

Senate Bill 456

By: Senators Lee of the 29th, Brush of the 24th, Shafer of the 48th, Smith of the 52nd and Kemp of the 46th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to the
 2 Office of School Readiness, so as to change the name of the Office of School Readiness to
 3 Bright From The Start: Georgia's Office of Early Care and Education; to make the office a
 4 separate budget unit; to revise definitions; to change certain provisions relating to the director
 5 of the office; to add certain powers and duties of the office; to revise certain references for
 6 conformity purposes; to provide for the transfer of the regulation and licensure of early care
 7 and education programs from the Department of Human Resources to Bright From The Start:
 8 Georgia's Office of Early Care and Education; to provide for the transfer of certain functions
 9 of the Georgia Child Care Council to Bright From The Start: Georgia's Office of Early Care
 10 and Education; to provide for the succession of all applicable rules and regulations of the
 11 Department of Human Resources and the Georgia Child Care Council to Bright From The
 12 Start: Georgia's Office of Early Care and Education; to amend Code Section 25-2-13 of the
 13 Official Code of Georgia Annotated, relating to buildings presenting special hazards to
 14 persons or property, so as to change references to the Department of Human Resources to
 15 Bright From The Start: Georgia's Office of Early Care and Education; to amend Code
 16 Section 42-1-12 of the Official Code of Georgia Annotated, relating to registration of
 17 sexually violent predators, so as to provide for notice to day-care and group day-care
 18 programs by Bright From The Start: Georgia's Office of Early Care and Education; to amend
 19 Code Section 48-7-40.6 of the Official Code of Georgia Annotated, relating to tax credits for
 20 employers providing child care, so as to include Bright From The Start: Georgia's Office of
 21 Early Care and Education as a licensing entity; to amend Chapter 5 of Title 49 of the Official
 22 Code of Georgia Annotated, relating to programs and protection for children and youth, so
 23 as to revise definitions; to provide that other state agencies coordinate and assist Bright From
 24 The Start: Georgia's Office of Early Care and Education and its director in its duties; to
 25 change certain provisions relating to the powers and duties of the Department of Human
 26 Resources; to change certain provisions relating to licensing of child welfare agencies and
 27 child care facilities; to provide that Bright From The Start: Georgia's Office of Early Care
 28 and Education will have the duty to regulate and license early care and education programs;

1 to delineate and establish the powers and duties of the Department of Human Resources and
2 Bright From The Start: Georgia's Office of Early Care and Education with respect to
3 child-caring institutions, child-placing agencies, maternity homes, day-care centers, family
4 day-care homes, group day-care homes, and child care learning centers; to provide that
5 interference with Bright From The Start: Georgia's Office of Early Care and Education in
6 regulating early care and education programs shall be subject to penalty; to authorize Bright
7 From The Start: Georgia's Office of Early Care and Education to take certain actions against
8 applicants and licensees of early care and education programs; to revise a definition relating
9 to employees' records checks by the Department of Human Resources; to change certain
10 provisions relating to the requirement of a separate license and separate director for each
11 facility; to repeal provisions relating to employment of persons who have entered pleas of
12 guilty or nolo contendere; to change certain provisions relating to fingerprint records check
13 application for directors of existing facilities; to change certain provisions relating to
14 employment requirements and suspension or revocation of license or criminal penalty for
15 violation; to provide that Bright From The Start: Georgia's Office of Early Care and
16 Education will conduct employees' records checks for early care and education programs and
17 establish procedures therefor; to revise definitions relating to the emergency protection of
18 children in certain institutions; to provide that Bright From The Start: Georgia's Office of
19 Early Care and Education may place a monitor or monitors in an early care and education
20 program; to revise definitions relating to the Georgia Child Care Council; to change certain
21 provisions relating to membership appointments to the Georgia Child Care Council; to
22 change certain provisions relating to officers and meetings of the Georgia Child Care
23 Council; to remove provisions for a director of the Georgia Child Care Council; to provide
24 that the Georgia Child Care Council will advise and make recommendations to the director
25 of Bright From The Start: Georgia's Office of Early Care and Education; to provide that the
26 Department of Human Resources and Bright From The Start: Georgia's Office of Early Care
27 and Education will perform certain functions formerly conducted by the Georgia Child Care
28 Council; to change references to the Office of School Readiness to Bright From The Start:
29 Georgia's Office of Early Care and Education wherever they occur in Titles 20 and 49 of the
30 Official Code of Georgia Annotated; to change references to Code Section 49-5-12 to 49-5-3
31 in certain Code sections in Titles 19 and 31 of the Official Code of Georgia Annotated; to
32 provide for related matters; to repeal conflicting laws; and for other purposes.

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 (d) The Georgia Child Care Council shall advise and make recommendations to the
 2 director as provided for under Article 11 of Chapter 5 of Title 49.

3 20-1A-4.

4 The ~~Office of School Readiness~~ office shall have the following powers and duties:

5 (1) To administer such programs and services as may be necessary for the operation and
 6 management of voluntary pre-kindergarten, which shall be known as 'Georgia's Pre-K
 7 Program';

8 (2) To administer such programs and services as may be necessary for the operation and
 9 management of preschool and child development programs, such as Even Start and child
 10 care regulation and food programs;

11 (3) To act as the agent of the federal government in conformity with this chapter and the
 12 administration of any federal funds granted to the state to aid in the furtherance of any
 13 functions of the office; and

14 (4) To assist local units of administration in this state so as to assure the proliferation of
 15 services under this chapter;

16 (5) To regulate early care and education programs pursuant to Chapter 5 of Title 49;

17 (6) To perform the functions included in subsection (b) of Code Section 49-5-244,
 18 relating to improvement of the quality, availability, and affordability of child care in this
 19 state;

20 (7) To serve as the Head Start state collaboration office; and

21 (8) To perform any other functions as agreed upon between the office and the
 22 Department of Human Resources, pursuant to Code Section 20-1A-8.

23 20-1A-5.

24 (a) Effective April 15, 1996, the ~~Office of School Readiness~~ office shall carry out all of
 25 the functions and exercise all of the powers formerly held by the Department of Education
 26 for the operation and management of the pre-kindergarten, Even Start, and child care food
 27 programs. Subject to subsection (c) of this Code section, all persons employed by and
 28 positions authorized for the Department of Education to perform these functions on April
 29 14, 1996, shall, on April 15, 1996, be transferred to the ~~Office of School Readiness~~ office.
 30 All office equipment, furniture, and other assets in possession of the Department of
 31 Education which are used or held exclusively or principally by personnel transferred under
 32 this subsection shall be transferred to the ~~Office of School Readiness~~ office on April 15,
 33 1996.

34 (b) Effective April 15, 1996, the ~~Office of School Readiness~~ office shall carry out all of
 35 the functions and exercise all of the powers formerly held by the Department of Human

1 Resources for the operation and management of child care regulation services. Subject to
2 subsection (c) of this Code section, all persons employed by and positions authorized for
3 the Department of Human Resources to perform functions relating to the licensure and
4 certification of pre-kindergarten programs on April 14, 1996, shall, on April 15, 1996, be
5 transferred to the ~~Office of School Readiness~~ office. All office equipment, furniture, and
6 other assets in possession of the Department of Human Resources which are used or held
7 exclusively or principally by personnel transferred under this subsection shall be
8 transferred to the ~~Office of School Readiness~~ office on April 15, 1996.

9 (c) All transfers of employees and assets provided for in subsections (a) and (b) of this
10 Code section shall be subject to the approval of the director, and such personnel or assets
11 shall not be transferred if the director determines that a specific employee or asset should
12 remain with the transferring agency.

13 (d) Employees of the office shall serve in the unclassified service of the state merit system
14 as defined by Code Section 45-20-6. Persons who have transferred to the office pursuant
15 to subsection (a) or (b) of this Code section who are in the classified service of the state
16 merit system at the time of the transfer may elect to remain in such classified service and
17 be governed by the provisions thereof; provided, however, that if any such person accepts
18 a promotion or transfers to another position, that person shall become an employee in the
19 unclassified service.

20 (e) All employees of the ~~Office of School Readiness~~ office who are employed after April
21 15, 1996, shall become members of the Employees' Retirement System of Georgia
22 consistent with the provisions of Code Section 47-2-70.1.

23 (f) Persons who are transferred to the ~~Office of School Readiness~~ office pursuant to
24 subsection (a) or (b) of this Code section who are members of the Employees' Retirement
25 System of Georgia created in Chapter 2 of Title 47 or the Teachers Retirement System of
26 Georgia created in Chapter 3 of Title 47 can elect to continue membership in the same
27 retirement system in which such person already is a member in accordance with applicable
28 laws, rules, and regulations. All rights, credits, and funds in any such retirement system
29 which are possessed by state personnel transferred by provisions of this chapter to the
30 ~~Office of School Readiness~~ office, or otherwise held by persons at the time of employment
31 with the ~~Office of School Readiness~~ office, are continued and preserved, it being the
32 intention of the General Assembly that such persons shall not lose any rights, credits, or
33 funds to which they may be entitled prior to becoming employees of the ~~Office of School~~
34 ~~Readiness~~ office, unless such persons fail to elect to continue membership in the same
35 retirement system in which such persons already are members. Once such election is made
36 by such personnel, the election is irrevocable during the tenure of employment with the
37 ~~Office of School Readiness~~ office. Except as provided in this subsection, no employment

1 benefit of any employee transferring to the ~~Office of School Readiness~~ office shall be
2 impaired.

3 (g) Funding for functions and positions transferred to the ~~Office of School Readiness~~
4 office under this chapter shall be transferred as provided in Code Section 45-12-90.

5 20-1A-6.

6 The ~~Office of School Readiness~~ office shall succeed to all rules, regulations, policies,
7 procedures, and administrative orders of the Department of Education or Department of
8 Human Resources, where applicable, which are in effect on April 15, 1996, and which
9 relate to the functions transferred to the department. Such rules, regulations, policies, and
10 procedures shall remain in effect until amended, repealed, superseded, or nullified by the
11 director.

12 20-1A-7.

13 On and after July 1, 2002, each newly printed publication, poster, banner, or sign created
14 for the pre-kindergarten program by the ~~Office of School Readiness~~ office or a provider of
15 pre-kindergarten services shall refer to the program as 'Georgia's Pre-K Program.'

16 20-1A-8.

17 (a) Effective October 1, 2004, the office shall carry out all of the functions and exercise
18 all of the powers formerly held by the Department of Human Resources for the regulation
19 and licensure of early care and education programs and any other functions as agreed upon
20 by the office and the Department of Human Resources. Subject to subsection (c) of this
21 Code section, all persons employed by and positions authorized for the Department of
22 Human Resources to perform functions relating to the licensure and certification of early
23 care and education programs and any other functions as agreed upon by the office and the
24 Department of Human Resources on September 30, 2004, shall on October 1, 2004, be
25 transferred to the office. All office equipment, furniture, and other assets in possession of
26 the Department of Human Resources which are used or held exclusively or principally by
27 personnel transferred under this subsection shall be transferred to the office on October 1,
28 2004.

29 (b) Effective October 1, 2004, notwithstanding the advisory functions of the Georgia Child
30 Care Council included in Code Section 49-5-243, the office shall carry out the functions
31 and exercise the powers as enumerated in subsection (b) of Code Section 49-5-244 as
32 formerly held by the Georgia Child Care Council under Article 11 of Chapter 5 of Title 49.
33 Subject to subsection (c) of this Code section, all persons employed by and positions
34 authorized for the Georgia Child Care Council to perform functions relating to the

1 recommendation of measures to improve the quality, availability, and affordability of child
2 care in this state on September 30, 2004, shall on October 1, 2004, be transferred to the
3 office. All office equipment, furniture, and other assets in possession of the Georgia Child
4 Care Council or the Department of Human Resources which are used or held exclusively
5 or principally by personnel transferred under this subsection shall be transferred to the
6 office on October 1, 2004.

7 (c) All transfers of employees and assets provided for in subsections (a) and (b) of this
8 Code section shall be subject to the approval of the director, and such personnel or assets
9 shall not be transferred if the director determines that a specific employee or asset should
10 remain with the transferring agency.

11 (d) Employees of the office shall serve in the unclassified service of the state merit system
12 as defined by Code Section 45-20-6. Persons who have transferred to the office pursuant
13 to subsections (a) and (b) of this Code section who are in the classified service of the state
14 merit system at the time of the transfer may elect to remain in such classified service and
15 be governed by the provisions thereof; provided, however, that if any such person accepts
16 a promotion or transfers to another position, that person shall become an employee in the
17 unclassified service.

18 (e) All employees of the office who are employed after October 1, 2004, shall become
19 members of the Employees' Retirement System of Georgia consistent with the provisions
20 of Code Section 47-2-70.1.

21 (f) All rights, credits, and funds in the Employees' Retirement System of Georgia created
22 in Chapter 2 of Title 47 which are possessed by state personnel transferred by provisions
23 of this Code section to the office, or otherwise held by persons at the time of employment
24 with the office, are continued and preserved, it being the intention of the General Assembly
25 that such persons shall not lose any rights, credits, or funds to which they may be entitled
26 prior to becoming employees of the office. No employment benefit of any employee
27 transferring to the office shall be impaired.

28 (g) Funding for functions and positions transferred to the office under this Code section
29 shall be transferred as provided in Code Section 45-12-90.

30 20-1A-9.

31 The office shall succeed to all rights and responsibilities relating to licensure and regulation
32 of day-care centers, group day-care homes, and family day-care homes, including such
33 rules, regulations, policies, procedures, and pending and finalized administrative orders of
34 the Department of Human Resources, the Georgia Child Care Council, and the Office of
35 State Administrative Hearings, where applicable, which are in effect on October 1, 2004,
36 and which relate to the functions transferred to the office pursuant to Code Section

1 20-1A-8. Such rights, responsibilities, licenses issued pursuant to Code Section 49-5-12,
 2 rules, regulations, policies, procedures, and orders shall remain in effect until amended,
 3 repealed, superseded, or nullified by the director."

4 SECTION 2.

5 Code Section 25-2-13 of the Official Code of Georgia Annotated, relating to buildings
 6 presenting special hazards to persons or property, is amended by striking subparagraph
 7 (b)(1)(I) in its entirety and inserting in lieu thereof the following:

8 "(I) Group day-care homes and day-care centers required to be licensed or
 9 commissioned as such by ~~the Department of Human Resources~~ Bright From The Start:
 10 Georgia's Office of Early Care and Education and in which at least seven children
 11 receive care. As used in this subparagraph, the term 'group day-care home' means a
 12 day-care facility subject to licensure by ~~the Department of Human Resources~~ Bright
 13 From The Start: Georgia's Office of Early Care and Education where at least seven but
 14 not more than 12 children receive care; and the term 'day-care center' means a day-care
 15 facility subject to licensure or issuance of a commission by ~~the Department of Human~~
 16 ~~Resources~~ Bright From The Start: Georgia's Office of Early Care and Education where
 17 more than 12 children receive care. Fire safety standards adopted by rules of the
 18 Commissioner pursuant to Code Section 25-2-4 which are applicable to group day-care
 19 homes and day-care centers shall not require staff-to-child ratios; and".

20 SECTION 3.

21 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to registration of
 22 sexually violent predators, is amended by striking paragraph (3) of subsection (c.1) in its
 23 entirety and inserting in lieu thereof the following:

24 "(3) The Department of Human Resources shall provide, on a one-time basis, information
 25 to all ~~day care and group day care~~ day-care and group day-care programs regulated
 26 pursuant to Code Section 49-5-12 on how to access and retrieve from the Georgia Bureau
 27 of Investigation's Internet website a list of the names and addresses of all registered
 28 sexual offenders. On and after October 1, 2004, Bright From The Start: Georgia's Office
 29 of Early Care and Education and shall include, on a continuing basis, such information
 30 with each application for licensure."

31 SECTION 4.

32 Code Section 48-7-40.6 of the Official Code of Georgia Annotated, relating to tax credits for
 33 employers providing child care, is amended by striking subparagraph (a)(6)(A) in its entirety
 34 and inserting in lieu thereof the following:

1 the purposes of this article by making available to the department and the office, upon
 2 request of the board, ~~or the commissioner, or director~~, and to the extent permissible by law,
 3 the services, resources, personnel, and facilities of their respective departments and
 4 agencies."

5 SECTION 8.

6 Said chapter is further amended by striking Code Section 49-5-8, relating to powers and
 7 duties of the department, in its entirety and inserting in lieu thereof the following:

8 "49-5-8.

9 (a) The Department of Human Resources is authorized and empowered, through its own
 10 programs and the programs of county or district departments of family and children
 11 services, to establish, maintain, extend, and improve throughout the state, within the limits
 12 of funds appropriated therefor, programs that will provide:

13 (1) Preventive services as follows:

14 (A) Collecting and disseminating information about the problems of children and
 15 youths and providing consultative assistance to groups, public and private, interested
 16 in developing programs and services for the prevention, control, and treatment of
 17 dependency, deprivation, and delinquency among the children of this state; and

18 (B) Research and demonstration projects designed to add to the store of information
 19 about the social and emotional problems of children and youths and improve the
 20 methods for dealing with these problems;

21 (2) Child welfare services as follows:

22 (A) Casework services for children and youths and for mothers bearing children out
 23 of wedlock, whether living in their own homes or elsewhere, to help overcome
 24 problems that result in dependency, deprivation, or delinquency;

25 (B) Protective services that will investigate complaints of deprivation, abuse, or
 26 abandonment of children and youths by parents, guardians, custodians, or persons
 27 serving in loco parentis and, on the basis of the findings of such investigation, offer
 28 social services to such parents, guardians, custodians, or persons serving in loco
 29 parentis in relation to the problem or bring the situation to the attention of a law
 30 enforcement agency, an appropriate court, or another community agency;

31 (C) Supervising and providing required services and care involved in the interstate
 32 placement of children;

33 (D) Homemaker service, or payment of the cost of such service, when needed due to
 34 the absence or incapacity of the mother;

- 1 (E) Boarding care, or payment of maintenance costs, in foster family homes or in
 2 group-care facilities for children and youths who cannot be adequately cared for in their
 3 own homes;
- 4 (F) Boarding care or payment of maintenance costs for mothers bearing children out
 5 of wedlock prior to, during, and for a reasonable period after childbirth; and
- 6 (G) Day-care services for the care and protection of children whose parents are absent
 7 from the home or unable for other reasons to provide parental supervision;
- 8 (3) Services to courts, upon their request, as follows:
- 9 (A) Accepting for casework services and care all children and youths whose legal
 10 custody is vested in the department by the court;
- 11 (B) Providing shelter or custodial care for children prior to examination and study or
 12 pending court hearing;
- 13 (C) Making social studies and reports to the court with respect to children and youths
 14 as to whom petitions have been filed; and
- 15 (D) Providing casework services and care or payment of maintenance costs for children
 16 and youths who have run away from their home communities within this state, or from
 17 their home communities in this state to another state, or from their home communities
 18 in another state to this state; paying the costs of returning such runaway children and
 19 youths to their home communities; and providing such services, care, or costs for
 20 runaway children and youths as may be required under Chapter 3 of Title 39;
- 21 (4) Regional group-care facilities for the purpose of:
- 22 (A) Providing local authorities an alternative to placing any child in a common jail;
- 23 (B) Shelter care prior to examination and study or pending a hearing before juvenile
 24 court;
- 25 (C) Detention prior to examination and study or pending a hearing before juvenile
 26 court; and
- 27 (D) Study and diagnosis pending determination of treatment or a hearing before
 28 juvenile court;
- 29 (5) Facilities designed to afford specialized and diversified programs, such as forestry
 30 camps, ranches, and group residences, for the care, treatment, and training of children and
 31 youths of different ages and different emotional, mental, and physical conditions;
- 32 (6) Regulation of ~~child-placing and child-caring agencies~~ child services agencies by:
- 33 (A) ~~Setting standards~~ Establishing rules and regulations for and providing consultation
 34 ~~and making recommendations concerning establishment and incorporation of all such~~
 35 ~~agencies~~ on such rules and regulations for all such agencies; and

1 (B) Licensing and inspecting ~~regularly~~ periodically all such agencies to ensure their
 2 adherence to established ~~standards~~ rules and regulations as prescribed by the
 3 department;

4 (7) Adoption services, as follows:

5 ~~(A)~~ ~~Supervising the work of all child-placing agencies;~~

6 ~~(B)~~(A) Providing services to parents desiring to surrender children for adoption as
 7 provided for in adoption statutes;

8 ~~(C)~~(B) Providing care or payment of maintenance costs for mothers bearing children
 9 out of wedlock and children being considered for adoption;

10 ~~(D)~~(C) Inquiring into the character and reputation of persons making application for
 11 the adoption of children;

12 ~~(E)~~(D) Placing children for adoption;

13 ~~(F)~~(E) Providing financial assistance after the consummation of a legal adoption to
 14 families adopting children who would otherwise remain in foster care at state expense.
 15 Financial assistance may only be granted for hard-to-place children with physical,
 16 mental, or emotional disabilities or with other problems for whom it is difficult to find
 17 a permanent home. Financial assistance may not exceed 100 percent of the amount paid
 18 for boarding such child and for special services such as medical care not available
 19 through insurance or public facilities. Such supplements shall only be available to
 20 families who could not provide for the child adequately without continued financial
 21 assistance. The department may review the supplements paid at any time but shall
 22 review them at least annually to determine the need for continued assistance;

23 ~~(G)~~(F) Providing payment to a licensed child-placing agency which places a child with
 24 special needs who is under the jurisdiction of the department for adoption. Payment
 25 may not exceed \$5,000.00 for each such adoption arranged by an agency. The board
 26 shall define the special needs child. One-half of such payment shall be made at the time
 27 of placement and the remaining amount shall be paid when the adoption is finalized.
 28 If the adoption disrupts prior to finalization, the state shall be reimbursed by the
 29 child-placing agency in an amount calculated on a prorated basis based on length of
 30 time the child was in the home and the services provided; and

31 ~~(H)~~(G) Providing payment to an agency which recruits, educates, or trains potential
 32 adoptive or foster parents for preparation in anticipation of adopting or fostering a
 33 special needs child. The board shall define the special needs child and set the payment
 34 amount by rule and regulation. Upon appropriate documentation of these preplacement
 35 services in a timely manner, payments as set by the board shall be made upon
 36 enrollment of each potential adoptive or foster parent for such services;

1 (8) Staff development and recruitment programs through in-service training and
 2 educational scholarships for personnel as may be necessary to assure efficient and
 3 effective administration of the services and care for children and youths authorized in this
 4 article. The department is authorized to disburse state funds to match federal funds in
 5 order to provide qualified employees with graduate or postgraduate educational
 6 scholarships in accordance with rules and regulations adopted by the board pursuant to
 7 Article VIII, Section VII, Paragraph I of the Constitution of Georgia; and

8 (9) Miscellaneous services, such as providing all medical, hospital, psychiatric, surgical,
 9 or dental services or payment of the costs of such services as may be considered
 10 appropriate and necessary by competent medical authority to those children subject to the
 11 supervision and control of the department without securing prior consent of parents or
 12 legal guardians.

13 (a.1) Bright From The Start: Georgia's Office of Early Care and Education is authorized
 14 and empowered to establish, maintain, extend, and improve throughout the state, within the
 15 limits of funds appropriated therefor, programs that will provide regulation of early care
 16 and education programs by:

17 (1) Establishing rules and regulations for and providing consultation and making
 18 recommendations concerning establishment and incorporation of all such programs; and

19 (2) Licensing and inspecting periodically all such programs to ensure their adherence to
 20 established rules and regulations as prescribed by the office.

21 (b) The department and the office are is authorized to perform such other duties as may
 22 be required under related statutes.

23 (c)(1) As used in paragraph (2) of this subsection, the term 'state' means a state of the
 24 United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin
 25 Islands, Guam, the Commonwealth of the Northern Mariana Islands, or any territory or
 26 possession of or territory or possession administered by the United States.

27 (2) The Department of Human Resources is authorized to enter into interstate compacts,
 28 on behalf of this state, with other states to provide for the reciprocal provision of adoption
 29 assistance services.

30 (3) The purpose of paragraphs (1) and (2) of this subsection is to comply with the
 31 requirements of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272)
 32 and Part E of Title IV of the Social Security Act and to assure that recipients of adoption
 33 assistance in Georgia who change their residences to other states receive adoption
 34 assistance services, other than adoption assistance payments, from their new states of
 35 residence."

1 well-being and general welfare of children and youth, which regulations could more
 2 appropriately be issued as guidelines for quality day care, and which regulations
 3 unnecessarily restrict the delivery of day-care services. ~~A list of proposed rule changes~~
 4 ~~shall be submitted to the Board of Human Resources no later than November 1, 1982.~~
 5 ~~Copies of the proposed changes shall be submitted to the Lieutenant Governor, the~~
 6 ~~Speaker of the House of Representatives, and the chairmen of the Senate Youth, Aging,~~
 7 ~~and Human Ecology Committee and the House Health and Ecology Committee.~~

8 (4) ~~No later than December 31, 1982, the department shall publish and make available~~
 9 ~~to day-care centers and interested persons a list of guidelines for quality child care.~~

10 (5) After a family day-care home, group day-care home, or day-care center an early care
 11 and education program has been licensed, commissioned, or registered by the department
 12 office as provided in this article, the facility shall not be required to have a permit to
 13 operate a food service establishment as required in Code Section 26-2-371, provided that
 14 ~~standards~~ rules and regulations for food service have been incorporated in the regulations
 15 for licensing, commissioning, or registering such agencies.

16 (6) The department office shall not be authorized to prescribe, question, or regulate the
 17 specific content of educational curriculum taught or specify what play and program
 18 materials a group day-care home or day-care center an early care and education program
 19 shall use, except for programs operating Georgia's Pre-K program or any other voluntary
 20 educational program administered by the office.

21 (7) Persons who operate group day-care homes and day-care centers early care and
 22 education programs shall be required to post in a conspicuous place next to any telephone
 23 in a group day-care home or day-care center such program the telephone numbers of the
 24 nearest or applicable providers of emergency medical, police, and fire services.

25 (7.1) Persons who operate day-care centers, group day-care homes, or family day-care
 26 homes early care and education programs shall post signs prohibiting smoking to carry
 27 out the purposes of paragraph (4) of subsection (a) of Code Section 16-12-2.

28 (8) Group day-care homes, ~~and~~ day-care centers, and child care learning centers shall
 29 provide a minimum of 35 square feet of usable space consisting of indoor play areas, rest
 30 areas, and dining facilities for each child present in the facility. Day-care centers and
 31 child care learning centers will be allowed to designate in writing to the department office
 32 two one-hour periods daily during which 25 square feet of usable space per child for
 33 children aged three years and older may be provided. Notwithstanding the limitation to
 34 18 children prescribed by paragraph (9.1) of Code Section 49-5-3, group day-care homes
 35 will be allowed to designate in writing to the department office two one-hour periods
 36 daily during which 25 square feet of usable space per child for children aged three years
 37 and older may be provided. Notwithstanding the limitation to six children prescribed by

1 paragraph (8) of Code Section 49-5-3, a family day-care home operator may care for two
 2 additional children three years and older for two designated one-hour periods daily.
 3 Notwithstanding the provisions of this paragraph, all other applicable rules and
 4 regulations shall apply.

5 ~~(e)~~(b)(1) The department shall assist applicants or licensees or persons holding
 6 commissions in meeting ~~standards~~ rules and regulations of the department for child
 7 services agencies and, if a licensee or person holding a commission is, for any reason,
 8 denied renewal of a license or commission or if a license or commission is revoked or if
 9 any applicant for a license or commission cannot meet department ~~standards~~ rules and
 10 regulations for child services agencies, the department shall assist in planning the
 11 placement of children, if any, in the custody of such child ~~welfare~~ services agency in
 12 some other licensed or commissioned child ~~welfare~~ services agency or assist in returning
 13 them to their own homes or in making any other plans or provisions as may be necessary
 14 and advisable to meet the particular needs of the children involved.

15 (2) The office shall assist applicants or licensees or persons holding commissions in
 16 meeting rules and regulations of the office for early care and education programs.

17 ~~(d)~~(c)(1) Application for a license or commission for a child services agency shall be
 18 made to the department upon forms furnished by the department. Upon receipt of an
 19 application for a license or commission and upon presentation by the applicant of
 20 evidence that the child ~~welfare~~ services agency meets the ~~standards~~ rules and regulations
 21 prescribed by the department, the department shall issue such child ~~welfare~~ services
 22 agency a license or commission for a one-year period.

23 (2) Application for a license, commission, or registration for early care and education
 24 programs shall be made to the office upon forms furnished by the office. Upon receipt
 25 of an application for a license or commission and upon presentation by the applicant of
 26 evidence that the early care and education program meets the rules and regulations
 27 prescribed by the office, the office shall issue such early care and education program a
 28 license, commission, or registration for a one-year period.

29 ~~(e)~~(d)(1) If the department finds that any child ~~welfare~~ services agency applicant does
 30 not meet ~~standards~~ rules and regulations prescribed by the department but is attempting
 31 to meet such ~~standards~~ rules and regulations, the department may, in its discretion, issue
 32 a temporary license or commission to such child ~~welfare~~ services agency, but such
 33 temporary license or commission shall not be issued for more than a one-year period.
 34 Upon presentation of satisfactory evidence that such agency is making progress toward
 35 meeting prescribed ~~standards~~ rules and regulations of the department, the department
 36 may, in its discretion, reissue such temporary license or commission for one additional
 37 period not to exceed one year. As an alternative to a temporary license or commission,

1 the department, in its discretion, may issue a restricted license or commission which
2 states the restrictions on its face.

3 (2) If the office finds that any early care and education program applicant does not meet
4 rules and regulations prescribed by the office but is attempting to meet such rules and
5 regulations, the office may, in its discretion, issue a temporary license or commission to
6 such early care and education program, but such temporary license or commission shall
7 not be issued for more than a one-year period. Upon presentation of satisfactory evidence
8 that such program is making progress toward meeting prescribed rules and regulations
9 of the office, the office may, in its discretion, reissue such temporary license or
10 commission for one additional period not to exceed one year. As an alternative to a
11 temporary license or commission, the office, in its discretion, may issue a restricted
12 license or commission which states the restrictions on its face.

13 ~~(f)~~(e)(1) The department shall refuse a license or commission upon a showing of:

14 ~~(1)(A)~~ (A) Noncompliance with the ~~Rules and Regulations for Day Care Centers, Family~~
15 ~~Day Care Homes, or Group Day Care Homes~~ rules and regulations for child services
16 agencies as adopted by the Board of Human Resources which are designated in writing
17 to the facilities as being related to children's health and safety;

18 ~~(2)(B)~~ (B) Flagrant and continued operation of an unlicensed or uncommissioned facility
19 in contravention of the law; or

20 ~~(3)(C)~~ (C) Prior license or commission denial or revocation within one year of application.

21 (2) The office shall refuse a license, commission, or registration upon a showing of:

22 (A) Noncompliance with the rules and regulations for day-care centers, family day-care
23 homes, group day-care homes, or child care learning centers as adopted by the office
24 which are designated in writing to the facilities as being related to children's health and
25 safety;

26 (B) Flagrant and continued operation of an unlicensed or uncommissioned facility in
27 contravention of the law; or

28 (C) Prior license, commission, or registration denial or revocation within one year of
29 application.

30 ~~(g)~~(f) All licensed or commissioned child welfare agencies shall prominently display the
31 license or commission issued to such agency by the department or office at some point near
32 the entrance of the premises of such agency that is open to view by the public.

33 ~~(h)~~(g) The department's or office's action revoking or refusing to renew or issue a license,
34 ~~or commission, or registration~~ required by this Code section shall be preceded by notice
35 and opportunity for a hearing and shall constitute a contested case within the meaning of
36 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that only 30
37 days' notice in writing from the commissioner's or director's designee shall be required

1 prior to license or commission revocation and except that hearings held relating to such
 2 action by the department or office may be closed to the public if the hearing officer
 3 determines that an open hearing would be detrimental to the physical or mental health of
 4 any child who will testify at that hearing.

5 ~~(i)(h)~~ ~~Child-caring institutions and child-placing~~ Child services agencies, when licensed
 6 in accordance with this Code section, may receive needy or dependent children from their
 7 parents, guardians, custodians, or persons serving in loco parentis for special, temporary,
 8 or continued care. Parents, guardians, custodians, or persons serving in loco parentis to
 9 such children may sign releases or agreements giving to such institutions or agencies
 10 custody and control over such children during the period of care.

11 ~~(j)(i)~~ Child-placing agencies, in placing children in foster family homes, shall safeguard
 12 the welfare of such children by thoroughly investigating each such home and the character
 13 and reputation of the persons residing therein and shall adequately supervise each home
 14 during the period of care. All children placed in foster family homes shall, as far as is
 15 practicable, be placed with persons of the same religious faith as the children themselves
 16 or the children's parents.

17 (k)(j)(1) It shall be the duty of the department to annually inspect ~~at regular intervals~~ all
 18 licensed or commissioned child ~~welfare~~ services agencies within the state, including all
 19 foster family homes used by such child-placing agencies. The department shall have right
 20 of entrance, privilege of inspection, and right of access to all children under the care and
 21 control of the licensee or commissionee.

22 (2) It shall be the duty of the office to periodically inspect licensed, commissioned, or
 23 registered early care and education programs within the state. The office shall have right
 24 of entrance, privilege of inspection, and right of access to all children under the care and
 25 control of the licensee or commissionee.

26 ~~(k)(1)~~ If any flagrant abuses, derelictions, or deficiencies are made known to the
 27 department or its duly authorized agents during their inspection of any child ~~welfare~~
 28 services agency or if, at any time, such are reported to the department, the department
 29 shall immediately investigate such matters and take such action as conditions may
 30 require.

31 (2) If any flagrant abuses, derelictions, or deficiencies are made known to the office or
 32 its duly authorized agents during their inspection of any early care and education program
 33 or if, at any time, such are reported to the office, the office shall immediately investigate
 34 such matters and take such action as conditions may require.

35 ~~(m)(1)~~ If abuses, derelictions, or deficiencies are found in the operation and management
 36 of any child welfare agency, they shall be brought immediately to the attention of the
 37 management of such agency; and if correctable, but not corrected within a reasonable time,

1 the department or office, as applicable, shall revoke the license, ~~or~~ commission, or
 2 registration of such agency in the manner prescribed in this Code section.

3 ~~(n)~~(m)(1) The department may require periodic reports from child ~~welfare~~ services
 4 agencies in such forms and at such times as the department may prescribe.

5 (2) The office may require periodic reports from early care and education programs in
 6 such forms and at such times as the office may prescribe.

7 ~~(o)~~(n) Child ~~welfare~~ services agencies and other facilities and institutions wherein children
 8 and youths are detained which are operated by any department or agency of state, county,
 9 or municipal government shall not be subject to licensure under this Code section, but the
 10 department may, through its authorized agents, make periodic inspections of such agencies,
 11 facilities, and institutions. Reports of such inspections shall be made privately to the proper
 12 authorities in charge of such agencies, facilities, or institutions. The department shall
 13 cooperate with such authorities in the development of standards that will adequately protect
 14 the health and well-being of all children and youths detained in such agencies, facilities,
 15 and institutions or provided care by them. The department may recommend changes in
 16 programs and policies and if, within a reasonable time, the standards established by the
 17 department and the recommendations of the department are not met, it shall be the duty of
 18 the commissioner to make public in the community in which such agency, facility, or
 19 institution is located the report of the above-mentioned inspection and the changes
 20 recommended by the department. If any serious abuses, derelictions, or deficiencies are
 21 found and are not corrected within a reasonable time, the commissioner shall report them
 22 in writing to the Governor.

23 ~~(p)~~(o) Any child ~~welfare~~ services agency that shall operate without a license or
 24 commission issued by the department or any early care and education program that shall
 25 operate without a license or commission issued by the office shall be guilty of a
 26 misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than
 27 \$50.00 nor more than \$200.00 for each such offense. Each day of operation without a
 28 license or commission shall constitute a separate offense.

29 ~~(q)~~(p) No person, official, agency, hospital, maternity home, or institution, public or
 30 private, in this state shall receive or accept a child under ~~17~~ 18 years of age for placement
 31 or adoption or place such a child, either temporarily or permanently, in a home other than
 32 the home of the child's relatives without having been licensed or commissioned by the
 33 department. Notwithstanding the provisions of Code Section 49-5-12.1, violation of this
 34 subsection shall be punishable by a fine of not less than \$100.00 nor exceeding \$500.00 for
 35 each offense. Nothing in this Code section shall be construed to prohibit a properly licensed
 36 attorney at law from providing necessary legal services and counsel to parties engaged in

1 or contemplating adoption proceedings. Nothing in this Code section shall be construed to
2 prohibit an individual seeking to:

3 (1) Adopt a child or children from receiving or accepting a child or children in the
4 individual's home in anticipation of filing a petition for adoption under Chapter 8 of Title
5 19; or

6 (2) Have that individual's child or children placed for adoption from placing that
7 individual's child or children in the home of an individual who is not related to the child
8 or children in anticipation of the individual's initiation of adoption proceedings pursuant
9 to Chapter 8 of Title 19.

10 ~~(r)~~(q)(1) The department may, without regard to the availability of other remedies,
11 including administrative remedies, seek an injunction against the continued operation of
12 a child ~~welfare~~ services agency without a license or commission or the continued
13 operation of a child ~~welfare~~ services agency in willful violation of this article or of any
14 regulation of the department or in violation of any order of the board.

15 (2) The office may, without regard to the availability of other remedies, including
16 administrative remedies, seek an injunction against the continued operation of an early
17 care and education program without a license or commission or the continued operation
18 of an early care and education program in willful violation of this article, any regulation
19 of the office, or any order of the office.

20 ~~(s)~~(r)(1) The term 'licensed day-care center' shall include a commissioned day-care
21 center and any references in this Code to a licensed day-care center, including criminal,
22 administrative, and civil provisions applicable to licensed day-care centers, shall include
23 and apply to commissioned day-care centers unless otherwise provided in this ~~Code~~
24 section article.

25 (2) The term 'licensed child welfare agency' shall include a commissioned or registered
26 child welfare agency and any references in this Code to a licensed child welfare agency,
27 including criminal, administrative, and civil provisions applicable to licensed child
28 welfare agencies, shall include and apply to commissioned and registered child welfare
29 agencies unless otherwise provided in this article."

30 SECTION 10.

31 Said chapter is further amended by striking Code Section 49-5-12.1, relating to penalties for
32 violation of child welfare agency laws and regulations, in its entirety and inserting in lieu
33 thereof the following:

34 "49-5-12.1.

35 (a) Unless otherwise provided in subsection ~~(r)~~ (q) of Code Section 49-5-12, any person
36 who violates the provisions of Code Section 49-5-12 or who hinders, obstructs, or

1 otherwise interferes with any representative of the department or office in the discharge of
 2 that person's official duties in making inspections as provided in Code Section 49-5-12 or
 3 in investigating complaints as provided in Code Section 49-5-12 shall be guilty of a
 4 misdemeanor.

5 (b)(1) Any person who:

6 (A) Violates any licensing or registration provision of this chapter or any rule,
 7 regulation, or order issued under this chapter or any term, condition, or limitation of any
 8 license or registration certificate under this chapter thereby subjecting a child in care
 9 to injury or a life-threatening situation; or

10 (B) Commits any violation for which a license or registration certificate may be
 11 revoked under rules or regulations issued pursuant to this chapter
 12 may be subject to a civil penalty, to be imposed by the department or office, as
 13 appropriate, not to exceed \$500.00. If any violation is a continuing one, each day of such
 14 violation shall constitute a separate violation for the purpose of computing the applicable
 15 civil penalty.

16 (2) Whenever the department or office proposes to subject a person to the imposition of
 17 a civil penalty under this subsection, it shall notify such person in writing:

18 (A) Setting forth the date, facts, and nature of each act or omission with which the
 19 person is charged;

20 (B) Specifically identifying the particular provision or provisions of the Code section,
 21 rule, regulation, order, license, or registration certificate involved in the violation; and

22 (C) Advising of each penalty which the department or office proposes to impose and
 23 its amount.

24 Such written notice shall be sent by registered or certified mail or statutory overnight
 25 delivery by the department or office to the last known address of such person. The person
 26 so notified shall be granted an opportunity to show in writing, within such reasonable
 27 period as the department or office shall by rule or regulation prescribe, why such penalty
 28 should not be imposed. The notice shall also advise such person that, upon failure to pay
 29 the civil penalty subsequently determined by the department or office, if any, the penalty
 30 may be collected by civil action. Any person upon whom a civil penalty is imposed may
 31 appeal such action pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
 32 Procedure Act.'

33 (3) A civil penalty finally determined under this Code section may be collected by civil
 34 action in the event that such penalty is not paid as required. On the request of the
 35 department or office, the Attorney General is authorized to institute a civil action to
 36 collect a penalty imposed pursuant to this subsection. The Attorney General shall have

1 the exclusive power to compromise, mitigate, or remit such civil penalties as are referred
2 to the Attorney General for collection.

3 (4) All moneys collected from civil penalties shall be paid to the state for deposit in the
4 general fund."

5 **SECTION 11.**

6 Said chapter is further amended by adding a new Code Section 49-5-12.2, as follows:

7 "49-5-12.2.

8 (a) This Code section shall be applicable to any early care and education program which
9 is subject to regulation by the office under Code Section 49-5-12. For purposes of this
10 Code section, the term 'license' shall be used to refer to any license, permit, registration, or
11 commission issued by the office pursuant to the provisions of this subsection.

12 (b) The office shall have the authority to take any of the actions enumerated in subsection
13 (c) of this Code section upon a finding that the applicant or licensee has:

14 (1) Knowingly made any false statement of material information in connection with the
15 application for a license, or in statements made or on documents submitted to the office
16 as part of an inspection, survey, or investigation, or in the alteration or falsification of
17 records maintained by the early care and education program;

18 (2) Failed or refused to provide the office with access to the premises subject to
19 regulation or information pertinent to the initial or continued licensing of the program;

20 (3) Failed to comply with the licensing requirements of this state; or

21 (4) Failed to comply with any provisions of this Code section.

22 (c) When the office finds that any applicant or licensee has violated any provision of
23 subsection (b) of this Code section or laws, rules, regulations, or formal orders related to
24 the initial or continued licensing of the program, the office, subject to notice and
25 opportunity for hearing, may take any of the following actions:

26 (1) Refuse to grant a license; provided, however, that the office may refuse to grant a
27 license without holding a hearing prior to taking such action;

28 (2) Administer a public reprimand;

29 (3) Suspend any license, permit, registration, or commission for a definite period or for
30 an indefinite period in connection with any condition which may be attached to the
31 restoration of said license;

32 (4) Prohibit any applicant or licensee from allowing a person who previously was
33 involved in the management or control, as defined by rule, of any program which has had
34 its license or application revoked or denied within the past 12 months to be involved in
35 the management or control of such program;

36 (5) Revoke any license;

1 (6) Impose a fine, not to exceed a total of \$25,000.00, of up to \$1,000.00 per day for
2 each violation of a law, rule, regulation, or formal order related to the initial or ongoing
3 licensing of any program; or

4 (7) Limit or restrict any license as the office deems necessary for the protection of the
5 public, including, but not limited to, restricting some or all services of or admissions into
6 a program for a time certain.

7 In taking any of the actions enumerated in this subsection, the office shall consider the
8 seriousness of the violation, including the circumstances, extent, and gravity of the
9 prohibited acts, and the hazard or potential hazard created to the health or safety of the
10 public.

11 (d) The office may deny a license or otherwise restrict a license for any applicant who has
12 had a license denied, revoked, or suspended within one year of the date of an application
13 or who has transferred ownership or governing authority of a program subject to regulation
14 by the office within one year of the date of a new application when such transfer was made
15 in order to avert denial, revocation, or suspension of a license.

16 (e) With regard to any contested case instituted by the office pursuant to this Code section
17 or other provisions of law which may now or hereafter authorize remedial or disciplinary
18 grounds and action, the office may, in its discretion, dispose of the action so instituted by
19 settlement. In such cases, all parties, successors, and assigns to any settlement agreement
20 shall be bound by the terms specified therein and violation thereof by any applicant or
21 licensee shall constitute grounds for any action enumerated in subsection (c) of this Code
22 section.

23 (f) The office shall have the authority to make public or private investigations or
24 examinations inside or outside of this state to determine whether the provisions of this
25 Code section or any other law, rule, regulation, or formal order relating to the licensing of
26 a program has been violated. Such investigations may be initiated at any time, in the
27 discretion of the office, and may continue during the pendency of any action initiated by
28 the office pursuant to subsection (c) of this Code section.

29 (g) For the purpose of conducting any investigation, inspection, or survey, the office shall
30 have the authority to require the production of any books, records, papers, or other
31 information related to the initial or continued licensing of any program.

32 (h) Pursuant to the investigation, inspection, and enforcement powers given to the office
33 by this Code section and other applicable laws, the office may assess against a program
34 reasonable and necessary expenses incurred by the office pursuant to any administrative
35 or legal action required by the failure of the program to fully comply with the provisions
36 of any law, rule, regulation, or formal order related to the initial or continued licensing.
37 Assessments shall not include attorney's fees and expenses of litigation, shall not exceed

1 other actual expenses, and shall only be assessed if such investigations, inspections, or
 2 enforcement actions result in adverse findings, as finally determined by the office, pursuant
 3 to administrative or legal action.

4 (i) For any action taken or any proceeding held under this Code section or under color of
 5 law, except for gross negligence or willful or wanton misconduct, the office, when acting
 6 in its official capacity, shall be immune from liability and suit to the same extent that any
 7 judge of any court of general jurisdiction in this state would be immune.

8 (j) In an administrative or legal proceeding under this Code section, a person or entity
 9 claiming an exemption or an exception granted by law, rule, regulation, or formal order has
 10 the burden of proving this exemption or exception.

11 (k) This Code section and all actions resulting from its provisions shall be administered
 12 in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

13 (l) The provisions of this Code section shall be supplemental to and shall not operate to
 14 prohibit the office from acting pursuant to those provisions of law which may now or
 15 hereafter authorize remedial or disciplinary grounds and action for the office. In cases
 16 where those other provisions of law so authorize other disciplinary grounds and actions,
 17 but this Code section limits such grounds or actions, those other provisions shall apply.

18 (m) The office is authorized to promulgate rules and regulations to implement the
 19 provisions of this Code section."

20 SECTION 12.

21 Said chapter is further amended by striking paragraph (1) of Code Section 49-5-60, relating
 22 to definitions regarding employees' records checks for day-care centers, in its entirety and
 23 inserting in lieu thereof the following:

24 "(1) 'Center' means a ~~day-care center, group day-care home, family day-care home, or~~
 25 child-caring institution or child-placing agency which is required to be licensed or
 26 registered under Article 1 of this chapter."

27 SECTION 13.

28 Said chapter is further amended by striking Code Section 49-5-61, relating to the requirement
 29 of a separate license and separate director for each facility, in its entirety and inserting in lieu
 30 thereof the following:

31 "49-5-61.

32 ~~On and after July 1, 1985, an~~ An applicant for a new license shall have a separate license
 33 for each new facility in this state owned or operated by that applicant and shall have a
 34 separate director for each such facility."

1 personnel file shall be available to the department for inspection. At the end of the five-day
 2 work period or upon receipt of the results of the preliminary records check, whichever
 3 occurs first, emergency temporary employees become subject to all other requirements of
 4 this article."

5 **SECTION 16.**

6 Said chapter is further amended by striking subsection (d) of Code Section 49-5-69, relating
 7 to employment requirements and suspension or revocation of license or criminal penalty for
 8 violations, in its entirety and inserting in lieu thereof the following:

9 "(d) No center may hire any person as an employee ~~after July 1, 1999~~, unless there is on
 10 file in the center an employment history and a satisfactory preliminary records check or,
 11 if the preliminary records check determination revealed a criminal record of any kind as
 12 to such person, either satisfactory state and satisfactory national records check
 13 determinations for that person or proof that an unsatisfactory determination has been
 14 reversed in accordance with Code Section 49-5-73."

15 **SECTION 17.**

16 Said chapter is further amended by adding after Article 3, relating to employees' records
 17 checks for day-care centers, a new Article 3A to read as follows:

18 **"ARTICLE 3A**

19 49-5-80.

20 As used in this article, the term:

21 (1) 'Center' means a day-care center, group day-care home, family day-care home, or
 22 child care learning center which is required to be licensed or registered under Article 1
 23 of this chapter.

24 (2) 'Conviction' means a finding or verdict of guilty or a plea of guilty regardless of
 25 whether an appeal of the conviction has been sought.

26 (3) 'Crime' means any felony; a violation of Code Section 16-5-23, relating to simple
 27 battery, when the victim is a minor; a violation of Code Section 16-12-1, relating to
 28 contributing to the delinquency of a minor; a violation of Chapter 6 of Title 16, relating
 29 to sexual offenses, excluding the offenses of bigamy or marrying a bigamist; a violation
 30 of Code Section 16-4-1, relating to criminal attempt when the crime attempted is any of
 31 the crimes specified by this paragraph; or any other offenses committed in another
 32 jurisdiction which, if committed in this state, would be one of the enumerated crimes
 33 listed in this paragraph.

- 1 (4) 'Criminal record' means:
- 2 (A) Conviction of a crime;
- 3 (B) Arrest, charge, and sentencing for a crime where:
- 4 (i) A plea of nolo contendere was entered to the charge;
- 5 (ii) First offender treatment without adjudication of guilt pursuant to the charge was
- 6 granted; provided, however, that this division shall not apply to a violation of Chapter
- 7 13 of Title 16, relating to controlled substances, or any other offense committed in
- 8 another jurisdiction which, if it were committed in this state, would be a violation of
- 9 Chapter 13 of Title 16 if such violation or offense constituted only simple possession;
- 10 or
- 11 (iii) Adjudication or sentence was otherwise withheld or not entered on the charge;
- 12 provided, however, that this division shall not apply to a violation of Chapter 13 of
- 13 Title 16, relating to controlled substances, or any other offense committed in another
- 14 jurisdiction which, if it were committed in this state, would be a violation of Chapter
- 15 13 of Title 16 if such violation or offense constituted only simple possession; or
- 16 (C) Arrest and being charged for a crime if the charge is pending, unless the time for
- 17 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.
- 18 (5) 'Director' means the chief administrative or executive officer of a facility.
- 19 (6) 'Emergency temporary employee' means an employee other than a director whose
- 20 duties involve personal contact between that person and any child being cared for at the
- 21 facility and who is hired on an expedited basis to avoid noncompliance with staffing
- 22 standards for centers required by law, rule, or regulation.
- 23 (7) 'Employee' means any person, other than a director, employed by a center to perform
- 24 at any of the center's facilities any duties which involve personal contact between that
- 25 person and any child being cared for at the facility and also includes any adult person
- 26 who resides at the facility or who, with or without compensation, performs duties for the
- 27 center which involve personal contact between that person and any child being cared for
- 28 by the center.
- 29 (8) 'Employment history' means a record of where a person has worked for the past ten
- 30 years.
- 31 (9) 'Facility' means a center's real property at which children are received for care.
- 32 (10) 'Fingerprint records check determination' means a satisfactory or unsatisfactory
- 33 determination by the office based upon a records check comparison of GCIC information
- 34 with fingerprints and other information in a records check application.
- 35 (11) 'GCIC' means the Georgia Crime Information Center established under Article 2 of
- 36 Chapter 3 of Title 35.

1 (12) 'GCIC information' means criminal history record information as defined in Code
2 Section 35-3-30.

3 (13) 'License' means the document issued by the office to authorize the center to which
4 it is issued to operate a facility under this article.

5 (14) 'National fingerprint records check determination' means a satisfactory or
6 unsatisfactory determination by the office in accordance with applicable law based upon
7 a report from the Federal Bureau of Investigation after a search of bureau records and
8 fingerprints.

9 (15) 'Office' means Bright From The Start: Georgia's Office of Early Care and
10 Education.

11 (16) 'Preliminary records check application' means an application for a preliminary
12 records check determination on forms provided by the office.

13 (17) 'Preliminary records check determination' means a satisfactory or unsatisfactory
14 determination by the office based only upon a comparison of GCIC information with
15 other than fingerprint information regarding the person upon whom the records check is
16 being performed.

17 (18) 'Records check application' means two sets of classifiable fingerprints, a records
18 search fee to be established by the office by rule and regulation, payable in such form as
19 the office may direct to cover the cost of a fingerprint records check under this article,
20 and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or
21 conviction of the applicant for the violation of any law, except for motor vehicle parking
22 violations, whether or not the violation occurred in this state, and such additional
23 information as the office may require.

24 (19) 'Satisfactory determination' means a written determination that a person for whom
25 a records check was performed was found to have no criminal record.

26 (20) 'State fingerprint records check determination' means a satisfactory or unsatisfactory
27 determination by the office in accordance with applicable law based upon a records check
28 comparison of GCIC information with fingerprints and other information in a records
29 check application.

30 (21) 'Unsatisfactory determination' means a written determination that a person for
31 whom a records check was performed has a criminal record.

32 49-5-81.

33 An applicant for a new license shall have a separate license for each new facility in this
34 state owned or operated by that applicant and shall have a separate director for each such
35 facility.

1 49-5-82.
2 Accompanying any application for a new license for a facility, the applicant shall furnish
3 to the office a records check application for the director and a satisfactory preliminary
4 records check for each employee of such facility. In lieu of such records check
5 applications, the applicant may submit evidence, satisfactory to the office, that within the
6 immediately preceding 12 months the director received satisfactory state and national
7 fingerprint records check determinations and each employee received a satisfactory
8 preliminary records check determination, or that any employee other than the director
9 whose preliminary records check revealed a criminal record of any kind has either
10 subsequently received satisfactory state and national fingerprint records check
11 determinations or has had the unsatisfactory determination reversed in accordance with
12 Code Section 49-5-89.5. The office may either perform preliminary records checks under
13 agreement with GCIC or contract with GCIC and appropriate law enforcement agencies
14 which have access to GCIC information to have those agencies perform for the office a
15 preliminary records check for each preliminary records check application submitted thereto
16 by the office. Either the office or the appropriate law enforcement agencies may charge
17 reasonable fees for performing preliminary records checks.

18 49-5-83.
19 After being furnished the required records check application under Code Section 49-5-82,
20 the office shall notify in writing the license applicant as to each person for whom an
21 application was received regarding whether the office's determination as to that person's
22 state fingerprint records check was satisfactory or unsatisfactory. If the preliminary records
23 check determination was satisfactory as to each employee of an applicant's facility and the
24 state fingerprint records check was satisfactory as to the director, that applicant may be
25 issued a license for that facility if the applicant otherwise qualifies for a license under
26 Article 1 of this chapter. If the state or national fingerprint records check determination was
27 unsatisfactory as to the director of an applicant's facility, the applicant shall designate
28 another director for that facility after receiving notification of the determination and
29 proceed under Code Section 49-5-82 and this Code section to obtain state and national
30 fingerprint records checks for that newly designated director. If the preliminary records
31 check for any employee other than the director revealed a criminal record of any kind, such
32 employee shall not be allowed to work in the center until he or she either has obtained
33 satisfactory state and national fingerprint records check determinations or has had the
34 unsatisfactory determination reversed in accordance with Code Section 49-5-89.5. If the
35 determination was unsatisfactory as to any employee of an applicant's facility, the
36 applicant shall, after receiving notification of that determination, take such steps as are

1 necessary so that such person is no longer an employee. Any employee other than the
2 director who receives a satisfactory preliminary records check shall not be required to
3 obtain a fingerprint records check unless such an employee has been designated as a
4 director or as permitted by the provisions of subsection (c) of Code Section 49-5-89.1.

5 49-5-84.

6 The office shall transmit to GCIC both sets of fingerprints and the records search fee from
7 each fingerprint records check application. Upon receipt thereof, GCIC shall promptly
8 transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau
9 records and an appropriate report and shall retain the other set and promptly conduct a
10 search of its records and records to which it has access. Within ten days after receiving
11 fingerprints acceptable to GCIC, the application, and fee, GCIC shall notify the office in
12 writing of any derogatory finding, including but not limited to any criminal record, of the
13 state fingerprint records check or if there is no such finding. After a search of Federal
14 Bureau of Investigation records and fingerprints and upon receipt of the bureau's report,
15 the office shall make a national fingerprint records determination.

16 49-5-85.

17 After receiving a Federal Bureau of Investigation report regarding a national fingerprint
18 records check under Code Section 49-5-84, the office shall make a determination based
19 thereon and notify in writing the license applicant as to whether that records check was
20 satisfactory or unsatisfactory. If the national fingerprint records check determination was
21 unsatisfactory as to the director of an applicant's facility, after receiving notification of that
22 determination, that applicant shall designate another director for such facility for which
23 director the applicant has not received or made an unsatisfactory preliminary or fingerprint
24 records check determination and proceed under the requirements of Code Sections 49-5-82
25 through 49-5-84 and this Code section to obtain state and national fingerprint records check
26 determinations for the newly designated director. The director may begin working upon the
27 receipt of a satisfactory state fingerprint records check determination pending the receipt
28 of the national fingerprint records check determination from the office. The office may
29 revoke the license of that facility if the facility fails to comply with the requirements of this
30 Code section and Code Section 49-5-83 to receive satisfactory state and national fingerprint
31 determinations on the director or to comply with Code Section 49-5-83 regarding
32 employees other than the director.

1 49-5-86.

2 No facility operated as an early care and education program or similar facility or any
3 operator of such a facility shall employ any person who has been convicted of or who has
4 entered a plea of guilty or nolo contendere to any offense specified in Code Section
5 16-12-1.1 or allow any such person to reside at or be domiciled at such facility in violation
6 of Code Section 16-12-1.1. The office shall either deny the issuance of or revoke the
7 license, commission, or registration of any such facility violating the provisions of this
8 Code section. The powers and duties set forth in this Code section are cumulative and not
9 intended to limit the powers and duties set forth throughout this article.

10 49-5-87.

11 Each center shall be required to obtain a separate license and shall have a separate director
12 for each center.

13 49-5-88.

14 (a) Notwithstanding any other provision of this article, an individual who resides in a
15 family day-care home, as defined by Code Section 49-5-3, shall not be required to provide
16 fingerprints for routine fingerprints records checks if the operator of the family day-care
17 home provides the office with an affidavit stating that such individual is not present in the
18 home at the same time as the children who are received for pay for supervision and care.
19 However, all persons residing in a family day-care home are required to obtain satisfactory
20 preliminary records checks and submit them to the office.

21 (b) As an exception to the requirements set out in this article for employees of centers, a
22 center may hire emergency temporary employees in order to avoid noncompliance with
23 staffing requirements for centers required by law, rule, or regulation. An emergency
24 temporary employee may start working immediately after requesting a preliminary records
25 check from a local law enforcement agency and may work up to five working days without
26 the results of the preliminary records check if the director of the center maintains an
27 affidavit with supporting documents in the employee's personnel file stating that the
28 emergency temporary employee applied for a preliminary records check with a local law
29 enforcement agency before the employee began work and the date that the preliminary
30 records check was received from the local law enforcement agency. The employee's
31 personnel file shall be available to the office for inspection. At the end of the five-day work
32 period or upon receipt of the results of the preliminary records check, whichever occurs
33 first, emergency temporary employees become subject to all other requirements of this
34 article.

1 49-5-89.

2 (a) If the director of a facility which has been issued a license ceases to be the director of
3 that facility, the licensee shall thereupon designate a new director. After such change, the
4 licensee of that facility shall notify the office of such change and of any additional
5 information the office may require regarding the newly designated director of that facility.
6 Such information shall include but not be limited to any information the licensee may have
7 regarding preliminary or any fingerprint records check determinations regarding that
8 director. After receiving a change of director notification, the office shall make a written
9 determination from the information furnished with such notification and the office's own
10 records as to whether satisfactory or unsatisfactory preliminary or state and national
11 fingerprint records check determinations have ever been made for the newly designated
12 director. If the office determines that such director within 12 months prior thereto has had
13 satisfactory state and national fingerprint records check determinations, such
14 determinations shall be deemed to be satisfactory state and national fingerprint records
15 check determinations as to that director. The license of that facility shall not be adversely
16 affected by that change in director, and the licensee shall be so notified.

17 (b) If the office determines under subsection (a) of this Code section that there has ever
18 been an unsatisfactory preliminary or state or national fingerprint records check
19 determination of the newly designated director which has not been legally reversed, the
20 center and that director shall be so notified. The license for that director's facility shall be
21 indefinitely suspended or revoked unless the center designates another director for whom
22 it has not received or made an unsatisfactory preliminary or state or national fingerprint
23 records check determination and proceeds pursuant to the provisions of this Code section
24 relating to a change of director.

25 (c) If the office determines under subsection (a) of this Code section that there have been
26 no state and national fingerprint records check determinations regarding the newly
27 designated director within the immediately preceding 12 months, the office shall so notify
28 the center. The center shall furnish to the office the fingerprint records check application
29 of the newly designated director after the date the notification is sent by the office or the
30 license of that facility shall be indefinitely suspended or revoked. If that fingerprint records
31 check application is so received, unless the office has within the immediately preceding 12
32 months made a satisfactory state fingerprint records check determination regarding the
33 newly designated director, the office shall perform a state fingerprint records check
34 determination of the newly designated director; and the applicant and that director shall be
35 so notified. If that determination is unsatisfactory, the provisions of subsection (b) of this
36 Code section regarding procedures after notification shall apply. If that determination is
37 satisfactory, the office shall perform a national fingerprint records check determination for

1 that director as provided in Code Sections 49-5-84 and 49-5-85. The director may begin
2 working upon the receipt of a satisfactory state fingerprint records check determination
3 pending the receipt of the national fingerprint records check determination from the office.
4 If that determination is satisfactory, the center and director for whom the determination was
5 made shall be so notified after the office makes its determination, and the license for the
6 facility at which that person is the newly designated director shall not be adversely affected
7 by that change of director. If that determination is unsatisfactory, the provisions of
8 subsection (b) of this Code section shall apply.

9 49-5-89.1.

10 (a) Before a person may become an employee other than a director of any center after that
11 center has received a license, that center shall require that person to obtain a satisfactory
12 preliminary records check. The center shall maintain documentation in the employee's
13 personnel file, which is available to the office upon request, which reflects that a
14 satisfactory preliminary criminal records check was received before the employee began
15 working with children. If the preliminary records check for any potential employee other
16 than the director reveals a criminal record of any kind, such potential employee shall not
17 be allowed to begin working until either such potential employee has obtained satisfactory
18 state and national fingerprint records check determinations or has had the unsatisfactory
19 preliminary or fingerprint records check determination reversed in accordance with Code
20 Section 49-5-89.5. If either the preliminary or state or national fingerprint records
21 determination is unsatisfactory, the center shall, after receiving notification of the
22 determination, take such steps as are necessary so that such person is no longer an
23 employee. Any potential employee other than the director who receives a satisfactory
24 preliminary records check determination shall not be required to obtain a fingerprint
25 records check determination except as permitted in accordance with subsection (c) of this
26 Code section.

27 (b) A license is subject to suspension or revocation and the office may refuse to issue a
28 license if a director or employee does not undergo the records and fingerprint checks
29 applicable to that director or employee and receive satisfactory determinations.

30 (c) After the issuance of a license, the office may require a fingerprint records check on
31 any director or employee to confirm identification for records search purposes, when the
32 office has reason to believe the employee has a criminal record that renders the employee
33 ineligible to have contact with children in the center, or during the course of a child abuse
34 investigation involving the director or employee.

35 (d) No center may hire any person as an employee unless there is on file in the center an
36 employment history and a satisfactory preliminary records check or, if the preliminary

1 records check determination revealed a criminal record of any kind as to such person, either
2 satisfactory state and satisfactory national records check determinations for that person or
3 proof that an unsatisfactory determination has been reversed in accordance with Code
4 Section 49-5-89.5.

5 (e) A director of a facility having an employee whom that director knows or should
6 reasonably know to have a criminal record that renders the employee ineligible to have
7 contact with children in the center shall be guilty of a misdemeanor.

8 49-5-89.2.

9 (a) GCIC and law enforcement agencies which have access to GCIC information shall
10 cooperate with the office in performing preliminary and fingerprint records checks required
11 under this chapter and shall provide such information so required for such records checks
12 notwithstanding any other law to the contrary and may charge reasonable fees therefor.

13 (b) Any person who knowingly and under false pretenses requests, obtains, or attempts to
14 obtain GCIC information otherwise authorized to be obtained pursuant to this chapter, or
15 who knowingly communicates or attempts to communicate such information obtained
16 pursuant to this article to any person or entity except in accordance with this article, or who
17 knowingly uses or attempts to use such information obtained pursuant to this article for any
18 purpose other than as authorized by this article shall be fined not more than \$5,000.00,
19 imprisoned for not more than two years, or both.

20 49-5-89.3.

21 (a) Neither GCIC, the office, any law enforcement agency, nor the employees of any such
22 entities shall be responsible for the accuracy of information nor have any liability for
23 defamation, invasion of privacy, negligence, or any other claim in connection with any
24 dissemination of information or determination based thereon pursuant to this article.

25 (b) A center, its director, and its employees shall have no liability for defamation, invasion
26 of privacy, or any other claim based upon good faith action thereby pursuant to the
27 requirements of this article.

28 49-5-89.4.

29 The requirements of this article are supplemental to any requirements for a license imposed
30 by Article 1 of this chapter.

31 49-5-89.5.

32 A determination by the office regarding preliminary or fingerprint records checks under
33 this article, or any action by the office revoking, suspending, or refusing to grant or renew

1 a license based upon such determination, shall constitute a contested case for purposes of
 2 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that any hearing
 3 required to be held pursuant thereto may be held reasonably expeditiously after such
 4 determination or action by the office. It is expressly provided that upon motion from any
 5 party, the hearing officer may, in his or her discretion, consider matters in mitigation of any
 6 conviction, provided that the hearing officer examines the circumstances of the case and
 7 makes an independent finding that no physical harm was done to a victim and also
 8 examines the character and employment history since the conviction and determines that
 9 there is no propensity for cruel behavior or behavior involving moral turpitude on the part
 10 of the person making a motion for an exception to sanctions normally imposed. If the
 11 hearing officer deems a hearing to be appropriate, he or she will also notify at least 30 days
 12 prior to such hearing the office of the prosecuting attorney who initiated the prosecution
 13 of the case in question in order to allow the prosecutor to object to a possible determination
 14 that the conviction would not be a bar for the grant or continuation of a license or
 15 employment as contemplated within this title. If objections are made, the hearing officer
 16 will take such objections into consideration in considering the case.

17 49-5-89.6.

18 The office is authorized to provide by regulation for the administration of this article."

19 **SECTION 18.**

20 Said chapter is further amended by striking Code Section 49-5-90, relating to definitions
 21 regarding emergency protection of children in certain institutions, in its entirety and inserting
 22 in lieu thereof the following:

23 "49-5-90.

24 As used in this article, the term:

25 (1) 'Child in care' means any person under the age of ~~17~~ 18 years who has been admitted
 26 to, is cared for, or resides in a facility.

27 (2) 'Commissioner' means the commissioner of human resources or his designee.

28 (3) 'Corrective order' means an order by the commissioner detailing the findings of the
 29 commissioner or his designee regarding violations of law or rules or regulations of the
 30 department by an institution or other conditions threatening the health and safety of
 31 residents of the institution and the changes which the commissioner has ordered.

32 (4) 'Department' means the Department of Human Resources.

33 (5) 'Director' means the director of Bright From The Start: Georgia's Office of Early
 34 Care and Education.

1 (6) 'Early care and education program' means a family day-care home, group day-care
 2 home, day-care center, or child care learning center.

3 ~~(5)~~(7) 'Emergency order' or 'order' means a written directive by the commissioner or
 4 director or his or her designee ordering the emergency relocation of residents, prohibiting
 5 admissions, or placing a monitor in a facility.

6 ~~(6)~~(8) 'Guardian' means a minor's parent, legal guardian, or conservator.

7 ~~(7)~~(9) 'Facility' means a child-caring institution or child welfare agency subject to
 8 licensure under the provisions of Article 1 of this chapter, unless specifically exempted
 9 by the rules and regulations.

10 ~~(8)~~(10) 'Monitor' means a person, designated by the department or office, to remain
 11 on-site in a facility or early care and education program, as an agent of the department
 12 or office, observing conditions.

13 (11) 'Office' means Bright From The Start: Georgia's Office of Early Care and
 14 Education.

15 ~~(9)~~(12) 'Preliminary hearing' means a hearing held by the department or office as soon
 16 as possible after the order is entered at the request of a facility or early care and education
 17 program which has been affected by an emergency order placing a monitor in the facility
 18 or early care and education program, relocating residents, or prohibiting admissions in
 19 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

20 SECTION 19.

21 Said chapter is further amended in Code Section 49-5-91, relating to emergency orders,
 22 corrective orders, and monitors regarding emergency protection of children in certain
 23 institutions, by adding after paragraph (2) of subsection (b) a new paragraph (2.1) to read as
 24 follows:

25 "(2.1)(A) The director or his or her designee may order the emergency placement of
 26 a monitor or monitors in an early care and education program upon a finding that rules
 27 and regulations of the office are being violated which threaten the health, safety, or
 28 welfare of children in care and when one or more of the following conditions are
 29 present:

30 (i) The program is operating without a license or registration;

31 (ii) The office has denied application for license, commission, or registration or has
 32 initiated action to revoke the existing license, commission, or registration of the
 33 program; or

34 (iii) Children are suspected of being subjected to injury or life-threatening situations
 35 or the health or safety of the child or children is in danger.

(B) A monitor may be placed in a program for no more than ten consecutive calendar days, during which time the monitor shall observe conditions and regulatory compliance with any recommended remedial action of the office. Upon expiration of the ten-day period, should the conditions warrant, the initial ten-day period may be extended for an additional ten-day period. The monitor shall report to the office. The monitor shall not assume any administrative responsibility within the program, nor shall the monitor be liable for any actions of the program. The salary and related costs and travel and subsistence allowance as defined by office policy of placing a monitor in a program shall be reimbursed to the office by the program, unless the order placing the monitor is determined to be invalid in a contested case or by final adjudication by a court of competent jurisdiction, in which event the cost shall be paid by the office."

SECTION 20.

Said chapter is further amended by striking Article 11, relating to the Georgia Child Care Council, in its entirety and inserting in lieu thereof the following:

"ARTICLE 11

49-5-240.

As used in this article, the term:

(1) 'Council' means the Georgia Child Care Council created pursuant to Code Section 49-5-241.

(2) 'Director' means the director of Bright From The Start: Georgia's Office of Early Care and Education.

~~(2)~~(3) 'Federal act' means the Child Care and Development Block Grant Act of 1990, pursuant to amendments to Chapter 8 of subtitle A of Title IV of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

(4) 'Lead agency' means the Department of Human Resources or any state agency designated by the Governor pursuant to the federal act and applicable regulations.

(5) 'Office' means Bright From The Start: Georgia's Office of Early Care and Education.

49-5-241.

(a) There is created the Georgia Child Care Council which shall consist of 19 members. Thirteen of those members shall be voting members appointed by the Governor and confirmed by the Senate, and two shall be voting members appointed as provided in paragraph (10) of this subsection. The 15 voting members shall be appointed as follows:

(1) Two members shall be representatives of local or state chambers of commerce;

1 (2) One member shall be a representative of the licensed or commissioned for profit
2 child care businesses in the state;

3 (3) One member shall be a representative of the licensed or commissioned not for profit
4 child care businesses in the state;

5 (4) One member shall be a representative from a public Pre-K provider.

6 (5) Four members shall be consumers of child care services or persons whose children
7 are regularly placed in child care but who have no other business connection with any
8 child care facility or business and at least one of them shall represent the interests of
9 children with special needs and one shall represent the interests of school age children;

10 (6) One member shall represent registered family day-care homes, as defined in Code
11 Section 49-5-3;

12 (7) One member shall represent licensed or commissioned church or synagogue day-care
13 centers;

14 (8) One member shall be an expert or have special academic or research responsibilities
15 in early childhood development;

16 (9) One member shall represent a child care resource and referral agency;

17 (10) One member shall represent a Head Start organization; and

18 (11) Two members shall represent the general public and shall be appointed by the
19 President of the Senate and the Speaker of the House of Representatives.

20 At the expiration of the original three-year terms of office of members of the council,
21 successors to such members shall be appointed as follows: six of the members appointed
22 by the Governor shall serve for initial terms of one year and seven of such Governor
23 appointed members shall serve for initial terms of three years; thereafter all members
24 appointed by the Governor shall serve for terms of three years. Successors to those
25 members appointed by the Speaker of the House of Representatives and the President of
26 the Senate shall each serve for terms of three years. The remaining four nonvoting
27 members shall be the State School Superintendent, the Commissioner of Labor, the
28 commissioner of human resources, and the commissioner of industry, trade, and tourism,
29 or the designee of the State School Superintendent, the Commissioner of Labor, the
30 commissioner of human resources, and the commissioner of industry, trade, and tourism,
31 all of whom shall be ex officio members.

32 (b) The ex officio members of the council shall serve while holding their state offices. ~~The~~
33 ~~original appointive members shall serve for a term which expires June 30, 1994, and their~~
34 ~~successors shall be appointed as provided in subsection (a) of this Code section.~~

35 (c) Vacancies in the office of any appointive member of the council shall be filled for the
36 remainder of the unexpired term by appointment by the Governor in the same manner as
37 the appointment to the position on the council which becomes vacant, and the appointment

1 shall be submitted to the Senate for confirmation at the next regular session of the General
2 Assembly.

3 (d) The Governor may remove any appointive member of the council for failure to attend
4 meetings, neglect of duty, or incompetence.

5 (e) Any appointive member of the council who, during such person's term of office, ceases
6 to meet the qualifications for the original appointment or does not attend three or more
7 successive meetings of the council shall forfeit such person's membership on the council.

8 (f) Each member of the council shall take an oath of office before the Governor that he or
9 she will faithfully perform the duties of office.

10 49-5-242.

11 (a) The Governor shall annually appoint a ~~chairman~~ chairperson and vice ~~chairman~~
12 chairperson of the council to serve for one-year terms.

13 (b) The council shall hold regular meetings at least once every calendar quarter and may
14 not hold more than six regular or special meetings during any calendar year. A special
15 meeting may be called by the ~~chairman~~ chairperson or a majority of the members of the
16 council. The council shall meet at such times and at such designated places in the state as
17 it may determine. In addition to the notice of meetings required under Chapter 14 of Title
18 50, the council shall also provide written notice to the director no later than 24 hours prior
19 to the meeting.

20 (c) Nine members of the council shall constitute a quorum.

21 (d) The appointive members of the council shall receive the same allowances authorized
22 for legislative members of interim legislative committees for each day of actual attendance
23 at official meetings of the council. Ex officio members of the council shall receive no
24 additional compensation for their services on the council but shall be reimbursed for
25 expenses incurred by them in their performance of their duties as members of the council
26 in the same manner as state employees are reimbursed for expenses.

27 49-5-243.

28 ~~There shall be a director of the council who shall be both appointed and removed by the~~
29 ~~council subject to approval by the Governor. Subject to the general policy established by~~
30 ~~the council, the director shall supervise, direct, account for, organize, plan, administer, and~~
31 ~~execute the functions of the council. The council shall be attached to the Department of~~
32 ~~Human Resources for administrative purposes only, as provided in Code Section 50-4-3.~~
33 ~~Costs incurred by the council shall be funded by moneys available under the federal act.~~
34 The council shall advise and make recommendations to the director on the following:

35 (1) Policy matters relating to early care and education programs;

1 (2) Planning and coordination of child care programs at the state and local levels;

2 (3) Measures to improve the quality, availability, and affordability of child care in this
 3 state;

4 (4) Issues relating to the annual Georgia report on child care; and

5 (5) General policy matters relating to functions performed or services provided by the
 6 office.

7 49-5-244.

8 (a) The council shall recommend measures to improve the quality, availability, and
 9 affordability of child care in this state. In addition, the council lead agency shall:

10 (1) Provide to the office, under contract, an amount not less than the minimum
 11 percentage of the grant to the State of Georgia under the federal act, which must be
 12 expended for activities that are designed to provide comprehensive consumer education
 13 to parents and the public, activities that increase parental choice, and activities designed
 14 to improve the quality, availability, and affordability of child care. In addition to this
 15 minimum percentage, the lead agency must also provide the amount of any additional
 16 funds, which exist on the effective date of this subsection or which may exist in the
 17 future, which are required to be spent on child care quality activities, including
 18 school-aged child care;

19 ~~(1)~~(2) In conjunction with the office, provide Provide a mechanism for the planning and
 20 coordination of child care programs at the state and local levels;

21 (3) Recommend to the office measures to improve the quality, availability, and
 22 affordability of child care in this state;

23 ~~(2)~~(4) In conjunction with the office, inventory Inventory and monitor the disbursement
 24 and make recommendations as to the coordination of the disbursement of all state and
 25 federal funding streams that impact the supply, quality, and affordability of child care;

26 ~~(3)~~(5) In conjunction with the office, develop Develop an annual Georgia child care plan
 27 which includes all identified revenue sources and, at a minimum, the requirements
 28 indicated in the federal act;

29 ~~(4)~~(6) Hold a public hearing with sufficient time and state-wide publication of the notice
 30 of such hearing to provide the public with an opportunity to comment on the provision
 31 of child care services under the annual Georgia child care plan, as required by the federal
 32 act; Develop an annual Georgia report on child care, reporting child care statistics, an

33 evaluation of the state planning process, and

34 (7) Develop reports that meet, at a minimum, meeting the reporting requirements of the
 35 federal act;

36 ~~(5) Hold at least one annual public hearing on child care needs;~~

1 ~~(6) Serve as the state clearing-house for information on child care resources and~~
 2 ~~statistics;~~

3 ~~(7) Provide child care information to corporations and business seeking to locate in~~
 4 ~~Georgia;~~

5 ~~(8) Promote public-private sector collaboration for child care;~~

6 ~~(9)~~(8) In conjunction with the office, recommend Recommend to the Governor and to
 7 the General Assembly policies, legislation, and funding that will promote the work of the
 8 council lead agency and office and the realization of the Georgia child care plan to
 9 promote quality, affordable, and accessible child care for Georgia's children; and

10 ~~(10)~~(9) Develop a plan for application and distribution, including any necessary requests
 11 for proposals, in accordance with the Georgia child care plan, for federal block grant
 12 funds available to Georgia under the federal act; ;

13 ~~(11) Promote consumer education to parents to help them select child care including the~~
 14 ~~expansion of child care resource and referral agencies; and~~

15 ~~(12) Monitor, review, and recommend improvements to child care licensing~~
 16 ~~requirements.~~

17 (b) The office shall:

18 (1) In conjunction with the lead agency, provide a mechanism for the planning and
 19 coordination of child care programs at the state and local levels;

20 (2) Plan and implement activities that are designed to provide comprehensive consumer
 21 education to parents and the public, activities that increase parental choice, activities
 22 designed to improve the quality, availability, and affordability of child care, and other
 23 activities which meet the requirements of the federal act;

24 (3) Recommend to the lead agency measures to improve the quality, availability, and
 25 affordability of child care in this state;

26 (4) In conjunction with the lead agency, inventory and monitor the disbursement and
 27 make recommendations as to the coordination of the disbursement of all state and federal
 28 funding streams that impact the supply, quality, and affordability of child care funds
 29 expended by the office;

30 (5) Develop an annual Georgia report on child care, reporting child care statistics, and,
 31 in conjunction with the lead agency, an evaluation of the state planning process related
 32 to quality initiatives;

33 (6) Serve as the state clearing-house for information on child care resources and statistics
 34 by working with the child care resource and referral agencies;

35 (7) Provide child care information to corporations and businesses seeking to locate in
 36 Georgia;

37 (8) Promote public-private sector collaboration for child care;

1 (9) Recommend to the Governor and to the General Assembly policies, legislation, and
 2 funding that will promote the work of the office and the realization of the Georgia child
 3 care plan and to promote quality, affordable, and accessible child care for Georgia's
 4 children;

5 (10) Promote consumer education to parents to help them select child care, including the
 6 expansion of child care resource and referral agencies; and

7 (11) Develop a plan for application and distribution, including any necessary requests
 8 for proposals, in accordance with the Georgia child care plan, for federal block grant
 9 funds available to Georgia under the federal act."

10 SECTION 21.

11 The Official Code of Georgia Annotated is amended by striking from the following Code
 12 sections the name "Office of School Readiness" wherever the same shall occur and inserting
 13 in lieu thereof the name "Bright From The Start: Georgia's Office of Early Care and
 14 Education":

15 (1) Code Section 20-2-320, relating to the Education Information Steering Committee
 16 and identification of data to implement the Quality Basic Education Program;

17 (2) Code Section 20-14-3, relating to membership, officers, and meetings of the
 18 Education Coordinating Council;

19 (3) Code Section 20-14-8, relating to general powers and duties of the Education
 20 Coordinating Council;

21 (4) Code Section 20-14-27, relating to required reports of the Office of Education
 22 Accountability;

23 (5) Code Section 20-14-60, relating to performance based accountability assessment
 24 program for pre-kindergarten; and

25 (6) Code Section 49-5-41, relating to persons and agencies permitted access to child
 26 abuse and deprivation records.

27 SECTION 22.

28 The Official Code of Georgia Annotated is amended by striking from the following Code
 29 sections the reference to "Code Section 49-5-12" wherever the same shall occur and inserting
 30 in lieu thereof the reference to "Code Section 49-5-3":

31 (1) Code Section 19-7-5, relating to reporting of child abuse; and

32 (2) Code Section 31-22-9.1, relating to who may perform HIV tests.

33 SECTION 23.

34 All laws and parts of laws in conflict with this Act are repealed.