

DELCARE

REQUIREMENTS FOR DAY CARE CENTERS

STATE OF DELAWARE

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

NOTICE OF RESCISSION AND PROMULGATION

The Division of Program Support, Department of Services for Children, Youth and Their Families adopts and promulgates the following requirements for day care centers as authorized in the Delaware Code, Title 31, Subchapter II, Subsections 341-344. All previous rules, regulations and standards pertaining to such facilities are null and void. These requirements shall take effect on September 1, 1988.

Charles E. Hayward, Secretary

Date

Virginia D. Miller, Director
Division of Program Support

Date

FOREWORD

Day Care is the most commonly used term to refer to the range of services available for children who are away from their own homes for a part of the day.

Generally parents seek substitute care for reasons of employment, although a variety of situations prompt the need for day care. The primary characteristic of day care is the delegation by the parents of the responsibility for the care and protection of the child to the day care provider.

The need for protecting children receiving care outside their own homes was recognized by the Delaware General Assembly as early as 1915. Since 1950, Delaware has required child day care facilities to be licensed as authorized in the Delaware Code, Title 31, Subchapter II, Subsections 341 -344. The licensing law defines the type of facilities that are to be regulated by the State, and gives the authority to "prescribe reasonable standards" and "license such facilities" to the Department of Services for Children, Youth and Their Families. The purpose of the law is to protect the health, safety and well-being of the children who receive care in day care facilities. Licensing of these facilities is a preventive function which has as its purpose setting requirements which must be met in order for a facility to be able to operate.

In developing the current revision of Day Care Center Licensing Requirements, the Department sought the advice and assistance of knowledgeable persons representative of the field of child day care. These new requirements, now under the title of "**Delacare: Requirements for Day Care Centers**", were primarily drawn from the Model Child Care Standards Act - Guidance to States to Prevent Child Abuse in Day Care Facilities, January 1985, the licensing requirements of other states and research in child development and health care related to day care.

The requirements are divided into five distinct parts. The first part contains requirements which must be met by all day care centers in order to be licensed.

The remaining four parts contain separate requirements for facilities providing specialized services. Through this design, the Department has attempted to define specific requirements rather than broad standards so that compliance can be measured more accurately and consistently.

The Department sincerely appreciates the contribution and efforts of all the individuals involved in the development of **Delacare: Requirements for Day Care Centers** and asks for their continued support in working together to provide better care and services to children in day care centers.

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INTRODUCTION

LEGAL BASE

1. The legal base for these licensing requirements is in the Delaware Code, Title 31, Chapter 3, Subchapter II, Subsections 341-344 and Title 29, Chapter 90, Subsection 9003 (7).

PURPOSE

2. The overall purpose of these requirements is the protection of the health, safety and well-being of children who receive services in day care centers.

PART I. GENERAL PROVISIONS

DEFINITION OF REGULATED SERVICE

3. Day Care Centers provide care, protection, supervision and guidance for thirteen (13) or more children, including preschool children who are related to the operator. Service is provided on a regular basis for periods of less than twenty-four (24) hours per day, unattended by parent or guardian, and for compensation. The following facilities which operate for less than twenty-four (24) hours per day are not included in the definition of day care center:
 - A. Summer camps licensed by the Division of Public Health, or summer schools or classes for religious instruction conducted by churches during summer months known as Vacation Bible Schools, for periods not to exceed four (4) weeks during a twelve (12) month period.
 - B. Child care facilities established in connection with a religious institution, a business, or recreation center, in which children are provided care for brief periods of time, while parents are on the premises.
 - C. Any public or private school that provides regular and thorough instruction through at least the sixth (6th) grade in the subjects prescribed for the schools of the State, in a manner suitable to children of the same age and stage of advancement, and that reports to the State Board of Education pursuant to 14 Del. C., Chapter 27, 2704. This exclusion shall include all programs operated by such schools and shall also include preschool education programs for handicapped persons as defined by 14 Del. C., Chapter 31, 3101 (4).
 - D. Preschool, kindergarten and school age programs operated independently for no more than four (4) hours per day and such preschool or kindergarten programs which operate two (2) schedules of no more than four (4) hours each with each session admitting different children.
4. The requirements are divided into five (5) parts:

Part I	-	General Provisions
Part II	-	Drop-in Care
Part III	-	Night Care
Part IV	-	School-age Care
Part V	-	Specialized Day Care

5. To be licensed as a Day Care Center, the General Provisions of Part I must be met. In addition, Day Care Centers must meet the following requirements before providing the following services:
 - A. To provide Drop-in Care, a Day Care Center must also meet Part II requirements.
 - B. To provide Night Care, a Day Care Center must also meet Part III requirements.
 - C. To provide School-age Care, a Day Care Center must also meet Part IV requirements.
 - D. To provide Specialized Day Care, a Day Care Center must also meet Part V requirements.

DEFINITION OF TERMS

6. "Assistant Caregiver" means a person, working under the observation and supervision of a caregiver or Program Director, who performs direct child care functions and related duties and meets the qualifications specified in Requirement 86.
7. "Caregiver" means a person immediately responsible for the direct care, supervision, guidance and education of children at a Center who plans and monitors the program of daily activities for a group(s) of children, supervises Assistant Caregiver(s) and meets the qualifications specified in Requirement 85.
8. "Chief Administrator" means the person designated by the governing body of a Center to assume direct responsibility for and continuous supervision of the day-to-day operation of the Center. The Chief Administrator may also be the owner and/or Program Director.
9. "Child" means a person who has not reached the age of 18 years.
10. "Child with Special Needs" means a child who has been diagnosed by an appropriate professional as having physical, intellectual, emotional, developmental or chronic medical conditions or impairments which would require significant modifications in the regular program of activities for that child at a Center.
11. "Direct Child Care" means the care, supervision, guidance and education of children.
12. "Department" means the Department of Services for Children, Youth and Their Families.
13. "Division" means the Division of Program Support.
14. "Drop-in Care" means the day care of children on a one-time, occasional or unscheduled basis to meet the short-term needs of families, some of which may be due to shopping, recreation and tourism.
15. "Field Trip" means an excursion trip or program activity requiring the use of vehicles.
16. "Governing Body" means the entity with the ultimate responsibility for and authority over the operation of a Center, as for example, an owner(s) or Board of Directors.
17. "Infant" means a child younger than twelve (12) months of age.
18. "License" means a written certification, issued by the Department, of a

Center's authorization to operate under State Law.

19. "Meal" means breakfast, lunch or dinner.
20. "Night Care" means care for any child between the hours of 7:00 P.M. and 7:00 A.M. when the period includes any portion of the child's normal sleeping hours.
21. "Parent(s)" means the child's natural or adoptive mother or father or other legally responsible person.
22. "Preschool Child" means a child two (2) through four (4) years of age.
23. "Program Director" means the employee of the Center with direct responsibility for developing, implementing and supervising the total program of services provided to children.
24. "Regularly or on a regular basis" means day care services which are available and provided at a Center on more than one (1) day in any one (1) week.
25. "School-age Care" means care for school-age children before and/or after school and full-time during school holidays and summer months.
26. "School-age Child" means a child five (5) years of age or older in a public or private school.
27. "Snack" means supplemental food served between meals.
28. "Specialized Day Care" means care to children with special needs which necessitate more than usual personal care and/or special equipment or architectural features in the facility.
29. "Toddler" means a child between the ages of twelve (12) and twenty-four (24) months of age.
30. "Training" means participation in any formal activity related to improvement in an employee's skills or knowledge related to job performance excluding routine supervision and including participation at conferences, workshops, relevant courses and in-service training sessions.

GENERAL REQUIREMENTS

31. No person shall operate, establish, manage, conduct, assist in or maintain a Day Care Center, or hold out, advertise or represent by any means to do so, without first obtaining a license from the Department pursuant to 31 Del.C., Chapter 3. Any person so involved shall be subject to criminal or civil penalties in accordance with State Law.
32. A license shall be issued only to the Center for which application is made and for the address on the application, and shall not be transferable, assignable or subject to sale.
33. When a Center is sold, leased or discontinued or the operation has moved to a new location or the license has been revoked, the current license immediately becomes null and void and shall be returned to the Department.
34. A Center shall comply with the applicable provisions of Titles VI and VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973,

Executive Order No. 11246 of September 24, 1965, and any other Federal or State anti-discriminatory act, law, statute, regulation or policy, along with all amendments and revisions of such laws.

35. The Department may investigate or visit any Center licensed, with or without notice, to examine the condition of the Center. The Chief Administrator shall allow authorized Department representatives access to any information reasonably related to compliance with applicable licensing requirements.
 - A. A Center shall admit representatives of the Department and furnish all reasonable facilities for thorough examination of its records and reports.
36. The Department is authorized to request the appropriate State and local fire, health and building officials to conduct inspections and examinations of a Center to determine compliance with State and local ordinances, codes and regulations with reports submitted to the Department.
37. An investigation shall be made if a complaint is received by the Department. The Department shall notify the Center that a complaint is being investigated. The results of the Department's investigation shall be reported in writing to the Center investigated. If the complaint is substantiated or if any other violations are found as a result of the investigation, the Center shall be required to abate the violations and come into full compliance with State Law and the rules and regulations promulgated by the Department.

TYPES OF LICENSES

Annual

38. An annual license is issued when the Center meets all the **Requirements for Day Care Centers**. An annual license is effective for one (1) year from the date of issue, unless it is revoked or surrendered sooner.

Provisional

39. A provisional license may be issued when the Department determines that:
 - A. An applicant is temporarily unable to comply with all of the requirements in the **Requirements for Day Care Centers**.
 - B. The effect of non-compliance to any rule or regulation does not present or will not present an unreasonable risk to the health, safety and well-being of the children or staff of the Center; and
 - C. The Center has a plan of correction that has been approved by the Department.

A provisional license may also be issued when a Center is initially licensed. A provisional license may be issued for up to one year and may not be renewed.
40. A provisional license may be replaced with an annual license when all of the following conditions exist:
 - A. The Center corrects the deficiencies related to the requirements in advance of the expiration date of the provisional license and no additional areas of non-compliance exist.
 - B. Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence

provided by the Center.

C. All other terms of the license remain the same.

41. A request to replace a provisional license and to issue an annual license must be made in writing by the Center. If the request is approved, an annual license shall be issued.

PROCEDURES FOR INITIAL LICENSURE

42. An applicant must apply for a license on a form provided by the Department.
43. Within ninety (90) days after receipt of a completed application, a Department representative will make a reasonable effort to:
- A. Provide consultation to aid the applicant in complying with the **Requirements for Day Care Centers**;
 - B. Review the application, confer with the applicant, and inspect the premises for which the application is made;
 - C. Request appropriate authorities to verify compliance with applicable fire safety regulations, environmental health regulations, nutritional standards, building codes, zoning ordinances and other state and local laws;
 - D. Make a recommendation to the Division Director regarding licensure. An annual license shall be issued if the Center meets all the requirements set forth in the **Requirements for Day Care Centers**. If a license is denied, the Center shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision.

ANNUAL LICENSING PROCESS

44. A Center shall request from the Department a license application form at least ninety (90) days before the expiration of the Center's current license.
45. A Center shall submit the completed application to the Division at least sixty (60) days before expiration of the current license.
46. The Department may conduct a review, including an on-site visit of the Center, no later than thirty (30) days before expiration of the current license.
47. The Department representative shall make a recommendation to the Division Director regarding licensure. An annual license shall be issued if the Center meets all the requirements set forth in the **Requirements for Day Care Centers**. If a license is denied, the applicant shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision. If the Department cannot complete its review within the period set out in 43, the Division Director may extend the license for a period not to exceed thirty (30) days.

CHANGES AFFECTING LICENSE

48. A Center shall notify the Department in writing at least ninety (90) days before any of the following:
- A. A planned change of ownership and/or sponsorship;
 - B. A planned change in location, name and/or telephone number of the Center;

- C. A planned reduction, addition or substantial change in the indoor or outdoor spaces of the Center.
 - D. A planned change in the Chief Administrator;
 - E. A substantial planned change in services provided and/or population served.
 - F. A planned change in hours of operation.
 - G. The Center shall give notice as soon as possible if any of the above changes occur without prior planning.
49. The Department will then determine whether such changes require a modification of the current license or require the submission of an application for a new license. The Center will be notified in writing within thirty (30) days as to whether the modification is approved by the Division Director or a new license is required.

DENIAL, REVOCATION OR SUSPENSION OF A LICENSE

50. The Department may revoke, suspend or deny a license for reasons which include but are not limited to:
- A. Failure to comply with the provisions of 31 Del.C., Chapter 3, and the Department's rules and regulations pertaining to the law; or
 - B. Violation of the terms and conditions of a license; or
 - C. Use of fraud or misrepresentation in obtaining a license or in the subsequent operation of the facility; or
 - D. Refusal to furnish the Department with files, reports or records as required by the law; or
 - E. Refusal to permit an authorized representative of the Department to gain admission to the Center during operating hours; or
 - F. Any conduct or practices, engaged in or permitted, which adversely affects or presents a serious or imminent danger to the health, safety and well-being of any child attending the center; or
 - G. Any conduct or practices which are in violation of State Law related to abuse or neglect of children.

APPEAL

51. Any person or Center who has been denied a license or whose license has been revoked or suspended, shall be notified in writing of the reason(s) for such a decision and setting forth the person or Center's right to an appeal of the decision.
52. Any person or Center who has been denied a license or whose license has been revoked or suspended by the Department, shall be entitled to a hearing and a review by a hearing officer, designated by the Secretary of the Department or his designee, who has no previous involvement in the matter.
53. The Department will give ten (10) days' notice specifying reasons for proposed revocation or denial before a revocation or denial occurs. If a request for a hearing, either written or verbal, is received within the ten (10) day period, a hearing shall be held within thirty (30) days. Revocation or denial shall not occur until a written decision is rendered.
54. If the health or safety of children in care is in serious or imminent danger, the Department may immediately suspend the license upon the issuance of written notice. If there is an immediate suspension, a hearing shall be held within ten (10) days of the written notice to the Center.

VARIANCE

55. Upon written request by a Center, the Department may grant a variance from a specific requirement if there is documentation that the requested alternative complies with the intent of the requirement for which variance is sought.
- A. The decision of the Department, including any qualification under which the variance is granted, shall be documented through a written agreement with the Department and a signed copy shall be sent to the Center. A variance may remain in effect for as long as a Center continues to comply with the intent of the requirement(s) or may be time-limited.
 - B. The agreement shall contain provisions for a regular review of the variance.
 - C. When a Center fails to comply with a variance agreement in any particular, the agreement shall be subject to immediate cancellation.

GENERAL

OTHER JURISDICTIONAL APPROVALS

56. A Center shall have written certification, as required, from the State Division of Revenue and local business authorities.

ADMINISTRATION AND ORGANIZATION

GENERAL REQUIREMENTS

57. A Center shall have an identifiable governing body with responsibility for and authority over the operation of the Center.
- A. A privately-owned Center shall have documents identifying the name(s) and address(es) of owner(s).
 - B. A corporation, partnership or association shall have documents identifying all members of the governing body; their addresses; their terms of membership, if applicable; officers of the governing body, if applicable and terms of office of all officers, if applicable.
 - C. A Center shall have a procedure for informing all parent(s) of children attending the Center of the identities of governing body members.
58. The governing body of a Center shall appoint a person to serve as the Chief Administrator of the Center to assure the day-to-day management responsibility for the Center.
59. The governing body of a Center shall ensure that the Center complies with all applicable local, State and Federal laws and regulations.
60. A Center shall report by telephone to the Department within twenty-four (24) hours any of the following circumstances:
- A. Any fire which requires the services of a fire department, or other disaster at the Center;
 - B. Any accident, injury or illness occurring while a child is in care at the Center which results in death or inpatient or outpatient hospitalization. The verbal report shall be followed by a written report on a form provided by the Department;
 - C. Unanticipated temporary or permanent closing;
 - D. Suspected abuse or neglect of a child while on the premises;
 - E. Any known convictions of Chief Administrator, Director or staff

members as specified in requirement 73B.

61. A Center shall post its current license in a prominent place accessible to the view of parents and visitors.
62. A Center shall have an organized system of business and management and sufficient staff, space and equipment to fulfill the following functions:
 - A. Administrative functions;
 - B. Fiscal functions;
 - C. Clerical functions;
 - D. Cleaning and maintenance functions;
 - E. Food services functions;
 - F. Direct child care functions;
 - G. Supervisory functions.

INSURANCE COVERAGE

63. A Center shall carry insurance covering fire and liability as protection for children in care.
64. A Center shall ensure that any vehicle authorized for use in transporting children in care by any of the Center's staff on the Center's business shall have insurance which covers liability.

RECORDS

65. A Center shall maintain files and records applicable to licensing.
66. A Center shall keep daily attendance records for children, staff and volunteers identifying the hours of children's attendance and exact hours worked by staff and volunteers each day.
67. A Center shall have an on-site file for each child including:
 - A. The child's name, home address and home telephone number;
 - B. Emergency telephone numbers for parent(s) and other designated person while the child is in care;
 - C. Name and telephone number of the child's physician;
 - D. Identifying information for all persons authorized to pick the child up from the Center;
 - E. Date of admission;
 - F. The hours a child is scheduled to attend the Center;
 - G. A statement of any special problems or needs of the child including allergies, existing illnesses or injuries, previous serious illnesses or injuries and any medication prescribed for long-term, continuous use;
 - H. Written authorization from parent(s) for emergency medical care;
 - I. Transportation permission, if appropriate;
 - J. Health information as required by Requirement 200;
 - K. Injury and illness record including copies of reports submitted to the Department as required by Requirement 60B and copies of reports required by Requirement 220.
68. A Center shall have a procedure to ensure that all emergency telephone numbers supplied by parents are continuously updated.

PERSONNEL FILES

69. A Center shall have a personnel file for each employee and volunteer included in staff/child ratio as specified in Requirement 97. The personnel file shall include:

- A. Name, date of birth, home address and telephone number;
- B. Date of employment;
- C. Initial application form;
- D. Reference letters or telephone notes on character references;
- E. Record of attendance at training sessions;
- F. Documents attesting to qualifications and education;
- G. Written records of required medical examinations and tuberculosis screening;
- H. A statement signed by the employee or volunteer stating the employee's status relative to conviction, current indictment or involvement in any criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior;
- I. Date of termination.

HUMAN RESOURCES

PERSONNEL POLICIES

General

- 70. A Center shall have written personnel policies and practices and shall make them available to all employees and prospective employees.
 - A. These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension and lay-off of employees in accordance with applicable laws.
- 71. A Center shall have written job descriptions for every job position at the Center.

General Qualifications

- 72. A Center shall have on file for each employee at least two (2) character references. These references shall verify that the employee:
 - A. Is of good character and reputation;
 - B. Respects and understands children, is sensitive to and capable of meeting their needs;
 - C. Is in sufficient physical, mental and emotional health to perform activities related to child care.
- 73. A Center shall not employ or retain any person as an employee or volunteer with:
 - A. Any emotional or physical condition or behavior which would impair his/her ability to care for children;
 - B. Any conviction, current indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct, gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior.
 - i. The Center may, at its own discretion, make exceptions to the above requirement when it is documented that the health and safety of children would not be endangered.

74. The Center shall not employ or retain in any capacity any person whose children are removed from his/her custody because of abuse or neglect.
75. No employee of a Center shall use or be under the effects of alcohol or illegal drugs during hours of work.

HEALTH REQUIREMENTS

76. A Center shall have for every employee and volunteer included in the staff/child ratios:
 - A. Written report from a licensed physician or nurse practitioner of a medical examination attesting to the health of the employee or volunteer, including his/her physical and emotional ability to care for children, completed within six (6) months prior to the date of employment.
 - B. Written evidence of freedom from communicable tuberculosis verified within one (1) year prior to the date of initial employment in day care, with further testing required only upon known exposure to the disease.
 - C. Written evidence of follow-up of any known health problem of the employee or volunteer affecting or potentially affecting his/her ability to care for children.

CHILD ABUSE AND NEGLECT

77. A Center shall require each employee of the Center to read and sign a statement clearly defining child abuse and neglect and outlining the employee's responsibility to report all incidents of child abuse or neglect according to State Law.
78. A Center shall report any suspected or alleged incident of child abuse or neglect to the Division of Child Protective Services through the Child Abuse Reporting Number and shall cooperate fully in the investigation of any incident.
79. A Center shall have written procedures for handling any suspected incident of child abuse/neglect by an employee including:
 - A. A procedure for ensuring that the employee involved does not work directly with children until the investigation is completed;
 - B. A procedure for terminating any employee involved in a founded incident of child abuse if the person's continued employment at the Center would place the children at risk.

STAFF QUALIFICATIONS

80. An employee who is in a position at a particular Center before the effective date of these requirements shall have two (2) calendar years from the effective date to meet the qualifications of that position provided the person remains at that Center. A person appointed to a position after these requirements become effective shall meet the qualifications of these requirements for that position.

Chief Administrator

81. The Chief Administrator shall be qualified by demonstrated knowledge, training and experience to fulfill the responsibilities of the position.

82. The Chief Administrator or a responsible person knowledgeable of the day care operation designated by the administrator shall be on the premises during the hours the Center is in operation.

Program Director

83. A Center shall ensure that the Program Director of the Center is at least twenty-one (21) years of age and meets one of the following requirements:
- A. At least a four (4) year degree from an accredited college or university including at least twelve (12) credit hours of child development or early childhood education, and one (1) year of experience working with children in a group setting;
 - B. At least an Associate Degree in a field related to child development, early childhood education, psychology, social work, special education, elementary education, nursing or any health field, including at least twelve (12) credit hours of child development or early childhood education, and eighteen (18) months of experience working with children in a group setting;
 - C. A Child Development Associate Credential and twenty-four (24) months of experience working with children in a group setting;
 - D. At least a high school degree and twelve (12) credit hours of child development or early childhood education from an accredited college or university and thirty-six (36) months of experience working with children in a group setting.
 - i. Successful completion of a vocational child care program approved by the Department of Public Instruction can be substituted for three (3) credit hours of child development or early childhood education.
84. A Chief Administrator or employee in the position of Caregiver may serve as Program Director provided that she/he meets the qualifications specified in Requirement 83.
- A. The Program Director or other employee meeting the requirements for Caregiver shall be present at all times during the hours the Center is in operation.

Caregiver

85. A Center shall ensure that a Caregiver is at least eighteen (18) years of age and meets one of the following requirements:
- A. At least a four (4) year degree from an accredited college or university, including at least three (3) credit hours in child development or early childhood education and three (3) months of supervised student teaching or six (6) months of experience working with children in a group setting;
 - B. At least an Associate Degree with three (3) credit hours in child development or early childhood education and six (6) months of experience working with children in a group setting;
 - C. A Child Development Associate Credential with six (6) months of experience working with children in a group setting;
 - D. At least a high school degree with successful completion of a vocational child care program approved by the Department of Public Instruction or a one (1) year certificate program in child development or early childhood education approved by the Department and six (6) months of experience working with children in a group setting;
 - E. At least a high school degree or its equivalent and sixty (60) clock

hours of training in child development or early childhood education approved by the Department and one (1) year of experience working with children in a group setting;

i. An individual may be hired conditionally for a six (6) month period in the position of Caregiver before completion of the sixty (60) clock hours of training if the Center has written documentation of compliance with the one (1) year experience requirement and written documentation of enrollment in Department approved training for said individual. At the end of the six (6) month period, the Center shall have written documentation of completion of the sixty (60) hours of training in said individual's personnel file.

Assistant Caregiver

86. A Center shall ensure that an Assistant Caregiver is at least sixteen (16) years of age and works under the observation and supervision of a Caregiver or Program Director at all times.

Caregiving Staff

87. A Center shall ensure that staff charged with caring for children is not given other duties which would interfere with child care.

Substitute Staff

88. A Center shall have substitute staff, including documentation of qualifications for such staff, to fill positions during the absences of permanent staff.

A. If a substitute is used for two (2) months continuously or longer, the person shall be fully qualified for the position(s).

ORIENTATION AND TRAINING

89. A Center shall document that each new employee has been given an orientation training session including:

- A. Emergency and evacuation procedures;
- B. Center policies including discipline, health care, child care, sanitation procedures and release of children;
- C. Center personnel and administrative policies;
- D. Child abuse and neglect law and reporting requirements;
- E. Recognition of the symptoms of childhood illnesses, child abuse, sexual abuse and neglect;
- F. Title VI Requirements;
- G. Applicable licensing requirements.

90. A Center shall ensure that orientation for all substitutes and volunteers includes instruction in the following:

- A. Responsibilities of their particular functions;
- B. Emergency and evacuation procedures;
- C. Center policies including discipline, child care, sanitation procedures and release of children.

91. A Center shall document that all staff, including the Chief Administrator and Program Director, participate in at least fifteen (15) hours of staff

development and Department approved training annually in working with children and improving job performance.

- A. A Center licensed before the effective date of these requirements shall have one (1) calendar year from the effective date to achieve compliance with the annual training requirement.

NUMBER OF STAFF

- 92. A Center shall follow the following minimum staff/child ratios for each age group listed during normal daily activities at the Center:

<u>Age of Child</u>	<u>Minimum Staff/Child Ratio</u>
0 - 12 Months	1:4
12 - 24 Months	1:7
2 - 3 Years	1:10
3 - 4 Years	1:12
4 - 5 Years	1:15
5 Years and up	1:25

- A.A Center licensed before the effective date of these requirements shall have two (2) calendar years from the effective date to achieve compliance with staff/child ratios.
- 93. A Center shall ensure that for mixed age groups with children over twenty-four (24) months of age, the staff/child ratio shall be that required for the age group with the largest number of children present in the group.
 - 94. A Center shall ensure that for mixed age groups with children under twenty-four (24) months of age, the staff/child ratio shall be that for the age of the youngest child present.
 - 95. A Center shall ensure that the program of daily activities for each group of children shall be planned and monitored by a Caregiver.
 - 96. A Center shall assign sufficient Caregivers and Assistant Caregivers to each group of children to meet staff/child ratios.
 - A. Only staff members who are qualified, physically present, and working with children can be counted for the purposes of staff/child ratios.
 - 97. A Center shall ensure that volunteers shall be counted for the purposes of staff/child ratios only when appropriately qualified and present at the Center for more than ten (10) hours a week.
 - 98. A Center shall ensure that during nap times, at least one-half of the normal staff complement as required by Requirement 92 shall be present with the children.
 - 99. A Center shall provide appropriate care and supervision of children at all times.
 - A. Children at the Center shall not be left unattended at any time.
 - 100. A Center shall have at least two (2) staff present when seven (7) or

more children are present.

- A. The Center shall have emergency procedures providing immediate access to emergency service and additional staff when only one (1) staff member is present with children at the Center.
- B. When only one (1) staff member is present with children, that staff member shall have no other responsibilities than caregiving during that time.

101. During times when children are normally arriving and leaving, the Center shall not be required to maintain segregation of age groups but shall show evidence of an organized approach to the supervision of and accountability for children.

FIRST AID AND CPR

102. A Center shall document that a person certified in first aid and a person certified in cardiopulmonary resuscitation (CPR) for infants and children are present during all hours of operation of the Center when children are present including the beginning and end of the day.

COMMUNICATION

103. A Center shall have an organized system of communication between staff to ensure that any staff member or volunteer assuming responsibility for a child or children as, for example, during shift changes, is adequately informed of any significant information, problem, need or special circumstance involving the child or children.

- A. The Center shall have an organized system of communicating with parents to ensure that parents are informed on a regular basis of the child's progress, any accidents or critical incidents involving the child, developmental milestones achieved by the child and any other important information relating to the child.

PHYSICAL ENVIRONMENT AND SAFETY

GENERAL

104. A Center shall ensure that every building, or part thereof that is used as a Center, shall be constructed, used, furnished, maintained and equipped in compliance with all applicable requirements established by Federal, State, local and municipal regulatory bodies.

- A. The Center shall have written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation and fire safety.

USABLE SPACE

105. A Center shall maintain all areas of the facility in a clean, safe condition free from hazards to the health and safety of children.

106. A Center shall ensure that all structures, fences, equipment and grounds are maintained so as to be free from any hazard to health and safety.

107. A Center shall ensure that grounds adequately drain either naturally or through installed drainage systems.
108. A Center shall ensure that garbage and rubbish are stored securely in non-combustible, covered containers in separate areas inaccessible to children and shall be removed on a regular basis but not less than once every week.
- A. Outdoor containers, other than dumpsters, shall be cleaned after each collection.
- B. Indoor trash containers shall be emptied daily and kept clean.
109. A Center shall ensure that trash collection receptacles are stored in designated areas away from the children's play areas.
110. A Center shall ensure that all areas accessible to the Center and outdoor play area determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots, shall be fenced off or have natural barriers to protect children.

OUTDOOR AREA

111. A Center shall maintain or have access to an outdoor play area with at least fifty (50) square feet for each child for the maximum number of children who will use the playground at one time.
- A. The outdoor play area shall be large enough to accommodate at least one-fourth of the licensed capacity of the facility at any one time.
112. The outdoor play area shall be situated adjacent to or within close proximity to the Center and available to the children
- A. The play area shall be accessible by a safe route.
113. A Center shall ensure that outdoor play areas located near or adjacent to hazardous areas determined by the Department to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high voltage boosters or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.
- A. Fencing shall be sturdy, safe and reinforced at intervals so as to give adequate support.
114. A Center shall ensure that the surface of the outdoor play area beneath and in the fall zones of climbing equipment, slides, swings and similar equipment, shall be of approved resilient material which absorbs falls.
115. The outdoor play area shall have equipment for vigorous play and large muscle activity and shall be free of hazards.
116. Outdoor play equipment shall be securely anchored unless portable by design, in good repair and placed with regard for safe use.
- A. Outdoor sandboxes or play areas containing sand shall be maintained

- in a safe and sanitary manner.
- B. Separate outdoor sandboxes shall be covered when not in use.
117. The outdoor play area shall be situated to provide a shaded rest area for children.
118. When a Center can demonstrate that the outdoor space requirement cannot be met, the Center shall provide, in addition to the indoor play space required by Requirement 120, a minimum of 700 square feet of open, accessible indoor play space suitable for large muscle activity.
- A. The indoor space may be either at the site of the Center or at a nearby facility, such as a gymnasium or other recreational facility, accessible by a safe route.
- B. The Center shall have a written plan which specifies how large muscle activity will be provided.
- C. The Center shall have a written plan to ensure some opportunities for safe outdoor activities in accordance with Requirement 247C.

ACCESS TO SPACE BY CHILDREN

119. A Center shall ensure that interior space designated for the use of children is available to children when the Center is in operation.

INDOOR AREA

120. A Center shall have at least thirty-five (35) square feet for each child. Measurements shall be from wall to wall on the inside.
- A. Toilet rooms, kitchen areas, isolation areas, offices, storage spaces, hallways, furnace rooms and other areas not used by children for sleep or play on a routine basis shall not be counted in computing required square footage.
121. The floors of all rooms in a Center shall have a surface which is safe and cleanable.

SLEEPING ACCOMMODATIONS

122. A Center shall ensure that each child, except school-age children who do not sleep at the Center, has clean, age-appropriate individual rest equipment such as a crib, playpen, cot, bed or mat and bedding.
- A. A child's rest equipment shall be labeled with the child's name and used only by the child while enrolled in the program.
- B. Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings.
- C. Cots, beds, mats and mattresses shall be cleaned and sanitized at least bi-monthly and when soiled or wet.
- D. Crib mattresses shall be cleaned and sanitized at least weekly and when soiled or wet.
- E. Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child.
123. Sleeping mats shall be stored so that there is no contact with the sleeping surface of another mat or disinfected after each use.
124. A Center shall ensure that cribs are not stacked while in use.

- A. Cribs and playpens shall have slats so placed as to allow gaps of no larger than 2-3/8 inches.
 - B. Cribs and playpens shall have top rails at least nineteen (19) inches above the mattress with the mattress set at its lowest position and side rail locked in its highest position.
 - C. Any latches on cribs or playpens shall be safe and secured.
125. A Center shall ensure that seasonably appropriate top and bottom coverings, such as sheets and blankets, are provided for each child.
- A. Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet.
126. Rest equipment shall be placed at least 1-1/2 feet apart while in use.
127. Rest equipment shall be maintained in a safe condition.

AREA FOR CHILDREN WHO BECOME ILL

128. A Center shall have a separate area where children who are exhibiting illnesses/symptoms requiring exclusion from the Center shall be cared for until they can be removed from the Center or are diagnosed as posing no risk to themselves or others.
- A. The separate area shall be furnished with rest equipment provided with clean bedding.
 - B. This area shall not be located in the kitchen or toilet areas.
 - C. All items used by an ill child, including rest equipment, bedding, utensils and toys shall be cleaned and disinfected prior to being used by another child.

TOILET FACILITIES

129. A Center shall have enclosed toilet rooms inside the building on the same floor as inside play area(s).
- A. Toilet rooms shall have no locks within the children's reach.
130. A Center serving children over twenty-four (24) months of age shall have at least the number of toilets and sinks as indicated by the table below:

<u>No. of Children and Staff</u>	<u>No. of Toilets</u>	<u>No. of Sinks</u>	<u>Maximum Ratio</u>
1 - 15	1	1	1/15
16 - 35	2	2	1/17.5
36 - 60	3	3	1/20
61 - 80	4	4	1/20
81 - 100	5	5	1/20
101 - 125	6	6	1/25
126 - 150	7	7	1/25
151 - 175	8	8	1/25
176 - 200	9	9	1/25
200+			1/25

- A. Urinals shall be counted as one-half of a toilet for the purposes of this calculation provided that the population served includes a significant number of males and that a minimum of two (2) flush toilets are available and accessible to both males and females.
- B. Platforms and/or steps shall be available for use when child-size

- toilets or sinks are not available.
- C. At least one (1) sink shall be in the toilet room.
131. A Center serving children under twenty-four (24) months of age shall have at least one (1) toilet and sink when fewer than twenty (20) children are served and at least two (2) toilets and sinks when more than twenty (20) children are served.
- A. Staff shall be counted in determining the number of toilets and sinks if the Center does not provide separate toilet facilities for staff.
132. For a Center serving a mix of children above and below twenty-four (24) months of age the Center shall either:
- A. Meet the toilet and sink specifications of Requirement 130 based on the total number of children being served at the Center, provided that all toilets and sinks are utilized by children of all ages; or
- B. Determine the number of children above and below twenty-four (24) months of age and meet the toilet and sink specifications of Requirements 130 and 131 for each age category.
133. Potty chairs shall not be substituted for toilets and, if used, shall be placed in the toilet room.
- A. Potty chairs, when used, shall be cleaned and sanitized after each use in accordance with Requirements 138 and 139.
134. Toilet rooms in a Center shall have at least one (1) openable window or mechanical ventilation.
135. A Center shall provide soap, toilet paper and single service towels in the toilet room(s) and make them accessible to the children.
136. A Center shall ensure that all surfaces in a toilet room are smooth, cleanable and non-absorbent.
137. Toilet room(s) in a Center shall be maintained in a sanitary condition and cleaned daily or more frequently if needed.

SANITATION

138. A Center shall ensure that areas and equipment specified in Requirements 139 and 140 are washed with soap and water and disinfected as required.
- A. The disinfectant solution shall either be a self-made solution consisting of 1/4 cup of household bleach to each gallon of water (one (1) tablespoon per quart), which shall be prepared daily, labeled, placed in a bottle that is sealed with a cap and stored out of the reach of children or a commercially prepared disinfectant which indicates it kills bacteria, viruses and parasites and shall be used in accordance with label instructions.
139. A Center shall wash and disinfect the following equipment items or surfaces after each use:
- A. Potty chairs which have first been emptied into a toilet;
- B. Sinks and faucets used for handwashing after the sink is used for rinsing a potty chair;
- C. Diapering surfaces, as required in Requirement 146.

- D. Toys mouthed by infants and toddlers;
 - E. Mops used for cleaning;
 - F. Bibs; and
 - G. Thermometers.
140. A Center shall wash and disinfect the following equipment items or surfaces at least daily:
- A. Toilet and toilet seats;
 - B. Sinks and faucets;
 - C. Diaper pails and lids;
 - D. Drinking fountains;
 - E. Water table and water play equipment;
 - F. Play tables;
 - G. Mats that are not stored separately as specified in Requirement 123; and
 - H. Smooth surfaced non-porous floors.

HANDWASHING

141. A Center shall ensure that staff and children wash their hands with soap and running water and use single service towels for drying hands:
- A. Before eating or handling food;
 - B. After toileting or diapering;
 - C. After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;
 - D. After handling animals or their equipment or after coming into contact with an animal's body secretions;
 - E. After caring for a child who may be sick; and
 - F. After cleaning.
142. A Center shall ensure that staff use disposable rubber or plastic gloves when cleaning surfaces or equipment contaminated with blood or vomit.

DIAPERING

143. A Center shall ensure that the diapers and other clothing of children are changed when wet or soiled.
- A. The Center shall have an established procedure for periodic checking of diapers throughout the day.
 - B. The Center shall ensure that a supply of clean diapers and extra clothing are provided for each child.
 - C. Soiled clothing shall be placed in a sealed plastic container or bag and labeled with the child's name and returned to the child's parents at the end of the day.
144. A Center shall have a diaper changing area with a clean, washable surface.
- A. There shall be a separate handwashing sink convenient to the changing area.
 - B. The diaper changing area shall not be located in the kitchen area.
 - C. Disposable covers for the diaper changing area shall be used for each diaper change.
145. Used disposable diapers shall be placed in a foot activated container that is lined with a leakproof or impervious liner.

- A. Such diapers shall be removed from the Center daily or more frequently if needed to prevent accumulation of odors, and placed in a closed container that is outside the building and used for trash collection.
 - B. The container shall be sanitized daily.
146. A Center shall have an established procedure for changing diapers to include at least the following steps:
- A. The Center shall ensure that caregivers use a diaper changing area in accordance with requirement 144.
 - B. The Center shall ensure that caregivers wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth.
 - C. The diaper changing area shall be cleaned and sanitized with a disinfectant solution after each use in accordance with Requirementst 138 and 139.
The Center shall ensure that disposable diapers and disposable covers are disposed of in accordance with requirement 145.
 - E. The Center shall ensure that soiled non-disposable diapers shall be placed in a sealed plastic container labeled with the child's name and returned to the child's parents at the end of the day.
 - F. A Center shall ensure that caregivers changing children's diapers shall wash their hands and the hands of the child with soap and water immediately after each diaper change.
 - G. This procedure shall be posted in the diaper changing area.

KITCHENS

147. A kitchen used in a Center shall be provided with the necessary operable equipment for the preparation, storage, serving and clean-up of all meals for all of the children and staff regularly served by such kitchen.
- A. The Center shall have a hand washing sink in the food preparation area, separate from the sink used for food preparation and dishwashing.
148. Floor, walls and counter surfaces in a kitchen shall be easily cleanable and impervious to water to the level of splash.
149. Food preparation areas and appliances shall be cleaned following each prepared meal.
150. The kitchen shall have refrigeration to keep food cold (45 degrees F. or colder).
- A. There shall be a working thermometer in all refrigerators.
 - B. The Center where children eat lunches prepared at home shall provide adequate refrigerated storage for such lunches.
151. A Center shall ensure that all eating, drinking and cooking utensils are thoroughly cleaned, rinsed and sanitized after each use and stored in a clean place.
152. A Center shall ensure that all dishes, cups and glasses used by children in care shall be free from chips, cracks or other defects.
- A. The Center shall discard single-service napkins, bibs, dishes and utensils after use.

- B. Washable napkins, bibs and tablecloths shall be cleaned after each use.
- 153. A Center shall have a dishwasher or facilities capable of washing, rinsing and sanitizing utensils at proper time, temperature and pressure.
 - A. When a dishwasher is not used, dishes and utensils shall be air dried. They shall not be dried with a towel.
- 154. A Center shall ensure that all plastic dinnerware shall either be single service or approved by the National Sanitation Foundation or its equivalent.
- 155. A Center shall ensure that all food in a Center shall be clean, wholesome, free from spoilage, free from adulteration, correctly labeled and safe for human consumption.
- 156. Storage areas for food in a Center shall be cleanable and free of food particles, dust and dirt.
 - A. All food items shall be stored in closed or sealed containers which are labeled.
 - B. All food items shall be stored off the floor.
 - C. Food items shall be stored separately from cleaning materials.
- 157. Kitchen areas in a Center shall be so constructed and supervised as to prevent access by children.

STORAGE

- 158. A Center shall store all drugs, poisons, solvents, matches and other hazardous materials in a safe manner out of the reach of children.

STORAGE OF PERSONAL BELONGINGS

- 159. A Center shall provide children with adequate individual storage space for personal belongings so that clothing or bedding used by a child does not come into contact with that used by other children.

DOORS AND WINDOWS

- 160. A Center shall provide insect screening for all outer doors and openable windows when such doors and windows are used for ventilation, provided that all requirements for fire safety have been met. This screening shall be in good repair.
- 161. Unless adequate mechanical ventilation is provided, a Center shall have window area equal, at a minimum, to 4-1/2% of the floor area of the Center. Half of such window area shall be openable.
- 162. All floor or window fans in a Center that are accessible to children shall have a grille, mesh or other protective covering that prevents a child from tampering with the blades of the fan.
- 163. A Center shall ensure that all closets and bathrooms are provided with doors that can be readily opened from both sides.
- 164. A Center shall ensure that all heating equipment is safely and appropriately shielded to prevent the injury of children.

165. A Center shall take all reasonable precautions to ensure that heating elements including hot water pipes and radiators are insulated and installed in a manner that ensures the safety of children.
166. Room temperatures in rooms used by the children shall be maintained at a minimum temperature of 65 degrees F. at floor level when the outside temperature is 1 degree F. unless there is conflict with Federal and State energy laws.

LIGHTING

167. A Center shall provide at least twenty (20) foot candles of natural or artificial light in all child care areas.
168. A Center shall ensure that parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by occupants at night shall be illuminated.

WATER AND SEWAGE

169. The temperature level of the water from all water taps accessible to children in care in a Center shall not exceed 120 degrees F.
170. The water supply and the sewage disposal in a Center shall be approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively.
- A. All sinks in the kitchen and toilet rooms shall be designed to supply adequate hot and cold water, under pressure, at all times to meet the needs of children in care.
- B. The Center shall ensure that drinking water is always available to children.
- C. All plumbing shall comply with the State or local plumbing code.

FINISHES AND SURFACES

171. A Center shall not utilize any excessively rough surface or finish where such surface or finish may present a hazard to children in care.
172. A Center shall not have walls or ceilings surfaced with materials containing asbestos.
173. A Center shall not use lead paint for any purpose within the Center or on the exterior or grounds of the Center, nor shall the Center purchase any equipment, furnishings or decoration surfaced with lead paint.
- A. Where appropriate the Center shall maintain evidence that the Center has been tested for and found to be free of lead paint hazards.

EVACUATION

174. A Center shall have a written evacuation plan of the Center posted in each room the children use.
- A. Monthly evacuation drills shall be held and documented. The record shall include the date and time of day of the drill, the number of children and staff members who participated, and the total amount of time necessary to evacuate the Center.

SMOKING

175. A Center shall prohibit smoking in areas used by the children and in food preparation areas.

PETS

176. A Center shall ensure that any pets kept by or located in the Center are certified by a licensed veterinarian as not being carriers of illness that would be a hazard to children, are free from disease and vaccinated as prescribed by law or as recommended by a licensed veterinarian.
- A. Animals in the Center shall be housed in protected containers and away from food preparation, storage and serving areas and toilet facilities for children and staff.
 - B. Animals shall be handled by children only under close staff supervision.
 - C. Animals shall be cared for in a safe and sanitary manner.

FIRST AID KITS

177. A Center shall have, in locations readily accessible to staff, but not to children, first aid kits containing, but not limited to soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape and scissors.
- A. A first aid manual shall be maintained at the Center and shall be readily available for use.
 - B. A first aid kit shall be taken along with children when they are on field trips and other group visits outside the Center.

TELEPHONES

178. A Center shall have a working, listed telephone.
- A. In order to ensure the accessibility of the Center to emergency calls from parents, the Center shall ensure that access to the telephone is limited to business calls and that the telephone is not taken off the hook during nap times.
179. The Center shall post the following emergency telephone numbers by a telephone accessible to all staff:
- A. Ambulance service or emergency medical services;
 - B. Police Department;
 - C. Fire Department;
 - D. Poison Control Center;
 - E. Child Abuse Reporting Number.
180. The Center shall keep the following telephone numbers in a place accessible to the telephone and to all staff;
- A. Numbers at which parents can be reached;
 - B. Numbers of the physicians designated by parents;
 - C. Number of the local County Health Officer of the Division of Public Health.

GENERAL SAFETY PRACTICES

181. All containers of poisonous and toxic materials kept in a Center shall be prominently and distinctly marked or labeled for easy identification

as to contents and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to the children in care or to staff.

- A. The storage of flammable liquids and gases shall not be permitted in the Center except as allowed by the Office of the Fire Marshal.
 - B. All poisonous or toxic materials except materials required for routine cleaning and maintenance are to be locked in secure storage spaces and accessible only to authorized staff.
 - C. Materials required for routine cleaning and maintenance shall be stored and used in a safe manner.
182. Porches, elevated walkways and elevated play areas in a Center, of more than two (2) feet in height shall have barriers to prevent falls.
183. Every exit, exit access and exit discharge in a Center shall be continuously maintained free of obstruction.
- A. Glass doors and windows at child height shall be marked for safety.
184. A Center shall utilize approved products and procedures to ensure that the Center is protected from insect infestation.
185. All buildings used by a Center shall be rodent free.
186. Children in care of a Center shall not swim in areas posted as being unsafe. A certified individual shall be on duty when the children in care are swimming. A certified individual is one who has a current water safety instructor certificate or senior lifesaving certificate from the American Red Cross or its equivalent.
- A. On-grounds pools shall comply with the Division of Public Health requirements concerning swimming and wading pools.
187. Stairways, inside and outside, over four (4) steps, shall have railings. Approved safety gates at stairways shall be provided if infants and toddlers are in care.
188. A Center shall have child-proof receptacle covers for all electrical outlets not in use and accessible to children.

TRANSPORTATION

189. A Center which provides transportation for children shall ensure that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable State and local laws.
- A. The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.
190. A Center shall inform parents of the Center's transportation policy and obtain written permission from the parent(s) for any transportation provided by the Center. This permission shall specify any special need or problem of the child which might require special attention during transportation. The operator or attendant of the vehicle shall be given a copy of this information with directions on handling any special need or problem.
191. A Center shall ensure that a first aid kit shall be in all vehicles regularly transporting children.

192. A Center shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.
193. A Center shall ensure that children shall never be left unattended in a vehicle used by the Center to transport children.
194. A Center shall not transport children in the open back of a truck.
195. A Center shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.
196. A vehicle used to transport children shall have an operable heater capable of maintaining a temperature of 50 degrees F. in the vehicle.
197. A Center shall ensure that each vehicle used to transport children is equipped with an operable dry chemical fire extinguisher approved by the Underwriter's Laboratory.

HEALTH CARE

HEALTH CONSULTANT

198. A Center shall have specific arrangements with a Division of Public Health Nurse, Division of Public Health County Health Officer, or a licensed physician who will agree to provide consultation on both routine and emergency health care for children.
 - A. The above requirement shall be excepted when the Center employs a Registered Nurse licensed in Delaware to provide health services.

HEALTH CARE PLAN

199. A Center shall have a written plan for the routine and emergency health care of children including procedures to be followed in case of illness and plans for accessing emergency services. Each staff member shall receive a copy of this plan and shall be trained in its implementation during staff orientation. Parent(s) shall be given a copy of this plan at the time of enrollment. The plan shall be approved by the health consultant and shall include:
 - A. Procedures to be followed in case of illness or emergency, including method of transportation and notification of parents;
 - B. Procedures to be followed in case of illness or emergency, when parent(s) cannot be reached;
 - C. A plan for the management of communicable disease including:
 - i. The list of symptoms of illness for which a child will be excluded from the Center or separated from the group if symptoms occur after the child has been admitted for the day as specified in Requirement 205.
 - ii. The list of reportable communicable diseases for which a child will not be admitted to the Center without a written statement from a licensed physician as specified in Requirement 207.
 - iii. Assurance that each parent whose child may have been exposed to a reportable communicable disease shall receive written notice of the outbreak of such disease at the Center;
 - D. The Center's policy regarding the administration of medication.

HEALTH APPRAISAL

200. Within one (1) month following admission, the caregiver shall have on file an age-appropriate health appraisal conducted within six (6) months prior to admission for each child enrolled. Health appraisals shall be certified by a licensed physician or nurse practitioner and shall be updated yearly or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:
- A. A health history;
 - B. A physician examination;
 - C. Growth and development;
 - D. Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or care;
 - E. Medical information pertinent to treatment in case of emergency;
 - F. Documentation of the immunization status, with a listing of day, month and year of administration for each immunization, according to the recommendations of the American Academy of Pediatrics and the Immunization Practices Advisory Committee, as specified in the **Appendix, Immunization Schedules.**
 - i. The Center shall not permit a child to be admitted to the Center without written documentation from a licensed physician or nurse practitioner that the child has received at least one (1) dose of DPT or DT, one (1) dose of TOPV or IPV, the MMR vaccine and Hib conjugate vaccine, if required by the age of child.
 - ii. If a child has not received adequate immunizations as required for the child's age, the Center shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Center within fourteen (14) days of the child's admission.
 - iii. If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Center until the immunizations have been obtained and written documentation of such has been submitted to the Center.
201. In case of after-school care, a copy of the health record from the school in the Center's file is sufficient.
202. A child whose parent(s) objects to immunizations on a religious basis will be exempt from the immunization requirement provided that the parent(s) submits to the Center a notarized statement to that effect.
203. A Center shall report the immunization status of each child enrolled in the Center to the Division of Public Health annually.

HEALTH OBSERVATION ON ARRIVAL

204. A Center shall ensure that each child is observed on arrival by a person capable of recognizing common signs of communicable disease, physical injury or other evidences of ill health.

HEALTH EXCLUSION

205. A Center shall not permit a child who has symptoms of illness specified below to be admitted to the Center or remain at the Center unless

written documentation from a licensed physician, or verbal with written follow-up, states the child has been diagnosed and poses no serious health risk to the child or to other children. The symptoms of illness for possible exclusion shall include, but not be limited to any of the following:

- A. Severe pain or discomfort particularly in joints, abdomen, ears;
- B. Acute diarrhea, characterized as two (2) times the child's usual frequency of bowel movements with a loose consistency within a period of twenty-four (24) hours;
- C. Two (2) or more episodes of acute vomiting within a period of twenty-four (24) hours;
- D. Severe coughing or sore throat;
- E. Oral or axillary temperature of 101.5 degrees F. or over accompanied by behavior changes and/or other symptoms;
- F. Yellow (jaundiced) skin or yellow eyes;
- G. Red eyes with discharge;
- H. Infected, untreated skin patches or lesions;
- I. Difficult or rapid breathing;
- J. Severe itching of body or scalp;
- K. Skin rashes, excluding diaper rash, lasting more than one (1) day;
- L. Swollen joints;
- M. Visibly enlarged lymph nodes;
- N. Stiff neck;
- O. Blood or pus from ear, skin, urine, stool;
- P. Unusual behavior for the child characterized by no playing, confusion, persistent, inconsolable crying;
- Q. Loss of appetite characterized by refusing all solids; or
- R. Symptoms which indicate any of the following diseases:
 - i. Chicken Pox
 - ii. Impetigo
 - iii. Lice
 - iv. Scabies
 - v. Strep Throat

206. The child may return to the Center when the symptoms are no longer present or a licensed physician indicates the child poses no serious health risk to the child or to other children.

207. A Center shall not permit a child with a reportable communicable disease, as specified in the table below, to be admitted to or remain at the Center, unless:

- A. Written documentation from the child's licensed physician states the child has been evaluated and presents no risk to the child or to others; or
- B. The Center has reported the illness to the County Health Officer of the Division of Public Health and has been advised he child presents no health risk to others.
- C. If there is conflict in the opinions of the physician and the county Health Officer regarding the exclusion of a child, the Center shall follow the instructions of the County Health Officer.

TABLE OF REPORTABLE COMMUNICABLE DISEASES

RESPIRATORY
Diphtheria
German Measles

GASTRO-INTESTINAL
Giardiasis
Hepatitis A

Hemophilus Influenzae Disease	Salmonellosis
Measles (rubeola)	Shigellosis
Bacterial (spinal) Meningitis	
Mumps	
Pertussis (whooping cough)	
Rubella	
Tuberculosis	

208. The Center shall report any reportable communicable disease to the County Health Officer of the Division of Public Health in accordance with Division of Public Health procedures.
209. When a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease shall be excluded from the Center in accordance with Division of Public Health procedures.
210. If a child who has already been admitted to a Center manifests any of the illnesses or symptoms specified in Requirements 205 and 207 above, the Center shall remove the child from the group of well children to a separate area as specified in Requirement 128 until:
- A. The child can be picked up by the parent(s) or suitably cared for elsewhere; or
 - B. A licensed physician indicates verbally or in writing that the illness/symptoms pose(s) no serious health risk to the child or to other children.
211. While a child is cared for in the separate room/area, a Center shall ensure that the child is supervised and the child's individual needs for rest, comfort, food, drink and appropriate activity are met.

ADMINISTRATION OF MEDICATION

212. Only staff members authorized in accordance with State Law, or physicians, nurses or other qualified medical health personnel shall administer medication to children in a Center.
213. Medication shall not be administered to a child by a staff member unless the Center has received written permission from the child's parent(s) for each medication to be administered.
214. All prescription medication shall be in its original container, properly labeled and authorized by the child's health care provider.
- A. Medication shall only be given to the child whose name appears on the prescription.
215. All non-prescription medication shall be in its original container, properly labeled with directions for its administration and shall be labeled with the child's name.
- A. Any deviations from the label instructions shall be in writing from the child's health care provider.

216. All medication in the Center shall be stored so as to be secure and inaccessible to children.
- A. Medication requiring refrigeration shall be kept in closed containers separate from food.
217. Unused medication shall be returned to the parent(s) when no longer needed by a child.
218. The Center shall keep a record of the administration of medication to children including medication dosage, time administered, by whom administered and any adverse effects observed.
219. When a child is receiving medication, staff members shall note in the records of that child and shall advise the parent(s) of the occurrence of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.

CHILD ACCIDENT AND INJURY

220. When an accident or injury occurs to a child during the hours of care, a Center shall take the necessary emergency action to protect the child from further harm and shall notify the child's parent(s).
- A. The Center shall maintain an injury report for each incident in the child's file and shall report to the Department an accident or injury which results in death or hospitalization as required in Requirement 60. An injury report shall include name of child, date, description of injury, how it occurred and first aid or medical care required.

ADULT HEALTH

221. The Center shall ensure that a staff member or volunteer does not provide personal care to or have direct contact with children when that staff member or volunteer is known to have a communicable or other reportable disease which is readily contagious to others during normal working activities, whether the person has symptoms or is a carrier of such disease.
- A. A staff member or volunteer shall not be involved in food preparation or serving, if so indicated by the symptoms or illness. The County Health Officer shall be notified of the reportable communicable disease and consulted to determine the most appropriate action, including exclusion.

FOOD AND NUTRITION

General

222. A Center shall have a written policy concerning food service including:
- A. A description of all food services provided;
- B. Times of snacks and meals;
- C. If appropriate, nutritional information and guidelines concerning the content of meals to be provided by parents;
- D. If appropriate, procedures to prevent spoilage of food brought from home;
- E. If appropriate, a procedure to be followed by the Center if food brought from home fails to meet nutritional requirements as specified by Requirements 235-237;

- F. This policy shall be provided to all parent(s) at enrollment.
223. A Center shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation and clean-up.
- A. Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the Center's program or supervision of children.
224. A Center shall have an annual menu analysis by the Division of Public Health, Office of Nutrition. Consultation and technical assistance shall be used as needed to correct any problem(s) identified by this analysis and/or during licensing or complaint investigations.
225. A Center shall ensure that menus are planned in advance, are dated and are posted in a prominent place. Menus noting actual food served shall be retained by the Center for thirty (30) days. Any changes made in actual food served on a particular date are to be documented on the menu for that date.
226. Meals and snacks shall be provided by a Center except when one of the following circumstances occur:
- A. A written statement has been signed by a parent and kept on file indicating that the parent has chosen to provide food for the child;
- B. The Center makes it known to all parents at the time of application for enrollment that meals are to be provided by parents; or
- C. The Center has a field trip or a specific activity requiring special meal arrangements.
227. Nutritional and appropriately-timed meals and snacks meeting nutritional requirements, shall be served in accordance with the following schedule which indicates number of hours child is present at the Center:
- | | |
|-----------------------|---|
| A. 2 hours - 4 hours | 1 snack |
| B. 4 hours - 6 hours | 1 meal and 1 snack |
| C. 7 hours - 11 hours | 2 meals and 1 snack/or 2
snacks and 1 meal based on
time of child's arrival |
| D. 12 hours or more | 3 meals and 2 snacks |
228. A Center shall ensure that food servings provided by the Center are portions suitable in accordance with the Recommended Dietary Allowance (RDA) to the size and age of the children in care, as specified in **Appendix, Nutrition Standards**.
- A. The Center shall have supplemental foods from all four basic food groups to serve children if meals provided by parents fail to meet nutritional requirements as specified in Requirements 235-237.
229. When fruit juice is served, 100% unsweetened juice shall be used, not a fruit drink.
230. A Center shall ensure that children are encouraged but not forced to eat.
231. A Center shall provide for the introduction of a variety of food textures and finger foods in the training of self-feeding and nutrition education.

- 232. Powdered milk shall not be used as a substitute for fluid milk for drinking purposes but may be used in cooking.
- 233. Special, therapeutic diets shall be served by the Center only upon written instructions by a licensed physician.
- 234. Special foods provided by a parent shall be served to a child upon parent(s) request.

Toddler and Older Children

- 235. A Center shall ensure that a breakfast served to children of toddler age or older shall have at least one (1) item from the dairy products, fruits and vegetables and grain food groups of the following four (4) food groups:
 - A. Dairy products: milk, milk products, cheese;
 - B. Protein: meat, fish, poultry, eggs, cheese, peanut butter; dried beans, peas, nuts;
 - C. Fruits and vegetables: include a variety of vegetables and fruits;
 - D. Grain: Whole grain and enriched products such as breads, cereals, pastas, crackers and rice.
- 236. A Center shall ensure that a lunch or dinner served to children of toddler age or older shall have one (1) item from each of the above food groups.
- 237. A Center shall ensure that a snack served to children of toddler age and older shall have at least one (1) item from two (2) of the above food groups.
 - A. A Center shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parents provide meals.

Infants

- 238. A Center shall provide meals for infants according to the following guidelines:
 - A. A written statement specifying food including specific formula or type of milk, and providing a feeding schedule shall be obtained from the parents for each child on a monthly basis;
 - B. Introduction to all new foods shall be made in consultation with parent(s);
 - C. Bottles and nipples maintained by the Center shall be sanitized before use;
 - D. Each child's bottle shall be individually labeled with the child's name and refrigerated immediately after preparation by the Center or upon arrival if prepared by parent;
 - E. Unused portions of formula shall be discarded after each feeding;
 - F. Every effort shall be made to accommodate the needs of the child who is being breast-fed;
 - G. Baby food for each child shall be served from a dish unless the whole contents of the jar will be served;
 - H. The Center shall encourage the use of a cup by toddlers;
 - I. A child too young to use a feeding chair or other age-appropriate seating apparatus shall be held when fed;
 - J. A child who is unable to hold his/her bottle shall be held for feeding;
 - K. No infant shall be placed in his crib with a bottle for feeding and at no time shall a bottle be propped for a child;

bottle

- L. A daily written record of each child's food/formula intake shall be maintained and provided to the parent(s) upon request. Any feeding problems experienced by a child shall be discussed with his/her parent(s) before the child's daily departure from the Center.

CHILD CARE

DISCIPLINE AND GUIDANCE

- 239. A Center shall ensure that all staff use positive age-appropriate methods of discipline and guidance of children which encourage self-control, self-direction, self-esteem and cooperation.
 - A. Praise, rewards and encouragement, rather than punishment, shall be emphasized.
 - B. Responses to a child's behavior shall be appropriate to the child's developmental level.
 - C. Corporal punishments inflicted in any way on a child's body including shaking, biting, pinching, slapping or spanking shall be prohibited.
 - D. Children shall not be humiliated, frightened or verbally, physically or sexually abused by staff.
 - E. Children shall not be deprived of food or toilet use as punishments.
 - F. Children shall not be tied or placed in mechanical restraints as a punishment.
 - G. Children shall not be isolated without supervision.
 - H. Children shall not be punished for not going to sleep, toileting accidents, failure to eat all or part of food or failure to complete a prescribed activity.
 - I. A Center shall have a written statement in plain language regarding the discipline and guidance of children. The statement on discipline shall be posted in a prominent place in the Center and routinely provided to parents and staff, including substitutes and volunteers.

ENROLLMENT

- 240. A Center shall ensure that the daily population at the Center is in accordance with any size restrictions on the Center's license.
- 241. A Center shall make every effort to ensure that admission procedures involve a meeting with the parent(s) or parent substitute and child whenever possible to:
 - A. Secure necessary information about the child;
 - B. Determine if the child can benefit from the day care program;
 - C. Provide parent(s) with the Center's policies as required; and
 - D. Provide an opportunity for parent(s) and child to observe the Center and program.

PARENT COMMUNICATION

- 242. A Center shall have and use a written policy regarding parent communication and involvement in the Center including:
 - A. Assurances that parent visits and parent monitoring of the program are welcomed;
 - B. Procedures for ensuring that parent(s) are kept informed concerning the program and their child;

- C. Opportunities for involvement of parent(s) in the Center;
 - D. Procedures for a minimum of one (1) conference annually between Center staff and parent(s);
 - E. A procedure encouraging parent(s) to review current licensing requirements made available at the Center;
 - F. A clear procedure for making and handling parental complaints regarding the Center;
 - G. A daily overall schedule of the Center's programs and activities; and
 - H. Procedures related to release of children.
243. This policy shall be provided to parent(s) upon enrollment.
244. A Center shall ensure that parent(s) shall have access to the Center to observe their children at any time without prior approval of the Center.

ACTIVITIES

245. A Center shall have a program of varied activities and sufficient equipment and supplies to implement that program.
- A. The Center shall have a program of varied activities designed to promote the development of language and thinking skills, large and small muscles, social skills, self-esteem and positive self-image, as appropriate to the ages and functioning levels of children in care.
 - B. The program shall ensure that children do not spend excessive units of time sitting or confined to cribs or playpens.
246. The program in a Center shall provide physical care routines appropriate to each child's developmental needs, including a supervised rest period after the noon meal.
- A. A Center shall provide opportunities for rest/sleep for each child in attendance according to the child's individual physical needs.
 - B. An alternative quiet activity shall be provided for those children who have rested or slept for thirty (30) minutes and do not appear to need additional rest or sleep.
 - C. The rest area(s) shall be adequately lighted to allow visual supervision at all times.
247. The program shall include indoor and outdoor time periods with:
- A. Alternating active and quiet activities;
 - B. Opportunity for individual and group activities;
 - C. Outdoor time each day that weather permits; and
 - D. Opportunities for children to choose materials freely.
248. A Center shall develop and keep on file a written plan of daily activities appropriate to the developmental levels of children and the type of program offered.

INFANT AND TODDLER CARE (Under two (2) years of age)

249. A Center shall care for infants and toddlers in rooms and outdoor play areas separate from older children (unless 11 or fewer children are present).
250. A caregiver shall always be in the room with the infants and toddlers.

251. A Center shall allow each infant to spend time outside the crib or playpen each morning and afternoon in a sanitary area protected from foot traffic.
252. A Center shall ensure that infants, while awake, remain in their cribs for no longer than one hour as long as they stay content and responsive.
253. A Center shall provide low chairs and tables or infant seats with trays for table play and mealtime for children no longer being held for feeding. High chairs, if used, shall have a wide base and a safety strap.
254. A Center shall provide a rocking chair or other comfortable adult-size seating for at least one-half of the caregivers on duty in the infant area.
255. A Center shall provide a minimum of three (3) different age-appropriate daily activities from the following:
- A. Sensory stimulation activities;
 - B. Language stimulation;
 - C. Activities designed to encourage coordination and fine motor skills;
 - D. Building activities;
 - E. Activities designed to encourage social interaction;
 - F. Large muscle activities;
 - G. Activities designed to encourage problem-solving and intellectual development; and
 - H. Musical activities.
256. A Center shall maintain a record of each child's daily activities to be shared with the parent daily when the child is picked up.

CHILDREN OVER TWO (2) YEARS OF AGE

257. A Center shall provide a minimum of five (5) different age-appropriate daily activities from the following:
- A. Art activities;
 - B. Large muscle activities;
 - C. Manipulative activities;
 - D. Musical activities;
 - E. Dramatic play;
 - F. Science activities;
 - G. Water, sand or other sensory activities;
 - H. Cooking activities; and
 - I. Language arts activities.

EQUIPMENT

258. A Center shall ensure that toys, play equipment and other equipment used by the children shall be of substantial construction and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.
259. A Center shall provide play equipment and materials that are varied and appropriate to the developmental needs and ages of children.

- A. There shall be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.
- 260. A Center shall prohibit toys that explode or fire projectiles.
- 261. A Center shall ensure that infants and toddlers do not have access to plastic bags, styrofoam objects or toys and objects with a diameter of less than one (1) inch.

FIELD TRIPS

- 262. A Center shall provide adequate staff supervision of children during trips off the Center's premises to ensure safety.
- 263. During routine program outings in close proximity to the Center, a Center shall have a minimum of two (2) caregivers or other adults with staff/child ratios maintained in accordance with Requirement 92.
- 264. During field trips, the staff/child ratios shall be according to the chart below:

<u>Age of Youngest Child in Group</u>	<u>Maximum Number of Children to be Supervised by One Adult</u>
0 - 23 months	2
2 years	6
3 years	8
4 years	9
5 years	11
6 years and older	15

- A. Staff shall have a list of the children present and shall check the roll frequently.
- B. Staff shall have access to medical consent forms and emergency contact information for all children.
- C. Staff must have first aid supplies available.
- D. Children shall have tags or other means of providing a contact telephone number.
- E. Staff shall have a plan for transportation of children in the event of an emergency.

SMOKING, ALCOHOL AND DRUG USE PROHIBITED

- 265. A Center shall ensure that no person smokes in the presence of children at the Center or shows signs of alcohol or drug use while at the Center.

RELEASE OF CHILDREN

- 266. A Center shall have and use written policy and procedures for the release of children including:
 - A. Procedures ensuring documentation of the release of the child from the responsibility of Center staff to an authorized person;
 - B. Procedures for emergency release of children;
 - C. Procedures regarding the release of the child to any person not known to Center staff; and
 - D. Procedures to be followed when a person not authorized to receive a child or a person showing clear signs of drug or alcohol use

- requests release of a child;
- E. This release policy shall be provided to all parents, staff members and volunteers.
267. A Center shall ensure that a child is released only to a parent or a person authorized by the parent to receive the child.
268. A Center shall have a procedure to verify the identity of any person receiving a child prior to releasing the child when that person is not known to Center staff and shall keep written documentation of such verification for at least 24 hours.
269. When a parent calls the Center requesting emergency release of a child, the Center shall verify the identity of the parent prior to releasing the child.

PART II
DROP - IN CARE

GENERAL REQUIREMENTS

270. Drop-in Care may be provided by a Center licensed to provide only Drop-in Care or as a component of a licensed Center.

HUMAN RESOURCES

NUMBER OF STAFF

271. A Center providing Drop-in Care shall have sufficient staff available to efficiently handle the admission procedure, irregular check-in and check-out hours and communication with parents.

CHILD CARE

NUTRITION

272. A Center providing Drop-in Care shall, on admission, inform parents of the menu of any meals or snacks served by the program.
273. A Center providing Drop-in Care shall ensure that each child in care shall, at a minimum, be provided a snack meeting nutritional requirements.

HEALTH CARE

274. A Center providing Drop-in Care shall either comply with Requirement 200 or shall obtain a statement from the child's parents indicating that the child's immunizations are up-to-date and that the child's general health is satisfactory and describing any health problem, handicap or allergy of the child. The statement shall include any special needs or requirements of the child and attest that the child is free from communicable disease.

PART III
NIGHT CARE

GENERAL REQUIREMENTS

275. Night Care may be provided by a Center licensed to provide only Night Care or as a component of a licensed Center.
276. A Center licensed to provide only Night Care shall be exempt from the following requirements in **Part I, GENERAL PROVISIONS:**
- A. Requirements 98, 100 (Number of Staff).
 - B. Requirements 111-118 (Outdoor Area).

PHYSICAL ENVIRONMENT AND SAFETY

SECURITY

277. A Center providing Night Care shall show evidence of a security program to ensure that access to children is limited to authorized persons.
278. A Center providing Night Care shall ensure that the exterior of the building is illuminated in accordance with Requirement 168.

SLEEPING ARRANGEMENTS

279. A Center providing Night Care shall have sleeping arrangements such that children who are awake may be cared for in a separate area from sleeping children and in a manner such that sleeping children are not disturbed.
280. A Center providing Night Care shall ensure that children over the age of seven (7) years do not share a dressing area with persons of the opposite sex.
281. A Center providing Night Care shall ensure that each child shall be provided sleeping equipment as specified in Requirements 122 - 127.
282. A Center providing Night Care shall ensure that each child shall have individual, clean, comfortable sleeping garments.

BATHING FACILITIES

283. A Center providing Night Care shall follow parental preference regarding bathing for each child as discussed with parents and noted in the child's record.
- A. If bathtubs and showers are used, they shall be equipped to prevent slipping.
 - B. Infants shall be bathed in age appropriate bathing facilities.
 - C. Portable bathing facilities are acceptable for bathing children before bedtime.
 - D. Under no circumstances shall a child be bathed in a sink utilized for cleaning dishes and/or utensils.
 - E. Individual towels and washcloths shall be provided for each child.
284. Center providing Night Care shall ensure that no child under eight (8) years of age shall be left unsupervised while in a bathtub or shower.
285. A Center providing Night Care shall ensure that there shall be a night light in the bathroom, hallway and sleeping areas as dictated by the individual needs of the children.

GROOMING AIDS

286. A Center providing Night Care shall ensure that combs, toothbrushes, brushes and other such personal items are marked with the owner's name and stored separately.

HUMAN RESOURCES

AWAKE STAFF

287. Staff members of a Center providing Night Care shall be awake at all times and shall monitor sleeping children.

NUMBER OF STAFF

288. A Center providing Night Care shall ensure that when all children are sleeping at least one half of the required staff complement shall be present with the children.
289. A Center providing Night Care shall have at least two (2) staff present when four (4) or more children are present.
- A. When only one staff member is present with the children, the Center shall have emergency procedures providing immediate access to emergency service and additional staff available at the Center within one (1) minute of being contacted.
- B. When only one (1) staff member is present with the children, the staff member shall have no other responsibilities than caregiving during that time.

CHILD CARE

ACTIVITIES

290. A Center providing Night Care shall have a program of appropriate activities for children before bedtime.
- A. In a Center licensed to provide only Night Care, there shall be a written plan for outdoor play, approved by the Department, to ensure the safety of children .
291. A Center providing Night Care shall provide each child with individual attention at bedtime and upon awakening.
- A. The Center shall discuss with parents any special preferences or habits of each child regarding bedtime and awakening and share this information with the child's caregiver.

PART IV
SCHOOL-AGE CARE

GENERAL REQUIREMENTS

292. School-age Care may be provided by a Center licensed only to provide School-age Care or as a component of a licensed Center.
293. A Center licensed to provide only School-age Care shall be exempt from the following requirements in **Part I, GENERAL PROVISIONS**:
- A. Requirements 130 -133 (Number of Toilets);
 - B. Requirement 238 (Infant Food and Nutrition);
 - C. Requirements 247, 249-256, 257 (Activities);
 - D. Requirement 261 (Equipment).

HUMAN RESOURCES

STAFF QUALIFICATIONS

294. A Center providing School-age Care shall have staff qualified to work with the age group served by the Center.
- A. In relation to requirements 83 and 85, credit hours in recreation, physical education or elementary education shall be accepted as meeting the educational credit hour requirements.
 - B. Other qualifying experience and training appropriate to school-age children shall be accepted as approved by the Department.

PHYSICAL ENVIRONMENT AND SAFETY

GENERAL

295. When ten (10) or more school-age children are present, a Center providing School-age Care as a component of a licensed Center shall care for any children in the first grade and beyond in an area physically separated from younger children.
296. A Center providing School-age Care shall provide a space for quiet work or study.

OUTDOOR PLAY AREA

297. A Center providing School-age Care shall have plans approved by the Department for a suitable and safe outdoor play area.
- A. A Center shall provide either safe open outdoor spaces for running and games or supervised excursions to public and private playgrounds.
 - B. The outdoor play area for school-age children shall be physically separated or used at separate times from that provided for children younger than school-age.

TOILET FACILITIES

298. A Center providing School-age Care shall have one (1) toilet and sink for every twenty-five (25) school-age children, based on licensed capacity.
- A. Urinals shall be counted as one-half of a toilet for the purposes of this calculation provided that the population served includes a significant number of males and that a minimum of two (2) flush toilets are available and accessible to both males and females.
 - B. Children shall be given privacy in toilet use unless assistance is

required.

TRANSPORTATION

299. A Center providing School-age Care shall document arrangements with parents and the school regarding any transportation provided by the Center to and from the Center, as appropriate.

CHILD CARE

ACTIVITIES

300. A Center providing School-age Care shall have a program of indoor and outdoor activities suitable for the ages and developmental levels of children served.

- A. Children shall be given opportunities for play, sports appropriate to age, relaxation and, whenever possible, outdoor activity immediately after school.
- B. A nutritious snack shall be provided to each child upon arrival at the Center from school.
- C. Children shall have the opportunity to take responsibility consistent with their ages for planning, carrying out and evaluating their own activities.
- D. Children shall be given opportunities to experience a diversity of activities within the Center, the Center neighborhood, and the total community.