately licensed.

2. Staff, Chapter Section 0520-12-1-.07:

A. Qualifications:

- The director is responsible for the day to day operations, including staff and program.
- Another person shall be left in charge if the director is out.
- Any person with a condition that could be harmful to an adolescent or a person convicted of a crime harmful to or involving an adolescent shall not be present.
- Staff shall have knowledge of adolescent behavior and development.
- Staff shall be physically, mentally and emotionally stable.
- All new employees shall have orientation and child abuse prevention training before working with the adolescents.
- The director shall have at least a high school diploma and 4 years experience working with adolescents.
- All caregivers shall be a minimum of 18 years of age and one caregiver in each group shall have a high school diploma.
- Directors shall have 18 hours in-service training each year and caregivers 12 hours.

B. Supervision and Grouping of Children:

- Each group shall have adult supervision.
- Minimum staffing requirements per group of adolescents (adult:adolescent ratio) is 1:30.
- Swimming and field trips require ratios be doubled.

3. Equipment, Chapter Section 0520-12-1-.08:

- All equipment shall be in good condition and kept clean.

4. Program, Chapter Section 0520-12-1-.09:

A. Schedule and Routines:

- Snacks and meals (if full day program) shall be scheduled regularly.
- Adolescents shall have time for self-directed activities, as well as, adult-directed activities.
- Adolescents shall have choices regarding activities and an opportunity to help plan activities.
- Parents shall be informed of any TV or movies or computer games to be shown.
- Staff shall monitor computer use.
- Sports and physical activity shall be offered, weather permitting.

B. Behavior Management and Guidance:

- Caregivers shall be knowledgeable of developmentally appropriate adolescent behavior.

- Discipline shall be in accordance with rules and policy adopted by the program to define program objectives, student expectations, behavioral code, and discipline procedures. The rules and policy shall be made available to all participants in an accessible document such as a student handbook.
- No corporal punishment is allowed.
- Good behavior shall be praised and encouraged.

C. Educational Activities:

- Adolescents shall have opportunities for learning, self expression, and enrichment activities each day.
- Adolescents shall receive child abuse awareness and personal safety information, such as “Safe at Last” curriculum.

5. Health and Safety, Chapter Section 0520-12-1-.10

A. Children Health:

- Adolescents shall have immunizations in accordance with Chapter 0520-1-2-.08 and current TN law.
- Instructions for any adolescent's special health needs shall be documented.
- Parents shall be notified if their adolescent is hurt and becomes ill.
- All parents shall be notified of any communicable diseases.
- Use of medications shall be in accordance with school system’s policy for the administration of medications and health care procedures as defined by T.C.A. § 49-5-415 and State Board of Education guidelines.
- There is to be no smoking.
-

B. Staff Health:

- Staff shall have documentation they are physically and mentally able work with children.

C. Safety:

- There shall be a staff member present at all times who has current CPR and first aid training.
- A first aid kit must be on the premises as well as a first aid chart.
- There shall be no firearms on the premises.
- There shall be an Emergency Management Plan, a written plan to protect students in event of disaster, such as fire, tornado, earthquake, chemical spills, floods, etc.

6. Food, Chapter Section 0520-12-1-.11

A. Nutritional Needs:

- Adolescents will receive meals and snacks based on the amount of time spent in the program.
- Menus shall be posted.
- Special diets and instructions shall be provided in writing.

7. Physical Facilities, Chapter Section 0520-12-1-.12:

- Programs shall in buildings that are not hazardous or dangerous to children.
- All facilities shall have annual fire and health inspections.
- All programs shall have a working telephone.
- Programs shall have 30 square feet of usable space per adolescent.
- Outdoor recreation/sports area shall have 50 square feet per student.

8. Care of Children with Special Needs, Chapter Section 0520-12-1-.13:

- When a center serves adolescents with special needs, they are to receive the same care and participate in the same activities, as appropriate.
- Adaptations shall be directed towards helping the child become independent and developing self-help skills.
- Specialized services provided shall be documented and information shared with appropriate parties.

Flagging LEAPs Students

Option A

Local Student Information Systems (SIS) Package

- Each software package is different, but the flag should be under “Student Classification Type”
- The flag/value is **1=LEAPs Participant**
- Requires dates of enrollment*

Option B

Educational Information System (EIS)

- Schools may also use the “Enhanced Data Entry Screens” in EIS to flag 21st CCLC Participants.
- This is found under “Student Classification Type”
- The flag/value is **1=LEAPs Participant**
- Also requires date of enrollment*

*If you leave the end date blank under the dates of enrollment, the system will pre-populate the last day of the school year as the ending date.

HOW TO REGISTER/CREATE A SWORPS ACCOUNT

Registration for LEAPS

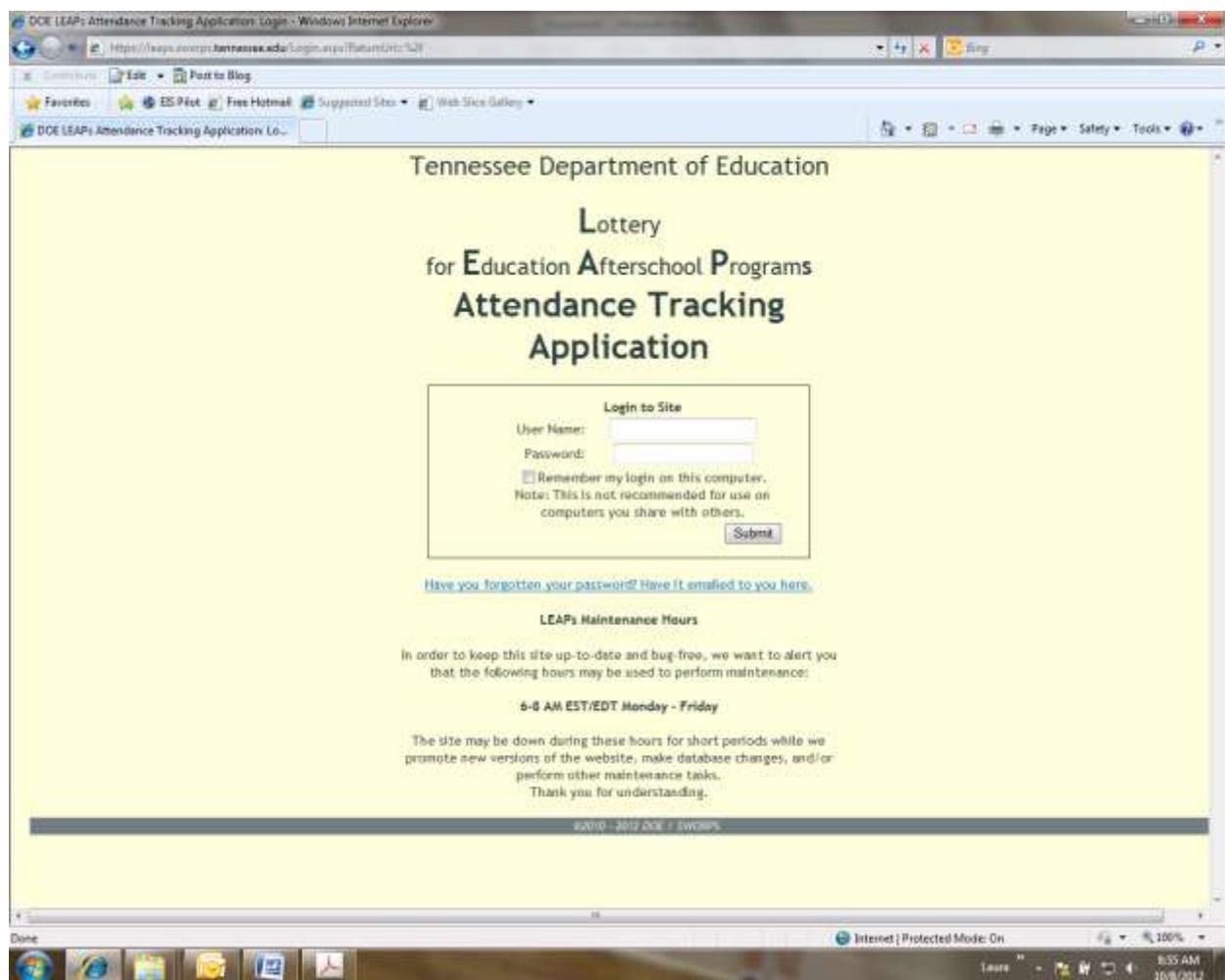
<https://leaps.sworps.tennessee.edu/Register/Register.aspx>

After registering, you should be able to login later that day or by the next business day. The Help Desk has to approve users before login can be successful.

Go to this site to login:

LEAPs SWORPs Site

<https://leaps.sworps.tennessee.edu/Login.aspx?ReturnUrl=%2f>



Continuous Improvement Plan/Program Evaluation

Grantees are required to report evaluation results based on program goals/objectives/outcomes. Agencies are expected to describe the method/tools of evaluation, a summary of analysis of the data collected, how the information will be disseminated to key stakeholders and how they will use the information to improve the programming offered to students. Grantees may use grant funds to pay an evaluator for services or utilize the expertise of a partner organization to assist with program evaluation.

Agency Name:

Contact Person:

Title:

Phone:

Fax:

Email:

Person Completing Report: (if other than contact person)

Name:

Title:

Phone:

Program Goals:

Describe your method/tools for evaluating the progress towards meeting program goals:

Provide a summary analysis of the data collected:

Describe how information from the analysis is disseminated to key stakeholders:

Describe how the information is used to improve programming offered to the students:



Tennessee Department of Education

Monitoring and Quality Assessment Tool for Extended Learning Programs *Safe and Supportive Schools Division*

Overview and Purpose:

The purpose of this tool, which has been adapted from guidelines contained in the National AfterSchool Alliance *Standards for Quality School-Age Care* and includes federal/state program requirements, is to improve the quality of Extending Learning programs, to assess their use of best practices in youth programming and to assess compliance with grant guidelines. The goal for the programs is that they motivate all students to reach their optimal academic potential and social development by engaging in meaningful and fun educational and enrichment activities in collaboration with staff, parents, volunteers, and community partners.

Scoring: The instrument provides for 4 possible rankings per indicator and a numerical score for each ranking: Met 5, In Progress (IP) 3, Not Met (NM) 1, and Not Applicable (NA) 0. The scores will be tallied by adding the total points and dividing the sum by the number of applicable indicators in each category and then for the whole instrument.

The process will include site visits and observations by Department of Education staff, as well as interviews with program personnel. Program staff may be asked for written documentation supporting the various indicators. The instrument will be scored and the rater will provide an explanation for the scores in the rater's comments area of each category. Program staff may ask questions and ask for clarification or feedback regarding improvements needed.

A copy of the completed monitoring instrument will be signed and left with the program director or designee. The agency may file a written appeal to the Department of Education concerning the scoring decisions within 10 working days from the date of the evaluation. The written appeal should be sent to the Extended Learning Programs office. The appeal packet should contain materials which support the appeal. Extended Learning Program staff will review the materials and will notify the appellant of the decision concerning granting any scoring changes within 5 working days of receipt of the appeal.

In the event of corrective action, grant agencies will be required to submit written documentation within 15 business days – which may include revised program materials – of steps taken to address any findings identified during the monitoring visit or to request technical assistance. Depending on the nature of the finding, a follow up site visit may be required and would be scheduled within 90 days of the original visit. Items needing to be addressed will be specified in the "Comments/Findings/Recommendations" section of this document and explained at the end of the visit.

Extended Learning Programs staff will review grantee file materials, as well as the findings from the evaluation process, to determine which projects to continue and the level of funding to offer.

Acknowledgements:

The Tennessee Department of Education created this tool based on resources developed by other states and organizations and acknowledges these sources: Harvard Family Research Project's *After School Programs in the 21st Century: Their Potential and What It Takes to Achieve It*, Kentucky State Department of Education's *21st Century Community Learning Centers Monitoring Tool*, NAA's *Standards for Quality School-Age Care*, and the Colorado Department of Education's *21st Century Community Learning Centers Monitoring and Quality Improvement Tool*.

Agency:	Director:
Program Director or Designee Signature:	Date:
TDOE Signature:	Date:

Met 5	IP 3	N M 1	NA 0	Category 1: Program Schedule Indicators
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The program schedule is clearly posted. Any schedule changes are posted and communicated.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The program schedule and disciplinary policies are included in the parent/student handbook which is distributed at orientation or upon enrollment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student enrollment and orientation meetings are scheduled and advertised in the community.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parent, volunteer, and partner meetings are documented with sign-in sheets, agendas, schedules, etc.
				Totals:
Rater Comments:				

Met 5	IP 3	N M 0	NA 0	Category 2: Safety/Health Indicators
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agency has received Certificate of Approval , has it displayed and has sent a copy to the Center for Extended Learning staff.
				Totals:
Rater Comments:				

Met 5	IP 3	N M 1	NA 0	Category 3: Staff Responsibilities Indicators
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Written job descriptions, work schedules, and employee timesheets are on file.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff has documented professional development activities on file that are appropriate to program goals and teacher/student needs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grant-funded equipment is inventoried, labeled and stored properly.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An accurate accounting system is in place that itemizes monies spent and shows current balances. Quarterly payment requests have been submitted.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Copies of invoices and reimbursement forms are kept on file at the site or at the central office.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff keeps accurate records of student enrollment numbers, daily attendance, and disciplinary offences.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Connectivity with the regular school day teacher and principal is documented using coordination sheets, meeting schedules, sign-in sheets, agendas, etc.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student selection criteria, as well as registration procedures, are clear and well-documented.
				Totals:
Rater Comments:				

Met 5	IP 3	N M 1	NA 0	Category 4: Climate/Human Relationships Indicators
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Students, parents, and partners have meaningful input into programming choices and decisions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff /students, staff/ families/volunteers/partners, and students/students interact in a respectful manner.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff works well together to meet the needs of all students and uses positive techniques to guide student behavior.
				Totals:
Rater Comments:				

Met 5	IP 3	N M 1	NA 0	Category 5: Academics/Enrichment/Discipline Indicators
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Course offerings/activities reflect an effort to raise achievement scores in core subject areas and address the required component areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff has competence in the core areas of academic instruction and plans/implements lessons so that students are engaged in the activity or learning process.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff follows the program schedule.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The curriculum follows state approved standards and meets the individual needs of the students.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Activities are utilized to enhance parental involvement with the students and their activities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student discipline is documented with data showing the number and types of offenses, whether the number of offenses has declined or increased for each student, and the action taken.
				Totals:
Rater Comments:				

Met 5	IP 3	N M 1	NA 0	Category 6: Partnerships/Volunteers Indicators
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Partnerships have been established within the community and these have been properly documented
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Partners and volunteers have been actively engaged in collaborative activities of the program
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The program has established good working relationships with appropriate local, state, and federal agencies.
				Totals:
Rater Comments:				

Categories:	Points Earned:	Number of Items:	Average:
1: Program Schedule		/4	=
2: Safety/Health		/1	=
3: Staff Responsibilities		/8	=
4: Climate/Human Relationships		/3	=
5: Academics/Enrichment/Discipline		/6	=
6: Partnerships/Volunteers Indicators		/3	=
Totals:		/25	=

Department Comments/Findings/Recommendations:

LEAPs Site Visit Checklist

Agency:	Director:	
Email Address:	Phone:	Fax:
Program Director or Designee Signature:	Date:	
TDOE Signature:	Date:	

A copy of the checklist will be signed and left with the program director or designee. The agency may file a written appeal to the Department concerning the scoring decisions within 10 working days from the date of the evaluation. The written appeal packet should be sent to the Extended Learning Programs office and contain materials which support the appeal. Staff will review the materials and will notify the appellant of the decision concerning granting any scoring changes within 5 working days of receipt of the appeal.

In the event of corrective action, grant agencies will be required to submit written documentation within 15 business days – which may include revised program materials – of steps taken to address any findings identified during the monitoring visit or to request technical assistance. Depending on the nature of the finding, a follow up site visit may be required and would be scheduled within 90 days of the original visit. Items needing to be addressed will be specified in the "Comments/Findings/Recommendations" section of this document and explained at the end of the visit.

Sufficient	Insufficient	Quality Indicators
		Each agency site has received a Certificate of Approval, has it displayed and has sent a copy to the Center for Extended Learning staff.
		The program schedule is clearly posted and is included along with disciplinary policies in the parent/student handbook which is distributed at orientation or upon enrollment
		All staff, contractors, and volunteers have undergone a thorough screening and background check that includes fingerprinting.
		Children's daily arrivals and departures are supervised and a transportation plan is on file that includes the names of adults approved to pick up each child.
		Parent, volunteer, and partner meetings are documented with sign-in sheets, agendas, schedules, etc.
		An accurate accounting system is in place that itemizes monies spent and shows current balances. Quarterly payment requests have been made.
		For New, Sensitive Items Purchased Since Last Visit: Grant-funded equipment is inventoried, labeled and stored properly.
		Staff has documented professional development activities on file, including CPR. Work schedules and employee timesheets are on file.
		Students, parents, and partners have meaningful input into programming choices and decisions. Consultation with private schools as appropriate/necessary has been documented.
		The activities/curriculum follows state approved standards, meets the individual needs of the students and reflects an effort to raise achievement levels.
		For New Partnerships Since Last Visit: Partnerships have been established within the community and these have been properly documented.

State Department Comments/Findings/Recommendations:

**Lottery for Education: Afterschool Programs (LEAPs)
Mid-Year Report**

Report Date:

Grantee Agency:

Grant Contact:

No. of Students participating: TOTAL # _____

(Provide an unduplicated count of student attendance below)

_____ 15 days or less _____ 16-30 days _____ 31-59 days _____ 60-89 days _____ 90+ days

- I. Give a general summary of the status of your project.
 - Provide examples of activities and services that have been provided this quarter, specifically, in regards to the required components:
 - > Reading/Language Arts
 - > Math/Science
 - > Tutoring/Mentoring
 - > Health/Wellness/Fitness/Nutrition
2. Supply information on the project staff/volunteers and the professional development opportunities completed through the mid-year point.
3. If you have developed new partnerships/collaborations not previously described in the project proposal, please provide information about the new partnership(s).
4. Please identify any technical assistance needs you may have.

Submit report to:

laura.nichols@tn.gov



Lottery for Education: Afterschool Programs (LEAPs)

Justification Report

Grantee Agency (name of fiscal agent)			
Director of Agency:		Grant Contact:	
Address:		Address	
City:	Zip:	City:	Zip:
Phone: () ()	FAX: () ()	Phone: () ()	FAX: () ()
Email:		Email:	

<p>Grade span served: _____</p> <p>50% of students enrolled must meet one of the required criteria. Of the students served, how many met the criteria listed below:</p> <p>_____ qualify for free/reduced lunch</p> <p>_____ at risk of educational disadvantage and failure due to circumstances of abuse, neglect or disability</p> <p>_____ at risk of state custody due to family dysfunction</p> <p>_____ enrolled in and attending a public school failing to make adequate yearly progress (AYP)</p> <p>_____ attending a public school, including a public charter school, instead of a public school failing to make AYP as a result of parent choice</p> <p>_____ at risk of failing one or more subjects or are behind grade level by at least one year</p> <p>_____ Total number of at-risk students served (This should be an unduplicated count)</p>	<p>Current Grant Award \$ _____</p> <p>Total No. of Students Served _____</p> <p>No. of Students Attending at Least 50% of the Time _____</p> <p>No. of Days of Service Offered _____</p> <p>No. of Snow Days Encountered this Year _____</p> <p>Total No. of Student Service Days* _____</p> <p><i>*To calculate Student Service Days, add the attendance of <u>all</u> students together. See example below:</i></p> <table style="margin-left: 20px;"> <tr><td>John</td><td>47 days attendance</td></tr> <tr><td>Mary</td><td>52 days</td></tr> <tr><td>Stan</td><td>76 days</td></tr> <tr><td>Danny</td><td>23 days</td></tr> <tr><td>Shelly</td><td><u>101 days</u></td></tr> <tr><td colspan="2" style="text-align: right;">299 Student Service Days</td></tr> </table> <p>NOTE: Programs should maintain participant attendance documentation/ records for the life of the grant cycle for auditing/monitoring purposes.</p> <p><i>I CERTIFY</i> that all facts, figures and representation in this report are correct to the best of my knowledge.</p> <p>_____ Signature of Administrator</p> <p>_____ Date</p>	John	47 days attendance	Mary	52 days	Stan	76 days	Danny	23 days	Shelly	<u>101 days</u>	299 Student Service Days	
John	47 days attendance												
Mary	52 days												
Stan	76 days												
Danny	23 days												
Shelly	<u>101 days</u>												
299 Student Service Days													

Reports are due by 4:30pm CDT, July XX, 20XX and should be submitted via CD or Jump Drive. Information should cover the project from August 15 through June 29. Items in this report document relate to specific components of the scoring rubric used to rate and fund your current project – statement of need, project design, management & collaboration, and budget.

Department staff will review the approved project application and your response to the following questions to determine which projects to continue and the level of funding to offer. Projects not making significant progress towards the goals approved may not be refunded or may not be funded at the level requested. **All awards are subject to the availability of funds.**



Instructions: All required information should be submitted via [computer CD or jump drive](#).

Sections I – Provide a narrative summary of the status of the program. (10pgs or less)

Section II – Attach a copy of the Self-monitoring Tool and supporting documentation.

Section III – Complete the Grantee Profile. (Limit to 1pg per site)

Section IV – Complete the Budget Sheet. (August 15 – June 30)

Section I. Program Status

- Explain how the program has provided activities in accordance with the approved application (Covering academics, physical activity, and technology, as well as transportation and meeting childcare guidelines). What changes do you want to make for next program year?
- How has the program staff engage in on-going communication with regular school-day staff, as well as with parents and partners?
- What assessment/evaluation tools were used to determine student success and improvement? Give specific details related to student academic improvement.
- Spell out efforts made to maintain partners to ensure long-term commitment of resources.
- List any challenges you encountered during project implementation and how you attempted to address them. Also, identify any technical support issues with which the Department of Education could be of assistance.

Section II. Monitoring & Quality Assessment Tool

Using the monitoring tool, complete a self-assessment and submit a CD/jump drive with supporting documentation on the items identified below *(They are highlighted in yellow on the monitoring tool).*

Category 1.	The program schedule and disciplinary policies are included in the parent/student handbook which is distributed at orientation or upon enrollment. <i>(Copy of the handbook or forms with this information.)</i>
Category 3.	Staff has documented professional development activities on file that are appropriate to program goals and teacher/student needs. <i>(Copy of one training agenda and sign-in sheet.)</i> Grant-funded equipment is inventoried, labeled and stored properly. <i>(May attach one page of inventory list or photo showing some labeled items.)</i> Connectivity with the regular school day teacher and principal is documented using coordination sheets, meeting schedules, sign-in sheets, agendas, etc. <i>(Copy of one of the examples cited above.)</i>



Category 4.	Students, parents, and partners have meaningful input into programming choices and decisions. <i>(Copies of survey tools.)</i>
Category 5.	Staff has competence in the core areas of academic instructs and plans/implements lessons so that students are engaged in the activity or learning process. <i>(Include one sample lesson plan.)</i> Activities are utilized to enhance parental involvement with the students and their activities. <i>(Copies of agendas and/or sign-in sheets.)</i>
Category 6.	Partnerships have been established within the community and these have been properly documented. <i>(Partnership meeting agenda/sign-in sheet, etc.)</i>

Section III. Grantee Profile

Provide a “snapshot” of your program.

- Complete one Grantee Profile for **each site** that is a part of your project.
- Click on the grey cells on the form to enter your information. (Don't worry, THE CELL WILL EXPAND AS YOU TYPE to provide you with enough room for all you need to say.)
- **Limit your information to 1pg per site.** *(I will edit them down for the General Assembly report if you don't.)*
- **SAVE EACH FORM SEPERATELY ON THE COMPUTER CD OR JUMP DRIVE.**

Section IV. Budget *(Agencies will NOT have LEAPs funding available for July – early August services; contracts do not begin until confirmed by TDOE staff. Programming/services provided prior to contract start will be at the expense of the agency.)*

- Based on the actual number of students served and the experience of implementing the program, provide a detailed budget plan for the final year of your funding cycle (**August 15 – June 30**).
- The Department will *review* budget requests to increase the number of students served at existing sites; however, **ADDING** new sites to a project will **NOT** be considered at this time.
- Continuation awards will be based on available funding. Current year awards are not guaranteed amounts for subsequent years.

KEEP IN MIND that services must be provided each day that school is in session (minimum 180 days) and for 15hrs. per week. The funding range is \$5.00 - \$7.50 per student, per day without transportation; \$6.00 - \$8.50 per student, per day with transportation. Use the funding grid on the budget sheet to calculate project costs.

Site/Center Name	A) Hours per Week	B) Cost per Day		C) No. of Students		D) No. of Days		E) Total Cost
EXAMPLE: BD Aftercare Program	15	\$5.00	X	50	X	180	=	\$45,000

Lottery for Education: Afterschool Programs (LEAPs)		
20XX-20XX GRANT BUDGET		
AGENCY NAME:		
Refer to <i>Department of Finance and Administration Policy 03, Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A</i> for further definition of each expense object line-item in the model budget format. Policy 03 can be found on the Internet at: http://www.tennessee.gov/finance/act/policy3.pdf		
POLICY 03 Object Line-Item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY (detail schedule(s) attached as applicable)	GRANT REQUEST
1	Salaries	
2	Benefits & Taxes _____%	
4, 15	Professional Fee/ Grant & Award	
5	Supplies	
6	Telephone	
7	Postage & Shipping	
8	Occupancy	
9	Equipment Rental & Maintenance	
10	Printing & Publications	
11, 12	Travel/ Conferences & Meetings	
14	Insurance	
18	Other Non-Personnel	
20	Capital Purchase	
22	Indirect Cost _____%	
25	GRAND TOTAL	

>> Attach a detailed **Budget Narrative** describing the expenditures listed above. Although matching funds are not required, include a description of the *contribution of resources* being provided towards the implementation of this project within the budget narrative.

All awards are subject to the availability of funds.

ACCOUNTABILITY FOR EQUIPMENT/SENSITIVE ITEMS PURCHASED WITH LEAP FUNDS

The State of Tennessee defines equipment as an item with a purchase price of \$5,000 or more. In addition, the State has identified sensitive items for which management must be accountable:

ITEMS THAT MUST BE ACCOUNTED FOR WHEN THE COST IS BETWEEN \$100.00 AND \$5,000.00:

ALL TERRAIN VEHICLES (ATV) 4, 6, 8 WHEELS
BOAT MOTORS
BOAT TRAILERS
BOATS
BODY ARMOR
CANOES
DIGITAL VIDEO RECORDERS
DIGITAL VOICE RECORDERS
FORK LIFTS
HAM BAND TRANS/REC (HAND HELD)
LCD/MULTIMEDIA PROJECTORS
MARINE BAND TRANS/REC
MOWERS, RIDING
OSCILLOSCOPE
POWER SUPPLIES
RADIO SCANNERS
SPECTRUM ANALYZER
TRACTORS (AGRICULTURAL & ROAD MAINTENANCE)
VECTOR SCOPES
WAVEFORM MONITORS

ITEMS THAT MUST BE ACCOUNT ED FOR REGARDLESS OF COST:

BAR CODE SCANNERS/CRADLE
CAMERA (35 MM & DIGITAL)
CAMERA LENS (200 MM OR LARGER)
COMPUTERS, ALL TYPES
COMPUTER PERIPHERALS (EXTERNAL)
DVD PLAYERS/RECORDERS
FAX MACHINES
GAMING SYSTEMS (Wii, XBOX, etc)
GEOGRAPHIC INFORMATION SYSTEM
GLOBAL POSITIONING SYSTEMS
IPAD
IPOD
NETBOOKS
NIGHTVISION EQUIPMENT
PDA
PRINTERS
TELEVISIONS
TWOWAY RADIO TRANS/REC & CHARGER
VIDEO CAMERAS

ACCOUNTABILITY FOR EQUIPMENT/SENSITIVE ITEMS PURCHASED WITH LEAP FUNDS

VIDEO RECORDERS & PLAYERS
WEAPONS

LEAP SPECIFIC ITEMS THAT MUST BE ACCOUNTED FOR REGARDLESS OF COST:

SCIENTIFIC CALCULATORS
SMART BOARDS (LEAP CAN FUND UP TO \$500 FOR THIS ITEM)
ELECTRONIC READERS (KINDLE, ETC.)
HAND-HELD STUDENT RESPONSE SYSTEMS (CLICKERS)
MICROSCOPES, OTHER SCIENCE LAB EQUIPMENT
ROBOTICS EQUIPMENT

ADDITIONAL STATE OF TENNESSEE REQUIREMENTS APPLICABLE TO LEAP:

Computer systems comprised of a monitor, keyboard and central processing unit are to be accounted for as one unit. The value should include freight and installation costs.

External computer peripherals, to be accounted for regardless of cost, should include the following items:

- a. EXTERNAL STORAGE DEVICES
- b. EXTERNAL TAPE DRIVES
- c. EXTERNAL MODEMS/WIRELESS ROUTERS
- d. SCANNERS
- e. CD WRITERS
- f. DOCKING STATIONS
- g. SWITCHES

Subsequent immaterial purchases less than \$5,000.00 of internal upgrades for microcomputers, desktops, and servers do not need to be separately accounted for.

Software, that is server-based, should be accounted for if the cost is \$5,000.00 or greater.

PC-based software does not need to be separately accounted for.

Donated equipment items that meet the above criteria should be added based upon estimated fair market value at the date of donation.

Equipment manufactured for use within the organization that meets the criteria above should be accounted for. Cost must include labor and materials.

Items not required to be accounted for according to State policies and procedures may be accounted for at the discretion of the business unit.

Equipment purchased from the State and Federal surplus warehouse that meet the above criteria should be accounted for.

ACCOUNTING SYSTEM

Grantee must have an accounting system that allows money received from State for LEAP and expenditures incurred for LEAP to be separately accounted for from other organization funds/activities.

ALLOWABLE COST

Costs must be reasonable and necessary for operation of the program.

Examples of unallowable cost: fines/penalties, alcoholic beverages, entertainment, lobbying, goods and services for personal use of staff.

Example of unreasonable cost: Charging LEAP 100% for an item that is used throughout the day in the regular classroom.

SUPPORT FOR SALARIES AND WAGES

For employees paid by the hour:

Employee should keep a time sheet showing for each day the total hours worked. Should be completed after-the-fact. Should show start time and end time of the work period for each day. If working on more than one program/project/ activity/cost objective during the day, time should be allocated to the various programs/projects/activities.

For salaried employees:

Grantee should have documentation to support that the employee works 100% (or allocation percentage used) of his/her time on LEAP.

EQUIPMENT/SENSITIVE ITEMS

Grantee should have an accountability system for equipment/sensitive items:

- Maintain an inventory list of equipment/sensitive items purchased with LEAP funds. Identify items by tag or serial number.
- Biennial physical inventory.
- Follow the State of Tennessee definition for equipment/sensitive items, including LEAP specific items.

PROCUREMENT

Need to have written procurement policies and procedures in place.

If LEA, need to follow applicable State law.

Policies and procedures need to show that grantee takes reasonable steps to ensure value for monies expended, including competitive bidding for items that exceed minimal cost.

CIVIL RIGHTS

Title VI of the Civil Rights Act of 1964

- Need to have a Title VI non-discrimination policy that you communicate to parents/the community.
- Need to designate an employee to serve as Title VI Coordinator.
- Need to have a complaint process in place to allow parents to file complaints if they feel there has been discrimination against their child. Appropriate staff of the organization should investigate complaint and provide results to complainant.
- Make parents aware they can file complaints with the TN Department of Education Office for Civil Rights and/or U.S. Department of Education Office for Civil Rights.

ADMINISTRATIVE COST/INDIRECT COST

To charge administrative cost/indirect cost, must be approved in advance by Laura and included in your budget:

If LEA: the TN Department of Education approves a restricted indirect cost rate.

If private, non-profit: State Accounting Policy 3 governs allocation of administrative cost. An appointed Cognizant State Agency reviews and approves organization's cost allocation plan. Approved cost allocation plan is basis for allocating administrative cost to organization's programs and activities, including LEAP. Cognizant State Agency list available on TN Department of Finance and Administration web site: <http://www.tn.gov/finance/act/policyb.html>. If your organization is not listed and you need a Cognizant State Agency appointed, or you wish to change your Cognizant State Agency, contact Thomas Scollon, at 615-253-1984, or Thomas.Scollon@tn.gov.

INDEPENDENT AUDIT REQUIREMENT

An entity that receives \$500,000 or more in Federal and/or State grant funds in a year must obtain an independent audit. The audit needs to be coordinated through the Division of Municipal Audit in the State Comptroller's Office.

DISPLAY SIGN FOR COMPTROLLER'S FRAUD, WASTE, AND ABUSE HOTLINE

To obtain a sign, call 1-800-232-5454.

OTHER GUIDANCE

For private, non-profits: Accounting and Financial Reporting for Not-For-Profit Recipients of Grant Funds in Tennessee (1998 Edition): <http://www.comptroller1.state.tn.us/ma/finreptmanual.asp>.

Below is Section 80.21 from EDGAR, which is the general set of procedures we follow for “cash management” for all Federal ED programs.

Because the Federal government does not want States and subrecipients to draw down funds that sit idle earning interest – we explain that funds should be spent within 3 days of the receipt of the funds. We ensure compliance with this by using the “reimbursement” method [(d) of Section 80.21] for sending funds to subrecipients. In other words, we require the subrecipients to use their own funds for procuring goods and services for the program before they request reimbursement and we send them the Federal 21st Century funds. In essence, the subrecipients have already expended/earned the Federal funds before they receive them.

We explain the “reimbursement” method within our local application package (found on pg 6 of the soon to be released package), the technical assistance workshops and the frequently asked questions posted to the TDOE website. Applicants/grantees are encouraged to maintain 2-3 months operating capital to provide programming between payment requests. The State accepts reimbursement requests no more than monthly.

Once a funded agency has been issued a fully executed contract, our office sends a hard copy and electronic copy of the reimbursement form containing all of the required accounting codes. Each agency must submit the completed reimbursement form and a copy of the accounting ledger as documentation of expenses for the time period covered by the payment request. The fiscal review officer on our staff logs each request for date received, amount and date sent to the accounting office. She reviews the request to verify calculations, documentation includes allowable expenses, checks for budget amendments then posts the request to a worksheet that records year-to-date expenses and remaining balance. Barring unforeseen circumstances, reimbursement requests are processed within three days of arrival in our office.

The Division of Internal Audit conducts an audit with a percentage of grantees each year. For those not selected for an audit, the director of Internal Audit has provided our staff with a “fiscal monitoring” tool that has been included as part of our grantee monitoring visits. A copy of the fiscal monitoring tool was submitted in an earlier request.

§ 80.21 Payment.

(a) *Scope.* This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors.

(b) *Basic standard.* Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee, in accordance with Treasury regulations at 31 CFR part 205.

(c) *Advances.* Grantees and subgrantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee or subgrantee.

(d) *Reimbursement.* Reimbursement shall be the preferred method when the requirements in paragraph (c) of this section are not met. Grantees and subgrantees may also be paid by reimbursement for any construction grant. Except as otherwise specified in regulation, Federal agencies shall not use the percentage of completion method to pay construction grants. The grantee or subgrantee may use that method to pay its construction contractor, and if it does, the awarding agency's payments to the grantee or subgrantee will be based on the grantee's or subgrantee's actual rate of disbursement.

(e) *Working capital advances.* If a grantee cannot meet the criteria for advance payments described in paragraph (c) of this section, and the Federal agency has determined that reimbursement is not feasible because the grantee lacks sufficient working capital, the awarding agency may provide cash or a working capital advance basis. Under this procedure the awarding agency shall advance cash to the grantee to cover its estimated disbursement needs for an initial period generally geared to the grantee's disbursing cycle. Thereafter, the awarding agency shall reimburse the grantee for its actual cash disbursements. The working capital advance method of payment shall not be used by grantees or subgrantees if the reason for using such method is the unwillingness or inability of the grantee to provide timely advances to the subgrantee to meet the subgrantee's actual cash disbursements.

(f) *Effect of program income, refunds, and audit recoveries on payment.* (1) Grantees and subgrantees shall disburse repayments to and interest earned on a revolving fund before requesting additional cash payments for the same activity.

(2) Except as provided in paragraph (f)(1) of this section, grantees and subgrantees shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

(g) *Withholding payments.* (1) Unless otherwise required by Federal statute, awarding agencies shall not withhold payments for proper charges incurred by grantees or subgrantees unless—

(i) The grantee or subgrantee has failed to comply with grant award conditions or

(ii) The grantee or subgrantee is indebted to the United States.

(2) Cash withheld for failure to comply with grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with §80.43(c).

(3) A Federal agency shall not make payment to grantees for amounts that are withheld by grantees or subgrantees from payment to contractors to assure satisfactory completion of work. Payments shall be made by the Federal agency when the grantees or subgrantees actually disburse the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

(h) *Cash depositories.* (1) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Minority Business Development Agency, Department of Commerce, Washington, DC 20230.

(2) A grantee or subgrantee shall maintain a separate bank account only when required by Federal-State agreement.

(i) *Interest earned on advances.* Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to the Federal agency. The grantee or subgrantee may keep interest amounts up to \$100 per year for administrative expenses.

(Authority: 20 U.S.C. 3474; OMB Circular A-102)

Grant Fiscal Monitoring Instrument for 21st Century Community Learning Centers and LEAP

Grantee: _____

No.	Question	Yes	No	N/A
1.	Does the grantee provide a separate sub-account in its accounting system to record revenues and expenditures for the grant?			
2.a.	Does the grantee subcontract with another entity to run the program?			
2.b.	If yes, does the grantee monitor the subcontractor to ensure the program is operating efficiently and effectively?			
3.	Is the grantee submitting required reports to the TN Department of Education on a timely basis?			
4.a.	Does the program funded by the grant charge for services or have income from other sources?			
4.b.	If yes, does the program have adequate controls in place to safeguard and account for the monies received?			
5.	Does the grantee have purchasing procedures in place that are reasonable based on the size of the grantee and that ensure the grantee obtains good value for the money expended?			
6.	Does the grantee have procedures in place to ensure funds from the grant are spent within the begin date and end date of the grant?			
7.a.	Does the grantee use grant funds to acquire land and/or buildings and/or provide funding for relocation assistance?			
7.b.	If yes, does the grantee comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended?			

Grant Fiscal Monitoring Instrument for 21st Century Community Learning Centers and LEAP

Grantee: _____

No.	Question	Yes	No	N/A
8.a.	Does the grantee use grant funds for construction projects?			
8.b.	If yes, is the grantee in compliance with the requirements of the Davis-Bacon Act?			
9.a.	Are grant funds used to supplement programs and activities that are partially funded through other sources?			
9.b.	If yes, does the grantee have a cost allocation system in place to ensure each funding source is charged with only those costs that are allowable and allocable to the grant/funding source?			
9.c.	If yes, does the grantee have an active cost allocation plan approved by its cognizant State agency in accordance with State Accounting Policy 3?			
10.a.	Does the grant require a match?			
10.b.	If yes, does the grantee have procedures in place to track and account for the required match?			
11.a.	Are grant funds used to purchase equipment (items with a net purchase price over \$5,000 and/or sensitive items such as computers and cameras)?			
11.b.	If yes, does the grantee have safeguards in place to prevent the theft or loss of equipment?			
11.c.	If yes, does the grantee keep a perpetual inventory of equipment items?			
11.d.	If yes, does the grantee take a physical inventory of equipment items at least every two years?			
12.a.	Does the grant have eligibility requirements for children/students to participate in the program?			

Grant Fiscal Monitoring Instrument for 21st Century Community Learning Centers and LEAP

Grantee: _____

No.	Question	Yes	No	N/A
12.b.	If yes, does the grantee have procedures in place to ensure only eligible children/students participate?			
13.a.	Does the grantee file reimbursement requests only after monies have been expended or obligated?			
13.b.	If no, what procedures are in place to ensure funds received in advance are expended within three working days of receipt of reimbursement from the TN Department of Education?			
14.	Does the grantee use funds for only those purposes authorized by the grant?			
15.a.	Does the grantee require staff paid through the grant to keep a time sheet?			
15.b.	If yes, is the time sheet used as the basis for charging salary/wage and benefit expense to the grant?			
16.	Is grantee staff aware of the allowed/prohibited uses of funds set forth in OMB Cost Principle Circulars (i.e., grant funds cannot be used for alcoholic beverages, lobbying, personal expenses of staff, fines/penalties, entertainment)?			
17.a.	Does the grantee have a non-discrimination civil rights policy?			
17.b.	Is the policy displayed in a public space or communicated in a way that reaches the community at large?			
17.c.	Does the grantee have complaint procedures to provide for filing of civil rights complaints?			

Grant Fiscal Monitoring Instrument for 21st Century Community Learning Centers and LEAP

Grantee: _____

No.	Question	Yes	No	N/A
18.	Is grantee staff aware of EDGAR Section 76.532, which prohibits use of grant funds for religion?			

Signature of Staff Person Completing Questionnaire

Date

Title of Staff Person Completing Questionnaire

Date

Signature of TDOE Staff Person Who Reviewed Questionnaire

Date

DEPARTMENT OF FINANCE AND ADMINISTRATION-POLICY 03

Policy 3-Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies (Revised 12/97)

Introduction to Policy 03

1. Generally, this Policy Statement 03 establishes uniform reporting requirements for all subrecipients affected as defined below. This policy statement calls for the development of efficient and effective cost allocation plans and methods of cost determination, under the supervision of the cognizant state agency as determined by the Department of Finance and Administration. Uniform reporting requirements are set forth in Schedules A, B, and C, and Exhibits 1 and 2 of this Policy Statement 03. Guidelines for cost allocation plans are set forth in the Policy for Cost Allocation Plans For Subrecipients of Federal and State Grant Monies section of this Policy Statement 03.

Applicability

2. This Policy Statement 03 is applicable to all subrecipients other than cities, counties (and subdivisions thereof), and state colleges, universities, and technology centers. Subrecipients affected include private not-for-profit entities that are subject to accounting and financial reporting standards promulgated by the Financial Accounting Standards Board (FASB), and governmental not-for-profit entities that are subject to Governmental Accounting Standards Board (GASB) standards. Fee-for-service and performance-based contracts are exempt.

Purpose of Policy 03

3. The primary purpose of this policy statement is to provide uniformity in the reporting of, and improve controls over, costs associated with the delivery of services by subrecipients of federal and state grant monies.
4. This uniformity and improved control is necessary for state agencies as recipients of federal and state grant monies and is beneficial to the subrecipient. In the past, the Revenue, Expenditure, and Budget Reports required of subrecipients have been individualized and "tailor-made" to the needs of the state agency, causing subrecipients to prepare a variety of reports for each state agency to which it reported.
5. Further, these reports have not been sufficiently detailed to provide the state granting agency with adequate controls over the use of the grant monies.
6. This policy statement streamlines the reporting requirements for subrecipients of federal and state grant monies, and will provide cost savings to both subrecipients and state funding agencies in three ways.

First, there will be a reduction in costs related to the processing of the information.

Second, there will be a reduction in costs associated with grant matching requirements due to increased accuracy in the credit received for monies expended in the administration of the grant -- i.e., releasing funds otherwise expended in meeting grant matching requirements.

Third, there will be a reduction in costs associated with failure to accurately report reimbursable expenditures.

Basis for Authority - Federal Requirements

7. OMB Circulars A-122 and A-87 require the development of a plan for allocation of costs to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records, which will substantiate the propriety of eventual charges (Federal Register, Vol. 60, No. 95, *Accounting and Financial Reporting for Not-for-Profit Recipients of Grant Funds in Tennessee*, 1998 Edition¹).

Effective Date

8. The requirements of this Policy Statement 03 are effective for fiscal years beginning after June 30, 1997, and any budget documents prepared which relate to such fiscal years.

Policy for Cost Allocation Plans for Subrecipients Of Federal and State Grant Monies

9. This Policy Statement 03 sets forth the guidelines to be used in the allocation of costs for recipients of grants from state departments or agencies. Acceptable allocation methods to be used by grantee agencies shall be determined by the cognizant state agency. Methods used for allocating costs may differ between types of entities, and may even be different for the same type of entity. However, once an entity receives approval for its particular method of cost allocation, all other state agencies are to accept its application to their programs. This does not mean that all state agencies are required to fully fund the costs that are charged to a particular program under the methods if such costs are not allowable under their agreement with the entity or exceed the prescribed funding percentage or budgets.

Definition of Cost Allocation Plans

10. A cost allocation plan is a means of distributing to various programs, costs which benefit more than one program and are not directly assigned. Cost allocation is basically a mathematical exercise to distribute costs to programs in a manner that the costs are

¹ *The Accounting and Financial Reporting for Not-for-profit Recipients of Grant Funds in Tennessee* , 1998 Edition is scheduled to be issued early 1998.

proportional to the benefit received.

11. Unless cost allocation plans are identical in nature and substance, comparing plans only on percentage rates is not valid. The total amount of costs, both direct and indirect, must be carefully reviewed before any comparisons are made. Cost rates alone will not provide meaningful information as to which agency may have the lower cost of administration. Factors such as the types of items in the cost pools, the direct charges, and the overall operation of the agency must also be considered.

Definition of Costs

12. An agency will incur basically three kinds of costs: direct, administrative, and allocable direct. Specific examples of each type of cost follow the definitions.

Direct Costs:

Direct costs are those costs that can be identified to benefit a specific program.

- A. Salaries of persons who provide direct services to program beneficiaries and work on only one program (e.g., Aging Director, Transportation Program Director, etc.).
- B. Travel costs that can be specifically identified to benefit a particular program.
- C. Equipment purchased to be used in only one program.
- D. Maintenance and/or insurance for the above equipment.
- E. Supplies which are only used in one program.
- F. A contract for professional services which benefits a single program.
- G. Printing which benefits a single program.

Administrative Costs:

Administrative costs are costs that benefit the operations of the entire agency, but cannot be identified to specific programs.

- A. Executive Director's salary and benefits (or administrative portion thereof if the Executive Director spends time on program-related activities).
- B. Fiscal Officer's salary and benefits.
- C. Purchasing staff's salary and benefits.
- D. Secretarial support of administrative employees.
- E. Supplies of administrative employees.

- F. Travel of administrative employees.
- G. Occupancy costs (e.g., rent and utilities) of administrative employees.
- H. Postage and telephone costs of administrative employees.
- I. Liability insurance.

Allocable Direct Costs:

Allocable direct costs are simply costs which benefit more than one program, but do not fall under the criteria of administrative costs.

- A. Salaries and benefits of program employees whose work benefits more than one program (i.e., nurses, eligibility workers, etc.).
- B. Travel costs of employees whose work benefits more than one program.
- C. Occupancy costs of programs.
- D. Telephone costs of programs.
- E. Supplies used by more than one program.
- F. Contract for professional services that benefit more than one program.
- G. Rental and maintenance for equipment used by more than one program.
- H. Audit costs

Allocation Methods

- 13. The periodic allocation of actual expenditures, rather than use of a fixed or provisional indirect cost rate, is the most appropriate and equitable method of cost allocation.

The following are allowable methods to allocate administrative costs and allocable direct costs. Exceptions will be allowed, providing prior approval of the alternative method is granted from the cognizant state agency.

Administrative Costs

- 14. Administrative costs allocable to programs should be accumulated in a separate cost pool. After allocating the administrative cost pool its share of the allocable direct costs, the total should be periodically allocated to the programs based on the percentage of direct program salaries vs. total direct salaries, applied to total administrative costs.

Another method of allocation is using total costs to distribute administrative costs. The actual administrative costs are allocated to each program based on its percentage of total actual direct costs for the period after allocation of allocable direct costs.

It is recognized that the above methods of allocation of administrative costs may not be the most appropriate in all situations.

Allocable Direct Costs

15. Most likely, the appropriate time for allocation of allocable direct costs will be when they are recorded on the books. However, cost pools may be used for various categories of allocable direct costs for periodic allocation to programs and the administrative cost pool.

Several different methods may be acceptable for the allocation of allocable direct costs. The following are specific examples:

Salaries and benefits -- allocate on the basis of time records, records of the number of clients served, or other approved bases.

Travel -- allocate on the same basis as salaries and benefits.

Occupancy costs for program areas -- allocate based on the number of square feet occupied by the program area as a percentage of total square feet allocated to all program areas.

Telephone costs -- allocate based on the number of personnel, number of lines, or other equitable method for local service.

Supplies -- allocate based on the number of personnel per program, number of clients served, or other equitable method.

Contracts for services, which benefit more than one program -- allocate based on the number of clients served, or other equitable method.

Equipment rental and maintenance -- allocate based on usage logs or other equitable method.

Cognizant State Agency

16. The cognizant state agency shall be responsible for approval of the cost allocation plan of the grantee. Other state funding agencies, which also have funds at the grantee agency, must abide by the methods of cost allocation approved by the cognizant state agency. The cognizant state agency is generally defined to be the state agency whose funds compose the greatest percentage of state grant funds received by a grantee agency. Determination of the cognizant state agency shall be made by the Department of Finance and Administration. Once assigned, the term of responsibility shall be indefinite, although responsibility may be

reassigned upon written request and justification to the Department of Finance and Administration by either the cognizant state agency or the grantee agency.

Instructions for Cost Allocation Plans

17. Each subrecipient must prepare a narrative describing in detail the methods used to allocate costs to the various programs. The plan should include an organizational chart and documents and schedules to support the allocation methods.
18. The following guidelines should be used in the preparation of the plan.
 - A. The nature of the charges to be allocated will depend on the sophistication of the accounting system. The more sophisticated the system, the fewer the types of charges that will be treated as allocable direct expense and included for distribution. For example, if each employee keeps a detailed time report, the payroll expenditures might be charged directly to each program, and cost allocation per se would not be involved.
 - B. The cost allocation plan must include plans for allocation of allocable direct costs as well as administrative costs. Allocable direct costs will be included with other direct costs of the program in reports to the grantor. Allocations that are reported in separate line items on the grantor reports should involve the administrative cost pool only.
 - C. An entity may wish to have more than one cost allocation pool so that certain types of costs are allocated on different bases.
 - D. All proposed cost allocation plans developed by the contractor/grantee must be reviewed and approved by the entity's designated cognizant state agency.
 - E. Once the cost allocation plan has been approved by the cognizant state agency, all other funding state agencies must accept the approved plans. Where a contracting state agency has reason to believe that special factors affecting its awards necessitates special consideration, the contracting state agency should communicate this to the cognizant state agency.
 - F. If a dispute arises between the cognizant state agency and a contracting state agency, the dispute shall be resolved through an appeals process headed by the Commissioner of Finance and Administration or his/her designee.

Approved:

Commissioner of Finance and Administration

I, John D. Ferguson, hereby approve this revision of Policy Statement 03 of the Department of Finance and Administration, and as such agree with and authorize actions necessary to implement its requirements.

Signed: _____ Date: _____
John D. Ferguson, Commissioner

Approved:

Comptroller of the Treasury

I, William R. Snodgrass, hereby approve this revision of Policy Statement 03 of the Department of Finance and Administration, and as such agree with and authorize actions necessary to implement its requirements.

Signed: _____ Date: _____
William R. Snodgrass, Comptroller of the Treasury

POLICY 03 - APPENDIX A
Instructions for Completing Program Expense Reports (PER) and Program Revenue Reports (PRR) State of Tennessee Contracting Agencies

Notes:

1. *Explanations are provided for each line-item in the Program Expense and Program Revenue Reports which correspond to similar line-items in Office of Management and Budget (OMB) Circular A-122, "Cost Principles for Nonprofit Organizations," revised May 14, 1997 and Internal Revenue Service Form 990, "Return of Organization Exempt from Income Tax". IRS Form 990 is also an annual financial reporting requirement of the Division of Charitable Solicitations of the Secretary of State's Office.*
 2. *Use of the term "expense" is inclusive of either expenses or expenditures depending on the accounting method used.*
-

Program Expense Report (PER), Schedule A, is used (a) for submitting detailed and total expense budgets and (b) for detailed and total expense reports (see Schedule A, Parts 1 and 2).

Program Revenue Report (PRR), Schedule B, is used (a) for submitting revenue budgets and (b) for revenue reports by source with reconciliation between total expenses and reimbursable expenses (see Schedule B, Parts 1 and 2).

The Schedule B revenue and reconciliation pages are intended to be extensions of the Schedule A expense pages, in that the columns should match up by contract/attachment number and program title. That is, each revenue column should be aligned with its corresponding expense column from the previous page.

Basis for Reporting Expenses/Expenditures

Total expenses may be reported on either the cash or accrual basis consistently applied. An expense may be accrued only if the goods or services have been received and billed for by the end of the reporting period. Once elected, the basis of reporting may be changed only with the approval of the cognizant state agency. If the report at the end of the grant period is on the accrual basis, the final report prepared after all accruals have been cleared with cash receipts and disbursements must include a reconciliation to the accruals reported in the end-of-period grant report.

Expense and revenue reports must be submitted in the same format each quarter. The final Program Expense Report must be approved by the contracting state agency.

Form Headings (for Schedules A and B)

At the top of each page are spaces for the name of the reporting contractor/grantee agency, the period covered by the report, the name of the contracting state agency, and the reporting agency's federal employer identification number. The period of the report should always be the current quarter. Report programs in the same sequence each quarter.

Column Headings

At the head of each column are spaces for the contract number, grant period, program name, and service name (if the grant or programs are divided into two or more services for reporting purposes). The contract number is the number assigned by the contracting state agency, and should include the amendment number, if any. The grant period field contains the beginning and ending dates for the grant. The program name is the title you use to describe the program in correspondence with the contracting state agency. The service name, if applicable, is the name of the service used when there are two or more services or activities related to a single grant.

Program Columns

Cumulative expenses for several grants, programs, or services may be reported on each Total Expense page.

Do not report programs of two different state departments or agencies on the same page. Total the cumulative year-to-date expenses for all of the department's programs in a total column on the page for each department. If more than one page is used for a department, then the totals must be placed on the last page.

Program expense columns are for reporting direct program expenses. Direct service expenses that apply to more than one program (i.e., allocable-direct costs) may be allocated to those programs within the expense categories and thereby included in program expenses. The cognizant state agency should approve the method used for cost allocations.

FINAL PROGRAM EXPENSE SUMMARY PAGE
(Schedule C- Final Page)

The Final Program Expense Summary Page is intended to recap all direct program expenses in one column and separately identify non grant/unallowable expenses and administrative expenses in other columns, as well as to determine a grand total of all expenses. The Summary Page includes the following columns:

Total Direct Program Expenses

This is the summary of all the individual program cumulative year-to-date expenses as identified separately under the respective program titles.

Total Non Grant/Unallowable Expenses

The non grant/unallowable expense column includes the following expenses:

- I. The cumulative year-to-date total expenses for all other programs not funded by any contracting state agency.
- II. The cumulative year-to-date expenses for fund-raising activities, if any
- III. Other cumulative year-to-date expenses not allowable for reimbursement under the terms of the grants.

Total Administrative Expenses

The administrative expenses column is for reporting the cumulative year-to-date expenses to be allocated on the administrative expenses line of the report (PER, Line 22).

Grand Total

The Grand Total column of this final page contains the cumulative year-to-date totals for the entire reporting agency. The year-to-date expenses must be traceable to the reporting agency's general ledger.

**PROGRAM EXPENSE REPORT (PER)
SCHEDULE A
EXPENSE BY OBJECT LINE-ITEMS**

There are seventeen specific object expense categories; two subtotals (Line 3, Total Personnel Expenses, and Line 19, Total Nonpersonnel Expenses); and Reimbursable Capital Purchases (Line 20), above Line 21, Total Direct Program Expenses. All expenses should be included in one or more of the specific categories, or in an additional expense category entered under Line 18, Other Nonpersonnel Expenses. The contracting state agency may determine these requirements.

With the exception of depreciation, everything reported in Lines 1 through 21 must represent an actual cash disbursement or accrual as defined in the Basis For Reporting Expenses/Expenditures section on page 13.

Line 1 Salaries And Wages

On this line, enter compensation, fees, salaries, and wages paid to officers, directors, trustees, and employees. An attached schedule may be required showing client wages or other included in the aggregations.

References:

Related A-122 paragraphs: 6, 28, & 45

Related Form 990 line items: Part II; 25 & 26

Line 2 Employee Benefits & Payroll Taxes

Enter (a) the organization's contributions to pension plans and to employee benefit programs such as health, life, and disability insurance; and (b) the organization's portion of payroll taxes such as social security and medicare taxes and unemployment and workers' compensation insurance. An attached schedule may be required showing client benefits and taxes or other included in the aggregations.

References:

Related A-122 paragraphs: 6, 15, & 45

Related Form 990 line items: Part II; 27, 28, & 29

Line 3 Total Personnel Expenses

Add lines 1 and 2.

Line 4 Professional Fees

Enter the organization's fees to outside professionals, consultants, and personal-service contractors. Include legal, accounting, and auditing fees. An attached schedule may be required

showing the details in the aggregation of professional fees.

References:

Related A-122 paragraphs: 20, 41, & 49

Related Form 990 line items: Part II; 30, 31, 32, & 43

Line 5 Supplies

Enter the organization's expenses for office supplies, housekeeping supplies, food and beverages, and other supplies. An attached schedule may be required showing food expenses or other details included in the aggregations.

References:

Related A-122 paragraph: 24

Related Form 990 line item: Part II; 33

Line 6 Telephone

Enter the organization's expenses for telephone, cellular phones, beepers, telegram, FAX, E-mail, telephone equipment maintenance, and other related expenses.

References:

Related A-122 paragraph: 5 & 22

Related Form 990 line item: Part II; 34

Line 7 Postage And Shipping

Enter the organization's expenses for postage, messenger services, overnight delivery, outside mailing service fees, freight and trucking, and maintenance of delivery and shipping vehicles. Include vehicle insurance here or on line 14.

References:

Related A-122 paragraphs: 5, 23, & 50

Related Form 990 line item: Part II; 35

Line 8 Occupancy

Enter the organization's expenses for use of office space and other facilities, heat, light, power, other utilities, outside janitorial services, mortgage interest, real estate taxes, and similar expenses. Include property insurance here or on line 14.

References:

Related A-122 paragraphs: 19, 23, 43, 46 & 47

Related Form 990 line item: Part II; 36

Line 9 Equipment Rental And Maintenance

Enter the organization's expenses for renting and maintaining computers, copiers, postage meters, other office equipment, and other equipment, except for telephone, truck, and automobile expenses, reportable on lines 6, 7, and 11, respectively.

References:

Related A-122 paragraphs: 23 & 43

Related Form 990 line item: Part II; 37

Line 10 Printing And Publications

Enter the organization's expenses for producing printed materials, purchasing books and publications, and buying subscriptions to publications.

References:

Related A-122 paragraphs: 26 & 38

Related Form 990 line item: Part II; 38

Line 11 Travel

Enter the organization's expenses for travel, including transportation, meals and lodging, and per diem payments. Include gas and oil, repairs, licenses and permits, and leasing costs for company vehicles. Include travel expenses for meetings and conferences. Include vehicle insurance here or on line 14.

References:

Related A-122 paragraphs: 41 & 51

Related Form 990 line item: Part II; 39

Line 12 Conferences And Meetings

Enter the organization's expenses for conducting or attending meetings, conferences, and conventions. Include rental of facilities, speakers' fees and expenses, printed materials, and registration fees (but not travel).

References:

Related A-122 paragraphs: 24, 25, & 49

Related Form 990 line item: Part II; 40

Line 13 Interest

Enter the organization's interest expense for loans and capital leases on equipment, trucks and automobiles, and other notes and loans. Do not include mortgage interest reportable on line 8.

References:

Related A-122 paragraph: 19

Related Form 990 line item: Part II; 41

Line 14 Insurance

Enter the organization's expenses for liability insurance, fidelity bonds, and other insurance. Do not include employee-related insurance reportable on line 2. Do not include property and vehicle insurance if reported on lines 7, 8, or 11.

References:

Related A-122 paragraphs: 4 & 18

Related Form 990 line item: Part II; 43

Line 15 Grants And Awards

Enter the organization's awards, grants, subsidies, and other pass-through expenditures to individuals and to other organizations. Include allocations to affiliated organizations. Include in-kind grants to individuals and organizations. Include scholarships, tuition payments, travel allowances, and equipment allowances to clients and individual beneficiaries.

Pass-through funds are not included when computing administrative expenses reported on Line 22.

References:

Related A-122 paragraph: 30

Related Form 990 line item: Part II; 22

Line 16 Specific Assistance to Individuals

Enter the organization's direct payment of expenses of clients, patients, and individual beneficiaries. Include such expenses as medicines, medical and dental fees, children's board, food and homemaker services, clothing, transportation, insurance coverage, and wage supplements.

References:

Related A-122 paragraph: 30

Related Form 990 line item: Part II; 23

Line 17 Depreciation

Enter the expenses the organization records for depreciation of equipment, buildings, leasehold improvements, and other depreciable fixed assets.

References:

Related A-122 paragraph: 9

Related Form 990 line item: Part II; 42

Line 18 Other Nonpersonnel Expenses

NOTE: Expenses reportable on lines 1 through 17 should not be reported in an additional expense category on line 18. A description should be attached for each additional category entered on line 18. The contracting state agency may determine these requirements.

Enter the organization's allowable expenses for advertising (1), bad debts (2), contingency provisions (7), fines and penalties (14), independent research and development (reserved) (17), organization (27), page charges in professional journals (29), rearrangement and alteration (39), recruiting (41), and taxes (47). Include the organization's and employees' membership dues in associations and professional societies (26). Include other fees for the organization's licenses, permits, registrations, etc. (See related A-122 allowable cost principles, the paragraph numbers are in parenthesis above.)

References:

Related A-122 paragraphs: 1, 2, 7, 14, 17, 26, 27, 29, 39, 41, & 47

Related Form 990 line item: Part II; 43

Line 19 Total Nonpersonnel Expenses

Add lines 4 through 18.

Line 20 Reimbursable Capital Purchases

Enter the organization's purchases of fixed assets. Include land, equipment, buildings, leasehold improvements, and other fixed assets. An attached schedule may be required showing the details for each such purchase.

References:

Related A-122 paragraph: 13

Related Form 990 line item: capitalized on line 55a, not reported as an expense.

Line 21 Total Direct Program Expenses

Add lines 3, 19, and 20.

Includes direct and allocated direct program expenses.

Reference:

Related Form 990 line item: Part II, Column B.

Line 22 Administrative Expenses

The distribution will be made in accordance with an allocation plan approved by your cognizant state agency.

References:

Related A-122 paragraphs: 11, 12, 16, 19, 20, 21, 32, 33, 36, 40, 41, 43, 45, & 47

Related Form 990 line item: Part II; Column C

Line 23 Total Direct And Administrative Expenses

Line 23 is the total of Line 21, Total Direct Program Expenses, and Line 22, Administrative Expenses. Line 23, Total Direct and Administrative Expenses Year-to-Date should agree with the Total of Column B, Year-to-Date Actual Expenditures of the *Invoice for Reimbursement* - (see Exhibit 2).

Line 24 In-Kind Expenses

In-kind Expenses (Line 24) is for reporting the value of contributed resources applied to the program. Approval and reporting guidelines for in-kind contributions will be specified by those contracting state agencies who allow their use toward earning grant funds.

References:

Related A-122 paragraph: 10

Related Form 990 line items: Part I; 1a, & Part VI; 82

Line 25 Total Expenses

The sum of Line 23, Total Direct and Administrative Expenses, and Line 24, In-kind Expenses, goes on this line.

PROGRAM REVENUE REPORT (PRR)
SCHEDULE B
SOURCES OF REVENUE

The revenue page is intended to be an extension of the total expenses page, in that the columns should match up by contract/attachment number and program title. There are ten revenue sources (Schedule B, Part 1) and three subtotals (Lines 33, 41, and 43). Additional supplemental schedules for one or more of the line items may be attached, if needed. Each revenue column should be aligned with its corresponding expense column from Schedule A.

Reimbursable Program Funds

Line 31 Reimbursable Federal Program Funds

Enter the portion of Total Direct & Administrative Expenses reported on Line 23, Schedule A, that is reimbursable from federal program funds. The state funding agency may require an attached detail listing and reconciliation schedule.

Reference:

Related Form 990 line item: Part I; 1c

Line 32 Reimbursable State Program Funds

Enter the portion of Total Direct & Administrative Expenses reported on Line 23, Schedule A, that is reimbursable from state program funds. The state funding agency may require an attached detail listing and reconciliation schedule.

Reference:

Related Form 990 line item: Part I; 1c

Line 33 Total Reimbursable Program Funds

Add lines 31 and 32.

Matching Revenue Funds

Line 34 Other Federal Funds

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from other federal funds. The state funding agency may require an attached detail listing and reconciliation schedule.

Reference:

Related Form 990 line item: Part I; 1c

Line 35 Other State Funds

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from other state funds. The state funding agency may require an attached detail listing and reconciliation schedule.

Reference:

Related Form 990 line item: Part I; 1c

Line 36 Other Government Funds

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from other government funds. The state funding agency may require an attached detail listing and reconciliation schedule.

Reference:

Related Form 990 line items: Part I; 1c

Line 37 Cash Contributions (Nongovernment)

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from such sources of cash contributions as corporations, foundations, trusts, individuals, United Ways, other not-for-profit organizations, and from affiliated organizations. The state funding agency may require an attached detail listing and reconciliation schedule.

References:

Related Form 990 line items: Part I; 1a and 1b

Line 38 In-Kind Contributions (Equals Schedule A, Line 24)

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from direct and administrative in-kind contributions. The state funding agency may require an attached detail listing and reconciliation schedule.

Approval and guidelines for valuation and reporting of in-kind contributions will be specified by those grantor agencies who allow their use toward earning grant funds.

References:

Related Form 990 line items: Part I; 1a and Part VI; 82

Line 39 Program Income

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from program income related to the program funded by the state agency. The

state funding agency may require an attached detail listing.

Reference:

Related Form 990 line item: Part I; 2

Line 40 Other Matching Revenue

Enter the portion of matching revenues reported on Line 54, Subtract Matching Expenses (Equals Line 41), that is from other revenues not included in lines 34 through 39. The state funding agency may require an attached detail listing.

References:

Related Form 990 line items: Part I; 3 through 11

Line 41 Total Matching Revenue Funds

Add lines 34 through 40

Line 42 Other Program Funds

Enter program income related to the program funded by the state agency but not reported as matching revenue funds on Line 54.

References:

Related Form 990 line items: Part I; 1 through 11

Line 43 Total Revenue

Add lines 33, 41, and 42

References:

Related Form 990 line items: Part I; 12

**RECONCILIATION BETWEEN TOTAL EXPENSES
AND
REIMBURSABLE EXPENSES
SCHEDULE B - (Lines 51 to 59)**

This section, at the bottom of Schedule B, is for subtracting nonreimbursable amounts included in Total Expenses (Line 25, Schedule A and Line 51, Schedule B). The first line of this section, Line 51, Total Expenses, is brought forward from the last line of the corresponding Schedule A Total Expense Page.

There are three categories of adjustments for which titled lines are provided:

Line 52 OTHER UNALLOWABLE EXPENSES:

Some program expenses may not be reimbursable under certain grants. This is a matter between the contracting parties, and will vary according to the state agency involved and the type of grant or contract. Consult your contract or the department that funds the program for guidelines.

Line 53 EXCESS ADMINISTRATION:

This adjustment line may be used to deduct allocated Administration and General expenses in excess of an allowable percentage specified in the grant contract. It may also be used to deduct an adjustment resulting from limitations on certain components of Administration and General expenses. Again, the specific guidelines of the department and grant involved are the controlling factor.

Line 54 MATCHING EXPENSES

Since the goal is to arrive at a reimbursable amount, the expenses paid out of other sources of funding, local support and program user fees for example, will have to be deducted. The amount left should be only that which is to be paid for by the contracting state agency.

Line 55 REIMBURSABLE EXPENSES (Line 51 less Lines 52, 53, and 54)

This is the amount that the contracting state agency will pay for the quarter's operations of the program. The cumulative column is what the grant actually paid to date.

Line 56 TOTAL REIMBURSEMENT-TO-DATE

In the quarter-to-date column, this is the total received for this quarter from filing of the Invoice For Reimbursement. The cumulative column's amount is the total received for the grant year-to-date.

Line 57 DIFFERENCE (Line 55 less Line 56)

This is the portion of Reimbursable Expenses not yet paid.

Line 58 ADVANCES

Any advance payments for a grant should appear on this line.

Line 59 THIS REIMBURSEMENT (Line 57 less 58)

The remainder should be the amount due under the grant contract. Actual payments are made through the invoicing process and not through the filing of this report.

Policy 03 - Appendix B
Instructions for Completing Form State of Tennessee Contracting Agencies
Projection of Agency Personnel And Salary (Exhibit 1)

This form is to reflect the total salaries of all persons employed, either full or part time, by the agency. This form is typically used on an annual basis only. The form is utilized to reflect budgeted salaries.

The completed form must be submitted as part of the budget proposal, reflecting the estimated total salary by position and by program.

To complete the form, indicate each individual position, position number, if applicable, employee's name, and total salary for the period covered. Full time employees are defined as employees working at least 37.5 hours per week. If an employee is hired on a part time basis for less than 37.5 hours per week, indicate the regular work week hours in parentheses next to the employee's name.

The projected percentage of time spent in each program area must be noted in the spaces provided. The proportionate amount of salary expense should then be calculated and projected for the respective programs. The total salaries projected in each program must equal the corresponding amount budgeted in the salary category of the budget.

If salary increases are to be made at a point in time rather than the beginning date of the contract period, a schedule showing the effective dates of the increases, by position, must be attached to the budget package.

Policy 03 - Appendix C
Instructions for Completing FormState of Tennessee Contracting Agencies
Invoice For Reimbursement
(Exhibit 2)

The invoice is used to request advancement or reimbursement prior to submission of the quarterly report. Funds can only be disbursed by contracting state agencies to subrecipients upon receipt of a properly prepared and signed invoice. Funds cannot be disbursed based on the submission of quarterly reports.

1. Complete the heading filling in the contractor/grantee agency's name and address, federal employer identification number, contracting state agency, contract number, invoice number, invoice ending date, contract period, contact person and phone number, and the related program area.
2. The invoice provides flexibility in reporting the information -- in detail by cost categories or by reporting the total by program.
3. The contracting state agency will determine whether the information on the invoice will be reported by cost categories or by program. The contracting state agency will give specific instructions on which cost categories are required to be reported to them on a monthly basis. If information is provided by cost categories, list the various cost categories, the total contract budget for the cost categories, the cumulative year-to-date actual expenditures by the cost categories, and the monthly estimated/actual expenditures by the cost categories. If the information is reported by program, state the name of the program, the total amount of the contract budget for the program, the total year-to-date actual expenditures for the program, and the monthly estimated/actual expenditures by program as approved by the contracting state agency. Also state the monthly actual or estimated revenue for the program and the net amount due. Indicate the allotment code and cost center in the last column.
4. Sign the invoice and mail it to the contracting agency.

SUMMARY OF FEDERAL/STATE ADMINISTRATIVE AND FISCAL REGULATIONS

The Federal Office of Management and Budget issues fiscal and administrative regulations that recipients and subrecipients of Federal program funds must follow. The U.S. Department of Education, for the grant programs it funds, has the permission of OMB to promulgate its own administrative and fiscal rules and regulations. These are found in EDGAR (Education Department General Administrative Regulations). EDGAR includes regulations that govern procurement, equipment, civil rights, and other requirements. For regulations on allowable cost, EDGAR defers back to the OMB Circulars, Circular A-87 for grantees and subgrantees that are state and local governments (school districts) and A-122 for grantees and subgrantees that are private non-profit organizations.

Below are references to EDGAR (<http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html>) and web links to specific sections of OMB Circular A-87 and Circular A-122 for various compliance areas:

Allowable cost:

General:

State and local governments (school districts): OMB Circular A-87/Attachment B:
http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html#attb

Private, non-profit organizations: OMB Circular A-122/Attachment B:
http://www.whitehouse.gov/omb/circulars/a122/a122_2004.html#attb

Support for salaries and wages:

State and local governments (school districts):
http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html#8

Private, non-profit organizations:
http://www.whitehouse.gov/omb/circulars/a122/a122_2004.html#b8

Allowability of rent (must be "arms-length" transaction—use allowance as alternative):

State and local governments (school districts):
http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html#37

Private, non-profit organizations:
http://www.whitehouse.gov/omb/circulars/a122/a122_2004.html#b43

Equipment:

State and local governments (school districts): EDGAR Section 80.32

Private, non-profit organizations: EDGAR 74.34

(SPECIAL NOTE: Equipment purchases must be reviewed and approved by TDOE program director. Requests must be reasonable and necessary for program implementation and success. No more than \$500 of grant funds may be used towards the purchase of a smart board or like product.)

Procurement:

State and local governments (school districts): EDGAR Section 80.36

Private, non-profit organizations: EDGAR Section 74.44

Suspension and debarment:

State and local governments (school districts): EDGAR Section 80.35

Private, non-profit organizations: EDGAR Section 74.13

SUMMARY OF FEDERAL/STATE ADMINISTRATIVE AND FISCAL REGULATIONS

Detailed procedures on suspension and debarment:
EDGAR Part 85

Compliance with civil rights laws:

EDGAR Section 76.500

Link to Tennessee Department of Education Office of Civil Rights:

<http://www.state.tn.us/education/civilrights.php>

Link to United States Department of Education Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.htm>

Use of funds for religion prohibited:

EDGAR Section 76.532

Indirect cost rates for Federal programs:

School districts: Must be submitted to and approved by the TN Department and Education.

Non-profit organizations: Must be submitted to and approved by the organization's Federal cognizant agency.

EDGAR Section 76.561

OTHER ISSUES:

Cost allocation plans (applies only to private, non-profit organizations):

At the state level, for subrecipients who are private, non-profit organizations that operate several programs necessitating a need to allocate costs to the various programs, the state's Department of Finance and Administration has issued State Accounting Policy 3: Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies. The link to this policy is:

<http://www.tennessee.gov/finance/act/policy3.pdf>

Cost allocations plans must be approved by the private, non-profit organization's state cognizant agency.

Below is a link to a list on the web that shows the organizations assigned to each state level department and agency. This list is updated every two years.

The web site is:

<http://www.state.tn.us/finance/rds/cognizant070104.pdf>

Guidance for auditors for testing "Supplement not supplant" requirement:

From OMB Circular A-133, Compliance Supplement:

http://www.whitehouse.gov/omb/circulars/a133_compliance/04/ed.pdf

Page 13.

Federal requirements for audits (OMB Circular A-133):

An entity that receives \$500,000 or more in Federal funds must obtain an independent audit. Private, non-profit organizations should ensure a copy of the audit report is forwarded to the state's 21st Century Community Learning Centers Coordinator. Audit requirements can be found at:

<http://www.whitehouse.gov/omb/circulars/a133/a133.pdf>

TENNESSEE DEPARTMENT OF EDUCATION SUMMARY POLICIES AND PROCEDURES FOR ADMINISTRATIVE
AND INDIRECT COST FOR SUBRECIPIENT GRANTS

Under Federal and State cost principles, an entity awarded a grant from the Tennessee Department of Education (TDOE) to operate a program or activity (subrecipient as opposed to a vendor) is entitled to charge administrative (indirect) cost for the operation of the program. This policy establishes the basis for determining administrative cost that can be charged:

State-funded grants:

Local education agencies: Unrestricted indirect cost rate established by the TDOE Office of Local Finance for each LEA. Rate is recalculated each year. Contact the Office of Local Finance for the current rate.

State colleges and universities: Letter from Arliss L. Roaden, Executive Director of the Tennessee Higher Education Commission to David Manning, Commissioner, Tennessee Department of Finance and Administration, dated March 5, 1990, establishes a maximum 15% indirect cost rate for grants between executive branch departments and agencies and state institutions of higher education.

Entities other than local education agencies and state colleges and universities: State Accounting Policy 3, "Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies". State accounting policy 3 establishes a cognizant state agency for grantees. Usually the cognizant state agency is the state department or agency that has awarded the most funding to the grantee. If a grantee wants to charge administrative cost to a grant, the grantee is required to submit a cost allocation plan to its cognizant state agency for approval. This process involves a plan that specifies how administrative costs will be allocated to the various projects/programs/activities of the grantee. It does not involve the development of an indirect cost rate. Once approved by the TDOE (or other cognizant state agency), the grantee must allocate administrative costs in accordance with the methodology in the approved cost allocation plan and bill the TDOE based on the methodology.

Grants funded by the U.S. Department of Education through the TDOE:

For grants funded by the U.S. Department of Education for which the TDOE serves as the pass-through entity the following procedures are followed:

Restricted rate programs:

Restricted rate programs are federally-funded programs for which that is a statutory requirement that funds must be used to "supplement, and not supplant" other sources of funding that are being used to support program objectives. For a current listing of these programs, see the most current compliance supplement of OMB Circular A-133¹.

Local education agencies: Restricted indirect cost rate established by the TDOE Office of Local Finance for each LEA. Rate is recalculated each year. Contact the Office of Local Finance for the current rate.

¹ http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2012

TENNESSEE DEPARTMENT OF EDUCATION SUMMARY POLICIES AND PROCEDURES FOR ADMINISTRATIVE
AND INDIRECT COST FOR SUBRECIPIENT GRANTS

Other entities with an approved restricted indirect cost rate: If the grantee has a restricted indirect cost rate that has been reviewed and approved by the U.S. Department of Education, the TDOE will honor that rate. If the grantee does not have an approved restricted indirect cost rate, the following procedures will be followed:

Non-governmental entities and all colleges and universities: Education Department General Administrative Regulations (EDGAR) in Section 76.564-(c) authorizes an alternative restricted indirect cost rate of 8% for restricted rate programs for non-governmental entities. To be consistent across types of grantees, the TDOE limits indirect cost for restricted rate programs for non-governmental entities and all colleges and universities to 8%.

State government departments and agencies: If a grant is awarded to another state executive branch department or agency the department or agency must use the restricted indirect cost rate the U.S. Department of Education has approved for the TDOE. Contact the TDOE Accounting Office for the current rate. The rate should not be charged to the first \$25,000 expended under the sub-grant (because the TDOE has already applied the indirect cost rate to the \$25,000).

Unrestricted rate programs:

Local education agencies: Unrestricted indirect cost rate established by the TDOE Office of Local Finance for each LEA. Rate is recalculated each year. Contact the Office of Local Finance for the current rate.

Other entities with an approved unrestricted indirect cost rate (except state colleges and universities): If the grantee has an unrestricted indirect cost rate that has been reviewed and approved by the grantee's Federal cognizant agency (U.S. Department of Education or other Federal department or agency), the TDOE will honor that rate.

State colleges and universities: Letter from Arliss L. Roaden, Executive Director of the Tennessee Higher Education Commission to David Manning, Commissioner, Tennessee Department of Finance and Administration, dated March 5, 1990, establishes a maximum 15% indirect cost rate for grants between executive branch departments and agencies and state institutions of higher education.

State government departments and agencies: If a grant is awarded to another state executive branch department or agency the department or agency may use the unrestricted indirect cost rate the U.S. Department of Education has approved for the TDOE. Contact the TDOE Accounting Office for the current rate. The rate should not be charged to the first \$25,000 expended under the sub-grant (because the TDOE has already applied the indirect cost rate to the \$25,000).

Entities other than those with an approved unrestricted indirect cost rate, local education agencies, state government departments and agencies, and state colleges and universities: State Accounting Policy 3, "Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies" establishes a cognizant state cognizant agency for grantees. Usually the cognizant

TENNESSEE DEPARTMENT OF EDUCATION SUMMARY POLICIES AND PROCEDURES FOR ADMINISTRATIVE
AND INDIRECT COST FOR SUBRECIPIENT GRANTS

state agency is the state department or agency that has awarded the most funding to the grantee. If a grantee wants to charge administrative cost to a grant, the grantee is required to submit a cost allocation plan to its cognizant state agency for approval. This process involves a plan that specifies how administrative costs will be allocated to the various projects/programs/activities of the grantee. It does not involve the development of an indirect cost rate. Once approved by the TDOE (or other cognizant state agency), the grantee must allocate administrative costs in accordance with the methodology in the approved cost allocation plan and bill the TDOE based on the methodology.

Training grants:

If the grant meets the definition of a training grant under EDGAR 75.562-(a), indirect cost is limited to the entity's actual approved indirect cost rate or 8%, whichever is lower [EDGAR 75.562-(c)].



**LOTTERY FOR EDUCATION: AFTERSCHOOL PROGRAMS
2011-12 REIMBURSEMENT REQUEST FORM**

School System: _____

Period Covered by this Invoice: _____ thru _____

Grant No.: _____

DOE Approval Stamp:
APPROVED FOR PAYMENT
I certify that this payment is for goods and/or services delivered.

Date _____

Assistant Commissioner or Designee

Allot. Code: 331.19 Cost Center: 300

CATEGORY	AMOUNT BUDGETED	YEAR TO DATE EXPENDITURES	AMOUNT REQUESTED	BALANCE
Salaries				
Benefits (_____%)				
Professional Fees				
Supplies				
Telephone				
Postage/Shipping				
Occupancy				
Equipment Rental				
Printing/Publications				
Travel/Conferences & Meetings				
Insurance				
Other Non-Personnel				
Capital Purchases				
Indirect Cost (____%)				
TOTALS				

Signature of Director of Schools or Financial Officer

Date

NOTE: Please return this reimbursement form and required documentation to:

*Laura Ellis Nichols, LEAPs Project Coordinator
School Safety and Learning Support Programs
710 James Robertson Parkway
Andrew Johnson Tower, 5th Floor
Nashville, TN 37243*



**LOTTERY FOR EDUCATION: AFTERSCHOOL PROGRAMS
2011-12 REIMBURSEMENT REQUEST FORM**

7-17-12

DOE Approval Stamp:
APPROVED FOR PAYMENT
I certify that this payment is for goods and/or
services delivered.

Stephen S...
Date 7-17-12

Assistant Commissioner or Designee

Allot. Code: 331.19 Cost Center: 300

School System: [REDACTED]

Period Covered by this Invoice: 05/17/2012 thru 06/30/2012

Grant No.: _119-11-01-016_

CATEGORY	AMOUNT BUDGETED	YEAR TO DATE EXPENDITURES	AMOUNT REQUESTED	BALANCE
Salaries	154,424.00	117,308.47	36368.99	37115.53
Benefits (____%)	25,529.00	19255.27	5940.59	6273.73
Professional Fees				
Supplies	25,484.00	13759.88	3680.77	11724.12
Telephone				
Postage/Shipping				
Occupancy				
Equipment Rental				
Printing/Publications				
Travel/Conferences & Meetings				
Insurance				
Other Non-Personnel				
Capital Purchases				
Indirect Cost (____%)				
TOTALS	205,437.00	150,323.62	45,990.35	55,113.38

RECEIVED
STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
JUL 16 2012
Safe & Supportive Schools

COPY

6 ✓ 8
Date 7-9-2012

Signature of Director of Schools or Financial Officer

NOTE: Please return this reimbursement form and required documentation to:

Laura Ellis Nichols, LEAPs Project Coordinator
School Safety and Learning Support Programs
710 James Robertson Parkway
Andrew Johnson Tower, 5th Floor
Nashville, TN 37243

Income/Revenue And Expense Statement
JUNE 30, 2012

141 GENERAL PURPOSE SCHOOL
LEAP LEAP 2005-2006

Funct-Obj - Sub Sub	Sub Sub	Total	Year-To-Date	Year-To-Date	Year-To-Date	Balance	JUNE
Funct-Obj - Fnd-Obj	Fnd-Obj	Appropriations	Actuals	Encumbrances	Encumbrances		Actuals
Expenditures/Encumbrances							
72710	TRANSPORTATION						
146	BUS DRIVERS	9,424.00-	8,835.00	0.00	0.00	589.00-	2,697.00
201	SOCIAL SECURITY	585.00-	546.24	0.00	0.00	38.76-	167.03
204	STATE RETIREMENT	592.00-	482.82	0.00	0.00	109.18-	169.38
210	UNEMPLOYMENT COMPENSATION	0.00	19.36	0.00	0.00	19.36	0.03
212	EMPLOYER MEDICARE	137.00-	127.74	0.00	0.00	9.26-	39.06
73300 COMMUNITY SERVICES							
116	TEACHERS	144,950.00-	106,374.67	0.00	0.00	38,575.33-	31,573.19
146	BUS DRIVERS	0.00	990.00	0.00	0.00	990.00	990.00
189	OTHER SALARIES & WAGES	0.00	1,108.80	0.00	0.00	1,108.80	1,108.80
201	SOCIAL SECURITY	8,990.00-	6,725.40	0.00	0.00	2,264.60-	2,087.67
204	STATE RETIREMENT	13,122.50-	9,758.78	0.00	0.00	3,363.72-	2,989.20
210	UNEMPLOYMENT COMPENSATION	50.00-	22.09	0.00	0.00	27.91-	0.00
212	EMPLOYER MEDICARE	2,102.50-	1,572.84	0.00	0.00	529.66-	488.22
499	OTHER SUPPLIES AND MATERIALS	25,484.00-	13,759.88	0.00	0.00	11,724.12-	3,680.77
Total Expenditures/Encumbrances		205,437.00-	150,323.62	0.00	0.00	55,113.38-	45,990.35
Total Ending Balance		205,437.00-	150,323.62	0.00	0.00	55,113.38-	45,990.35

* End of Report: [REDACTED] BOARD OF EDUCATION *

Account Analysis By Date
MAY 17, 2012 Thru JUNE 30, 2012

141 GENERAL PURPOSE SCHOOL
72710 TRANSPORTATION
146 BUS DRIVERS

Fnd-Funct-Obj-Sub	Cost	Sub	Transaction Type	Number	Date	Description	Debit Amount	Credit Amount	Balance
141-72710-146-	-LEAP				05/01/2012	Beginning Balance	0.00	0.00	5,425.00
						Month-End Balance	0.00	0.00	5,425.00

146 BUS DRIVERS

141-72710-146-	-LEAP				06/01/2012	Beginning Balance			5,425.00
141-72710-146-	-LEAP	PA	90605		06/05/2012	AUTOMATIC PAYROLL SUMMARY	930.00	0.00	6,355.00
141-72710-146-	-LEAP	PA	90618		06/18/2012	AUTOMATIC PAYROLL SUMMARY	899.00	0.00	7,254.00
141-72710-146-	-LEAP	PA	90619		06/19/2012	AUTOMATIC PAYROLL SUMMARY	868.00	0.00	8,122.00
						Month-End Balance	2,697.00	0.00	8,122.00
						Ending Balance	2,697.00	0.00	8,122.00

189 OTHER SALARIES & WAGES

141-72710-189					05/01/2012	Beginning Balance	0.00	0.00	52,704.03
						Month-End Balance	0.00	0.00	52,704.03

189 OTHER SALARIES & WAGES

141-72710-189					06/01/2012	Beginning Balance			52,704.03
141-72710-189		PA	90605		06/05/2012	AUTOMATIC PAYROLL SUMMARY	6,374.00	0.00	59,078.03
141-72710-189		PA	90618		06/18/2012	AUTOMATIC PAYROLL SUMMARY	6,174.81	0.00	65,252.84
141-72710-189		PA	90619		06/19/2012	AUTOMATIC PAYROLL SUMMARY	8,848.78	0.00	74,101.62
						Month-End Balance	21,397.59	0.00	74,101.62
						Ending Balance	21,397.59	0.00	74,101.62

201 SOCIAL SECURITY

141-72710-201					05/01/2012	Beginning Balance	0.00	0.00	23,331.77
						Month-End Balance	0.00	0.00	23,331.77

201 SOCIAL SECURITY

141-72710-201					06/01/2012	Beginning Balance			23,331.77
141-72710-201		PA	10605		06/05/2012	AUTOMATIC PAYROLL SUMMARY	111.25	0.00	23,443.02
141-72710-201		PA	80605		06/05/2012	AUTOMATIC PAYROLL SUMMARY	420.75	0.00	23,863.77
141-72710-201		PA	90605		06/05/2012	AUTOMATIC PAYROLL SUMMARY	2,229.05	0.00	26,092.82
141-72710-201		PA	10618		06/18/2012	AUTOMATIC PAYROLL SUMMARY	115.35	0.00	26,208.17
141-72710-201		PA	90618		06/18/2012	AUTOMATIC PAYROLL SUMMARY	2,448.07	0.00	28,656.24
141-72710-201		PA	10619		06/19/2012	AUTOMATIC PAYROLL SUMMARY	124.76	0.00	28,781.00
141-72710-201		PA	90619		06/19/2012	AUTOMATIC PAYROLL SUMMARY	2,360.49	0.00	31,141.49
141-72710-201		PA	80628		06/28/2012	AUTOMATIC PAYROLL SUMMARY	143.97	0.00	31,285.46
141-72710-201		PA	90628		06/28/2012	AUTOMATIC PAYROLL SUMMARY	8.37	0.00	31,293.83
						Month-End Balance	7,962.06	0.00	31,293.83
						Ending Balance	7,962.06	0.00	31,293.83

3072.50

Account Analysis By Date
MAY 17, 2012 Thru JUNE 30, 2012

141 GENERAL PURPOSE SCHOOL
73300 COMMUNITY SERVICES
204 STATE RETIREMENT

Fnd-Funct-Obj-Sub Cost Sub	Transaction	Date	Description	Debit	Credit	Balance
Type	Number			Amount	Amount	
141-73300-204-	-LEAP	06/01/2012	Beginning Balance			5,861.92
141-73300-204-	PA 10615	06/15/2012	AUTOMATIC PAYROLL SUMMARY	1,641.76	0.00	7,503.68
141-73300-204-	PA 10620	06/20/2012	AUTOMATIC PAYROLL SUMMARY	1,215.64	0.00	8,719.32
141-73300-204-	PA 90620	06/20/2012	AUTOMATIC PAYROLL SUMMARY	131.80	0.00	8,851.12
141-73300-204-	-LEAP		Month-End Balance	2,989.20	0.00	8,851.12
			Ending Balance	2,989.20	0.00	8,851.12
210 UNEMPLOYMENT COMPENSATION						
141-73300-210-	-LEAP	05/01/2012	Beginning Balance	0.00	0.00	22.09
			Month-End Balance	0.00	0.00	22.09
			Ending Balance	0.00	0.00	22.09
212 EMPLOYER MEDICARE						
141-73300-212-	-LEAP	05/01/2012	Beginning Balance	0.00	0.00	939.17
			Month-End Balance	0.00	0.00	939.17
212 EMPLOYER MEDICARE						
141-73300-212-	-LEAP	06/01/2012	Beginning Balance			939.17
141-73300-212-	PA 10615	06/15/2012	AUTOMATIC PAYROLL SUMMARY	263.02	0.00	1,202.19
141-73300-212-	PA 10620	06/20/2012	AUTOMATIC PAYROLL SUMMARY	194.76	0.00	1,396.95
141-73300-212-	PA 90620	06/20/2012	AUTOMATIC PAYROLL SUMMARY	30.44	0.00	1,427.39
141-73300-212-	-LEAP		Month-End Balance	488.22	0.00	1,427.39
			Ending Balance	488.22	0.00	1,427.39
499 OTHER SUPPLIES AND MATERIALS						
141-73300-499-	-LEAP	05/01/2012	Beginning Balance	0.00	0.00	10,047.11
			Month-End Balance	0.00	0.00	10,047.11
499 OTHER SUPPLIES AND MATERIALS						
141-73300-499-	-LEAP	06/01/2012	Beginning Balance			10,047.11
141-73300-499-	CD 39760	06/08/2012	MOORE'S OFFICE SUPP & EQU	1,574.55	0.00	11,621.66
141-73300-499-	CD 39938	06/19/2012	QUILL CORPORATION	1,932.58	0.00	13,554.24
141-73300-499-	CD 40028	06/29/2012	MOORE'S OFFICE SUPP & EQU	30.00	0.00	13,584.24
141-73300-499-	CD 40041	06/29/2012	CURTIS SUPPLY CO.	143.64	0.00	13,727.88
141-73300-499-	-LEAP		Month-End Balance	3,680.77	0.00	13,727.88
			Ending Balance	3,680.77	0.00	13,727.88

Handwritten signature: 42917.85

Beginning Date: 05/17/2012 Beginning Account: 141-73300-116- -LEAP -
Ending Date: 06/30/2012 Ending Account: 141-73300-499-ZZZ-LEAP -ZZZ

* End of Report: BOARD OF EDUCATION *

Lottery for Education Afterschool (LEAPs) BUDGET AMENDMENT

Grantee: _____

Amendment No. _____

Superintendent/
Director Signature: _____

Date: _____

BUDGET ITEMS	Current Approved Budget	Amount of Increase	Amount of Decrease	Amended Budget Totals
SALARIES				
BENEFITS & TAXES				
PROFESSIONAL FEE				
SUPPLIES				
TELEPHONE				
POSTAGE & SHIPPING				
OCCUPANCY				
EQUIPMENT RENTAL/MAINTENANCE				
PRINTING & PUBLICATIONS				
TRAVEL/CONFERENCES & MTNGS				
OTHER NON-PERSONNEL				
INSURANCE				
CAPITAL PURCHASE				
INDIRECT COST				
GRAND TOTAL				

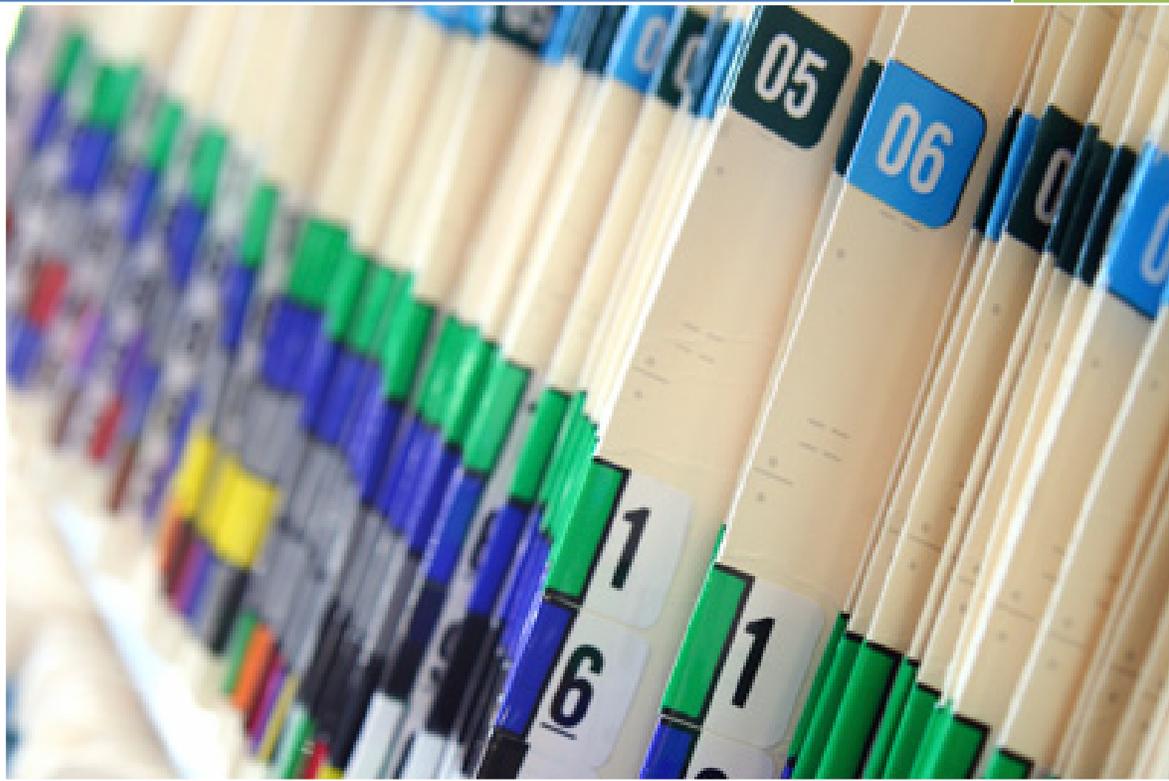
Provide a JUSTIFICATION for each increase/decrease in the space below.

State Department Use Only:	_____ Approval Signature	_____ Date
Notes/Comments:		
ED-5184		

This example form is for informational purposes only. The Tennessee Department of Education is in no way endorsing this product, simply providing general information. You should consult your administration for agency protocols.

2012

Records Management Basics



Real Estate Asset Management Division—
Records Management Section

TN Department of General Services

3/14/2012

Table of Contents

Records Management Roles & Responsibilities.....	3
Public Records Commission	3
Records Management Division	3
Agency Records Officer	3
Standard Procedures & Reporting Requirements	5
Identify Your Records.....	5
Create a Records Disposition Authorization (RDA).....	5
Certificate of Records Destruction (CRD).....	6
Annual Records Holding Report.....	6
Record Center Box Delivery and Retrieval.....	6
Additional Resources & Contact Information	7

Records Management Roles & Responsibilities

Public Records Commission

The Public Records Commission (PRC) was created by statute to determine and order the proper disposition of state records. The PRC meets at least twice annually to receive an update report from the General Services Records Management Division and to discuss any records projects or outdated policies and procedures. These meetings are open to the public. The PRC Rules, past meeting minutes, and a link to Tennessee State Library & Archives can be found on the Records Management website.

Records Management Division

The Records Management Division (RMD) was created to assist state agencies in establishing systematic controls for the efficient use and sound preservation of state records. The division is primarily responsible for:

- Advising on the appropriate development, utilization, disposition, retention, and destruction of records
- Establishing procedural guidelines for paper and electronic records oversight and retention
- Providing statewide training on records management best practices, policies, and procedures
- Serving as administrative liaison between state agencies and the PRC
- Reviewing all records disposition authorizations (RDA's) submitted by state agencies, making recommendations, and forwarding to the PRC for approval
- Creating and maintaining statewide retention schedules (RDA's)
- Maintaining certificate of records destructions (CRD's) submitted by state agencies
- Collecting annual records holding reports from each agency to report on record growth
- Providing logistical support to agency records officers for the delivery or retrieval of records to/from the records center (currently Richards & Richards)

Agency Records Officer

Each agency, board, and commission is required to have a records officer to oversee record keeping in their organization. The Records Officer coordinates with the Records Management Division to ensure compliance with statutory requirements and the rules set forth by the Public Records Commission. The records officer is primarily responsible for:

- Management of the records in his/her organization—ensuring the appropriate development, utilization, disposition, retention, and destruction of records
- Ensuring compliance with procedural guidelines for paper and electronic records retention
- Attending training provided by the Records Management Division and educating agency record coordinators on best practices and any new policies and procedures
- Serving as administrative liaison between his/her organization and the Records Management Division
- Creating and submitting records disposition authorizations (RDA's) to the Records Management Division for review and approval whenever a new record series is created

Agency Records Officer (continued)

- Keeping all his/her organization's RDA's current and submitting revision and deletion requests when necessary
- Ensuring compliance with statewide retention schedules (RDA's)
- Creating and submitting certificates of records destruction (CRD's) to the Records Management Division each time his/her organization destroys records
- Creating and submitting annual records holding reports to report on record growth to the Records Management Division
- Arranging for the delivery or retrieval of records to/from the records center (currently Richards & Richards), which includes entering new boxes of records into the Richards & Richards web database
- Attending training provided by Richards & Richards on the box retrieval process and utilizing their web database, and educating agency records coordinators on these procedures

Some of the larger agencies/organizations might require the role of records coordinator be assigned to their administrative personnel who are responsible for record keeping in their divisions in outlying counties. These records coordinators are to report to the agency Records Officer for guidance and training on record keeping best practices, policies, and procedures that are set forth by Records Management and the PRC.

If your agency does not have a records officer, it is imperative that one be assigned as soon as possible. This requires a memo from the agency head, along with the *Records Officer Assignment Form* and the *Richards & Richards Web Security Form*, to be submitted to the Records Management Division.

**Effective immediately*, the Records Officer will report to his/her agency's General Counsel, who will be responsible for overseeing all record keeping procedures in his/her organization. See the memo from Commissioner Cates, dated March 18, 2012.

Standard Procedures & Reporting Requirements

Identify Your Records

What is considered a record?

- **“Public record or records’ or ‘state record or records’** means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.” TCA § 10-7-301 Part 6
 - Some additional examples include budget documents, payroll documents, election poll books, contracts, vendor vouchers, revenue reports, investigation files, audit reports, or personnel files.
- **“Working papers’** means those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.” TCA § 10-7-301 Part 14
 - Some additional examples include meeting notes, reference materials, copies of reports, general correspondence, interoffice memoranda’s, bulletins, or research documents.

What is a record series?

A group of identical or related records that are utilized and filed as a unit and that have the same retention period; defines a type of records, such as financial reports, audit reports, or HR personnel documents.

Create a Records Disposition Authorization (RDA)

The RDA is an official document utilized by an agency/organization to request authority for the disposition of records. The RDA outlines the type of records being maintained (record series), the type of media (paper, microfilm, etc), any applicable laws/statutory requirements, a detailed description of the records, and the disposition requirements—when the records are to be cut-off for storage, how long they should be stored, and whether they will be destroyed, scanned, transferred to Library & Archives, or transferred to the record center for long-term storage.

1. When a new record series is created, the agency Records Officer is responsible for filling out the *Records Inventory Worksheet* or *Electronic Records Inventory Worksheet* and attaching an example of the record series; these are to be sent to the Records Management Division for review and approval
2. Upon approval, the Records Officer must then fill out the *RDA form* and obtain signatures from the division director and the agency head; then the packet should be resubmitted to the Records Management Division

Create a Records Disposition Authorization (continued)

3. Records Management will then write a memo with any recommendations and submit it with the RDA packet to TN State Library & Archives (TSLA)
4. TSLA reviews the documents to determine if they are historically significant and responds via memo to the Records Management Division, who then forwards the packet to the PRC for review and approval
5. If the PRC approves, the packet is signed by all 5 voting members and returned to Records Management; the Records Management staff logs the new RDA in their database and forwards a copy to the agency Records Officer

Certificate of Records Destruction (CRD)

The agency Records Officer (and records coordinators, if applicable) is expected to review their agency's records and determine which ones are due for destruction *at least* once a year. When records are destroyed, a Certificate of Records Destruction form must be filled out and submitted to Records Management. This form documents the destruction date, record series, RDA number, date range for the records, volume destroyed, and destruction method. Records Management maintains all of the CRD's and uses this information to monitor the record destruction process to ensure compliance with RDA requirements and statewide policies.

Annual Records Holding Report

Once a year, Records Management requests that the agency Records Officer fill out a Records Holding Report, which reflects a full inventory of all the records stored by his/her agency/organization. The Records Holding Report details how many cubic feet have accumulated for each record series and should list the associated RDA's. This gives a snapshot of record growth and reduction, can indicate if new RDA's need to be created or revised, and can help with future storage space planning.

Record Center Box Delivery and Retrieval

General Services currently has a contract with Richards & Richards (R&R) for record storage at their warehouse on Elm Hill Pike in Nashville. The Records Management Division handles all the logistics and is responsible for transporting each agency's records to and from the R&R record center, but this is contingent upon the agency Records Officer entering the boxes into the R&R web database, labeling them, and scheduling the delivery or retrieval. DGS Warehouse Storekeepers will deliver all ordered boxes within 48 hours. If a Records Officer orders a box in the R&R web database for review onsite at the R&R facility, the order should be placed prior to 2pm and the box should be available by the next business day. Records Management Division should be contacted for high priority deliveries. All agency Records Officers and Coordinators who will be responsible for requesting box retrievals and deliveries are required to fill out the *Richards & Richards Web Security Form*. Otherwise, they will not be granted access to the web database or to the record center. They will still be expected to show their State ID each time they wish to visit the record center to access files.

Additional Resources & Contact Information

Forms

- The Records Management Division forms can be found on the intranet at:
http://www.intranet.state.tn.us/generalserv/recordsmanagement/elc_forms.html

Training

- The Records Management Division provides general records training and workshops throughout the State of Tennessee annually to assist state agencies with their records management programs; classes can be customized for individual agencies to meet special training needs
- The current training schedule can be found on the Records Management website:
<http://tn.gov/generalserv/ba17r/index.html>
- For Richards & Richards training on box delivery and retrieval, and utilizing their web database, contact Alice Drummond at 615-350-3373

Statutory Requirements

- See TCA §§10-7-301 through 10-7-306
- The Public Records Commission Rules can be found at: <http://www.tn.gov/sos/rules/1210/1210-01.pdf> and are also referenced on the Records Management website

Records Management Analysis - The Analysis Team oversees training, RDA processing, the Records Holding Report, Certificates of Records Destruction, and updating record policies and procedures.

Elizabeth Crawford, Management Consultant

615-741-2293

Elizabeth.C.Crawford@tn.gov

Pennye Neal, Records Manager

615-741-5739

Pennye.Neal@tn.gov

Benita Rosario, Records Analyst

615-741-1293

Benita.Rosario@tn.gov

Records Management Operations - The Operations Team oversees all logistical operations including the indexing, storage, retrieval and disposition of records stored at the state records center (currently Richards & Richards).

Alice Drummond

615-350-3373

Alice.Drummond@tn.gov

EDGAR, 34 CFR, PART 74—ADMINISTRATION OF GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

§ 74.34 Equipment.

- (a) Title to equipment acquired by a recipient with Federal funds shall vest in the recipient, subject to conditions of this section.
- (b) The recipient may not use equipment acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.
- (c) The recipient shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and may not encumber the property without approval of the Secretary. When no longer needed for the original project or program, the recipient shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:
- (1) Activities sponsored by the Federal awarding agency which funded the original project; and then
 - (2) Activities sponsored by other Federal awarding agencies.
- (d) During the time that equipment is used on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for other use shall be given to other projects or programs sponsored by the Federal awarding agency that financed the equipment; second preference shall be given to projects or programs sponsored by other Federal awarding agencies. If the equipment is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal awarding agency. User charges shall be treated as program income.
- (e) When acquiring replacement equipment, the recipient may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment subject to the approval of the Secretary.
- (f) The recipient's property management standards for equipment acquired with Federal funds and federally-owned equipment shall include all of the following:
- (1) Equipment records shall be maintained accurately and shall include the following information:
 - (i) A description of the equipment.
 - (ii) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.
 - (iii) Source of the equipment, including the award number.
 - (iv) Whether title vests in the recipient or the Federal Government.
 - (v) Acquisition date (or date received, if the equipment was furnished by the Federal Government) and cost.

(vi) Information from which one can calculate the percentage of Federal participation in the cost of the equipment (not applicable to equipment furnished by the Federal Government).

(vii) Location and condition of the equipment and the date the information was reported.

(viii) Unit acquisition cost.

(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates ED for its share.

§ 74.53 Retention and access requirements for records.

(a) This section establishes requirements for record retention and access to records for awards to recipients. The Secretary does not impose any other record retention or access requirements upon recipients.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Secretary. The only exceptions are the following:

(1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(3) When records are transferred to or maintained by the Secretary, the 3-year retention requirement is not applicable to the recipient.

(4) Indirect cost rate proposals, cost allocations plans, etc. as specified in §74.53(g).